



## City of Overland Park Community Development

Wednesday, November 1, 2023  
7:00 PM

City Hall, 8500 Santa Fe Drive, Conference Room No. 1

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Please silence cell phones while the meeting is in progress.

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Chair Logan Heley

Vice Chair Sam Passer

Melissa Cheatham

Scott Hamblin

Jim Kite

Fred Spears

### CALL TO ORDER

### INFORMATION ITEMS

1. Committee's Comments

2. Staff Updates

**Presenters:** Kate Gunja  
Jack Messer  
Jermel Stevenson

3. Parks and Recreation Master Plan Status Presentation

**Presenters:** Jermel Stevenson  
• [Committee Staff Report - Html](#)

4. Sykes/Lady Golf Course Parking Lot Expansion - EV and Environmental Update

**Presenters:** Doug Melchior  
Bryan Toben  
• [Committee Staff Report - Html](#)

### ACTION ITEMS

5. Approval of Minutes - [August 2](#), and [September 6, 2023](#).

6. Ordinance No. BID-4928 - Providing for the assessment of the Business Improvement Service Fees for the 2024 assessment year for businesses located within the Downtown Business Improvement District

**Presenters:** Kate Gunja  
Steve Horner  
• [Committee Staff Report - Html](#)

- [Ordinance No. BID-4928](#)
7. Ordinance No. NU-3437 - Weed and Vegetation Enforcement Act
- Presenters:** Lara Isch
- [Committee Staff Report - Html](#)
  - [Ordinance No. NU-3437](#)
  - [Ordinance No. NU-3437 Redline](#)
8. Resolution No. 4930 - Dangerous or Unsafe Structure Proceeding for 11727 W 99th Place, Overland Park, Kansas
- Presenters:** Mona Gilner
- [Committee Staff Report - Html](#)
  - [Resolution No. 4930](#)
  - [Photos of Dangerous Structure](#)
9. Marty Park Design Team Selection
- Presenters:** Mike Burton  
Bryan Toben
- [Committee Staff Report - Html](#)
10. Maple Hills Playground Replacement
- Presenters:** Mike Burton  
Bryan Toben
- [Committee Staff Report - Html](#)
  - [RFP](#)
11. Resolution No. 4933 - City Boundary
- Presenters:** Trevor Stiles
- [Committee Staff Report - Html](#)
  - [Resolution No. 4933](#)
  - [City Boundary Description](#)
12. Resolution No. 4935 - Extend a pilot program for the use of E-Bikes and E-Scooters on bike and hike trails.
- Presenters:** Mike Burton  
Bryan Toben
- [Committee Staff Report - Html](#)
  - [Resolution No. 4605](#)
  - [Resolution No. 4754](#)
  - [Resolution No. 4935](#)
13. Resolution No. 4934 - Authorizing the establishment of a common consumption area generally located in the vicinity of 7313 W. 80th Street, allowing the consumption of alcoholic liquor on property not otherwise subject to a license issued pursuant to the Kansas Liquor Control Act or the Club and Drinking Establishment Act.
- Presenters:** Trevor Stiles
- [Committee Staff Report - Html](#)
  - [Resolution No. 4934](#)

## DISCUSSION ITEMS

14. Pattern Zone

**Presenters:** Leslie Karr

- [Committee Staff Report - Html](#)
- [Pattern Zone](#)

15. Bird Scooter and E-Bike Pilot Program Update

**Presenters:** Brian Shields

- [Committee Staff Report - Html](#)

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**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Parks and Recreation Master Plan Status Presentation

**POLICY ISSUE:**

Parks and Recreation Long Range Planning

**STAFF RECOMMENDATION:**

None.

**BACKGROUND:**

The Parks and Recreation Department is working towards agency accreditation. Accreditation ensures the public the operation is performing with a best practice approach. A major area of compliance is the parks and recreation master plan. It is within best practice to not only have an approved master plan but a plan that has been updated since the time of its adoption by City Council in 2013.

Since the existing plan is at the mid-point the decision was made to begin working on updating the plan. MIG, Inc. who worked with the department in 2013 for the original master plan, was brought back on given their familiarity with the parks system already and with a proven track record of delivering a solid plan to us back in 2013.

**BUDGET IMPACT:**

None.





## **STAFF REPORT**

**Community Development - November 1, 2023**

### **ITEM TITLE:**

Sykes/Lady Golf Course Parking Lot Expansion - EV and Environmental Update

### **POLICY ISSUE:**

None.

### **STAFF RECOMMENDATION:**

None.

### **BACKGROUND:**

In October of 2023, staff brought a project addition to the Community Development Committee for the parking lot expansion at the Sykes/Lady Golf Course. During this committee meeting staff was asked to return in November to outline the infrastructure that will be included for future EV charging stations and sustainable/natural additions to aid in storm water runoff.

City Sustainability and Parks and Recreation staff have worked with the design team over the past month. The requested informational items will be presented to the committee during the November meeting.





**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Ordinance No. BID-4928 - Providing for the assessment of the Business Improvement Service Fees for the 2024 assessment year for businesses located within the Downtown Business Improvement District

**POLICY ISSUE:**

The City has a Business Improvement District which raises funds for the marketing, promotion and operational support of the downtown business community. Each year, the City Council is required to adopt an ordinance setting the rates for the fees that will be charged for the upcoming year.

**STAFF RECOMMENDATION:**

Staff recommends approval of Ordinance No. BID-4928 establishing 2024 Business Improvement District Annual Assessments.

**PROPOSED MOTION:**

I move to recommend to the City Council passage of Ordinance No. BID-4928.

**BACKGROUND:**

The Business Improvement District ("BID") has been in place for many years and is an important component of the revenue stream that supports the Downtown Overland Park Partnership ("DOPP"). BID fees were increased in 2023 to support enhanced beautification, marketing, an expanded banner program, and trash and recycling. In 2024, the BID fee is budgeted to bring in approximately \$175,000 which is collected by the City but turned over in its entirety to DOPP.

By State statute, the city is required to adopt an ordinance each year setting the rate structure for the coming year. There is a BID Advisory Board composed of downtown property owners and businesses that evaluate the rate structure annually and makes a recommendation. Due to the increase last year, the BID Advisory Board has recommended that no change be made to the rate structure for the upcoming 2024 billing year.

Staff has prepared Ordinance No. BID-4928 which readopts last year's rate structure for 2024.

**BUDGET IMPACT:**

None.

**ATTACHMENTS:**

[Ordinance No. BID-4928](#)



ORDINANCE NO. BID-4928

AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF THE BUSINESS IMPROVEMENT SERVICE FEES FOR THE 2024 ASSESSMENT YEAR FOR BUSINESSES LOCATED WITHIN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, pursuant to applicable provisions of K.S.A. 12-1781 et seq. and Section 2.14.010 et seq. of the Overland Park Municipal Code, the Governing Body shall adopt an annual business improvement service fee after receipt of the Downtown Business Improvement District Advisory Board’s proposed schedule of the business improvement service fee for the 2024 assessment year for businesses located within the District; and

WHEREAS, upon review of said proposed schedule, the Governing Body hereby determines that the business improvement service fees for the 2024 assessment year should be assessed at the rate set forth in Section 1 below.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

Section 1. The property owners of each business within the Downtown Business Improvement District as of December 2023 shall be assessed a business improvement service fee for the 2024 assessment year according to the following:

- 1. The fee for each business property shall be the sum of the fee for commercial business use, residential business use, and vacant commercial parcels.
- 2. The fee for commercial business use shall be based upon the following rate schedule:

<u>Commercial Building Area</u>	<u>Fee Rate</u>
3,000 square feet or less	\$0.22 per square foot
3,001 to 6,000 square feet	\$660 + \$0.20 per square foot over 3,000
6,001 to 14,000 square feet	\$1,260 + \$0.16 per square foot over 6,000
More than 14,000 square feet	\$2,540 + \$0.0175 per square foot over 14,000

The fee for multi-unit residential business use shall be based upon the following rate schedule:

<u>Residential Building Area</u>	<u>Fee Rate</u>
20,000 square feet or less	\$0.035 per square foot
More than 20,000 square feet	\$700 + \$0.0175 per square foot over 20,000

The fee for vacant parcels of land or parcels of land where new buildings are under construction but not yet occupied shall be \$0.005 per square foot of land area.

The fee defined above shall be modified based upon the Tier in which the business property is located as follows:

Tier 1 shall pay 112% of the calculated fee

**Agenda Item #6.**

Tier 2 shall pay 89.6% of the calculated fee  
Tier 3 shall pay 67.2% of the calculated fee

**Section 2.** Should any provision of this ordinance be determined to be void, invalid, unenforceable or illegal for any reason, such provision(s) shall be null and void; provided, however, that the remaining provisions of this ordinance shall be unaffected thereby and shall continue to be valid and enforceable.

**Section 3.** This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF OVERLAND PARK, KANSAS**

\_\_\_\_\_  
Curt Skoog, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth Kelley, City Clerk

APPROVED AS TO FORM:

(s) Stephen Horner  
\_\_\_\_\_  
Stephen B. Horner  
Senior Assistant City Attorney





**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Ordinance No. NU-3437 - Weed and Vegetation Enforcement Act

**POLICY ISSUE:**

An ordinance relating to the Weed and Vegetation Enforcement Act; amending and repealing existing Overland Park Municipal Code Section 7.20 and providing substitute provisions therefor.

**STAFF RECOMMENDATION:**

Staff recommends adopting the ordinance changes as proposed.

**PROPOSED MOTION:**

I move to recommend to the City Council passage of Ordinance No. NU-3437.

**BACKGROUND:**

The Weed and Vegetation Enforcement Act was last updated in 2011. Staff is proposing changes to that ordinance to more accurately reflect current practices of the Codes Department and to provide consistency with the Overland Park Stormwater Cost Share Program and City sustainability goals.

Overland Park staff administers the Johnson County Stormwater cost-share program which provides up to \$15,000 to Overland Park residents each year to encourage incorporation of stormwater management strategies on their properties to reduce stormwater runoff and improve water quality. Eligible projects include native plantings in rain gardens, buffers, and swales, as well as native tree plantings. The current Weed and Vegetation Enforcement Act includes several native plants in the definition of "weeds" that are allowed or encouraged through the Stormwater Cost-Share Program.

The ordinance was updated with input from the Legacy of Greenery Committee and the major updates were presented to the Neighborhood Executive Committee and the Environmental Advisory Council for feedback.

The update to the Weed and Vegetation Enforcement Act includes changes to multiple subsections under Municipal Code 7.20. A summary of the notable changes are as follows:

- Updated Section 7.20.110 Purpose and Findings to address the value of this ordinance in enhancing the environmental health of the city.
- Added definitions for Native Plants and Planned Sustainable Landscapes and included criteria for defining a Planned Sustainable Landscape.

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- Removed the definition of Weeds and instead updated references to existing State Noxious Weed lists and updated the definitions of invasive plants and excessive growth of vegetation to deal with the most common code violation issues.
- Removed the definition of Perennial Violator and addressed multiple offenses within the same year as part of Section 7.20.140 Public Officer; Notice of Violation; Hearing and 7.20.180 Penalty.
- Added exceptions from the definition of Excessive Growth of Vegetation for planned sustainable landscapes, controlled ornamental gardens, and food gardens.
- Changed the abatement timeline from five to ten days to match current practices.
- Removed the requirement to place a general public notice about violations in the official City newspaper each year during March. This does not affect the notice of violation that is published in the official City newspaper when the owner of the property is unknown.
- Changed the requirements for measuring Excessive Growth of Vegetation and agricultural crop setbacks on large tracts of land. Previously, setbacks were measured as sixty (60) feet from the centerline of a two lane roadway. This made it difficult and/or unsafe for staff to make an accurate measurement. The language was changed to thirty (30) feet from the edge of the street or curb to reflect current practice.

