

PUBLIC COMMENTS

**RECEIVED BETWEEN
8:00 AM ON FEBRUARY 13, 2026
AND
10:00 AM ON FEBRUARY 17, 2026**

**APPLICATION:
CLEAR CREEK SUBDIVISION
RZ26-01, PT26-01P**

From: Greg Blakely <greg_blakely@yahoo.com>

Sent: Tuesday, February 17, 2026 8:02:24 AM

To: Stephanie Sullivan <ssullivan@lenexa.com>

Subject: Please support the West Lenexa Habitat for Humanity project

Dear Ms. Sullivan,

I am a Lenexa resident writing in support of the West Lenexa Habitat for Humanity project.

Two points:

1. I was very active in attempting to promote the approval of the special use permit to allow the Homeless Services Center at the Lenexa Days Inn site a couple of years ago and was extremely disappointed when the Planning Commission recommended against and ultimately the City Council voted it down.
2. I have personal experience with Habitat for Humanity. During my professional career, I participated in the construction of a Habitat for Humanity home in Idaho Falls, ID, with the support of my employer. I am also an observer of the amazing work that former President Carter did to support the cause of Habitat for Humanity.

In summary, I urge you and any others in positions of influence in Lenexa City government to please support the West Lenexa Habitat for Humanity project.

Greg Blakely

720-878-6474 mobile

12327 W. 82nd Place

Lenexa, KS 66215

From: Kathy Buelt <kbuelt03@gmail.com>
Sent: Monday, February 16, 2026 10:09:14 PM
To: Stephanie Sullivan <ssullivan@lenexa.com>
Subject: Clear Creek Subdivision public comments

I want the city council to understand they represent the residence of Lenexa and not HFH. Yes I agree that housing is expensive in Lenexa and selling land under value is not the solution to lowering taxes in the area. I think establishing substantially smaller home in the area of the newer developments surrounding the proposed site which the city encouraged over the last 10+ years, is wrong. There has been increased housing development in this area with house in excess of \$600,000. It is unconscionable for the City Council to consider placing these small houses adjacent too houses that are substantially valued higher.

There are may parcels of land available that would be a better location than taking away Parkland. If homes are built they must match the surrounding community of high quality. No other developer will choose to build on the other parcels once these small homes are built.

Please listen to you constituents and do not approve this proposed change.

From: Angela Buzard <angela.buzard@gmail.com>

Sent: Monday, February 16, 2026 9:32 AM

To: Angela Buzard <angela.buzard@gmail.com>

Subject: Clear Creek Subdivision Public Comment

Good Morning Councilmembers,

First, thank you for your service to our community. I appreciate the time that you dedicate to the community and know your role is not easy having to manage many competing priorities for the City.

For the Clear Creek Subdivision item on tomorrow's agenda, I would like to share some comments for your consideration on this important item as it dramatically impacts our family and community.

Our home backs up to this park property, and we did not choose that by accident. Several years ago, we visited Lake Lenexa for outdoor activities. It was such a positive experience that we began exploring more of West Lenexa. We found beautiful parks, open space, and neighborhoods with less density. We decided this was the place we wanted to raise our two children.

Finding a home that backed up to parkland was the perfect location for our family. We use the trails daily, fish in the ponds, observe wildlife, and regularly meet and talk with neighbors in the park. It truly is an integral part of our community.

We purchased our home prior to 2024, when this property was identified as City parkland in the City's Comprehensive Plan. Because it is City-owned, we assumed it would eventually be developed into a more built-out park, similar to other parks in Lenexa, not converted into a dense residential development. This process and the pending application are both surprising and concerning.

I understand affordable housing is a real issue facing Johnson County and the City of Lenexa. I have volunteered with Habitat for Humanity and believe strongly in their mission. Affordable housing is important, and I support the use of public resources to assist in its development. I am also a public servant who personally benefited from being able to purchase an affordable modest home in our neighborhood.

My concerns are not about affordable housing. They are about this specific site selection and the loss of a significant community asset.

This property is not simply an undeveloped site. It is a critical piece of green infrastructure. The City has invested substantial public funds to reduce flooding impacts to homes like ours. We appreciate the foresight and innovation in the property purchase and infrastructure investment. We are asking for that same creative foresight to be applied in determining the **highest and best use of the property again — one that benefits the entire community, not just a limited number of homeowners**

Given the uniqueness of this land, the City is unlikely to have another opportunity to acquire property like this in the future. In contrast, opportunities for infill and greenfield home development will be available for years to come. The City could acquire and resell any number of other more appropriate sites for a Habitat neighborhood.

We respectfully ask that you deny this application and pause development to allow for meaningful community engagement with Lenexa residents (not the non-Lenexa voices that have been a part of this application process). Given the project's impact and the significant public investment already made, broader engagement is both appropriate and necessary. That process should allow all perspectives to be shared and considered in determining the highest and best use of this property for the public good.

If you choose to move the application forward, I would request that, at a minimum, you reduce the project's impact on the park through the following measures:

- Reduce the development footprint within the park. Please limit development to the proposed 17 acres rather than reducing the park to approximately 40 acres. There is no need for all the land identified to be sold off and be developed for housing, whether by Habitat or another developer.
- Reduce lot density. The proposed lot density does not align with adjacent neighborhoods and should be increased. The increase will also help to lessen the impact on the park experience. As proposed on the full land build out, the park experience is effectively reduced to walking on a trail behind private backyards.
- Preserve trees and habitat. Please require a comprehensive tree survey and tree preservation plan. The mature tree lines — particularly along the north side and throughout the park — include old-growth trees that provide screening, wildlife habitat, and the natural character that defines this space. Any development should also incorporate adequate buffering and screening between existing homes and remaining park amenities.

Thank you again for your service and for the opportunity to share our perspective on this important agenda item. While we were not part of the conversation that allowed for the park to be developed and the pending application, we sincerely hope to be included in the

conversations that determine the future of a park our family and many others value so deeply.

Thank you,

Nate and Angela Buzard

24207 W. 86th Ter

Lenexa, KS 66227

From: Rob Carr <rob carr924@gmail.com>

Date: February 16, 2026 at 1:25:53 PM CST

To: Craig Denny <cdenny@lenexa.com>

Subject: Habitat Proposal

Greetings Councilman Denny

I've lived in Lenexa since 1998. (Country Hill)

Grew up in Prairie Village

Just a note to express my support for the Habitat proposal.

Wishing you well

Rob Carr

913.706.9469

From: Diane Collins <dianec0424@gmail.com>
Sent: Monday, February 16, 2026 10:19:39 PM
To: Stephanie Sullivan <ssullivan@lenexa.com>
Subject: Please support affordable housing in Lenexa

Dear Stephanie,

I am a Lenexa resident and I wish to voice my support for the project to provide affordable housing.

Housing affordability affects **every income level**, including the middle class.

- Veterans and public servants should be able to live where they serve.
- Seniors deserve the option to downsize without leaving their community.
- Young families need access to starter homes.
- Working families deserve stability, safety, and the chance to build a future.

Stable housing leads to better health outcomes, stronger child development, and long-term family success. When we remove barriers to homeownership, families thrive.

Thank you,

Diane Collins

Zip code 66215

From: Joe Connor <joeconnor0863@gmail.com>
Date: February 16, 2026 at 10:38:23 AM CST
To: Courtney Eiterich <ceiterich@lenexa.com>
Subject: Habitat KC Application for Single Family Homes

Councilmember Eiterich,

I am writing to express my support for the single-family home development application at 87th and Clare Road, submitted by Habitat for Humanity KC. I am also a resident in the Creekside Woods neighborhood which is in your district.

At this month's Planning Commission meeting, Scott McCullough provided an excellent overview of the site's history and effectively addressed the concerns raised by those opposing the application. I ask that you please consider the facts regarding this proposal rather than speculation or worst-case scenarios.

Best regards,

Joe Connor

Darci,

I would be more than happy to take a call from you.

You can call me Tuesday between 10am and 11am if that works for you.

Respectfully,

Mark Charlton

Councilmember, Ward 2

City of Lenexa

913.706.7576

mcharlton@lenexa.com | www.lenexa.com

From: Darci <darciwku.96@gmail.com>

Sent: Monday, February 2, 2026 9:34 AM

To: Julie Sayers <jsayers@lenexa.com>; Courtney Eiterich <ceiterich@lenexa.com>; John Handley <jhandley@lenexa.com>; Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>; Chelsea Williamson <cwilliamson@lenexa.com>; Avery Bell <abell@lenexa.com>; Craig Denny <cdenny@lenexa.com>; Chris Herron <cherron@lenexa.com>

Subject: Re: Clear Creek Trail/Centennial Park

I am sending this follow up as I haven't received a response from anyone. Please let me know if I can setup time to meet with someone to address my questions?

Sincerely,

Darci Guerrein

Sent from my iPhone

On Jan 28, 2026, at 10:28 AM, Darci Guerrein <darciwku.96@gmail.com> wrote:

Dear Sirs/Madams:

I am writing to each of you regarding the proposed rezoning and approval to allow Habitat for Humanity in western Lenexa. This land was originally acquired as part of the storm watershed initiative in Lenexa through taxpayer funded bonds. This means that the land has fully been paid by taxpayers and should continue to serve as protected land for wildlife and existing community members to enjoy. I have a lot of concern with the fact that despite the purchase of this land originally being positioned as a positive environmental win for the city, it is now being used to create a Community Land Trust (CLT). This CLT is just another layer of bureaucracy as the land will now be held by this trust and the supposed "owners" of the homes built on the land will lease the land. In the end, no one will own these homes except the CLT. It truly is smoke and mirrors to market this as being a means to affordable housing when in reality the "owners", if they sell, would only be provided a 25% interest in the home and 0% interest in the land. These are my questions that I would like answered by each of you:

1. I'm VERY curious as to how the property taxes for these homes will be assessed? Does the "owner" only pay 25% of the taxes and the rest is forgiven?
2. How are foreclosures to be handled with these types of homes? Is the loan provided directly to the "owner" or to the CLT?
3. How does Habitat for Humanity vet the proposed "owners"? How are we ensured that this is a fair process and that legal citizenship is one of the prerequisites?
4. There are a couple of articles and comments on articles that have alluded to the target "owners" being city employees. If this is the case, is this a taxable benefit for the city employees? Isn't it a conflict of interest for the city to be rezoning and redesignating land for the benefit of taxpayer funded employees?
5. Why are there no incentives currently or any programs to incentivize current developers to build single family starter homes?
6. The CLT - what is the proposed makeup of the board and what legal documents have been drafted thus far as to how the CLT will operate? I think it is premature to make any determination on rezoning or redesignating land without knowing how the new owners will operate the land legally.

7. The CLT - what is the price that is being offered for this land? And, more importantly if the land is being sold to the CLT, what is the taxpayer's return since bonds were utilized for the original purchase?

8. Wildlife - this same city council just had over 40 acres of land cleared for a large apartment complex not far from where this land is. How are you now justifying another 17 acres of wildlife displacement?

9. New apartment complex - it is due to open soon, what is the confirmed occupancy rate for those units? If it isn't at 80% or greater, then do we really need a new form of "affordable housing"?

I am sure I will have more questions based on your responses to the above. I am happy to discuss your answers via phone as well.

<https://johnsoncountypost.com/2026/01/15/habitat-for-humanity-lenexa-proposal-277482/>

Sincerely,

Darci Guerrein

Lenexa, KSs

From: K H <karinne.r.h@gmail.com>
Sent: Monday, February 16, 2026 6:15:47 PM
To: Stephanie Sullivan <ssullivan@lenexa.com>
Subject: Re:Meeting:Supporting those in need

Hello to the Council and all listening,

I am hoping that people will think of providing a future for our fellow humans that will give them a shelter from the storms of this unjust world. We can improve our community by supporting the building of some simple safe places and welcoming new neighbors.

Thank you for thinking of others.

Karinne H.

From: Denise Halvorsen <dhweezy@gmail.com>

Sent: Monday, February 16, 2026 8:20:33 PM

To: Stephanie Sullivan <ssullivan@lenexa.com>

Subject: Feb 17 meeting letter to council

I am writing to express my concern and disapproval regarding the proposed Clear Creek subdivision and the planned changes to the existing park land.

My home is located directly north of the proposed development, and my backyard would back up to the subdivision planned for HFH Homes. My family has deep roots in this neighborhood. I grew up here since 1973 before the area became part of Lenexa, when it was known as Monticello Township, and my father helped establish the local volunteer fire department. My mother still resides in the same home, and over 23 years ago my family chose to move back to this neighborhood so our children could grow up here as well.

Prior to the park being developed, I contacted the City and spoke with the now council member Bill Nicks who was with the Parks Department to inquire about the future use of the land. At that time, I was told the area would remain a park, as Lenexa took **pride in preserving green space**. I was also assured that if any changes were ever made, landscaping and berms would be installed to protect neighboring properties and preserve views.

I do not support the HFH neighborhood. If the proposed development proceeds, I respectfully ask that the City honor those prior assurances by installing appropriate landscaping and buffering to shield adjacent homes from future development.

Thank you for your time and consideration. I appreciate the opportunity to share my concerns and hope they will be carefully reviewed as decisions are made regarding this property.

Sincerely,

Denise Halvorsen

24409 W 86th terr

Lenexa, KS 66227

From: Sara McAllister <slmcallister@outlook.com>
Sent: Monday, February 16, 2026 2:00 PM
To: Courtney Eiterich <ceiterich@lenexa.com>; John Handley <jhandley@lenexa.com>
Subject: Fw: Clear Creek Subdivision

Hello Courtney and John Michael,

I am forwarding the letter I submitted before the February 2 Planning Commission meeting.

I am in favor of the Habitat for Humanity project. Please vote to approve the rezoning request.

Thank you for your consideration.

Sara McAllister

From: Sara McAllister <mcgro@msn.com>
Sent: Sunday, February 1, 2026 9:08 PM
To: ssullivan@lenexa.com <ssullivan@lenexa.com>
Subject: Clear Creek Subdivision

My name is Sara McAllister and I live in Lenexa near the Clear Creek area. I support the proposed Habitat for Humanity development that is currently before the Planning Commission. My residence is in the Reserve subdivision. I have often visited the property under consideration for rezoning. I can walk or ride my bike to the east entrance of the property, and I absolutely love riding on the paved trail.

When I first learned that some of the property could be sold and developed for housing, I thought "how can they take away our park?"

Since then, I have taken the time to review the facts and learn the history of the property. I understand now that I like so many, many other people incorrectly assumed that the entire area was a Lenexa city park.

The history that is detailed in the Project Summary clearly documents that the entire area was never intended to all be parkland. I am disappointed in my fellow Lenexans who continue to insist that the city officials have done something under-handed. I don't understand why they are unwilling to accept that everything has been above board, and that our city officials have followed the same procedures they would follow for any other rezoning proposal.

I support the sale of the land to Habitat for Humanity to construct affordable housing. Habitat for Humanity has a well established model for developing affordable housing through a Community Land Trust arrangement. Attainable housing is one of the biggest challenges facing Johnson County. The average sales price of homes in JoCo is over \$500,000. This is out of reach for many first-time buyers.

As detailed in the Project Summary, attainably priced housing was an agreed upon vision in Lenexa's Vision 2040 Plan. For my fellow Lenexans who are so adamantly opposed to the rezoning, I would ask them "did you participate in the visioning process"?

Thank you for your commitment to the future of Lenexa. I have complete confidence in the Planning Commission's expertise and ability to fairly evaluate projects.

Sincerely,

Sara McAllister

From: Shane McLeroy <somcleroy@gmail.com>
Sent: Tuesday, February 17, 2026 8:44:58 AM
To: Stephanie Sullivan <ssullivan@lenexa.com>
Subject: Habitat for Humanity Public Comment

Hello. I am in support of the development detailed as Item 5 on the City Council Agenda, Consideration of rezoning and preliminary plan/plat known as Clear Creek Subdivision.

I am proud to see my city taking a significant movement towards the building of affordable single family homes, for which I have seen countless members of the community repeatedly call for. With housing prices greatly outpacing wages, it's great to see the city take a serious interest in providing reasonable options for residents. I hope this trend continues, and we see more of these smaller footprint homes available in the near future.

Furthermore, I am happy to see the city working with Habitat for Humanity to accomplish this project. They are a fantastic organization and as someone who will live a mile from this development, I look forward to volunteering my time to building these homes.

Shane McLeroy,
25400 w 95th Lane,
Lenexa, Kansas,
66227

From: Lil Pintar <luvtheseamom@gmail.com>
Sent: Tuesday, February 17, 2026 7:42:45 AM
To: Stephanie Sullivan <ssullivan@lenexa.com>
Subject: comment for Council meeting, Feb 17,2026

To: Members of the Lenexa Governing Body

17 February 2026

From: Liliane Pintar

11911 West 101 Street, Lenexa, KS

I write in full support for the approval of items 5 & 6 on the published Agenda for Tuesday, 17 February 2026, by the Lenexa Governing Body.

As a 40-year resident of Lenexa, I am thrilled to see my City take actions that look forward and move to making a difference for our young families and our community's future. This action begins to fill both immediate and future needs. You can enable the legacy gift of Hope...the time for change is NOW.

The Planning Commission & staff have submitted extensive research from the history of the property's purchase to today's proposals & Lenexa's Vision Plans. Thank you for your excellent work!

Forty years ago, as a single parent of 2 preschoolers, public school educator, renting, I would have pitched a tent at the old City Hall next to Na-Nex-Se's statue, to be first in line to apply for the opportunity to participate in this type of Habitat Project. Housing affordability affects us all. It can provide the chance to build a future of stability, safety, as we each learn and accumulate experiences.

With gratitude for your public service and consideration,

Liliane

From: gay ramsey <gnramsey@gmail.com>
Sent: Monday, February 16, 2026 4:46 PM
To: Chelsea Williamson <cwilliamson@lenexa.com>
Subject: Affordable Housing

I urge you to vote for the Habitat for Humanity proposal that would bring **50 affordable, income-restricted single-family homes** to West Lenexa near the future Centennial Park.

This is a rare opportunity to expand attainable housing for the people who make our community strong — veterans, teachers, nurses, public servants, young families, and seniors who want to stay in the city they love.

Housing affordability affects **every income level**, including the middle class.

- Veterans and public servants should be able to live where they serve.
- Seniors deserve the option to downsize without leaving their community.
- Young families need access to starter homes.
- Working families deserve stability, safety, and the chance to build a future.

We know that stable housing leads to better health outcomes, stronger child development, and long-term family success. When we remove barriers to homeownership, families thrive.

Thanks for your support.

Gay Ramsey

8141 Widmer

From: scottdroby@everestkc.net <scottdroby@everestkc.net>

Sent: Monday, February 16, 2026 2:42 PM

To: Stephanie Sullivan <ssullivan@lenexa.com>

Subject: Stephanie: Clear Creek Subdivision Project

Hi Stephanie. I just wanted to say that as a Lenexa resident for over 30 years, and as a supporter and donor to Habitat for Humanity, I'm pleased that Lenexa is stepping up to make this project a reality. While I know that some residents may not be excited about it, I ask everyone to reflect for a moment on this question: What would Jesus do? Would he support the future homeowners or suggest they find somewhere else (omg anywhere else!) to live?

Thanks

Scott Roby 913.488.3768

From: John Rose <jdrose1943@hotmail.com>

Sent: Thursday, February 12, 2026 8:33 PM

To: Chelsea Williamson <cwilliamson@lenexa.com>; Avery Bell <abell@lenexa.com>; Bill Nicks <bnicks@lenexa.com>; John Handley <jhandley@lenexa.com>

Subject: Homes for senior citizens in Lenexa

You face a rough night this Tuesday with the housing proposal in western Lenexa off Clare Road. As a one of the 24% of the seniors in Lenexa, I have a terrible time finding small ranch homes approximately 1,500 square feet with 2 bedrooms, 2 bathrooms, 2 car garage, etc., on a small lot (5 - 6 per acre). These type homes are in high demand and are not being built in Lenexa. Please vote FOR the proposal on Tuesday night.

Thank you.

John Rose

Sent from my iPad

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: Phil Simon <philjsimon@gmail.com>

Sent: Sunday, February 15, 2026 8:47 PM

To: Stephanie Sullivan <ssullivan@lenexa.com>

Subject: Fwd: FOLLOW UP: Request to Deny Rezoning for Clare Road Habitat for Humanity Development

Ms. Sullivan,

I would also like to make this entire email chain (with attachments) public record for the Lenexa City Council meeting on February 17, 2026. Please let me know if you have any questions or need anything else.

Thank you,

Phil Simon

8760 Greeley St

Lenexa, KS 66227

----- Forwarded message -----

From: **Phil Simon** <philjsimon@gmail.com>

Date: Thu, Jan 22, 2026 at 7:15 AM

Subject: Fwd: FOLLOW UP: Request to Deny Rezoning for Clare Road Habitat for Humanity Development

To: <ssullivan@lenexa.com>

Good morning Ms. Sullivan,

I would like to make this entire email chain (with attachments) public record for the Planning Commission meeting on February 2, 2026. Please let me know if you have any questions or need anything else.

Thank you,

Phil Simon

8760 Greeley St.

Lenexa, KS 66227

----- Forwarded message -----

From: **Phil Simon** <philjsimon@gmail.com>

Date: Fri, Jan 16, 2026 at 4:20 PM

Subject: Fwd: FOLLOW UP: Request to Deny Rezoning for Clare Road Habitat for Humanity Development

To: <ceiterich@lenexa.com>, John Handley <jhandley@lenexa.com>, <bnicks@lenexa.com>, Mark Charlton <mcharlton@lenexa.com>, Chelsea Williamson <cwilliamson@lenexa.com>, Avery Bell <abell@lenexa.com>, <cdenny@lenexa.com>, <cherron@lenexa.com>

Good afternoon Council Members,

I hope you all have had a chance to see the KSHB 41 story that aired yesterday at <https://www.youtube.com/watch?app=desktop&v=9fxdGoWDKyk>. I have further concerns that I would like to note pertaining to the false narrative that Mayor Julie Sayers and City Manager Beccy Yocham are portraying to the public. The reporter questioned Ms. Yocham on the email I previously referenced that was obtained from an open records request where Ms. Yocham asks for special treatment from Ms. Lindsay Hicks and her organization (Habitat for Humanity) in the form of “small bumps in scoring when it comes to qualifying for a home”, and the “setting aside a small number of units that our qualifying employees could have a right of first refusal on.” Instead of addressing this questionable behavior, Ms. Yocham stated in the television interview that “I don't understand what's controversial about having the people who protect and serve and maintain this community having the opportunity to live in the community.” This is a similar response I received from Ms. Sayers to the email I sent you all on January 5, 2026. Instead of addressing the emails, she

deflected my concerns of questionable ethical behavior and stated that "I personally take no issue with the idea that the City's police officers, firefighters, or roads/parks maintenance teams could potentially be considered with the pool of applicants who could be eligible for purchasing housing with this project. My question to you would be: do these folks who serve and maintain our community not meet your standards for doing things 'the right way by putting the time and resources into getting an education, acquiring a good job, and saving hard-earned money to live in this area?' My respectful response to Ms. Sayers was "I certainly believe our local police officers and firefighters/paramedics have done things 'the right way by putting the time and resources into getting an education, acquiring a good job, and saving hard-earned money to live in this area.' However, please correct me if I'm wrong, but I doubt they would qualify for the Habitat for Humanity income requirements given the Lenexa public safety plan I found on the City of Lenexa website (attached for your reference). Given the salary ranges for these individuals, they probably already live in the Timbers at Clear Creek subdivision or surrounding subdivisions." Ms. Sayers did not address my statement.

It is clear to me that Ms. Yocham and Ms. Sayers are falsely playing the patriotic card to avoid addressing the questionable unethical behavior and this needs to stop. Do City of Lenexa officials think police and EMT personnel deserve to earn wages so low that they must qualify for this low income housing, or do they just not fully understand the Habitat for Humanity model they have been working on behind closed doors for months? As I already alluded to, previous emails obtained through open records requests show that City of Lenexa officials know this proposed project will not be popular with much of the public so they and Habitat for Humanity have been manipulating the release of information to the public as Ms. Yocum tells Ms. Hicks "One thing to keep in mind is that we have a city election on November 4, with 4 councilmembers up for election." To give you an update, as of right now the "Is YOUR Park Next - Save the Clear Creek Wetland in Lenexa, KS" online petition has 1,410 signatures.

Ms. Sayers also stated in her response to my January 5, 2026, that "A lack of understanding of that process does not constitute a lack of transparency." I question whether the City of Lenexa fully understands the process as they failed to follow the planning commission process by neglecting to post required public notice signs in time, or failed to properly coach Habitat for Humanity on this one. Either way, hopefully you have seen that this error has given concerned residents/taxpayers (detractors as City of Lenexa officials dub

us) time to seek the truth and facts through open records requests. There is still more to come and I look forward to becoming an even more engaged resident, voter, and taxpayer.

I again respectfully request that you reject this proposed Habitat for Humanity project. Represent the residents of Lenexa as you were elected to do, and not the special interests being given taxpayer dollars. Thank you again for your time and consideration.

Sincerely,

Phil Simon
8760 Greeley St.
Lenexa, KS 66227

----- Forwarded message -----

From: **Julie Sayers** <jsayers@lenexa.com>

Date: Tue, Jan 6, 2026 at 1:46 PM

Subject: Re: FOLLOW UP: Request to Deny Rezoning for Clare Road Habitat for Humanity Development

To: Phil Simon <philjsimon@gmail.com>

While I appreciate that offer, any comments or information shared would be in violation of federal law as it would not be available to the broader public, and state law as discussion occurring there would not be available to all members of the planning commission &/or governing body.

The next communication you can expect from the City is the release of the meeting packet by the end of the day on January 29th, prior to the Planning Commission meeting.

It will be posted to the website here:

<https://www.lenexa.com/Government/Agendas-Minutes>

Julie Sayers

Mayor

City of Lenexa

913.477.7567

jsayers@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Phil Simon <philjsimon@gmail.com>

Sent: Tuesday, January 6, 2026 1:07 PM

To: Julie Sayers <jsayers@lenexa.com>

Subject: Re: FOLLOW UP: Request to Deny Rezoning for Clare Road Habitat for Humanity Development

Good afternoon Ms. Sayers,

Over lunch I spoke with our HOA Advisory Board Member Dan Wilkus. I don't want to be a hypocrite concerning transparency and I want all the facts and evidence made available to everyone to make an informed decision. Dan said if you would like to join our private website, you are more than welcome too and he will approve you. It is called Neighbors against HFH Lenexa (87th and Clare).

Thank you,

Phil Simon

8760 Greeley St.

Lenexa, KS 66227

On Tue, Jan 6, 2026 at 10:03 AM Julie Sayers <jsayers@lenexa.com> wrote:

Mr. Simon,

It would be unlawful to state a position on any project before it comes before the Council. The nature of my reply today is to directly address the implications that we have seen from you and your neighbors, sometimes in a private Facebook group that we cannot access, that the project is being handled unfairly or exists a lack of professionalism or integrity by our staff.

Thank you for understanding.

JS

Julie Sayers

Mayor

City of Lenexa

913.477.7567

jsayers@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Phil Simon <philjsimon@gmail.com>

Sent: Tuesday, January 6, 2026 9:09 AM

To: Julie Sayers <jsayers@lenexa.com>

Subject: Re: FOLLOW UP: Request to Deny Rezoning for Clare Road Habitat for Humanity Development

Good morning Ms. Sayers,

Thank you for taking time to respond to my email. It is apparent your mind is already made up on this project, so I will not bother you anymore. But to answer your question, I certainly believe our local police officers and firefighters/paramedics have done things “the right way by putting the time and resources into getting an education, acquiring a good job, and saving hard-earned money to live in this area.” However, please correct me if I'm wrong, but I doubt they would qualify for the Habitat for Humanity income requirements given the Lenexa public safety plan I found on the City of Lenexa website (attached for your reference). Given the salary ranges for these individuals, they probably already live in the Timbers at Clear Creek subdivision or surrounding subdivisions.

I have taken great pride and am passionate about helping Kansas consumers who have been harmed by financial institutions (many low income citizens) in my 17-year career. As I alluded to in my initial email, I do not hate Habitat for Humanity. They do great work, I just think that it should be done through private donations and volunteer work.

Have a good day,

Phil Simon

8760 Greeley St.

Lenexa, KS 66227

On Tue, Jan 6, 2026 at 8:01 AM Julie Sayers <jsayers@lenexa.com> wrote:

Good morning Mr. Simon,

Every project application in the City of Lenexa, whether it be a housing development, retail center, industrial complex, medical building or gas station undergoes an internal staff review by our legal, planning and executive teams in order to evaluate its feasibility within the city's Comprehensive Plan and development criteria before the application is made public. That staff review becomes part of the public record when the application is formally submitted to the Planning Commission, and with it, a professional evaluation is written for both the Planning Commission and Governing Body to review in their public due process proceedings. A lack of understanding of that process does not constitute a lack of transparency. And as Councilmember Williamson has detailed for you, in the case of Habitat for Humanity, the applicant has gone above and beyond what is legally required in terms of notice to and engagement with the public regarding their project.

Furthermore, Beccy Yocham is a 30-year veteran of the City's legal, community development and executive management teams and is well aware of her legal and ethical responsibilities when it comes to evaluating projects for formal review. I personally take no issue with the idea that the City's police officers, firefighters, or roads/parks maintenance teams could potentially be considered with the pool of applicants who could be eligible for purchasing housing with this project. My question to you would be: do these folks who serve and maintain our community not meet your standards for doing things "the right way by putting the time and resources into getting an education, acquiring a good job, and saving hard-earned money to live in this area?"

Finally, had you participated in the 2021, 2023, or 2025 municipal elections in Lenexa since you have owned your property, you might also have the context that many of our residents have been very vocal with their desire for the city to entertain development of multiple types and scales of housing, including attainable / workforce single family homes. This has been discussed in every public forum in those last three elections and clearly identified as a problem that needs to be addressed in all Johnson County communities.

Your objections to this project have been noted, and will be one of many factors considered in evaluating whether or not the project is approved.

Julie Sayers

Mayor

City of Lenexa

913.477.7567

jsayers@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Phil Simon <philjsimon@gmail.com>

Sent: Monday, January 5, 2026 5:31 PM

To: Julie Sayers <jsayers@lenexa.com>; Courtney Eiterich <ceiterich@lenexa.com>; John Handley <jhandley@lenexa.com>; Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>; Chelsea Williamson <cwilliamson@lenexa.com>; Avery Bell <abell@lenexa.com>; Craig Denny <cdenny@lenexa.com>; Chris Herron <cherron@lenexa.com>; Stephanie Sullivan <ssullivan@lenexa.com>

Subject: FOLLOW UP: Request to Deny Rezoning for Clare Road Habitat for Humanity Development

Good evening,

I wanted to follow up on my previous email sent on December 17, 2025, to City of Lenexa (City) officials and Council Members after additional information was made public through open records requests by one of the residents in my subdivision, the Timbers at Clear Creek. Several City officials and Council Members responded to my initial email, which I appreciate, assuring me the process for the proposed Habitat for Humanity (HFH) project has been transparent. However, after reviewing the correspondence (attached) from the open records requests between City Manager Beccy Yocham and Habitat KC Lindsay Hicks, my suspicions were correct that this project has NOT been transparent and I and other residents are appalled with the behavior of several City officials.

The earliest emails that were obtained are from May 22, 2025, when Beccy Yocham (City Manager), Todd Pelham (Deputy City Manager), Mike Nolan (Assistant City Manager), Scott McCullough (Community Development Director), and Sean McLaughlin (City Attorney) talk openly about how they can help Lenexa employees benefit from this land development with Lindsay Hicks (Habitat KC). Specifically, Ms. Yocham asks for special treatment from Ms. Hicks and her organization in the form of “small bumps in scoring when

it comes to qualifying for a home”, and the “setting aside a small number of units that our qualifying employees could have a right of first refusal on.”

- In the October 23, 2025, email from Beccy Yocham she states, “We want to avoid – to the extent we can – anything that would lead detractors from thinking this is prejudged in any way”. This email shows the true nature of Ms. Yocham and the other City employees helping to make this deal because they know that their actions are borderline unethical. Furthermore, Ms. Yocham states to Ms. Hicks that “One thing to keep in mind is that we have a city election on November 4, with 4 councilmembers up for election.” That statement shows that Ms. Yocham knows this proposed project will not be popular with voters, but she continues to push her own personal/political agenda and later coaches Ms. Hicks by stating “I know you have experience and lessons learned from the Olathe project that informs your plan here and I certainly don’t want to derail that.”

- o Per the City of Lenexa’s Employee Code of Ethics, Interest in a Transaction, “a city employee shall not handle, facilitate, or participate in a City business-related transaction with a person or business which has offered or promised the employee a future job, gift, or business investment.” Moreover, in the same policy under Special Treatment, “No city employee may grant any consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.”

- o Ms. Yocham is not only accepting these special treatments, but she’s also actively soliciting for them. It was noted by a resident that Ms. Yocham was Board President of United Community Services through 2023, which works very closely with both HFH and Johnson County. If Ms. Yocham is such an advocate for HFH over the residents of Lenexa that pay her salary, she should resign from the City and go to work for them. Lenexa residents and taxpayers deserve so much better; a City Manager that works for them, not against them and instead advocates for special interests.

I again respectfully request that the City reject this proposed Habitat for Humanity project. Over 1,000 signatures on the “Is YOUR Park Next - Save the Clear Creek Wetland in Lenexa, KS” online petition have been gathered. Unlike Beccy Yocham, please remember that we are taxpayers and voters, not “detractors.” Represent the residents of Lenexa as you were elected to do, and not the special interests being given taxpayer dollars. Thank you again for your time and consideration.

Sincerely,

Phil Simon

8760 Greeley St.
Lenexa, KS 66227

From: Phil Simon <philjsimon@gmail.com>

Sent: Sunday, February 15, 2026 4:18 PM

To: Courtney Eiterich <ceiterich@lenexa.com>; John Handley <jhandley@lenexa.com>; Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>; Avery Bell <abell@lenexa.com>; Craig Denny <cdenny@lenexa.com>; Chris Herron <cherron@lenexa.com>; Chelsea Williamson <cwilliamson@lenexa.com>

Cc: Stephanie Sullivan <ssullivan@lenexa.com>

Subject: Contract Between City of Lenexa and HFH Referencing Park Land

Good afternoon Council Members,

I attended the Public Hearing for the rezoning and preliminary plat/plan known as Clear Creek Subdivision that was held at the February 2, 2026, Planning Commission meeting. I unfortunately got there late and was not able to register to speak at that meeting. I have, however, registered in advance to speak at the City of Lenexa Council Meeting on Tuesday, February 17, 2026, and will voice my opposition to the Habitat for Humanity project at the proposed Clear Creek Subdivision site.

I have previously voiced my opposition of this proposed project to you by emails and I attended the meeting with Council Member Eiterich and Council Member Handley at the Johnson County Library on January 21, 2026. Throughout this entire process there has been a clear lack of transparency that I have brought to your attention. I have yet another from a post by a fellow resident in one of the surrounding neighborhoods that cannot be ignored. At the February 2, 2026, Planning Commission meeting, City of Lenexa officials repeatedly stated that the proposed site was no longer park land and hinged their whole argument to justify the sale of the property to Habitat for Humanity on this lie, but yet in the contract (attached) between the City of Lenexa, Kansas and Habitat for Humanity Kansas City it states "WHEREAS, in accordance with K.S.A. 12-1301 *et seq.*, the City published notice of the proposed exchange of the City owned **park land**; and..." This is just another example of the lies and manipulation of information being spread by the City of Lenexa government officials. Please be the voice of your Lenexa constituents on Tuesday, February 17, 2026, and vote **NO** on this proposed project. Be the checks and balances against the ignorance and arrogance of City of Lenexa government officials, and ignore the noise from political organizations outside of Lenexa who masquerade under the veil of our Lord and call us homeowners and taxpayers of Lenexa closet racists and residents with silver spoons born in our mouths.

Thank you again for your time and consideration,

Phil Simon

8760 Greeley St

Lenexa, KS 66227

The contract is out. The official, executed agreement between the City of Lenexa and Habitat for Humanity.

And in black and white, within the legal contract itself, the property is identified as park land for sale.

For months, residents were told the opposite and made to feel like they were the wrong ones to question this transaction.

- The Mayor publicly stated it was not parkland in multiple emails, and on the petition page.

- The City Manager said in a TV interview with KSHB 41 that it was not parkland.

- City staff stood before the Planning Commission and dismissed concerns, insisting it was not parkland.

Yet the binding legal contract says it is.

This is not a misunderstanding.

This is not "interpretation."

This is not nuance.

Elected officials and senior staff repeatedly made categorical public statements that are contradicted by their own executed contract, that is not a minor discrepancy. That is a credibility crisis.

Either leadership did not know how the land was legally characterized when they spoke to the public — which signals alarming incompetence — or they did know and chose to say something else.

Residents even raised concerns directly with the City Attorney about potential misrepresentation and the inconsistency between public statements and legal documents. That email went unanswered.

This isn't oversight. This is deliberate misrepresentation, a calculated disconnect between what officials say and what the law says. City Hall has misled its residents, ignored repeated warnings, and failed to act responsibly. They owe answers, corrections, and accountability. Anything less is not leadership. It's betrayal. Pure and simple.

Attachments – 4

KANSAS REAL ESTATE CONTRACT

THIS CONTRACT is made this ____ day of _____, 2026, by and between **CITY OF LENEXA, KANSAS**, a municipal corporation, hereinafter "**CITY**" and **HABITAT FOR HUMANITY OF KANSAS CITY**, a Missouri corporation, hereinafter referred to as "**BUYER**". City and Buyer may be collectively referred to herein as the "Parties".

WHEREAS, City is the owner of property located east of and adjacent to Clare Road at approximately 86th Street ("Clear Creek Land") in the City of Lenexa, Johnson County, Kansas; and

WHEREAS, Buyer proposed to develop a single family home development ("Project") on a portion of the Clear Creek Land and desires to acquire approximately 16.8453 acres from the City; and

WHEREAS, in accordance with K.S.A. 12-1301 et seq., the City published notice of the proposed exchange of the City owned park land; and

WHEREAS, City and Buyer desire to make this exchange subject to the terms and conditions set forth herein.

NOW, THEREFORE the Parties agree as follows:

1. **PROPERTY:** City hereby agrees to sell to Buyer and Buyer agrees to purchase the following described real estate together with all improvements thereon containing approximately 16.8453 acres (the "Property"), legally described to wit:

SEE ATTACHED EXHIBIT A

2. **PURCHASE PRICE:** The purchase price for the Property is \$49,000 per acre for a total price of EIGHT HUNDRED TWENTY-FIVE THOUSAND FOUR HUNDRED NINETEEN and 70/100 dollars (\$825,419.70) (the "Purchase Price"), which Buyer agrees to pay in certified funds or wire transfer at the Closing.
3. **EFFECTIVE DATE:** This Contract shall be effective as of the date and time of execution by the last party to sign this contract as shown on the signature page ("Effective Date").
4. **PRORATIONS:** City shall pay all installments of special assessments, if any, and general taxes for the years prior to the current calendar year for the property it is conveying. Special assessment installments and general taxes for the current calendar year shall be pro-rated between City and Buyer as of the Closing Date. If the amount of such taxes cannot be ascertained, pro-ration shall

Julie Sayers's response



Julie Sayers
Lenexa City Mayor



Jan 4, 2026

The future City park and the existing City stormwater & trail facilities in this vicinity will remain under city ownership and public use and are not impacted by the proposed rezoning. The attached map depicts the property proposed for rezoning in red and the City's future park and existing wetland and trail facilities in blue.

I have no further comment, as this is a pending application which is still under review and will come before the Lenexa City Council for a decision in the near future.

Julie Sayers
Mayor
City of Lenexa

Wed, Feb 4, 11:00 PM (8 days ago) ☆ 😊 ↶ ⋮

 to smclaughlin, Julie, cherron, Courtney, John, Bill, mcharlton, Chelsea, abell, Craig, bcc: krista.tatschl, bcc: Laura, bcc: Dan, bcc: Mike ▼

Dear Mr. McLaughlin,

I am writing to flag what I believe is a serious ethical concern involving public representations by the City of Lenexa regarding a 17-acre parcel (Clear Creek Wetlands, May 12th, 2015) currently proposed for sale and rezoning.

Elected officials and city staff have repeatedly and unequivocally stated in public forums that this land is *not* parkland. This assertion has been made by city staff, the Mayor, City Councilmembers, and the Planning Commission, and is now being treated as settled fact.

That position is not supported by the City's own legal record.

When the City formally listed this property for sale in 2015, the Legal Record identified the parcel as **parkland**. That designation appears in an officially published, legally operative document and has not been rescinded, corrected, or formally disavowed in the record. Nonetheless, current officials continue to deny the parkland classification without acknowledging or reconciling this contradiction.

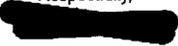
This creates a material disconnect between the City's legal documentation and its public statements. From an ethical and governance standpoint, the continued repetition of a narrative that conflicts with the City's own record raises concerns regarding candor, transparency, and the integrity of the public decision-making process.

At minimum, this appears to present an obligation for the City to disclose and explain the inconsistency. At worst, residents are being asked to rely on representations that are directly contradicted by the City's own legally published documents.

I am seeking your assessment of whether this conduct raises ethical or legal concerns under Kansas law, municipal ethics standards, or land-use jurisprudence, particularly where official statements appear to contradict the City's documented legal position.

Please notify me of any findings, recommendations, or actions that result from your review of this matter.

Thank you for your consideration.

Respectfully,


From: Beccy Yocham
Sent: Tuesday, December 9, 2025 12:02 PM
To: Governing Body
Cc: Scott McCullough; Sean McLaughlin
Subject: Habitat for Humanity emails

Governing Body members:

By now, you are likely aware that Habitat has formally submitted their proposal to develop 50 single-family homes in the vicinity of 8705 Clare under the project name Clear Creek Subdivision. I see that emails from the public regarding the proposed project are starting to come in and it appears that there is a common misconception that we are selling our parkland for this development. Staff is responding to these emails as follows, in order to correct this misconception:

"Thank you for your email. The proposed Habitat project is a private single-family home development project which is proposed for land that has been for sale by the City for several years. The future City park and the existing City stormwater & trail facilities in the vicinity will remain under city ownership and public use and are not impacted by the Habitat proposal. Your email will be included in the Planning Commission's packet for the January 5, 2026 meeting when the rezoning and plat applications are scheduled to be considered by the Planning Commission.

There is information about Habitat's project on their website [here](#). In addition, please note that Habitat is holding an informational meeting about the project **today**, December 9 from 4-6PM, and the information regarding the meeting can be found [here](#)."

As you know, when an email comes to all Governing Body members, it is Mayor Sayers' practice to respond to the person, acknowledging receipt, and to forward the email on for the public record, thereby relieving the rest of you from the need to do so. If you get emails which are only addressed to you, you may do the same and forward them to publicrecord@lenexa.com.

I think it is appropriate for Governing Body members to correct the misconception about sale of City parkland in your responses, if you are so inclined. Lastly, just a reminder that you will only be asked to approve the sale of City property if you first approve the proposed rezoning and plan/plat.

Please let me know if you have any questions. As always, no reply alls, please.

Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

City of Lenexa Public Safety Pay Plan					
Sworn Fire Pay Grades					
Job Title	Grade	Minimum	Maximum		
Firefighter	FD-1	\$55,080	\$82,820		
Hourly Rate		\$18.86	\$28.36		
Master Firefighter	FD-2	\$69,537	\$87,789		
Hourly Rate		\$23.81	\$30.06		
Fire Medic	FD-3	\$76,500	\$97,329		
Hourly Rate		\$26.20	\$33.33		
Fire Lieutenant	FD-4	\$79,560	\$100,784		
Hourly Rate		\$27.24	\$34.51		
Fire Captain	FD-5	\$86,700	\$109,829		
Hourly Rate		\$29.69	\$37.61		
Battalion Chief	FD-6	\$109,650	\$143,068		
Assistant Chief	FD-7	\$117,300	\$153,050		
Deputy Chief	FD-8	\$124,950	\$163,031		
These numbers may not calculate exactly due to rounding.					
Sworn Police Pay Grades					
Job Title	Grade	Minimum	Maximum		
Police Officer Recruit*	PD-1a	\$60,150	\$60,150		
Hourly Rate		\$28.92	\$28.92		
Police Officer**	PD-1b	\$66,013	\$94,132		
Hourly Rate		\$31.74	\$45.26		
Master Police Officer	PD-2	\$79,049	\$101,853		
Hourly Rate		\$38.00	\$48.97		
Corporal	PD-3	\$87,483	\$105,944		
Hourly Rate		\$42.06	\$50.93		
Sergeant	PD-4	\$97,911	\$123,730		
Hourly Rate		\$47.07	\$59.49		
Captain	PD-5	\$114,612	\$144,835		
Major	PD-6	\$136,123	\$155,601		
Deputy Chief	PD-7	\$145,818	\$166,683		
These numbers may not calculate exactly due to rounding.					
*Salary and rank for duration of Police Academy					
**Salary and rank upon successful completion of Police Academy					

From: jandcsmith <jandcsmith58@gmail.com>
Sent: Monday, February 16, 2026 7:33:34 PM
To: Stephanie Sullivan <ssullivan@lenexa.com>
Cc: 'Craig Denny' <craigkdenny@gmail.com>
Subject: Our support for Habitat for Humanity proposal that would bring 50 affordable, Income-restricted single-family home to West Lenexa

We are writing to inform you of our support for the Habitat for Humanity proposal that would bring **50 affordable, income-restricted single-family homes** to West Lenexa in the near future to Centennial Park.

This is a rare opportunity to expand attainable housing for the people who make our community strong — veterans, teachers, nurses, public servants, young families, and seniors who want to stay in the city they love.

Sincerely,

John and Connie Smith

8919 Cottonwood Apt 1

Lenexa, KS 66215

From: Emil Wepprich <weppriche@gmail.com>
Sent: Saturday, February 14, 2026 11:23 AM
To: Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>
Subject: Approval of a preliminary plan/plat for Clear Creek Subdivision

Bill, Mark:

As a resident of Canyon Creek by the Lake, I understand that some neighbors have expressed concerns about property values, traffic congestion, and the potential loss of park land. While these concerns deserve consideration, the Planning Commission's unanimous approval of Clear Creek Subdivision indicates that the proposal aligns with Lenexa's planning standards and long-term vision.

To me, the central issue is straightforward. Both nationally and locally, we face a growing need for attainable housing options for working families. Lenexa has an opportunity to be part of the solution. Organizations like Habitat for Humanity have a strong track record of creating stable, affordable homeownership opportunities that strengthen communities rather than diminish them.

Approving this proposal reflects thoughtful leadership and a commitment to ensuring that Lenexa remains a community where families of varying incomes can live, work, and contribute. I respectfully ask you to support this project and fulfill your civic responsibility to serve the broader good of our city and citizens..

Emil Wepprich
9711 Redbird St
913-638-7441

From: Eric Werly <eric.werly@gmail.com>

Date: February 16, 2026 at 8:04:39 AM CST

To: Julie Sayers <jsayers@lenexa.com>, Courtney Eiterich <ceiterich@lenexa.com>, John Handley <jhandley@lenexa.com>, Bill Nicks <bnicks@lenexa.com>, Mark Charlton <mcharlton@lenexa.com>, Chelsea Williamson <cwilliamson@lenexa.com>, Avery Bell <abell@lenexa.com>, Craig Denny <cdenny@lenexa.com>, Chris Herron <cherron@lenexa.com>

Subject: Clear Creek - Habitat for Humanity

Hello,

I wanted to express my concern on two matters related to the Clear Creek affordable housing project. I am opposed to this project, but not because I care about affordable housing or parkland. I care about ethics and government accountability.

My two concerns:

1) The city manager (Beccy Yocham) requested favorable treatment for city employees (email dated May 22, 2025). This is unethical. Many people need this housing, not just city employees. It is wrong to request a 'right of first refusal' for city employees.

2) The land is being sold under market value. I live on 3/4 of an acre near a Lenexa park. I purchased my lot for \$169k in 2019. Many other lots in my neighborhood sell for \$200k+. This land would sell for more in a true arm's length transaction. This is a lack of fiscal accountability.

Thank you,

Eric Werly

From: Christina Wallace <christinawallace.dpt@gmail.com>

Sent: Tuesday, February 17, 2026 8:32:54 AM

To: Stephanie Sullivan <ssullivan@lenexa.com>

Cc: Dan Wilkus <Danwilkus@gmail.com>; Jeff Cheek <defenseteacher@gmail.com>; Kevin Cauley <kcauley174@outlook.com>; Michelle Burns <michelle@burnslawkc.com>; Chris Herron <cherron@lenexa.com>; Craig Denny <cdenny@lenexa.com>; Avery Bell <abell@lenexa.com>; Chelsea Williamson <cwilliamson@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>; Bill Nicks <bnicks@lenexa.com>; John Handley <jhandley@lenexa.com>; Courtney Eiterich <ceiterich@lenexa.com>; Julie Sayers <jsayers@lenexa.com>

Subject: Submission for Public Record – Rezoning Application Clear Creek Wetlands

Hi Stephanie,

Please accept the attached GoogleDrive document for inclusion in the official public record regarding the pending rezoning and land disposition application for the Clear Creek Wetlands / proposed Clear Creek subdivision.

