



For Immediate Release

City Council Requests Declaratory Judgment on Resident Petition

Council Files Suit Requesting Courts Weigh In on Legality of Petition's Wording and Compliance with State Law

WESTWOOD, KS – Jan. 19, 2024 – The Westwood City Council voted unanimously Wednesday night to declare that a resident petition, submitted to the City Dec. 12, 2023, does not meet the legal requirements to be put on the ballot for a public vote overturning previous City approvals. The petition sought to require a public vote on whether City-owned property at 50th & Rainbow Blvd. could be sold for a redevelopment project that would, in turn, support a new and larger adjacent City park. The City Council's vote came after the Johnson County Counselor's office advised that the petition's form was invalid and could not legally be placed on any ballot.

The City is now seeking a declaratory judgment, requesting a formal legal ruling from the Johnson County District Court on three issues: (1) to decide whether the language on the petition can be placed on a ballot, (2) whether the petition is invalid for additional reasons, and (3) whether the State law cited by the petitioners applies to this particular property sale. The City's filing names the Johnson County District Attorney's office and the Kansas State Attorney General's office as defendants because they are the only parties legally able to challenge the City's position that this City-owned property is not subject to a public vote under State law.

Although the City does not agree that this State law applies in this case, the City is requesting the District Court determine the applicability of K.S.A. 12-1301 - a statute that requires municipalities publish a public notice of sale for park land - in order to be able to obtain title insurance for the sale of the property to Karbank in the face of threats of litigation against the City. The City did publish two public notices of sale – on Nov. 7 and Nov 14.

Now that a citizen petition has been filed citing that State law, the City is asking the District Court of Johnson County to issue a ruling on these matters so that the City can proceed with closing on the sale of the property to Karbank to develop the project approved by the City Council in October.

The District Court will have 20 days to render a decision.

In October, the Westwood Planning Commission recommended, and the City Council approved, a plan for a mixed-use development at 50th and Rainbow. The vote followed nine months of public engagement with Westwood residents about the proposal. Resident feedback led to significant changes in the original design, including a reduction in commercial square footage, changes in color scheme and the preservation of trees. The proposal now calls for a mix of retail and office buildings and a 3.8 acre park, which would replace the City's current less-than-one-acre park.

For additional information, visit the City of Westwood online.

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