### **BUDGET IMPACT:**

None is expected

### **ATTACHMENTS:**

[Ordinance No. NU-3437](#)

[Ordinance No. NU-3437 Redline](#)

**ORDINANCE NO. NU-3437**

**AN ORDINANCE RELATING TO ENFORCEMENT AGAINST NUISANCES, SPECIFICALLY WEEDS AND VEGETATION, IN THE CITY OF OVERLAND PARK, KANSAS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 7.20.110, 7.20.120, 7.20.130, 7.20.140, 7.20.150, 7.20.160, 7.20.180 AND 7.20.190 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:**

**Section 1.** Overland Park Municipal Code Section 7.20.110 is hereby amended to read as follows:

**7.20.110 Purpose, Objectives, and Findings.**

A. The purpose of the Weed and Vegetation Enforcement Act is to:

1. Prohibit the growth of Noxious Weeds, Uncontrolled growth of Invasive Species, and encourage the preservation, planting, and maintenance of Native Plants;
2. Require reasonable Control and action to:
  - a. Prevent the Excessive Growth of Vegetation;
  - b. Eradicate Noxious Weeds;
  - c. Eradicate Poisonous Plants to the Touch; and
  - d. Prevent the growth of Invasive Plants that are not properly Controlled.
3. Provide a method of enforcement of violations of this Chapter;
4. Provide procedures to notify the Owner, Occupant or Agent of the property that a violation of this Chapter exists and to allow for self-abatement by such Persons;
5. Provide the Owner, Occupant or Agent an opportunity to be heard concerning violations of this Chapter;
6. Provide procedures to allow the City to abate the violation should the Owner, Occupant or Agent fail to timely act;
7. Provide a method of assessing or collecting costs for such abatement by the City; and
8. Establish that violations of this Chapter are unlawful and to provide penalties for enforcement through the Municipal Court system.

B. The objectives of the Weed and Vegetation Enforcement Act are to:

1. To enhance the City's environmental health by promoting plants that are native to the region;

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2. To protect the City's environmental health by prohibiting plants that are likely to cause environmental harm or harm to human health;
3. To require control and action to prevent the Excessive Growth of Vegetation, eradicate Noxious Weeds, and Poisonous Plants to the Touch, and prevent the spread of Invasive Plants.

C. The Governing Body hereby finds that:

1. Excessive Growth of Vegetation;
2. Noxious Weeds;
3. Poisonous Plants to the Touch; and
4. The growth of Invasive Plants are all a public nuisance that degrade natural and maintained landscape areas, displace native plant species, increase erosion, destroy wildlife habitat, and/or adversely affect public health, safety or welfare; and that allowing them to proliferate creates short- and long-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development and use of property in the City.

**SECTION 2.** Overland Park Municipal Code Section 7.20.120 is hereby amended to read as follows:

### **7.20.120 Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

- A. **Agent** shall mean any Person listed in the Johnson County, Kansas, Appraiser's office or Treasurer's office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's office for corporate or partnership ownership; an agent, administrator, executor or manager directed by the Owner, estate, or court order to represent the interests of real property or to otherwise maintain, care or control activities on the property; or corporate officer.
- B. **City** shall mean the City of Overland Park, Kansas.
- C. **Control or Controlled** shall mean the planned and intentional planting, trimming and cultivation of vegetation, including, but not limited to, the prevention of the unintended and uncultivated production of viable seed or the vegetative spread of a plant.
- D. **Excessive Growth of Vegetation** shall mean any grasses, dandelions, herbaceous plants or vines or other uncontrolled or uncultivated vegetation that is more than eight (8") inches in height above the ground or in length if matted down as measured along the stem. The abatement of Excessive Growth of Vegetation may include trees, bushes, shrubs, flowers, and ornamental or garden plants, either cultivated or uncultivated, if such vegetation is not made readily distinguishable from any Excessive Growth of Vegetation.

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- E. **Invasive Plants** shall mean species, including its seeds, spores, or other biological material capable of propagating that species, that is not native to that ecosystem; and whose presence causes or is likely to cause harm to the environment, economy, and/or human health. These species often grow, reproduce, and spread rapidly. Invasive Plants shall include bamboo. Said plants are only allowed when properly Controlled.
- F. **Native Plants** shall mean vegetation that has evolved and naturally occurs in the region including native grasses, herbaceous plants, vines, shrubs, or trees.
- G. **Noxious Weeds** shall mean plants listed as Category A, Category B or Category C noxious weed in Kansas Administrative Regulations Section 4-8-44 (effective March 26, 2021), entitled “Designation Noxious Weeds” or listed as a noxious weed in 2 CSR 70-45.005 entitled “Noxious Weed List” of the Missouri Register, Vol. 48, No. 16, August 15, 2023.
- H. **Occupant** shall mean any Person who has a severable or nonseverable interest in real property either by oral or written lease or covenant, or by other methods of conveying a limited interest in such property; or any Person who occupies or has possession of such property.
- I. **Owner** shall mean the named property owner as indicated by the records of the Records and Tax Administration or Appraiser’s office in Johnson County, Kansas.
- J. **Person** shall mean any individual, individuals, partnership, corporation, unincorporated association, other business organization, committee, board, trustee, receiver, or Agent.
- K. **Planned Sustainable Landscape** shall mean a planned, intentional, and maintained planting of primarily native plants, grasses, vines, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Planned Sustainable Landscapes do not include turf grass lawns left unattended for the purpose of returning to a natural state.
- L. **Poisonous Plants to the Touch** shall mean any plants at any height or state of maturity which are poisonous to the touch, including, but not limited to, poison ivy, poison oak and poison sumac.

**SECTION 3.** Overland Park Municipal Code Section 7.20.130 is hereby amended to read as follows:

### **7.20.130 Violations; Responsibility to Abate.**

- A. It shall be unlawful for any Owner, Occupant or Agent of property to allow on said property any:
  - 1. Excessive Growth of Vegetation;
  - 2. Noxious Weeds;
  - 3. Poisonous Plants to the Touch; or
  - 4. Invasive Plants that are not properly controlled.

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Such prohibition shall include any areas between the property lines of said property and the center line of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements and rights-of-way. Any violation of this Section is hereby declared a nuisance, and is subject to abatement and prosecution as hereinafter provided.

- B. The Owner, Occupant or Agent shall be responsible for the abatement of any violation of this Section. Further, it is the responsibility of the Owner, Occupant or Agent to clearly mark, stake out, or otherwise distinguish between trees, bushes, shrubs, flowers, and ornamental or garden plants, or any Controlled Invasive Plants, as compared to any Excessive Growth of Vegetation, any Noxious Weeds, any Poisonous Plants to the Touch, or any uncontrolled growth of Invasive Plants in the surrounding area.
- C. Vegetation which constitutes one of the following shall not be deemed a violation under A.1. of this Section:
  - 1. Planned Sustainable Landscape,
  - 2. Controlled ornamental or food producing garden;

Provided such vegetation does not encroach on adjacent property.

**SECTION 4.** Overland Park Municipal Code Section 7.20.140 is hereby amended to read as follows:

### **7.20.140 Public Officer; Notice of Violation; Hearing.**

- A. The City Manager shall designate a public officer(s) to administer and enforce this Chapter. If it is determined that a violation of this Chapter exists, the public officer shall file a written report with the City, and shall direct that a notice of violation be sent to the Owner, Occupant or Agent of the property; provided, however, if a violation was previously issued within the same calendar year of the violation, no further notice is required prior to any abatement action by the City.
- B. The notice of violation shall be sent by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the Owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the Owner. In cases where the Owner is unknown or is a nonresident, and there is no resident agent, then the City Clerk shall publish the notice of the violation in the official City newspaper.
- C. The notice of violation shall state:
  - 1. A common or legal description of the property where the violation exists;
  - 2. That the property is in violation of the Weed and Vegetation Enforcement Act;
  - 3. A description of the violation that would reasonably allow the Owner, Occupant or Agent to determine the nature of the violation to allow for self-abatement;

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4. That the violation must be abated by the Owner, Occupant or Agent within ten (10) days from the date of the mailing of the notice of violation; or within ten (10) days of publication if publication was deemed necessary;

5. That, prior to the expiration of the notice period, the Owner, Occupant or Agent may request in writing a hearing before the hearing officer;

6. That the failure to comply with the notice of violation shall result in the City abating the violation, with the assessment of costs of abatement (including a reasonable administrative fee and the cost of all notice) made against the property and the Owner, Occupant or Agent;

7. That payment of the assessment of costs is due and payable within thirty (30) days of the notice of assessment, or the assessment will be added to the property tax as a special assessment, as provided for by K.S.A. 12-1617e, as may be amended. And further, the City may also pursue collection by seeking a personal judgment against the Owner, Occupant or Agent in Johnson County District Court, as provided for by K.S.A. 12-1,115, as may be amended;

8. That no further notice is required to be given by the City prior to the abatement of any additional violations on the property for one (1) year from the date of the notice of violation, and that any additional costs will be assessed in the same manner.

9. That separate from and independent of any abatement of the violation by the City, such violations are also subject to prosecution in the Overland Park Municipal Court.

D. If the recipient of the notice of violation makes a written request for a hearing within the notice period, the City shall schedule a hearing during a regular business day within ten (10) calendar days from the receipt of the request. The hearing shall be conducted by a designated hearing officer who is not a subordinate of the public officer who issued the notice of violation or conducted the investigation. The hearing officer shall receive evidence, review the investigation, and prepare a written order. The order shall be sent to all relevant parties within ten (10) days of the hearing, unless otherwise stated at the hearing, and prior to the City taking any action to abate the violation. The order shall state the relevant facts and the specific code provisions relied upon, and any other stipulations, methods of abatement, or orders as deemed necessary by the hearing officer.

E. If the public officer determines that a violation of this Chapter exists, the public officer may issue a Notice to Appear in Municipal Court for such violation. Such prosecution shall be separate and independent of any abatement action, and no other procedures are required as a prerequisite to the issuance of a Notice to Appear.

**SECTION 5.** Overland Park Municipal Code Section 7.20.150 is hereby amended to read as follows:

### **7.20.150 Abatement by City; Notice of Costs; Assessment and Collection.**

A. If the Owner, Occupant or Agent fails to request a hearing and or fails to self-abate the violation within the notice period, the City may enter onto the property to abate the

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violation in a reasonable manner. The City shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property, or for damages to property in the reasonable exercise of its duty to abate the violation. The City may use its own employees or contract for services to abate the violation. Any authorized officer or agent of the City may relocate or remove any trash, debris, limbs or brush, building materials or other such items if such relocation or removal is reasonably necessary to abate the violation.

B. If the City abates the violation, it shall provide a notice of costs to the Owner, Occupant or Agent by certified mail, return receipt requested, at the last known mailing address. If the property is vacant or unoccupied, the notice of costs shall also be posted on the property in a reasonable manner. The notice of costs shall state:

1. The common or legal description of the property, or both;
2. The nature of the violation, including relevant ordinances;
3. The nature of the work performed to abate the violation;
4. The costs incurred for the abatement of the violations in either a lump sum or in itemized form;
5. That the notice is a demand for payment within thirty (30) days from the date of the notice;
6. That failure to pay the entire amount within thirty (30) days shall allow the City to file a tax lien against the property or to pursue litigation for the recovery of the costs, or both;
7. That such additional remedies to recover costs shall include additional amounts including additional administrative costs, attorneys' fees when applicable, and interest; and
8. That payments shall be made by check or money order made payable to the City, with no post-dating of the check, and sent to the address stated within the notice, with a written indication of the purpose for the payment and the address of the property where the violations occurred. Partial payments will not be accepted and shall be considered as non-payments.

C. If the payment of costs is not made within the thirty (30) day period, the City may file an affidavit of pending action with the Johnson County, Kansas Department of Records and Tax Administration with respect to the aforesaid costs. In addition, the City Clerk shall certify the aforesaid costs at the time of certifying other City taxes to the County Clerk, and the County Clerk shall extend the same on the tax roll of the County against the property, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid.

Provided further, the City may collect the costs in the manner provided at K.S.A. 12-1,115, as may be amended, by bringing an action in the appropriate court as a personal debt.



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The City may pursue both assessment and collection at the same time until the full cost, including applicable interests, court costs, attorneys' fees, and administrative costs have been paid in full (Ref. K.S.A. 12-1617f, as may be amended).

**SECTION 6.** Overland Park Municipal Code Section 7.20.160 is hereby amended to read as follows:

### **7.20.160 Reserved.**

**SECTION 7.** Overland Park Municipal Code Section 7.20.180 is hereby amended to read as follows:

### **7.20.180 Penalty.**

- A. Any Owner, Occupant or Agent in violation of this Chapter shall be subject to prosecution in the Overland Park Municipal Court. Any Person found guilty of violating the provisions of this Chapter shall be subject to a fine up to \$500.00 and not more than ten (10) days in jail, or both a fine and jail sentence. Any Person found guilty of this Chapter two (2) or more times within any one-year period shall be fined not less than \$250.00 nor more than \$500.00 and shall be subject to a sentence not to exceed ten (10) days in jail, or both a fine and a jail sentence.
- B. Prosecution of any offender under this Chapter does not limit the City's right to pursue assessment or collection of costs as stated in this Chapter, or by other laws.
- C. Each day that any violation of this Chapter shall continue shall constitute a separate offense.