This submission outlines substantive, procedural, fiduciary, and ethical deficiencies reflected in the current record, including deviations from the City's RFP framework, valuation concerns, preferential treatment issues, open meetings concerns, notice defects, and incomplete records production. These matters are supported by documentation already provided or referenced within the memo. The documentation is not exhaustive.

The purpose of this submission is to ensure these issues are clearly preserved in the record prior to any vote, for purposes of full Council consideration and potential judicial review.

Thank you for your attention to this matter.

Respectfully,

Christina Wallace

 [City Council Document - FINAL.pdf](#)

Mayor Sayers and Members of the Lenexa City Council,

This letter is submitted for inclusion in the administrative record in connection with the pending rezoning and development application concerning the subject property of the Clear Creek Wetlands / proposed Clear Creek Subdivision. We respectfully request that the City Council deny the application and maintain the property in its long-represented status as parkland and open space.

The Planning Commission packet and staff recommendation contain multiple substantive legal errors under Kansas zoning law, as well as significant procedural and ethical deficiencies. These defects are not minor or discretionary; they go to the core of whether the Council may lawfully approve the application based on the existing record. When rezoning functions in a quasi-judicial capacity, the Council must ensure that its decision is supported by substantial competent evidence, reflects proper application of the Golden Criteria, and strictly complies with statutory notice and procedural safeguards. The present record does not meet that standard.

As documented in the materials submitted, staff's analysis fails to properly apply numerous required Golden Criteria, including neighborhood character, zoning and use of nearby properties, suitability of the subject property, detrimental effects on nearby property, community facility impacts, vacancy as zoned, and the required balancing of public health, safety, and welfare against hardship to the applicant. In each instance, the Planning Commission packet relies on conclusory assertions, selective characterization of facts, internally inconsistent reasoning, or deferral of required findings rather than substantial evidence grounded in the record.

The record further reflects that the property's long-standing classification and public representation as parkland and open space were not meaningfully reconciled with the proposed rezoning. The subject property was City-owned for an extended period, actively used for stormwater management and buffering purposes, and consistently depicted in adopted plans and official publications as future parkland or open space. Vacancy resulting from deliberate municipal planning decisions cannot, as a matter of law, be repurposed as evidence of zoning unsuitability or hardship.

In addition to substantive Golden Criteria deficiencies, the record reflects serious procedural and fiduciary concerns:

Deviation from the 2018 RFP and Below-Benchmark Sale Pricing:

The City publicly issued a 2018 Request for Proposal establishing minimum pricing and development parameters for this property. The current transaction materially departs from that framework without documented competitive reissuance or transparent justification. The proposed per-acre sale price is below previously advertised benchmarks despite general market appreciation and the presence of premium amenities such as trail infrastructure and park adjacency. Municipal governing bodies act as fiduciaries of public assets. Disposition of public

land under materially altered terms, without articulated findings supporting fair market value and public benefit offset, raises substantial legal vulnerability.

Preferential Treatment / Quid Pro Quo Concerns:

The record reflects that City Manager Beccy Yocham proposed or endorsed a process granting City employees first right of refusal and preferential scoring for lots within the proposed development. Because the City owns the property and is facilitating its transfer, this creates the appearance of private benefit flowing from public land. Even absent unlawful intent, such circumstances raise conflict-of-interest concerns and may support claims of arbitrary or preferential treatment.

Private Meetings and Serial Communications (KOMA Concerns):

The record documents private meetings between City leadership and the developer at an out-of-city location during business hours, along with serial communications occurring prior to public hearings. While certain meetings may have been “technically” noticed, the documented intent to avoid public participation and the “hub-and-spoke” pattern of communications raise significant appearance-of-bias concerns.

Notice and Procedural Defects:

Untimely signage posting, questions regarding certified notice following continuance, and reliance on a 2015 Legal Record publication for a present land disposition collectively raise statutory compliance concerns. Strict compliance with notice requirements is mandatory in zoning and public land sale proceedings. Additionally, systemic public notice limitations following the City’s 2019 newspaper exemption further compound concerns regarding whether notice was reasonably calculated to inform affected residents.

KORA Deficiencies:

Multiple open records requests remain incomplete or lacking certification of comprehensive search. The Council cannot responsibly evaluate surplus determinations, valuation methodology, acquisition restrictions, or fiduciary compliance without full production of responsive records. Proceeding without curing these deficiencies materially increases exposure to injunctive relief under K.S.A. 45-222.

Public Opposition:

A 100% statutory protest petition from property owners within the protest radius, combined with substantial broader community opposition, constitutes significant evidentiary weight under the Golden Criteria. Failure to meaningfully address that level of opposition in written findings risks rendering any approval arbitrary.

Approval of the rezoning would permanently eliminate open space, buffering, stormwater functionality, and reliance-based expectations. Once zoning, plats, infrastructure installation, and land conveyance occur, these harms are irreversible. Courts evaluating injunctive relief consider irreparable harm, likelihood of success on the merits, balance of equities, and public interest. The cumulative record deficiencies materially strengthen each of those factors.

For these reasons, any Council approval based on the current Planning Commission packet would be arbitrary, unsupported by substantial evidence, procedurally vulnerable, and subject to judicial challenge. I therefore respectfully request that the City Council deny the rezoning application and preserve the subject property in its long-represented use as parkland and open space.

This objection is submitted to preserve for the administrative record a substantial—though not exhaustive—account of the substantive, procedural, fiduciary, and ethical deficiencies identified to date, together with their supporting documentation. These include, without limitation, deviations from the City's published RFP framework, below-benchmark valuation concerns, preferential treatment issues, open meetings concerns, statutory notice defects, and incomplete records production.

The purpose of this submission is to ensure that these matters are clearly documented and preserved for purposes of judicial review and, if necessary, injunctive relief.

Respectfully submitted,
Daniel Wilkus, Jeff Cheek, Christina Wallace, and Kevin Cauley

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 - a. Procedural Errors**
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 - c. KORA**
 - d. KOMA**
- 3. Additional Figures/Emails/Media**

Section 1: Golden Criteria

Golden Criteria: The Character of the Neighborhood

Staff's Assertion Regarding Neighborhood Character

City staff asserts in the Planning Commission packet that the subject property is located within a "suburban residential" area and that the proposed rezoning is therefore consistent with the surrounding neighborhood character, as stated in the Planning Commission packet.

Why This Assertion Fails as a Matter of Law

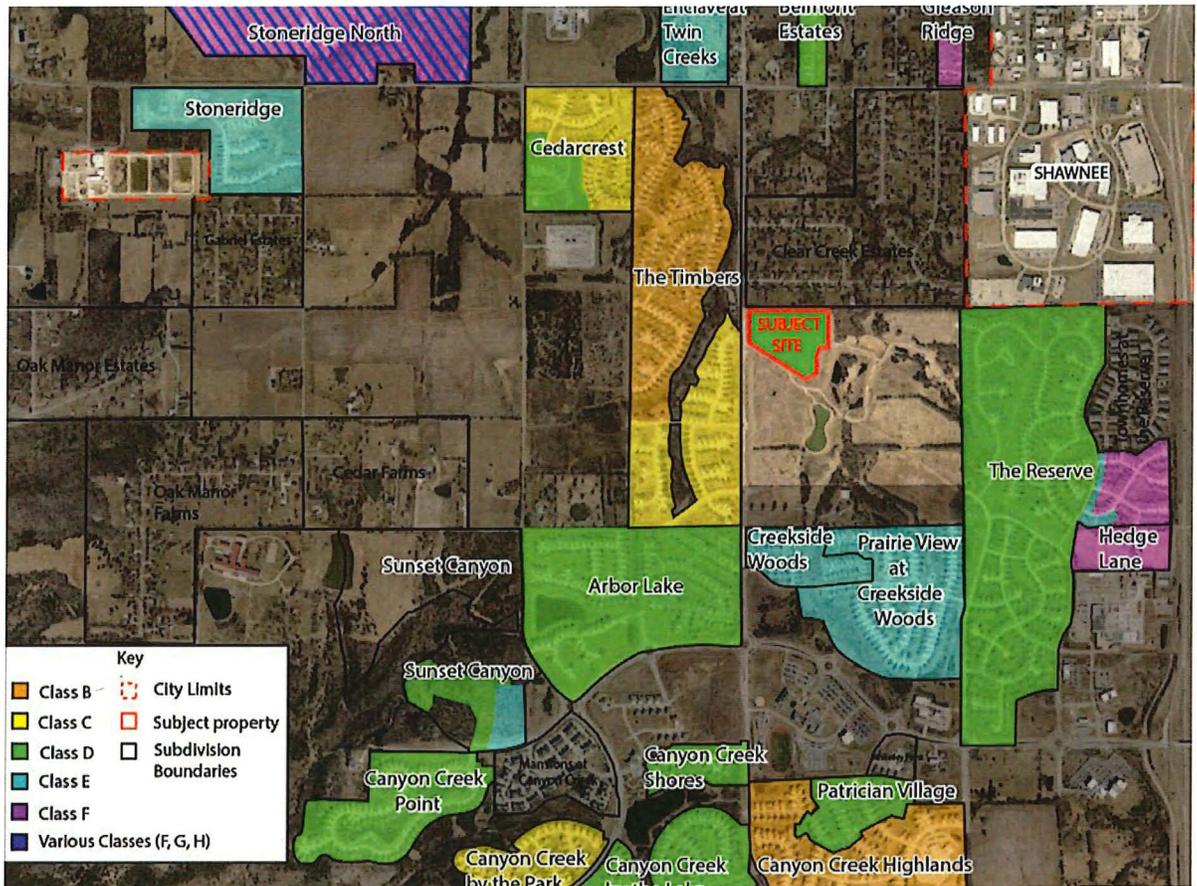
A. Staff Defines "Neighborhood Character" Selectively and Improperly

Staff's characterization of the surrounding neighborhood relies on a selective and incomplete definition of adjacent land uses.

To the east and south, the subject property directly abuts City-owned stormwater and green space land that is reserved for a future park, as acknowledged in the Planning Commission packet. This land is not residential in character, density, or function.

To the north, the adjoining residential lots are approximately one acre in size (R-1) and were developed under county zoning standards, reflecting a substantially lower density and different development pattern than that proposed under the rezoning.

To the west, The Timber at Clear Creek neighborhood is an RP-1 development with the First Plat extending south down past the Timber's pool as a Dwelling Class B and located directly across the street from the proposed development (see staff incorrect portrayal below). In addition, the Timbers at Clear Creek Declaration of Restrictions, filed with the Register of Deeds of Johnson County, Kansas, on April 25, 2007, limits all Plats in the Timbers at Clear Creek to Dwelling Class B. Thus, if staff had accurately depicted the Dwelling Classifications in the Timbers at Clear Creek which is located directly across the street from the proposed development, they should have required the applicant to propose no less than a Dwelling Class C.



Despite these facts, staff's analysis ignores the dominant and most impactful adjacent land uses, The Timbers plat was inaccurate in the Planning Commission packet and at the presentation and did not correctly identify the Dwelling Class size. Instead it was altered in a way that supports the Dwelling Class that is desired and not the Dwelling Class that would be required. The staff analysis focuses narrowly on a preferred subset of properties that support the conclusion it seeks to reach. For more than a decade, the subject property has functioned as open space and a buffer between existing residential development and public land. It has not functioned as an infill residential development.

Under established land-use principles, a governing body may not define "neighborhood character" by excluding the largest or most influential surrounding land uses when those uses contradict the proposed classification. Doing so renders the analysis incomplete and legally defective. These misrepresentations were brought up to the Planning Commission in multiple statements by residents.

B. Open Space and Buffer Land Are Not "Suburban Residential" by Function or Law

Kansas zoning law recognizes neighborhood character based on functional use and established conditions, not merely zoning labels or conclusory assertions.

A property that has been publicly represented, planned, and relied upon as parkland or open space for an extended period cannot be reclassified as "suburban residential" by staff assertion alone, without a reasoned explanation grounded in factual findings. Long-standing functional use as open space and buffer land is materially distinct from suburban residential use in terms of density, impact, and community expectation.

By disregarding the subject property's historical use, representation in official plans, and buffering function, staff's conclusion lacks a rational connection between the facts in the record and the classification applied.

C. Legal Vulnerability: Arbitrary and Capricious Decision-Making

Because staff's analysis:

- selectively defines the neighborhood,
- ignores dominant adjacent land uses,
- disregards the property's long-standing functional use, and
- relies on conclusory labels rather than factual findings, the resulting classification of the area as "suburban residential" is vulnerable to challenge as arbitrary and capricious. Such decision-making fails to meet the legal standard required for zoning actions under Kansas law and undermines the validity of the rezoning recommendation.

Golden Criteria: The Zoning and Use of Nearby Property including Deviations

Staff's Assertion Regarding Zoning

City staff asserts that the proposed rezoning is consistent with surrounding development because nearby properties are zoned RP-1 and R-1, as stated in the Planning Commission packet.

Why This Assertion Fails as a Matter of Law

A. Zoning Classifications Alone Are Not Dispositive Under Kansas Law

Kansas courts have consistently held that zoning classifications, standing alone, are insufficient to establish compatibility. Proper analysis requires examination of the **actual use, intensity, and density** of nearby properties, as well as the manner in which proposed development transitions between existing uses.

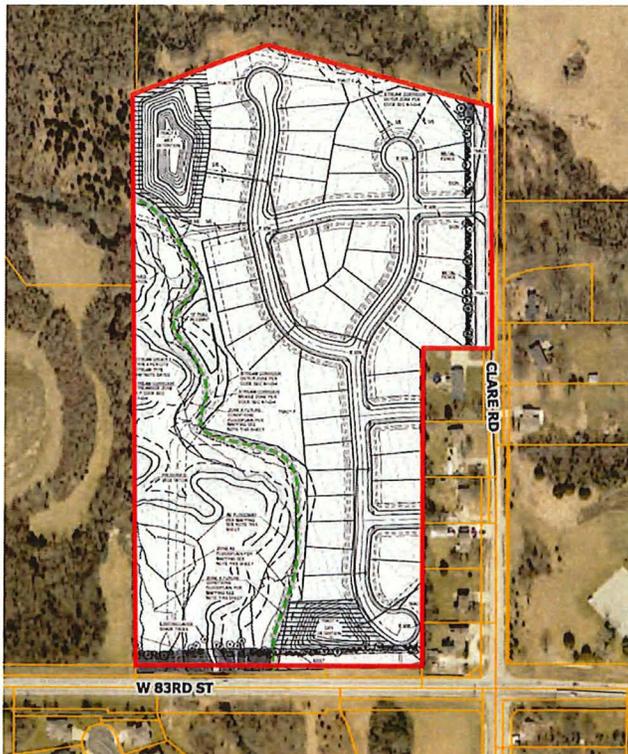
To the north of the subject property, Clear Creek Estates consists of low-density, estate-style residential development characterized by large lots and limited housing intensity. While such properties may carry an R-1 or similar residential zoning label, their functional use and density are materially distinct from the proposal at issue.

The proposed rezoning would permit approximately fifty compact residential lots, accompanied by multiple deviations from standard development requirements. This level of intensity and density is not comparable to the surrounding estate-style development, despite sharing a generalized residential zoning designation.

By relying on zoning labels without analyzing functional use, lot size, development pattern, or density transition, staff fails to conduct the analysis required under Kansas zoning law.



Notably, The section of The Timbers (see above) directly across the street is an example of what 17 acres of land looks like in this area. This section of The Timbers is 35 houses on 17 acres . Recently in December 2025, The Enclave at Twin Creeks (see below) was approved. This development is just north at 83rd/Clare Rd. This development's plat has 50 houses on 33.6 acres which affirms the city of Lenexa's commitment to keeping this section of the city at similar densities to its surrounding neighborhoods.



B. Clare Road Is Treated Inconsistently to Support a Predetermined Conclusion

Staff's compatibility analysis relies on an internally inconsistent treatment of Clare Road.

In some portions of the Planning Commission packet, Clare Road is treated as a meaningful boundary or divider between neighborhoods when doing so supports staff's conclusion. In other instances, Clare Road is treated as a connector that eliminates meaningful distinction between development patterns on either side.

This inconsistent characterization undermines the credibility of the analysis. A roadway cannot simultaneously function as both a separating boundary and an integrating connector depending solely on which interpretation favors approval of the rezoning. Such internal contradictions indicate result-driven reasoning rather than objective land-use analysis.

C. Legal Vulnerability: Unsupported Conclusions and Failure to Analyze Intensity

Because staff's analysis:

- relies primarily on zoning labels rather than actual use,
- fails to analyze development intensity and density transitions,
- disregards the estate-style nature of nearby development, and
- employs inconsistent reasoning regarding physical boundaries,

The conclusion that the proposed rezoning is compatible with nearby properties is unsupported by the record. This constitutes a failure to apply the required legal criteria and exposes the rezoning recommendation to challenge as arbitrary, capricious, and unsupported by substantial evidence.

Staff's Assertion Regarding Deviations and Development Standards

City staff asserts that any deviations requested for the proposed development are reasonable and do not undermine the project's overall compliance with the Unified Development Code (UDC), as documented in the Planning Commission packet.

Why This Assertion Fails as a Matter of Law

A. Deviations Are Extensive and Inconsistent with Standard Criteria

The proposed development requests multiple deviations from standard development regulations, including but not limited to lot size, setbacks, buffering, and infrastructure requirements. Staff treats these deviations as routine or minor, without providing a detailed justification demonstrating that each deviation:

- Maintains compatibility with surrounding land uses;
- Preserves safety, drainage, and public welfare; or
- Aligns with the purpose and intent of the UDC.

Kansas courts have repeatedly held that zoning deviations must be **reasonably justified** and **supported by the record**. Simply labeling deviations as "acceptable" without analysis fails this standard and exposes the approval to challenge. It is misleading to call a development RP-1 yet use RP-3 measurements (See Figure below for deviations requested)

TABLE 5: REQUESTED DEVIATIONS			
Deviation	UDC Requirement	Proposed	Difference
Front Yard setback (all lots)	30'	25'	5'
Lot Width (Lots 2-38, 40-42, 44-46, and 48-49)	70 feet	62 feet (narrowest)	Up to 8 feet
Lot Area (Lots 10-15 and 30-37)	8,000 SF	7,560 SF	440 SF

B. Contradiction Between Deviations and Neighborhood Character

Several deviations directly conflict with previously asserted neighborhood compatibility claims. For example:

- Reduced setbacks and smaller lot sizes undermine the claimed suburban character;
- Elimination of buffers contradicts staff's prior assertions regarding the need to maintain open space;
- Infrastructure concessions indicate that the site may not be fully suitable for the intended density.

A legally consistent evaluation cannot simultaneously assert both that the site fits the existing neighborhood and that it requires multiple deviations to make development feasible.

C. Legal Vulnerability: Unsupported and Arbitrary Conclusions

By approving or recommending multiple deviations without detailed, evidence-based justifications, staff fails to demonstrate compliance with the UDC in a rational and legally defensible manner. This creates a clear vulnerability to legal challenge as:

- An arbitrary and capricious application of development standards; and
- An unsupported conclusion lacking substantial evidence in the record.

Golden Criteria: The suitability of the subject property for the uses to which it has been restricted:

Staff's Assertion Regarding Suitability

City staff asserts that the subject property's current AG zoning functions as a "holding district" and that the land is therefore better suited for residential development, as stated in the Planning Commission packet.

Why This Assertion Fails as a Matter of Law

A. Characterizing AG Zoning as a "Holding District" Is Not Supported by the UDC

The Unified Development Code does not define AG zoning as a "holding district." That characterization is a staff-created construct, not a codified zoning standard adopted by ordinance.

Zoning decisions must be grounded in the criteria and definitions formally adopted by the governing body. Courts do not defer to informal or invented standards that appear nowhere in the applicable zoning code. When staff relies on terminology or classifications not contained in the UDC, the resulting recommendation lacks a lawful foundation.

Absent express language in the UDC designating AG zoning as a temporary or placeholder classification, staff's assertion carries no legal weight and cannot support a finding that the property is inherently unsuitable for its current zoning designation.

B. Acknowledged Physical Constraints Undermine the Claim of Suitability

Staff's own analysis acknowledges that the subject property is encumbered by significant physical and functional constraints, including:

- An overhead power line easement;
- Existing stormwater infrastructure;
- Proximity to regional detention facilities; and
- A long-standing buffering function between adjacent land uses, as documented in the Planning Commission packet.

Rather than undermining the rezoning request, staff uses these constraints to justify multiple deviations from standard development requirements. This reasoning is legally inconsistent.

A property burdened by substantial physical limitations cannot simultaneously be characterized as “better suited” or “ideal” for residential development while also requiring extraordinary departures from established standards to make the development feasible.

C. Legal Vulnerability: Internally Inconsistent and Arbitrary Reasoning

Staff’s analysis advances two incompatible positions:

1. That the site is suitable and appropriate for residential development; and
2. That the site is so constrained that it necessitates significant deviations from standard development regulations.

These positions cannot coexist without a reasoned explanation reconciling the contradiction. The failure to do so renders the suitability finding unsupported by substantial evidence.

When a zoning recommendation relies on internally inconsistent reasoning, it reflects arbitrary and capricious decision-making rather than a rational application of adopted criteria. As a result, staff’s conclusion regarding the suitability of the subject property is legally vulnerable and insufficient to support the proposed rezoning.

Golden Criteria: Extent to which removal of the restrictions will detrimentally affect nearby property:

Staff's Assertion Regarding Detrimental Impacts

City staff asserts that the proposed rezoning will have no detrimental effects on surrounding properties, as documented in the Planning Commission packet.

Why This Assertion Fails as a Matter of Law

A. Lack of Evidentiary Analysis

Staff's conclusion rests on assertion alone, without any supporting studies or analysis. The record contains no:

- Property value impact study;
- Safety or traffic impact analysis;
- Stormwater or downstream drainage study; or
- Evaluation of the loss of parkland or open space functions.

Kansas courts have consistently held that failure to consider credible evidence or relevant factors can constitute **procedural bias** or arbitrary decision-making. Ignoring well-documented public concerns and failing to conduct objective analyses is not a neutral exercise of discretion—it reflects a predetermined conclusion.

B. Removal of Open Space Buffers Constitutes a Recognized Detrimental Impact

Courts recognize the elimination of long-standing open space buffers as a legitimate detrimental effect on surrounding properties, particularly when:

- The buffer is on City-owned land that has been publicly maintained; and
- The property has been represented in official plans and public materials as parkland or open space for an extended period. This can be seen in the 2012-2024 Comprehensive Park Plan, portrayal in Lenexa Town Talk (March 2025) and in the creation of the trail, trail head and monument that would have to be removed for this development.

By disregarding the functional and historical role of the subject property as a buffer between existing residential areas and public land, staff's analysis understates the potential impacts on both the immediate neighborhood and the broader community.

C. Legal Vulnerability: Unsupported Conclusion and Procedural Bias

Staff's conclusion that the proposed development will have no detrimental effects is **unsupported by evidence** and ignores widely documented community concerns (Please see public comments for Planning Commission Packet, City Council Packet and Petition Signatures). This failure to objectively analyze impacts creates a clear vulnerability for legal challenge, as it constitutes both an unsupported conclusion and evidence of procedural bias in the decision-making process.

Golden Criteria: Length of time subject property has remained vacant as zoned:

Staff's Assertion

City staff treats the length of time the subject property has remained vacant as a neutral or supportive factor favoring rezoning, suggesting that vacancy may indicate zoning unsuitability or other limiting conditions, as reflected in the Planning Commission packet.

Why This Assertion Fails as a Matter of Law

A. Applicable Legal Standard Under Kansas Zoning Law

Under Kansas zoning law, the length of time property has remained vacant as zoned is a **factual consideration**, not a presumption. Its purpose is to assist a governing body in determining whether existing zoning has proven unsuitable due to **market failure or practical infeasibility**.

The criterion is not dispositive and may not be applied mechanically. Courts consistently distinguish between:

- **Market-driven vacancy**, which may indicate zoning unsuitability; and
- **Intentional or planned non-development**, which does not.

Where vacancy results from deliberate public planning decisions, governmental ownership, or reserved public use, reliance on vacancy as justification for rezoning is legally improper.

B. Undisputed Facts in the Administrative Record

The administrative record establishes the following facts without dispute:

- The subject property was owned by the City of Lenexa for an extended period;
- The property was actively used for stormwater management and functioned as open space;
- The property was identified in adopted City plans and materials as future parkland or open space;(2012-2024 Comprehensive Park Plan, Lenexa TownTalk March 2025)

- The City did not market the property in an active or transparent way for private development under its existing zoning during the period of vacancy; and
- The Planning Commission packet identifies no failed development proposals, market infeasibility studies, or evidence that AG zoning prevented reasonable use.

These facts conclusively establish that the property's vacancy resulted from **intentional municipal planning**, not market rejection of the zoning classification.

C. Failure to Identify the Actual Cause of Vacancy

The Planning Commission packet fails to make any factual finding regarding *why* the property remained vacant.

Instead, it lists hypothetical causes of vacancy typically applicable to privately owned land—such as financing limitations, market conditions, or lack of services—while ignoring the documented and controlling cause in this case: **deliberate City ownership and planned public use**.

Vacancy resulting from:

- Municipal ownership,
- Stormwater infrastructure use, and
- Long-term public planning designation cannot, as a matter of law, be treated as evidence that existing zoning is unsuitable.

By failing to identify the true cause of vacancy, the packet deprives the governing body of the factual findings necessary to lawfully apply this Golden Criterion.

D. Improper Burden Shifting

The Planning Commission packet implicitly treats the duration of vacancy as weighing in favor of rezoning without requiring the applicant or staff to demonstrate that:

- Development under the existing zoning was attempted; or
- Existing zoning prevented reasonable economic use of the property.

This constitutes improper burden shifting.

Kansas law places the burden on the proponent of rezoning to demonstrate that conditions have changed or that existing zoning has become unreasonable. Vacancy alone—particularly vacancy caused by public planning decisions—does not satisfy that burden.

E. Arbitrary Application of the Golden Criterion

By applying a private-market vacancy framework to publicly owned, planned open space, the Planning Commission packet applies this Golden Criterion in a manner that is:

- Internally inconsistent;
- Unsupported by substantial evidence; and
- Detached from the actual facts in the record.

A governing body may not rely on generalized planning theory where the factual record establishes a materially different context. Such application renders any reliance on this criterion arbitrary and capricious.

F. Legal Vulnerability

Because the Planning Commission packet fails to:

- Identify the true cause of vacancy;
- Distinguish intentional public non-development from market failure; and
- Provide substantial evidence that existing zoning is unsuitable, any Council finding relying on this Golden Criterion would lack evidentiary support and would be legally vulnerable.

This deficiency supports injunctive relief because:

- The error is procedural and substantive, not discretionary;
- The harm from rezoning and development is irreparable once plats and infrastructure are approved; and
- The public interest favors adherence to lawful zoning procedures and preservation of adopted plans.

Where a property's non-development results from deliberate municipal planning decisions and public ownership, the length of time the property has remained vacant cannot lawfully be relied upon as evidence that existing zoning is unsuitable.

The Planning Commission packet's treatment of vacancy fails to meet the evidentiary and analytical standards required under Kansas zoning law. Any approval premised on this analysis would therefore be arbitrary, unsupported by substantial evidence, and subject to injunctive relief.

Golden Criteria: Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:

Staff's Assertion Regarding Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:

City staff asserts that the proposed rezoning advances public health, safety, and welfare interests and that any hardship imposed by existing zoning justifies approval of the rezoning, as reflected in the Planning Commission packet.

Why This Assertion Fails as a Matter of Law

A. Governing Legal Principle Under Kansas Zoning Law

The protection of public health, safety, and welfare is the foundational purpose of zoning regulation. When evaluating a rezoning request, a governing body must weigh the **actual hardship imposed by existing zoning** against the **actual gain to public health, safety, and welfare** resulting from the rezoning.

This Golden Criterion does not authorize rezoning based on generalized public policy objectives. Rather, it requires a fact-specific determination that:

- Existing zoning imposes a concrete, zoning-related hardship on the applicant; and
- The proposed rezoning materially advances health, safety, or welfare interests that cannot be achieved under the current zoning.

Absent a demonstrated hardship, the balancing analysis collapses as a matter of law.

B. Absence of Any Zoning-Imposed Hardship

The administrative record fails to identify any hardship imposed by the existing zoning classification.

Specifically, the Planning Commission packet does not demonstrate that:

- Development was attempted and denied under the current zoning;

- Existing zoning prevents reasonable economic use of the property;
- The applicant has suffered regulatory deprivation or loss of vested rights; or
- Any hardship was imposed involuntarily by governmental action.

To the contrary, the undisputed facts establish that:

- The subject property was City-owned for an extended period;
- The City intentionally held the land for public planning purposes, including stormwater management and future open space; and
- The rezoning request arises from a City-initiated sale and development arrangement.

Where the applicant has not been burdened by existing zoning, no legally cognizable hardship exists.

C. Self-Created Conditions Cannot Support Rezoning

Hardship that is self-created or voluntarily assumed carries no legal weight in zoning analysis.

Here, the conditions cited to justify rezoning arise from:

- Municipal ownership;
- Deliberate non-development; and
- Public planning decisions made by the City itself.

A municipality may not manufacture hardship by reserving land for public use and then asserting that rezoning is necessary to extract greater economic value upon sale. Courts consistently reject such circular reasoning as arbitrary and unlawful.

D. Improper Substitution of Generalized “Public Benefit” for Zoning-Based Welfare

The Planning Commission packet relies on generalized assertions of public benefit, including housing objectives, to justify rezoning. However, this Golden Criterion is not satisfied by broad policy preferences or aspirational goals.

The legally relevant inquiry is whether the rezoning:

- Mitigates an existing threat to public health or safety;
- Resolves zoning-created incompatibilities; or
- Addresses infrastructure or welfare deficiencies attributable to the current zoning classification.

The packet identifies no such zoning-based deficiency. Instead, it substitutes generalized policy goals for the legally required zoning analysis, which is improper and legally insufficient.

E. Failure to Weigh Losses to the Public

A lawful balancing analysis must consider both sides of the equation. While the Planning Commission packet identifies speculative or generalized gains, it fails to evaluate documented public losses, including:

- Loss of publicly relied-upon open space and buffer land;
- Loss of stormwater management and environmental functionality;
- Increased safety, access, and infrastructure strain; and
- Erosion of reliance interests created by adopted plans and official City publications.

Ignoring these losses renders the purported balancing analysis one-sided and unsupported by substantial evidence.

F. Arbitrary and Capricious Application of the Golden Criterion

By:

- Assuming hardship without evidence;
- Relying on self-created conditions;
- Substituting policy preferences for zoning necessity; and

- Failing to weigh public losses the Planning Commission packet applies this Golden Criterion in a manner that is arbitrary, capricious, and contrary to law. A governing body may not lawfully rely on such an analysis to approve rezoning.

G. Legal Vulnerability

This deficiency independently supports injunctive relief because:

- **Likelihood of Success:** Approval based on a nonexistent hardship and unsupported balancing analysis lacks substantial evidence;
- **Irreparable Harm:** Rezoning and development permanently eliminate open space, buffering, and reliance-based expectations;
- **Balance of Equities:** No hardship exists to justify immediate development, while the public bears irreversible loss; and
- **Public Interest:** The public interest favors adherence to zoning law, procedural integrity, and protection against arbitrary land-use decisions.

Where no zoning-imposed hardship exists, and where the asserted public benefit is unrelated to zoning-based health, safety, or welfare concerns, reliance on this Golden Criterion is legally insufficient.

The Planning Commission packet's treatment of this criterion fails to meet the evidentiary and analytical standards required under Kansas zoning law. Any rezoning approved on this basis would therefore be arbitrary, unsupported by substantial evidence, and subject to injunctive relief.

Golden Criteria: Conformance of the requested change to the adopted or recognized Comprehensive Plan:

Staff's Assertion Regarding the Comprehensive Plan and Official Plans

City staff asserts that the proposed rezoning is consistent with the City's Comprehensive Plan and other official planning documents, as presented in the Planning Commission packet.

Why This Assertion Fails as a Matter of Law

A. Misalignment Between Plan Designations and Proposed Use

Staff's conclusion relies on a selective reading of plan designations. While the Comprehensive Plan may label surrounding areas as residential in general terms, it also reflects:

- Specific park and open space designations for the subject property;
- Planned buffering and transition areas between differing density zones; and
- Long-standing community expectations for functional open space.

The proposed rezoning directly conflicts with these established plan elements by converting land intended for public use or buffering into high-density residential development. Under Kansas law, mere alignment with general residential zoning is insufficient to satisfy comprehensive plan consistency requirements if the actual use contradicts explicit plan designations.

B. Reliance on Staff Interpretation Rather than Objective Standards

Staff appears to create a narrative of compliance based on selective interpretation of plan language rather than objective, codified criteria. Courts routinely hold that zoning decisions must be grounded in the **actual language and purpose of the plan**, not in staff-constructed narratives designed to justify a desired outcome.

By treating the Comprehensive Plan as a flexible suggestion rather than a guiding legal framework, staff's analysis fails to meet the standard required for legally defensible zoning decisions.

C. Legal Vulnerability: Arbitrary and Capricious Evaluation

Because staff:

- Ignores explicit plan elements designating the property for open space or buffering;
- Focuses selectively on generalized residential labels to support the rezoning; and
- Relies on subjective interpretation rather than codified plan standards,

The conclusion that the rezoning is consistent with the Comprehensive Plan is **arbitrary and capricious**. This creates a clear legal vulnerability to challenge, as zoning decisions must demonstrate a rational connection between plan goals and proposed development.

Golden Criteria: Impact of the proposed development on community facilities:

Staff's Assertion Regarding the Proposed Development on Community Facilities:

City staff asserts that existing and planned community facilities are adequate to serve the proposed development and that no adverse impacts to public facilities are anticipated, as reflected in the Planning Commission packet.

Why This Assertion Fails as a Matter of Law

A. Governing Legal Standard for Community Facilities Impacts

When evaluating the impact of a proposed development on community facilities, a governing body must base its findings on **substantial, factual evidence**, not conclusory assurances. The record must demonstrate that existing or planned facilities can accommodate the proposed development without compromising public health, safety, or welfare.

At a minimum, the administrative record must include analysis addressing:

- Availability and capacity of water and sewer systems;
- Roadway capacity, access, and emergency response impacts;
- Ability of police, fire, parks, libraries, and schools to serve increased demand; and
- Reference to objective standards, adopted service levels, or engineering criteria used to reach these conclusions.

General statements of adequacy, or deferral of analysis to later stages, are legally insufficient.

B. Absence of Factual Capacity Analysis in the Planning Commission Packet

Although the Planning Commission packet asserts that community facilities can accommodate the proposed development, it fails to provide any quantitative or standards-based analysis supporting that conclusion.

Specifically, the packet does not include:

- Water or sewer capacity calculations;
- Fire flow testing or hydrant spacing analysis;
- Roadway level-of-service analysis or trip generation data tied to adopted standards;
- Emergency response time analysis for police or fire; or
- Parks, library, or school capacity metrics measured against adopted service thresholds.

Without such data, the findings rest on assumption rather than evidence.

C. Improper Deferral of Critical Analysis to Later Review Stages

The Planning Commission packet repeatedly defers analysis of fundamental facility impacts to later stages, including:

- Engineering review;
- Plat approval; and
- Building permit or site plan review.

This deferral is legally improper at the rezoning and preliminary plan stage.

Kansas zoning law requires that core suitability and capacity determinations be made when land-use intensity is established. Once rezoning and preliminary plans are approved, subsequent review stages cannot cure foundational deficiencies in the record. Courts consistently reject post hoc rationalizations of zoning approvals.

D. Failure to Analyze Cumulative Impacts

Even if individual facility extensions might appear feasible in isolation, the Planning Commission packet fails to evaluate cumulative impacts, including:

- Increased emergency response demand resulting from added density;
- Combined traffic, access, and service loads; and

- Loss of open space and park capacity resulting from conversion of publicly owned land.

Cumulative impact analysis is particularly critical where:

- Density is increased;
- Multiple deviations are requested; and
- The site previously served a buffering or infrastructure function.

The absence of cumulative analysis renders the facility impact findings incomplete and unreliable.

E. Lack of Referenced Standards Undermines the Findings

This Golden Criterion requires reference to the standards used to make capacity determinations. The Planning Commission packet does not identify:

- Adopted water and sewer capacity standards;
- Fire protection service area benchmarks;
- Roadway level-of-service thresholds;
- Park acreage-per-resident standards; or
- School capacity planning criteria.

Without identifying the standards applied, the governing body cannot meaningfully evaluate whether community facilities can accommodate the proposed development. This omission alone renders the findings legally deficient.

F. Public Safety Impacts May Not Be Presumed

Public safety impacts—particularly fire access, emergency ingress and egress, and response times—may not be presumed adequate based on generalized compliance statements.

Where increased density and constrained access are present, affirmative evidence is required. The administrative record contains no such evidence. Failure to substantiate public safety capacity constitutes a material defect in the zoning approval process.

G. Arbitrary and Capricious Application of the Golden Criterion

By relying on:

- General assurances,
- Deferred analysis,
- Absence of identified standards, and
- Lack of cumulative impact evaluation the Planning Commission packet applies this Golden Criterion in a manner that is arbitrary, capricious, and unsupported by substantial evidence. A governing body may not lawfully rely on such analysis.

H. Legal Vulnerability

This deficiency independently supports injunctive relief because:

- **Likelihood of Success:** Approval without documented facility capacity analysis violates the evidentiary requirements of zoning law;
- **Irreparable Harm:** Once development proceeds, infrastructure strain and public safety risks cannot be undone;
- **Balance of Equities:** The applicant suffers no hardship from delay, while the public bears permanent risk; and
- **Public Interest:** The public interest favors ensuring infrastructure and emergency services are demonstrably adequate before increasing land-use intensity.

The Planning Commission packet fails to provide factual, standards-based analysis demonstrating that community facilities can accommodate the proposed development. By deferring critical capacity determinations and relying on conclusory assertions, the packet does not satisfy the Golden Criterion governing community facility impacts.

Any rezoning or preliminary plan approval based on this record would therefore be unsupported by substantial evidence and subject to injunctive relief.

Golden Criteria: Opposition or support of neighborhood residents:

Public opposition is not a political metric. It is a legally recognized evidentiary factor that must be weighed and analyzed in the record.

1. 100% Statutory Protest Petition

A valid protest petition was filed by property owners within the statutory protest radius.

The petition reflects 100% participation among eligible property owners within that radius and triggered the statutory supermajority vote requirement.

Under the Golden Criteria, the extent and concentration of opposition among immediately affected property owners is highly probative. Those within the protest radius are presumed to have the greatest stake in:

- Neighborhood character,
- Property value impact,
- Traffic and environmental consequences,
- Direct use and enjoyment of adjacent land.

Unanimous protest from the statutorily defined impact area constitutes extraordinary opposition under Golden.

Failure to meaningfully address that level of opposition in findings risks rendering the decision arbitrary.

2. Broader Community Opposition

In addition to the statutory protest petition, approximately 1,900 individuals signed a public petition opposing:

- The development;
- The removal of park infrastructure;
- The conversion of publicly represented parkland.

While broader public petitions do not alter voting thresholds, Golden expressly requires evaluation of “the extent of opposition.”

The scale of opposition beyond the protest radius demonstrates that this proposal affects not only adjacent property owners, but the broader community’s reliance on the property as parkland.

When opposition extends beyond the immediate neighborhood and reaches community-wide concern, the Golden analysis must reflect that scope.

3. Requirement for Substantive Findings

Under Kansas case law, a governing body must do more than acknowledge opposition. It must demonstrate that opposition was:

- Considered,
- Evaluated against the other Golden factors,
- Weighed in a reasoned and articulated manner.

If the record merely notes opposition without substantive evaluation, courts may find the Golden analysis incomplete.

Where opposition is unanimous within the protest area and substantial beyond it, failure to articulate why such opposition does not outweigh asserted public benefits may constitute arbitrary or capricious action.

4. Intersection With Park Representation and Procedural Defects

The documented opposition is not occurring in isolation. It arises in the context of:

- A property represented as parkland for over a decade;
- Physical park infrastructure installed by the City;
- Procedural notice irregularities;
- Incomplete public records production.

Golden requires holistic analysis. When overwhelming opposition is coupled with procedural irregularities and longstanding park designation, the governing body must

provide particularly careful justification for departure from existing use and community expectation.

5. Legal Significance for Judicial Review

In judicial review of rezoning decisions, courts examine whether the governing body:

- Properly applied the Golden Criteria;
- Considered neighborhood opposition;
- Made findings supported by substantial competent evidence.

A 100% protest petition combined with 1,880 additional signatures constitutes substantial evidence of opposition.

If the final decision fails to meaningfully address this factor, likelihood of success on the merits in an injunctive action increases.

Section 2: Additional Concerns

Procedural Violations

1. FAILURE TO TIMELY POST REQUIRED PUBLIC NOTICE SIGNAGE ON THE SUBJECT PROPERTY

I. Background

Local zoning procedures require that public notice signage be posted on or adjacent to the subject property within a specified time period prior to the public hearing.

In this matter, the required public notice sign was not placed on the property within the mandated timeframe prior to the originally scheduled hearing date. The hearing was subsequently continued.

The failure to timely post the required signage constitutes a procedural defect independent of any mailing or publication issues.

II. Purpose of On-Site Notice Requirements

On-site signage serves a distinct statutory and due process function separate from certified mail or newspaper publication.

The purpose of physical signage is to:

- Provide visible notice to neighboring residents and passersby;
- Inform individuals who may not receive mailed notice;
- Allow meaningful time for residents to investigate, organize, and participate;
- Ensure transparency in land use proceedings.

Timeliness is essential. Late posting undermines the effectiveness of notice.

III. Legal Significance of Untimely Posting

Notice requirements in zoning matters are mandatory procedural safeguards.

Failure to post signage within the required timeframe:

- Deprives affected residents of full statutory notice;
- Compresses the time available for review and preparation;
- Undermines the validity of the originally scheduled hearing.

Continuing the hearing does not automatically cure the defect unless all notice requirements are reissued in full compliance with statutory timing provisions.

If signage was not posted in compliance with required advance notice periods prior to the continued hearing date, the defect remains operative.

IV. Requirement for Strict Compliance

Kansas courts reviewing zoning actions evaluate whether procedural requirements were strictly followed.

Substantial compliance is not sufficient where statutory notice requirements are explicit and time-based.

The City bears the burden of demonstrating:

- The exact date signage was installed;
- That posting occurred within the mandated timeframe;
- That signage remained visible and compliant throughout the notice period.

Absent documented proof of compliance, the procedural validity of the hearing is subject to challenge.

V. Required Corrective Measures

Prior to any vote, the Council should:

1. Produce documentation establishing the date of sign installation;
2. Confirm compliance with all timing requirements for the continued hearing;
3. Re-issue and re-post notice if any timing deficiency is identified.

Proceeding without curing this defect materially increases litigation risk and may jeopardize the defensibility of any final action.

2. FAILURE TO PROVIDE REQUIRED PUBLIC NOTICE FOLLOWING HEARING CONTINUANCE

An applicant's rezoning review in Lenexa was continued because the applicant had not met the 14-day sign posting requirement on the property. Questions arise as to whether **additional mailed notice to property owners within 200 feet** was required for the rescheduled hearing.

Legal Framework:

- Kansas law (K.S.A. 12-757) requires mailed notice to property owners within the statutory radius (typically 200 feet) **at least 20 days before a public hearing**.
- Lenexa's Unified Development Code mirrors this requirement and adds a **14-day posting rule** for the property.
- When a hearing is continued, the necessity for new mailed notices depends on whether the **new hearing date is set publicly** during the Planning Commission meeting.

Definition of "New Date Set Publicly":

For a continued hearing to be considered publicly set, all three conditions must be satisfied:

1. The Planning Commission **opened the agenda item** during the meeting;
2. The Commission **verbally announced the new date and time** on the record;
and
3. The continuance is **reflected in the official minutes** of the meeting.

Procedural Deficiency:

- If any of the above conditions are not met — for example, if the hearing was never opened, if the continuance date was announced only via staff report, email, or website update, or if the minutes do not document the date — the new hearing is treated as a **new hearing under Kansas law**.

- In such cases, **mailed notice to property owners within 200 feet is legally required** to satisfy statutory and municipal notice requirements.
- Failure to send new notices in these circumstances creates a **procedural defect** that can render any subsequent action **arbitrary and capricious**, as affected property owners may be deprived of their statutory opportunity to be heard.

Legal and Record Implications:

- Approval of the rezoning without proper notice could be challenged as **procedurally invalid**, undermining the legitimacy of the decision.
- Courts reviewing zoning actions consistently enforce notice requirements strictly, particularly when continued hearings are involved, to ensure **full opportunity for affected property owners to participate**.
- The administrative record should explicitly document whether the continuance was made on the record and whether new notices were sent, to preserve transparency and compliance with Kansas law.

Record Recommendation: This procedural issue should be formally noted in the administrative record and in any objection to the Council, as it creates:

- A **legal vulnerability** in the rezoning approval process;
- Grounds for **challenge or injunctive relief** if affected property owners were not properly notified; and
- Support for the argument that the City must adhere strictly to both statutory and UDC notice requirements to protect public participation and due process

3. RELIANCE ON A 2015 LEGAL RECORD NOTICE FOR A CURRENT SALE

I. Background

The City has previously published a "Notice of Proposed Sale of Parkland" in *The Legal Record* dated May 12, 2015, pursuant to K.S.A. 12-1301. That notice stated that:

- The City was considering sale of a portion of approximately 126.9 acres;
- The City anticipated selling up to 2/3 of such property;
- The specific amount and location of the portion to be sold was contingent upon future approval of a concept plan;
- Details could be obtained from the City Attorney's office.

There has been no new Legal Record publication issued in connection with the current proposed sale.

II. Statutory Notice Requirements

K.S.A. 12-1301 governs municipal disposition of park property and requires public notice of proposed sale.

Statutory notice requirements are not satisfied by:

- General or indefinite notices;
- Notices lacking specific parcel identification;
- Notices contingent on unspecified future plans;
- Notices issued a decade prior to final action.

Public notice must meaningfully inform citizens of:

- The property proposed for sale,
- The specific portion involved,

- The timing of the proposed action,
- The nature of the transaction under consideration.

III. Deficiencies in the 2015 Notice as Applied to the Present Sale

The 2015 notice is procedurally defective as applied to the current proposed transaction for several reasons:

1. Lack of Specificity

The notice does not identify:

- A metes-and-bounds description,
- A parcel number,
- A legally defined portion,
- A fixed acreage amount.

Instead, it references a potential sale of “up to 2/3” of approximately 126.9 acres, contingent on future approval of a concept plan.

Such language is inherently indefinite and does not provide legally sufficient notice for a specific sale occurring years later.

2. Contingent and Conceptual Nature

The notice explicitly states that the specific amount and location were contingent upon future approvals.

A contingent conceptual notice cannot serve as permanent authorization for any future sale configuration.

If the City is now pursuing a defined, specific development proposal, the notice must correspond to that defined proposal.

3. Passage of Time

The notice was published in 2015.

The current proposed transaction occurs approximately a decade later.

Courts evaluating statutory notice compliance consider whether notice is reasonably calculated to inform affected residents of the specific action being taken.

A decade-old notice cannot reasonably serve as notice of a materially distinct present transaction

4. Absence of New Publication

There has been no new Legal Record publication identifying:

- The specific portion proposed for sale;
- The current development configuration;
- The present terms of disposition;
- Any updated conditions or restrictions.

If the City proceeds without issuing a new, specific notice, the procedural validity of the sale is subject to challenge.

IV. Legal Significance

If the City relies solely on the 2015 notice to satisfy K.S.A. 12-1301 requirements, the following procedural concerns arise:

- The notice was indefinite and contingent;
- It did not identify the specific property configuration now under consideration;
- It did not inform residents of the present transaction;
- It cannot reasonably be deemed effective notice for a materially distinct action taken years later.

Failure to provide legally sufficient notice prior to disposition of park property may render subsequent action:

- Voidable;
- Subject to injunctive relief;
- Vulnerable to judicial invalidation.

V. Request for Clarification Before Vote

Before any vote on the proposed sale, the Council should:

1. Identify the specific statutory authority being relied upon;
2. Clarify whether it contends the 2015 publication satisfies present notice requirements;
3. Issue a new, legally sufficient notice if the current proposal differs in acreage, configuration, or development scope.

Proceeding without curing this defect materially increases litigation risk.

