



## **For Immediate Release**

### **Court Rules in Favor of City's Request for Declaratory Judgment on Petition** *Ruling Agrees that Protestors' Petition was Invalid; City Can Move Forward with Park Plan*

WESTWOOD, KS – Feb. 26, 2024 – The Johnson County District Court has ruled as invalid a petition seeking to potentially overturn the City of Westwood's approved plans with Karbank to develop a new feature park and office/commercial project. According to the ruling—issued on Friday, February 23—the petition did not comply with Kansas law and the petition circulators had failed to follow established legal requirements.

This means that the City of Westwood can now move forward with the redevelopment project at 50th Street and Rainbow Boulevard, which will include a mix of retail and office buildings and a 3.8-acre park, which would replace the City's current less-than-one-acre of green space. The City, Karbank, and the Shawnee Mission School District will work together in the coming weeks to complete the sale and purchase of land, which is set to close on or before August 1, 2024.

The City requested that the Johnson County District Court issue a declaratory judgment after both the City Attorney and 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 Council voted unanimously on January 17, 2024, to declare the petition invalid, and moved to request that the Court rule on the matter. The Kansas Attorney General's Office and the Johnson County District Attorney's Office were also parties to the action, and neither office disputed that the petition was invalid. The Court further rejected one resident's request to unilaterally intervene in the case.

"I am grateful for the Court's ruling, which allows for the City's vision—as reflected in years of work, planning, and resident input—to become a reality," said Mayor David E. Waters. "We understand that some residents may still have concerns with this project, but we are thankful for their engagement, which led to significant positive changes in the original proposal. We hope residents will continue to be involved as we work to bring this exciting opportunity to life for our community."

The City has established two key mechanisms for continued feedback on the direction of this project and the community as a whole:

- The City has established a park planning steering committee to guide officials on plans for Westwood's new green space. This group is set to begin meeting in early March and broader public engagement on the park design is planned for Fall 2024.
- This spring, the City will launch a citizen survey aimed at better understanding residents' needs for other Westwood city services. City officials will use the feedback to shape a Governing Body strategic planning process.

Residents are encouraged to sign up for the City newsletter to receive notices and updates.

### **Background On the Petition**

The petition had sought to stop progress on a mixed-use development and new feature park planned at 50th Street and Rainbow Boulevard. Opponents sought to prevent the City from conveying to Karbank certain property owned by the City for the development, which would have been necessary in order for the City to acquire additional property from the Shawnee Mission School District for creation of a new, large City park.

In Fall 2023, the Westwood Planning Commission recommended, and the City Council approved, a plan for the mixed-use and park development. The vote followed seven 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.

In addition to declaring the petitions invalid, the City sought a judgment on whether the State law cited by the petitioners applied to this particular property sale. The petitioners cited K.S.A. 12-1301, a statute that allegedly requires municipalities to publish a public notice of sale for certain types of park land. While the City did not (and does not) agree that this State law applies in this case, officials did publish two notices of sale—on November 7 and November 14, 2023—at the request of the title company handling the transaction. The judge determined that the question was moot in light of the petition being ruled invalid.

For additional information, visit the City of Westwood online.

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