**SECTION 8.** Overland Park Municipal Code Section 7.20.190 is hereby amended to read as follows:

### **7.20.190 Exceptions.**

This Chapter shall not be made applicable to:

- A. Land zoned where agricultural uses are a permitted use if such tract is one (1) contiguous tract, not intersected by any public roadway and is greater than twenty (20) acres if undeveloped and contiguous to other such undeveloped tracts where the total acreage of all undeveloped tracts exceeds twenty (20) acres;
- B. Undeveloped tracts of land zoned where agricultural uses are not a permitted use if such tract is one (1) contiguous tract, not intersected by any public roadways and is greater than twenty (20) acres;
- C. For the tracts of land identified in subsections A and B:
  - 1. Such tracts shall not allow any Excessive Growth of Vegetation and/or growth of agricultural crops within thirty (30) feet of the edge of the street or curb adjacent to

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any other roadway or the property line of any property being used for residential or commercial purposes.

2. For tracts zoned other than for agricultural uses, where the City determines that any Excessive Growth of Vegetation creates or enhances an identifiable health or safety problem, the procedures shall be followed as provided in this Chapter for the abatement of such Excessive Growth of Vegetation.
- D. Public parks, public golf courses, public natural preservation areas, public open space, public wildlife preservation areas, designated stream corridor areas, inaccessible public creek areas, and stormwater treatment facilities utilizing native vegetation as required by Chapter [16.210](#) of this Code (as may be amended); provided, however, where the City determines that any Excessive Growth of Vegetation in such areas creates or enhances an identifiable health or safety problem, the City shall take such action as it deems necessary to mitigate such problem, consistent with the public interest in maintaining and protecting such areas.
- E. Planned Sustainable Landscape areas that meet the following criteria:
1. The owner is responsible for ensuring that all landscape material in a Planned Sustainable Landscape is maintained in a healthy condition and managed so as not to include unintended vegetation.
  2. The Planned Sustainable Landscape cannot contain Invasive Plants which are not Controlled, turf grass, or any Noxious Weeds.
  3. The landscape boundaries are clearly defined through edging or containment and no vegetation is encroaching onto a neighboring property.
  4. The Planned Sustainable Landscape meets the following setback requirements:
    - a. Three feet from side and/or rear lot lines running the length of the property
    - b. No setback is required on side or rear lot lines where the defined landscape area abuts another similar private or public landscape area, or if a solid fence at least four feet in height is installed along the lot line adjoining the planned landscape
- F. Any tract or combination of tracts as determined by the Director of Planning and Development Services, or his or her designee, to meet the intent of the exceptions identified in subsections A-D.

**SECTION 9.** Existing Overland Park Municipal Code Sections 7.20.110, 7.20.120, 7.20.130, 7.20.140, 7.20.150, 7.20.160, 7.20.180 and 7.20.190 are hereby repealed.

**SECTION 10.** This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

**Agenda Item #7.**

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF OVERLAND PARK

\_\_\_\_\_  
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth Kelley, City Clerk

(s) Trevor Stiles  
Trevor Stiles, Sr. Assistant City Attorney



ORDINANCE NO. NU-3437

AN ORDINANCE RELATING TO ENFORCEMENT AGAINST NUISANCES, SPECIFICALLY WEEDS AND VEGETATION, IN THE CITY OF OVERLAND PARK, KANSAS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 7.20.110, 7.20.120, 7.20.130, 7.20.140, 7.20.150, 7.20.160, 7.20.180 AND 7.20.190 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

Section 1. Overland Park Municipal Code Section 7.20.110 is hereby amended to read as follows:

7.20.110 Purpose, Objectives, and Findings.

A. The purpose of the Weed and Vegetation Enforcement Act is to:

1. Prohibit the growth of Noxious Weeds, Uncontrolled growth of Invasive Species, and encourage the preservation, planting, and maintenance of Native Plants;

~~4.2.~~ Require reasonable Control and action to:

- a. Prevent the Excessive Growth of Vegetation;
- b. Eradicate Noxious Weeds;
- c. Eradicate Poisonous Plants to the Touch; and
- d. Prevent the growth of Invasive Plants that are not properly Controlled.

~~2.3.~~ Provide a method of enforcement of violations of this Chapter;

~~3.4.~~ Provide procedures to notify the Owner, Occupant or Agent of the property that a violation of this Chapter exists and to allow for self-abatement by such Persons;

~~4.5.~~ Provide the Owner, Occupant or Agent an opportunity to be heard concerning violations of this Chapter;

~~5.6.~~ Provide procedures to allow the City to abate the violation should the Owner, Occupant or Agent fail to timely act;

~~6.7.~~ Provide a method of assessing or collecting costs for such abatement by the City; and

~~7.8.~~ Establish that violations of this Chapter are unlawful and to provide penalties for enforcement through the Municipal Court system.

B. The objectives of the Weed and Vegetation Enforcement Act are to:

1. To enhance the City's environmental health by promoting plants that are native to the region;

2. To protect the City's environmental health by prohibiting plants that are likely to cause environmental harm or harm to human health;
3. To require control and action to prevent the Excessive Growth of Vegetation, eradicate Noxious Weeds, and Poisonous Plants to the Touch, and prevent the spread of Invasive Plants.

B.C. The Governing Body hereby finds that:

1. Excessive Growth of Vegetation;
2. Noxious Weeds;
3. Poisonous Plants to the Touch; and
4. The growth of Invasive Plants~~Invasive Plants that are not properly Controlled; are all a public nuisance that degrade natural and maintained landscape areas, displace native plant species, increase erosion, destroy wildlife habitat, and/or adversely affect public health, safety or welfare; and that allowing them to proliferate creates short- and long-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development and use of property in the City.~~~~Are all noxious, unsightly, and offensive to the residential and commercial areas in the City, and are all offensive to the general public health, safety, and welfare of the community. Said vegetation creates potential traffic safety problems; promotes conditions which accelerates the spread of fires; promotes the nesting and proliferation of rodents, snakes, insects, vermin, and other creatures which constitute a menace to health, public safety or welfare; creates short and long term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development and use of property in the City.~~

**SECTION 2.** Overland Park Municipal Code Section 7.20.120 is hereby amended to read as follows:

**7.20.120 Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

- A. **Agent** shall mean any Person listed in the Johnson County, Kansas, Appraiser's office or Treasurer's office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's office for corporate or partnership ownership; an agent, administrator, executor or manager directed by the Owner, estate, or court order to represent the interests of real property or to otherwise maintain, care or control activities on the property; or corporate officer.
- B. **City** shall mean the City of Overland Park, Kansas.

**C. Control or Controlled** shall mean the planned and intentional planting, trimming and cultivation of vegetation, including, but not limited to, the prevention of the unintended and uncultivated production of viable seed or the vegetative spread of a plant.

~~C.~~

**D. Excessive Growth of Vegetation** shall mean any grasses, dandelions, herbaceous plants or vines or other~~Weed, grass, or other~~ uncontrolled ~~or and~~ uncultivated vegetation ~~that which~~ is more than eight (8") inches in height above the ground or in length if matted down as measured along the stem. The abatement of Excessive Growth of Vegetation may include trees, bushes, shrubs, flowers, and ornamental or garden plants, either cultivated or uncultivated, if such vegetation is not made readily distinguishable from any Excessive Growth of Vegetation.

**E. Invasive Plants** shall mean species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem; and whose presence causes or is likely to cause harm to the environment, economy, and/or human health. These species often grow, reproduce, and spread rapidly. Invasive Plants and shall include bamboo to include, but not be limited to, meadow fescue (Festuca pratensis); sunflower, common (Helianthus annuus); and bamboo. Said plants are only allowed when properly Controlled.

**F. Native Plants** shall mean vegetation that has evolved and naturally occurs in the region including native grasses, herbaceous plants, vines, shrubs, or trees.

~~F.G.~~ **Noxious Weeds** shall mean plants listed as Category A, Category B or Category C noxious weed in Kansas Administrative Regulations Section 4-8-44 (effective March 26, 2021), entitled "Designation Noxious Weeds" or listed as a noxious weed in 2 CSR 70-45.005 entitled "Noxious Weed List" of the Missouri Register, Vol. 48, No. 16, August 15, 2023. all noxious weeds as defined in the Kansas Noxious Weed Law K.S.A. 2-1314 et seq. (as may be amended), including, but not be limited to, field bindweed (Convolvulus arvensis); musk (nodding) thistle (Carduus nutans L.); Johnson grass (Sorghum halepense); bur ragweed (Ambrosia grayii); Canada thistle (Cirsium arvense); leafy spurge (Euphorbia esula); hoary cress (Cardaria draba); quackgrass (Agropyron repens); Russian knapweed (Centaurea repens); sericea lespedeza (Lespedeza cuneata); kudzu (Pueraria lobata); and pignut (Hoffmannseggia densiflora).

~~G.H.~~ **Occupant** shall mean any Person who has a severable or nonseverable interest in real property either by oral or written lease or covenant, or by other methods of conveying a limited interest in such property; or any Person who occupies or has possession of such property.

~~H.I.~~ **Owner** shall mean the named property owner as indicated by the records of the Records and Tax Administration or Appraiser's office in Johnson County, Kansas.

~~**Perennial Violator** shall mean any Person who shows an annual pattern of failing to comply with this Chapter, which may be shown by repeated notices of violation, notices of costs, or previous violations of this Chapter.~~

**J. Person** shall mean any individual, individuals, partnership, corporation, unincorporated association, other business organization, committee, board, trustee, receiver, or Agent.

~~**I.K. Planned Sustainable Landscape** shall mean a planned, intentional, and maintained planting of primarily native plants, grasses, vines, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Planned Sustainable Landscapes do not include turf grass lawns left unattended for the purpose of returning to a natural state.~~

**L. Poisonous Plants to the Touch** shall mean any plants at any height or state of maturity which are poisonous to the touch, including, but not limited to, poison ivy, poison oak and poison sumac.

~~**Uncontrolled** shall mean vegetation that grows unattended and/or contains a mixture of intentional and unintentional plant materials. Uncontrolled vegetation may include grasses, herbaceous plants, woody plants, or vines.~~

~~**Weeds** shall mean to include, but not be limited to, barnyard grass (*Echinochloa crusgalli*); beggar tick, sticktight, devil's pitchfork (*Bidens frondosa*); burdock (*Aretium minus*); Canada goldenrod (*Solidago canadensis*); crabgrass, large or large hairy (*Digitaria sanguinalis*); cocklebur (*Xanthium strumarium*); curled dock, sour dock (*Rumex crispus*); curltop smartweed (*Polygonum lapathifolium*); daisy fleabane (*Erigeron strigosus*); dandelion (*Taraxacum officinale*); dogbane (*Apocynum cannabinum*); fall panicum (*Panicum dichotomiflorum*); flannel mullein (*Verbascum thapsus*); fireweed (*Kochia scoparia*); foxtail barley (*Hordem jubatum*); green foxtail (*Solaria viridis*); hedge parsley (*Forilis arvensis*); hemp (*Cannabis sativa*); hoary verbena (*Verbena stricta*); horsenettle (*Solanum carolinense*); horseweed (*Conyza canadensis*); Indian mallow, velvet leaf (*Abutilon theophrasti*); ironweed (*Vernonia baldwinii*); Japanese brome (*Bromus japonicus*); lambsquarter (*Chenopodium album*); maple-leaved goosefoot (*Chenopodium hybridum*); milkweed (*Asclepias syriaca*); mullein, common (*Verbascum thapsus*); patience dock (*Rumex patientia*); Pennsylvania smartweed (*Polygonum pennsylvanicum*); pennywress (*Thlaspi arvense*); pigweed, rough, or redroot (*Amaranthus retroflexus*); pokeberry (*Phytolacca americana*); prickly wild lettuce (*Lactuca serriola*); purpletop grass (*Tridens flavus*); ragweed, common (*ambrosia artemisiifolia*); ragweed, giant kinghead (*Ambrosia trifida*); sagewort (*Artemisia ludoviciana*); shepherd's purse (*Capsella bursa-pastoris*); smooth dock (*Rumex altissimus*); snakeroot (*Eupatorium rugosum*); Spanish needles (*Bidens bipinnata*); spurge, nodding or upright spotted (*Euphorbia maculata*); stinging nettle, nettle (*Urtica dioica*); stinkgrass, lovegrass (*Eragrostis ciliaris*); sumpweed (*Iva annua*); swamp smartweed, tanweed, devil's shoestring (*Polygonum eococcineum*); tall thistle (*Cirsium altissimum*); treacle mustard or spreading erysimum (*Erysimum*~~



~~arvense); tumble panicgrass or witchgrass (Panicum capillare); tumbleweed, tumble  
amaranth (Amaranthus albus); water hemp (Amaranthus rudis); and wild four o'clock  
(mirabilis nyctaginea).~~

**SECTION 3.** Overland Park Municipal Code Section 7.20.130 is hereby amended to read as follows:

**7.20.130 Violations; Responsibility to Abate.**

A. It shall be unlawful for any Owner, Occupant or Agent of property to allow on said property any:

1. Excessive Growth of Vegetation;
2. Noxious Weeds;
3. Poisonous Plants to the Touch; or
4. Invasive Plants that are not properly controlled.