Ethical Errors

1. Potential Quid Pro Quo Regarding City-Owned Land

According to documented communications and public reports, City Manager Beccy Yocham proposed or endorsed a process in which **city employees would receive first right of refusal and preferential scoring** for the purchase or allocation of lots in the proposed development on the subject property. This is particularly significant because:

1. **The City owns the property** and is responsible for its sale.
2. The property is being conveyed to a nonprofit developer, which is then allegedly instructed to **prioritize City employees** over the general public.
3. This effectively creates a **private benefit to municipal employees** at the expense of equitable public access to City-owned land.

Legal and Ethical Implications:

- **Conflict of Interest / Self-Dealing:** City officials appear to be creating a mechanism for **personal benefit from public assets**, which may violate municipal ethics rules or state statutes regarding the disposal of public property.
- **Procedural Fairness:** Preferential treatment of employees undermines transparency and fairness in the allocation of publicly owned resources.
- **Public Trust:** This arrangement could erode public confidence in City governance, particularly when coupled with the Planning Commission packet's procedural irregularities.
- **Substantive Law Risk:** Courts scrutinize zoning and land disposition decisions when a public official stands to gain indirectly from a land-use action. If challenged, this could support a claim of **arbitrary or capricious decision-making**, or even improper governmental self-dealing.

Record Recommendation: This issue should be explicitly flagged in the administrative record and in any formal objection submitted to the Council. It strengthens arguments for:

- Denying rezoning or development approvals;

- Preserving the land in its long-represented status as park/open space; and
- Highlighting procedural and ethical deficiencies in staff and Planning Commission recommendations.

2. Procedural Fairness / Private Meetings and Lack of Public Access (KOMA)

The **Governing Body** fundamentally undermined the **Kansas Open Meetings Act (KOMA)** by facilitating a private, two-hour deliberative session between the **Mayor, City Council**, and the developer at an out-of-city location during the workday—a strategic choice that effectively evaded public scrutiny. This lack of transparency was compounded by a six-month cycle of **serial communications** funneled through the City Manager, which **elected officials** used to build a non-public consensus and advocate for the developer's interests. By intentionally bypassing public oversight and prioritizing private-door negotiations, the **Mayor and Council** have compromised procedural fairness and tainted the integrity of the rezoning process with a pervasive appearance of impropriety.

Legal and Ethical Implications:

- **Transparency and Fair Process:** Allowing one-on-one meetings with a private developer while declining engagement with the general public undermines transparency and the principles of fair notice and participation in municipal land-use decisions. It also potentially violates the law as outlined in KOMA warning against an entire governing body or a majority meeting separately over the same public business in essence forming a consensus.
- **Procedural Bias:** Selective access to decision-makers creates an appearance that private parties are privileged over the broader community, raising procedural fairness concerns that can render Council findings arbitrary or capricious.
- **Public Trust:** Residents reasonably rely on equitable access to public officials during active land-use reviews. Denying such access while meeting privately with a single stakeholder erodes public confidence in the integrity of the process.
- **Record Integrity:** Courts reviewing municipal land-use decisions give weight to whether all interested parties had a meaningful opportunity to be heard. Evidence of selective meetings can support a challenge to any Council action taken without adequate public engagement.

Record Recommendation: This procedural concern should be explicitly documented in the administrative record and in any formal objection submitted to the Council. It strengthens arguments for:

- Denying rezoning or development approvals;

- Preserving the land in its long-represented status as park/open space; and
- Highlighting procedural and ethical deficiencies in staff and Council conduct during the review process.

3. CONCERNS REGARDING MAYORAL COMMUNICATION AND ETHICAL APPEARANCE

The correspondence between the Mayor and a Lenexa resident (see in additional supporting document section) concerning the proposed Habitat for Humanity development raises additional governance concerns relevant to Council deliberation and public confidence in the process.

This section does not allege unlawful conduct. Rather, it addresses ethical appearance, neutrality, and due process considerations that bear directly on the integrity of Council action.

1. Statements Suggesting Predisposition

In written communications, the Mayor characterized resident objections as “implications” of unfairness or lack of professionalism and indicated that such concerns were being directly addressed.

While elected officials are entitled to respond to constituents, quasi-judicial land use decisions require neutrality until a matter is formally presented and deliberated in a public proceeding.

Kansas courts have recognized that rezoning and land use determinations often function in a quasi-judicial capacity. In such contexts, decision-makers must avoid the appearance of having predetermined an outcome prior to hearing evidence.

Public statements that appear dismissive of concerns or that frame opposition as improper may create an appearance that the outcome has been informally evaluated before formal proceedings.

2. Commentary on Resident Participation and Elections

The Mayor’s correspondence referenced whether the resident had participated in prior municipal elections and suggested broader political context for housing policy decisions.

While civic participation is encouraged, tying individual objections to electoral participation risks creating an appearance that input is weighted based on political alignment rather than on the merits of the land use considerations at issue.

Council decisions must be based on applicable statutory criteria, Comprehensive Plan standards, and evidentiary record — not on perceptions of political support or opposition.

3. Ethical Implications of Public Official Advocacy

The communications reference City leadership perspectives on affordable housing policy and describe support for expanding workforce housing.

Policy advocacy is distinct from adjudicating a specific development application.

Where a governing body member expresses strong policy support in advance of formal hearings on a specific project, it may raise questions regarding:

- Impartial application of zoning criteria
- Objective evaluation of evidence presented at public hearings
- The integrity of the quasi-judicial process

Even where no legal bias exists, the appearance of bias can undermine public trust and may be raised in judicial review proceedings.

4. Importance of Maintaining Neutrality Prior to Final Action

To preserve the integrity of the record and ensure defensibility of any final decision, it is critical that:

- All Council members refrain from statements suggesting predetermined outcomes;
- All deliberations occur within the formal public record;
- All relevant documents are disclosed prior to vote;
- Public input is evaluated on its merits, irrespective of political context.

4. MISREPRESENTATION OF THE SUBJECT PROPERTY AS PARKLAND IN OFFICIAL PLANNING AND PUBLIC MATERIALS

I. Comprehensive Park Plan Classification (2012–2024)

The subject property was identified and depicted as City parkland in the City of Lenexa's Comprehensive Park Plan spanning 2012 through 2024.

At no time during that period was the plan amended or publicly revised to reclassify the property.

The Comprehensive Park Plan remained publicly available throughout that period and functioned as an official planning document representing the City's park inventory, future park development, and preservation commitments.

Residents reviewing official planning materials would reasonably conclude that the property was designated parkland.

The City did not issue a public correction, amendment, or reclassification prior to initiating disposition efforts.

II. Physical Improvements Reinforcing Park Representation

The City undertook physical improvements on the property consistent with park development, including:

- Construction of a public trail exceeding 500 feet;
- Installation of a trailhead;
- Installation of a monument;
- Planting of trees;
- Placement of benches.

These improvements were visible, permanent, and consistent with recreational park infrastructure.

Such investments reinforce a public representation that the land was intended to function as parkland.

Removal of these features would require:

- Uprooting trees,
- Removing trail segments,
- Altering or demolishing the trailhead,
- Removing installed monuments and park furnishings.

The City's actions were not temporary placeholders. They were park-style improvements consistent with long-term recreational use.

III. Use of Park Imagery in Public Sales Tax Promotion

In March 2025, the City's official publication, Lenexa TownTalk, utilized park imagery in connection with promotion of the 3/8th-cent sales tax initiative described as supporting development of Centennial Park, acquisition of parkland, and preservation of nature.

When the City uses park imagery in official publications to promote tax initiatives related to park development and preservation, it reinforces public perception that the subject land is part of that park system.

If the same land is then proposed for private development without prior reclassification or public clarification, the issue becomes one of governmental consistency and public reliance.

IV. Prior Official Publications Identifying the Property as Parkland

The 2015 Legal Record publication described the property as parkland pursuant to K.S.A. 12-1301.

V. Public Reliance and Reasonable Expectation

The cumulative effect of:

- Inclusion in the Comprehensive Park Plan (2012–2024),
- Physical park-style improvements,
- Official publications labeling the property parkland,
- Use of park imagery in tax promotion materials,

created a reasonable public expectation that the property was dedicated parkland intended for preservation and recreational use.

When government representations induce reasonable reliance, courts consider whether subsequent contrary action without transparent reclassification undermines procedural fairness.

VI. Legal and Equitable Significance

If the City represented the property as parkland for over a decade through:

- Official planning documents,
- Physical infrastructure,
- Public communications,
- Statutory notice publications,

and did not amend or publicly reclassify the land prior to initiating development proceedings, the issue becomes one of:

- Procedural fairness,
- Public trust,
- Potential estoppel considerations,
- Arbitrary and capricious reclassification.

Courts reviewing injunctive relief may consider whether the public was materially misled regarding the status of public property prior to its proposed disposition.

VII. Request for Clarification

Before any vote, the Council should:

1. Clarify whether the property remains classified as parkland under current planning documents;
2. Identify when and how any reclassification occurred;

3. Explain why no Comprehensive Park Plan amendment was issued prior to development proceedings;
4. Disclose how the property was represented in materials promoting the 3/8th-cent sales tax initiative.

Proceeding without addressing these inconsistencies materially increases exposure to judicial challenge.

5. FAILURE TO RESPOND TO DOCUMENTED RESIDENT CONCERNS

I. Background

A group of concerned residents has submitted written communications to the City raising substantive concerns regarding:

- Park classification inconsistencies;
- Golden Criteria analysis;
- Ethical and neutrality issues;
- Public opposition documentation.

The City's last substantive response to this group occurred on January 11, 2026.

Since that date, no further responses have been provided despite continued written inquiries raising legitimate and legally material concerns.

II. Relevance to Procedural Fairness

While municipalities are not required to respond to every inquiry, when a governing body is engaged in a quasi-judicial land use process, it must ensure:

- That material objections are addressed in the record;
- That procedural defects are acknowledged and corrected;
- That residents have a meaningful opportunity to participate.

Silence in the face of documented statutory and procedural concerns raises questions regarding whether those concerns are being evaluated or disregarded.

If the record reflects unanswered legal objections prior to final action, it may support an inference that procedural safeguards were not fully considered. Specifically, ethical concerns were brought up to the City Attorney and went unanswered.

III. Impact on Golden Criteria and Public Welfare Analysis

The Golden Criteria require evaluation of:

- Neighborhood character;
- Detrimental impact;
- Public welfare;
- Extent of opposition.

When residents raise detailed, documented objections grounded in statutory compliance and planning standards, those objections become part of the evidentiary record.

Failure to engage or respond risks leaving the record incomplete.

A decision rendered without addressing material written objections may be challenged as lacking substantial competent evidence.

IV. Legal Significance

If the City proceeds to vote while:

- Material legal objections remain unanswered;
- Notice defects remain unresolved;
- Records remain incomplete;

the resulting action may be subject to challenge as procedurally deficient.

While failure to respond to emails alone is not unlawful, failure to address substantive procedural objections before final action may contribute to a finding that the decision was arbitrary or that due process concerns exist.

6. SYSTEMIC PUBLIC NOTICE DEFICIENCIES ARISING FROM 2019 NEWSPAPER EXEMPTION

I. Statutory Newspaper Notice Requirement

Under Kansas law, cities typically must designate an “official city newspaper” to publish legal and public notices in a newspaper of general circulation, ensuring broad community awareness of land-use decisions, hearings, and statutory processes.

In November 2019, the City of Lenexa adopted a charter ordinance exempting itself from the statutory requirement to publish official notices in a qualifying newspaper of general circulation.

City leaders at that time stated that the reason for the exemption was difficulty identifying qualifying newspapers, but they also emphasized the “flexibility” the exemption provided to publish notices in other ways, including potentially on the City’s website.

II. Failure to Replace Newspaper Notice with an Effective Alternative

The 2019 exemption was presented to residents as a temporary fix while the City worked to identify better communication methods. Despite this, *seven years later, no meaningful, accessible, and broadly circulated alternative notice mechanism has been established.*

Instead, major public notices—including those required for land use decisions, rezonings, and disposition of City land—have been published exclusively in *The Legal Record*, a specialized legal publication not reasonably accessed by the average Lenexa resident. *The Legal Record* is typically subscription-based and primarily read by attorneys rather than the general public, meaning that legal notices may go unnoticed by those most affected.

This approach satisfies minimal technical publication requirements but fails to ensure that notice is reasonably calculated to reach the public.

III. Transparency vs. Meaningful Notice

Legal notice is not merely a formality; it is intended to put affected residents on actual or constructive notice of government action that affects their rights or interests. Courts evaluating notice requirements look to whether the method used was *reasonably calculated to inform* the public, not just whether a technical box was checked.

While home-rule authority may allow cities to alter how they publish official business, the practical effect here is that many residents remain unaware of significant land decisions until late in the process or after key behind-the-scenes negotiations have occurred.

The consequence is a notice structure that is:

- Technically compliant under a self-granted exemption;
- Functionally inaccessible to most residents; and
- Practically ineffective at informing the community of substantive land use actions.

That disconnect undermines transparency and meaningful public participation.

IV. Impact on Current Land Use Proceedings

This systemic notice issue directly affects the present matter. Many residents report receiving no meaningful notice of rezoning hearings, Council agenda items, or land disposition proposals until well after substantive discussions have taken place.

When land that was historically depicted as parkland is repurposed or sold without accessible notice, the public's ability to participate meaningfully in the process is significantly impaired. This is especially true where:

- Statutory notice windows are narrow;
- Notice is published only in a niche legal publication;
- No supplemental outreach (e.g., email, mailed notice, direct alerts) is required.

Given that substantive notice is a prerequisite for due process and lawful land use decisions, the extended failure to create an effective replacement notification system weighs heavily in assessing procedural fairness.

V. Legal Significance for Judicial Review

In reviewing zoning and land use decisions, courts consider whether notice was legally sufficient and reasonably calculated to inform affected parties. Where notice is confined to a publication read by a small subset of professionals rather than the general resident population, a court may find that notice was inadequate in substance—even if technically compliant.

When this systemic notice deficiency is considered together with other procedural shortcomings in the record (sign posting errors, certified mail gaps, reliance on historic notices), it establishes a pattern that may be understood as:

- Insufficient public notice in fact, and
- Not reasonably calculated to inform affected residents.

Both concepts matter for injunctive review because inadequate notice independently supports a showing that the process was flawed and not consistent with statutory and constitutional notice standards.

VI. Request for Corrective Action

Before any vote on the proposed rezoning or land sale, the Council should:

1. Explain what alternative public notice mechanisms are in place since the 2019 exemption;
2. Provide evidence that notice is reaching a meaningful portion of affected residents;
3. Consider supplemental notice mechanisms (e.g., mail, community newspapers, digital alerts) that ensure broader awareness;
4. Clarify the legal justification for relying solely on *The Legal Record* and similar outlets.

Failing to address this long-standing transparency issue will continue to generate procedural vulnerabilities and weaken public trust in land use governance.

7. APPEARANCE OF BIAS AND IMPROPER COORDINATION WITH APPLICANT

I. Forwarding of Resident Communications to the Applicant

The record reflects that City officials forwarded resident concerns directly to Habitat for Humanity representatives and sought the developer's assistance in formulating responses.

For example:

- A councilmember requested detailed communication information from Habitat in order to "help with communication" to residents.
- Staff asked Habitat to provide expanded outreach descriptions so that councilmembers could respond to concerned constituents.
- Resident complaints submitted to City officials were transmitted to Habitat representatives for response preparation.

While collaboration between staff and applicants is common in administrative processing, the forwarding of resident objections to the applicant — coupled with requests for messaging assistance — creates the appearance that:

1. The City is coordinating narrative responses with the developer;
2. The developer is being given advance access to resident objections;
3. Elected officials are relying on applicant-generated materials to address public concerns.

In a quasi-judicial zoning context, this dynamic raises neutrality concerns. Decision-makers must evaluate objections independently, not collaborate with the applicant in crafting responses.

II. Councilmember Engagement With Applicant on Messaging

The communications also show councilmembers requesting meetings with Habitat representatives specifically to "understand all of the details to help with communication."

The Mayor requested additional demographic and human-interest framing information to address resident questions and indicated comfort proceeding based on applicant-provided materials.

This pattern reflects more than routine informational exchange. It reflects:

- Active coordination on public messaging;
- Reliance on applicant-generated framing of issues;
- Potential pre-hearing alignment.

While policy discussions are permissible, rezoning decisions function in a quasi-judicial capacity under Kansas law. In such settings:

- Decision-makers must avoid even the appearance of predisposition;
- Communications should occur within the public record;
- All parties must have equal access to decision-makers.

When councilmembers collaborate with one party regarding how to address opposition, it creates structural imbalance in the process.

III. Unequal Access and Procedural Fairness Concerns

The record demonstrates:

- Private meetings between City leadership and Habitat;
- Ongoing coordination regarding outreach strategy;
- Forwarding of resident emails to the applicant;
- Strategic communication planning before public hearings.

Meanwhile, residents raising statutory and planning objections report unanswered communications after January 11, 2026.

This asymmetry — open access to decision-makers for the applicant, silence toward objecting residents — strengthens an appearance of bias argument.

Courts reviewing zoning decisions consider whether the process:

- Was open and evenhanded;
- Allowed meaningful participation;
- Avoided favoritism;
- Preserved neutrality of the governing body.

Even absent proof of unlawful intent, the appearance of coordinated advocacy with one side can support a finding of arbitrary or capricious action.

8. PRE-HEARING STAFF REBUTTALS AND APPEARANCE OF PREJUDGMENT

(Planning Commission Packet – “Clarification of Common Public Concerns” Section)

The Planning Commission packet distributed prior to the first public hearing contains a section titled “Clarification of Common Public Concerns.” Within this section, City staff proactively addresses and attempts to refute anticipated objections regarding:

- Park land versus development area
- Wetlands and stormwater facilities
- Affordable housing and zoning classification
- Property values
- Land purchase and development fees
- Public process and notice
- Technical studies

This section was published before the Planning Commission conducted its first public hearing and before residents were afforded an opportunity to formally present testimony into the record.

I. Procedural Significance

Under Kansas law, rezoning and preliminary plan approvals function in a quasi-judicial capacity. While staff may provide technical analysis, the governing body must:

- Maintain neutrality until evidence is presented,
- Evaluate testimony in an open hearing,
- Make findings based on the evidentiary record developed at that hearing.

When staff preemptively publishes rebuttals to anticipated public concerns before those concerns are formally presented in a hearing setting, the process shifts from neutral technical review to advocacy.

The packet does not merely outline zoning standards. It frames specific public objections and then counters them. For example:

- The “Park Land Versus Development Area” section attempts to narrow the scope of park classification and pre-empt arguments regarding public reliance.
- The “Property Values” section dismisses valuation concerns categorically without presenting empirical study.
- The “Public Process and Notice” section asserts compliance in conclusory terms despite documented notice disputes.
- The “Technical Studies” section assures adequacy without incorporating supporting data or referenced standards in the packet excerpt provided.

These are not neutral recitations of code provisions; they are structured responses to opposition before opposition was heard.

II. Appearance of Predetermined Outcome

Publishing structured rebuttals in advance of the first public hearing creates at minimum an appearance that staff has already weighed and rejected resident concerns prior to hearing sworn public testimony.

Kansas courts reviewing zoning decisions examine whether:

- The decision-maker considered all relevant factors,
- The administrative record was developed through an open process,
- The action was free from arbitrary or capricious reasoning,
- The proceeding maintained procedural fairness.

When a staff report pre-frames objections and supplies counter-arguments before testimony occurs, it risks signaling that:

- The concerns are viewed as obstacles to overcome rather than evidence to evaluate,
- The outcome has been substantively shaped prior to public participation,

- The hearing serves as procedural formality rather than deliberative process.

Even if no actual bias exists, the appearance of prejudice is legally significant in quasi-judicial proceedings.

III. Distinction Between Technical Review and Advocacy

A planning staff report typically includes:

- Zoning classification analysis
- Comprehensive plan consistency review
- Infrastructure capacity findings
- Code compliance assessment

The inclusion of a dedicated “Clarification of Common Public Concerns” section—structured as a rebuttal document—extends beyond neutral technical evaluation.

The language does not simply apply adopted criteria. It anticipates and answers arguments that had not yet been formally introduced into the hearing record.

This distinction matters because:

- Staff serves as advisor to the Planning Commission.
- The Planning Commission relies on staff’s objectivity.
- When staff adopts an advocacy posture, the advisory neutrality expected in quasi-judicial proceedings may be compromised.

9. MATERIAL DEVIATION FROM THE 2018 CLEAR CREEK REQUEST FOR PROPOSAL AND BELOW-MARKET DISPOSITION OF PUBLIC LAND

I. The Current Transaction Does Not Conform to the City's 2018 RFP Framework

In 2018, the City of Lenexa issued a formal Request for Proposal (RFP) for approximately **53.8 acres** of City-owned land at Clear Creek.

The RFP established:

- **A minimum total purchase price of \$2,599,000**
- **A per-acre listing price of approximately \$55,000 per acre**
- **A cohesive, multi-pod residential development concept**
- **Evaluation based on developer qualifications, financial capability, and alignment with the City's concept plan**
- **Integration with recreational and environmental amenities**

The RFP contemplated a comprehensive development consistent with a master-planned vision.

The current transaction materially departs from that publicly issued framework in multiple ways:

- 1. Single-Parcel Disposition Instead of Comprehensive Development**
Rather than implementing the integrated multi-pod development described in the RFP, the City is permitting the purchase of a single parcel for a limited affordable housing development.
- 2. Change in Development Character**
The RFP contemplated a high-quality residential subdivision aligned with the City's broader development vision. The present proposal involves a community land trust affordable housing model not described in the 2018 solicitation.
- 3. Abandonment of Competitive RFP Structure**
There is no indication that a new RFP was issued reflecting the altered scope, parcel configuration, or development intent.

When a municipality publicly issues an RFP establishing minimum pricing and development expectations, it may not materially alter the structure of the transaction without transparent findings and justification. Failure to reconcile the current transaction with the original solicitation framework raises concerns under arbitrary and capricious review standards.

II. Valuation Timeline and Market Inconsistency

The City's valuation history reveals the following:

- **2018 Appraisal:** \$38,280 per acre
- **2018 RFP Listing Price:** \$55,000 per acre
- **2025 Updated Appraisal:** \$43,000 per acre
- **Proposed Sale Price to Habitat:** \$49,000 per acre

Between 2018 and 2025, the updated appraisal reflects only a modest increase of approximately \$4,720 per acre over seven years.

During that same period, residential land values in Johnson County increased substantially. Numerous nearby parcels have sold at materially higher per-acre values — including properties with fewer amenities.

Yet this parcel, which includes:

- Trail infrastructure
- Proximity to future park development
- Water and pond features
- Recreational adjacency

was appraised in 2025 at only \$43,000 per acre and is being sold for \$49,000 per acre — below the 2018 RFP benchmark.

III. Apparent Omission of Amenity Premium

A proper land valuation should account for:

- Park adjacency
- Trail connectivity
- Water frontage
- Natural amenities
- Recreational proximity

These features command premium pricing in residential land markets.

If the 2025 appraisal did not fully incorporate these premium characteristics, the valuation may understate highest-and-best-use value. The absence of documented analysis explaining why these features did not materially increase value strengthens the concern that the land is being transferred below market reality.

IV. Fiduciary Responsibility and Public Asset Stewardship

Municipal governing bodies act as fiduciaries of taxpayer-owned assets.

When:

- The City previously advertised the land at \$55,000 per acre,
- The market has generally appreciated,
- The property contains premium amenities,
- No new competitive RFP was issued,
- The sale price is set at \$49,000 per acre,

the Council must demonstrate:

1. That \$49,000 per acre reflects current fair market value;
2. That an independent appraisal supports that conclusion;
3. That amenity premiums were fully evaluated;
4. That the deviation from the 2018 RFP minimum price is justified;

5. That the public benefit offsets any financial discount.

Absent such findings, the transaction may be characterized as:

- Arbitrary and capricious;
- Unsupported by substantial evidence;
- A failure to maximize public asset value;
- A breach of fiduciary duty to taxpayers.

Maintaining the 2018 minimum price per acre in 2025–2026, without documented updated appraisal analysis, raises fiduciary concerns.

If the City is disposing of land at a price materially below fair market value, it must demonstrate:

- A current, independent appraisal
- A rational basis for any discount
- Clear findings that public benefit offsets the reduction in value
- Compliance with statutory surplus and disposition requirements

Absent such documentation, the transaction raises:

- Fiduciary duty concerns
- Potential unlawful gift of public funds issues
- Failure to maximize public asset value
- Unequal treatment of prospective purchasers
- Departure from publicly advertised minimum pricing

Municipal governing bodies are obligated to act as fiduciaries of public assets. Disposition of land at or below a seven-year-old minimum price — without public re-bid,

updated RFP issuance, or contemporary valuation — may be characterized as arbitrary, unreasonable, or lacking substantial competent evidence.

III. Legal Implications for Judicial Review

Courts reviewing municipal land transactions examine:

- Whether statutory procedures were followed
- Whether the governing body complied with its own published RFP criteria
- Whether the action is supported by substantial evidence
- Whether public assets are being transferred without adequate justification

Here, the record raises material questions regarding:

- Whether the City is following the structure of its own RFP
- Whether the transaction complies with competitive fairness principles
- Whether updated market valuation has been obtained
- Whether the public is receiving fair consideration for public land

If the City materially alters the development type, parcel structure, and pricing model from what was publicly advertised in 2018 without issuing a new RFP or providing documented justification, the action may be vulnerable to challenge as:

- Arbitrary and capricious
- Unsupported by substantial evidence
- Procedurally irregular
- Inconsistent with fiduciary obligations

Because land disposition is irreversible once conveyed, failure to correct these deficiencies prior to vote may support injunctive relief to preserve the status quo.

10. DEVIATION FROM THE CITY'S 2018 RFP PROCESS AND UNEQUAL TREATMENT OF PROPOSERS

I. Background

In 2018, the City of Lenexa issued a formal Request for Proposal (RFP) for the Clear Creek property. The RFP established:

- A minimum purchase price of \$2,959,000 for approximately 53.8 acres (approximately \$55,000 per acre).
- A requirement that the developer purchase all development areas at closing.
- Clear expectations regarding development scope, infrastructure responsibility, stormwater cost participation, and evaluation criteria.
- A structured proposal process with submission deadlines, required financial documentation, and defined evaluation standards.

The RFP expressly reserved to the City the right to evaluate proposals based on defined criteria and indicated that the City would seek to select the proposal that best served the public interest while recouping its investment.

The record reflects that at least two other development entities — identified here as (D1) and (D2) — engaged with the City under the RFP framework and submitted or discussed development concepts consistent with the City's published offering.

II. Habitat for Humanity Not Held to RFP Requirements

Unlike (D1) and (D2), Habitat for Humanity appears not to be required to comply with the material terms of the 2018 RFP. Specifically:

1. Parcel Scope Deviation

The RFP contemplated development of approximately 53.8 acres in coordinated pods consistent with the City's concept plan.

Habitat is being permitted to purchase only a single parcel, rather than the full development area contemplated in the RFP.

2. Minimum Price Deviation

The RFP established a minimum purchase price of \$2,959,000.

The current transaction reflects an effective price of approximately \$49,000 per acre, below the RFP listing price and inconsistent with the minimum structure originally published.

3. Process Deviation

The RFP required formal submission materials, financial documentation, development qualifications, and compliance with stated proposal elements.

The administrative record reflects negotiations and project evolution occurring outside the structured RFP framework, without documented competitive reissuance or reopening of the RFP to other developers under modified terms.

4. Subsidy Considerations

Communications indicate discussion of RHID/TIF eligibility and other potential public financing mechanisms. The RFP did not guarantee such incentives, nor is there evidence that (D1) or (D2) were offered equivalent flexibility under revised economic assumptions.

III. Unequal Treatment and Legal Implications

Municipal land disposition must comply with principles of:

- Fair dealing and equal treatment of proposers
- Consistency with published solicitation terms
- Protection of taxpayer value
- Avoidance of arbitrary or preferential treatment

When a municipality issues an RFP establishing minimum price, acreage expectations, and development parameters, it creates a framework of public representation. While the City reserves discretion in selecting proposals, it may not:

- Materially alter the economic terms for one proposer without reopening competition;
- Reduce scope and pricing requirements without transparent justification;
- Provide structural flexibility to one entity that was not equally available to others who engaged under the published RFP terms.

If Habitat is permitted to:

- Purchase less acreage than contemplated,

- Pay below the previously published minimum structure,
- Receive consideration outside the competitive RFP framework,

while (D1) and (D2) were required to conform to the RFP's stated terms, the appearance arises that the City has selectively modified its requirements for a preferred developer.

Even absent unlawful intent, such differential treatment creates a legally cognizable appearance of arbitrary and preferential decision-making.

KORA Violations

(Please see the full KORA requests with dates submitted and received in the Additional Figures/Emails section)

FORMAL NOTICE OF MATERIAL KORA DEFICIENCIES

I. PURPOSE

This section is to formally notify the Mayor and City Council of material omissions and systemic procedural concerns in the City's responses to three Kansas Open Records Act (KORA) requests regarding:

- Acquisition of the Clear Creek Wetlands / adjacent property
- Management and use of the property
- Financial investment and funding
- Marketing efforts and negotiations
- Proposed sale or transfer

This notice is submitted to:

1. Ensure the governing body is fully informed;
2. Provide the City an opportunity to cure deficiencies;
3. Preserve the public record;
4. Prevent action based on incomplete disclosures.

II. MATERIAL RECORDS NOT PRODUCED

Despite three separate KORA requests, the following categories of records have not been produced or have been produced incompletely.

A. Property Acquisition & Funding Records

Not produced:

- Ballot language for any voter-approved funding
- Property Acquisition Documents were not produced until the second KORA request although being requested on the first KORA request.
- Donation agreements or grant agreements
- Covenants, stipulations, or restrictions tied to acquisition
- Any requirements for how the property must be used, managed, or preserved

These records are fundamental to determining whether the property may lawfully be sold and under what conditions.

B. Deed Restrictions, Easements & Legal Constraints

Not produced:

- Conservation easements
- Land-use covenants
- Federal, state, or county land-use requirements
- Documents identifying legal stipulations governing sale
- Records demonstrating compliance with those stipulations

If the property is subject to restrictions, Council must understand them before any vote.

C. Property Use, Management & Public Investment

Not produced:

- Timeline of management since acquisition
- Official plans, feasibility studies, or surplus evaluations
- Records of public investment
- Cost-benefit analyses
- Fiscal impact statements

The public is entitled to know how taxpayer funds have been invested in this property before disposition.

D. Appraisals & Financial Valuation

Not produced:

- Broker opinions of value
- Internal financial evaluations
- Documentation supporting the asking price

These omissions directly affect fiduciary responsibility to taxpayers.

E. Marketing & Developer Communications

Not produced:

- Communications with other developers. We were provided documentation outside of what should have come from the KORA request by other developers.
- Communications with real estate agents or brokers
- Listings, or solicitations
- Internal memoranda discussing marketing strategies
- Letters of intent
- Draft agreements or memoranda of understanding
- Council or staff reports referencing marketing efforts

If no such records exist, that must be affirmatively certified.

F. Public Process & Community Notification

Not produced:

- Records demonstrating public notification of this particular sale. The only Legal Record produced was from 2015 with an unspecified amount of land to be sold.
- Community feedback
- Meeting documentation
- Presentation materials
- Environmental or traffic studies
- Impact analyses

Council should not proceed without documented evidence of meaningful public process.

III. SYSTEMIC DEFICIENCIES IN THE CITY'S KORA PROCESS

The City's own correspondence regarding these requests raises additional structural concerns regarding compliance.

1. Decentralized, Self-Managed Search Model

The City indicated that individual employees identify and produce their own responsive records.

No centralized IT search protocol, custodian certification, or verification process has been described.

KORA requires a good faith effort to locate responsive records. A decentralized self-identification model without documented verification risks incomplete production and inconsistent compliance.

2. Conditioning Production on Search Method and Cost Escalation

The City represented that a system-wide email search would:

- Dramatically increase volume,
- Significantly increase costs,

- Extend timelines.

While actual costs may be charged under K.S.A. 45-219, production cannot be structured in a way that discourages comprehensive retrieval of responsive records.

Where email communications are plainly responsive, the agency must conduct a search reasonably calculated to uncover them.

3. Indefinite Timelines and Workload-Based Delay

Statements such as:

- "KORA does not require that I put all other business on hold,"
- "I need to get a sense of volume,"
- "The timeline may change significantly,"

do not satisfy the statutory requirement under K.S.A. 45-218(d) to provide records or state when they will be available within three business days.

Administrative workload is not a lawful basis for open-ended delay.

4. Absence of Exemption Citations or Privilege Log

No privilege log has been provided.

No specific statutory exemptions have been cited for omitted categories.

K.S.A. 45-218(d) requires that if access is denied, the specific provision of law relied upon must be identified.

Failure to do so constitutes constructive denial.

5. Constructive Narrowing & Processing Pauses

Processing was paused during clarification discussions.

While dialogue is appropriate, record production cannot be conditioned upon resolving procedural disagreements or integrity concerns.

IV. IMPACT ON COUNCIL DECISION-MAKING

The Council cannot responsibly evaluate:

- Surplus determinations
- Sale pricing
- Compliance with acquisition restrictions
- Environmental impacts
- Fiduciary obligations

without full disclosure of the above categories.

Proceeding without complete production exposes the City to:

- Injunctive relief under K.S.A. 45-222
- Civil penalties
- Attorney fee awards
- Judicial invalidation of action

V. FORMAL DEMAND TO CURE

Before any vote on sale or transfer of this property, the City must:

1. Conduct a centralized, documented, good-faith search across all departments;
2. Produce all responsive non-exempt records;
3. Provide a privilege log for any withheld materials;
4. Certify in writing that the search was reasonably calculated to uncover all responsive records.

VI. NOTICE OF RECORD PRESERVATION

All records related to:

- Acquisition
- Valuation
- Marketing
- Negotiations
- Internal deliberations
- Communications with developers
- Email communications involving relevant search terms

must be preserved.

Destruction or alteration of records after notice may constitute spoliation of evidence.

VII. CONCLUSION

This memorandum is submitted in good faith to ensure transparency, lawful governance, and protection of public trust.

If full compliance is not achieved prior to final action on this property, all rights to seek declaratory and injunctive relief under K.S.A. 45-222 are expressly reserved.

KOMA Violations

This details a months-long process in which city officials, including the City Manager, Mayor, and City Council, engaged in private negotiations and consensus-building with a private developer (Habitat for Humanity) regarding the sale and rezoning of public parkland. We believe the integrity of the local democratic process has been compromised through "hub-and-spoke" serial communications and meetings designed to exclude public participation.

May 22, 2025, City Manager Beccy Yocham (Yocham) engaged in private negotiations with Habitat for Humanity (HFH) CEO Lindsay Hicks (Hicks), stating in writing that *"discussions I have had so far [with leadership] have gone well" and proposing private "deals" such as employee "bumps" for city staff*—matters of public business that should have been discussed in an open forum. (See Exhibit A)

July 15, 2025, a meeting was organized by Yocham and Hicks at a private church building in Olathe, KS. Yocham invited the *"entire Governing Body and Management Team"* of approximately 22 people. This meeting was held between 3:00 pm and 5:00 pm on a workday at a location outside the city limits of Lenexa. (See Exhibit C)

The City Manager explicitly acknowledged the "Open Meeting" requirement but took steps to ensure the public remained uninformed. In a **July 14, 2025**, email, Yocham stated: *"We did list it on our weekly meeting list so it is technically an open public meeting but I do not expect anyone from the public to attend. I will be sure to tell you if anyone is there that isn't one of our team."* This demonstrates an intent to circumvent the spirit of KOMA by creating a *"technical"* listing while actively facilitating public absence. (See Exhibit B)

Interactive communication confirmed that the Mayor and Council attended this private session to discuss the project. On **July 16, 2025**, Yocham confirmed the success of the meeting and directed the developer to "start moving a plan through our process." (See Exhibit D)

Evidence suggests a "hub-and-spoke" model of serial communication as defined by **K.S.A. 75-4318(f)**. In an October 23, 2025, email, Yocham discussed *"workshopping"* the project description with the Mayor and Council to ensure they were not *"caught off guard"* by *"detractors."* By acting as a central conduit to build a consensus outside of a noticed public forum, the City Manager effectively facilitated a meeting of the minds on a matter requiring binding action. (See Exhibit E)

We believe the City of Lenexa violated **K.S.A. 75-4318** based on the following:

1. **Constructive Exclusion:** By holding a meeting at a private, out-of-city location and explicitly stating an expectation that the public would not attend, the City failed to provide a truly "open" meeting as required by law.
2. **Serial Communications:** The City Manager acted as a liaison to build a consensus among a majority of the governing body outside of public view. This interactive exchange on matters relating to the function of the body (sale/rezoning of land) constitutes a meeting under KOMA.
3. **Pre-judgment of Public Business:** Private "workshopping" with the Council months before public hearings suggests that a majority of the body reached an agreement before the public was ever afforded the right to participate.

INDEX OF ATTACHMENTS

Exhibit	Document Description	Key Evidence
A	Email (May 22, 2025)	Yocham discusses "well-received" private talks and employee "bumps."
B	Email (July 14, 2025)	Yocham: "Technically an open meeting but I do not expect anyone... to attend."
C	Calendar Invite (July 15, 2025)	Invitation to "Entire Governing Body" for 2-hour private tour in Olathe.
D	Email (July 16, 2025)	Confirmation that Council/Mayor attended and plan is "moving forward."
E	Email (Oct 23, 2025)	"Workshopping" the project with Council to avoid "detractors."
F	HFH Postcard (Dec 4, 2025)	First notification received by any residents.

G	City Notice (Dec 15, 2025)	Official Notice of Public Hearing.
H	Protest Petition (Feb 2, 2026)	100% rejection by the 16 closest impacted neighbors.
I	Email (Oct 26, 2025)	Mayor and Yocham: Additional Serial Communication example

Overview of Additional Concerns We believe the attached email correspondence between City Manager Beccy Yocham and Habitat for Humanity representatives demonstrates a pattern of "*serial communications*" designed to bypass public scrutiny. The records suggest an effort to reach a consensus and "sweeten" a real estate deal with private benefits for city employees before the matter was ever brought to a public forum.

1. Evidence of Serial Communications and Polling In an email dated May 22, 2025, Ms. Yocham assured HFH that "*the few discussions I have had so far have gone well.*" This indicates that substantive deliberations regarding a city land sale were occurring behind closed doors. Furthermore, Ms. Yocham proposed "*bumps*" or "*right of first refusal*" for City of Lenexa employees to qualify for these homes—a specific policy proposal that she notes arose from these private discussions.

This suggests that Ms. Yocham was polling the Mayor and Council members individually to build a majority consensus, a practice that mirrors the "hub-and-spoke" model of serial communications cautioned against in KOMA guidance.

2. Intentional Circumvention of Public Knowledge The correspondence reveals a strategic effort to shield this project from the public until after the November 4, 2025, election. On October 23, 2025, Ms. Yocham explicitly referenced the upcoming election of four council members as a reason to manage the timing of the project's announcement.

Of particular concern is the intentional effort to avoid the appearance of "prejudgment." Ms. Yocham writes:

"We want to avoid – to the extent we can – anything that would lead detractors from thinking this is prejudged in any way."

Despite this stated desire to avoid the *appearance* of prejudgment, the emails show that the *"workshopping"* of the website and the coordination of the "announcement" were already occurring. This implies the deal was effectively decided in private, depriving citizens of their right to provide meaningful input at a time when their voices would have carried the most weight.

3. Acknowledgement of Potential Violations Notably, the exchange from HFH on October 23, 2025, acknowledges the legal risk, stating they might need to *"check with Beccy to avoid serial meeting issues that would cause an Open Meeting violation."* This confirms that the parties involved were aware that their collaborative "outreach list" and private *"workshopping"* were bordering on, or crossing into, illegal deliberation.

Overview Conclusion These records show that City leadership engaged in substantive negotiations, offered potential employee benefits as part of a land deal, and strategically delayed public disclosure to influence election outcomes. We request a formal review to determine if these private "discussions" constitute a violation of the Kansas Open Meetings Act

MAIN CONCLUSION

The residents of Lenexa rely on the protections afforded by the Kansas Open Meetings Act to ensure that public business is conducted in the light of day. The timeline and evidence presented here suggest a concerted effort to bypass these protections by:

1. Holding "technically" open meetings in private locations with the express hope that the public would not attend.
2. Conducting serial communications through City Staff to build a consensus outside of public view.
3. Pre-negotiating terms and "vibe-checking" the project with elected officials months before any public notice was issued.

From: Courtney Eiterich <ceiterich@lenexa.com>
Sent: Monday, December 22, 2025 2:59 PM
To: Katie Killen <kkillen@habitatkc.org>
Cc: Beccy Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

Katie,

When would be a good time to meet? I want to make sure I understand all of the details to help with communication.

Courtney Eiterich

From: Mark Charlton
Sent: Thursday, January 8, 2026 12:56 PM
To: Anna Van Brunt; Katie Killen
Cc: Beccy Yocham; Scott McCullough; Lindsay Hicks
Subject: RE: Offer from Habitat KC to answer questions

Anna,

Yes, that should be fine.

Thanks for getting back to me.

Respectfully,

Mark Charlton
Councilmember, Ward 2
City of Lenexa
913.706.7576
mcharlton@lenexa.com | www.lenexa.com

From: Anna Van Brunt <avanbrunt@habitatkc.org>
Sent: Thursday, January 8, 2026 12:53 PM
To: Mark Charlton <mcharlton@lenexa.com>; Katie Killen <kkillen@habitatkc.org>
Cc: Beccy Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Councilmember Charlton,

Thank you for reaching out! Does next Thursday, January 15th at 2:30 work for you to meet with Lindsay and Katie at our Pathway at Heritage Park site in Olathe?

Best,

Anna Van Brunt

From: Chris Herron
Sent: Thursday, January 8, 2026 2:38 AM
To: Katie Killen
Cc: Beccy Yocham; Scott McCullough; Anna Van Brunt; Lindsay Hicks
Subject: Re: Offer from Habitat KC to answer questions

Good morning, Katie.

I would like to arrange a meeting with you and relevant HFH staff to learn more about the proposed project in Lenexa. Please call me at 561-729-8650 to set a date and time.

Chris

Get Outlook for iOS

From: Bill Nicks
Sent: Wednesday, December 31, 2025 6:29 AM
To: Lindsay Hicks
Subject: Re: Offer from Habitat KC to answer questions

Thank you,Lindsay.....Happy New Year. See you in a couple of weeks.....Bill, 913-424-9228

Get Outlook for iOS

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Tuesday, December 30, 2025 11:03:55 AM
To: Bill Nicks <bnicks@lenexa.com>
Subject: Re: Offer from Habitat KC to answer questions

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Good morning,

I just sent you a calendar invite for this. We will meet at 1423 E Linwood Blvd. Kansas City, MO 64109.

Thanks!

Lindsay:

Thanks for reaching out and for the update. Can you share the list of people you are already planning to reach out to? I think that would be a helpful starting point for me. I plan to speak with the Mayor about this in the next few days to get her input on the list and will get back to you with any additions thereafter. (One thing to keep in mind is that we have a city election on November 4, with 4 councilmembers up for election.)

Do you envision that the in-person event the week of November 10 would be a project "announcement" of sorts or just an educational opportunity to learn more about Habitat?

I would appreciate seeing the website before it goes live as well if that would be possible. Because this project involves purchasing property from the City, I think it is best if we workshop the way that is described carefully and that the Council is made aware of the website and what it says before it goes live. I do not want them to be caught off guard by anything. I'm also thinking through the timing of making the website information public and whether it is a good idea before the project is submitted to the City? And perhaps the verbiage you have planned for the website will help me to get comfortable with that. We want to avoid – to the extent we can – anything that would lead detractors from thinking this is prejudged in any way. I know you have experience and lessons learned from the Olathe project that informs your plan here and I certainly don't want to derail that. Can you provide any more insight into the timing of this?

Thanks.

Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Friday, October 24, 2025 2:38 PM
To: Beccy Yocham <byocham@lenexa.com>
Cc: Katie Killen <kkillen@habitatkc.org>; Mike Nolan <mnolan@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Sean McLaughlin <smclaughlin@lenexa.com>
Subject: Re: Habitat KC - Clear Creek Update

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1

Hi Beccy,

Thanks for your feedback and questions. Our internal team reflected on them as well as a few other things and have made some shifts and changes. To answer your questions:

1. Here is the outreach list we have as of now. Please let us know your thoughts/feedback:

Superintendent of De Soto Public Schools
Rodrock Development
Former Mayor Mike Boehm
Paul Snider
Lenexa Chamber
Joelle Hoyer
Parks Advisory Board, Chair
HOA Presidents of communities in proximity
City Council - might check with Beccy to avoid serial meeting issues that would cause a Open Meeting violation
Representative Adam Turk
Senator Mike Thompson
St. James Leadership

- 2.
3. We decided to not have the November 10 meeting and will instead offer that information at a separate event after the gallery walk. At that event we will cover information about our program, qualifications, the Land Trust model, etc.
4. Our intent with the website was to have that up if we were having the November 10 education session more or less just focusing on FAQs and our work in Johnson County to date. However, now that we are not having that we will just leave our site as is and plan on launching a web page when we formally submit our application.

We would greatly appreciate a collaborative approach to this and all communications. If you have availability, could we schedule sometime to discuss these items over the next week or two?

Have a great weekend!
Lindsay

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Wednesday, July 16, 2025 10:31 AM
To: Beccy Yocham <byocham@lenexa.com>
Subject: Re: Thank you

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Hi Beccy,

2

We so enjoyed meeting with the Lenexa team, council members and mayor yesterday. I wanted to follow up and see what next steps should be. Again, thank you for coordinating!

Lindsay

From: Beccy Yocham <byocham@lenexa.com>
Sent: Monday, July 14, 2025 6:10 PM
To: Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Thank you

Sorry for the slow reply. We did list it on our weekly meeting list so it is technically an open public meeting but I do not expect anyone from the public to attend. I will be sure to tell you if anyone is there that isn't one of our team.

On Jul 9, 2025, at 1:28 PM, Lindsay Hicks <lhicks@habitatkc.org> wrote:

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Wow - great turnout! Very exciting!

To confirm, are you all holding this as an open meeting? I just want to make sure we are fully prepared. As you know, lessons were learned with Olathe. 😊

Thanks!
Lindsay

From: Beccy Yocham <byocham@lenexa.com>
Sent: Wednesday, July 9, 2025 11:53 AM
To: Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Thank you

Sounds good, Lindsay. We are looking forward to it. I have invited our entire Governing Body and Management Team, which is a total of approximately 22 people. The majority have indicated they plan to attend, but I will send a reminder and ask them to let me know if their status has changed and let you know if there is material change in that number.
Thanks. -Beccy

Beccy Yocham
City Manager
City of Lenexa

On Jul 9, 2025, at 9:24 AM, Lindsay Hicks <lhicks@habitatkc.org> wrote:

3



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Beccy!

Thanks so much for your email. Yes, we are all set for next Tuesday, July 15 at the Olathe Pathways project at 15885 S Lackman Rd., Olathe, KS 66062. There is plenty of parking on site for your group.

I will have packets compared - similar to those that we handed out at our last meeting. At this time, I do not have any homework for you all. However, I was wondering if you could let me know who you anticipate being there so we can plan accordingly.

We are very excited to host you all on site!

Lindsay

Subject: Visit Habitat for Humanity Pathways at Heritage Park Project
Location: 15885 Black Bob Rd, Olathe, KS

Start: Tue 7/15/2025 3:00 PM
End: Tue 7/15/2025 5:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Beccy Yocham

Governing Body Members: We have been invited to visit and tour the Habitat Olathe Pathway's project to learn more about it and their housing model. We will meet at the Pathway Community Christian Church building, now owned by Habitat at 15885 S. Black Bob Road. In the meantime, I have linked to the website for that project which has some more information, including FAQs about the community land trust model and Habitat's home buyer requirements:

<https://habitatkc.org/pathway-at-heritage-park/>

Please let me know if you have any questions. -Beccy

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Wednesday, July 16, 2025 10:31 AM
To: Beccy Yocham <byocham@lenexa.com>
Subject: Re: Thank you

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Beccy,

2

We so enjoyed meeting with the Lenexa team, council members and mayor yesterday. I wanted to follow up and see what next steps should be. Again, thank you for coordinating!

Lindsay

From: Beccy Yocham <byocham@lenexa.com>
Sent: Monday, July 14, 2025 6:10 PM
To: Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Thank you

Sorry for the slow reply. We did list it on our weekly meeting list so it is technically an open public meeting but I do not expect anyone from the public to attend. I will be sure to tell you if anyone is there that isn't one of our team.

