Appendix 8

BOE Agenda Item Executive Summary
Date: June 10, 2024

Topic: Music Theatre Wichita

Background Information (History, Rationale, etc): In June of 2017, the Board sold the former Gateway Alternative School building located at 616/640 N. Emporia Avenue near downtown Wichita to a private party. For many years, the Board's custom has been to include "restrictive covenants" in deeds conveying former school buildings, which prevent subsequent owners of the property (whether acquired from the district or in a subsequent transaction) from using the former school buildings for purposes that the Board has deemed undesirable for whatever reason (because, e.g., they might have a negative effect on the neighborhood in which the property is located). If a restrictive covenant is violated, USD 259 has the right to re-enter the property and reclaim title. Music Theatre Wichita (MTW) is considering purchasing the building from the 2017 buyer, but one of the restrictive covenants in the original deed is drafted in such a way that MTW is concerned that its planned activities on the property could violate the covenant. MTW has requested that the district execute an agreement to address these concerns, by promising MTW that the District will not assert in the future that MTW's activities on the property violate the restrictive covenant.