Such prohibition shall include any areas between the property lines of said property and the center line of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements and rights-of-way. Any violation of this Section is hereby declared a nuisance, and is subject to abatement and prosecution as hereinafter provided.

B. The Owner, Occupant or Agent shall be responsible for the abatement of any violation of this Section. Further, it is the responsibility of the Owner, Occupant or Agent to clearly mark, stake out, or otherwise distinguish between trees, bushes, shrubs, flowers, and ornamental or garden plants, or any Controlled Invasive Plants, as compared to any Excessive Growth of Vegetation, any Noxious Weeds, any Poisonous Plants to the Touch, or any uncontrolled growth of Invasive Plants in the surrounding area.

C. Vegetation which constitutes one of the following shall not be deemed a violation under A.1. of this Section:

1. Planned Sustainable Landscape,
2. Controlled ornamental or food producing garden;

Provided such vegetation does not encroach on adjacent property.

**SECTION 4.** Overland Park Municipal Code Section 7.20.140 is hereby amended to read as follows:

**7.20.140 Public Officer; Notice of Violation; Hearing.**

A. The City Manager shall designate a public officer(s) to administer and enforce this Chapter. If it is determined that a violation of this Chapter exists, the public officer shall file a written report with the City, and shall direct that a notice of violation be sent to the Owner, Occupant or Agent of the property; provided, however, if a violation was previously issued within the same calendar year of the violation-if a notice of violation was previously issued

## Agenda Item #7.

~~within one (1) year of the violation and contained the notice set forth in subsection C.8.,~~  
no further notice is required prior to any abatement action by the City.

- B. The notice of violation shall be sent by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the Owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the Owner. In cases where the Owner is unknown or is a nonresident, and there is no resident agent, then the City Clerk shall publish the notice of the violation in the official City newspaper.
- C. The notice of violation shall state:
1. A common or legal description of the property where the violation exists;
  2. That the property is in violation of the Weed and Vegetation Enforcement Act;
  3. A description of the violation that would reasonably allow the Owner, Occupant or Agent to determine the nature of the violation to allow for self-abatement;
  4. That the violation must be abated by the Owner, Occupant or Agent within ~~five (5)~~ ten (10) days from the date of the mailing of the notice of violation; or within ten (10) days of publication if publication was deemed necessary;
  5. That, prior to the expiration of the notice period, the Owner, Occupant or Agent may request in writing a hearing before the hearing officer;
  6. That the failure to comply with the notice of violation shall result in the City abating the violation, with the assessment of costs of abatement (including a reasonable administrative fee and the cost of all notice) made against the property and the Owner, Occupant or Agent;
  7. That payment of the assessment of costs is due and payable within thirty (30) days of the notice of assessment, or the assessment will be added to the property tax as a special assessment, as provided for by K.S.A. 12-1617e, as may be amended. And further, the City may also pursue collection by seeking a personal judgment against the Owner, Occupant or Agent in Johnson County District Court, as provided for by K.S.A. 12-1,115, as may be amended;
  8. That no further notice is required to be given by the City prior to the abatement of any additional violations on the property for one (1) year from the date of the notice of violation, and that any additional costs will be assessed in the same manner.
  9. That separate from and independent of any abatement of the violation by the City, such violations are also subject to prosecution in the Overland Park Municipal Court.
- D. If the recipient of the notice of violation makes a written request for a hearing within the notice period, the City shall schedule a hearing during a regular business day within ten (10) calendar days from the receipt of the request. The hearing shall be conducted by a designated hearing officer who is not a subordinate of the public officer who issued the notice of violation or conducted the investigation. The hearing officer shall receive

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evidence, review the investigation, and prepare a written order. The order shall be sent to all relevant parties within ten (10) days of the hearing, unless otherwise stated at the hearing, and prior to the City taking any action to abate the violation. The order shall state the relevant facts and the specific code provisions relied upon, and any other stipulations, methods of abatement, or orders as deemed necessary by the hearing officer.

- E. If the public officer determines that a violation of this Chapter exists, the public officer may issue a Notice to Appear in Municipal Court for such violation. Such prosecution shall be separate and independent of any abatement action, and no other procedures are required as a prerequisite to the issuance of a Notice to Appear.

**SECTION 5.** Overland Park Municipal Code Section 7.20.150 is hereby amended to read as follows:

### **7.20.150 Abatement by City; Notice of Costs; Assessment and Collection.**

- A. If the Owner, Occupant or Agent fails to request a hearing and or fails to self-abate the violation within the notice period, the City may ~~entergo~~ onto the property to abate the violation in a reasonable manner. The City shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property, or for damages to property in the reasonable exercise of its duty to abate the violation. The City may use its own employees or contract for services to abate the violation. Any authorized officer or agent of the City may relocate or remove any trash, debris, limbs or brush, building materials or other such items if such relocation or removal is reasonably necessary to abate the violation.
- B. If the City abates the violation, it shall provide a notice of costs to the Owner, Occupant or Agent by certified mail, return receipt requested, at the last known mailing address. If the property is vacant or unoccupied, the notice of costs shall also be posted on the property in a reasonable manner. The notice of costs shall state:
  - 1. The common or legal description of the property, or both;
  - 2. The nature of the violation, including relevant ordinances;
  - 3. The nature of the work performed to abate the violation;
  - 4. The costs incurred for the abatement of the violations in either a lump sum or in itemized form;
  - 5. That the notice is a demand for payment within thirty (30) days from the date of the notice;
  - 6. That failure to pay the entire amount within thirty (30) days shall allow the City to file a tax lien against the property or to pursue litigation for the recovery of the costs, or both;
  - 7. That such additional remedies to recover costs shall include additional amounts including additional administrative costs, attorneys' fees when applicable, and interest; and

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8. That payments shall be made by check or money order made payable to the City, with no post-dating of the check, and sent to the address stated within the notice, with a written indication of the purpose for the payment and the address of the property where the violations occurred. Partial payments will not be accepted and shall be considered as non-payments.

- C. If the payment of costs is not made within the thirty (30) day period, the City may file an affidavit of pending action with the Johnson County, Kansas Department of Records and Tax Administration with respect to the aforesaid costs. In addition, the City Clerk shall certify the aforesaid costs at the time of certifying other City taxes to the County Clerk, and the County Clerk shall extend the same on the tax roll of the County against the property, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid.

Provided further, the City may collect the costs in the manner provided at K.S.A. 12-1,115, as may be amended, by bringing an action in the appropriate court as a personal debt.

The City may pursue both assessment and collection at the same time until the full cost, including applicable interests, court costs, attorneys' fees, and administrative costs have been paid in full (Ref. K.S.A. 12-1617f, as may be amended).

**SECTION 6.** Overland Park Municipal Code Section 7.20.160 is hereby amended to read as follows:

### **7.20.160 Reserved. Public Notice of Act.**

~~The City Clerk shall cause a general public notice to be placed in the official City newspaper once each year during the month of March. The notice shall read substantially as follows:~~

#### ~~PUBLIC NOTICE~~

#### ~~CITY OF OVERLAND PARK, KANSAS~~

#### ~~WEED AND VEGETATION ENFORCEMENT ACT~~

~~Notice is hereby given to all owners, occupants, and agents of property located within the City of Overland Park, Kansas, that it is unlawful to allow any:~~

- ~~1. Excessive Growth of Vegetation. Excessive Growth means more than eight (8) inches in height or more than eight (8) inches in length if matted down.~~
- ~~2. Noxious Weeds, as defined in the Kansas Noxious Weed Law at K.S.A. 2-1314 et seq.;~~
- ~~3. Poisonous Plants to the Touch; or~~
- ~~4. Invasive Plants that are not properly Controlled, including, but not limited to meadow fescue (Festuca pratensis); sunflower, common (Helianthus annuus); and bamboo.~~

~~Violators will be subject to prosecution and assessment of costs for abatement of such violations. The Overland Park Weed and Vegetation Enforcement Act is located at Chapter 7.20 of the~~

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~~Overland Park Municipal Code. Members of the public are welcome to review these laws during regular business hours at the Overland Park City Hall, 8500 Santa Fe, Overland Park, Kansas, or on the City's website at opkansas.org.~~

~~(History: Ord. NU-2939 §7, 2011; NU-1376 §1, 86)~~

**SECTION 7.** Overland Park Municipal Code Section 7.20.180 is hereby amended to read as follows:

### **7.20.180 Penalty.**

- A. Any Owner, Occupant or Agent in violation of this Chapter shall be subject to prosecution in the Overland Park Municipal Court. Any Person found guilty of violating the provisions of this Chapter shall be subject to a fine ~~up to of not less than \$50.00 nor more than~~ \$500.00 and not more than ten (10) days in jail, or both a fine and jail sentence. Any Person found guilty of this Chapter two (2) or more times within any one-year period ~~, or determined by the Municipal Court to be a Perennial Violator~~ shall be fined not less than \$250.00 nor more than \$500.00 and shall be subject to a sentence not to exceed ten (10) days in jail, or both a fine and a jail sentence.
- B. Prosecution of any offender under this Chapter does not limit the City's right to pursue assessment or collection of costs as stated in this Chapter, or by other laws.
- C. Each day that any violation of this Chapter shall continue shall constitute a separate offense.

**SECTION 8.** Overland Park Municipal Code Section 7.20.190 is hereby amended to read as follows:

### **7.20.190 Exceptions.**

This Chapter shall not be made applicable to:

- A. Land zoned where agricultural uses are a permitted use if such tract is one (1) contiguous tract, not intersected by any public roadway and is greater than twenty (20) acres if undeveloped and contiguous to other such undeveloped tracts where the total acreage of all undeveloped tracts exceeds twenty (20) acres;
- B. Undeveloped tracts of land zoned where agricultural uses are not a permitted use if such tract is one (1) contiguous tract, not intersected by any public roadways and is greater than twenty (20) acres;
- C. For the tracts of land identified in subsections A and B:

~~1. Such tracts shall not allow any Excessive Growth of Vegetation and/or growth of agricultural crops within thirty (30) feet of the edge of the street or curb adjacent to any other roadway or the property line of any property being used for residential or commercial purposes. Such tracts shall not allow any Excessive Growth of Vegetation in any area within sixty (60) feet from the center line of a two-lane~~

~~public roadway, or within thirty (30) feet of the property line adjacent to any other public roadway or of the property line of any property being used for residential or commercial purposes.~~

~~2.1. For tracts where agricultural crops are allowed to be grown, such tracts shall not allow the growing of crops in any area within sixty (60) feet from the center line of a two-lane public roadway, or within thirty (30) feet of the property line adjacent to any other public roadway or of the property line of any property being used for residential or commercial purposes.~~

~~3.2. For tracts zoned other than for agricultural uses, where the City determines that any Excessive Growth of Vegetation creates or enhances an identifiable health or safety problem, including, but not limited to, the creation of a fire hazard or the proliferation of rodents, snakes, insects, vermin and other creatures which constitute a menace to health, public safety or welfare,~~ the procedures shall be followed as provided in this Chapter for the abatement of such Excessive Growth of Vegetation.

D. Public parks, public golf courses, public natural preservation areas, public open space, public wildlife preservation areas, designated stream corridor areas, inaccessible public creek areas, and stormwater treatment facilities utilizing native vegetation as required by Chapter [16.210](#) of this Code (as may be amended); provided, however, where the City determines that any Excessive Growth of Vegetation in such areas creates or enhances an identifiable health or safety problem, ~~including, but not limited to, the creation of a fire hazard or the proliferation of rodents, snakes, insects, vermin and other creatures which constitute a menace to health, public safety or welfare,~~ the City shall take such action as it deems necessary to mitigate such problem, consistent with the public interest in maintaining and protecting such areas.

E. Planned Sustainable Landscape areas that meet the following criteria:

1. The owner is responsible for ensuring that all landscape material in a Planned Sustainable Landscape is maintained in a healthy condition and managed so as not to include unintended vegetation.
2. The Planned Sustainable Landscape cannot contain Invasive Plants which are not Controlled, turf grass, or any Noxious Weeds.
3. The landscape boundaries are clearly defined through edging or containment and no vegetation is encroaching onto a neighboring property.
4. The Planned Sustainable Landscape meets the following setback requirements:
  - a. Three feet from side and/or rear lot lines running the length of the property
  - b. No setback is required on side or rear lot lines where the defined landscape area abuts another similar private or public landscape area, or if a solid fence

at least four feet in height is installed along the lot line adjoining the planned landscape

~~E.F.~~ Any tract or combination of tracts as determined by the Director of Planning and Development Services, or his or her designee, to meet the intent of the exceptions identified in subsections A-D.