Sent from my iPhone

From: Beccy Yocham <byocham@lenexa.com>
Sent: Friday, July 18, 2025 2:39 PM
To: Lindsay Hicks <lhicks@habitatkc.org>
Cc: Scott McCullough <smccullough@lenexa.com>; Sean McLaughlin <smclaughlin@lenexa.com>
Subject: RE: Thank you

Hi Lindsay:

I think everyone on the team enjoyed the tour and informational session and was impressed with the Pathways project. Thank you for your hospitality. I think the next step would be to start moving a plan through our process. In the meantime, we're going to get our appraisal updated on the property – not necessarily because we intend to change the asking price, but to help the Council with understanding the current value as compared to what we paid for the property many years ago.

If a meeting to discuss process would be valuable, we can certainly get one scheduled. I am going to be out of the office for a couple of weeks starting 7/26, but if you'd like to meet while I'm gone, you could meet with Scott on planning matters and our City Attorney, Sean McLaughlin can attend to discuss contractual matters.

Thanks and have a great weekend.

Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

Section 3: Additional Figures/Emails/Media/Information

1. The Golden Criteria

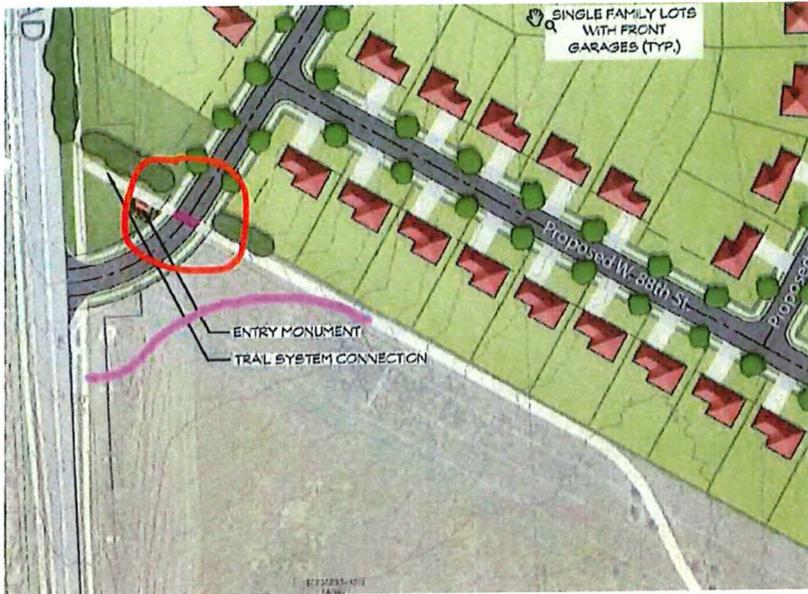
Trail Realignment

- **There is discrepancy based on the plats and figures that some show the trail being moved and others show it unaffected. Additionally, emails are unclear on who is responsible for paying for a trail realignment.**

From: Scott McCullough
Sent: Thursday, November 20, 2025 1:24 PM
To: Logan Wagler <lwagler@lenexa.com>; Steve Schooley <sschooley@lenexa.com>
Cc: David Dalecky <ddalecky@lenexa.com>; Tim Collins <tcollins@lenexa.com>; Stephanie Sullivan <ssullivan@lenexa.com>
Subject: RE: Clear Creek project - Habitat for Humanity

I do like the idea of being truly separate from an owner/maintenance standpoint. Given Logan prefers realignment and there are no great concerns of others either way, let's go in that direction. Dave – please follow up with Phelps and Lindsay at Habitat with the direction. We'll need to figure out timing and who pays for realignment later. Thanks.

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>



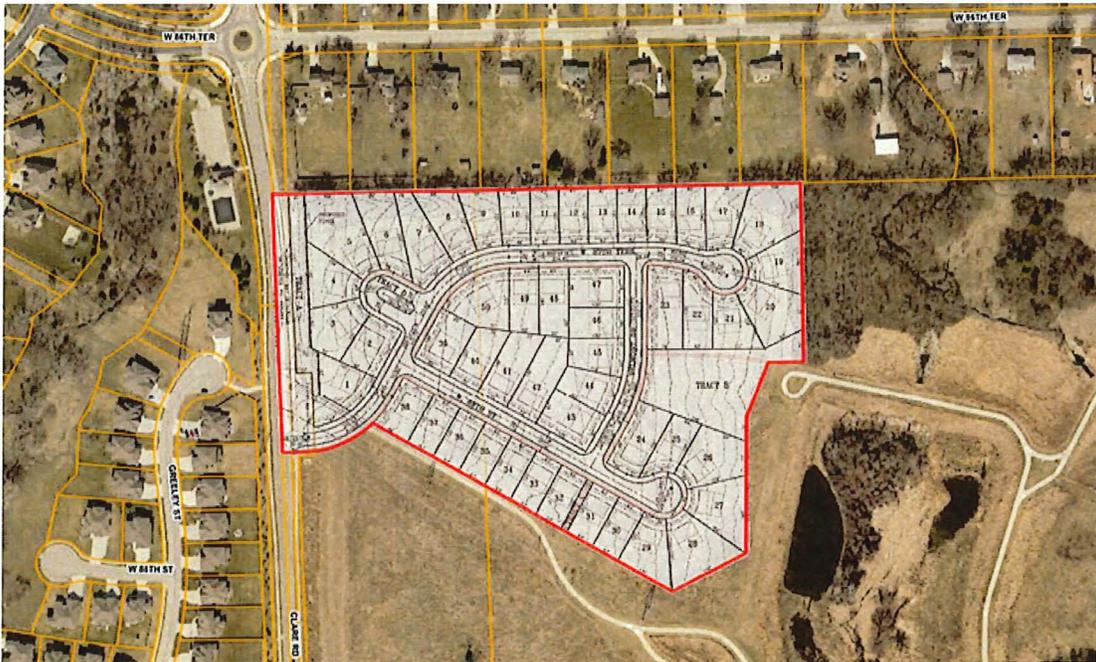
Scott McCullough, AICP
Community Development Director



PRELIMINARY PLAN/PLAT REVIEW

The applicant proposes development of a single-family residential neighborhood initially submitted as Clear Creek Subdivision but now known as Highlands at Clear Creek. The subject site is located near the southeast corner of 86th Terrace and Clare Road. The site is currently undeveloped land owned by the City. The site is adjacent to the Clear Creek Wetlands regional stormwater facility and a future City park (Centennial Park). The plat contains 50 lots and 3 tracts on 16.73 acres of land. The tracts will be used for neighborhood amenities and a fence and landscape buffer (along Clare Road). The tracts are to be owned and maintained by a Homeowners Association which, in this case, will be the Community Land Trust.

The applicant requests deviations from the UDC for a 5-foot reduction of the front yard setback of all lots, lot width reduction from 70 feet to 62 feet for 45 of the 50 lots, and for lot area reduction from 8,000 SF to 7,560 SF for 14 of the 50 lots. The deviation requests are described in detail later in this Staff Report.



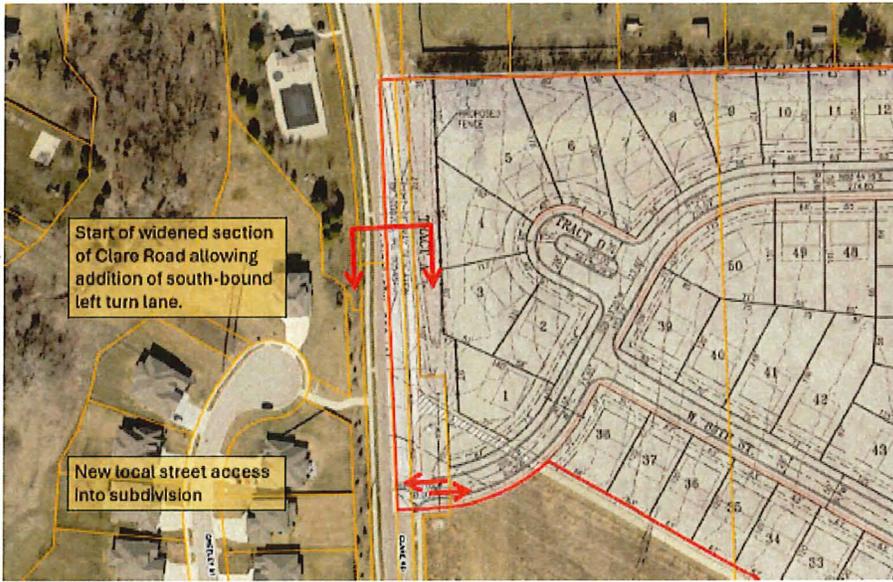


Exhibit 10: Clare Road width allowing for south-bound left turn lane.

ACCESS, TRAFFIC, AND PARKING

The neighborhood gains access from the existing street network from one access point onto Clare Road. A new public local street extends into the neighborhood, and new local streets circulate through the neighborhood, then connect to the street that intersects Clare Road. Two local streets end in cul-de-sacs on the easterly side of the neighborhood, and a "horseshoe" (or "eyebrow") street is on the westerly side. Street access is limited to adjacent development due to the Clear Creek stream channel that crosses through the City-owned property.

The proposed local street connecting to Clare Road will cross an existing City park trail, which will be realigned at the developer's expense to shift the crossing to a street intersection. The proposed realignment will move a portion of the trail farther south from the rear yard line of some of the lots. The new trail alignment is conceptually shown on the preliminary plat and in Exhibit 11. The details of the realignment will be coordinated with Public Improvement Plan submittal.



Exhibit 9: Right-of-Way and easement dedications.

New trail connections will be constructed from the interior of the neighborhood to the existing City trail network. One connection will extend southerly and connect to an existing trail on the south side of the neighborhood and the second connection will extend easterly, through the private amenity tract, and connect to the existing trail on the east side of the neighborhood. The neighborhood will also include public sidewalks, which will link to the new trail connections.

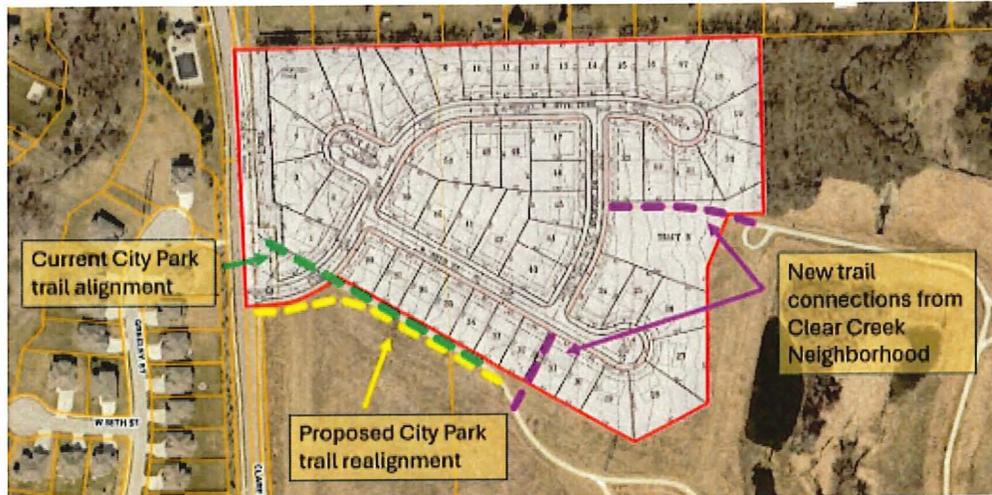


Exhibit 11: Park trail alignment and connections.



COMMUNITY DEVELOPMENT DEPARTMENT
 STAFF REVIEW COMMENTS

APPLICATION #: PT26-01P
 Clear Creek Subdivision

Address: 8705 CLARE RD, LENEXA, KS, 66227
 Document Filename: PreliminaryPlat_2025-11-24.pdf
 Plans Submitted On: 11/24/2025

Project Type: Preliminary Plat (PC)
 Project Description: Single Family Subdivision at 87th and Clare Road
 Staff Comments Completed: 12/08/2025

REVIEWER CONTACT INFORMATION

The following City of Lenexa staff members reviewed the project plans.

Reviewer Name	Reviewer Email	Reviewer Phone
Steve Schooley	sschooley@lenexa.com	913-477-7662
Tim Collins	tcollins@lenexa.com	913-477-7731
David Dalecky	ddalecky@lenexa.com	913-477-7715

STAFF REVIEW COMMENTS

The following staff review comments must be addressed before moving to the next step in the approval process.

GENERAL COMMENTS

MARKUPS FOR THIS DOCUMENT OR PLAN

Comment ID	Corrections Needed	Page Ref	Department - Reviewer	Review Comment
1	Yes	1	Engineering - Steve Schooley	Will need one-way signs around the cul-de-sac. Island in cul-de-sac shall remain as R/W with maintenance to be provided by HOA
2	Yes	1	Engineering - Steve Schooley	Appropriate trail modifications will be needed to connect existing trail to the north to the relocated trail south of 87th Terrace, and the angled part of the trail shall be removed.
3	Yes	1	Engineering - Steve Schooley	Prohibit parking on 87th terrace between Clare and 88th Street

Lack of Appropriate Studies

- **The traffic study is one of the most documented studies from our KORA request that is not being completed for this project. In addition, we know that they will not be doing an environment review based on KORA documents received and relying on Habitat for Humanity to do so after the fact. Multiple stormwater questions arose during planning of this plat but no studies were conducted.**

To: Doug Ubben, Jr. <dougubben@phelpsengineering.com>; Tim Collins <tcollins@lenexa.com>
Subject: RE: Clear Creek

No, that is still the native portion. The standard ditch is much farther north of 86th Terrace.

From: Doug Ubben, Jr. <dougubben@phelpsengineering.com>
Sent: Thursday, November 20, 2025 10:10 AM
To: Tom Jacobs <tjacobs@lenexa.com>; Tim Collins <tcollins@lenexa.com>
Subject: RE: Clear Creek

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

So, we can pipe this section of the ditch? Just want to make sure I'm on the same page with you.

Tim Collins

From: Doug Ubben, Jr. <dougubben@phelpsengineering.com>
Sent: Thursday, November 20, 2025 11:05 AM
To: Tom Jacobs; Tim Collins
Subject: RE: Clear Creek

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I lled, I have another question/request. Could you send me a link to the As-Builts for Clare Road, so we can analyze the downstream system from this site?

Doug Ubben, Jr., P.E.
Phelps Engineering, Inc.
1270 N. Winchester | Olathe, KS 66061
(913) 393-1155 – Office | (913) 538-5806 – Direct
dougubben@phelpsengineering.com

From: Doug Ubben, Jr.
Sent: Thursday, November 20, 2025 10:46 AM
To: 'Tom Jacobs' <tjacobs@lenexa.com>; 'Tim Collins' <tcollins@lenexa.com>
Subject: RE: Clear Creek

Sorry, one other question. Do you know if there's an easement over this channel? Trying to determine where we can set the back of the lots.

Doug Ubben, Jr., P.E.
Phelps Engineering, Inc.
1270 N. Winchester | Olathe, KS 66061
(913) 393-1155 – Office | (913) 538-5806 – Direct
dougubben@phelpsengineering.com

From: Doug Ubben, Jr.
Sent: Thursday, November 20, 2025 10:20 AM
To: 'Tom Jacobs' <tjacobs@lenexa.com>; Tim Collins <tcollins@lenexa.com>
Subject: RE: Clear Creek

Thanks for confirming.

Doug Ubben, Jr., P.E.
Phelps Engineering, Inc.
1270 N. Winchester | Olathe, KS 66061
(913) 393-1155 – Office | (913) 538-5806 – Direct
dougubben@phelpsengineering.com

From: Tom Jacobs <tjacobs@lenexa.com>
Sent: Thursday, November 20, 2025 10:15 AM

Tim Collins

From: Doug Ubben, Jr. <dougubben@phelpsengineering.com>
Sent: Wednesday, November 5, 2025 4:02 PM
To: Tim Collins
Subject: RE: Clear Creek Subdivision - Stormwater

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

That sounds good. Thanks Tim.

Doug Ubben, Jr., P.E.
Phelps Engineering, Inc.
1270 N. Winchester | Olathe, KS 66061
(913) 393-1155 – Office | (913) 538-5806 – Direct
dougubben@phelpsengineering.com

From: Tim Collins <tcollins@lenexa.com>
Sent: Wednesday, November 5, 2025 4:00 PM
To: Doug Ubben, Jr. <dougubben@phelpsengineering.com>
Subject: RE: Clear Creek Subdivision - Stormwater

Doug,

I cannot definitively yet, but I believe the case to be that stormwater management will be provided in the City's adjacent facilities, with an in-lieu per acre fee required in its stead. As this works through the pre-app process, I should be able to verify that more firmly.

Tim

From: Doug Ubben, Jr. <dougubben@phelpsengineering.com>
Sent: Wednesday, November 5, 2025 8:54 AM
To: Tim Collins <tcollins@lenexa.com>
Subject: Clear Creek Subdivision - Stormwater

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Tim,

We currently have a pre-application request in review for this single family subdivision at 89th and Clare, but I was wanting to get a jump on the stormwater if I could. Will you provide me with the stormwater / treatment requirements for this parcel being acquired from the city? Does the pond or regional wetland on the city property provide detention or treatment value that we are able to use?

From: Scott McCullough <smccullough@lenexa.com>
Sent: Thursday, November 20, 2025 4:38 PM
To: Lindsay Hicks <lhicks@habitatkc.org>; Becca Yocham <byocham@lenexa.com>
Subject: RE: FAQs

Lindsay,

We will certainly review/add to the FAQs. A traffic study will not be required for the project. What is your expectation/deadline for receiving comments on the FAQ?

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

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Road.

20. Will this project increase traffic once the homes are built?

The new neighborhood will connect to Clare Road, an arterial street that connects 83rd Street to Prairie Star Parkway. As with any development, the 50 new homes will increase local traffic, but the road network has adequate capacity to accept the vehicle trips created, and planned improvements to Clare Road, such as a southbound left turn lane into the subdivision, will help maintain safety and accessibility for all users.

21. Why was this location chosen?

Commented [LH10]: Will need to confirm at the pre-app meeting how they want this one addressed as well.

Commented [SM11R10]: Yes, Clare Road is designed to accept this new traffic. I offer edits to how to frame this. The noted left turn lane is planned to be employed next year as a city project. The street is wide enough, the turn lane just needs to be striped on the street.

Commented [TG12R10]: The subdivision will generate up to 500 trips per day, so I would remove the "small number" language. The sentence above it is true, that the additional trips will be a small percentage of the overall traffic on Clare Rd.

From: Tim Collins <tcollins@lenexa.com>
Sent: Thursday, November 20, 2025 4:35 PM
To: Doug Ubben, Jr. <dougubben@phelpsenengineering.com>
Cc: Scott McCullough <smccullough@lenexa.com>; David Dalecky <ddalecky@lenexa.com>
Subject: Clare Road Follow-up

Doug,

Just following up from our meeting the other day regarding the question on a traffic study requirement. I did discuss further with Traffic, and what I told you in the meeting is correct/appropriate.

We will not require a traffic study for this project.

Thank you,

Tim

Timothy J Collins, P.E.
Engineering & Construction Services Administrator
City of Lenexa | Engineering Division
(913) 477-7731 (direct) | (913) 477-7730 (fax)
tcollins@lenexa.com | www.lenexa.com

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Landscaping

- **Originally no landscaping was present on the plat. It was flagged to be added but only along the portion bordering Clare.**
- **Our request that was not taken into consideration: Request the following landscape buffers be incorporated into the development plan:**
 - **Type 3 landscape buffer for lots facing Clare Road**
 - **Type 2 landscape buffer for lots facing Clear Creek Wetlands Park when the lots are adjacent to the public trail, to protect trail users, preserve the park character, and provide appropriate separation between private residential uses and public recreational space**

In addition, lots adjacent to existing homes along W. 86th Terrace should include a landscape buffer designed to protect the mature tree line along the north side of the property. This area contains numerous old-growth trees that provide screening, environmental value, and neighborhood character.

Request that the applicant be required to submit a tree survey and tree preservation plan. The current fencing approach would introduce gaps every 50–60 feet, fragmenting the tree line and diminishing its effectiveness as a buffer. Preservation of these trees should be prioritized.

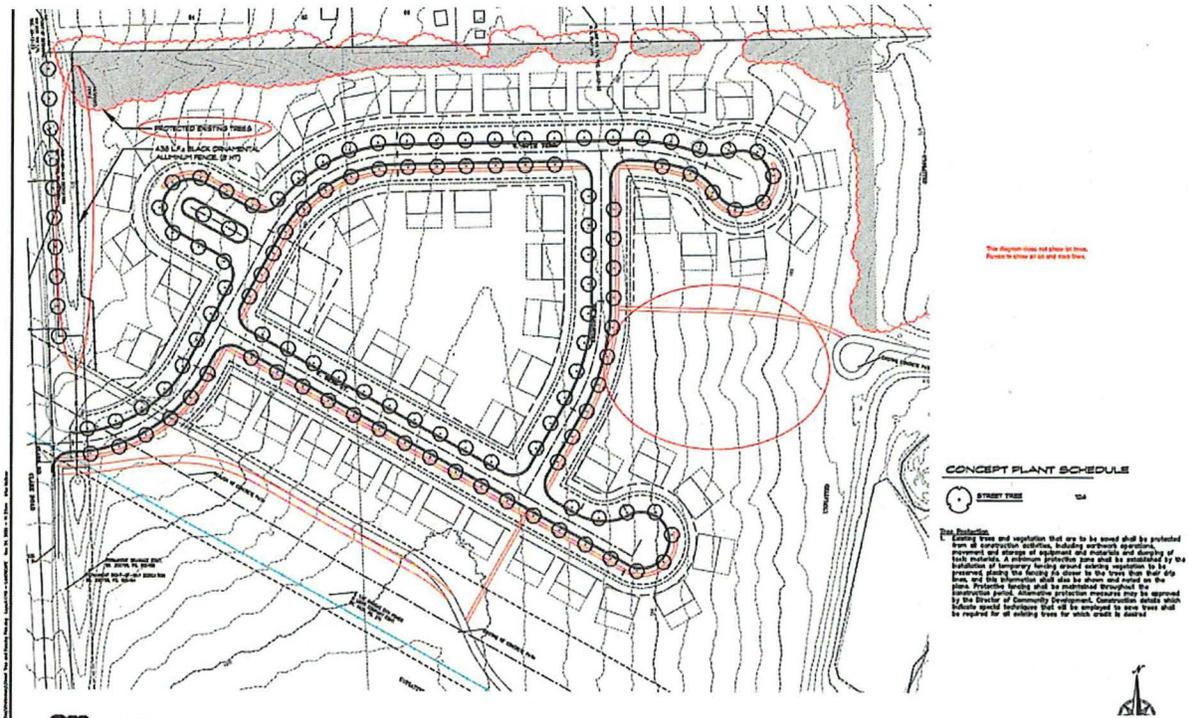
MARKUPS FOR THIS DOCUMENT OR PLAN

Comment ID	Corrections Needed	Page Ref	Department - Reviewer	Review Comment
10	Yes	L110	Planning - David Dalecky	Show a general layout of the proposed private park. This is to demonstrate the expectation for the use. For instance, will this space have off street parking? Will there be climbers, play equipment, etc.?
11	Yes	L110	Planning - David Dalecky	Per Section 4-2-E-4 of the UDC, shrubs and trees are required in the fence and landscape buffer. Provide a table to show the required landscape materials per 100 feet and what is proposed.
15	Yes	L110	Planning - David Dalecky	This diagram does not show lot lines. Revise to show all lot and tract lines.

1/2

12/08/2025 | PT26-01P

Comment ID	Corrections Needed	Page Ref	Department - Reviewer	Review Comment
16	Yes	L110	Planning - David Dalecky	If existing trees are proposed to count toward the landscape buffer requirement, make this note in the project narrative.



Deviations:

- **To be consistent with RP-1 standards in the Lenexa UDC:
Applying RP-3-style lot dimensions to a development labeled RP-1 effectively increases density and intensity beyond what the surrounding neighborhoods were built to expect. If a development is to be classified as RP-1, it should be required to meet the primary dimensional standards of RP-1, not those of a higher-density zoning district.**

Re: Deviation Request
Clear Creek Subdivision
Preliminary Plat
PT25-____ / PEI #251132

David,

Habitat for Humanity of Kansas City is applying for a preliminary plat and rezoning in order to develop a planned single family subdivision in the area of 87th and Clare. The property is currently zoned AG. The proposed zoning for the property is RP-1. With the application for the rezoning and preliminary plat, the developer is requesting five deviations from the Lenexa requirements. They are as follows:

Deviation #1

This deviation request is to a reduction in the minimum lot width from 70 feet to 62 feet at the front building line for all lots in the RP-1 zoning. This deviation is to section 4-1-B-F of the unified development ordinance.

Deviation #2

This deviation request is to a reduction in the minimum front yard setback from 30 feet to 25 feet. This deviation is to section 4-1-B-F of the unified development ordinance.

Deviation #3

This deviation request is to a reduction in the minimum lot size from 8,000 square feet to 7,500 square feet. This deviation is to section 4-1-B-F of the unified development ordinance.

Please let me know if you have any further questions. Thank you.

Best,

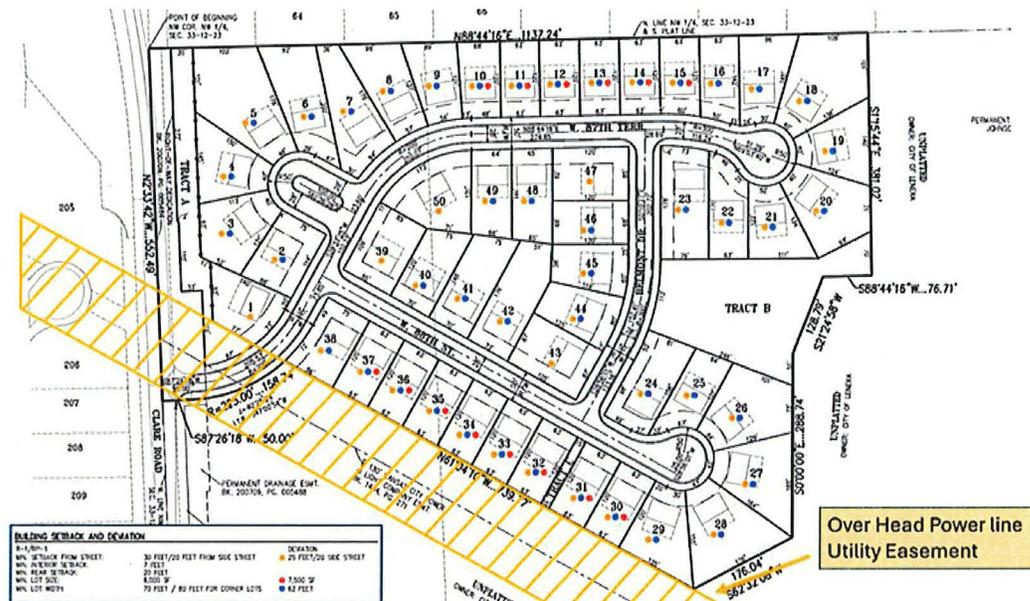

Doug Ubben, Jr., P.E.

DEVIATIONS

The applicant requests a deviation from [Section 4-1-B-6-F](#) of the UDC for reduced front yard setback, reduced lot width, and reduced lot area for some or all lots. The Planning Commission has the authority to approve deviations provided the criteria from [Section 4-1-B-27-G-4](#) of the UDC are met.

Deviations for various aspects of lot size are often considered and approved for neighborhoods in Lenexa. Alternatives to the standard dimensions stated in the UDC allow for development of sites that have limitations due to more significant terrain variations, stream corridors, and utility easements. These, and other, site conditions necessitate some flexibility in the development of the site. Encumbrances such as new streets, trail connections, and (new and existing) utility easements impose limitations of space for standard size lots in a neighborhood. Implementing reasonable deviations for the development of single-family neighborhoods allows for safe and appropriate street alignments and the practical and efficient development of land. Most, if not all, neighborhoods which have developed in the past 10 years have requested, and were granted, deviations for setback reductions and reduced minimum lot dimensions.

The deviations proposed for the Clear Creek Subdivision are shown on Exhibit 20 using colored dots to reflect the requested deviation(s) for each lot.



Section 2: Procedural Violations:

From: Scott McCullough
Sent: Tuesday, December 23, 2025 2:08 PM
To: Lindsay Hicks; Doug Ubben, Jr.
Cc: Stephanie Sullivan
Subject: RE: Proposed Clear Creek Subdivision

Ok, thank you. We will advise any neighbors who ask.

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/ffome>

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From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Tuesday, December 23, 2025 1:20 PM
To: Scott McCullough <smccullough@lenexa.com>; Doug Ubben, Jr. <dougubben@phelpsengineering.com>
Cc: Stephanie Sullivan <ssullivan@lenexa.com>
Subject: Re: Proposed Clear Creek Subdivision

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Scott,
Doug filled me in this morning about the change of dates. We will move forward with February 2nd.

Thanks,
Lindsay

Lindsay Hicks
President and CEO
Habitat for Humanity of Kansas City
lhicks@habitatkc.org
913.475.9466

From: Scott McCullough <smccullough@lenexa.com>
Sent: Tuesday, December 23, 2025 12:52:06 PM
To: Lindsay Hicks <lhicks@habitatkc.org>; Doug Ubben, Jr. <dougubben@phelpsengineering.com>
Cc: Stephanie Sullivan <ssullivan@lenexa.com>
Subject: RE: Proposed Clear Creek Subdivision

Lindsay and Doug,
Please confirm that continuing the application to the February 2, 2026, Planning Commission meeting date works for your team. If so, the Jan 6 PC agenda will note the continuance and we will provide a now sign to you at the

appropriate time. The other notices appear to have been done per code and will stand and do not need to be redone. Thank you.

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

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-----Original Message-----

From: Scott McCullough
Sent: Tuesday, December 23, 2025 10:13 AM
To: Lindsay Hicks <lhicks@habitatkc.org>; Doug Ubben, Jr. <dougubben@phelpsenengineering.com>
Subject: FW: Proposed Clear Creek Subdivision

Lindsay or Doug,
Please call to discuss this. Thank you. 913-477-7532.

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

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-----Original Message-----

From: Dan Wilkus <danwilkus@gmail.com>
Sent: Monday, December 22, 2025 11:53 PM
To: Scott McCullough <smccullough@lenexa.com>; Stephanie Sullivan <ssullivan@lenexa.com>
Subject: Proposed Clear Creek Subdivision

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Scott and Stephanie, as you are aware the applicant is responsible for posting signs, furnished by the City, 14 days prior to the Planning Commission meeting, on the property to be rezoned. The signs appeared this evening on the land proposed to be rezoned. However, posting the signs this evening only gives the public 13 days' notice prior to the public hearing that will take place at the Planning Commission on January 5, 2026. In Section 4-3-A-1, paragraph B of the City of Lenexa Unified Code it is clearly stated that "...in the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded. Based on this definition, the first day of posting was

12/22/2025 and the last day is the day of the hearing, 01/05/2026.

When both of these dates are excluded, the public is only receiving 13 days notice prior to the public hearing for rezoning the land at 87th Street and Clare. Therefore, based on the failure of the applicant to post notice of the public hearing at least 14 days prior to the public hearing, I request the applicant's application be deemed incomplete and the planned public hearing on this matter be delayed to a later date beyond January 5, 2026. The current public notice period is already over two federal holidays where many people may be out of town and may

2

not be aware of the proposed rezoning of this land. Each and everyday of the public notice period is critical. One less day of notice, may keep members of the public from attending. I was walking through the park land today and met several people who were not aware of the proposed rezoning and project, thus failure to follow the Unified Code and provide the proper notice has put the public at significant disadvantage to challenge this proposed rezoning.

Thanks for your attention to this matter.

Daniel R. Wilkus, P.E.

NOTICE OF PUBLIC HEARING

VIA CERTIFIED MAIL/RETURN RECEIPT

RE: Clear Creek Subdivision (RZ26-04, PT26-01P)
Location: 8705 Clare Road
Planning Commission Meeting Date: January 5, 2026

Notice is hereby given that the **Lenexa Planning Commission** will hold a Public Hearing regarding the above-referenced project on **Monday, January 5, 2026 at 7:00 p.m.** or as soon as can be heard, at the Community Forum within Lenexa City Hall, located at 17101 W. 87th Street Parkway, Lenexa, Kansas. All members of the public are invited to attend the Public Hearing and provide written and/or oral testimony. Comments emailed to glambert@lenexa.com prior to 12:00 p.m. on Monday, January 5, 2026 will be sent to the Planning Commission prior to the meeting that evening.

At said hearing all interested parties will be heard regarding a request to rezone property from the AG, Agricultural District to the RP-1, Planned Residential (Low Density) District. The subject property is located at 8705 Clare Road in Lenexa, Kansas.

A map is included on the next page.

The full application and complete legal description are available for inspection between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the office of Community Development located at 17101 W. 87th Street Parkway, Lenexa, Kansas. Additional information will be published in the Planning Commission Meeting Packet, which will be available online by end of day Thursday, December 31, 2025 at the following webpage:
<https://www.lenexa.com/Government/Agendas-Minutes>

Planning applications are sometimes continued to subsequent meeting dates. If you have questions about this project or the Planning Commission meeting, please contact the Project Planner, David Dalecky, at 913-477-7715 or ddalecky@lenexa.com

This application was filed by Doug Ubben of Phelps Engineering, agent for City of Lenexa, owner of record.

NOTICE

TO MAIL NOTIFICATION LETTERS & TO POST NOTIFICATION SIGN

DATE: December 8, 2025

TO: Doug Ubben
dougubben@phelpsengineering.com

RE: Clear Creek Subdivision (RZ26-04, PT26-01P)
Location: 8705 Clare Road
Planning Commission Meeting Date: January 5, 2026

REQUIRED NOTIFICATION LETTER MAILING:

It is the applicant's responsibility to mail a certified letter with return receipt of notification to all property owners located within 200 feet of the perimeter of the subject property being considered for land use action by the City. The applicant must obtain a listing of property owners and addresses along with a buffer map within 200 feet of the subject property. These items are available from the [Johnson County Records and Tax Administration](#). Please allow sufficient time to obtain the information.

These letters must be postmarked at least 20 clear days prior to the Planning Commission meeting date (not including the date of the mailing or the hearing date). Based on the projected Planning Commission meeting date, **letters must be mailed on or before Monday, December 15, 2025**. A sample Notification Letter is included at the end of this packet. Email post office receipt for mailing notification letters by end of day December 16th.

REQUIRED NOTIFICATION SIGN POSTING:

It is also the applicant's responsibility to place a notification sign on the subject property being considered for land use action by the City at least 14 days prior to the Planning Commission meeting. Said sign must remain on the property until a decision on the application has been made. The applicant shall remove and dispose of the sign following the Governing Body's decision on the project.

The City will provide the sign and it will be available for pickup at City Hall on **Monday, December 15th after 12:00pm**. The applicant must affix the sign to a stake or post and position it where it can be seen from a public street. Sign(s) should be no closer than 12 feet from a street curb or pavement end. **The sign must be posted on or before Monday, December 22, 2025.**

REQUIRED SUBMITTAL FOLLOWING MAILING & POSTING:

After the required mailing and sign posting is complete, the applicant must submit the following documents to the Community Development Department via email to Gloria Lambert at glambert@lenexa.com by the end of the day **Monday, December 29, 2025**. Failure to provide all this information at the time requested may necessitate a one-month continuation of the application.

1. A copy of the Notification Letter;
2. A list of property owners that the Notification Letter was mailed to;
3. The 200' buffer map;
4. Certified mail receipts (green return cards);
5. A photo of the posted notification sign(s); and
6. A signed and notarized Affidavit of Legal Notification (see page 3).

RECOMMENDED NEIGHBORHOOD MEETING:

It is strongly recommended that applicants hold a neighborhood meeting with surrounding property owners, homes associations, and/or neighborhood groups prior to any required Public Hearing or preliminary plan submittal to the Lenexa Planning Commission. The purpose of the neighborhood meeting is to inform neighbors about the project; answer questions and work to develop a productive and cooperative relationship with the neighboring property owners. The means of notification for the public information meeting may be by letter or email but should not be sent in the same envelope as the required certified mail notification described above.

Please be advised that if you choose not to have the recommended neighborhood meeting, your application may be delayed by the Planning Commission or Governing Body, if in either body's judgment, such a meeting would be beneficial.

If you opt to hold a neighborhood meeting, please provide the meeting information to the Planner assigned to your project.

If you have any questions, please contact us.

Gloria Lambert
Senior Administrative Assistant
City of Lenexa | Community Development
Glambert@lenexa.com
(913) 477-7729

David Dalecky
Planner II
City of Lenexa | Community Development
ddalecky@lenexa.com
913-477-7715

Section 3: Ethics Violations

- Quid Pro Quo

From: Beccy Yocham <byocham@lenexa.com>
Sent: Thursday, May 22, 2025 3:42 PM
To: Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Thank you

Lindsay:

Thanks for the meeting and for your interest in developing in Lenexa. I appreciated learning more about the proposed project. I will be in touch after I've had the opportunity to discuss the concept with a few other members of our team. The few discussions I have had so far have gone well.

A couple of questions have arisen since we met:

1. What is the County's role as mentioned in the proposal?
2. This might not be possible, but what is your reaction to the idea of establishing a way that we could allow City of Lenexa employees to benefit from this opportunity? It could take a number of forms - from just marketing your programs specifically to our employees, to giving them a small "bump" in scoring when it comes to qualifying for a home, to setting aside a small number of units that our qualifying employees could have a right of first refusal on to purchase and probably other ways we haven't thought of. Have you ever seen anything like this done and do you have any thoughts on the concept?

I appreciate your thoughts when you have time. Thanks again.

2

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Thursday, May 22, 2025 5:57 PM
To: Beccy Yochem <byocham@lenexa.com>
Subject: Re: Thank you

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Beccy,

First, I am noticing I spelled your name wrong in my initial email - so sorry about that!

To answer your questions:

1. They are a funding source as they afforded us dollars for acquisition, and we would ask them to fund vertical construction as well.
2. Great idea! Of course, with funding sources we will need to make sure there are not any limitations - although some of these homes will be built with private dollars which eliminates the complication. We could do marketing, information sessions, have a housing counselor assigned to support your employees, etc.

Hope this helps. Let me know if you need anything else.

Lindsay

From: Scott McCullough <smccullough@lenexa.com>
Sent: Friday, May 23, 2025 2:24 PM
To: Beccy Yocham; Sean McLaughlin; Mike Nolan; Todd Pelham
Subject: RE: Thank you

That would be great! Here is how TTH in Lawrence does [things](#). The info down the page shows the amount of reduced price and other things to fill out how such a program works.

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: Beccy Yocham <byocham@lenexa.com>
Sent: Friday, May 23, 2025 12:18 PM
To: Scott McCullough <smccullough@lenexa.com>; Sean McLaughlin <smclaughlin@lenexa.com>; Mike Nolan <mnolan@lenexa.com>; Todd Pelham <tpelham@lenexa.com>
Subject: Fw: Thank you

FYI. I asked Habitat about how our employees could potentially benefit and her answer is below.

Beccy Yocham

City Manager

Page 1 / 14 — 🔍 +

- **Procedural Fairness/Private Meetings and Lack of Public Access / Appearance of Bias And Improper Coordination With Applicant / Forwarding Resident Feedback to Applicant**

From: Beccy Yocham <byocham@lenexa.com>
Sent: Wednesday, June 4, 2025 4:57:27 PM
To: Lindsay Hicks <lhicks@habitatkc.org>
Subject: RE: Thank you

Lindsay:

Thank you for your reply to my questions. I thought I responded when you replied, but I'm not finding that, so I might have failed to do that. My apologies.

I've had the opportunity to visit informally with our team and we'd like to continue to explore this opportunity with Habitat. I believe when we met, we discussed that an opportunity for our governing body to see and learn more about your Olathe project might be a good first step and if that makes sense to you, then we'd like to move forward with getting that scheduled. Please let me know if this still makes sense to you and we can go from there.

6

Thanks!

Beccy

Beccy Yocham

City Manager
City of Lenexa
913.477.7718

byocham@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Thursday, June 5, 2025 9:38 AM
To: Beccy Yocham <byocham@lenexa.com>
Subject: Re: Thank you

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Beccy! Let's do July 15 at 3pm. I am out of the town the 1st.

From: Beccy Yocham <byocham@lenexa.com>
Sent: Thursday, June 5, 2025 8:55 AM
To: Lindsay Hicks <lhicks@habitatkc.org>
Subject: RE: Thank you

Could we do the afternoon of July 1 or July 15? Say 3:00 or 4:00? We have Council meetings at 7:00 both nights so we'd need to be done by 6:00 at the latest to give them time to travel, etc.

Beccy Yocham

City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Beccy Yocham <byocham@lenexa.com>
Sent: Tuesday, July 8, 2025 6:00 PM
To: Lindsay Hicks <lhicks@habitatkc.org>
Subject: RE: Thank you

Hi Lindsay:

Just checking in to confirm that we are still on for next Tuesday, July 15 for a visit to your Olathe project? I have us scheduled for 3:00 at the Pathway Community Christian Church building, now owned by Habitat at 15885 S. Black Bob Road. Correct?

I also previously provided the following link to the website for the project which has some more information, including FAQs about the community land trust model and Habitat's home buyer requirements:

<https://habitatkc.org/pathway-at-heritage-park/>

Are there any other instructions I should provide to the team for next week? Any other homework or resources you want me to share with the team ahead of the meeting?

We are looking forward to the visit. Thanks!

Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

On Jul 9, 2025, at 9:24 AM, Lindsay Hicks <lhicks@habitatkc.org> wrote:

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Beccy!

Thanks so much for your email. Yes, we are all set for next Tuesday, July 15 at the Olathe Pathways project at 15885 S Lackman Rd., Olathe, KS 66062. There is plenty of parking on site for your group.

I will have packets compared - similar to those that we handed out at our last meeting. At this time, I do not have any homework for you all. However, I was wondering if you could let me know who you anticipate being there so we can plan accordingly.

We are very excited to host you all on site!

Lindsay

On Jul 9, 2025, at 1:28 PM, Lindsay Hicks <lhicks@habitatkc.org> wrote:

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Wow - great turnout! Very exciting!

To confirm, are you all holding this as an open meeting? I just want to make sure we are fully prepared. As you know, lessons were learned with Olathe. 😊

Thanks!
Lindsay

From: Beccy Yocham <byocham@lenexa.com>
Sent: Wednesday, July 9, 2025 11:53 AM
To: Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Thank you

Sounds good, Lindsay. We are looking forward to it. I have invited our entire Governing Body and Management Team, which is a total of approximately 22 people. The majority have indicated they plan to attend, but I will send a reminder and ask them to let me know if their status has changed and let you know if there is material change in that number.
Thanks. -Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7718 (direct)
byocham@lenexa.com

Subject: Visit Habitat for Humanity Pathways at Heritage Park Project
Location: 15885 Black Bob Rd, Olathe, KS

Start: Tue 7/15/2025 3:00 PM
End: Tue 7/15/2025 5:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Beccy Yocham

Governing Body Members: We have been invited to visit and tour the Habitat Olathe Pathway's project to learn more about it and their housing model. We will meet at the Pathway Community Christian Church building, now owned by Habitat at 15885 S. Black Bob Road. In the meantime, I have linked to the website for that project which has some more information, including FAQs about the community land trust model and Habitat's home buyer requirements:

<https://habitatkc.org/pathway-at-heritage-park/>

Please let me know if you have any questions. -Beccy

From: Beccy Yocham <byocham@lenexa.com>
Sent: Friday, July 18, 2025 2:39 PM
To: Lindsay Hicks <lhicks@habitatkc.org>
Cc: Scott McCullough <smccullough@lenexa.com>; Sean McLaughlin <smclaughlin@lenexa.com>
Subject: RE: Thank you

Hi Lindsay:

I think everyone on the team enjoyed the tour and informational session and was impressed with the Pathways project. Thank you for your hospitality. I think the next step would be to start moving a plan through our process. In the meantime, we're going to get our appraisal updated on the property – not necessarily because we intend to change the asking price, but to help the Council with understanding the current value as compared to what we paid for the property many years ago.

If a meeting to discuss process would be valuable, we can certainly get one scheduled. I am going to be out of the office for a couple of weeks starting 7/26, but if you'd like to meet while I'm gone, you could meet with Scott on planning matters and our City Attorney, Sean McLaughlin can attend to discuss contractual matters.

Thanks and have a great weekend.

Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Beccy Yocham <byocham@lenexa.com>
Sent: Tuesday, December 9, 2025 9:06 AM
To: Lindsay Hicks <lhicks@habitatkc.org>; Katie Killen <kkillen@habitatkc.org>
Subject: Schedule of public meetings

Good morning, Lindsay & Katie:

Can you provide us with an updated schedule of all public meetings that you have planned and who is being invited? I see the Gallery Walk listed on the website for tonight – is this the only meeting? How was this meeting advertised?

As you can imagine, we are starting to get a lot of emails on the project, including one requesting that the City hold an informational meeting. I'd rather point the residents to your meetings – and consider whether we want someone there – than have our own, but I'm still thinking that through. Did Olathe have any City meetings other than the PC and GB? (I know Olathe did not own the land and that is probably the biggest difference, but just checking.)

Thanks for your help.

Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Tuesday, December 9, 2025 11:10 AM
To: Beccy Yocham <byocham@lenexa.com>; Katie Killen <kkillen@habitatkc.org>
Subject: Re: Schedule of public meetings

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Beccy,
The updated meetings are as follows:
December 9
4-6pm
Gallery Walk
Resurrection Church - West
24000 W Valley Pkwy, Olathe, KS 66061
* Currently have 32 people signed up to attend

Coffee and Connections event out at Olathe Pathway, which is a presentation on Habitat's program and an opportunity to tour a Habitat home. The information for that is:

December 12
8:30-10am
Tour a Habitat KC Home
Pathways at Heritage Park
15885 South Black Bob Road Olathe, KS 66062

Post card invitations were sent out to 118 residents that made up of 14 residences within 200 ft and 43 within 500 ft. An email was sent to HOA presidents that live in close neighborhoods as well that are outside of the 200/500ft range.

Olathe did not hold any meetings other than PC and GB. If you would like to send someone tonight, please let me know. I think the biggest question we are seeing from residents is about the park. Is there

2

specific messaging you would like us to share? We are just focusing on the RFP from years ago and sharing our version of Parcel A from it.

Let me know if you want to hop on a call to discuss anything further.

Thanks Beccy!
Lindsay

From: Beccy Yocham <byocham@lenexa.com>
Sent: Tuesday, December 9, 2025 11:51:09 AM
To: Lindsay Hicks <lhicks@habitatkc.org>; Katie Killen <kkillen@habitatkc.org>
Subject: RE: Schedule of public meetings

Thanks Lindsay. We will not have anyone at the meeting tonight. And we won't be hosting any informational meetings either. The main misconception that we are trying to clear up is that we are selling parkland for the project. We have included this sentence in our emails to residents and would ask that you reinforce this message tonight and in future meetings:

"The future City park and the existing City stormwater & trail facilities in the vicinity will remain under city ownership and public use and are not impacted by the Habitat proposal."

1

Thanks for the additional information about notification for your upcoming meetings. I'm not sure I'm following the math in this sentence: "Post card invitations were sent out to 118 residents that made up of 14 residences within 200 ft and 43 within 500 ft." As $43+14$ does not equal 118, so who are the other 61 that got postcards? Sorry for the ticky-tacky questions, I just know I will get asked. 😊

Thanks again.

Beccy

From: Beccy Yocham
Sent: Tuesday, December 9, 2025 12:02 PM
To: Governing Body
Cc: Scott McCullough; Sean McLaughlin
Subject: Habitat for Humanity emails

Governing Body members:

By now, you are likely aware that Habitat has formally submitted their proposal to develop 50 single-family homes in the vicinity of 8705 Clare under the project name Clear Creek Subdivision. I see that emails from the public regarding the proposed project are starting to come in and it appears that there is a common misconception that we are selling our parkland for this development. Staff is responding to these emails as follows, in order to correct this misconception:

"Thank you for your email. The proposed Habitat project is a private single-family home development project which is proposed for land that has been for sale by the City for several years. The future City park and the existing City stormwater & trail facilities in the vicinity will remain under city ownership and public use and are not impacted by the Habitat proposal. Your email will be included in the Planning Commission's packet for the January 5, 2026 meeting when the rezoning and plat applications are scheduled to be considered by the Planning Commission.

There is information about Habitat's project on their website [here](#). In addition, please note that Habitat is holding an informational meeting about the project **today**, December 9 from 4-6PM, and the information regarding the meeting can be found [here](#)."

As you know, when an email comes to all Governing Body members, it is Mayor Sayers' practice to respond to the person, acknowledging receipt, and to forward the email on for the public record, thereby relieving the rest of you from the need to do so. If you get emails which are only addressed to you, you may do the same and forward them to publicrecord@lenexa.com.

I think it is appropriate for Governing Body members to correct the misconception about sale of City parkland in your responses, if you are so inclined. Lastly, just a reminder that you will only be asked to approve the sale of City property if you first approve the proposed rezoning and plan/plat.

Please let me know if you have any questions. As always, no reply alls, please.

Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

From: Beccy Yocham <byocham@lenexa.com>
Sent: Thursday, October 23, 2025 3:42 PM
To: Lindsay Hicks
Cc: Katie Killen; Mike Nolan; Scott McCullough; Sean McLaughlin
Subject: RE: Habitat KC - Clear Creek Update

Lindsay:

Thanks for reaching out and for the update. Can you share the list of people you are already planning to reach out to? I think that would be a helpful starting point for me. I plan to speak with the Mayor about this in the next few days to get her input on the list and will get back to you with any additions thereafter. (One thing to keep in mind is that we have a city election on November 4, with 4 councilmembers up for election.)

Do you envision that the in-person event the week of November 10 would be a project "announcement" of sorts or just an educational opportunity to learn more about Habitat?

I would appreciate seeing the website before it goes live as well if that would be possible. Because this project involves purchasing property from the City, I think it is best if we workshop the way that is described carefully and that the Council is made aware of the website and what it says before it goes live. I do not want them to be caught off guard by anything. I'm also thinking through the timing of making the website information public and whether it is a good idea before the project is submitted to the City? And perhaps the verblage you have planned for the website will help me to get comfortable with that. We want to avoid – to the extent we can – anything that would lead detractors from thinking this is prejudged in any way. I know you have experience and lessons learned from the Olathe project that informs your plan here and I certainly don't want to derail that. Can you provide any more insight into the timing of this?

Thanks.

Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7710
byocham@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Beccy Yocham <byocham@lenexa.com>
Sent: Thursday, October 23, 2025 3:42 PM
To: Lindsay Hicks <lhicks@habitatkc.org>
Cc: Katie Killen <kkillen@habitatkc.org>; Mike Nolan <mnolan@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Sean McLaughlin <smclaughlin@lenexa.com>
Subject: RE: Habitat KC - Clear Creek Update

Lindsay:

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Thanks.

Beccy

3

Beccy Yocham
City Manager
City of Lenexa
913.477.7716
byocham@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Friday, October 24, 2025 2:38 PM
To: Beccy Yocham <byocham@lenexa.com>
Cc: Katie Killen <kkillen@habitatkc.org>; Mike Nolan <mnolan@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Sean McLaughlin <smclaughlin@lenexa.com>
Subject: Re: Habitat KC - Clear Creek Update

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Beccy,

Thanks for your feedback and questions. Our internal team reflected on them as well as a few other things and have made some shifts and changes. To answer your questions:

1. Here is the outreach list we have as of now. Please let us know your thoughts/feedback:

Superintendent of De Soto Public Schools

Rodrock Development

Former Mayor Mike Boehm

Paul Snider

Lenexa Chamber

Joelle Hoyo

Parks Advisory Board, Chair

HOA Presidents of communities in proximity

City Council - might check with Beccy to avoid serial meeting issues that would cause a Open Meeting violation

Representative Adam Turk

Senator Mike Thompson

St. James Leadership

- 1.

2

1. We decided to not have the November 10 meeting and will instead offer that information at a separate event after the gallery walk. At that event we will cover information about our program, qualifications, the Land Trust model, etc.
1. Our intent with the website was to have that up if we were having the November 10 education session more or less just focusing on FAQs and our work in Johnson County to date. However, now that we are not having that we will just leave our site as is and plan on launching a web page when we formally submit our application.

We would greatly appreciate a collaborative approach to this and all communications. If you have availability, could we schedule sometime to discuss these items over the next week or two?

Have a great weekend!
Lindsay

From: Julie Sayers
Sent: Sunday, October 26, 2025 2:50 PM
To: Beccy Yochem
Subject: RE: Habitat KC - Clear Creek Update

The only other party that I can think of to meet with (other than the Chairman who had heard about the project and expressed interest) would be representative(s) of the MARC housing team.

Julie Sayers

Mayor
City of Lenexa
913.477.7567
jsayers@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Beccy Yochem <byochem@lenexa.com>
Sent: Friday, October 24, 2025 2:58 PM
To: Julie Sayers <jsayers@lenexa.com>
Subject: FW: Habitat KC - Clear Creek Update

Julie: I asked the Habitat folks a few questions, including who was already on their outreach list and here are the answers. You can read the whole conversation from the bottom up.

I would like to speak with you about this when you have time, but it doesn't have to be today. I know you're probably wiped out, behind at work and/or too tired to think about this.

We'll be in Tampa for ICMA starting tomorrow, back Wednesday late morning. I could talk from Tampa sometime Monday or Tuesday, Wednesday afternoon when I'm back or if all else fails, next Friday.
Thanks.

Beccy Yochem

City Manager
City of Lenexa
913.477.7718
byochem@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Thursday, November 20, 2025 3:06 PM
To: Beccy Yochem <byocham@lenexa.com>
Cc: Scott McCullough <smccullough@lenexa.com>
Subject: FAQs

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Hi Beccy and Scott!

2

One of the items we discussed was your opportunity to review the FAQs info we will be putting on the website. Please see the attached draft and let me know your thoughts/feedback/edits.

I know Tim was going to get back on the traffic question. Just let me know where that lands.

Thank you!
Lindsay

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Friday, November 21, 2025 9:48 AM
To: Scott McCullough <smccullough@lenexa.com>; Beccy Yocham <byocham@lenexa.com>
Subject: Re: FAQs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, Scott! If possible, the first week of December.

Lindsay

From: Scott McCullough <smccullough@lenexa.com>
Sent: Thursday, November 20, 2025 4:38 PM
To: Lindsay Hicks <lhicks@habitatkc.org>; Beccy Yocham <byocham@lenexa.com>
Subject: RE: FAQs

Lindsay,

We will certainly review/add to the FAQs. A traffic study will not be required for the project. What is your expectation/deadline for receiving comments on the FAQ?

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: Scott McCullough <smccullough@lenexa.com>
Sent: Tuesday, December 2, 2025 3:40 PM
To: Lindsay Hicks <lhicks@habitatkc.org>; Beccy Yocham <byocham@lenexa.com>
Subject: RE: FAQs

Hi Lindsay,

Below is a link to City staff edits, comments, and questions. I left it raw without refining any edits – make sure you view in “All Markup” view to see comments to the side. Happy to jump on a call or Teams mtg to discuss any of them. The link should provide anyone with rights to view and edit so you can forward it to others if needed. Let me know of any questions. Thanks for letting us review this!

[Running FAQ - Lenexa City Comments.docx](#)

1

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Tuesday, December 2, 2025 4:59 PM
To: Scott McCullough; Beccy Yochem
Subject: Re: FAQs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you both and your team!

I don't think I need to hop on a call. These changes all make sense to me - I addressed some questions, added in language regarding renting, and cleaned everything up. I am not sure how to add the original concept map on the website FAQ but will have marketing take a look. We definitely can have it in the printed FAQs for the Gallery Walk and Coffee Connections meetings.

Website link is as follows: <https://habitatkc.org/lenexa-homes/> **Let me know if you have any changes on this.** Of course, the FAQs will be updated based on your suggested changes/comments from today. The website will be updated frequently as we receive additional questions that we feel are of value to add.

Gallery Boards and the Post Card mailings are completed. Doug is working on the certified letter as required by December 15.

I have had a lot of great meetings pertaining to the project. Overall, people seem to be happy about this approach to affordable housing in the community. Something of note - Dr. Gibson mentioned that the three schools these homes filter into are up for expansions with the Bond money they earned. He thinks this project demonstrates the need to prioritize them.

I can't thank you both enough for the extra support and set of eyes on this project. We appreciate it!

Lindsay

1. What is Habitat for Humanity?

Habitat for Humanity is a nonprofit organization that partners with families and volunteers to build affordable homes and help families achieve strength, stability, and self-reliance through shelter.

2. Where is this neighborhood located?

This 50-home Habitat neighborhood is located at 91st Street and Clare Road.

The Property surrounds the City's award-winning Clear Creek Stormwater Detention project, which was completed in the spring of 2017 and offers a 1.5 acre recreational pond, regional in-stream wetland basins, stream corridor enhancements and an extensive trail system featuring over one mile of paved recreational trail.

Immediately adjacent to the Property to the south is an approximately 40 +/- acre future City park site, which, when combined with the Clear Creek Improvements, will provide unparalleled recreational amenities to the residents of the area. The community is being developed with sustainability, safety, and a strong sense of community in mind.

3. How many homes will be built?

A total of 50 for sale homes will be constructed in phases, typically over 5-6 years, depending on funding, volunteer availability, and weather conditions.

4. Who can apply for a Habitat home?

Applicants must meet Habitat's three main criteria:

- Need for housing (e.g., currently living in unaffordable, overcrowded, or unsafe conditions)
- Ability to pay an affordable mortgage
- Willingness to partner (completing partner hours and homeowner education)

5. What are "partner hours"?

Partner hours refers to the time future homeowners invest by helping build their own home and the homes of their neighbors, attending financial literacy or home maintenance workshops, and participating in community activities. Typically, homeowners contribute 100+ hours.

6. How much will a Habitat home cost?

Habitat homes are owner-occupied and are sold at cost, with an affordable, zero- or low-interest mortgage underwritten by Habitat for Humanity. Monthly payments are based on the homeowner's income and are designed to be no more than 30% of their gross monthly income to ensure affordability.

7. Will all these homes be Habitat homes?

Commented [SM1]: This is from the RFP overview and might help with framing the property.

Commented [SM2]: Should "owner-occupied" be included. Can owners rent out their homes if in the land trust? Maybe there should be a separate question about ability to rent?

Commented [BY3R2]: I think owner-occupied or for sale should be included. And I agree they should address the ability to rent separately.

Commented [MN4]: Is this truly the timeframe?

Commented [GUSR4]: Yes, with infrastructure and fundraising.

Habitat KC is partnering with two local builders to develop the neighborhood. The homes will be owner-occupied and purchased through a mix of traditional market loans and Habitat KC provided affordable loans. All homes will be included in the land trust.

8. Are these going to be single-family homes?

The homes will be single-family, detached homes and will range from 1,400-2,400 square feet. All homes will include a garage.

9. Will there be new infrastructure like sidewalks and streetlights added?

Yes, new sidewalks and streetlights will be installed. The subdivision will meet all City of Lenexa standards for platting and developing the property.

10. Will these homes affect my property value?

Homes in a community land trust cannot be used for an appraisal comparison for real estate transactions outside of the community land trust. This development will not impact nearby home values.

11. Will the homeowners be responsible for property taxes?

Yes, homeowners will be responsible for property taxes. All property taxes and insurance payments are escrowed and paid through Habitat KC just as they are with a conventional mortgage.

13. Are homeowners able to rent out their homes?

The Homeowner shall not sublease, sell, or otherwise convey any of Homeowner's rights under the Ground Lease, for any period of time, without the prior written permission of the Land Trust, which permission is subject to the Land Trust's sole discretion in all respect.

14. Are the homes energy-efficient or sustainable?

Yes! Habitat prioritizes energy-efficient materials and design, such as proper insulation, Energy Star-rated appliances, and efficient HVAC systems, reducing utility costs for families.

15. What is a community land trust (CLT)?

Community land trusts (CLTs) are nonprofit organizations governed by a board of CLT residents, community residents, and public representatives that provide lasting community assets and shared equity homeownership opportunities for families and communities. CLTs develop rural and urban agriculture projects, commercial spaces to serve local communities, affordable rental and cooperative housing projects, and conserve land for urban green spaces. However, the heart of their work is the creation of homes that remain permanently affordable, providing successful homeownership opportunities for generations of lower-income families.

There are over 225 community land trusts in the United States. A typical community land trust for affordable housing works like this:

Commented [5M6]: Does the trust limit renting homes? Would all homes, even market-rate, be restricted in any way from renting?

Commented [5M7]: Lindsay - you might note the garage and size of garage here.

Commented [MN8]: I think this is less relevant than some of the questions below. Maybe need to look at the order they appear.

- A family or individual purchases a house that sits on land owned by the community land trust.
- The purchase price is more affordable because the homeowner is only buying the house, not the land.
- The homeowners lease the land from the community land trust in a long-term (often 99-year), renewable lease.
- The homeowners agree to sell the home at a restricted price to keep it affordable in perpetuity, but they may be able to realize appreciation from improvements they make while they live in the house.

16. Is a Community Land Trust the same thing as a Land Bank?

No. A land bank is a public organization created to acquire, manage, and repurpose vacant land and abandoned or tax-delinquent properties. These are typically operated by a municipality.

17. Is a Community Land Trust the same as a Housing Trust Fund?

No. A housing trust fund is a public fund created for the purpose of supporting affordable housing through new construction, preservation, or subsidies. These are usually created and run by a municipality.

18. How will homeowners build equity if it is capped at 25%?

Community land trust homeowners receive 100% of their equity back, just like in a market rate home. The difference is in the market appreciation. Instead of being able to retain 100% of the market appreciation of the home, they retain 25% of the market appreciation. The remaining 75% of market appreciation stays with the home to keep the price affordable for the next buyer.

19. How will this project affect traffic during construction?

As with any new neighborhood being built, there can be an increase in traffic while construction is underway. However, no streets in this neighborhood will connect to or through another neighborhood, so traffic should be confined to Habitat KC's construction site accessed from Clare Road.

20. Will this project increase traffic once the homes are built?

The new neighborhood will connect to Clare Road, an arterial street that connects 83rd Street to Prairie Star Parkway. As with any development, the 50 new homes will increase local traffic, but the road network has adequate capacity to accept the vehicle trips created, and planned improvements to Clare Road, such as a southbound left turn lane into the subdivision, will help maintain safety and accessibility for all users.

21. Why was this location chosen?

Commented [SM9]: @Tim Green @Tim Collins @Nick Arena @Cody Wilbers @Steve Schooley please review the question 17 and 18 traffic responses (and others) for the Habitat project. This FAQ will go on their website. Thanks.

Commented [LH10]: Will need to confirm at the pre-app meeting how they want this one addressed as well.

Commented [SM11R10]: Yes, Clare Road is designed to accept this new traffic. I offer edits to how to frame this. The noted left turn lane is planned to be employed next year as a city project. The street is wide enough, the turn lane just needs to be striped on the street.

Commented [TG12R10]: The subdivision will generate up to 500 trips per day, so I would remove the "small number" language. The sentence above it is true, that the additional trips will be a small percentage of the overall traffic on Clare Rd.

One on One Meetings with Council

From: Beccy Yocham
Sent: Wednesday, November 12, 2025 5:05 PM
To: Week In Review
Subject: For 11/14 WIR

Habitat for Humanity KC has submitted a pre-application to develop approximately 50 single-family homes on property owned by the City near the northeast quadrant of 91st Street and Clare Road. As discussed at the meeting held at Habitat's Pathway at Heritage Park project in Olathe in July 2025, the project is anticipated to include a mix of market-rate and affordable homes utilizing a community land trust model. A formal application for preliminary plat and rezoning (to RP-1) is expected to be filed in late-November for consideration by the Planning Commission and City Council in January.

If, and only if, this project is approved by the City, Habitat would purchase approximately 16.8 acres of property from the City for the new neighborhood. A 2025 appraisal of the land valued it at approximately \$43,000 per acre. The City's purchase price for the land in 2006 was approximately \$44,000 per acre. Habitat has agreed to a purchase price for the land of \$49,000 per acre.

Habitat is planning significant community education and outreach regarding the proposed project - to include one-on-one meetings with key community stakeholders, open houses, and a project webpage on the Habitat website – all of which will begin later this month. City councilmembers are included on the list of community stakeholders that Habitat staff anticipates speaking with, in one-on-one meetings, about the project. As such, you should expect to be contacted by Habitat requesting such a meeting, which you may accept or decline as you wish.

For comparison, below is the City's 2018 concept plan for the property, which we unsuccessfully offered for sale via an RFP process in 2018. Habitat would purchase the property designated as area A on the concept plan, but their plan would include 17 fewer lots than the City's 2018 concept plan. If you have any questions about the project, please contact Beccy.

Subject: Councilmember Charlton and Habitat KC
Location: 15885 Black Bob Rd., Olathe, KS
Start: Thu 1/15/2026 2:30 PM
End: Thu 1/15/2026 3:15 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: Anna Van Brunt

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Mark Charlton
Sent: Thursday, January 8, 2026 1:33 PM
To: Anna Van Brunt
Subject: Accepted: Councilmember Charlton and Habitat KC

From: Mark Charlton
Sent: Thursday, January 8, 2026 12:56 PM
To: Anna Van Brunt; Katie Killen
Cc: Beccy Yochem; Scott McCullough; Lindsay Hicks
Subject: RE: Offer from Habitat KC to answer questions

Anna,

Yes, that should be fine.

Thanks for getting back to me.

Respectfully,

Mark Charlton
Councilmember, Ward 2
City of Lenexa
913 706 7578
mcharlton@lenexa.com | www.lenexa.com

From: Anna Van Brunt <avanbrunt@habitatkc.org>
Sent: Thursday, January 8, 2026 12:53 PM
To: Mark Charlton <mcharlton@lenexa.com>; Katie Killen <kkillen@habitatkc.org>
Cc: Beccy Yochem <byochem@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Councilmember Charlton,

Thank you for reaching out! Does next Thursday, January 15th at 2:30 work for you to meet with Lindsay and Katie at our Pathway at Heritage Park site in Olathe?

Best,

Anna Van Brunt

From: Mark Charlton <mcharlton@lenexa.com>
Sent: Thursday, January 8, 2026 12:38 PM
To: Katie Killen <kkillen@habitatkc.org>
Cc: Beccy Yochem <byochem@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: RE: Offer from Habitat KC to answer questions

Katie and Anna,

I would like to meet with you and discuss the project off Clare and possibly tour the other Olathe project.

I was pretty swamped the last few months with my own company's projects and my schedule is now open for the most part.

Please let me know what works for your schedule and location to meet?

Respectfully,

Mark Charlton
Councilmember, Ward 2
City of Lenexa
913 706 7578
mcharlton@lenexa.com | www.lenexa.com

Sent: Thursday, December 18, 2025 2:35 PM
To: Mark Charlton <mcharlton@lenexa.com>
Cc: Becky Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Councilmember Charlton,

2

I hope you are doing well and enjoying the holiday season. We just wanted to follow up on our offer from mid-November to meet with you about our proposed project. Now that the application is in, and we have had public information opportunities, we are happy to answer any questions you might now have.

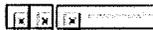
I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail, and she can help schedule a time if this is of interest.

You have likely seen this information, but just in case, here is our dedicated webpage about the proposed project: <https://habitatkc.org/lenexa-homes/>

Thank you and have a wonderful end to the year.
-Katie



Building a Kansas City community where everyone has a safe, decent and affordable place to call home.



Katie Killen *she/her/hers*
Director of Advocacy and Community
Collaboration
816-924-1096 x 1053
habitatkc.org

Note I will be out of office for some holiday time off from noon December 19th-December 29th

Subject: Councilmember Charlton and Habitat KC
Location: 15885 Black Bob Rd., Olathe, KS
Start: Thu 1/15/2026 2:30 PM
End: Thu 1/15/2026 3:15 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Anna Van Brunt

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Anna Van Brunt <avanbrunt@habitatkc.org>
Sent: Thursday, January 8, 2026 12:53 PM
To: Mark Charlton, Katie Killen
Cc: Beccy Yochem, Scott McCullough, Lindsay Hicks
Subject: Re: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Councilmember Charlton,

Thank you for reaching out! Does next Thursday, January 15th at 2:30 work for you to meet with Lindsay and Katie at our Pathway at Heritage Park site in Olathe?

Best,

Anna Van Brunt



Building a Kansas City community where everyone has a safe, decent and affordable place to call home.

Anna Van Brunt *she/her/hers*
Focus Communities Coordinator
816-924-1096 x 1054
habitatkc.org



From: Mark Charlton <mcharlton@lenexa.com>
Sent: Thursday, January 8, 2026 12:38 PM
To: Katie Killen <kkillen@habitatkc.org>
Cc: Beccy Yochem <byochem@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: RE: Offer from Habitat KC to answer questions

Katie and Anna,

I would like to meet with you and discuss the project off Clare and possibly tour the other Olathe project.

I was pretty swamped the last few months with my own company's projects and my schedule is now open for the most part.

Please let me know what works for your schedule and location to meet?

1

Respectfully,

Mark Charlton
Councilmember, Ward 2
City of Lenexa
813 786 7576
mcharlton@lenexa.com | www.lenexa.com

From: Katie Killen <kkillen@habitatkc.org>
Sent: Thursday, December 18, 2025 2:35 PM
To: Mark Charlton <mcharlton@lenexa.com>
Cc: Becky Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Councilmember Charlton,

I hope you are doing well and enjoying the holiday season. We just wanted to follow up on our offer from mid-November to meet with you about our proposed project. Now that the application is in, and we have had public information opportunities, we are happy to answer any questions you might now have.

I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail, and she can help schedule a time if this is of interest.

You have likely seen this information, but just in case, here is our dedicated webpage about the proposed project: <https://habitatkc.org/lenexa-homes/>

Thank you and have a wonderful end to the year.
-Katie



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Katie Killen she/her/hers
Director of Advocacy and Community
Collaboration
816-924-1096 x 1053
habitatkc.org

From: John Handley
Sent: Friday, December 19, 2025 8:02 AM
To: Katie Killen
Cc: Lindsay Hicks; Anna Van Brunt; Beccy Yocham; Scott McCullough
Subject: Re: Habitat offer to answer questions

Hey, team,

I apologize for ghosting here—my week catching up from travel last week hasn't been flexible. Since the holidays approach, I'll reach out if I have any specific questions, rather than building general knowledge. Thank you for your offer last week and follow-ups this week!

John Michael

John Michael Handley
Lenexa City Council | Ward 1
jhandley@lenexa.com | 785.844.3314

From: Katie Killen <kkillen@habitatkc.org>
Sent: Thursday, December 18, 2025 2:42 PM
To: John Handley <jhandley@lenexa.com>
Cc: Lindsay Hicks <lhicks@habitatkc.org>; Anna Van Brunt <avanbrunt@habitatkc.org>; Beccy Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>
Subject: Re: Habitat offer to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Councilmember Handley,

We just wanted to follow up on this message to see if you would still like an opportunity to talk with us about the project and any questions you might have. I know the dates Anna offered have passed, so just want to extend the offer to send out some new ones if this is still of interest.

Thank you and have a wonderful end to the year.

-Katie

From: Anna Van Brunt <avanbrunt@habitatkc.org>
Sent: Wednesday, December 10, 2025 8:35 AM
To: John Handley <jhandley@lenexa.com>
Cc: Lindsay Hicks <lhicks@habitatkc.org>; Katie Killen <kkillen@habitatkc.org>
Subject: Re: Habitat offer to answer questions

Councilmember Handley,

Appreciate you reaching out! I have some times below that work for Lindsay and/or Katie. Any of these should work for virtual or in-person, so let us know what you prefer.

Thursday, December 11th at 3 pm
Tuesday, December 16th at 2 pm
Thursday, December 18th at 1 pm

Best,

Anna Van Brunt



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Anna Van Brunt *she/her/hers*
Focus Communities Coordinator
816-924-1096 x 1054
ahabitatkc.org



From: John Handley <jhandley@lenexa.com>
Sent: Tuesday, December 9, 2025 2:46 PM
To: Katie Killen <kkillen@habitatkc.org>
Cc: Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Habitat offer to answer questions

2

Hey, folks,

Apologies for leaving this be—I appreciate the outreach and normally refrain from meeting with applicants once their application is in. However, I was unable to join the previous event you all held for Council, and work travel is preventing me from this week's events.

Would you all have time in the next couple of weeks to help provide an overview of the model and project? If you throw some days and times out, I'm happy to snag one for a virtual or in person meeting.

Thanks,
John Michael

John Michael Handley
Lenexa City Council | Ward 1
jhandley@lenexa.com | 785.844.3314

From: Katie Killen <kkillen@habitatkc.org>
Sent: Thursday, November 13, 2025 9:12 AM
To: John Handley <jhandley@lenexa.com>
Cc: Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Habitat offer to answer questions

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Good morning, Councilmember Handley,

I hope you are doing well. As Beccy has shared, we are getting closer to submitting an application this fall for a project in Lenexa. As a follow-up to the conversation at Olathe Pathways, we are happy to set up a time with you to answer questions and talk with you more about what we are planning. We know we have several processes to get through but wanted to make sure you had the opportunity to individually talk with us.

I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail. She will be coordinating most of the outreach we do for this work. She is happy to set up a time for you to meet with Lindsay or me in the coming weeks.

Thank you,

-Katie

From: Courtney Eiterich
Sent: Tuesday, December 23, 2025 12:52 PM
To: Anna Van Brunt
Subject: Accepted: Councilmember Eiterich and Habitat KC

Subject: Councilmember Eiterich and Habitat KC
Location: Lenexa Public Market (8750 Penrose Ln, Lenexa, KS 66219, United States)
Start: Tue 12/30/2025 11:45 AM
End: Tue 12/30/2025 12:30 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: Anna Van Brunt

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From: ceiterich@lenexa.com
Sent: Tuesday, December 23, 2025 10:06 AM
To: Anna Van Brunt
Subject: Re: Offer from Habitat KC to answer questions

Perfect.

On Dec 23, 2025, at 9:42 AM, Anna Van Brunt <avanbrunt@habitatkc.org> wrote:

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Wonderfull Is Public Market alright?

<Outlook-qj332ufc.png>

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<Outlook-facebook i.png>

Anna Van Brunt she/her/hers
Focus Communities Coordinator
816-924-1006 x 1054
habitatkc.org
<Outlook-g1x153dd.png>

<Outlook-instagram .png>

<Outlook-Untitled-1.png>

From: Courtney Eiterich <ceiterich@lenexa.com>
Sent: Tuesday, December 23, 2025 9:41 AM
To: Anna Van Brunt <avanbrunt@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

That works out great. Where should I meet up?

On Dec 23, 2025, at 8:56 AM, Anna Van Brunt <avanbrunt@habitatkc.org> wrote:

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Councilmember Eiterich,

1

How would next Tuesday, 12/30 at 11:45 work for you?

Anna

<Outlook-012sl0kb.png>

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From: Courtney Eiterich <ceiterich@lenexa.com>
Sent: Monday, December 22, 2025 6:26 PM
To: Anna Van Brunt <avanbrunt@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

You don't often get email from ceiterich@lenexa.com. [Learn why this is important](#)
It depends on when it is, I'm off work until January 5.

On Dec 22, 2025, at 3:16 PM, Anna Van Brunt
<avanbrunt@habitatkc.org> wrote:

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links or open attachments unless you recognize the sender and know the
content is safe.

Councilmember Eiterich,

Thanks for reaching out! I am working on finding a time and will
get back to you soon with some options. Would you prefer to
meet with Lindsay and Katie virtually or in person?

Best,

Anna Van Brunt

2

<Outlook-wlribn52.png>

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<Outlook-facebook1.png>

<Outlook-instagram.png>

<Outlook-Untitled-1.png>

Anna Van Brunt she/her/hers
Focus Communities Coordinator
816-924-1096 x 1054
habitatkc.org
<Outlook-suhrxrf.png>

From: Courtney Eiterich <ceiterich@lenexa.com>
Sent: Monday, December 22, 2025 2:59 PM
To: Katie Killen <kkillen@habitatkc.org>
Cc: Betsy Yocham <byocham@lenexa.com>; Scott McCullough
<smccullough@lenexa.com>; Anna Van Brunt
<avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

Katie,
When would be a good time to meet? I want to make sure I
understand all of the details to help with communication.

Courtney Eiterich

On Dec 18, 2025, at 2:35 PM, Katie Killen
<kkillen@habitatkc.org> wrote:

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Good afternoon, Councilmember Eiterich,

I hope you are doing well and enjoying the holiday season. We just wanted to follow up on our offer from mid-November to meet with you about our proposed project. Now that the application is in, and we have had public information opportunities, we are happy to answer any questions you might now have.

I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail, and she can help schedule a time if this is of interest.

3

You have likely seen this information, but just in case, here is our dedicated webpage about the proposed project: <https://habitatkc.org/lenexa-homes/>

Thank you and have a wonderful end to the year.
-Katie

<Outlook-ujcjrld4.png>

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<Outlook-facebook i.png>

Katie Killen she/her/hers
Director of Advocacy and Community
Collaboration
816-924-1006 x 1053
kkillen@habitatkc.org

<Outlook-instagram .png>

<Outlook-Untitled-3.png>

<Outlook-ncysv21d.png>

From: Avery Bell
Sent: Thursday, December 18, 2025 3:04 PM
To: Katie Killen
Cc: Lindsay Hicks; Anna Van Brunt; Beccy Yocham; Scott McCullough
Subject: Re: Habitat KC Project in Lenexa

Hello Katie and Anna,

I greatly appreciate the offer, but thankfully your site has many details listed so I do not feel it is necessary at this time.

I wish you and the Habitat for Humanity of Kansas City Team a happy holiday season.

Thank you,

Avery Bell
City Council Member | Ward 3
City of Lenexa
City Hall: 913.477.7550
Abell@lenexa.com | www.lenexa.com

From: Katie Killen <kkillen@habitatkc.org>
Sent: Thursday, December 18, 2025 2:38 PM
To: Avery Bell <abell@lenexa.com>
Cc: Lindsay Hicks <lhicks@habitatkc.org>; Anna Van Brunt <avanbrunt@habitatkc.org>; Beccy Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>
Subject: Re: Habitat KC Project in Lenexa

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Councilmember Bell,

We just wanted to follow up and see if you would like to schedule a time with us to answer any questions. Anna, who sent the original e-mail, is copied here and can help coordinate a time if this is of interest.

Thank you and have a wonderful end to the year.

-Katie

From: Anna Van Brunt <avanbrunt@habitatkc.org>
Sent: Wednesday, December 10, 2025 1:43 PM
To: abell@lenexa.com <abell@lenexa.com>
Cc: Lindsay Hicks <lhhicks@habitatkc.org>; Katie Killen <kkillen@habitatkc.org>
Subject: Habitat KC Project in Lenexa

Councilmember Bell,

I hope you are doing well and having a nice holiday season so far! Habitat for Humanity of Kansas City (Habitat KC) has submitted plans and a rezoning application to the City for a 50-home project at 87th and Clare Road (you can view the project website [here](#)). It is currently planned that the project will go to the Planning Commission on January 5th and if it advances from there, it will be on the City Council agenda January 20th. Since you were not on the City Council yet when we first spoke with other members about this project, we wanted to offer you an opportunity to sit down with our team and answer any questions you may have. Please let me know if you are interested and I can offer some times we are available to connect.

Looking forward to hearing from you, and don't hesitate to reach out if you have any questions!

Best,

Anna Van Brunt



Building a Kansas City community where everyone has a safe, decent and affordable place to call home.

www.habitatkc.org

Anna Van Brunt *she/her/hers*
Focus Communities Coordinator
816-924-1006 x 1054
habitatkc.org

From: Chelsea Williamson <cwilliamson@lenexa.com>
Sent: Sunday, December 21, 2025 9:55 AM
To: Katie Killen <kkillen@habitatkc.org>
Cc: Beccy Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhhicks@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

Good morning Katie!
Good to talk with you again!

I have had some residents email recently questioning the application process, and more specifically the communication and community engagement with this project.

Can you go into more detail on what HforH did in notifying, speaking, mailers, open houses, etc with/to the surrounding neighborhoods leading up to your application with the City?

I would like to have all the facts and details before I respond to my residents, thanks so much!

Chelsea Williamson
City Council Member | Ward 3
City of Lenexa
City Hall: 913.477.7550
Phone: 913.303.0909
cwilliamson@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: Katie Killen <kkillen@habitatkc.org>
Sent: Thursday, December 18, 2025 2:34 PM
To: Chelsea Williamson <cwilliamson@lenexa.com>
Cc: Becky Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Councilmember Williamson,

I hope you are doing well and enjoying the holiday season. We just wanted to follow up on our offer from mid-November to meet with you about our proposed project. Now that the application is in, and we have had public information opportunities, we are happy to answer any questions you might now have.

2

I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail, and she can help schedule a time if this is of interest.

You have likely seen this information, but just in case, here is our dedicated webpage about the proposed project: <https://habitatkc.org/lenexa-homes/>

Thank you and have a wonderful end to the year.
-Katie



Building a Kansas City community where everyone has a safe, decent and affordable place to call home.



Katie Killen she/her/hers
Director of Advocacy and Community
Collaboration
816-924-1096 x 1053
habitatkc.org

From: Katie Killen <kkillen@habitatkc.org>
Sent: Thursday, December 18, 2025 2:34 PM
To: Craig Denny
Cc: Betsy Yocham; Scott McCullough; Anna Van Brunt; Lindsay Hicks
Subject: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Councilmember Denny,

I hope you are doing well and enjoying the holiday season. We just wanted to follow up on our offer from mid-November to meet with you about our proposed project. Now that the application is in, and we have had public information opportunities, we are happy to answer any questions you might now have.

I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail, and she can help schedule a time if this is of interest.

You have likely seen this information, but just in case, here is our dedicated webpage about the proposed project: <https://habitatkc.org/lenexa-homes/>

Thank you and have a wonderful end to the year.
-Katie



Building a Kansas City community where everyone has a safe, decent and affordable place to call home.



Katie Killen she/her/hers
Director of Advocacy and Community
Collaboration
816-924-1096 x 1053
habitatkc.org

From: Chris Herron
Sent: Friday, January 9, 2026 10:18 AM
To: Anna Van Brunt
Subject: Accepted: Councilmember Herron and Habitat KC

Subject: Councilmember Herron and Habitat KC
Location: Maps Coffee & Chocolate (13440 Santa Fe Trail Dr, Lenexa, KS 66215, United States)
Start: Thu 1/15/2026 11:30 AM
End: Thu 1/15/2026 12:15 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: Anna Van Brunt

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Katie Killen <kkillen@habitatkc.org>
Sent: Thursday, December 18, 2025 2:34 PM
To: Chris Herron
Cc: Beccy Yocham, Scott McCullough, Anna Van Brunt, Lindsay Hicks
Subject: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Councilmember Herron,

I hope you are doing well and enjoying the holiday season. We just wanted to follow up on our offer from mid-November to meet with you about our proposed project. Now that the application is in, and we have had public information opportunities, we are happy to answer any questions you might now have.

I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail, and she can help schedule a time if this is of interest.

You have likely seen this information, but just in case, here is our dedicated webpage about the proposed project: <https://habitatkc.org/lenexa-homes/>

Thank you and have a wonderful end to the year.
-Katie



Building a Kansas City community where everyone has a safe, decent and affordable place to call home.



Katie Killen she/her/hers
Director of Advocacy and Community
Collaboration
816-924-1096 x. 1053
kkillen@habitatkc.org

From: Chris Herron
Sent: Thursday, January 8, 2026 2:38 AM
To: Katie Killen
Cc: Beccy Yocham; Scott McCullough; Anna Van Brunt; Lindsay Hicks
Subject: Re: Offer from Habitat KC to answer questions

Good morning, Katie.

I would like to arrange a meeting with you and relevant HFH staff to learn more about the proposed project in Lenexa. Please call me at 561-729-8650 to set a date and time.

Chris

Get Outlook for IOS

From: Katie Killen <kkillen@habitatkc.org>
Sent: Thursday, December 18, 2025 2:33:30 PM
To: Chris Herron <cherron@lenexa.com>
Cc: Beccy Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Councilmember Herron,

I hope you are doing well and enjoying the holiday season. We just wanted to follow up on our offer from mid-November to meet with you about our proposed project. Now that the application is in, and we have had public information opportunities, we are happy to answer any questions you might now have.

I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail, and she can help schedule a time if this is of interest.

You have likely seen this information, but just in case, here is our dedicated webpage about the proposed project: <https://habitatkc.org/lenexa-homes/>

Thank you and have a wonderful end to the year.
-Katie

Meeting with Bill Nicks

Subject: Habitat Tour
Location: 1423 E Linwood Blvd (1423 E Linwood Blvd, Kansas City, Missouri 64109, United States)
Start: Tue 1/13/2026 2:00 PM
End: Tue 1/13/2026 3:00 PM
Show Time As: Tentative
Recurrence: (none)
Organizer: Lindsay Hicks

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Bill Nicks
Sent: Tuesday, December 23, 2025 4:31 AM
To: Lindsay Hicks, Katie Killen, historykc@gmail.com
Cc: Beccy Yochem; Scott McCullough; Anna Van Brunt
Subject: Re: Offer from Habitat KC to answer questions

Yes. 2:00 works fine for me.....where should I meet you? Thank you. Bill 913-424-9228

Get Outlook for iOS

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Monday, December 22, 2025 12:10:17 PM
To: Bill Nicks <bnicks@lenexa.com>; Katie Killen <kkkillen@habitatkc.org>; historykc@gmail.com <historykc@gmail.com>
Cc: Beccy Yochem <byochem@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Councilmember Nicks,
Thank you for reaching out in regard to our project! It looks like the afternoon of January 13th is wide open. We would be happy to meet and show you some of our other projects we have been working on. Would 1-2 be okay?

Thanks!

From: Bill Nicks <bnicks@lenexa.com>
Sent: Saturday, December 20, 2025 7:08 AM
To: Katie Killen <kkkillen@habitatkc.org>; historykc@gmail.com <historykc@gmail.com>
Cc: Beccy Yochem <byochem@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

Thank you, Katie. Good morning and Yes, I'd like to meet. And I'd like for you or your co-workers to take me to some other subdivisions that you have developed and some Habitat homes. I've seen the Olathe project earlier. I'd like to see finished and mature projects. Since I am mostly retired my Jan 7,8,9,13 are free all day. Thank you for the offer. Merry Christmas and Happy Holidays. Bill 913-424-9228

Get Outlook for iOS

<avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Councilmember Nicks,

I hope you are doing well and enjoying the holiday season. We just wanted to follow up on our offer from mid-November to meet with you about our proposed project. Now that the application is in, and we have had public information opportunities, we are happy to answer any questions you might now have.

I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail, and she can help schedule a time if this is of interest.

You have likely seen this information, but just in case, here is our dedicated webpage about the proposed project: <https://habitatkc.org/lenexa-homes/>

Thank you and have a wonderful end to the year.
-Katie



Building a Kansas City community where everyone has a safe, decent and affordable place to call home.



Katie Killen *she/her/hers*
Director of Advocacy and Community Collaboration
816-924-1096 x 1053
habitatkc.org

From: Bill Nicks
Sent: Wednesday, December 31, 2025 6:29 AM
To: Lindsay Hicks
Subject: Re: Offer from Habitat KC to answer questions

Thank you, Lindsay.....Happy New Year. See you in a couple of weeks.....Bill, 913-424-9228

Get Outlook for iOS

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Tuesday, December 30, 2025 11:03:55 AM
To: Bill Nicks <bnicks@lenexa.com>
Subject: Re: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,
I just sent you a calendar invite for this. We will meet at 1423 E Linwood Blvd. Kansas City, MO 64109.

Thanks!

From: Bill Nicks <bnicks@lenexa.com>
Sent: Tuesday, December 23, 2025 4:30 AM
To: Lindsay Hicks <lhicks@habitatkc.org>; Katie Killen <kkillen@habitatkc.org>; historykc@gmail.com <historykc@gmail.com>
Cc: Beccy Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

You don't often get email from bnicks@lenexa.com. [Learn why this is important](#)
Yes. 2:00 works fine for me.....where should I meet you? Thank you. Bill 913-424-9228

Get Outlook for iOS

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Monday, December 22, 2025 12:10:17 PM
To: Bill Nicks <bnicks@lenexa.com>; Katie Killen <killen@habitatkc.org>; historykc@gmail.com <historykc@gmail.com>
Cc: Beccy Yochem <byochem@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

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Hello Councilmember Nicks,

Thank you for reaching out in regard to our project! It looks like the afternoon of January 13th is wide open. We would be happy to meet and show you some of our other projects we have been working on. Would 1-2 be okay?

Thanks!

From: Bill Nicks <bnicks@lenexa.com>
Sent: Saturday, December 20, 2025 7:08 AM
To: Katie Killen <killen@habitatkc.org>; historykc@gmail.com <historykc@gmail.com>
Cc: Beccy Yochem <byochem@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Re: Offer from Habitat KC to answer questions

Thank you, Katie. Good morning and Yes, I'd like to meet. And I'd like for you or your co-workers to take me to some other subdivisions that you have developed and some Habitat homes. I've seen the Olathe project earlier. I'd like to see finished and mature projects. Since I am mostly retired my Jan 7,8,9,13 are free all day. Thank you for the offer. Merry Christmas and Happy Holidays. Bill 913-424-9228

Get Outlook for iOS

From: Katie Killen <killen@habitatkc.org>
Sent: Thursday, December 18, 2025 2:34:53 PM
To: Bill Nicks <bnicks@lenexa.com>
Cc: Beccy Yochem <byochem@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Anna Van Brunt <avanbrunt@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Subject: Offer from Habitat KC to answer questions

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Good afternoon, Councilmember Nicks,

I hope you are doing well and enjoying the holiday season. We just wanted to follow up on our offer from mid-November to meet with you about our proposed project. Now that the application is in, and we have had public information opportunities, we are happy to answer any questions you might now have.

I have copied Anna Van Brunt our Focus Communities Coordinator on this e-mail, and she can help schedule a time if this is of interest.

You have likely seen this information, but just in case, here is our dedicated webpage about the proposed project: <https://habitatkc.org/lenexa-homes/>

Thank you and have a wonderful end to the year.
-Katie

From: Bill Nicks
Sent: Wednesday, December 31, 2025 6:28 AM
To: Lindsay Hicks
Subject: Accepted: Habitat Tour

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Friday, December 26, 2025 11:33 AM
To: Julie Sayers; Katie Killen
Cc: Beccy Yocham; Scott McCullough; Anna Van Brunt
Subject: Re: Offer from Habitat KC to answer questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Mayor Sayers. We will be prepared with this information. If there is anything else you need, please reach out.

Lindsay

Lindsay Hicks
President and CEO
Habitat for Humanity of Kansas City
lhicks@habitatkc.org
913.475.9466

From: Julie Sayers <jsayers@lenexa.com>
Sent: Friday, December 26, 2025 10:30:59 AM
To: Katie Killen <kkillen@habitatkc.org>
Cc: Beccy Yocham <byocham@lenexa.com>; Scott McCullough <smccullough@lenexa.com>; Lindsay Hicks <lhicks@habitatkc.org>; Anna Van Brunt <avanbrunt@habitatkc.org>
Subject: RE: Offer from Habitat KC to answer questions

Good morning Katie,

I have read through the website and feel comfortable that between it, the information shared at our initial meeting, and the information that will be shared in the meeting packets, I will have sufficient context for the project and an additional meeting will not be necessary.

However, one thing that has been coming up frequently in the emails we've received from residents is the question of **who** will be able to purchase these homes. In addition to the criteria you list publicly, please be prepared to share more information about the demographics of residents of prior developments: average size of families, occupations/workforce sectors, etc. that will help Councilmembers and neighbors understand a little better the human side of the project.

Thank you,
JS

Julie Sayers
Mayor
City of Lenexa
913.477.7567
jsayers@lenexa.com | www.lenexa.com

Forwarding Resident Feedback to Applicant

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Thursday, December 18, 2025 11:14 AM
To: Scott McCullough; Katie Killen
Cc: Anna Van Brunt
Subject: Re: Outreach schedule

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Will do, thank you.

Lindsay Hicks
President and CEO
Habitat for Humanity of Kansas City
Lhicks@habitatkc.org
913.475.9466

From: Scott McCullough <smccullough@lenexa.com>
Sent: Thursday, December 18, 2025 9:12:12 AM
To: Katie Killen <kkillen@habitatkc.org>; Lindsay Hicks <lhicks@habitatkc.org>
Cc: Anna Van Brunt <avanbrunt@habitatkc.org>
Subject: RE: Outreach schedule

Thank you both for the info. I recommend re-engaging Council Member Charlton given he didn't respond but desires a discussion. Thanks.

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: Katie Killen <kkillen@habitatkc.org>
Sent: Wednesday, December 17, 2025 2:19 PM
To: Lindsay Hicks <lhicks@habitatkc.org>; Scott McCullough <smccullough@lenexa.com>
Cc: Anna Van Brunt <avanbrunt@habitatkc.org>
Subject: Re: Outreach schedule

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would just add we also met with Rep. Hoye and have made several attempts with Sen. Thompson and Rep. Turk - we are working through another avenue to try and get those meetings.

1

From: Scott McCullough <smccullough@lenexa.com>
Sent: Wednesday, December 17, 2025 11:16 AM
To: Lindsay Hicks <lhicks@habitatkc.org>
Subject: Outreach schedule

Hi Lindsay,
I can't seem to locate the schedule of outreach you planned, but wanted to convey that City Councilmember Mark Charlton asked about whether a one-on-one meeting would occur with him. Could you send that schedule and let me know where you are at in it please? Thanks.

Scott McCullough, AICP
Community Development Director
City of Lenexa

2

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Monday, December 15, 2025 8:43 AM
To: Scott McCullough; Doug Ubben, Jr.
Subject: Re: Habitat for humanity development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Scott. I have received.

From: Scott McCullough <smccullough@lenexa.com>
Sent: Monday, December 15, 2025 8:17 AM
To: Lindsay Hicks <lhicks@habitatkc.org>; Doug Ubben, Jr. <dougubben@phelpsenengineering.com>
Subject: FW: Habitat for humanity development

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/home>

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: John Handley <jhandley@lenexa.com>
Sent: Sunday, December 14, 2025 1:23 PM
To: Public Record <publicrecord@lenexa.com>
Subject: Fw: Habitat for humanity development

John Michael Handley
Lenexa City Council | Ward 1
jhandley@lenexa.com | 785.844.3314

From: Craig Jordan <craigjordan6@gmail.com>
Sent: Wednesday, December 10, 2025 9:47 AM
To: John Handley <jhandley@lenexa.com>
Subject: Habitat for humanity development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Handley, We have concerns regarding the park land being sold to possible Habitat for humanity Homes. These are very small homes fourteen hundred square feet including the basement. This is only

going to lower our property value & likely bring more crime to this area, I have lived in this home since before Lenexa annexed this area. Would you like this in your backyard? The traffic on eighty third street is already a bad issue. There are a lot more homes going up to the west to add to this problem. We have all these newer schools adding to the taxes going higher, With myself and many others in the area retired on a fixed income we need to have our taxes at a fixed rate to help ease the tax burden. These new home owners would not even pay full taxes since they won't be the land owners. Then the land trust claims they will police the property upkeep. These homeowners will likely be very trashy properties in a very short time. This needs to be voted down to put a stop to this.

There is also a speeding issue on Clare road, I did see an undercover officer running radar a few weeks back but not when it was in heavy use this needs to be done more frequently. This park is heavily used now it still has some beautiful wildlife but this will be chased away by Lenexa's greed to develop the land, what a shame.

Sincerely Craig
Jordan

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Thursday, December 18, 2025 12:23 PM
To: Scott McCullough
Subject: Re: HFH proposed development in Lenexa

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Received this batch. Thank you!

From: Scott McCullough <smccullough@lenexa.com>
Sent: Thursday, December 18, 2025 8:17 AM
To: Lindsay Hicks <lhicks@habitatkc.org>; Doug Ubben, Jr. <dougubben@phelpsengineering.com>
Subject: FW: HFH proposed development in Lenexa

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/HHome>

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: Stephanie Sullivan <ssullivan@lenexa.com>
Sent: Tuesday, December 16, 2025 7:49 PM
To: Public Record <publicrecord@lenexa.com>
Subject: Fw: HFH proposed development in Lenexa

Stephanie Sullivan, AICP
Planning Manager

Community Development Department
City of Lenexa, Kansas
17101 W. 87th Street Parkway, Lenexa, KS 66219
ssullivan@lenexa.com | 913-477-7712 | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: smr213@gmail.com <smr213@gmail.com>
Sent: Tuesday, December 16, 2025 6:14 PM
To: Stephanie Sullivan <ssullivan@lenexa.com>

Cc: Samantha Zikas Rovn <samanthazikas@gmail.com>
Subject: HFH proposed development in Lenexa

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings Planning Manager Sullivan,

We are residents of the development - The Timbers at Clear Creek - and wanted to write a short note expressing our concerns over an apparent proposed development by Habitat for Humanity Kansas City on Clare Road, located in the beautiful Clear Creek park that so many of us enjoy.

We respectfully request that the City Council **delay or deny** rezoning and land-use approval for the proposed 50-home Habitat for Humanity (HFH) development on Clare Road until full transparency, impact analysis, and meaningful community engagement has occurred. Our concerns include, but are not limited to, many of the below challenges.