**SECTION 9.** Existing Overland Park Municipal Code Sections 7.20.110, 7.20.120, 7.20.130, 7.20.140, 7.20.150, 7.20.160, 7.20.180 and 7.20.190 are hereby repealed.

**SECTION 10.** This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF OVERLAND PARK

\_\_\_\_\_  
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth Kelley, City Clerk

(s) Trevor Stiles  
Trevor Stiles, Sr. Assistant City Attorney







**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Resolution No. 4930 - Dangerous or Unsafe Structure Proceeding for 11727 W 99th Place, Overland Park, Kansas

**POLICY ISSUE:**

Whether to approve Resolution No. 4930, setting a hearing on November 18, 2024, regarding the dangerous or unsafe structure at 11727 W 99th Place, Overland Park, Kansas.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Resolution in order to set a hearing for the above-cited property under the dangerous or unsafe structure procedures codified at K.S.A. 12-1750 et seq. and OPMC Section 7.25.110. At such time, the Governing Body shall hear all evidence submitted by Code Official, the owner, owner's agent, lien holders, occupants and any other parties of interest, and shall then make findings regarding the same.

The Resolution further provides that, should the dangerous or unsafe condition be sufficiently abated prior to the hearing, the Code Official shall: (1) cancel the hearing; (2) release any insurance funds on deposit with the City (if any); and (3) notify the Governing Body, the owner and other known parties of interest that the dangerous or unsafe condition has been abated and that the hearing has been canceled.

**PROPOSED MOTION:**

I move to recommend to the City Council adoption of Resolution No. 4930.

**BACKGROUND:**

The structure on the property commonly known as 11727 W 99th Place, Overland Park, Kansas, and legally described as: OAK PARK LOT 23 BLK 26 OPC 929 26 23 has been determined by the Code Official to be dangerous and unsafe.

The structure is found to be dangerous and unsafe because of the following conditions: Fire damage to roof structure. Smoke and water damage throughout. The structure sustained considerable damage due to a fire, which occurred on July 24, 2023.

Reports from the insurer indicate the damage exceeded 75% of the face value of the structural insurance coverage. Pursuant to K.S.A. 40-3901 et seq. and OPMC Section 7.25.108.8, the insurer has deposited \$ 63,585.75 with the City, which is representative of 15% of the covered claim payment.

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Pursuant to said Statute and Code, the Code Official must initiate proceedings within 45 days of the receipt of said deposit or return the funds, plus accrued interest, to the insured.

At this time there are currently no repair permits issued for this property.

### **BUDGET IMPACT:**

None at this time.

### **ATTACHMENTS:**

[Resolution No. 4930](#)

[Photos of Dangerous Structure](#)

**RESOLUTION NO. 4930**

**A RESOLUTION SETTING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING UNDER THE DANGEROUS OR UNSAFE STRUCTURE PROCEDURES REGARDING THE STRUCTURE LOCATED AT 11727 W 99TH PLACE, OVERLAND PARK, KANSAS.**

WHEREAS, pursuant to K.S.A. 12-1752 and OPMC 7.25.110, the Code Official submitted a report, to the Governing Body stating that the structure located on the property described hereafter is dangerous and unsafe and providing the reasons therefore; and

WHEREAS, the structure is located on the property commonly known as 11727 W 99th Place, Overland Park, Kansas, and legally described as: OAK PARK LOT 23 BLK 26 OPC 929 26 23; and

WHEREAS, the Owner of Record has failed to comply with the Code Official's order to repair the damaged structure, and therefore no action has been taken to sufficiently abate said condition.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. That a hearing be set for November 18, 2024, in the Council Chambers of Overland Park City Hall, 8500 Santa Fe Drive, during normal Council proceedings which commence at 7:30 p.m. The hearing is to address the question of whether the above-cited structure is dangerous and unsafe in accordance with K.S.A. 12-1752 and OPMC 7.25.110. At that time, persons, including, but not limited to, the owner, the owner's agent, lien holders of record, occupants, and any other parties of interest, may appear and show cause why such structure should not be condemned and ordered repaired or demolished.

SECTION 2. That this Resolution shall be published in an official City newspaper once each week for two consecutive weeks on the same day of the week; and at least 30 days shall elapse between the last publication and the date set for the hearing.

SECTION 3. That the Code Official shall make a reasonable attempt to determine the names and addresses of the owner, any owner's agent, any lien holders of record, any occupants, and any other known parties of interest, and within three days after first publication, shall mail a copy of this Resolution by certified mail marked "Deliver to Addressee Only" to each of them at their last known address.

SECTION 4. That should the dangerous or unsafe condition be sufficiently abated prior to the hearing, the Code Official shall: (1) cancel the hearing; (2) release any insurance funds on deposit with the City (if any); and (3) notify the Governing Body, the owner and the other known parties of interest that the dangerous or unsafe condition has been abated and that the hearing has been cancelled.

**Agenda Item #8.**

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED AND SIGNED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF OVERLAND PARK, KANSAS

\_\_\_\_\_  
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth Kelley  
City Clerk

(s) Trevor Stiles  
\_\_\_\_\_  
Trevor Stiles  
Senior Assistant City Attorney













**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Marty Park Design Team Selection

**POLICY ISSUE:**

Resolution No. 4550 requires selection of design consultants where the resulting contract is anticipated to exceed \$100,000.

**STAFF RECOMMENDATION:**

Approval of Consultant Selection and Authorization to Negotiate an Agreement with Confluence for the Design of Marty Park.

**PROPOSED MOTION:**

Approval of Consultant Selection and Authorization for City Staff to Negotiate an Agreement with Confluence Inc. for the Design of Marty Park.

**BACKGROUND:**

On August 15, 2023, a Request for Proposals (RFP) was advertised publicly for the Design of Marty Park. A non-mandatory meeting was held at the Matt Ross Community Center on August 25, 2023. Seven (7) consultants attended. On September 12, 2023, Staff received seven (7) proposals. After reviewing the proposals Staff invited four (4) consultants for interviews. Interviews were held at Matt Ross Community Center and included a collection of a Council member and staff from multiple departments including Parks and Recreation, and Planning and Development. Confluence was the preferred project proposal of the interview panel due to their extensive park planning knowledge and creative design approach.

The Notice to Proceed is anticipated for December 2023. The anticipated completion date for the project is in Summer 2025.

**BUDGET IMPACT:**

The City has allocated \$250,000 of ARPA funding in 2023 for the design of Marty Park (PR-2864). General operating budget should not be impacted, outside of staff time to administer the project.







**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Maple Hills Playground Replacement

**POLICY ISSUE:**

City Operating Procedure 202 (COP 202) requires purchases of \$50,000 and greater to require Formal Bids or an RFP process and for award of bids/proposals in excess of \$100,000 to be approved by the Governing Body.

**STAFF RECOMMENDATION:**

Staff recommends approval of the award of the RFP for Playground Replacement for Maple Hills Park, to Athco Acquisition Corp. and authorization for the City Manager to enter into an Agreement for the same.

**PROPOSED MOTION:**

I move to recommend to the City Council approval of the award of the RFP for the Maple Hills playground replacement to Athco Acquisition Corp. in the amount of \$200,000, and authority for the City Manager to execute an agreement for the same, in a form approved by the City Attorney.

**BACKGROUND:**

On September 05, 2023, a Request for Proposals (RFP) was advertised publicly for the playground replacement for Maple Hills Park. A non mandatory meeting was held at the Tomahawk Ridge Community Center on September 15, 2023, three (3) consultants attended. On September 26th, 2023 Staff received three (3) proposals. After reviewing the proposals Staff recommends playground design Option 1 by Athco Acquisition Corp. This proposal was deemed to have the best overall play value, site utilization for the respective location.

Athco's proposal is for the monetary amount of \$200,000.00, for the provision and installation of the playground equipment listed in their proposal.

The Notice to Proceed is anticipated for December 2023. The anticipated completion date for the project is in the Spring of 2024.

**BUDGET IMPACT:**

The City has allocated \$200,000 of CDBG funding in 2023 for the replacement of the Maple Hills playground (GC028). The general operating budget should not be impacted, outside of staff time to administer the project.

**Agenda Item #10.**

**ATTACHMENTS:**

[RFP](#)

Quote



ATHCO Acquisition Corp.  
13500 W. 108th St.  
Lenexa, KS 66215  
P: 800-255-1102 F: 913-469-8134  
athco@athcollc.com

Date: 9/26/2023  
All prices subject to acceptance within 30 days

Prepared by: Matt Cline To accept this quote, sign here and return

TO: Mike Burton  
Manager, Parks and Forresty  
City of Overland Park

Payment Terms Net 30 days

Description - OPTION 1	QTY	UNIT PRICE	TOTAL
Smart Play BeachComber for Ages 5-12 with Welcome Sign	1	\$ 200,000.00	\$ 200,000.00
Smart Play Motion for Ages 2-5 with Welcome Sign	1	\$ -	\$ -
Oodle Swing	1	\$ -	\$ -
Curva Spinner	1	\$ -	\$ -
Chill Spinner	1	\$ -	\$ -
3,300 Sq. Ft. Playground Grass with 4" rock, pad, composite nailer board, and Envirofill	1	\$ -	\$ -
234 Linear Feet 12" Wide Concrete Border with Drainage Knockouts	1	\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -

NOTES: 50% down payment due at time of order; balance to be invoiced upon completion. Site prep by others. Scope of work includes equipment install, concrete perimeter border, backfilling forms, artificial turf, and hauling off trash. Footing spoils to be placed/spread onsite.

SUBTOTAL	\$ 200,000.00
INSTALLATION OPTION	Included
FREIGHT	Included
SALES TAX - N/A	\$ -
Quote Total	\$ 200,000.00

Owner responsible for relocating any utilities at footing locations

Assumes no rock at footing locations. Additional charges for labor and equipment rental will be incurred for removal of rock above or below grade.

Current "Tax Exemption Certificate" required when placing orders for materials only

Proposals with labor (installation/repairs) are subject to sales tax unless a "Project Tax Exemption Certificate" is provided when placing the order

All conditions in this proposal are to be accepted into any subcontract issued by a General Contractor

For orders \$1,000 & over, add 3% to the Quote Total if paying by credit card

Thank you!





**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Resolution No. 4933 - City Boundary

**POLICY ISSUE:**

Resolutions require the approval of the Governing Body.

**STAFF RECOMMENDATION:**

Staff recommends adoption of Resolution No. 4933

**PROPOSED MOTION:**

I move to recommend to the City Council adoption of Resolution No. 4933.

**BACKGROUND:**

K.S.A. 12-517 provides that before the last day of December in any year in which any territory has been added to or excluded from any city, the Governing Body of such city shall declare by resolution the entire boundary of the city;

On January 9, 2023, the City Council adopted City Ordinance No. A-3398 annexing into the City certain real property located at approximately 183rd and Metcalf.

As the corporate limits and boundary lines of the City were changed by the above referenced annexation of land into the City in the 2023 calendar year, per State statute, an updated resolution setting forth the City's boundaries is necessary.

**BUDGET IMPACT:**

None.

**ATTACHMENTS:**

[Resolution No. 4933](#)

[City Boundary Description](#)



**RESOLUTION NO. 4933**

**A RESOLUTION DESCRIBING THE CORPORATE LIMITS AND BOUNDARIES OF THE CITY OF OVERLAND PARK, KANSAS; RESCINDING RESOLUTION NO. 4762.**

WHEREAS, K.S.A. 12-517 provides that before the last day of December in any year in which any territory has been added to or excluded from any city, the Governing Body of such city shall declare by resolution the entire boundary of the city; and

WHEREAS, the territorial limits of the City of Overland Park, Kansas, hereinafter the “City”, have been increased by annexation and thus it is necessary for the City to declare the entire boundary of the City by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

**SECTION 1. CORPORATE BOUNDARIES**

The corporate limits and boundary lines of the City as heretofore changed by the annexation of territory into the City in the 2023 calendar year, are hereby defined and declared to be as described in the legal description attached and incorporated by reference herein as Exhibit A.

**SECTION 2. RESCISSION.**

Resolution No. 4762 is hereby rescinded.

**SECTION 3. FILING OF RESOLUTION**

The City Clerk is hereby directed forthwith to file a certified copy of this resolution with the County Clerk, the Register of Deeds and the Election Commissioner of Johnson County, Kansas, and the Kansas State Transportation Engineer.

*[Remainder of Page Intentionally Left Blank.]*

**Agenda Item #11.**

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED AND SIGNED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF OVERLAND PARK

\_\_\_\_\_  
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth Kelley, City Clerk

(s) Trevor Stiles  
Trevor Stiles, Sr. Assistant City Attorney



## **Exhibit A**

### **City Boundary Description, October 2023:**

All that part of Sections 6, 7, 17, 18, 19, 20, 29, 30, 31, and 32 in Township 12 South, Range 25 East; and all that part of Sections 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 in Township 13 South, Range 25 East; and all that part of Sections 24, 25, 26, 35 and 36 in Township 12 South, Range 24 East; and all that part of Sections 1, 2, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36 in Township 13 South, Range 24 East; and all that part of Sections 1, 2, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36 in Township 14 South, Range 24 East; and all that part of fractional Sections 2, 11, 14, 23, 26, and 35 in Township 14 South, Range 25 East; and all that part of Sections 3, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 22, 27, 29, 30, 31, and 34 in Township 14 South, Range 25 East; and all that part of Sections 1, 2, 3, 4, and 12 in Township 15 South, Range 24 East; and all that part of fractional Section 2 in Township 15 South, Range 25 East; and all that part of Sections 3, 6, and 7 in Township 15 South, Range 25 East, all in Johnson County, Kansas, as prepared by Robert L. Ubben, Kansas Licensed Land Surveyor 1247, on October 17, 2023, described as follows:

Beginning at the northeast corner of Section 6, Township 12 South, Range 25 East in said Johnson County; thence west along the north line of said Section 6 to the northwest corner thereof; thence south along the west line of said Section 6 to a point 395.24 feet north of the southwest corner of said Section 6, said point also being the northwest corner of Hickory Hills No. 2 Lots 13 to 33 Inclusive, a subdivision of land in the City of Merriam, Johnson County, Kansas; thence east along the north line of said subdivision to the northeast corner of said subdivision, said point being on the east line of the southwest quarter of the southwest quarter of said Section 6; thence south along said east line of the southwest quarter of the southwest quarter to the southeast corner of the southwest quarter of the southwest quarter of said Section 6; thence east along the south line of the southwest quarter of said Section 6 to its intersection with the northerly extension of the center line of Lowell Street south of 55th Terrace, a distance of 1252.85 feet more or less; thence south along said northerly extension, and along the center line of said Lowell Street to its intersection with the north line of the southwest quarter of Section 7, Township 12 South, Range 25 East; thence east along north line of the southwest quarter of said Section 7 to the northeast corner of said southwest quarter; thence south along the east line of said southwest quarter to the south right-of-way line of 61st Street; thence east along the south right-of-way line of 61st Street, a distance of 80 feet; thence south along a line parallel to the east line of said southwest quarter a distance of 200 feet; thence west along a line parallel to the south right-of-way line of 61st Street, a distance of 80 feet, to the east line of the southwest quarter of said Section 7; thence south along the east line of said southwest quarter and along the east line of the northwest quarter of Section 18, Township 12 South, Range 25 East, to the southeast corner of said northwest

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Robert L. Ubben, KS LS#1247  
Affinis Corp  
8900 Indian Creek Parkway, Suite 450  
Overland Park, Kansas 66210

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quarter; thence west along the south line of said northwest quarter to the southwest corner of said northwest quarter; thence south along the west line of Sections 18 and 19 in Township 12 South, Range 25 East, to the southwest corner of the northwest quarter of said Section 19, said point also being on the center line of 75th Street; thence west along the north line of the southeast quarter of Section 24, Township 12 South, Range 24 East and continuing west along the north line of the southwest quarter of said Section 24 to the northwest corner of the southwest quarter of said Section 24; thence south along the west lines of Sections 24 and 25, Township 12 South, Range 24 East, to the northeast corner of the southeast quarter of the southeast quarter of Section 26, Township 12 South, Range 24 East; thence west along the north line of the southeast quarter of the southeast quarter of said Section 26 to the northwest corner of said quarter quarter section; thence south along the west line of said quarter quarter section to the southwest corner of said quarter quarter section; thence west along the north line of Section 35, Township 12 South, Range 24 East, to a point in the center line of Interstate Highway No. 35; thence southwesterly along the center line of said Interstate Highway No. 35 to a point where the west section line of said Section 35 intersects the center line of Interstate Highway No. 35; thence south along the west line of said Section 35 to the southwest corner of said Section 35; thence south along the west line of Section 2, Township 13 South, Range 24 East, to the southwest corner of said Section 2; thence west along the north line of Section 10, Township 13 South, Range 24 East, to the northwest corner of the northeast quarter of the northwest quarter of Section 10, Township 13 South, Range 24 East; thence south along the west line of said quarter quarter to the southwest corner of the northeast quarter of the northwest quarter of said Section 10; thence west along the north line of the southwest quarter of the northwest quarter of said Section 10, to the northwest corner of the southwest quarter of the northwest quarter of said Section 10; thence south along the west line of said Section 10 to a point where the west section line of said Section 10 intersects the southwesterly right-of-way line of Interstate Highway No. 435; thence southeasterly along the southwesterly right-of-way line of said Highway No. 435 to a point where the southwesterly right-of-way line intersects the north line of the southwest quarter of said Section 10; thence east along the north line of the southwest quarter of said Section 10 to the northeast corner of the west half of the southwest quarter of said Section 10; thence south along the east line of the west half of the southwest quarter of said Section 10 to the southeast corner of the west half of the southwest quarter of said Section 10; thence west along the south line of said Section 10 to the northwest corner of Section 15, Township 13 South, Range 24 East; thence south along the west line of Sections 15, 22, 27, and 34, Township 13 South, Range 24 East, to the southwest corner of said Section 34; thence east along the south line of Sections 34 and 35, Township 13 South, Range 24 East, to the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 14 South, Range 24 East; thence south along the east line of the west half of the northwest quarter of said Section 2 to the southwest corner of the northeast quarter of the northwest quarter of said Section 2; thence east along the south line of the northeast quarter of the northwest quarter of said Section 2 to the southeast corner of the northeast quarter of the northwest quarter of said Section 2; thence south

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along the east line of the northwest quarter of said Section 2 to the southeast corner of the northwest quarter of said Section 2; thence west along the south line of the northwest quarter of said Section 2 to the northeast corner of the northwest quarter of the southwest quarter of said Section 2; thence south along the east line of the northwest quarter of the southwest quarter of said Section 2 to the southeast corner of the northwest quarter of the southwest quarter of said Section 2; thence east along the north line of the southeast quarter of the southwest quarter of said Section 2 to the northeast corner of the southeast quarter of the southwest quarter of said Section 2; thence south along the east line of said southwest quarter to the southeast corner of the southwest quarter of said Section 2; thence west along the north line of Sections 11 and 10, Township 14 South, Range 24 East to the northeast corner of the northwest quarter of said Section 10; thence south along the east line of said northwest quarter to the southeast corner of said northwest quarter; thence west along the south line of said northwest quarter to a point 400 feet east of the southwest corner of the southeast quarter of the northwest quarter of said Section 10; thence south and parallel with the east line of the southwest quarter of said Section 10 to a point on the south line of said southwest quarter, said point being 1733.4 feet east of the southwest corner of the southwest quarter of said Section 10; thence westerly along the south line of said Section 10 to the southwest corner of said Section 10; thence south along the west line of Section 15, Township 14 South, Range 24 East to the southwest corner of said Section 15; thence south along the west line of Section 22, Township 14 South, Range 24 East, to the southwest corner of said Section 22; thence west along the north line of Section 28, Township 14 South, Range 24 East, to the northwest corner of said Section 28; thence south along the west line of said Section 28 to the southwest corner of said Section 28; thence east along the south line said Section 28 to its intersection with the northerly extension of the west right of way line of Pflumm Road in Section 33, Township 14 South, Range 24 East; thence south along the west right of way line of Pflumm Road and its southerly extension to the south line of said Section 33; thence south to the intersection of the south right of way line of 191<sup>st</sup> Street and the west right of way line of Pflumm Road in Section 4, Township 15 South, Range 24 East; thence east to the intersection of the south right of way line of 191<sup>st</sup> Street and the east right of way line of Pflumm Road in Section 3, Township 15 South, Range 24 East; thence east along the south right of way line of 191<sup>st</sup> Street to its intersection with the west right of way line of Quivira Road; thence east to the intersection of the south right of way line of 191<sup>st</sup> Street and the east right of way line of Quivira Road in Section 2, Township 15 South, Range 24 East; thence east along the south right of way line of 191<sup>st</sup> Street to its intersection with the west line of the east half of the northwest quarter of said Section 2; thence south along the west line of the east half of the northwest quarter of said Section 2 to the southwest corner of the east half of the northwest quarter of said Section 2; thence east along the south line of said northwest quarter and along the south line of the northeast quarter of said Section 2 to the southeast corner of the northeast quarter of said Section 2; thence north along the east line of the northeast quarter of said Section 2 to its intersection with the south right of way line of 191<sup>st</sup> Street in Section 1. Township 15 South, Range 24 East; thence east along the south right of way line of 191<sup>st</sup>

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Street to its intersection with the west right of way line of Antioch Road; thence south along the west right of way line of Antioch Road to its intersection with the north right of way line of 199<sup>th</sup> Street; thence south to the intersection of the south right of way line of 199<sup>th</sup> Street and the west right of way line of Antioch Road in Section 12, Township 15 South, Range 24 East; thence south along the west right of way line of Antioch Road to its intersection with the south line of the northeast quarter of said Section 12; thence east along the south line of the northeast quarter of said Section 12 to the southeast corner of the northeast quarter of said Section 12; thence east along the south line of the northwest quarter of Section 7, Township 15 South, Range 25 East, to the center line of U.S. 69 Highway; thence north along the center line of U.S. 69 Highway in said Section 7 and continuing north along said center line in Section 6, Township 15 South, Range 25 East, to the north line of said Section 6; thence North 02°30'35" East, continuing along said centerline of U.S. 69 Highway in Section 31, Township 14 South, Range 25 East, a distance of 3,415.67 feet; thence North 87°27'47" East a distance of 213.83 feet to a point on the Easterly right-of-way line of U.S. 69 Highway, as now established; thence continuing North 87°27'47" East a distance of 437.77 feet; thence South 02°04'39" East a distance of 38.14 feet; thence North 87°27'45" East a distance of 557.32 feet, to a point on the West line of the Southeast Quarter of the Northeast Quarter of said Section 31; thence South 02°04'36" East, along said West line, a distance of 60.17 feet, to the Southwest Corner of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31; thence North 87°32'59" East, along the South line of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31, a distance of 1,276.29 feet to a point on the West right-of-way line of Metcalf Avenue, as now established; thence North 02°02'23" West, along said West right-of-way line of Metcalf Avenue, a distance of 1,101.00 feet, to a point on the South line of BERKSHIRE RIDGE, a subdivision of land in Johnson County, Kansas; thence South 68°36'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 493.69 feet; thence South 43°23'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 208.00 feet; thence South 54°53'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 463.00 feet; thence South 80°18'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 277.03 feet, to the most Southwesterly Corner of said BERKSHIRE RIDGE subdivision, said point being on the West line of the Southeast Quarter of the Northeast Quarter of said Section 31; thence North 02°04'36" West, along said West line of the Southeast Quarter of the Northeast Quarter of said Section 31, a distance of 149.22 feet, to the Northwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 31; thence South 87°38'11" West, along the North line of the Southwest Quarter of the Northeast Quarter of said Section 31, a distance of 960.44 feet, to a point on the Easterly right-of-way line of U.S. 69 Highway, as now established; thence continuing South 87°38'11" West, along the North line of the Southwest Quarter of the Northeast Quarter of said Section 31, a distance of 203.05 feet, to a point on the centerline of said U.S. 69 Highway; thence North 02°30'35" East, along said centerline of U.S. 69 Highway, a distance of 1,328.75 feet, to the north line of said Section 31; thence east along the south