1. Lack of public engagement, discussion or transparency for such a high impact project to our neighborhood.
2. Lack of studies to support change in zoning or land-use. No studies on traffic, schools, emergency access or stormwater management has been released, so assuming those haven't happened.
3. Lack of public transportation would seem problematic for a development that services a lower income threshold and surrounding roadways don't seem to have the infrastructure to support public transportation increases.
4. Proposed HFH development would remove, interrupt existing trails, and park land frequented by hundreds of homeowners in this area.
5. Currently, the funding approval and project management seems to have occurred without appropriate neighborhood notice and transparency.

There are several other issues to discuss as well, including proposed sale price of the HFH development.

Moving forward with this proposal would represent a significant, negative impact to the quality of life so many sought when they built, bought and moved to this area. This park has been a cornerstone element of life in the Timbers, and while we recognize that at some point, the city might look to develop this section of the park, as valuable tax payers in Lenexa our hope is that it would be done with more transparency, thoughtfulness toward current residents and overall community impact than what seems to be happening now.

We're respectfully asking the City to reconsider any idea to move forward with this, until at a minimum many of the questions posed above have been answered and addressed specifically. We love living in Lenexa (moved here from PHX in 2022 and specifically picked this location in part because of the park) and would hope that we can continue to call this area our home.

2

Thank you for your consideration,

Scott & Samantha Rovn
Creeley Street
The Timbers at Clear Creek

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Thursday, December 18, 2025 1:48 PM
To: Scott McCullough
Subject: Re: Habitat for humanity development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sorry - hit reply instead of forward. Please disregard.

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Thursday, December 18, 2025 1:47 PM
To: Scott McCullough <smccullough@lenexa.com>
Subject: Fw: Habitat for humanity development

From: Scott McCullough <smccullough@lenexa.com>
Sent: Monday, December 15, 2025 8:17 AM
To: Lindsay Hicks <lhicks@habitatkc.org>; Doug Ulben, Jr. <dougubben@phelpsengineering.com>
Subject: FW: Habitat for humanity development

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: John Handley <jhandley@lenexa.com>
Sent: Sunday, December 14, 2025 1:23 PM
To: Public Record <publicrecord@lenexa.com>
Subject: Fw: Habitat for humanity development

John Michael Handley
Lenexa City Council | Ward 1
jhandley@lenexa.com | 785.844.3314

From: Craig Jordan <craigjordan1@gmail.com>
Sent: Wednesday, December 10, 2025 9:47 AM

1

To: John Handley <jhandley@lenexa.com>
Subject: Habitat for humanity development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Handley, We have concerns regarding the park land being sold to possible Habitat for humanity Homes. These are very small homes fourteen hundred square feet including the basement. This is only going to lower our property value & likely bring more crime to this area, I have lived in this home since before Lenexa annexed this area. Would you like this in your backyard? The traffic on eighty third street is already a bad issue. There are a lot more homes going up to the west to add to this problem. We have all these newer schools adding to the taxes going higher, With myself and many others in the area retired on a fixed income we need to have our taxes at a fixed rate to help ease the tax burden. These new home owners would not even pay full taxes since they won't be the land owners. Then the land trust

From: Lindsay Hicks <lhicks@habitatkc.org>
Sent: Monday, December 22, 2025 11:56 AM
To: Scott McCullough; dougubben@phelpsengineering.com
Subject: Re: Concerns Regarding Proposed Habitat for Humanity Development on Taxpayer-Owned Land 83rd. And Claire Rd.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Received the ones from today. Thanks!

From: Scott McCullough <smccullough@lenexa.com>
Sent: Monday, December 22, 2025 11:29 AM
To: Lindsay Hicks <lhicks@habitatkc.org>; dougubben@phelpsengineering.com <dougubben@phelpsengineering.com>
Subject: FW: Concerns Regarding Proposed Habitat for Humanity Development on Taxpayer-Owned Land 83rd. And Claire Rd.

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

The City of Lenexa: Leaders in the delivery of exceptional public service.

From: Julie Sayers <jsayers@lenexa.com>
Sent: Monday, December 22, 2025 11:06 AM
To: Public Record <publicrecord@lenexa.com>
Subject: Fwd: Concerns Regarding Proposed Habitat for Humanity Development on Taxpayer-Owned Land 83rd. And Claire Rd.

Sent from my iPhone.

Begin forwarded message:

From: Mike Kendall <kendat15504@yahoo.com>
Date: December 22, 2025 at 10:58:46 AM CST
To: Julie Sayers <jsayers@lenexa.com>
Cc: Courtney Eiterich <ceiterich@lenexa.com>; John Handley <jhandley@lenexa.com>
Subject: Concerns Regarding Proposed Habitat for Humanity Development on Taxpayer-Owned Land 83rd. And Claire Rd.

Dear Mayor Sayers and Council members C Eiterich, J Handley.

I am writing as a resident of Lenexa to express my strong concerns regarding the proposal to place a Habitat for Humanity neighborhood on taxpayer-owned land within our city.

First and foremost, the land being considered serves as an important wildlife and natural area. This space provides habitat for native species, supports local ecosystems, assists with stormwater absorption, and contributes to the environmental character and quality of life that residents value in Lenexa. Once developed, this land cannot be restored to its original ecological function. Preserving green space is increasingly important as our city continues to grow, and sacrificing publicly owned natural land for permanent development sets a concerning precedent.

Additionally, taxpayer land should be managed in a way that benefits the entire community and aligns with long-term planning goals. Using public land for a single-purpose residential development limits future options such as conservation, recreation, flood mitigation, or infrastructure needs that may serve a broader population.

There are also public safety and infrastructure concerns that should be carefully considered. Numerous cities have experienced increased demands on police, fire, and emergency services following high-density or subsidized housing developments, especially when they are introduced into areas not originally designed to support them. While no group of residents should be unfairly characterized, data from similar developments across the country shows that rapid residential expansion can correlate with increased calls for service and strain on municipal resources if not properly planned and funded. Lenexa should not take on additional long-term costs or risks without clear, independent impact studies.

Furthermore, this type of development could negatively affect nearby property values, traffic patterns, and neighborhood cohesion. Residents who

2

chose to live near preserved land did so with the reasonable expectation that it would remain undeveloped. Altering that understanding erodes public trust and discourages future community support for city initiatives.

I fully support efforts to address housing affordability, but such projects should be placed on appropriately zoned land, funded and maintained without sacrificing protected natural spaces or shifting long-term costs onto taxpayers. There are more suitable locations and alternative approaches that would better align with Lenexa's strategic vision and commitment to responsible growth.

I respectfully urge you and the City Council to oppose this proposal and to prioritize the preservation of taxpayer-owned land, environmental stewardship, public safety, and fiscal responsibility. Decisions of this magnitude should reflect the long-term interests of Lenexa residents, not short-term development pressures.

Please be advised that if this proposal moves forward as currently presented, I, along with other concerned residents, am prepared to pursue legal action against the City of Lenexa to protect taxpayer interests, environmental resources, and established land-use expectations. This is not a step I take lightly, but one I am willing to consider should all other avenues be exhausted.

Thank you for your time and consideration. I appreciate your service to our community and trust that these concerns will be given serious and thoughtful review.

Sincerely,
Michael J. Kendall

- Concerns Regarding Mayoral Communications and Ethical Appearance

FOLLOW UP: Request to Deny Rezoning for Clare Road Habitat for Humanity Development

5 messages

Phil Simon <philjsimon@gmail.com>

Mon, Jan 5, 2026 at 5:31 PM

To: Julie Sayers <jsayers@lenexa.com>, ceiterich@lenexa.com, John Handley <jhandley@lenexa.com>, bnicks@lenexa.com, mchariton@lenexa.com, Chelsea Williamson <cwilliamson@lenexa.com>, Avery Bell <abell@lenexa.com>, cdenny@lenexa.com, cherron@lenexa.com, ssullivan@lenexa.com

Good evening,

I wanted to follow up on my previous email sent on December 17, 2025, to City of Lenexa (City officials and Council Members) after additional information was made public through open records requests by one of the residents in my subdivision, the Timbers at Clear Creek. Several City officials and Council Members responded to my initial email, which I appreciate, assuring me the process for the proposed Habitat for Humanity (HFH) project has been transparent. However, after reviewing the correspondence (attached) from the open records requests between City Manager Beccy Yocham and Habitat KC Lindsay Hicks, my suspicions were correct that this project has NOT been transparent and I and other residents are appalled with the behavior of several City officials.

- The earliest emails that were obtained are from May 22, 2025, when Beccy Yocham (City Manager), Todd Pelham (Deputy City Manager), Mike Nolan (Assistant City Manager), Scott McCullough (Community Development Director), and Sean McLaughlin (City Attorney) talk openly about how they can help Lenexa employees benefit from this land development with Lindsay Hicks (Habitat KC). Specifically, Ms. Yocham asks for special treatment from Ms. Hicks and her organization in the form of "small bumps in scoring when it comes to qualifying for a home", and the "setting aside a small number of units that our qualifying employees could have a right of first refusal on."
- In the October 23, 2025, email from Beccy Yocham she states, "We want to avoid – to the extent we can – anything that would lead detractors from thinking this is prejudged in any way". This email shows the true nature of Ms. Yocham and the other City employees helping to make this deal because they know that their actions are borderline unethical. Furthermore, Ms. Yocham states to Ms. Hicks that "One thing to keep in mind is that we have a city election on November 4, with 4 councilmembers up for election." That statement shows that Ms. Yocham knows this proposed project will not be popular with voters, but she continues to push her own personal/political agenda and later coaches Ms. Hicks by stating "I know you have experience and lessons learned from the Olathe project that informs your plan here and I certainly don't want to derail that."
 - o Per the City of Lenexa's Employee Code of Ethics, Interest in a Transaction, "a city employee shall not handle, facilitate, or participate in a City business-related transaction with a person or business which has offered or promised the employee a future job, gift, or business investment." Moreover, in the same policy under Special Treatment, "No city employee may grant any consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen."
 - o Ms. Yocham is not only accepting these special treatments, but she's also actively soliciting for them. It was noted by a resident that Ms. Yocham was Board President of United Community Services through 2023, which works very closely with both HFH and Johnson County. If Ms. Yocham is such an advocate for HFH over the residents of

Lenexa that pay her salary, she should resign from the City and go to work for them. Lenexa residents and taxpayers deserve so much better; a City Manager that works for them, not against them and instead advocates for special interests.

I again respectfully request that the City reject this proposed Habitat for Humanity project. Over 1,000 signatures on the "Is YOUR Park Next - Save the Clear Creek Wetland in Lenexa, KS" online petition have been gathered. Unlike Beccy Yocham, please remember that we are taxpayers and voters, not "detractors." Represent the residents of Lenexa as you were elected to do, and not the special interests being given taxpayer dollars. Thank you again for your time and consideration.

Sincerely,

Phil Simon
8760 Greeley St.
Lenexa, KS 66227

5 attachments

From: Beccy Yocham <byocham@cityoflenexa.com>
Sent: Friday, March 21, 2025 10:57 AM
To: Phil Simon <phil@philandsimon.com>
Subject: Re: Park

Hi Phil,
I am reaching out to you regarding the proposed development at the site. I am sorry that I cannot provide you with more information at this time.

Hi Beccy,
I am reaching out to you regarding the proposed development at the site. I am sorry that I cannot provide you with more information at this time.

05-22-25 (2).jpg
68K

Hi Beccy,
I am reaching out to you regarding the proposed development at the site. I am sorry that I cannot provide you with more information at this time.

From: Beccy Yocham <byocham@cityoflenexa.com>
Sent: Friday, March 21, 2025 10:57 AM
To: Phil Simon <phil@philandsimon.com>
Subject: Re: Park

Hi Beccy,
I am reaching out to you regarding the proposed development at the site. I am sorry that I cannot provide you with more information at this time.

07-18-25.jpg
83K

Hi Beccy,
I am reaching out to you regarding the proposed development at the site. I am sorry that I cannot provide you with more information at this time.

From: Beccy Yocham <byocham@cityoflenexa.com>
Sent: Friday, March 21, 2025 10:57 AM
To: Phil Simon <phil@philandsimon.com>
Subject: Re: Park

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05-23-25.jpg
71K

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05-22-25 (1).jpg
81K

Hi Beccy,
I am reaching out to you regarding the proposed development at the site. I am sorry that I cannot provide you with more information at this time.

Julie Sayers <jsayers@lenexa.com>
To: **Phil Simon** <philjsimon@gmail.com>

Tue, Jan 6, 2026 at 8:01 AM

Good morning Mr. Simon,

Every project application in the City of Lenexa, whether it be a housing development, retail center, industrial complex, medical building or gas station undergoes an internal staff review by our legal, planning and executive teams in order to evaluate its feasibility within the city's Comprehensive Plan and development criteria before the application is made public. That staff review becomes part of the public record when the application is formally submitted to the Planning Commission, and with it, a professional evaluation is written for both the Planning Commission and Governing Body to review in their public due process proceedings. A lack of understanding of that process does not constitute a lack of transparency. And as Councilmember Williamson has detailed for you, in the case of Habitat for Humanity, the applicant has gone above and beyond what is legally required in terms of notice to and engagement with the public regarding their project.

Furthermore, Beccy Yocham is a 30-year veteran of the City's legal, community development and executive management teams and is well aware of her legal and ethical responsibilities when it comes to evaluating projects for formal review. I personally take no issue with the idea that the City's police officers, firefighters, or roads/parks maintenance teams could potentially be considered with the pool of applicants who could be eligible for purchasing housing with this project. My question to you would be: do these folks who serve and maintain our community not meet your standards for doing things "the right way by putting the time and resources into getting an education, acquiring a good job, and saving hard-earned money to live in this area?"

Finally, had you participated in the 2021, 2023, or 2025 municipal elections in Lenexa since you have owned your property, you might also have the context that many of our residents have been very vocal with their desire for the city to entertain development of multiple types and scales of housing, including attainable / workforce single family homes. This has been discussed in every public forum in those last three elections and clearly identified as a problem that needs to be addressed in all Johnson County communities.

Your objections to this project have been noted, and will be one of many factors considered in evaluating whether or not the project is approved.

Julie Sayers

Mayor

City of Lenexa

913.477.7567

Phil Simon <philjsimon@gmail.com>
To: Julie Sayers <jsayers@lenexa.com>

Tue, Jan 6, 2026 at 9:09 AM

Good morning Ms. Sayers,

Thank you for taking time to respond to my email. It is apparent your mind is already made up on this project, so I will not bother you anymore. But to answer your question, I certainly believe our local police officers and firefighters/paramedics have done things "the right way by putting the time and resources into getting an education, acquiring a good job, and saving hard-earned money to live in this area." However, please correct me if I'm wrong, but I doubt they would qualify for the Habitat for Humanity income requirements given the Lenexa public safety plan I found on the City of Lenexa website (attached for your reference). Given the salary ranges for these individuals, they probably already live in the Timbers at Clear Creek subdivision or surrounding subdivisions.

I have taken great pride and am passionate about helping Kansas consumers who have been harmed by financial institutions (many low income citizens) in my 17-year career. As I alluded to in my initial email, I do not hate Habitat for Humanity. They do great work, I just think that it should be done through private donations and volunteer work.

Have a good day,

Phil Simon
8760 Greeley St.
Lenexa, KS 66227

[Quoted text hidden]

 **public-safety-pay-plan.pdf**
44K

Julie Sayers <jsayers@lenexa.com>
To: Phil Simon <philjsimon@gmail.com>

Tue, Jan 6, 2026 at 10:03 AM

Mr. Simon,

It would be unlawful to state a position on any project before it comes before the Council. The nature of my reply today is to directly address the implications that we have seen from you and your neighbors,

<https://mail.google.com/mail/u/0/?ik=161718e05c&view=pt&search=all&permthid=thread-ar5240381524088830926&simpl=msg-ar262456525799299...> 5/6

1/6/26, 11:12 AM

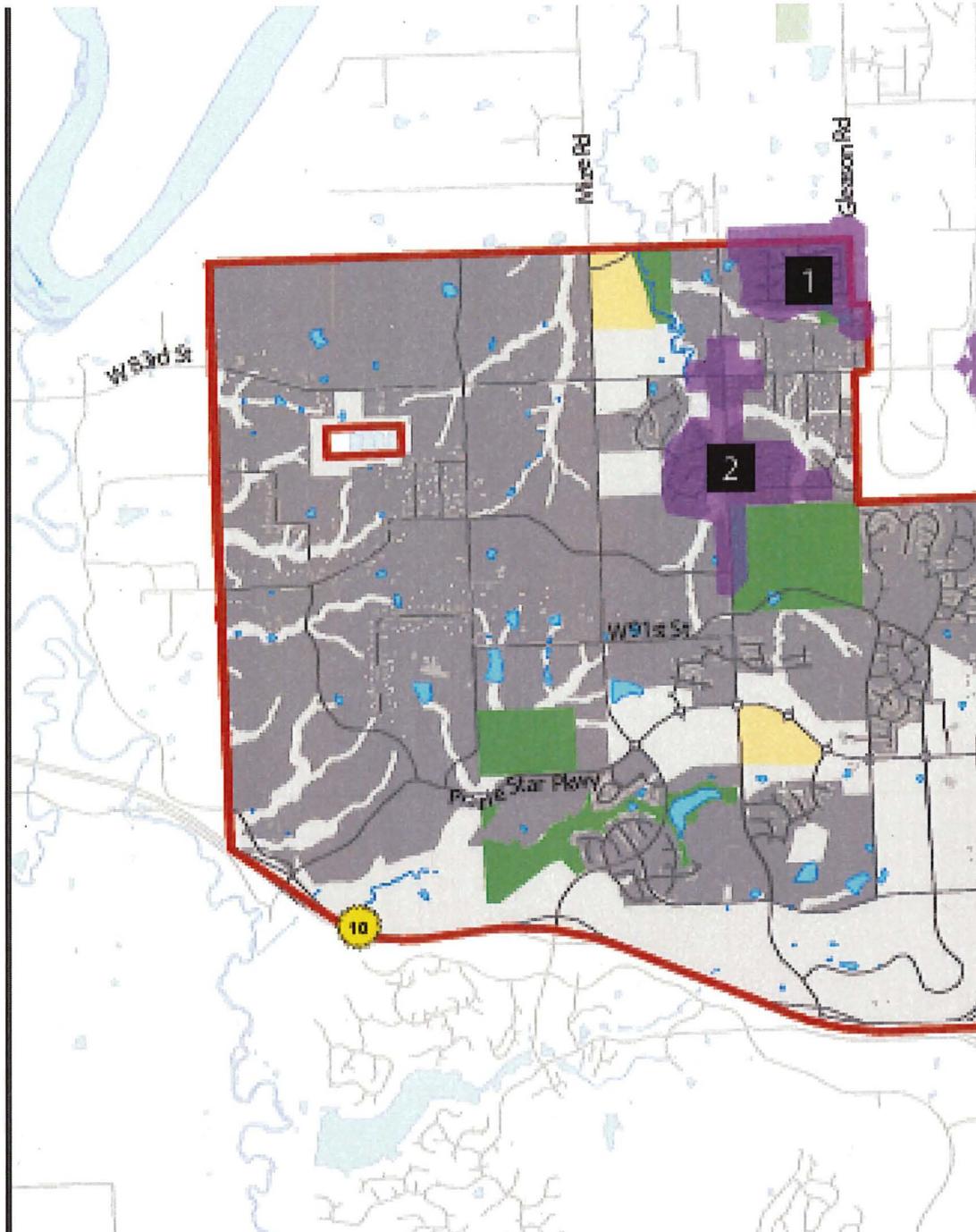
Gmail - FOLLOW UP: Request to Deny Rezoning for Clare Road Habitat for Humanity Development

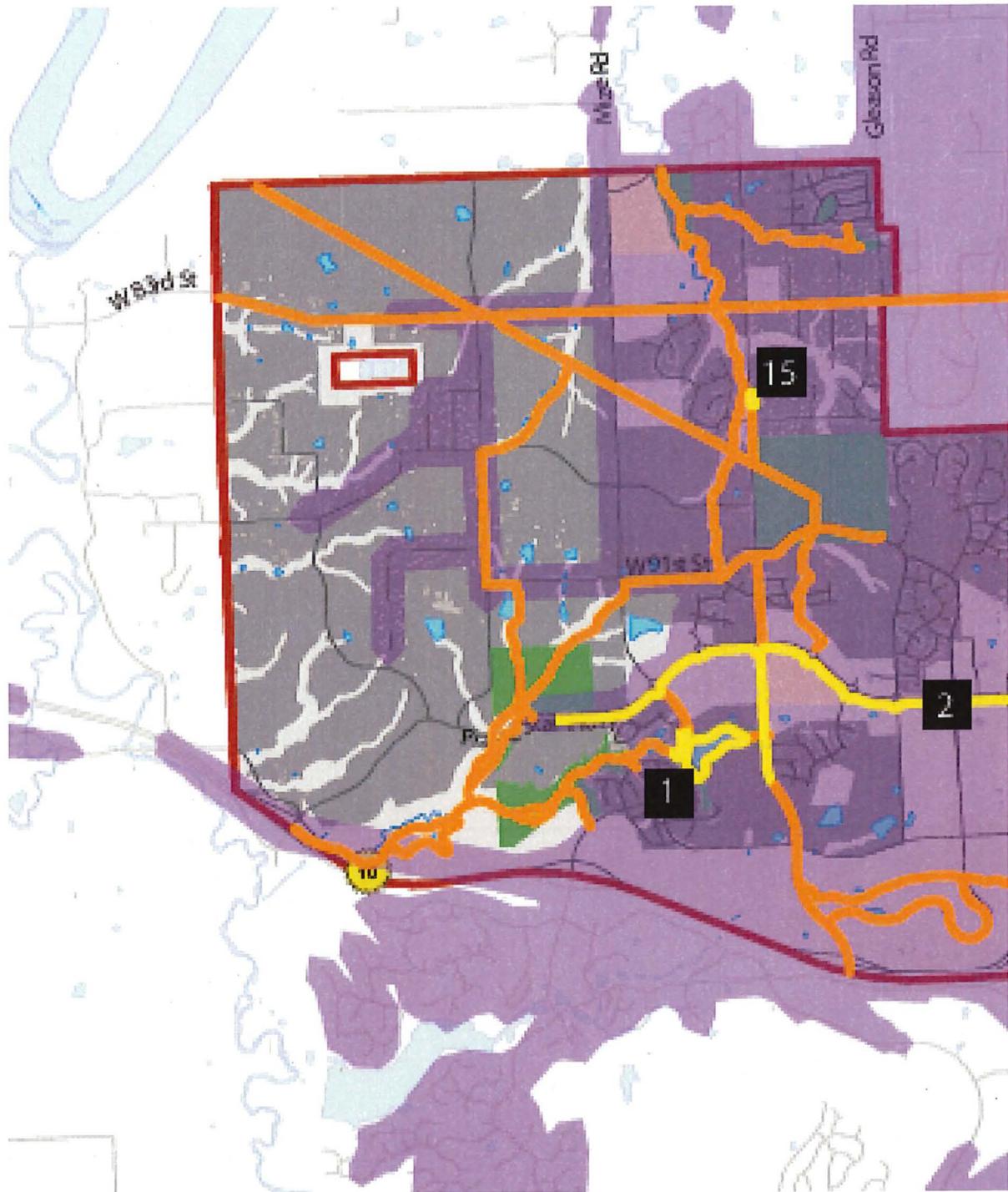
sometimes in a private Facebook group that we cannot access, that the project is being handled unfairly or exists a lack of professionalism or integrity by our staff.

Thank you for understanding.
JS

Julie Sayers
Mayor
City of Lenexa
913.477.7567
jsayers@lenexa.com | www.lenexa.com

- Misrepresentation Of The Subject Property As Parkland In Official Planning and Public Materials



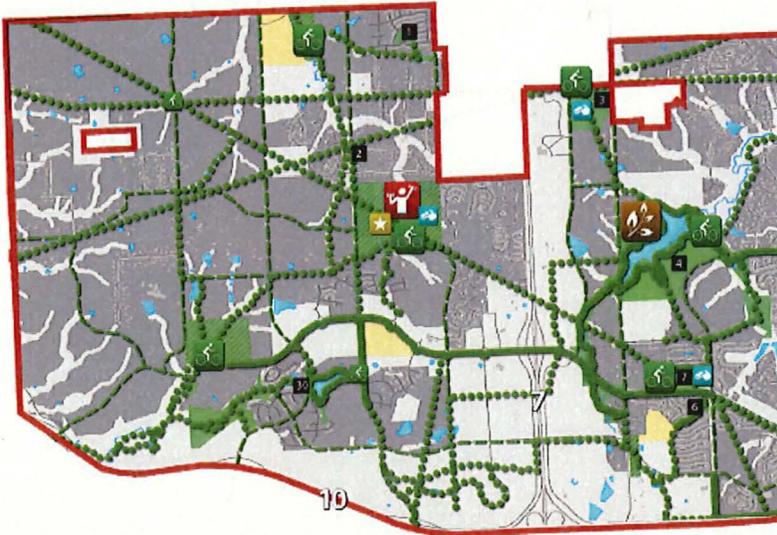


MAP LEGEND:

-  City Boundary
-  Roadway
-  Water Body
-  City Park Site
-  Undeveloped Park Site
-  County Park Site
-  Residential Area
-  Non-Residential Area
-  School Site

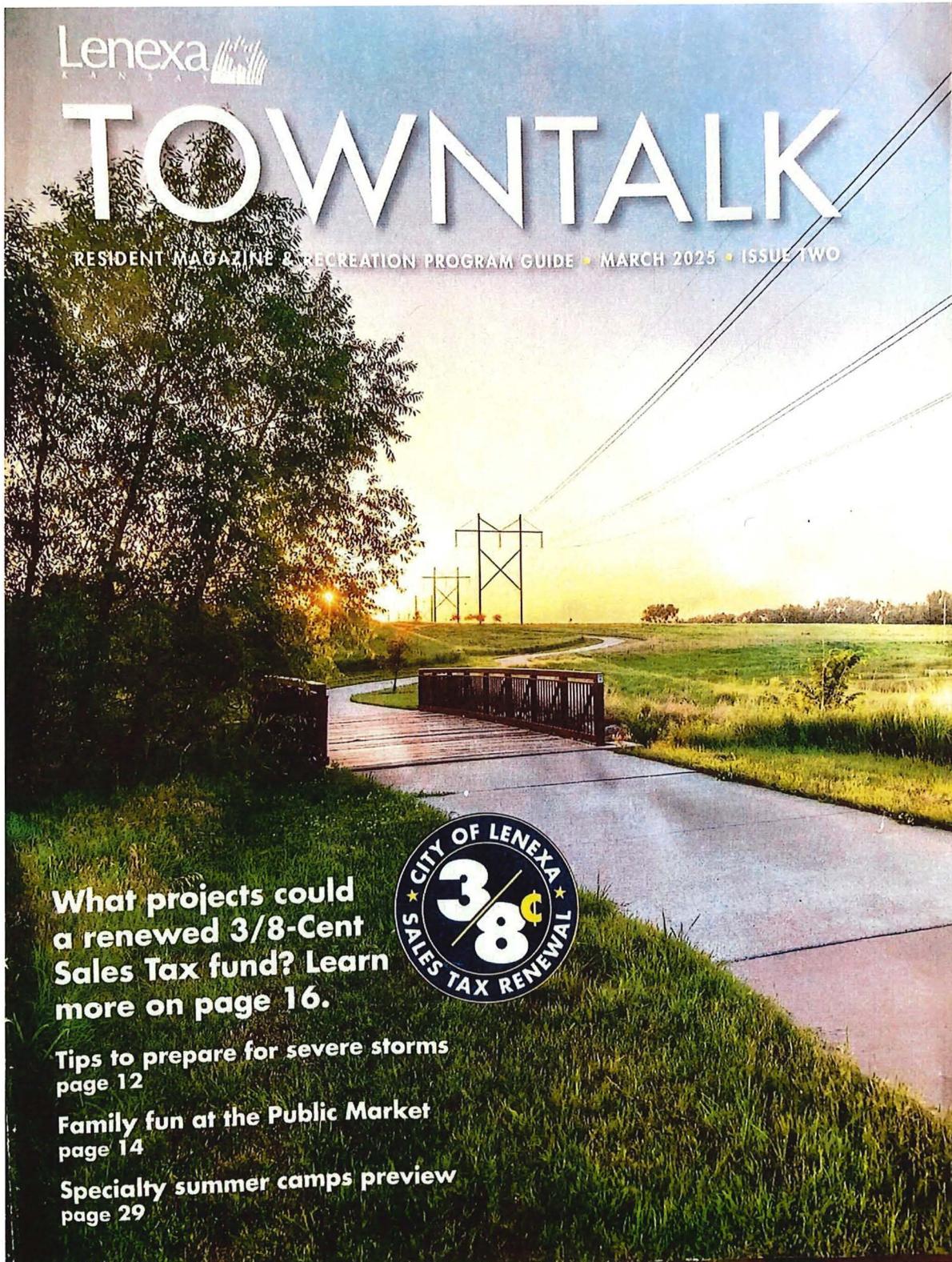
VISION LEGEND:

-  Community Recreation Center
-  Civic / Community Center
-  Nature and Environmental Hub
-  Destination Recreation Site
-  Practice Field Location
-  Major and Minor Trailheads
-  Existing Paved Trail
-  Proposed Paved Trail
-  Proposed Bikeway



EXISTING PARK FACILITIES :

- | | |
|---------------------------|------------------------|
| 1 Gleason Glen | 16 Tamarisk Park |
| 2 Wild Bill Hickcock Park | 17 Electric Park |
| 3 Freedom Fields | 18 Harmony Park |
| 4 Black Hoof Park | 19 Kickapoo Park |
| 5 Flatrock Creek Park | 20 Mullen Park |
| 6 Manchester Park | 21 Trafalgar Park |
| 7 Buffalo Meadows | 22 John Mc Nerney Park |
| 8 Craig Crossing Park | 23 Scouting Park |
| 9 Parkhurst Park | 24 Bradshaw Park |
| 10 Ad Astra Park | 25 Gillette Park |
| 11 Little Mill Creek Park | 26 Hidden Woods Park |
| 12 Na Nex Se Park | 27 Matt Taylor Park |
| 13 83rd and Lackman Park | 28 Post Oak Park |
| 14 Bois D'Arc Park | 29 Green Prairie Park |
| 15 Sar-Ko-Par Trails Park | 30 Cedar Station Park |



PARKS & RECREATION OPPORTUNITIES

CLEAR CREEK WETLANDS/
FUTURE CENTENNIAL PARK
JEANIE WEBSTER

From pickleball to playgrounds, the top recreation priorities identified through Lenexa's 2024 Parks & Recreation Master Plan would help meet the needs of a broad range of interests, ages and abilities. If renewed in this spring's mail ballot election, Lenexa's 3/8-Cent Sales Tax could provide funding to make these ideas a reality.

More than 1,000 Lenexa residents weighed in on future opportunities through the Master Plan process. The priorities that emerged would enhance existing parks and create new places to play, be active and enjoy nature.

Sales tax funding could support reinvestment and maintenance at existing parks, including:

- Continued investment in the Playground Replacement Program. Playgrounds need to be replaced routinely to ensure they're safe.
- Updating or adding park shelters, restrooms and lighting.
- Reconstruction, expansion or improvement of sport courts.

As the community grows, developing new parkland is a high priority. Lenexa has set a goal to have a park within a 10-minute walk for every resident. The City has about 184 acres of undeveloped parkland. The renewed Sales Tax could help Lenexa:

- Purchase more parkland for future needs.
- Develop Centennial Park, a 40-acre park around the Clear Creek Wetlands (pictured).
- Master plan and build new parks on undeveloped parkland. The Parks & Recreation Master Plan suggests new park development that has a low environmental impact and incorporates passive opportunities like trails while preserving native landscape, habitats and greenspace.



The Parks & Recreation Master Plan recommends new amenities including:

- Off-leash dog park(s).
- Inclusive playground features.
- All-wheel pump track and single-track mountain bike course.
- Splash pad/spraygrounds.
- Additional pickleball courts.
- Fitness park with a variety of exercise stations.

Julie Sayers's response

 **Julie Sayers**
Lenexa City Mayor



Jan 4, 2026

The future City park and the existing City stormwater & trail facilities in this vicinity will remain under city ownership and public use and are not impacted by the proposed rezoning. The attached map depicts the property proposed for rezoning in red and the City's future park and existing wetland and trail facilities in blue.

I have no further comment, as this is a pending application which is still under review and will come before the Lenexa City Council for a decision in the near future.

Julie Sayers
Mayor
City of Lenexa

A Picture Is Worth A 1,000 Words

Julie Sayers <jsayers@lenexa.com>
To: Christina Wallace <christinawallace.dpt@gmail.com>

Sun, Jan 11, 2026 at 12:45 PM

Good afternoon Ms. Wallace,

All undeveloped park land, including Centennial, is outlined in our Parks and Recreation Master Plan, which had an extensive update in 2023. This public document corresponds with the response we provided to the recent [change.org](https://www.change.org) petition with the attached map indicating the boundaries of the park and wetlands, which do not include the proposed development area.

<https://www.lenexa.com/Government/Plans-Studies/Parks-Recreation-Plans-Studies>

The trail in the photo, future City park and the existing City stormwater facilities will remain under city ownership and public use and are not impacted by this proposal. They are highlighted in blue on the attached map for clarity.



Your email will be included in the Planning Commission's packet for the February 2nd meeting when the rezoning and plat applications are scheduled to be considered by the Planning Commission.

Thank you.
JS

- **Failure To Respond To Documented Resident Concerns**
 - **The last noted response from the city regarding our complaints was on January 11th, 2025. Here are a couple examples of many unanswered emails.**



Christina Wallace <christinawallace.dpt@gmail.com>

to smclaughlin, Julie, cherron, Courtney, John, Bill, mcharlton, Chelsea, abell, Craig, bcc: krista.tatschl, bcc: Laura, bcc: Dan, bcc: Mike

Wed, Feb 4, 11:00 PM (12 days ago)



Dear Mr. McLaughlin,

I am writing to flag what I believe is a serious ethical concern involving public representations by the City of Lenexa regarding a 17-acre parcel (Clear Creek Wetlands, May 12th, 2015) currently proposed for sale and rezoning.

Elected officials and city staff have repeatedly and unequivocally stated in public forums that this land is *not* parkland. This assertion has been made by city staff, the Mayor, City Councilmembers, and the Planning Commission, and is now being treated as settled fact.

That position is not supported by the City's own legal record.

When the City formally listed this property for sale in 2015, the Legal Record identified the parcel as **parkland**. That designation appears in an officially published, legally operative document and has not been rescinded, corrected, or formally disavowed in the record. Nonetheless, current officials continue to deny the parkland classification without acknowledging or reconciling this contradiction.

This creates a material disconnect between the City's legal documentation and its public statements. From an ethical and governance standpoint, the continued repetition of a narrative that conflicts with the City's own record raises concerns regarding candor, transparency, and the integrity of the public decision-making process.

At minimum, this appears to present an obligation for the City to disclose and explain the inconsistency. At worst, residents are being asked to rely on representations that are directly contradicted by the City's own legally published documents.

I am seeking your assessment of whether this conduct raises ethical or legal concerns under Kansas law, municipal ethics standards, or land-use jurisprudence, particularly where official statements appear to contradict the City's documented legal position.

Please notify me of any findings, recommendations, or actions that result from your review of this matter.

Thank you for your consideration.

Respectfully,
Christina Wallace



Dan Wilkus

to smclaughlin, Bill, abell, cherron, cwilliamson, Mark, Courtney, Craig, John, jsayers, bcc: me

Wed, Feb 4, 11:46 PM (12 days ago)



Sean, has or will the City of Lenexa publish notice of the sale of parkland to Habitat for Humanity in accordance with K.S.A. 12-1301? If the City already published a notice, when did it do so? If not, when is the city planning to do so? Is the City relying on the 2015 public notice to cover this sale?

Thanks,

Daniel R. Wilkus, P.E.

----- Forwarded message -----

From: Dan Wilkus <danwilkus@gmail.com>

Date: Sat, Jan 17, 2026 at 3:15 PM

Subject: RFP Bidding Process for Centennial Park/Proposed Habitat For Humanity Development at 8705 Clare Street

To: <byocham@lenexa.com>, Jennifer Martin <jmartin@lenexa.com>

CC: <krista.tatschl@hearst.com>, Craig Denny <cdenny@lenexa.com>, <abell@lenexa.com>, <jhandley@lenexa.com>, Courtney Eiterich <ceiterich@lenexa.com>, Bill Nicks <bnicks@lenexa.com>, <jsayers@lenexa.com>, <cwilliamson@lenexa.com>, <cherron@lenexa.com>, Mark Charlton <mcharlton@lenexa.com>

Beccy and Jennifer, if the City refuses the will of the people of Lenexa to keep the entire Clear Creek Wetlands as a public park, as a citizen of Lenexa, Kansas, I am hereby requesting the proposal prepared and submitted for the purchase a portion of the Clear Creek Wetlands, by Habitat for Humanity of Kansas City, entitled "City of Lenexa - Clear Creek Acquisition Proposal" hereinafter referred to as the "Habitat proposal" be considered "non responsive" since it does not meet the conditions or specifications contained in the 2018 Request for Proposal (RFP) for the purchase of this property. A copy of the Habitat proposal is attached to this email. In addition, all potential bidders should be placing bids on the proposed property utilizing the same specific criteria to allow for a fair and equitable bid process.

Why should the RFP Submitted By Habitat for Humanity Be Considered Non Responsive?

The "Clear Creek Residential Housing Development Request for Proposals Lenexa, Kansas" hereinafter referred to as the "RFP" was issued in 2018 and is the only RFP ever issued for this proposed development. A copy of the RFP was sent in a separate email due to email size limitations. The RFP contains the following "Conditions Governing the Sale of the Property" beginning on page 16:

Condition A. Offer

" Proposer must offer to purchase the entire Property in cash at closing....No proposer shall be permitted to submit an offer for less than the entire Property." The entire property is 53.8 acres, not 16.8 acres as contained in the Habitat proposal.

Condition B. Purchase Price

"The minimum purchase price for the Property is \$2,959,000."

The RFP also requires the development "which will be served by future 91st Street" to "be primarily funded by the adjacent property owners". The Habitat proposal does not include the costs or an agreement for the establishment of a benefit district to fund construction of 91st Street including a bridge to span Clear Creek. By allowing Habitat to potentially purchase only 16.8 acres of the 53.8 acres for sale with no requirement to establish a benefit district for 91st saddles the remaining portions of the property with the cost of completing 91st Street. This will make the remaining property less desirable for other potential developers. It will already be difficult enough to find a developer that will want to invest in the remaining two parcels since they will be located adjacent to this low income government subsidized housing development.

The RFP reiterates the goals and objectives of the City "that the property be developed as a high quality residential development which relates and complements the adjacent City amenities and stormwater features." The Habitat Proposal will neither be of high quality construction nor complement the surrounding park amenities. The City also envisions the development to a "included maintenance-provided product (preferred)".

This is by no means an exhaustive list of noncompliant items, as I am sure there are many other specific criteria the Habitat proposal fails to address.

Therefore, since the Habitat proposal does not meet specific conditions of the RFP or the vision of the City for the development of this property, the Habitat proposal must be classified as "non responsive" and be rejected from further consideration.

Have There Been Other Developers Interested In This Property?

The City of Lenexa continues to act like this property has just been sitting around for sale since 2018 with no interest from any developer until the Habitat proposal landed in their laps. This is the farthest thing from the truth. In fact, as recently as March 2024, one year prior to when the City started working with Habitat to develop only a portion of this land, a developer worked in good faith with the City to propose a housing development on the entire 53.8 acres (all three parcels). The developer did not receive the keys to the City like Habitat did and was run through the wringer eventually deciding to give up due to the cost prohibitive requests placed on him by the City. Interestingly enough, the attached email and preliminary plat plan (attachments "2023-3-14_P2023-068 CP" and 2023-068 RE_Clear Creek Plan - Email 1") were not provided by the City as part of our Kansas Open Records Request (KORA) we made to the City which requested all emails related to this property. The developer emailed them to me as an example of someone who was interested in developing this property. This could merely be an oversight or someone may have wanted to keep this information from the public including us. We will continue to dig until we find the answer to this question and if the City is hiding other developer inquiries from us.

In November 2025, another developer approached the City regarding developing the entire property with a vision similar to the Prairie Village, Kansas development Meadow Brook Park. Meadow Brook Park is an incredible upscale development and would compliment the surrounding neighborhoods. This email inquiry was obtained through our KORA request and is attached as "November 2025 Developer Inquiry". The public record is incomplete and it is unknown whether or not this inquiry was pursued by the City. If it was not, then why not?

Should All Potential Bidders on this Property Be Bidding Based on the Same Criteria?

All potential bidders should be placing bids on the Clear Creek property based on the same set of criteria, however, as demonstrated in the Attachment entitled "P2023-068 RE_Clear Creek Plan - Email 1", Scott McCullough stated to the developer that the City would be willing to keep the discussion going and that the starting point for the City is contained in the Clear Creek RRP as follows:

- *1. The minimum purchase price for the 53.8-acre property is \$2,959,000. The purchase price must be paid at closing and the developer must purchase all of the development areas.*
- 2. The development will be required to pay a fee-in-lieu of construction of stormwater facilities in the amount of \$7,000/acre, but avoids paying excise taxes of over \$9,000/acre on the 17 acres that house the regional facilities.*
- 3. Internal, local streets and storm drainage facilities within the subdivision will be the responsibility of the Developer. In addition to Clare Road, which is already in place, the development will be served by future 91st Street, a minor collector, which must be primarily funded by the adjacent development property. The City is willing to consider the establishment of a special benefit district ("SBD") to finance and construct 91st Street and will agree to participate in such SBD at 20% of the total cost.*

The City has significant investment in the land and area and will be looking to recoup those costs, so I wanted you to have these numbers as you start to look at the pro-forma. Happy to review the development opportunities from your perspective."

As you can see this is a far cry from the starting point for Habitat for Humanity and the City reiterated their desire to recoup all the costs for this land. This developer is being held to the specific criteria in the RFP and Habitat is not, thus the reason the Habitat proposal is non responsive to the RFP and should be discounted. As a member of the public, you have to question why has the City's position changed so quickly over the span of a few months by requiring one developer to meet the strict requirements of the RFP while another gets to determine their own set of criteria. Why is the City placing their thumb on the scale to benefit one citizen over another?

Under Kansas principles for public procurement, all selection criteria and their relative importance should be shared with all prospective bidders. If the city changed the scope (e.g., from requiring the purchase of 53.8 acres to allowing 16.8 acres) for one bidder but not all, this has the appearance of a potential violation of the requirement for a "competitively neutral and nondiscriminatory" process.

To recap, the Habitat proposal should be classified as non response and eliminated from future consideration. All bidders on the property must be required to follow the same specific criteria in their proposals. The City should be working aggressively with all potential developers to develop a housing development that the entire neighboring community could be proud of.

Thanks for your consideration of this matter.

Daniel R. Wilkus, P.E.

- Systemic Public Notice Deficiencies Arising From 2019 Newspaper Exemptions

Johnson County Post article: [Lenexa exempting itself from state law requirement for official city newspapers](#)

The city of Lenexa no longer has The Olathe News as an official city newspaper for publishing legal notices. City leaders have agreed to exempt Lenexa from K.S.A 64-101, the state law regarding official city newspapers. And The Johnson County Legal Record is now the only official publication for Lenexa's public notices.

In 1997, the city had passed a charter ordinance exempting itself from the state law so it could designate multiple newspapers by resolution. At that time, The Johnson County Legal Record and The Olathe Daily News (renamed The Olathe News in 2009) became Lenexa's official newspapers.

Since then, The Kansas City Star has acquired The Olathe News, and now the publication no longer meets state law requirements because the Star is published out of state. To be considered an official city newspaper of Lenexa, a publication must be circulated on a regular basis and must be published in Johnson County, or at least in the state of Kansas.

City Attorney Cindy Harmison said that, as a result, Lenexa is having difficulty finding newspapers that meet the statutory qualifications. (Digital publications, such as the Shawnee Mission Post, don't qualify under state law because they are not printed.) Additionally, because The Johnson County Legal Record only publishes on Tuesdays, and city council meetings take place on Tuesdays, the timing doesn't seem to fit with providing adequate and timely notice for residents, Harmison said.

To make the official change, the city is required to pass a charter ordinance exempting itself from the state law. Harmison said this process will take several months. Exemption from state law gives the city the flexibility to establish an official city newspaper by regular ordinance, if city leaders decide to do so, she added.

The Lenexa governing body on Nov. 19 unanimously approved adopting a resolution that designates The Johnson County Legal Record as the city's only official city newspaper. The governing body also unanimously approved passage of the charter ordinance exempting Lenexa from KSA 64-101 in its entirety and repealing a related charter ordinance on the issue.

Passage of a charter ordinance requires an affirmative vote of two-thirds of the governing body, followed by publication for two consecutive weeks and a period of 60 days to allow for a petition and referendum.

If no one files a valid petition in that time period, the charter ordinance becomes effective on the 61st day after the last publication, or sometime in early February.

In the meantime, city staff is working to find better ways to communicate legal and public notices on the city's website. The city's legislative platform is also advocating for changes at the state level that would allow the city website to become an official publication.

Rep. Tom Cox said legislators have discussed — but not debated — “moving away from this antiquated model” of publishing public notices.

“There’s been bills introduced over the last few years that would essentially modernize it, saying anything that’s required for publication could be done digitally as well as print, so either one would count,” Cox said, adding that legislators tend to oppose these types of bills because rural communities push against it. “They have local papers, and the local papers say ‘this could kill us; this could put us out of business. This is where we get a lot of our revenue.’”

Cox said the issue is likely to come up again in the upcoming legislative session.

- Material Deviations From The 2018 Clear Creek RFP and Below Market Disposition Of Public Land

From: Beccy Yocham <byocham@lenexa.com>
Sent: Tuesday, September 18, 2018 1:52 PM
To: Eric Wade; Sean McLaughlin; Tim Green
Cc: Magi Tilton; Mike Nolan
Subject: FW: Clear Creek Surplus Land Appraisal
Attachments: Clear Creek Surplus Land Appraisal.pdf

Attached is John Moser's appraisal of the Clear Creek surplus property. I haven't read the full appraisal yet, but frankly, I'm shocked by his number – he appraises it at \$2,050,000, which is about .87/sf. The entire City ownership of 120+ acres was appraised in 2014 at \$4.45M, or .805/sf. With all of the amenities we have added, the stormwater facilities which are provided and the much smaller parcel, I would have expected a much higher number and I've already reached out to John for further explanation.

Beccy Yocham
Director of Community Development
City of Lenexa
913.477.7718 (direct) | 913.477.7630(fax)
byocham@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

September 17, 2018

Ms. Beccy Yocham
Director of Community Development
City of Lenexa
17101 West 87th Street Parkway
Lenexa, Kansas 66219

Dear Ms. Yocham:

The appraisal you requested is enclosed. Subject to limiting conditions, it estimates the market value of a:

**53.8 acre tract
of Vacant Land
Northeast Quadrant of
91st Street and Clare Road
Lenexa, Kansas**

This appraisal is in compliance with the *Uniform Standards of Professional Appraisal Practice*. The legal interest is fee simple estate. The market value estimate, as of September 1, 2018, is \$2,050,000.

Your attention is directed to the following report which outlines my analyses and valuation conclusions.

Thank you for the opportunity to be of service.

Sincerely,



John W. Moser, MAI, SRA
President

Value Conclusions

Description	Perspective	Type of Value	Premise	Property Interest	Effective Date	Indicated Value
Land Value	Current	Market Value	As Is	Fee Simple	08/08/2025	\$2,310,000

Sincerely,
Keller Craig & Associates, LLC



Katy Clagett
State Certified General, KS No. G-5068
kclagett@kellercraig.com



Matt Speer, MAI
State General Certified, KS No. G-2925
mspeer@kellercraig.com

From: Beccy Yocham
Sent: Monday, November 10, 2025 2:27 PM
To: Lindsay Hicks
Cc: Sean McLaughlin
Subject: Appraisal of City Property
Attachments: Appraisal 91st and Clare Rd (Clear Creek).PDF

Lindsay:

As promised, here is the recent appraisal we had done on our Clear Creek land. The appraisal valued the entirety of the City land at \$2,310,000 or just under \$43,000/acre. As you know, our asking price in the RFP was \$55,000/acre, which I believe is the number you have been carrying in your proforma.

After evaluating a variety of information, including our purchase price (which was greater than \$43,000/acre) and other costs in the ground, other recent land sales in the area and the appraisal document, we are comfortable offering the property to Habitat at \$49,000/acre. This lower land price also acknowledges that your plan yields a lower lot count than the City's concept plan.

Please confirm that this purchase price is acceptable at your earliest convenience. Thanks.

Beccy

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

To: Beccy Yocham <byocham@lenexa.com>; Mike Nolan <mnolan@lenexa.com>; Scott McCullough <smccullough@lenexa.com>
Subject: Habitat Land

All,

I have attached the update appraisal for Clear Creek Land. We appraised 53.8 acres this summer and the land value is \$2,310,000 up from \$2,050,000 in 2018.