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line of Section 30, Township 14 South, Range 25 East to the southeast corner of said Section 30, said corner being on the center line of Metcalf Avenue as now established; thence northerly along the center line of Metcalf and its meander between Sections 29 and 30 and between Sections 19 and 20, and between Sections 17 and 18, all in Township 14 South, Range 25 East, to the southwest corner of the west half of the northwest quarter of said Section 17; thence east along the south line of the west half of the northwest quarter of said Section 17 to the southeast corner of the west half of the northwest quarter of said Section 17; thence north along the east line of the west half of the northwest quarter of said Section 17 to the northeast corner of the west half of the northwest quarter of said Section 17; thence east along the north line of the northwest quarter of said Section 17 to the northwest corner of the northeast quarter of said Section 17; thence south along the west line of the northeast quarter of said Section 17 to the southwest corner of the northeast quarter thereof; thence east along the south line of the northeast quarter of said Section 17 to the southeast corner of the west half of the northeast quarter of said Section 17; thence north along the east line of the west half of the northeast quarter of said Section 17 to the north line of said Section 17; thence east along the north line of the northeast quarter of said Section 17 to the northwest corner of Section 16, Township 14 South, Range 25 East; thence south along the west line of said Section 16 to the southwest corner of said Section 16; thence east along the south line of said Section 16 to the southwest corner of Tract "C", Wilderness Valley Fourth Plat, a subdivision of land in the City of Overland Park, Johnson County, Kansas; thence north along the west line of said Tract "C" to the northwest corner of said Tract "C", thence east and southeast along the north line of said Tract "C" to its intersection with the south line of said Section 16, thence east along the south line of said Section 16 to the west line of the east half of the southeast quarter of said Section 16; thence north and parallel to the east line of said Section 16 a distance of 1001.4 feet to a point on the north edge of the Camp Branch, a tributary to the Blue River; thence northeasterly along the northerly edge of Camp Branch to a point 6 feet southwesterly from the southwest bank of the Blue River; thence northerly along a line 6 feet south and west of the south and west bank of the Blue River to a point on the east line of the west half of the southeast quarter of said Section 16; thence north along the east line of the west half of the southeast quarter of said Section 16 to the center line of the Blue River; thence continuing north along the east line of the west half of the southeast quarter of said Section 16 to the northeast corner of the west half of the southeast quarter of said Section 16; thence east along the south line of northeast quarter of said Section 16 to its intersection with the west boundary of the Missouri Pacific Railway right of way; thence northeasterly along the west boundary of said right of way to its intersection with the east line of the northeast quarter of said Section 16; thence south along the east line of the northeast quarter of said Section 16 to the northwest corner of the southwest quarter of Section 15, Township 14 South, Range 25 East; thence South  $00^{\circ} 12' 55''$  West, along the west line of the southwest quarter of said Section 15 a distance of 825 feet; thence South  $80^{\circ} 14' 18''$  East along the north line of Orchard Hill Estates 2nd Plat, Lots 22, 23 & 24, a subdivision of land in Johnson County, Kansas, a distance of 169.06 feet; thence North  $27^{\circ} 46' 16''$  East a distance of

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Overland Park, Kansas 66210



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33.08 feet to the northwest corner of Lot 24 of said subdivision; thence North 89° 48' 32" East a distance of 107.78 feet to the northeast corner of said Lot 24; thence North 68° 32' 12" East a distance of 120.13 feet; thence South 48° 05' 26" East a distance of 211.11 feet to the northeast corner of Lot 22 of said subdivision; thence South 00° 12' 22" West a distance of 400.62 feet to a point on the north line of the southwest quarter of the southwest quarter of said Section 15; thence east along said north line to the northeast corner of the southwest quarter of the southwest quarter of said Section 15; thence south along the east line of the southwest quarter of the southwest quarter to the southeast corner of the southwest quarter of the southwest quarter of said Section 15; thence east along the south line of the southwest quarter and along the south line of the southeast quarter of said Section 15 to the southeast corner of the southeast quarter of said Section 15; thence north along the east line of the southeast quarter of said Section 15 to a point 678.14 feet north of the southwest corner of fractional Section 14, Township 14 South, Range 25 East; thence South 89° 26' 00" East, parallel with the south line of said fractional Section 14 a distance of 1034.93 feet to a point 60 feet west of the east line of said fractional Section 14; thence North 0° 02' 36" East along a line 60 feet west of and parallel to the east line of said fractional Section 14, a distance of 627.81 feet; thence South 89° 26' 00" East parallel with said south line a distance of 60 feet to the east line of said fractional Section 14; thence north along the east line of said fractional Section 14 to the southeast corner of the north 408 feet of said fractional Section 14; thence west along the south line of the north 408 feet of said fractional Section 14 to the southwest corner of the north 408 feet of said fractional Section 14; thence north along the east line of the southeast quarter of Section 15, Township 14 South, Range 25 East to the southeast corner of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15; thence west along the south line of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15 to the southwest corner of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15; thence north along the west line of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15 to the northwest corner of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15; thence west along the north line of the southeast quarter of said Section 15 to the southeast corner of Lot 55, River Ridge Farms West Sixth Plat, a subdivision of land in the City of Overland Park, Johnson County, Kansas; thence northwesterly along the east line of said Lot 55 to the northeast corner thereof; thence southwesterly along the northwesterly line of said Lot 55 to the southeasterly extension of the east line of Lot 56 of said River Ridge Farms West Sixth Plat; thence northwesterly along said extension and along the east line of said Lot 56 to the northeast corner of said Lot 56; thence northwesterly along the north line of Lots 56, 57, and 58 of said River Ridge Farms West Sixth Plat to the northwest corner of said Lot 58; thence northwesterly along the northeasterly line of Lot 60 of said River Ridge Farms West Sixth Plat to the northernmost corner of said Lot 60; thence northwesterly along the north line of Lot 61 of said River Ridge Farms West Sixth Plat to the southeast corner of Lot 88 of said River Ridge Farms West Sixth Plat; thence north

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along the east line of said Lot 88 to the northeast corner of said Lot 88 and a point on the south right of way line of 162<sup>nd</sup> Street, as now established; thence west along the south right of way line of 162<sup>nd</sup> Street to the northwest corner of Lot 75 of said River Ridge Farms West Sixth Plat; thence southwesterly along the west line of said Lot 75 to the southwest corner of said Lot 75; thence northwesterly along the north line of Lot 74 of said River Ridge Farms West Sixth Plat to the northwest corner of said Lot 74; thence southwesterly along the west line of said Lot 74 to the southeasterly extension of the north line of Lot 32 of said River Ridge Farms West Sixth Plat; thence northwesterly along said extension and along the north line of said Lot 32 to the northwest corner of said Lot 32; thence northeasterly along the west line of Lots 22 and 21 in River Ridge Farms West Second Plat, a subdivision of land in Johnson County, Kansas, to the northwest corner of said Lot 21; thence north along the west lines of Lots 19 and 18 in said River Ridge Farms West Second Plat to the northwest corner of said Lot 18; thence west along the south plat line of Oakmont Estates, a subdivision of land in Johnson County, Kansas, to the northeast corner of Lot 25 of Oakmont Estates, a subdivision of land in Johnson County, Kansas; thence South 89° 09' 06" West, along the north line of said Lot 25, a distance of 6.44 feet; thence continuing westerly and southwesterly along the northerly line of said Lot 25, around a curve to the left that is tangent with the exit of the last described course, having a radius of 80.00 feet, a distance of 103.89 feet; thence South 14° 44' 46" West, along the west line of said Lot 25, a distance of 18.63 feet; thence continuing southwesterly along the west line of Lots 25 and 26 of said Oakmont Estates, around a curve to the right that is tangent to the exit of the last described course, having a radius of 2,730.00 feet, a distance of 455.00 feet to the southwest corner of said Lot 26; thence South 65° 42' 17" East, along the south line of said Lot 26, a distance of 271.13 feet to the southeast corner of said Lot 26, said point being on the west line of the northeast quarter of said Section 15; thence south along the west line of the northeast quarter of said Section 15 to the southwest corner of the northeast quarter of said Section 15; thence south along the west line of the southeast quarter of said Section 15 to the northeast corner of the southeast quarter of the southwest quarter of said Section 15; thence west along the north line of the southeast quarter of the southwest quarter of said Section 15 a distance of 1181.03 feet to the southwest corner of Lot 48 of Oakmont Estates, a subdivision of land in Johnson County, Kansas; thence North 13° 54' 44" East a distance of 388.61 feet; thence North 76° 05' 16" West a distance of 64.00 feet; thence North 13° 54' 44" East a distance of 299.01 feet; thence North 69° 42' 01" West a distance of 76.76 feet; thence North 78° 30' 08" West a distance of 64.59 feet; thence North 66° 25' 18" West a distance of 389.03 feet; thence South 66° 30' 21" West a distance of 109.00 feet; thence South 49° 14' 16" West a distance of 100.22 feet; thence North 57° 12' 14" West a distance of 97.16 feet; thence South 82° 46' 17" West a distance of 198.84 feet; thence South 88° 42' 36" West a distance of 69.51 feet; thence North 17° 19' 43" East a distance of 327.34 feet; thence North 36° 11' 15" East a distance of 221.47 feet; thence North 22° 18' 31" East a distance of 71.97 feet; thence North 86° 45' 56" East a distance of 676.90 feet to the westerly right-of-way of Kranker Drive; thence northeasterly along a curve to the right having a radius of 130 feet and tangent to a course

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bearing North 30° 30' 47" East a distance of 132.35 feet; thence North 88° 50' 47" East a distance of 472.44 feet; thence southeasterly along a curve to the right having a radius of 250 feet with an initial tangent bearing of South 74° 53' 45" East a distance of 85.58 feet; thence southeasterly, northeasterly, and northwesterly along a curve to the left having a radius of 95 feet and being tangent to the last described course, a distance of 256.95 feet; thence North 30° 15' 08" West a distance of 141.10 feet; thence northwesterly and northeasterly along a curve to the right having a radius of 280 feet and being tangent to the last described course, a distance of 294.60 feet; thence North 30° 01' 55" East along a line being tangent to the last described course, a distance of 5.04 feet; thence northwesterly along a curve to the left having a radius of 2660 feet and being tangent to the last described course, a distance of 709.66 feet; thence North 14° 44' 46" East along a line being tangent to the last described course, a distance of 18.63 feet; thence northeasterly along a curve to the right having a radius of 150 feet and being tangent to the last described course, a distance of 194.79 feet; thence North 89° 09' 06" East a distance of 6.58 feet to the east line of the northwest quarter of said Section 15; thence North 00° 43' 56" West along said east line a distance of 619.06 feet to the center line of the Blue River, said point being the northwest corner of Lot 1, Oakmont Estates, a subdivision of land in Section 15, Township 14 South, Range 25 East, Johnson County, Kansas, said point also being 21.97 feet north of the northwest corner of the south half of the north half of the northeast quarter of said Section 15; thence South 84° 24' 34" East along the center line of the Blue River, 197.38 feet; thence South 66° 30' 05" East along said center line 378.14 feet; thence South 53° 50' 31" East along said center line, 161.01 feet; thence South 59° 44' 37" East along said center line 208.39 feet; thence due east along said center line 95.0 feet; thence North 56° 18' 36" East along said center line 162.25 feet; thence North 34° 56' 44" East along the center line of the Blue River, 101.26 feet; thence North 76° 40' 47" East along said center line, 113.82 feet; thence North 34° 19' 08" East along said center line, 125.53 feet; thence North 12° 39' 16" East along said center line, 65.42 feet to the intersection of the center line of the Blue River with the north line of the south half of the north half of the northeast quarter of said Section 15; thence north-northeasterly along said center line to a point on the north line of the northeast quarter of said Section 15; thence east along the north line of said Section 15 to the southeasterly corner of Tract A, Black Oak Estates, a subdivision of land in Section 10, Township 14 South, Range 25 East, Johnson County, Kansas, said point also being the southwest corner of Lot 2, Black Oak Estates; thence North 62° 01' 11" East along the southeasterly line of said Tract A a distance of 674.75 feet; thence North 40° 29' 04" East along the southeasterly line of said Tract A and its extension to the center line of Kenneth Road, said point also being on the southwesterly line of Lot 113, Mastin Gardens, a subdivision of land in said Section 10, now vacated; thence southeasterly along the southwesterly line of said Lot 113 to a point on the east line of said Section 10, said point being 700.15 feet north of the southeast corner of said Section 10; thence north along the east line of said Section 10 to a point on the center line of the Blue River, said point being the southwest corner of a Certificate of Survey for Hallisey Subdivision, a recorded survey of land in fractional Section 11, Township 14 South, Range 25 East, Johnson