This translates to \$42,936.80/acre. The plat provided shows 16.8543 acres for the habitat land meaning the purchase price would be \$723,669.71.

Before I send the appraisal over to Habitat, I wanted to send this to you to make sure we are good with this.

Thanks,

Sean L. McLaughlin
City Attorney
City of Lenexa | Legal Department
913.477.7624 | 913.477.7639 fax
smclaughlin@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service.

On Apr 2, 2025, at 12:04 PM, Scott McCullough <smccullough@lenexa.com> wrote:

We met with HH and Tommy Bickimer today about HH's desire to develop a 40-50 lot, potentially mixed income SFR sub using the community land trust (CLT) model. They are interested in two sites – City's Clear Creek Wetlands (Area A) and 40 acres at 83rd and Mize east of the Desoto school site.

They received several sources of funds for Pathways in Olathe (see attached) and will have an ask of Lenexa should they proceed related to incentives. I told them to my knowledge we have no CLT developments in the city so we would consider any type of support as we learn more about the costs, gap they have, etc. City support such as cost of Clear Creek land, waiving of fees, etc. was mentioned. I said since the RFP was released the discussion around attainable housing has amplified and we would be willing to continue the discussion. I said the next step if to submit a low-cost plan of what they would like for Area A.

I can report more at eco devo. This could be pretty cool if done right!

Scott McCullough, AICP
Community Development Director
City of Lenexa
Phone: 913.477.7532 | Fax: 913.477.7730
smccullough@lenexa.com | <https://www.lenexa.com/Home>

From: Sean McLaughlin
Sent: Tuesday, November 4, 2025 4:39 PM
To: Mike Nolan; Beccy Yocham; Scott McCullough
Subject: RE: Habitat Land

Beccy,

The City acquired the property (approximately 99.72 acres) on September 15, 2006 for \$4,387,680.00.
(\$44K/acre)

Sean L. McLaughlin
City Attorney
City of Lenexa | Legal Department
913.477.7624 | 913.477.7639 fax
smclaughlin@lenexa.com | www.lenexa.com

The City of Lenexa. Leaders in the delivery of exceptional public service.

From: Mike Nolan <mnolan@lenexa.com>
Sent: Tuesday, November 4, 2025 4:35 PM
To: Beccy Yocham <byocham@lenexa.com>; Sean McLaughlin <smclaughlin@lenexa.com>; Scott McCullough <smccullough@lenexa.com>
Subject: Re: Habitat Land

They put in \$924k for the land (\$55/ac). See p.5 attached.

-MN

From: Beccy Yocham <byocham@lenexa.com>
Sent: Tuesday, November 4, 2025 16:30
To: Sean McLaughlin <smclaughlin@lenexa.com>; Mike Nolan <mnolan@lenexa.com>; Scott McCullough <smccullough@lenexa.com>
Subject: RE: Habitat Land

Our asking price was \$55k/acre in the RFP. And I feel like she had approximately \$900k in her original proforma that she shared with us for land price.

Do you remember or can you put your hands on what we paid without too much difficulty?

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

The City of Lenexa. Leaders in the delivery of exceptional public service.

A Developer reached out in November 2025 but conversations did not continue to explore a more full RFP offer

From: Beccy Yocham
Sent: Wednesday, November 5, 2025 11:17 AM
To: Mike Nolan; Todd Pelham; Sean McLaughlin; Scott McCullough
Subject: FW: Clear Creek Residential Project

When it rains...

Beccy Yocham
City Manager
City of Lenexa
913.477.7718
byocham@lenexa.com | www.lenexa.com

The City of Lenexa: Leaders in the delivery of exceptional public service

From: Alex Howe
Sent: Wednesday, November 5, 2025 10:57 AM
To: Beccy Yocham
Subject: Clear Creek Residential Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Beccy -

I hope you had a great summer and you are enjoying fall.

I recently reviewed the 2018 RFP for the Clear Creek Residential project and wanted to discuss whether it might qualify as a candidate for the RHID program focusing on smaller-lot, for-sale single-family homes. From our meeting with Korb back in April, my impression was that City Staff is open to RHID for the right project, one that is substantial in scale and offers public benefit. I believe this project has the potential to meet those criteria similar to Meadowbrook Park in Prairie Village.

I appreciate your thoughts and feedback on this. Particularly how you view the project's alignment with RHID and/or TIF eligibility requirements and any next steps you'd recommend.

Best,
Alex

--
Alex Howe
River Bend Land Co.
785.410.3159

Section 4: KORA

Below are the exact KORA requests submitted to the city with the date submitted and received back.

**Yellow - Portion that was not answered, received, or addressed
Green - Special Discussion Point, was an authorized removal**

Request 1: (submitted 12/10, received back 12/24)

I am requesting access to all records related to the acquisition, management, valuation, and proposed sale of the City-owned property located adjacent to Clear Creek Wetlands/Future Centennial Park/Proposed Clear Creek Subdivision in Lenexa, Kansas. Specifically, I request the following information and supporting documentation:

1. **Property Acquisition History** The date the City of Lenexa acquired the property. How the property was acquired (purchase, donation, eminent domain, land swap, etc.). If purchased: The purchase price. The source of funds used (e.g., general fund, bond issuance, dedicated sales tax, voter-approved bond election, grants, etc.). Any ballot language or public referendum materials, if applicable. If donated: Any donor agreements, covenants, stipulations, or restrictions tied to the donation. Any requirements for how the property must be used, managed, or preserved.
2. **Agreements, Covenants, and Restrictions** Any deed restrictions, conservation easements, land-use covenants, or limitations on development tied to the property. Any federal, state, or county requirements affecting land use. Any zoning designations, overlays, or planned use restrictions currently governing the property.
3. **Property Use and Management Since Acquisition:** A timeline of how the property has been managed or utilized since the City acquired it. Any official plans, studies, or proposals involving the property (e.g., parks planning documents, master plans, feasibility studies, surplus property evaluations). Records of any improvements, maintenance, or public investments made on the property.
4. **Current Sale or Transfer of the Property** When the property was first listed as available for sale or declared surplus. How long it has been actively marketed or considered for disposition. The asking price or valuation the City has established. Any appraisals (current or past 10 years), broker opinions of value, or internal assessments used to justify the asking price. All correspondence, proposals, or negotiations with the current potential land developer or any

other interested buyers. Any staff reports, City Council agenda packets, minutes, or internal memos related to the proposed sale.

5. **Public Process and Community Impact Records showing how the public was notified or included in discussions regarding the potential sale.** Any community feedback, public comments, or neighborhood meeting notes regarding the land disposition. Any environmental, traffic, or community impact studies related to the property or proposed development.

6. Maps, Surveys, and Legal Descriptions The most recent legal description, parcel number, and boundary survey. **Any utility easements or rights-of-way crossing the property.** Any environmental assessments (Phase I/II) or soil reports.

7. **Financial and Administrative Records Any cost-benefit analyses, fiscal impact statements, or internal financial evaluations relating to selling the property. All contracts, draft agreements, letters of intent, or memoranda of understanding connected to the potential sale.**

Request 2: (Submitted 12/27, received back 1/12)

This request is intended to supplement a prior KORA request and seeks records that were not previously provided.

1. Land Acquisition Records - Please provide all records relating to the City of Lenexa's acquisition of the Clear Creek Subdivision / Clear Creek Wetlands property, including but not limited to:

- The date(s) the City acquired the property
- The method of acquisition (e.g., purchase, donation, transfer, condemnation, etc.)
- The source(s) of funds used for the acquisition (including city funds, grants, bonds, or other public or private funding sources)
- Any donor agreements, grant agreements, contracts, deeds, covenants, restrictions, conservation easements, or other documents that include stipulations, conditions, or limitations on the use or sale of the property

2. Marketing and Efforts to Sell the Property - Please provide **all records (WE DID NOT RECEIVE OTHER DEVELOPERS)** demonstrating how the City has actively marketed or attempted to sell the property since the City's notice in or around 2015 that the property was available for sale. This includes, but is not limited to:

- Listings, advertisements, requests for proposals (RFPs), or solicitations
- **Communications with real estate agents, brokers, developers, or potential buyers**
- **Internal communications, memoranda, or reports discussing marketing strategies or efforts**

- Council agendas, minutes, or staff reports referencing efforts to market or sell the property

3. Legal Requirements and Stipulations Related to Sale - The Legal Record section indicates that the property is subject to stipulations or conditions related to its sale. Please provide:

- All documents identifying or describing these stipulations or conditions
- Records demonstrating how the City has complied with or satisfied each requirement necessary to lawfully sell the property
- Any legal opinions, staff analyses, or correspondence addressing the City's authority to sell the property and compliance with applicable restrictions

If any portion of this request is denied, please cite the specific statutory exemption relied upon. If records exist in electronic format, I request they be provided electronically.

Please advise of any anticipated costs prior to fulfilling this request.

Request 3: (submitted 1/21, received 2/4)

I am requesting access to and copies of the following public records held by the City of Lenexa: For the time period December 15, 2025 through January 21, 2026:

1. All internal communications related to the Clear Creek Wetland, the subject property, and/or Habitat for Humanity, including but not limited to: Emails, Text messages, Instant messages or chat platform communications (e.g., Teams, Slack), Memoranda, Internal correspondence, and Attachments This request includes communications between City staff, City leadership, elected officials, consultants, legal counsel, any third parties acting on behalf of the City and the applicant for development for the proposed Clear Creek Subdivision.

2. All meeting-related records concerning discussions of the Clear Creek Wetland, the subject property, and/or Habitat for Humanity, including: Meeting requests or calendar invitations, Agendas, Lists of attendees, identifying whether attendance was in person or virtual, Meeting dates and duration/length of meetings, Meeting notes, summaries, minutes, or follow-up documentation, Any presentation materials or documents shared during these meetings

Request Not limited By Date: (STATED THIS WAS TOO DIFFICULT, I AUTHORIZED REMOVAL)

1. All records related to the funding of native grass installation and restoration on the Clear Creek Wetland, including but not limited to: Funding sources (city, county, state, federal, grant-based, or private), Grant applications, agreements, and award documents, Invoices, contracts, purchase orders, or payment records

If any records are withheld or redacted, please identify the specific statutory exemption under KORA relied upon for each withholding or redaction. Additionally, please provide the TOTAL NUMBER of documents that were partially or fully redacted in response to this request. If clarification is needed to facilitate a timely response, please contact me so the request may be refined promptly.

Below is the email exchange with a city attorney responsible for fulfilling KORA requests. These exchanges raised questions regarding the integrity of the process.



MacKenzie Harvison

to me ▾

Thu, Jan 22, 9:34 AM



Hello, Christina –

Looking through this request, I just wanted to provide an update for moving forward. I doubt (but honestly do not know for sure) that there will be much to provide for your first two (date dependent) requests, but it will require me to poll a number of individuals for responsive records, so there will be staff charges associated with this. Because of the number of people involved, I suspect this piece of it will cost *approximately* \$100 even if there are little to no records. If there are a number of records, the cost will go up from there. Please confirm you are agreeable to these fees (and as always, we will provide the time breakdown and will only charge the actual costs).

On the second request (about the financial aspects of the wetlands) I honestly have no idea whether this will be an easy and quick search for records (maybe Finance has it all bundled), or if this will take significant time (it could stretch over multiple years, there could be multiple departments involved, etc.). Our CFO is OOO today so I cannot pick his brain on how to approach this, but will do so tomorrow when he is back in the office. I will then provide you and update on what I think these fees will look like.

That all work? Let me know on the first issue and we'll go from there. Thanks!
MacKenzie

MacKenzie C. Harvison

Deputy City Attorney

City of Lenexa | Legal Department

913.477.7628

mharvison@lenexa.com | www.lenexa.com

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Christina Wallace <christinawallace.dpt@gmail.com>
to MacKenzie ▾

Thu, Jan 22, 1:42 PM ☆ 😊 ↶ ⋮

Good Afternoon MacKenzie,

Thank you for your reply. Before we proceed, I would like to better understand the City's internal process for handling Kansas Open Records Act (KORA) requests.

Your email appears to suggest that individual City employees or departments are responsible for identifying and producing their own records to a KORA request, rather than there being a centralized or standardized process. If that is the case, I have concerns, particularly given how my previous two KORA requests have been handled.

If individual departments or individuals are responsible for fulfilling their own portions of a request, what safeguards are in place to ensure the integrity of the process? Specifically, how does the City ensure that records are not altered, deleted, or inadvertently omitted, and that legal obligations under KORA are met consistently across departments?

In multiple instances, I have received documents from individuals outside the City that should have been included in my earlier requests. Additionally, I have had to follow up directly with you regarding records that were omitted without explanation but produced when specifically asked about. As recently as this week, I met with a City Council member who referenced a document that I was never provided, despite it appearing to fall squarely within the scope of my prior requests.

Given these issues, I would appreciate clarification on how the City ensures the completeness and accuracy of its KORA responses. How are records identified, collected, reviewed, and produced, and how does the City confirm that all responsive records have been included? Is there a certification, checklist, or other verification method used to confirm departmental compliance and document searches performed? I would have assumed that a city the size of Lenexa would have an established process and sufficient IT or records management support to centrally retrieve responsive documents for legal review, rather than relying solely on individual employees to self-identify materials.

I would also appreciate clarification on how the City defines and applies attorney-client privilege in the context of KORA requests, including what standards or documentation are used to support that determination. This information will help ensure a clear and shared understanding of the scope and completeness of the City's responses moving forward.

Thank you in advance for helping clarify this process better!

Christina Wallace



MacKenzie Harvison

to me ▾

Jan 26, 2026, 2:04 PM



Hi Christina –

I just wanted to provide you an update on this. I am swamped on some other projects and thoughtfully answering all of these questions will take me some time. I'll get to this as quickly as I'm possible, but it still may be a few days.

Based on your instructions, we'll hold off on any processing of your open record request 57-2026.

Thanks! MacKenzie

MacKenzie C. Harvison

Deputy City Attorney

City of Lenexa | Legal Department

913.477.7628

mharvison@lenexa.com | www.lenexa.com

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Christina Wallace <christinawallace.dpt@gmail.com>

to MacKenzie ▾

Jan 26, 2026, 8:17 PM



Hi MacKenzie,

Thank you for your reply.

Please proceed with processing the KORA request according to the original timeline. I am authorizing the removal of item #3 (regarding funding for the wetland grass) from this request. I continue to expect full responses to items #1 and #2, including the requested time-bound information.

I am agreeable to the estimated cost provided. Please let me know the anticipated turnaround time for fulfilling the remaining portions of this request.

Additionally, to be clear, any conversations regarding the integrity of KORA data pulls—both historically and currently—should proceed in parallel and should not delay or condition the processing or production of records responsive to this request.

Thank you,
Christina



MacKenzie Harvison

to me ▾

Christina -

Jan 27, 2026, 11:21 AM



I'll begin working on items 1 and 2 as requested. To be equally clear, I only paused the production because you directed me to do so.

As I mentioned, I have a full plate at work. I will begin compiling the records and will work diligently on this as I can and as I do on every single request, but I also cannot just put all other city business on hold to respond to your request immediately. KORA does not require that. I need to get a sense of how many records there are and then I will provide an estimated date of production.



MacKenzie C. Harvison

Deputy City Attorney

City of Lenexa | Legal Department

913.477.7628

mharvison@lenexa.com | www.lenexa.com

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MacKenzie Harvison

to me ▾

Christina -

Tue, Jan 27, 2:39 PM



Update: I expect to have the records to me from staff by EOD Friday and will begin review first thing Monday. My hope is that it wouldn't take more than 2 days to turn those around.

That said, one issue you raised in your questions about how open records are handled will need to be addressed now because the above timeline may change significantly as a result of what you want. IT can run email searches if that is how you would like it to happen. I want to be upfront that IT email searches by their nature compile every email in the entire City email system (over 600 email addresses) that has a given search term in it. It can't limit only internal emails. Search terms like "Clear Creek" or "wetlands" or Habitat for Humanity" or "HFH" would be much more common than you would assume and would show up in all of our city functions. Add on to that the fact that hundreds of emails have been sent to all of the GB members from the public about this project. The search will pull every single one of these, even duplicates - so there will be a huge number of records to review that will incur staff time and there will likely be a very small number comparative to the number of responses that is actually unique or responsive. For example, when there are common search terms we will often get hundreds, if not thousands of emails back on a search and 40 are relevant. That is just the nature of an email system that large.

Based on your previous emails it appears you no longer trust City employees to honestly provide their records and if that is the case, I am happy to go this route. If you want to draft some search terms I will have IT run the search. But please understand that the likelihood of things is that it will take a great deal longer to review and produce everything (realistically weeks), and it will be a great deal more expensive. Additionally, there will still be an employee (me) who will be reviewing the emails from IT and providing what is appropriate under KORA. There is no way around all human involvement on this process.

Staff are compiling records for me for the time being, but please confirm for me how you would like this to proceed. I work every single day for your city to ensure transparency, so I have no feelings either way if you want IT to run the email search. Just know that there are differences in either route.

Thanks, and I look forward to your further direction.

MacKenzie

MacKenzie C. Harvison

Deputy City Attorney

City of Lenexa | Legal Department

913.477.7628

mharvison@lenexa.com | www.lenexa.com

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C Christina Wallace <christinawallace.dpt@gmail.com> Wed, Jan 28, 1:21PM ☆ ☺ ↶ ⋮
to MacKenzie ▾
Hi MacKenzie,

Thank you for both of your replies. I wanted to take a step back for a moment to clarify my intent and rationale.

First, I want to start by saying that I appreciate the work you have done on these KORA requests. It has been a pleasure working with you over the past month, and I do understand the depth, complexity, and seriousness that these requests entail. That effort has not gone unnoticed and I do understand that this is only a small facet of your job.

Second, I understand your point regarding the inherent "human" element of the KORA process and the reality that it cannot be entirely eliminated. I do want to trust the City and the integrity of this process. At the same time, I am acutely aware that this project has become increasingly charged as we move closer to Planning Commission and City Council.

I do not question your ability or commitment to handle this process with integrity. My concern is more structural in nature — specifically, whether it is realistic to ensure that *all* employees pulling responsive documents will exercise that same level of care in an emotionally and politically charged case. My concern is not about intent, but about risk and process.

I appreciate your clarity regarding IT-based pulls and would like to move forward with a combination of one IT-based pull and employee-generated responses. Specifically, I am requesting an IT pull for correspondence between Habitat for Humanity and the City of Lenexa in the specified time frame. Given the narrow scope, I anticipate this would be a much smaller and more manageable volume of records for an IT pull.

My thought on this is that this IT pull could function as an internal audit mechanism. As you review the documents employees self-select and submit, the Habitat for Humanity / City correspondence should appear within those productions. This would provide a measurable way to ensure completeness and integrity in the overall response. Please let me know your thoughts on this?

Lastly, I know this project represents only a small portion of who you are as a person. When everything settles and this is all finished, I'd love the opportunity to meet you at the Public Market and buy you a coffee as a thank-you.

Thanks again,
Christina

M MacKenzie Harvison Jan 29, 2026, 10:02AM ☆ ☺ ↶ ⋮
to me ▾
Hello, Christina –

Okay, subject to your agreement, I'm going to have IT run an email search for "any and all emails to or from the domain "habitatkc.org" from December 15, 2025 through January 21, 2026." I think this is better than running individual habitat email addresses from habitat as I may not be aware of every person we've conversed with. Then I'll provide you that production along with the self-managed production for your comparison. This agreeable?

I have a few people's documents already and I'll get working on reviewing them and probably do a rolling production again since I have some unexpected downtime in my schedule today. Another issue, though - I do anticipate the production will exceed the estimate I gave you. I didn't anticipate the volume of documents there would be since I'm not involved on the project. Based on the first few individuals time records I actually suspect it'll be closer to \$500 when it is all said and done. Of course I'll provide a breakdown on the costs. But please let me know ASAP if that is a problem so we can work that out.

Again, I appreciate your clarification on things. I actually care very much about the City of Lenexa, my job, and about doing it with integrity. I have absolutely zero involvement or "stake" in this project so I'm just not involved whatsoever in the politically and emotionally charged position it has taken on. I am just doing my job as I would on even the most mundane of requests. In addition to your emails, I have heard that statements have been made to various council members about my performance and a perception that I am stalling production and/or withholding documents, which just honestly couldn't be further from the truth. I know that at times that just comes with working for a governmental entity. But, well, those moments still suck (if I can use that term).

All that said, we don't need to continue discussing those issues – I know we both have other things on our plate. 😊 Just know that I will continue doing my best for you on these requests, as I do for everyone. Please let me know if the search terms are acceptable and I'll get that going. Additionally, please confirm that the higher costs will be okay. Thanks, and have a good day.
MacKenzie

[MacKenzie C. Harvison](#)
Deputy City Attorney
City of Lenexa | Legal Department
913.477.7628
mharvison@lenexa.com | www.lenexa.com

M MacKenzie Harvison Jan 29, 2026, 1:58PM ☆ ☺ ↶ ⋮
to me ▾
IT ran the search and there are about 600 emails. I suspect many (if not most) are duplicates of when an email goes to a large group of people. I am happy to pull these 600 emails and review them. Will take me 1-2 hours probably, but if the stars align and it is mostly duplicates, it would take me probably less than an hour. With IT time, low end of this distinct production will be about \$75, high end will be \$150. Let me know if you want me to proceed. Thanks

Of note, the cost ended up being over \$150.

Section 5: Media Interviews

KSHB:

[Lenexa residents oppose housing plan on land used as park](#)

[Lenexa residents question plan to build affordable housing on park land](#)

KMBC

[Habitat for Humanity proposal leaves Lenexa neighbors worried](#)

[Habitat project takes another step forward, but some Lenexa neighbors question transparency](#)

KCMO Talk Radio

Kevin Kietzman Uncanceled | 1-30-26

[Facebook](#)

From: Dan Wilkus <danwilkus@gmail.com>
Sent: Friday, February 13, 2026 12:21 PM
To: Bill Nicks <bnicks@lenexa.com>; Christina Wallace <christinawallace.dpt@gmail.com>
Subject: Additional Information

Bill, thanks again for visiting with me this morning. I just wanted to follow up on a few items.

Housing Categories

As I mentioned the houses located across the street from the proposed development would fall into the A and B minimum first floor square footage classification.

8744 Greeley St - 1 and 1/2 story - 1,527 ft² (main floor) - B classification

8761 Greeley St - 1 and 1/2 Story - 1,830 ft² (main floor) - A Classification

8769 Greeley St - 2 Story - 1,161 ft² (main floor) - B Classification

Source: Johnson County Online Property Tax/appraisal information

From the Lenexa Uniform Development Code:

For 1 and 1/2 story homes the min main floor area is 1,650 ft² - A Classification; 1,400 ft² - B classification

For 2 story homes the min main floor area is 1,250 ft² - A Classification; 1,050 ft² - B Classification

I have also attached a copy of the Timbers at Clear Creek Declaration of Restrictions which were register with the Johnson County Register of Deeds. Paragraph 4 restricts the homes sizes to a B Classification. As I mentioned, Scott McCullough failed to accurately outline the First Plat of the Timbers at Clear Creek. If he would have done it properly the orange "B"

classification would extend along Clare Road north to 83 Street and south to just to east of the Timbers pool which is across the street from the proposed development.

Clearly based on the existing home classification, the restrictions already in place on all homes built in the Timbers at Clear Creek and the misrepresentation of the true extent of the B classification for the Timbers First Plat, the proposed development should be required to be at least a "C" classification, not "D" as recommended by the Planning Commission.

Also attached is the notice for the sale of Parkland for a mysterious 2/3 of 126 acres located somewhere on this large parcel of parkland. Is it located on the east side, the south side, etc.? What specifically is being sold? I have no idea. Now that the specifics are available and 11 years have past since this posting, a new posting should have been made for the sale.

I forgot to mention during our discussion, there is very little vegetative buffer zone being proposed along the walk path and along Clare Rd.

This whole project is like trying to fit a square peg into a much smaller round hole.

Thanks,

Dan.

ATTACHMENT

JOHNSON COUNTY PUBLIC NOTICES

NOTICE OF PROPOSED TRADE OF PARKLAND
First published in The Legal Record, Tuesday, May 12, 2015.
NOTICE OF PROPOSED TRADE OF PARKLAND

Notice is hereby given, pursuant to K.S.A. 12-1301, that the City of Lenexa is considering the trade of 5,717.89 square feet, more or less, of parkland located east of Clear Road and south of 86th Terrace in the city of Lenexa. The property consists of approximately 128.9 acres and the City anticipates selling up to 2/3 of such property but the specific amount and location of the portion to be sold is contingent upon the City's approval of a concept plan identifying the storm water BMP's and park uses on the area to be retained. Details of this proposed sale may be obtained in the office of the City Attorney, 12350 West 87th Street Parkway, Lenexa, Kansas 66215, during normal business hours, 5/12 6/19

NOTICE OF PROPOSED SALE OF PARKLAND
First published in The Legal Record, Tuesday, May 12, 2015.
NOTICE OF PROPOSED SALE OF PARKLAND

Notice is hereby given pursuant to K.S.A. 12-1301 that the City of Lenexa is considering the sale of a portion of unimproved parkland located east of Clear Road and south of 86th Terrace in the city of Lenexa. The property consists of approximately 128.9 acres and the City anticipates selling up to 2/3 of such property but the specific amount and location of the portion to be sold is contingent upon the City's approval of a concept plan identifying the storm water BMP's and park uses on the area to be retained. Details of this proposed sale may be obtained in the office of the City Attorney, 12350 West 87th Street Parkway, Lenexa, Kansas 66215, during normal business hours, 5/12 6/19

VEHICLE AUCTION
First published in The Legal Record, Tuesday, May 12, 2015.
KIDDS TOWING AND RECOVERY
4830 MERRIAM DR
OVERLAND PARK, KS 66203
AUCTION 05-27-15 AT 10:30AM

LIVE AUCTION OPEN TO THE PUBLIC
PURSUANT TO K.S.A. 8-1102 AND K.S.A. 88-211 THE FOLLOWING VEHICLES WILL BE SOLD AT PUBLIC AUCTION ON WEDNESDAY MAY 27TH, 2015 AT 10:30 AM UNLESS CLAIMED BY THE OWNER AND ALL TOW AND STORAGE CHARGES ARE PAID IN FULL.
ALL SALES FINAL NO REFUNDS. ALL SALES ARE "AS IS".

1992	BUICK	PARK AVE (SILVER)	1G4CW53LN1626514	OP	JUNK
1997	CHEVROLET	CAMARO (GREY)	2G1FP2K0YR126017	OP	JUNK
2011	CHEVROLET	CRUZE (WHITE)	1G1F5S5B8719720	OP	JUNK
1992	CHEVROLET	LUMINA (RED)	2G1WN1478N9181628	OP	JUNK
1993	DODGE	ASPEN (RED)	1B3B26C8DF120085P	OP	JUNK
2005	DODGE	CARAVAN (SILVER)	2D4G24R7R1113894P	OP	JUNK
1997	FORD	ESCAPER (RED)	1FALP10P4VW317958P	OP	JUNK
1999	JEEP	CHEROKEE (BLACK)	1J4FT705X0L070509	OP	JUNK
2002	KIA	SPECTRA (SILVER)	KNAFB181425056870	OP	JUNK
1999	MERCURY	SABLE (WHITE)	1MEFM90U0X6A47117	OP	JUNK
1999	MERCURY	COUGAR	1ZVH781LXX676371BS	OP	JUNK
2008	NISSAN	SENTRA (BLACK)	3N1CB51D16L50935P	OP	JUNK
2001	OLDSMOBILE	ALERO	1G3NF2E31C26505	BS	JUNK
2000	PLYMOUTH	NEON (ORANGE)	1P3E546CXD553574P	OP	JUNK
1998	PLYMOUTH	BREEZE (GOLD)	1P3E46C2W2638480P	OP	JUNK
2009	PONTIAC	GO	6G0ER6730L169035BS	OP	JUNK
1998	SUZUKI	GSRX750 (BLUE)	JS1GR7DA9T2100598P	OP	JUNK

5/12 6/19

To Advertise, Call 913-780-5790

REQUEST FOR PROPOSALS

First published in The Legal Record, Tuesday, May 19, 2015.

PROPOSALS FOR CONFERENCE CENTER AUDIO VISUAL UPGRADE
SYLVESTER POWELL, JR. COMMUNITY CENTER
CITY OF MISSION, KANSAS

The City of Mission, Kansas is accepting proposals from qualified vendors to provide upgrades to the audio/visual systems of the conference center at the Sylvester Powell, Jr. Community Center. Request for Proposal can be downloaded at <http://www.missionks.org> under the WORK tab at the top of the page. Open bids.

Sealed submittals must be received by 5:00 p.m. CST on Friday, June 19th, 2015. Submittals should be plainly labeled, "CONFERENCE CENTER AUDIO/VISUAL UPGRADES - MISSION, KS", and received by:

Mission City Hall
Attn: Martha Sumrell
6090 Woodson
Mission, KS 66202

Facsimile and electronic mail transmittals will not be accepted. Proposals shall be valid for ninety (90) calendar days from the due date and time for receipt of this proposal.

Any questions, clarifications, or requests for general information should be directed to the Project Manager identified below.

Christy Humerickhouse, Director of Parks & Recreation
City of Mission
0200 Highway
Mission, KS 66202
(913) 722-8210
chumerickhouse@missionks.org

5/19

VEHICLE AUCTION

First published in The Legal Record, Tuesday, May 19, 2015.

Unclaimed Vehicle Auction
OPEN TO THE PUBLIC - INTERESTED BIDDERS ONLY
Pursuant to K.S.A. 8-1102 and K.S.A. 88-211 the following vehicles will be sold at public auction on Saturday, May 23, 2015 at 10:00 am unless otherwise noted. This auction is open to the public at 10:00 am. Pre-bidding begins at noon Saturday, May 16, 2015 and continues until the live internet sale begins at 10:00 am Saturday, May 23, 2015. Vehicles can be inspected at Pre-Tow L.L.O. 11410 W 86th Street, Overland Park, KS starting Saturday, May 16 thru Saturday, May 23 from 9 am to 5 pm weekdays.
Terms of Auction: ALL SALES ARE FINAL NO REFUNDS ONLY REGISTERED USERS OF www.Ten10.com MAY BID ON VEHICLES. This sale is by internet bid only.
All sales are "AS IS" AND "WHERE IS" there are NO GUARANTEES OR WARRANTIES. Paperwork to obtain title is \$100.00 per vehicle. There is NO GUARANTEE the paperwork we provide will obtain a title for you in your state. Please check with your state for title requirements. You must agree to all sale disclosure and be registered user of www.Ten10.com to qualify as a bidder for this sale. Interstate transportation of vehicles can be arranged by Pre-Tow L.L.O. at 913-262-3300.

YR	MAKE	YEAR	MAKE	YEAR	LAST KNOWN LOCATION	
1	1995	Dodge	LeDore	GOLD	1041P8D13M1191446	TYLER DAVID COLLIER
2	1995	Chrysler	K1500	DRW	10CCK11208212918	RODNEY FRANK
3	1995	Chrysler	Blackburn	BLUE	104VH10A3332418	GEORGE STEVENS / VEGA JR / JIMMIE LATHROP / BUCKEYE TITLE
4	1998	Ford	Excursion	WHITE	1FTFE121Y1462294	EDWARD AND LINDA WIRTHMAIER / GARON PLAINS BANK
5	1995	Honda	Accord	WHITE	1H9CC6693A010048	GARY AND CYNTHIA STOKER / CALVERT FINANCIAL SERVICES / COUNTY / WILSON ROADWAY
6	1994	Ford	Taurus	GOLD	1FAPJ50K3A111191	FLOYD ALLEN / NELSON / C/O P & H STEUBEN #10
7	1994	Chrysler	Malibu	GOLD	10T164M0W114192	FELISA ROSE AND WIRTHMAIER / BUCKEYE TITLE / LEWIS / KANSAS CITY / OVERLAND PARK
8	1998	Dodge	Flare Pickup	RED	201H13270V111650	EDWARD AND LINDA WIRTHMAIER / GARON PLAINS BANK
9	1998	Mercury	Tracer	BLUE	1H1E11M0W1064118	CURTIS AND DALTON WYATT / BUCKEYE TITLE / WYATT / FINANCIAL BANK
10	1993	Ford	Explorer	WHITE	1F4ZU1E2Z1040182	LEWIS AND BRYAN WIRTHMAIER / BUCKEYE TITLE / LEWIS / KANSAS CITY / OVERLAND PARK
11	1993	Honda	Accord	BLACK	1H9003133A00518	LEWIS AND BRYAN WIRTHMAIER / BUCKEYE TITLE / LEWIS / KANSAS CITY / OVERLAND PARK
12	1995	Subaru	Outback	GOLD	6A44411041001042	J & S / KANSAS CITY / OVERLAND PARK
13	2000	Cadillac	Escalade	BLACK	1G4B181720001049	AMERICAN TITLE
14	2000	Ford	Focus	BLACK	1F4J2130V1001087	KANSAS ENGINEERING (DASH) / CHECK INTO CASH OF KANSAS LLC / COONEY STEVENS
15	2000	Honda	Civic	BLACK	1H9EJ611Y0001013	AMERICAN TITLE
16	2001	Ford	Escape	WHITE	1F1T00111K123151	WATSON TYLER
17	2001	Ford	F150	WHITE	1F1T00111K123151	WATSON TYLER
18	2002	Dodge	Caravan	WHITE	201V15271114441	WILSON ROADWAY
19	2002	Jaguar	X-Type	BLACK	SAKCA1018X029118	AMERICAN TITLE
20	2002	Honda	Pilot	BLACK	3H1B61171111997	AMERICAN TITLE
21	2002	Mercury	Cougar	GRAY	1ZVH781LXX676371BS	JOHN WOODSON
22	2002	Volkswagen	Passat	SILVER	1WV1131813141510	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE
23	2003	Chrysler	Impala	BLACK	201V15271114441	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE
24	2003	Chrysler	Blackburn	BLACK	301H13270V111650	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE
25	2003	Pontiac	Grand Prix	SILVER	104VH10A3332418	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE
26	2003	Chrysler	Classiq	GOLD	101H052710461701	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE
27	2003	Pontiac	G6	BLACK	102VH10A3332418	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE
28	2003	Chrysler	Malibu	WHITE	101H052710461701	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE
29	2003	Chrysler	Seo	GRAY	1C300000011025119	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE
30	2002	Toyota	Puris	DRK	1E400000011025119	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE
31	2007	Ford	F050	BLUE	1F47P91470101000	TERESA JOHNSON AND KAREN DORVILLE / LOAN MAXI PALE

5/19

REQUEST FOR PROPOSALS

First published in The Legal Record, Tuesday, May 19, 2015.

CITY OF LEAWOOD, KANSAS
REQUEST FOR PROPOSALS
BANKING SERVICES

Sealed Request for Proposals (RFPs) for Banking Services will be received by the City of Leawood, Kansas at the office of the Finance Director until 1:00 P.M., on Monday, June 22, 2015.

RFP documents are available after May 20, 2015 from the office of the Finance Director, 4000 Town Center, Leawood, Kansas 66211. RFP documents may also be requested electronically from dawn@leawood.org.

The City reserves the right to reject any or all RFPs, and to waive any informality or irregularities therein.

In accordance with various Federal and State civil rights legislation, the City of Leawood does not discriminate against individuals regardless of race, ethnicity, color, religion, gender, national origin, age, marital status, medical condition or disability.

5/19

Debra Harper, CMC, City Clerk

NOTICE OF PUBLIC HEARING

First published in The Legal Record, Tuesday, May 19, 2015.

NOTICE OF PUBLIC HEARING
OF THE CITY OF LENEXA, KANSAS

The city of Lenexa, Kansas (the "City"), will conduct a public hearing at 7:00 p.m. or soon thereafter as the matter may be heard on Tuesday, June 2, 2015, at the City Hall, 12350 W. 87th Street Parkway, Lenexa, Kansas, to consider applying to the Court of Tax Appeals of the state of Kansas to grant an exemption from ad valorem taxes pursuant to K.S.A. 79-201a Second for property financed with the proceeds of approximately \$50,000,000 principal amount of industrial revenue bonds (the "Bonds") in accordance with K.S.A. 12-1740 to 12-1749d, inclusive, as amended. The proceeds of the Bonds will be used to pay the cost of acquiring, constructing and equipping a ten building, approximately 380 unit, multi-family commercial development with amenities, including real estate, building, improvements and equipment to be located on approximately 16.47 acres east of Quivira and north of 83rd Terrace in Lenexa, Kansas (the "Project"). The facility will be leased to Johnson Buildings, L.L.C. or its assigns (the "Tenant"). Application for the exemption will be conditioned on agreement by the Tenant to make certain payments in lieu of taxes which payments will be apportioned and paid by the Johnson County Treasurer to all taxing subdivisions in the territory in which the Project is located in the manner provided by K.S.A. 12-1742. The Bonds and the interest thereon will not be a debt or general obligation of the City, the state of Kansas or any municipal corporation thereof, and neither the Bonds nor the interest thereon are payable in any manner from tax revenues of any kind or character.

The meeting and public hearing will be open to the public. Interested members of the public are invited to attend the hearing and will have an opportunity to express their views with respect to the exemption. Written comments with respect to the exemption may also be submitted to the City Clerk before the hearing. The resolution of intent to issue the Bonds is on file with the City Clerk and available for inspection during normal business hours. Additional information regarding the exemption may be obtained in advance of the hearing from the City's Director of Administrative Services/CFO.

Dated: May 19, 2015

5/19

JOHNSON COUNTY PUBLIC NOTICES

NOTICE TO BIDDERS
 First published in The Legal Record, Tuesday, May 12, 2015.
CITY OF OVERLAND PARK, KANSAS

NOTICE TO BIDDERS
 Sealed bids for **Box Park Improvements** will be received by the City of Overland Park, Kansas, at the office of the City Clerk, City Hall, 6500 Santa Fe Drive, Overland Park, Kansas 66212 until 2:00 p.m. local time on **June 2, 2015**. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the City Clerk of Overland Park, Kansas, and marked "BID FOR Box Park Improvements". Copies of plans, specifications, bid documents and other contract documents are on file at the office of the **Parks Services Department** located at **11921 Hardy**. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from **Parks Services Department at 11921 Hardy Street** upon payment of _____ Dollars (\$ 00.00), which amount is not refundable.

Neither the City nor consultant shall be responsible for the accuracy, completeness, or sufficiency of any bid documents obtained from any source other than the source indicated above. Obtaining copies of plans, specifications, bid documents and other contract documents from any other source(s) may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed herein may also result in failure to receive any addenda, corrections, or other revisions to these documents that may be issued.

Contractors should read and be fully familiar with all contract documents before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations and shall include in its bid an amount to cover the cost of all items of the work.

Should a bidder find "defects" as defined in paragraph GC-3 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of City. Changes necessitated thereby shall be in the form of addenda issued by the consultant.

All bidders shall verify that they have considered all written addenda. Neither the City nor the consultant shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures; the signature shall be long hand; and the complete form shall be without alteration or erasure. An alternate item for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephone bids or alterations will be considered.

The following items must be included in the sealed envelopes with the bid:
 a. Bid
 b. 5% Bid Security--Bid Bond, Cashier's Check or Certified Check (See below.)
 Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the City of Overland Park, Kansas, in an amount of not less than five percent (5%) of the total bid, which shall be retained by the City of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100% of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, City may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The City reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received by the office of the City Clerk, prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of thirty (30) days from the date set for the opening thereof. ALL BIDDERS AGREE THAT REJECTION SHALL CREATE NO LIABILITY ON THE PART OF THE CITY BECAUSE OF SUCH REJECTION. IT IS UNDERSTOOD BY ALL BIDDERS THAT AN UNSUCCESSFUL BIDDER HAS NO CAUSE OF ACTION AGAINST THE CITY FOR BID PREPARATION COSTS. THE FILING OF ANY BID IN RESPONSE TO THIS INVITATION SHALL CONSTITUTE AN AGREEMENT OF THE BIDDER TO THESE CONDITIONS.

A Non Mandatory Pre-Bid Conference will be held at: **Overland Park City Hall**
8500 Santa Fe
Overland Park, KS 66212
Conference room #1
 Date & Time: **Tuesday, May 19, 2015 at 10:00 A.M.**

5/12

VEHICLE AUCTION
 First published in The Legal Record, Tuesday, May 12, 2015.
VEHICLE AUCTION
KIDDS TOWING AND RECOVERY
4839 MERRIAM DR
OVERLAND PARK, KS 66203
AUCTION 05-27-15 AT 10:30AM

LIVE AUCTION OPEN TO THE PUBLIC
 PURSUANT TO K.S.A. 8-1102 AND K.S.A. 8-9-211 THE FOLLOWING VEHICLES WILL BE SOLD AT PUBLIC AUCTION ON WEDNESDAY MAY 27TH, 2015 AT 10:30 AM UNLESS CLAIMED BY THE OWNER AND ALL TOW AND STORAGE CHARGES ARE PAID IN FULL.
 ALL SALES FINAL NO REFUNDS. ALL SALES ARE "AS IS".

1992	BUICK	PARK AVE (SILVER)	1G4CW53L0N1020514	OP	JUNK
1997	CHEVROLET	CAMARO (GREEN)	2G1FP22K0V126017 OP		
2011	CHEVROLET	CRUZE (WHITE)	1G1FG5599B7170720P		
1992	CHEVROLET	LUMINA (RED)	2G1WV14T80B181020	OP	JUNK
1983	DODGE	ASPEN (RED)	1B3BD26C9DF120005OP		
2005	DODGE	CARAVAN (SILVER)	2D4GP24R75R111384OP		
1997	FORD	ESCORT (RED)	1FALP13P4VW317958 OP		
1999	JEEP	CHEROKEE (BLACK)	1J4FT7856X197059	OP	
2002	KIA	SPECTRA (SILVER)	1KNAF16142G056979 OP		
1999	MERCURY	SABLE (WHITE)	1MEFM50D8XA647117	OP	
1999	MERCURY	COUGAR	1ZVHT61LX5670371 BS		
2008	NISSAN	SENTRA (BLACK)	3N1CB51D1G1E30935 OP		
2001	OLDSMOBILE	ALERO	1G3NF92E1C25505	BS	
2000	PLYMOUTH	NEON (ORANGE)	1P3E946CXVD553574 OP		
1998	PLYMOUTH	BREEZE (GOLD)	1P3EJ46C2WV203646 OP		
2009	PONTIAC	G8	6GZ9E7739L160035 BS		
1998	SUZUKI	GSXR750 (BLUE)	JS1GR7D9T2100599 OP		

6/12 5/10

EMAIL PUBLIC NOTICES TO US AT
notices@thelegalrecord.net

NOTICE OF PUBLIC HEARING
 First published in The Legal Record, Tuesday, May 12, 2015.
CITY OF MISSION HILLS, KANSAS
NOTICE OF PUBLIC HEARING ON
REVISIONS TO EXISTING ZONING REGULATIONS

Notice is hereby given that the Planning Commission will hold a public hearing to consider amending existing Section 5-103B to the Zoning Regulations. The public hearing will be held at City Hall, 6300 State Line Road, Mission Hills, KS 66209, on Wednesday, June 10, 2015, at 6:00 p.m., pursuant to Kansas Statutes Annotated §12-707.

The proposed amendments to the Zoning Regulations should be reviewed to determine all proposed changes and the scope and nature of the changes. Copies are available for review at City Hall, 6300 State Line Road, Mission Hills, KS 66209.

/s/ Jill Clifton
 Planner
 5/12

ORDINANCE NO. 6439
 First published in The Legal Record, Tuesday, May 12, 2015.
Ordinance No. 6439 Summary

On May 6, 2015, the City of Lenexa, Kansas passed Ordinance No. 6439, vacating a portion of right-of-way located along future 95th Street west of Lone Elm Road, which right of way was recorded in 1999 at the Johnson County Register of Deeds in Book 6304, at Page 492.

The complete text of this ordinance is available free of charge at www.lenexa.com or at the Lenexa City Hall, City Clerk's Office, 12350 West 87th Street Parkway, Lenexa, KS 66215. This summary is certified by Cindy Harrison, City Attorney.
 DATE: May 6, 2015
 5/12

NOTICE OF PROPOSED TRADE OF PARKLAND
 First published in The Legal Record, Tuesday, May 12, 2015.
NOTICE OF PROPOSED TRADE OF PARKLAND

Notice is hereby given, pursuant to K.S.A. 12-1301, that the City of Lenexa is considering the trade of 5,717.09 square feet, more or less, of parkland located west and southwest of 95th Street and Clare Road in the proposed Canyon Creek Shores Subdivision to Canyon Creek Real Property Holdings, LLC, the developer, in exchange for similar property involving an area of 6,732.19 square feet, more or less. Details of this proposed trade are available in the Office of the City Attorney, 12350 West 87th Street Parkway, Lenexa, Kansas 66215, during normal business hours.
 5/12

NOTICE OF PROPOSED SALE OF PARKLAND
 First published in The Legal Record, Tuesday, May 12, 2015.
NOTICE OF PROPOSED SALE OF PARKLAND

Notice is hereby given pursuant to K.S.A. 12-1301 that the City of Lenexa is considering the sale of a portion of unimproved parkland located east of Clare Road and south of 86th Terrace in the City of Lenexa. The property consists of approximately 120.9 acres and the City anticipates selling up to 2/3 of such property but the specific amount and location of the portion to be sold is contingent upon the City's approval of a concept plan identifying the storm water BMP's and park uses on the area to be retained. Details of this proposed sale may be obtained in the office of the City Attorney, 12350 West 87th Street Parkway, Lenexa, Kansas 66215, during normal business hours.
 5/12 5/10

NOTICE OF PUBLIC HEARING
 First published in The Legal Record, Tuesday, May 5, 2015.
CITY OF LEAWOOD, KANSAS

NOTICE OF PUBLIC HEARING.
LEE FARMHOUSE ROAD HISTORIC DISTRICT

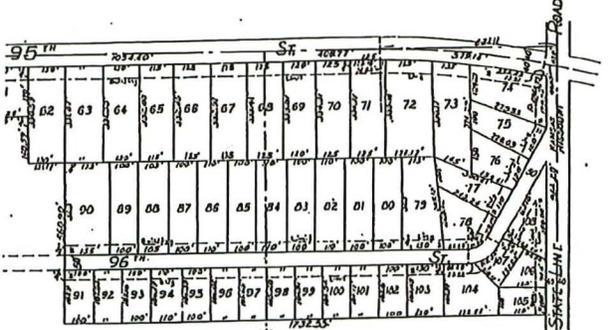
A public hearing on the proposed designated Lee Farmhouse Road Historic District located within the City of Leawood, Johnson County, Kansas, will be held at 5:00 P.M., or as soon thereafter as possible, on Tuesday, June 9, 2015, in the Council Chambers at Leawood City Hall, 4800 Town Center Drive, Leawood, Kansas, 66211.

The residences located within the proposed designated Lee Farmhouse Road Historic District are depicted on the attached map. All interested persons are invited to appear at the public hearing and comment upon the proposed designation. Comments from all interested parties shall be heard at the above stated time and place.

/s/ Debra Harper
 Debra Harper, CMC, City Clerk

Dated: **May 1, 2015**

LEE FARMHOUSE ROAD HISTORIC DISTRICT



Woodward Co.

5/8 5/12

20070425-0008469 04/25/2007
P. 1 of 31 F: \$128.00 03:49:55 PM
Register of Deeds T20070017794
JO CO KS BK:200704 PG:008469

**THE TIMBERS AT CLEAR CREEK
DECLARATION OF RESTRICTIONS**

THIS DECLARATION is made as of the 13th day of March, 2007, by The Timbers, L.L.C., a Kansas limited liability company ("Developer").

WITNESSETH:

WHEREAS, Developer has executed and filed with the Register of Deeds of Johnson County, Kansas four plats of the subdivision known as "The Timbers at Clear Creek", which plat includes the following described lots and tracts:

Lots 1 through 56, and Tracts A, B, C, D, E and F, THE TIMBERS AT CLEAR CREEK, FIRST PLAT, a subdivision in the City of Lenexa, Johnson County, Kansas.

Tracts G and H, THE TIMBERS AT CLEAR CREEK, SECOND PLAT, a subdivision in the City of Lenexa, Johnson County, Kansas.

Lots 57 through 133, and Tracts I, J and K, THE TIMBERS AT CLEAR CREEK, THIRD PLAT, a subdivision in the City of Lenexa, Johnson County, Kansas.

Tract L, THE TIMBERS AT CLEAR CREEK, FOURTH PLAT, a subdivision in the City of Lenexa, Johnson County, Kansas.

WHEREAS, Developer, as the developer of the above-described property, desires to place certain restrictions on such lots to preserve and enhance the value, desirability and attractiveness of the development and improvements constructed thereon and to keep the use thereof consistent with the intent of the Developer, and all of said restrictions shall be for the use and benefit of Developer and its future grantees, successors and assigns;

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NOW, THEREFORE, in consideration of the premises contained herein, Developer, for itself and for its successors and assigns, and for its future grantees, hereby agrees and declares that the above-described lots shall be, and they hereby are, restricted as to their use and otherwise in the manner hereinafter set forth.

1. Definitions. For purposes of this Declaration, the following definitions shall apply:

(a) "Approving Party" means (i) prior to the recording of the Certificate of Substantial Completion, the Developer (or its designees from time to time) and (ii) subsequent to the recording of the Certificate of Substantial Completion, the Board (or with respect to Exterior Structures and other matters assigned to it, the Architectural Committee).

(b) "Architectural Committee" means: (i) prior to the Turnover Date, the Developer (or its designees from time to time); and (ii) on and after the Turnover Date, a committee comprised of at least three members of the Homes Association, all of whom shall be appointed by and serve at the pleasure of the Board (subject to the provisions of Section 15 below).

(c) "Board" means the Board of Directors of the Homes Association.

(d) "Certificate of Substantial Completion" means a certificate executed, acknowledged and recorded by the Developer with the Recording Office stating that all of the Lots in the Subdivision (as then contemplated by the Developer) have been sold by the Developer and the residences to be constructed thereon are substantially completed; provided, however, that the Developer may execute and record a Certificate of Substantial Completion or similar instrument in lieu thereof in Developer's absolute discretion at any earlier time and for any limited purpose hereunder. The execution or recording of a Certificate of Substantial Completion shall not, by itself, constitute an assignment of any of the Developer's rights to the Homes Association or any other person or entity.

(e) "City" means the City of Lenexa, Kansas.

(f) "Common Areas" means (i) the Green Areas (but, with respect to each tract, only until such time as the City may become the owner of such tract), (ii) any entrances, monuments, berms, street islands, and other similar ornamental areas and related utilities, lights, sprinkler systems and landscaping constructed or installed by or for the Developer or the Homes Association at or near the entrance of any street or along any street, and any easements related thereto, in or to the Subdivision, including, without limitation, Tract F of The Timbers at Clear Creek, First Plat, (iii) all landscape easements that may be granted to the Developer and/or the Homes Association, and (iv) all other similar areas and places, together with all improvements thereon and thereto, the use, benefit or enjoyment of which is intended for all of the owners within the Subdivision.

(g) "Declaration" means this instrument, as the same may be amended, supplemented or modified from time to time.

(h) "Developer" means The Timbers, L.L.C., a Kansas limited liability company, and its successors and assigns.

(i) "Exterior Structure" means any structure erected or maintained or proposed to be erected or maintained on a Lot other than the main residential structure or any structural component thereof, and shall include, without limitation, any deck, gazebo, greenhouse, doghouse, outbuilding, fence, patio wall, rock wall, landscape wall, privacy screen, boundary wall, bridge, patio enclosure, sport court, tennis court, paddle tennis court, swimming pool, hot tub, pond, basketball goal, flag pole, antennae, swingset, jungle gym, trampoline, sand box, playhouse, treehouse, batting cage, or other recreational or play structure, and all exterior sculptures, statuary, fountains, and similar yard decor.

(j) "Green Areas" means Tracts A, B, C, D and E of The Timbers at Clear Creek, First Plat, Tracts G and H of The Timbers at Clear Creek, Second Plat, Tracts I, J and K of The Timbers at Clear Creek Third Plat and Tract L of the Timbers of Clear Creek, Fourth Plat and all similar areas that may be platted in the Subdivision as a tract and not for use as a residential lot (as they may be subsequently replatted and/or configured).

(k) "Homes Association" means the Kansas not-for-profit corporation to be formed by or for the Developer for the purpose of serving as the homes association for the Subdivision.

(l) "Lot" means any lot as shown as a separate lot on any recorded plat of all or part of the Subdivision; provided, however, that if an Owner, other than the Developer, owns adjacent lots (or parts thereof) upon which only one residence has been, is being, or will be erected, then such adjacent property under common ownership shall be deemed to constitute only one "Lot."

(m) "Owner" means the record owner(s) of title to any Lot, including the Developer, and for purposes of all obligations of the Owner hereunder, shall include, where appropriate, all family members and tenants of such Owner and all of their guests and invitees.

(n) "Recording Office" means the Office of Register of Deeds of Johnson County, Kansas.

(o) "Stream Corridor" means the stream and adjacent land that constitute part of Tracts J and K of The Timbers at Clear Creek, Third Plat, and set aside as a "stream



corridor", in accordance with the City ordinances, and all similar areas as may be specified by Developer in an amendment or supplement to this Declaration.

(p) "Subdivision" means all of the above-described Lots in The Timbers at Clear Creek, First Plat and Third Plat, all Common Areas, and all additional property which hereafter may be made subject to this Declaration in the manner provided herein.

(q) "Turnover Date" means the earlier of: (i) the date as of which 90% of all of the Lots in the Subdivision (as then contemplated by the Developer) have been sold by the Developer and the residences have been constructed thereon, or (ii) the date the Developer, in its absolute discretion, selects as the Turnover Date for all or any specific portion of this Declaration.

2. Use of Land. Except as otherwise expressly provided herein, none of the Lots may be improved, used or occupied for other than single family, private residential purposes. No trailer, outbuilding or Exterior Structure shall at any time be used for human habitation, temporarily or permanently; nor shall any residence of a temporary character be erected, moved onto or maintained upon any of the Lots or any Common Areas or be used for human habitation; provided, however, that the Developer or others (including, without limitation, builders and real estate brokerage companies) authorized by the Developer shall have the right to use trailers or temporary buildings or structures or any residence or any building that is part of the Common Areas for model, office, sales or storage purposes during the development and build out of the Subdivision.

3. Building Material Requirements.

(a) Exterior walls of all residences and all appurtenances thereto shall be of stucco, stucco board, brick, stone, wood shingles, batt siding, board and batt siding, wood paneling, masonite or wood lap siding, plate glass, glass blocks, wood trim, or any other materials specifically approved by the Developer in writing. Concrete blocks shall not be permitted as an exterior finished surface. All windows and exterior doors shall be constructed of glass, wood, metal or vinyl clad, fiberglass, or any other materials specifically approved by the Developer in writing. No windows or exterior doors may be silver or other similar finish. Roofs of residences shall be covered with wood shingles, wood shakes, concrete tiles, clay tiles, slate, or high quality composition shingles, all of the specific types, colors, styles, dimensions and other aesthetic factors specifically approved by the Developer in writing. Notwithstanding the foregoing provisions of this Section 3 requiring or prohibiting specific building materials or products, any building materials or products that may be or come into general or acceptable usage for dwelling construction of comparable quality and style in the area, as determined by the Approving Party in its absolute discretion, shall be acceptable upon written approval by the Approving Party in its absolute discretion. In the event the City or other government agency with jurisdiction and authority requires specific building materials not authorized above or requires that Owners have additional choices of building materials not

authorized above, the Approving Party shall have the right, in its absolute discretion, to establish and regulate in writing the specific types, colors and other aesthetic features of such new or additional building materials.

(b) All applicable exterior components (excluding roofs, brick, stone, and similar components) shall be covered with a workmanlike finish of paint or stain. No residence or Exterior Structure shall stand with its exterior in any unfinished condition for longer than five months after commencement of construction. All exterior basement foundations and walls which are exposed in excess of 12 inches above final grade shall be painted the same color as the residence or shall be covered with siding compatible with the structure.

(c) No air conditioning apparatus or unsightly projection shall be attached to or located on the front of any residence. No window air conditioning or heating units shall be permitted.

(d) All driveways and sidewalks shall be concrete, patterned concrete, bomanite, interlocking pavers, brick or other permanent stone finishes. Crushed gravel, asphalt and natural driveways and sidewalks along the street or from the driveway to the front door are prohibited. No driveway shall be constructed in a manner as to permit access to a street across a rear property line.

(e) All residences shall have at least a two-car garage. No car ports are permitted.

(f) The Developer, in its discretion, may allow variances from the foregoing requirements of this Section 3.

4. Minimum Floor Area. No residence shall be constructed upon any Lot unless it has a total finished floor area of at least 2,000 square feet for any one story residence; 2,400 sq. ft. for any two story residence with a minimum of 1,050 sq. ft. on the first floor; 2,400 sq. ft. for any one and one half story residence with a minimum of 1,400 sq. ft. on the first floor; 2,000 sq. ft. for a reverse one and one half story with minimum of 1,400 sq. ft. on the main floor. The Developer, in its absolute discretion, may allow variances from the minimum square footage requirement.

5. Approval of Plans: Post-Construction Changes: Grading: Erosion Control.

(a) Notwithstanding compliance with the provisions of Sections 3 and 4 above, no residence or Exterior Structure may be erected upon or moved onto any Lot unless and until the building plans, specifications, exterior materials, location, elevations, plot plan, lot grading plan, general landscaping plan, and exterior color scheme (all as and when may be required by the Developer for each particular stage of construction) have been submitted to and approved in writing by the Developer or, in the case of Exterior Structures to the extent provided in Section 8 below, the Architectural Committee, in each

case as to architectural consistency and other aesthetic factors. No change or alteration in such building plans, specifications, exterior materials, location, elevations, lot grading plans, general landscaping plans or exterior color scheme shall be made unless and until such change or alteration has been submitted to and approved in writing by the Developer or the Architectural Committee, as the case may be.

(b) Following the completion of construction of any residence or Exterior Structure, no significant landscaping change, significant exterior color change or exterior addition or alteration shall be made thereto unless and until the change, addition or alteration has been submitted to and approved in writing by the Architectural Committee. All replacements of all or any portion of a completed structure because of age, casualty loss or other reason, including, without limitation, roofs and siding, shall be of the same materials, location and elevation as the original structure unless and until the changes thereto have been submitted to and approved in writing by the Architectural Committee.

(c) All final grading of each Lot shall be completed by the Owner in connection with construction of the residence and shall be in accordance with any master grading plan approved by the City, any related grading plan furnished by the Developer for the development phase containing the Lot and any specific site grading plan for the Lot approved by or for the Developer. No landscaping, berms, fences or other structures shall be installed or maintained that impede the flow of surface water. Water from sump pumps shall be drained away from adjacent residences (actual and future). No changes in the final grading of any Lot shall be made by or for the Owner without the prior written approval of the Approving Party and, if necessary, the City. The Developer shall have no liability or responsibility to any builder, Owner or other party for the failure of a builder or Owner to final grade or maintain any Lot in accordance with the master grading plan or any approved lot grading plan or for the Developer not requiring a lot grading plan or compliance therewith or for the quality or composition of any soil or subsurface material. The Developer does not represent or guarantee to any Owner or other person that any grading plan for the Lots which the Developer or any engineer or other party may approve or supply shall be sufficient or adequate or that the Lots will drain properly or to any Owner's or other person's satisfaction.

(d) During the construction of the residence and improvements on such Lot and until the Lot is completely established with grass, the Owner, at its expense, shall install and properly maintain hay bales, silt fencing and such other erosion and silt control devices as are necessary to prevent stormwater runoff from the Lot depositing silt or other debris onto adjacent Lots, Common Areas and streets. In connection therewith, the Owner shall comply with all Federal, state and local governmental laws, regulations and requirements, with all applicable permits, and with all requirements imposed by the Developer, including, without limitation, preparation of inspection reports, and the Owner shall be responsible for any and all governmental fines and assessments that may be levied or assessed as a result of a failure of the Owner to so comply.

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(e) All site preparation, including, but not limited to, tree removal, excavation, grading, rock excavation/removal, hauling, and piling, etc., shall be at the sole expense of the Owner or builder. All removed trees and excavated rock, etc., shall be removed from the Subdivision and shall not be spoiled within the Subdivision, except as expressly approved by the Developer. All excess dirt shall be spoiled within the Subdivision or other location as directed by the Developer and no dirt shall be removed from the Subdivision, except as expressly approved by the Developer.

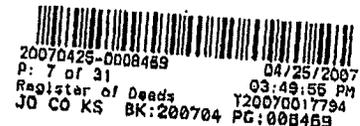
(f) All building plans and plot plans shall be designed to minimize the removal of existing trees.

(g) Approval of plans or specifications by the Developer or any other Approving Party is not, and shall not be deemed to be, a representation or warranty that such plans or specifications comply with good engineering/architectural practices or any governmental requirements.

(h) Each Owner acknowledges that neither the sale of a Lot by the Developer to a particular builder nor the inclusion of a particular builder on a list of builders building in the area or on a list of approved builders constitutes a representation, endorsement or guaranty by the Developer or any real estate broker/salesperson of the financial stability, qualifications, work or any other matter relating to such builder. Neither the Developer nor any real estate broker/salesperson guarantees or warrants the obligations or construction by any builder.

6. Set Backs. No residence, or any part thereof (exclusive of porches, porticoes, stoops, balconies, bay and other windows, eaves, chimneys and other similar projections), or Exterior Structure, or any part thereof, shall be nearer the street line than the building set back lines shown on the recorded plat for such Lot; provided, however, that the Approving Party shall have (i) the right to decrease, in its discretion, the set back lines for a specific Lot, to the extent they are greater than the minimum set backs required by the City, by filing an appropriate instrument in writing in the Recording Office and (ii) the right to increase, in its discretion, the setback lines for a specific Lot(s).

7. Commencement and Completion of Construction. Unless the following time periods are expressly extended by the Developer in writing, construction of the residence on a Lot shall be commenced (meaning digging of the foundation) within three months following the date of delivery of a deed from the Developer to the first purchaser of such Lot and shall be completed within nine months after such construction commencement. In the event such construction is not commenced within such three month period (or extension thereof, if any), the Developer shall have, prior to commencement of construction, the right (but not the obligation) to repurchase such Lot from the Owner, free and clear of all mortgages, mechanic's liens and similar liens, for an amount equal to 90% of the sale price of the Lot from the Developer to the first purchaser thereof. If such repurchase right is exercised by the Developer, the Owner of the Lot in violation of this construction commencement provision shall not be entitled to



reimbursement for taxes, insurance, interest or other expenses paid or incurred by or for such Owner and all taxes and installments of special assessments shall be prorated between Developer and the Owner as of the closing of the repurchase by Developer.

8. Exterior Structures.

(a) No Exterior Structure shall be erected upon, moved onto or maintained upon any Lot except (i) strictly in accordance with and pursuant to the prior written approval of the Architectural Committee as to the applicable building plans, specifications, exterior materials, location, elevations, lot grading plans, landscaping plans and exterior color scheme and (ii) in compliance with the additional specific restrictions set forth in subsection (b) below or elsewhere in this Declaration. Notwithstanding the foregoing sentence, the approval of the Architectural Committee shall not be required for (I) any Exterior Structure erected by or at the request of the Developer or (II) any Exterior Structure that (A) has been specifically approved by the Developer prior to the issuance of a temporary or permanent certificate of occupancy as part of the residential construction plans approved by the Developer and (B) has been built in accordance with such approved plans. Compliance with the specific requirements or restrictions set forth in subsection (b) below or elsewhere in this Declaration shall not automatically entitle an Owner to install or maintain any specific Exterior Structures, and the Approving Party, in its discretion, shall always have the right to additionally regulate, prohibit, condition or otherwise restrict any Exterior Structure notwithstanding such otherwise compliance.

(b)

(i) All fence and privacy screen plans must be approved by the Approving Party and (where required) the City prior to installation. No fence shall be installed without a permit from the City (where required) and compliance with all applicable laws and codes. Only wood or wrought iron (or similar) fences or privacy screens in the specific styles, materials and colors approved by the Developer shall be permitted on the Lots. All fences, retaining walls and privacy screens shall be ornamental and shall not disfigure the property or the neighborhood or interfere with drainage. All fences and privacy screens shall be constructed with a finished side facing outward. No chain link, wire or similar fence shall be permitted. Unless and until otherwise specifically approved in writing by the Approving Party, (A) no fence or privacy screen shall exceed five feet in height, (B) no fence or privacy screen shall be constructed or maintained on any Lot nearer to the front street than the rear corners (as determined by the Approving Party) of the residence, (C) no fence shall be constructed or maintained on any Lot more than one foot from the property line of the Lot, except to the extent necessary for such fence to abut the residence and except for fences around swimming pools, hot tubs and patio areas, (D) all fences (except for fences around swimming pools, hot tubs and patio areas) must be joined to or abutting any previously existing fences on adjacent Lots, (E) all perimeter fences shall be stair-



stepped to follow the grade of the Lot, and (F) no wood fence shall be painted or stained any color.

(ii) All basketball goals shall be permanently installed (except as provided below), free standing and not attached to the residence. All backboards shall be transparent and all poles shall be black or a neutral color. There shall be only one basketball goal per Lot. The Board shall have the right to establish reasonable rules regarding the hours of use of basketball goals and any such rules shall be binding upon all of the Lots and the Owners. Portable basketball goals shall be permitted only if stored in the garage at night.

(iii) All recreational or play structures must be approved in advance by the Approving Party and (if allowed) (A) shall be made of materials approved in writing by the Approving Party, (B) (other than basketball goals) shall be located behind the rear corners (as determined by the Approving Party) of the residence and (C) (other than basketball goals) shall be located at least 10 feet from each side boundary and 10 feet from the rear boundary of the Lot.

(iv) No aboveground type swimming pools shall be permitted. All swimming pools shall be fenced and all hot tubs shall be fenced or otherwise adequately screened, all in accordance with City requirements and the other provisions of the Declaration. All pools and hot tubs shall be kept clean and maintained in operable condition at all times.

(v) All outside dog houses shall be located in the back yard in the patio area, shall be painted or stained (where appropriate) the same color of the residence, and shall have roofs that are the same as the residence.

(vi) The following Exterior Structures shall be prohibited on the Lots: animal runs, trampolines, tennis courts, sport courts, tree houses, batting cages, detached greenhouses and other detached outbuildings.

(vii) No Exterior Structure that is prohibited under Section 9 below shall be permitted under this Section 8.

(c) No fence, wall or other Exterior Structure installed by or for the Developer or Homes Association anywhere in the Subdivision may be removed or altered by any Owner or other person without the prior written consent of the Approving Party.

9. Buildings or Uses Other Than for Residential Purposes; Noxious Activities; Miscellaneous.

(a) Except as otherwise provided in Section 2 above, no residence or Exterior Structure, or any portion thereof, shall ever be placed, erected or used for business, professional, trade or commercial purposes on any Lot; provided, however, that this

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restriction shall not prevent an Owner or occupant from maintaining an office area or operating a home-business occupation in his residence in accordance with the applicable ordinances of the City so long as the residential character of the area is maintained.

(b) No illegal, noxious or offensive activity shall be carried on with respect to any Lot; nor shall any trash, ashes or other refuse be thrown, placed or dumped upon any Lot or Common Area; nor shall anything be done which may be or become an annoyance or a nuisance to the Subdivision, or any part thereof.

(c) Each Owner shall properly maintain his Lot in a neat, clean and orderly fashion. The exterior portions of the residence and all Exterior Structures on the Lot (including, without limitation, any fence that may have been installed by or for the Developer) shall be kept and maintained by the Owner in good condition and repair at all times. Each residence exterior shall be repainted by the Owner every five years or less, as needed. Any exterior color change must be approved in advance in accordance with Section 5(b).

(d) Unlicensed or inoperative motor vehicles are prohibited, except in an enclosed garage.

(e) Overnight parking of motor vehicles, boat or other trailers, or similar apparatus of any type or character in public streets, Common Areas or vacant lots is prohibited. Motor vehicles shall be parked overnight in garages or on paved driveways only. Except as provided in subsection (g) below, no vehicle (other than an operable passenger automobile, passenger van or small truck), commercial truck or van, bus, boat, jet-ski, trailer, camper, mobile home, or similar apparatus shall be left or stored overnight on any Lot, except in an enclosed garage.

(f) Trucks or commercial vehicles with gross vehicle weight of 12,000 pounds or over are prohibited in the Subdivision except during such limited time as such truck or vehicle is actually being used in the Subdivision during normal working hours for its specific purpose.

(g) Recreational motor vehicles of any type or character are prohibited except:

(i) When stored in an enclosed garage;

(ii) When temporarily parked on the driveway for the purpose of loading and unloading (maximum of one overnight every 14 days); or

(iii) With prior written approval of the Approving Party.

(h) No television, radio, citizens' band, short wave or other antenna, satellite dish (in excess of 39 inches in diameter as provided below), solar panel, clothes line or pole, or other unsightly projection shall be attached to the exterior of any residence or

erected in any yard. Should any part or all of the restriction set forth in the preceding sentence be unenforceable because it violates a statute or the First Amendment or any other provision of the United States Constitution, the Approving Party shall have the right to establish rules and regulations regarding the location, size, landscaping and other aesthetic aspects of such projections so as to reasonably control the impact of such projections on the Subdivision, and all parts thereof, and any such rules and regulations shall be binding upon all of the Lots. Notwithstanding any provision in this Declaration to the contrary, small satellite dishes (maximum 39 inches in diameter) may be installed, with the prior written consent and in accordance with the requirements of the Approving Party, so as to render the installation as inoffensive as possible to other Owners.

(i) No artificial flowers, trees or other vegetation shall be permitted on the exterior of any residence or in the yard. Sculptures, bird baths, fountains, yard art, and similar decorative objects are allowed on the exterior of the residence or in the yard only with the specific written approval of the Approving Party.

(j) Exterior holiday lights shall be permitted only between November 15 and January 31. Except for such holiday lights, all exterior lighting shall be white (clear) and not colored.

(k) No garage sales, sample sales, estate sales or similar activities shall be held within the Subdivision without the prior written consent of the Homes Association.

(l) No speaker, horn, whistle, siren, bell or other sound device shall be located, installed or maintained upon the exterior of any residence or in any yard, except intercoms, devices used exclusively for security purposes, and stereo speakers used in accordance with any rules specified by the Board.

(m) All residential service utilities shall be underground, except with the approval of the Developer.

(n) In the event of vandalism, fire, windstorm or other damage, no residence or Exterior Structure shall be permitted by the Owner to remain in damaged condition for longer than three months (except with the specific written consent of the Approving Party).

(o) No shed, barn, detached garage or other storage facility shall be erected upon, moved onto or maintained upon any Lot.

(p) No outside fuel storage tanks of any kind shall be permitted (except standard propane tanks for outdoor grills).

(q) Except for signs erected by or for the Developer or its approved real estate brokerage company for the Subdivision, no sign, advertisement or billboard may be erected or maintained on any Lot, except that:

(i) One sign not more than three feet high and/or three feet wide may be maintained offering the residence for sale. For newly constructed homes offered for sale, only a real estate brokerage company sign (which may include a rider identifying the builder), and not also a separate sign for the builder, may be used if a real estate brokerage company is involved.

(ii) One garage sale sign not more than three feet high and/or three feet wide is permitted on the Lot when a permitted garage sale is being held, provided such signs are erected in accordance with City code and are installed no more than two hours before the start of the sale and are removed within two hours after the close of the sale.

(iii) One political sign per candidate or issue not more than three feet high or three feet wide is permitted on the Lot for up to three weeks before the election but must be removed within 24 hours after the election.

No signs offering a residence for lease or rent shall be allowed in the Subdivision. Prior to the filing of the Certificate of Substantial Completion, no sign offering a residence for sale shall be allowed in the Subdivision (other than signs of the Developer-approved realtor for the Subdivision). Without limiting the foregoing, no sign shall be permitted which (A) describes the condition of the residence or the Lot, (B) describes, maligns, or refers to the reputation, character or building practices of the Developer, any builder, or any other Owner, or (C) discourages or otherwise impacts or attempts to impact a party's decision to acquire a Lot or residence in the Subdivision. In the event of a violation of the foregoing provisions, the Developer and/or the Homes Association shall be entitled to remove any such offending sign, and in so doing, shall not be subjected to any liability for trespass, violation of constitutional or other rights, or otherwise. If these limitations on the use of signs, or any part thereof, are determined to be unlawful, the Board shall have the right to regulate the use of signs in a manner not in violation of law.

(r) No sign (other than community marketing signs approved by the Developer) shall be placed or maintained in any Common Area without the approval of the Approving Party.

(s) No trash, refuse, or garbage can or receptacle (other than construction dumpsters during construction) shall be placed on any Lot outside a residence, except after sundown of the day before or upon the day for regularly scheduled trash collection and except for grass bags placed in the back or side yard pending regularly scheduled trash collection.



(t) Garage doors shall remain closed at all times except when necessary for ingress and egress.

(u) No residence or part thereof shall be rented or used for transient or hotel purposes, which are defined as: (i) rental of less than three months duration or under which occupants are provided customary hotel services such as room service for food and beverages, maid service, and similar services; or (ii) rental to roomers or boarders, (i.e., rental to one or more persons of a portion of a residence only). No lease may be of less than an entire residence. Each lease shall be in writing, shall require that the tenant and other occupants acknowledge the existence of this Declaration and agree to comply with all provisions of this Declaration, shall provide that the lease shall be subject in all respects to the provisions of this Declaration and to the rules and regulations promulgated from time to time by the Board, and shall provide that the failure by the tenant to comply with the terms of this Declaration or such rules and regulations shall be a default under the lease. In the event a tenant fails to comply with the terms of this Declaration or such rules and regulations, the Owner shall, if so directed by the Board, terminate the lease and evict the tenant. Prior to the commencement of the term of a lease, the Owner shall notify the Board, in writing, of the name or names of the tenant or tenants and the time during which the lease term shall be in effect. Notwithstanding the existence of a lease, the Owner shall remain liable for all obligations under this Declaration with respect to the Lot and the improvements thereon and the use thereof and the Common Areas, and the Owner shall cause the rented property to be maintained to the same general condition and standards as then prevailing for the Owner-occupied residences in the Subdivision.

(v) Each of the Developer and the Homes Association may enforce the foregoing restrictions and other provisions of this Declaration by establishing, levying and collecting fines and other enforcement charges, having vehicles, trailers or other apparatus towed away at the Owner's expense, or taking such other lawful actions as the Developer or the Homes Association, in its sole discretion, deems appropriate.

10. Animals. No animals of any kind shall be raised, bred, kept or maintained on any Lot except that dogs, cats and other common household pets may be raised, bred, kept or maintained so long as (a) they are not raised, bred, kept or maintained for commercial purposes, (b) they do not constitute a nuisance and (c) the City ordinances and other applicable laws are satisfied. All pets shall be confined to the Lot of the Owner except when on a leash controlled by a responsible person. Owners shall immediately clean up after their pets on all streets, Common Areas and Lots owned by others.

11. Stream Bank Outer Zone Area. Notwithstanding any other provision of this Declaration to the contrary, to the extent any Lot contains any part of the stream bank outer zone, as shown on a plat or otherwise as designated by the City, the Owner of the Lot may improve such area only in accordance with the applicable ordinances of the City and shall use and maintain such area in accordance with such applicable ordinances.

12. Lawns, Landscaping and Gardens. Within 60 days after the issuance of any permanent or temporary certificate of occupancy for the residence, all lawns, including all areas between the residence and any adjacent street, regardless of the existence and location of any fence, monument, boundary wall, berm, sidewalk or right-of-way line, shall be fully sodded and shall remain fully sodded at all times thereafter; provided, however, that the Owner of a Lot may leave a portion of the Lot as a natural area with the express written permission of the Approving Party. No lawn on a Lot shall be planted with zoysia or buffalo grass.

Within 60 days after the issuance of any permanent or temporary certificate of occupancy for the residence, the Owner thereof shall landscape the Lot to the same standards as that generally prevailing throughout the Subdivision (which shall include, but not be limited to, a minimum expenditure of \$2,000.00 on foundation plantings in the front yard, plus at least one hardwood tree of two inch or more caliper in the front yard (in addition to any trees planted by the Developer or the City)). All landscaping shall be installed in accordance with the landscaping plans approved by the Developer and shall be maintained by the Owner in good condition at all times.

To the extent any of the foregoing items are not completed prior to occupancy, the Owner shall escrow funds, in an amount (if any) and manner determined by the Developer, to assure such installation when weather permits.

All vegetable gardens shall be located behind the rear corners of the residence (as determined by the Approving Party) and at least five feet away from the boundary of the Lot. No vegetable garden(s) shall exceed 100 square feet in size on any Lot, except with the prior written consent of the Approving Party.

Each Owner shall keep the lawn of the Lot in good condition at all times and uniformly mowed and clipped with a length of grass not to exceed four inches and reasonably free from weeds.

The Developer shall have the right (but not the obligation) to install one or more trees on each Lot. The type(s) and location(s) of tree(s) and timing of planting shall be selected by the Developer in its absolute discretion. The City may also install one or more trees on each Lot. Each Owner shall properly water, maintain and replace all trees and landscaping on the Owner's Lot (including any trees planted by or for the Developer or the City).

13. Easements for Public Utilities; Drainage; Maintenance. The Developer shall have, and does hereby reserve, the right to locate, erect, construct, maintain and use, or authorize the location, erection, construction, maintenance and use of, drains, pipelines, sanitary and storm sewers, gas and water lines, electric and telephone lines, television cables and other utilities, and to give or grant rights-of-way or easements therefor, over, under, upon and through all easements and rights-of-way of record or shown on any recorded plat of the Subdivision or any Common Area. All utility easements and rights-of-way shall inure to the benefit of all utility companies, governmental authorities, the Developer and the Homes Association, for purposes of installing, maintaining or moving any utility lines or services and shall inure to the benefit of the Developer,

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all Owners and the Homes Association as a cross easement for utility line service and maintenance.

The Developer shall have and does hereby reserve for itself and its successors and assigns and the Homes Association and its successors and assigns an easement over and through all unimproved portions of each Lot in the Subdivision for the purpose of performing the powers and duties of the Homes Association and maintaining any Common Area. The Developer shall have the right to execute and record, at any time, an easement with respect to specific areas utilized as provided above.

The Developer and the Homes Association, through its authorized representative(s), may at any reasonable time enter any Lot, without being deemed guilty of trespass, for the purpose of inspecting the Lot and any improvements thereon to ascertain any compliance or noncompliance with the requirements and terms of this Declaration and/or any plans approved hereunder.

The Developer and the builder of the residence on the Lot shall have reasonable access to each Lot for the purpose of inspecting and maintaining erosion control devices until final stabilization of the full Lot is achieved by sodding and landscaping. No Owner shall prevent or inhibit the Developer's or the builder's reasonable access for such purpose, and no Owner shall remove or damage any erosion control devices installed by the Developer or the builder. Each Owner shall notify the builder and the Developer of any damage to such erosion control devices.

In the event any easement rights granted in this Section are exercised with respect to any Lot, the party so exercising such easement rights shall exercise the same in a reasonable manner so as to minimize all adverse effects on the Owners and shall promptly repair any damages to such Lot resulting from the exercise of such easement rights and restore the Lot to as near the original condition as possible.

No water from any roof, downspout, sump pump, perimeter basement drain or surface drainage shall be placed in or connected to any sanitary sewer line.

14. Common Areas.

(a) The Developer shall have the right (but not the obligation) to provide Common Areas for the use and benefit of the Subdivision. The size, location, nature and extent of improvements and landscaping in the Common Areas, and all other aspects of the Common Areas that are provided by the Developer, shall be determined by the Developer in its absolute discretion.

(b) The Developer and its successors, assigns, and grantees, the Owners, and the Homes Association shall have the right and easement of enjoyment in and to all of the Common Areas, but only for the intended and permitted use of such Common Areas. Such right and easement in favor of the Owners shall be appurtenant to, and shall



automatically pass with, the title to each Lot. All such rights and easements shall be subject to the rights of any governmental authority or any utility therein or thereto.

(c) Any ownership by the Homes Association of any Common Area and the right and easement of enjoyment of the Owners in the Subdivision as to any Common Area shall be subject to the right of the Developer to convey sewage, water, drainage, pipeline, maintenance, electric, telephone, television and other utility easements over, under, upon and through such Common Area, as provided in Section 13 above.

(d) No Owner shall improve, destroy or otherwise alter any Common Area without the express written consent of the Approving Party.

(e) Owners of Lots adjacent or nearby the Common Areas shall prevent erosion and pollutant discharges and runoff onto the Common Areas.

(f) The following rules, regulations and restrictions shall apply to the use of the Green Areas:

(i) No automobiles, motorcycles, all-terrain vehicles, or other motorized vehicles or apparatus of any kind shall be allowed in the Green Areas except for parking in any designated parking lots and except for mowing and otherwise maintaining the Green Area.

(ii) No refuse, trash or debris shall be discarded or discharged in or about the Green Areas [except in designated trash bins].

(iii) Access to the Green Areas shall be confined to designated areas, except that Owners of Lots adjacent to the Green Areas may have access to the area from their respective Lots (where applicable).

(g) Each of the Developer and the Homes Association shall have reasonable access through Lots adjacent to the Common Areas for the purposes of maintenance and improvement thereof, but any party exercising such right shall be responsible for repairing any damage caused by it to adjacent Lots in connection with the use of such access right.

(h) The Stream Corridor may be used and maintained only as allowed under the applicable City's ordinances.

(i) The Developer and the Homes Association shall have the right from time to time to make, alter, revoke and enforce additional rules, regulations and restrictions pertaining to the use of any Common Area.

(j) The Developer, in its discretion, shall have the right to reconfigure and/or replat all or any part of the Subdivision then owned by it, including, without limitation, to

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make part of a Common Area tract a part of a Lot, and vice versa. In addition, each of the Developer and the Homes Association shall have the right to transfer to the City (but only with the City's consent) title to or easements over all or any part of the Common Areas so that such become public areas maintained by the City.

15. Architectural Committee.

(a) No more than two members of the Board shall serve on the Architectural Committee at any time. The positions on the Architectural Committee may be divided by the Board into two classes with staggered two-year terms. The foregoing provisions of this subsection (a) shall not apply until the Turnover Date. Until the Turnover Date, the Developer or its designees shall be the Architectural Committee.

(b) The Architectural Committee shall meet as necessary to consider applications with respect to any Exterior Structures that require the approval of the Architectural Committee as provided in Section 8 above and to consider any other matters within the authority of the Architectural Committee as provided in this Declaration. The Architectural Committee may specify a form of application that must be used by applicants. A majority of the members of the Architectural Committee shall constitute a quorum for the transaction of business at a meeting and every act or decision made by a majority of the members present at a meeting at which a quorum is present shall be regarded as the act or decision of the Architectural Committee.

(c) At each meeting, the Architectural Committee shall consider and act upon written and complete applications that have been submitted to it for approval in accordance with this Declaration. In making its decisions, the Architectural Committee may consider any and all aspects and factors that the individual members of the Architectural Committee, in their discretion, determine to be appropriate to establish and maintain the quality, character and aesthetics of the Subdivision, including, without limitation, the building plans, specifications, exterior color scheme, exterior materials, location, elevation, lot grading plans, landscaping plans and use of any proposed Exterior Structure. All decisions of the Architectural Committee shall be in writing and delivered to the applicant, who shall be responsible for keeping the same. The Architectural Committee may establish in advance and change from time to time certain procedural and substantive guidelines and conditions that it intends to follow in making its decisions. Any written application complete with all required drawings and other information that is not acted upon by the Architectural Committee within 25 days after the date on which it is filed shall be deemed to have been approved.

(d) After the Turnover Date, any applicant or other person who is dissatisfied with a decision of the Architectural Committee shall have the right to appeal such decision to the Board provided such appeal is filed in writing with a member of the Board within 30 days after the date the Architectural Committee renders its written decision. In making its decisions, the Board may consider any and all aspects and factors that the



individual members of the Board, in their discretion, determine to be appropriate to establish and maintain the quality, character and aesthetics of the Subdivision, including, without limitation, the building plans, specifications, exterior color scheme, exterior materials, location, elevation, lot grading plans, landscaping plans and use of any proposed Exterior Structure. Any decision rendered by the Board on appeal of a decision of the Architectural Committee shall be final and conclusively binding on all parties and shall be deemed to be the decision of the Architectural Committee for all purposes under this Declaration. The Board from time to time may adopt, amend and revoke rules and regulations respecting appeals of decisions of the Architectural Committee, including, without limitation, requiring payment to the Homes Association of a reasonable fee by the appealing party.

16. No Liability for Approval or Disapproval; Indemnification.

(a) Neither the Developer, the Homes Association, nor any of their officers, directors, managers, representatives or agents, nor any member of the Architectural Committee or the Board (or any committee thereof) shall be personally liable to any person for any approval, disapproval or failure to approve any matter submitted for approval, for the adoption, amendment or revocation of any rules, regulations, restrictions or guidelines or for the enforcement of or failure to enforce any of the restrictions contained in this Declaration or any other declaration or any such rules, regulations, restrictions or guidelines.

(b) If any Owner commences a lawsuit or files a counterclaim or crossclaim against the Homes Association, the Board, the Architectural Committee, or any individual member, director, officer or employee thereof, and such Owner fails to prevail in such lawsuit, counterclaim or crossclaim, the Homes Association, the Board, or individual sued by such Owner shall be entitled to recover from such Owner all litigation expenses incurred in defending such lawsuit, counterclaim or crossclaim, including reasonable attorneys' fees. Such recovery right shall constitute a lien against the Owner's Lot and shall be enforceable against such Lot.

(c) To the fullest extent permitted by law, the Homes Association shall indemnify each officer and director of the Homes Association, each member of the Architectural Committee, and the Developer (to the extent a claim may be brought against the Developer by reason of its appointment, removal of or control over, or failure to control, any such other persons) (each, an "Indemnified Party") against all expenses and liabilities, including, without limitation, attorneys' fees, reasonably incurred by or imposed upon the Indemnified Party in connection with any action or proceeding, or any settlement thereof, to which the Indemnified Party may be a party or in which the Indemnified Party may become involved by reason of serving or having served in such capacity (or, in the case of the Developer, by reason of having appointed, removed or controlled or failed to control any officer or director of the Association), provided the Indemnified Party did not act, fail to act or refuse to act with fraudulent or criminal intent

in the performance of the Indemnified Party's duties. The foregoing rights of indemnification shall be in addition to and not exclusive of all other rights to which any Indemnified Party may be entitled at law or otherwise.

17. Potential View Obstruction. No Owner has any right to an unobstructed view beyond the boundaries of the Owner's Lot. No Owner shall be entitled to prevent the construction or location of any structure, trees, landscaping or other item on any other part of the Subdivision, where otherwise permitted by this Declaration, because such structure, trees, landscaping or other item obstructs any view from the affected Lot.

18. No Liability for Power Lines. By acceptance of a deed to a Lot, all Owners acknowledge that there are above-ground high voltage electric transmission lines located in or near the Subdivision. Each Owner, for himself, the members of his family, his guests, tenants, and invitees, acknowledges and accepts all health, safety and other risks and hazards associated therewith. The Developer and the Homes Association shall have no liability or responsibility to any Owner or other party with respect to such electrical lines.

19. No Liability for Gas Lines. By acceptance of a deed to a Lot, all Owners acknowledge that there are underground gas lines and related improvements located in or near the Subdivision. Each Owner, for himself, the members of his family, his guests, tenants, and invitees, acknowledges and accepts all health, safety and other risks and hazards associated therewith. The Developer and the Homes Association shall have no liability or responsibility to any Owner or other party with respect to such gas lines and related improvements.

20. No Liability for Swimming Pool or Playground Equipment. By acceptance of a deed to a Lot, all Owners acknowledge and accept the inherent risks and hazards (whether foreseeable or not) associated with use of any swimming pool and any diving board and/or slide and any playground equipment that may be installed as part of the Common Areas. The Developer and the Homes Association and the officers, directors, managers, representatives, and agents of the Developer and the Homes Association shall have no liability or responsibility to any Owner or other party with respect to such inherent risks and hazards. Each Owner, for himself, the members of his family, his guests and invitees, shall be deemed to have released and agreed never to make a claim against the Developer, the Homes Association and/or any officer, director, manager, representative or agent of the Developer or the Homes Association for any personal injury or death that may be suffered or incurred by any of such releasing parties in connection with use of the swimming pool area or any playground area, and each of them shall be deemed to have waived any and all claims and causes of action that any of them may ever have against any of such released parties with respect thereto.

21. Covenants Running with Land; Enforcement; Waivers. The agreements, restrictions, reservations and other provisions herein set forth are, and shall be, covenants running with the land and shall be binding upon all subsequent grantees of all parts of the



Subdivision. The Developer, and its successors, assigns and grantees, and all parties claiming by, through or under them, shall conform to and observe such agreements, restrictions, reservations and other provisions; provided, however, that neither the Developer, the Homes Association nor any other person or entity shall be obligated to enforce any such agreements, restrictions, reservations or other provisions. By accepting a deed to any of the Lots, each future grantee of any of the Lots shall be deemed to have personally consented and agreed to the agreements, restrictions and reservations set forth herein as applied to the Lot owned by such Owner. No agreement, restriction, reservation or other provision herein set forth shall be personally binding upon any Owner except with respect to breaches thereof committed or allowed to continue during his ownership; provided, however, that (i) the immediate grantee from the builder of the residence on a Lot shall be personally responsible for breaches committed during such builder's ownership of such Lot and (ii) an Owner shall be personally responsible for any breach committed by any prior Owner of the Lot to the extent notice of such breach was filed of record, as provided in the third paragraph of this Section, prior to the transfer of ownership.

The Developer, the Homes Association and each Owner shall have the right (but not the obligation) to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of, or to enforce the observance of, the agreements, restrictions, reservations and other provisions set forth in this Declaration, in addition to pursuing an action at law for damages. To the maximum extent permitted by law, if the Developer or the Homes Association files such court action and is successful in obtaining a judgment or consent decree in such court action or otherwise obtaining compliance by the breaching party, the Developer and/or Homes Association shall be entitled to receive from the breaching party, as part of the judgment or decree or any dismissal or settlement, the actual legal fees, costs and expenses incurred by the Developer and/or Homes Association with respect to such action.

Whenever the Developer or the Board determines that a violation of this Declaration has occurred and is continuing with respect to a Lot, the Developer or the Homes Association may file with the Recording Office a certificate setting forth public notice of the nature of the breach and the Lot involved.

No delay or failure by any person or entity to exercise any of its rights or remedies with respect to a violation of this Declaration shall impair any of such rights or remedies; nor shall any such delay or failure be construed as a waiver of that or any other violation.

In addition to the specific provisions of this Declaration that allow the Developer to make certain decisions or give permission for certain matters, the Developer or the Homes Association (acting through the Board) may, under special situations or circumstances as determined by it, allow variances or waivers of the requirements or terms set forth in this Declaration. Any such variation or waiver so granted by the Developer or the Homes Association shall not constitute a waiver of such requirement or term in any other situation or under any other circumstances.

No waiver of any violation shall be effective unless in writing and signed and delivered by the person or entity entitled to give such waiver, and no such waiver shall extend to or affect

any other violation or situation, whether or not similar to the waived violation. No waiver by one person or entity shall affect any rights or remedies that any other person or entity may have; provided, however, that a duly authorized, executed and delivered waiver by the Homes Association, acting upon a decision of the Board, respecting a specific violation or potential violation of this Declaration with respect to a specific Lot shall constitute and be deemed as a waiver by all other persons and entities (other than the Developer) of such violation or potential violation.

22. Assignment of Developer's Rights. The Developer shall have the right and authority, by written agreement made expressly for that purpose, to assign, convey and transfer to any person(s) or entity, all or any part of the rights, benefits, powers, reservations, privileges, duties and responsibilities herein reserved by or granted to the Developer, and upon such assignment the assignee shall then for all purposes be the Developer hereunder with respect to the assigned rights, benefits, powers, reservations, privileges, duties and responsibilities. Such assignee and its successors and assigns shall have the right and authority to further assign, convey, transfer and set over the rights, benefits, powers, reservations, privileges, duties, and responsibilities of the Developer hereunder.

23. Release or Modification of Restrictions.

(a) The provisions of this Declaration shall remain in full force and effect until December 31, 2037, and shall automatically be continued thereafter for successive periods of five years each; provided, however, that the Owners of at least a majority of the Lots within the Subdivision as then constituted may release the Subdivision from all or part of such provisions as of December 31, 2037, or at the expiration of any extension period, by executing (in one or more counterparts), acknowledging and recording in the Recording Office an appropriate agreement in writing for such purpose, at least one year prior to December 31, 2037, or to a subsequent expiration date, whichever is applicable. The provisions of this Declaration also may be amended, modified or terminated, in whole or in part, at any time by a duly acknowledged and recorded written agreement (in one or more counterparts) signed by (i) the Owners of at least 60% of the Lots within the Subdivision as then constituted and (ii) if prior to the recording of the Certificate of Substantial Completion, the Developer, or if after the recording of the Certificate of Substantial Completion, the Homes Association under express authority and action of the Board. After the recording of the Certificate of Substantial Completion or with the Developer's written consent, this Declaration also may be amended, modified or terminated, in whole or in part, at any time by a duly acknowledged and recorded written instrument executed by the Homes Association after the proposed amendment, modification or termination has been first approved by the affirmative vote of 75% or more of the full number of directors on the Board of the Homes Association and then approved at a duly held meeting of the members of the Homes Association (called in whole or in part for that purpose) by the affirmative vote of Owners owning at least 60% of the Lots.

(b) Anything set forth in this Section to the contrary notwithstanding, the Developer shall have the absolute, unilateral right, power and authority to modify, revise, amend, change or add to any of the terms and provisions of this Declaration, as from time to time amended or supplemented, by executing, acknowledging and recording in the Recording Office a written instrument for such purpose, if (i) any of the Veteran's Administration, the Federal Housing Administration, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation or any successor or similar agencies thereto shall require such action as a condition precedent to the approval by such agency of the Subdivision, or any part of the Subdivision or any Lot in the Subdivision, for federally-approved mortgage financing purposes under applicable programs, laws and regulations, (ii) the City requires such action as a condition to approval by the City of some matter relating to the development of the Subdivision, (iii) a typographical or factual error or omission needs to be corrected in the opinion of the Developer, or (iv) such action is appropriate, in Developer's discretion, in connection with a replat of all or any part of the Subdivision. No such amendment by the Developer shall require the consent of any Owner or the Homes Association.

(c) If the rule against perpetuities or any rule against restraints on alienation or similar restriction is applicable to any right, restriction or other provision of this Declaration, such right, restriction or other provision shall terminate (if not earlier terminated) upon lapse of 20 years after the death of the last survivor of the individual(s) signing this Declaration on behalf of the Developer and the now-living children and grandchildren of the individual(s) signing this Declaration on behalf of the Developer as of the date of such execution.

24. Extension of Subdivision. The Developer shall have, and expressly reserves, the right, from time to time, to add to the existing Subdivision and to the operation of the provisions of this Declaration other adjacent or nearby lands (without reference to any tract, street, park or right-of-way) by executing, acknowledging and recording in the Recording Office a written instrument subjecting such land to all of the provisions hereof as though such land had been originally described herein and subjected to the provisions hereof; provided, however, that such declaration or agreement may contain such deletions, additions and modifications of the provisions of this Declaration applicable solely to such additional property as may be necessary or desirable as solely determined by the Developer in its discretion.

25. Severability. Invalidation of any of the provisions set forth herein, or any part thereof, by an order, judgment or decree of any court, or otherwise, shall not invalidate or affect any of the other provisions or parts.

26. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of Kansas.

27. Grandfather of Existing Residences. The following Lots are already improved with residences and related improvements: Lots 3, 5, 6, 7, 8, 11, 12, 18, 19, 20, 21, 22, 25, 26,

27, 28, 29, 31, 32, 34, 35, 41, 43, 44, 46, 47, 50, 54, 55 and 56, The Timbers at Clear Creek, First Plat. To the extent any now existing improvement on either such Lot violates any restriction or requirement set forth in this Declaration, such violating improvement shall be grandfathered from such provisions of this Declaration so long as the violating improvement continues to exist and is maintained in good condition and repair.

28. Release of Lots. As of the date of the recording of this Declaration, Developer does not own or control the following Lots (the "Non-Owned Lots"):

Lots 3, 11, 12, 19, 25, 26, 32, 44 and 46, The Timbers at Clear Creek, First Plat

In the event the Owner of a Non-Owned Lot fails to execute and record a Consent form subjecting such Owner's Lot to the provisions of this Declaration and the related Homes Association Declaration, Developer shall execute and record an instrument releasing such Lot from this Declaration, in which case such released Non-Owned Lot shall not be bound or benefited by this Declaration.

IN WITNESS WHEREOF, the Developer has caused this Declaration to be duly executed the day and year first written above.

THE DEVELOPER:

THE TIMBERS, L.L.C.

By: Mark Weber
Mark Weber, Member

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on March 13, 2007 by Mark Weber, as a Member of The Timbers, L.L.C., a Kansas limited liability company.

My Commission Expires: 28 Aug 2009
[SEAL] SHARON K. LIMA
NOTARY PUBLIC
STATE OF KANSAS
My App'l Expires: 28 Aug 2009

Sharon K Lima
Notary Public in and for said County and State

Print Name: Sharon K Lima

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