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County, Kansas, recorded March 12, 1918, in Book 5 at Page 17, at the Johnson County Register of Deeds; thence along the meander of the center line of the Blue River to its point of intersection with the east line of the north half of said fractional Section 11; thence north along the east line of the north half of said fractional Section 11 a distance of 1731.6 feet to the northeast corner of said fractional Section 11; thence north along the east line of fractional Section 2, Township 14 South, Range 25 East to a point on the south line of the north 20 acres thereof; thence west along the south line of the north 20 acres of said fractional Section 2 to the west line of said fractional Section 2; thence south along the west line of said fractional Section 2 to the northeast corner of the south half of the southeast quarter of Section 3, Township 14 South, Range 25 East; thence west along the north line of the south half of the southeast quarter of said Section 3 to the west line of said southeast quarter; thence south along the west line of said southeast quarter to the southwest corner of said southeast quarter; thence east along the north line of the northeast quarter of Section 10, Township 14 South, Range 25 East, to its intersection with the northerly extension of the east line of the west 246.3 feet of Lot 31, MASTIN GARDENS, a subdivision in the City of Overland Park, Johnson County, Kansas, (now vacated); thence south along the east line of the west 246.3 feet of said Lot 31 and its extension to the south line of the northerly 50.0 feet of right of way of the St. Louis San Francisco Railway Co., as same was formerly located and constructed over and across the northwest quarter of the northeast quarter of said Section 10; thence west along the south line of northerly 50.0 feet of said right of way to the west line of the northeast quarter of said Section 10; thence south along the east line of the north 50 acres of the northwest quarter of Section 10, Township 14 South, Range 25 East, to the southeast corner of said north 50 acres; thence west along the south line of said north 50 acres a distance of 231.2 feet; thence south 1320 feet; thence South 89° 53' 15" West, parallel with the North line of the South 110 acres of the Northwest quarter of said Section 10 a distance of 1411.14 feet; thence North 23° 31' 14" West 174.61 feet; thence along a curve to the left having an initial tangent bearing of North 66° 28' 47" East and a radius of 325 feet, a distance of 91.68 feet; thence on a curve to the right having an initial tangent bearing of North 47° 40' 07" West and a radius of 225 feet, a distance of 50.13 feet; thence along a curve to the right having an initial tangent bearing of South 50° 36' 35" West and a radius of 275 feet, a distance of 203.94 feet; thence North 0° 54' 18" East a distance of 137.61 feet; thence North 15° 30' 00" West a distance of 113.00 feet; thence North 44° 12' 00" West a distance of 105.00 feet; thence North 73° 30' 00" West a distance of 116.00 feet; thence South 65° 00' 00" West a distance of 115.00 feet; thence North 8° 00' 00" West a distance of 83.00 feet; thence North 0° 09' 53" East a distance of 129.93 feet; thence North 89° 50' 07" West a distance of 225.32 feet; thence along a curve to the left having an initial tangent bearing of North 89° 50' 11" West and a radius of 225 feet, a distance of 63.85 feet; thence along a curve to the right having an initial tangent bearing of South 73° 54' 16" West and a radius of 200 feet, a distance of 56.76 feet; thence North 89° 50' 07" West a distance of 110 feet to a point on the west line of the northwest quarter of said Section 10; thence south along the west line of the northwest quarter of said Section 10 to the southwest corner of the northwest quarter of said Section 10; thence west along the south

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line of the northeast quarter of Section 9, Township 14 South, Range 25 East to the northeast corner of the southwest quarter of said Section 9; thence west along the north line of said southwest quarter to a point 230 feet east of the northwest corner of the southwest quarter of said Section 9; thence north and parallel to the west line of the northwest quarter of said Section 9 a distance of 189 feet; thence west to the east line of the northeast quarter of Section 8, Township 14 South, Range 25 East; thence north along the east line of said northeast quarter, to the northeast corner of the northeast quarter of said Section 8; thence west along the north line of the northeast quarter of said Section 8 to the southeast corner of the southwest quarter of the southeast quarter of Section 5, Township 14 South, Range 25 East; thence north along the east line of the southwest quarter of the southeast quarter of said Section 5 to the northeast corner thereof, said point also being the southwest corner of the northeast quarter of the southeast quarter of said Section 5; thence east along the south line of the northeast quarter of the southeast quarter of said Section 5 to the southeast corner of the northeast quarter of the southeast quarter of said Section 5; thence north along the east line of said Section 5 to the northeast corner of said Section 5 and continuing northerly along the east line of Section 32, Township 13 South, Range 25 East to the northwest corner of the southwest quarter of the southwest quarter of Section 33, Township 13 South, Range 25 East; thence east along the north line of the south half of the southwest quarter of said Section 33 to the northeast corner of the southeast quarter of the southwest quarter of said Section 33; thence north along the east line of the southwest quarter of said Section 33 to the northeast corner of the southwest quarter of said Section 33; thence west along the north line of the southwest quarter of said Section 33 to the northwest corner of the southwest quarter of said Section 33; thence north along the west line of said Section 33 to the northwest corner of said Section 33; thence east along the north line of said Section 33 to the southwest corner of the southeast quarter of the southwest quarter of the southwest quarter of Section 28, Township 13 South, Range 25 East; thence north along the north-south center line of the southwest quarter of the southwest quarter of said Section 28 to the northwest corner of the northeast quarter of the southwest quarter of the southwest quarter of said Section 28; thence east along the north line of the southwest quarter of the southwest quarter of said Section 28 to the southwest corner of the northeast quarter of the southwest quarter of Section 28, Township 13 South, Range 25 East; thence north along the west line of said quarter quarter section to the northwest corner of the northeast quarter of the southwest quarter of said Section 28; thence west along the north line of the southwest quarter said Section 28 to the northwest corner of the southwest quarter of said Section 28; thence north along the west line of said Section 28 to the northwest corner of said Section 28 and continuing north along the west line of Section 21, Township 13 South, Range 25 East to the southwest corner of the northwest quarter of the southwest quarter of said Section 21; thence east along the south line of said quarter quarter section to a point in the center line of a creek now known as Tomahawk Creek; thence northeasterly, along the center line of said Tomahawk Creek to its intersection with the east line of the northwest quarter of said Section 21, said point being 170 feet north of the southeast corner of the northwest quarter of said Section 21; thence east along a line

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perpendicular to the west line of the northeast quarter of said Section 21, a distance of 150 feet; thence continuing along a line that deflects  $18^{\circ}$  to the left from the last described course, a distance of 115.51 feet; thence continuing along a line that deflects  $44^{\circ}$  to the left from the last described course, a distance of 198.8 feet; thence continuing along a line that deflects  $47^{\circ} 20'$  to the right from the last described course, a distance of 460.14 feet; thence continuing along a line that deflects  $57^{\circ} 10' 30''$  to the left from the last described course, a distance of 605.19 feet; thence continuing along a line that deflects  $18^{\circ} 05' 30''$  to the left from the last described course, a distance of 537.85 feet; thence continuing along a line that deflects  $90^{\circ}$  to the left from the last described course, a distance of 74.13 feet; thence continuing west along an extension of the last described course a distance of 418.72 feet; thence continuing along a line that deflects  $81^{\circ} 05' 26''$  to the right from the last described course a distance of 176.0 feet; thence continuing along a line that deflects  $83^{\circ} 51' 01''$  to the left from the last described course a distance of 470.65 feet to a point on the west line of the northeast quarter of said Section 21, said point being 1,762.6 feet north of the southwest corner of the northeast quarter of said Section 21; thence north along the west line of the northeast quarter of said Section 21, to the northwest corner of the northeast quarter of said Section 21, said point also being on the south line of Section 16, Township 13 South, Range 25 East; thence west along the south line of said Section 16 to the southwest corner thereof; thence north along the west line of Section 16, Township 13 South, Range 25 East, to the southwest corner of Section 9, Township 13 South, Range 25 East; thence east along the south line of said Section 9 to a point 1097.40 feet east of the southwest corner of the southeast quarter of said Section 9; thence North  $7^{\circ} 19' 30''$  East, along the center line of El Monte, a distance of 524.88 feet; thence North  $29^{\circ} 35' 40''$  East, a distance of 298.95 feet; thence North  $60^{\circ} 3' 30''$  East, a distance of 550.90 feet; thence North  $76^{\circ} 16'$  East, a distance of 54.10 feet; thence North  $77^{\circ} 24' 5''$  East, a distance of 357.48 feet; thence North  $59^{\circ} 13' 17''$  East, a distance of 170.89 feet; thence North  $75^{\circ} 13' 27''$  East, a distance of 335.57 feet to a point on the east line of said Section 9; thence north along the east line of said Section 9 and along the east line of Section 4 Township 13 South Range 25 East, said east line also being the center line of Mission Road, to the southwest corner of the northwest quarter of Section 3, Township 13 South, Range 25 East; thence east along the south line of said northwest quarter of Section 3 to the southeast corner thereof; thence north along the east line of the northwest quarter of said Section 3 to the north line thereof in 95th Street; thence west along the north line of said Sections 3 and 4 in 95th Street to the northwest corner of Section 4, Township 13 South, Range 25 East in Nall Avenue; thence north along the east line of Sections 32 and 29, Township 12 South, Range 25 East, in Nall Avenue to the northeast corner of the southeast quarter of said Section 29, in 83rd Street; thence west along the north line of the southeast quarter of said Section 29 in 83rd Street to the northwest corner of the southeast quarter of said Section 29 in Lamar Avenue; thence north along the east line of the northwest quarter of said Section 29 and along the east line of the southwest quarter of Section 20, Township 12 South, Range 25 East, in Lamar Avenue to the center line of 78th Street; thence west along the center line of said 78th Street to the northerly extension of the center line of Walmer Street; thence north

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along the northerly extension of Walmer Street to the center line of 77th Street; thence west along the center line of said 77th Street to its intersection with the center line of Walmer Street north of 77th Street; thence north along the center line of said Walmer Street to its intersection with the south line of the northwest quarter of Section 20, Township 12 South, Range 25 East, in 75th Street; thence east along the south line of the northwest quarter and along the south line of the northeast quarter of said Section 20, in 75th Street to a point 70 feet west of the east line of said Section 20; thence north along a line parallel to the east line of said Section 20, a distance of 30 feet; thence east along a line 30 feet north of and parallel to the east and west center line of said Section 20 to the east line of said Section 20 thereof in Nall Avenue; thence north along said east line in Nall Avenue to the northeast corner of said Section 20 in 71st Street; thence west along the north line of said Section 20 in 71st Street to its intersection with the center line of Reeds Street; thence north along the center line of said Reeds Street to its intersection with the center line of 69th Street; thence east along the center line of said 69th Street to its intersection with the east line of Section 17, Township 12 South, Range 25 East, in Nall Avenue; thence north along the east line of said Section 17 in Nall Avenue to the northeast corner of the southeast quarter of said Section 17 in 67th Street; thence west along the north line of the southeast quarter of said Section 17 in 67th Street to the center of said Section 17 in Lamar Avenue; thence north along the east line of the northwest quarter of said Section 17 in Lamar Avenue to the north line thereof; thence west along the north line of said Section 17 to its intersection with the center line of U.S. Highway No. 169 as now established, said point being the northwest corner of said Section 17; thence north and northwesterly along said center line of U. S. Highway No. 169 to its intersection with the north line of Mission Township, said line being the northwesterly right-of-way line of the St. Louis and San Francisco Railroad; thence northeasterly along said north line of Mission Township to the east line of Section 6, Township 12 South, Range 25 East; thence north to the point of beginning.

and also

A part of the north half of fractional Section 35, Township 14 South, Range 25 East and part of the northeast quarter of Section 34, Township 14 South, Range 25 East of which a portion of this tract is within the platted subdivision of HERITAGE TRAILS, including all of the now vacated Lots 10, 11, 12, and 13 and a portion of the now vacated Lot 9, Johnson County, Kansas, more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of the northeast quarter of said Section 34; thence South  $0^{\circ}15'27''$  East, along the east line of the southwest quarter of the northeast quarter of said Section 34, a distance of 1324.86 feet to the southeast corner of the west half of the northeast quarter of said Section 34; thence North  $89^{\circ}32'04''$  East, along the south line of the northeast quarter of said Section 34 and also along the south line of the north half of said fractional Section 35, a distance of 2378.80 feet to the southeast corner of the north half of said fractional Section 35, which is a point on the

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centerline of State Line Road; thence North  $0^{\circ}12'26''$  East, along the east line of the north half of said fractional Section 35 and also along the centerline of State Line Road, a distance of 179.77 feet to a point on the east line of the north half of said fractional Section 35; thence North  $0^{\circ}15'55''$  East, and continuing along the east line of the north half of said fraction Section 35 and also along the centerline of State Line Road, a distance of 1142.76 feet to a point; thence South  $89^{\circ}38'55''$  West a distance of 1314.81 feet to a point on the south line of the northeast quarter of the northeast quarter of said Section 34; thence North  $0^{\circ}15'55''$  East a distance of 100.01 feet; thence South  $89^{\circ}31'28''$  West, and parallel with the south line of the northeast quarter of the northeast quarter of said Section 34, a distance of 1077.16 feet to a point on the east line of the now vacated Lot 13 of said HERITAGE TRAILS subdivision and also the east line of the northwest quarter of the northeast quarter of said Section 34; thence North  $0^{\circ}28'32''$  West, along the east line of said now vacated Lot 13 of HERITAGE TRAILS subdivision and also along the east line of the northwest quarter of the northeast quarter of said Section 34, a distance of 180.00 feet to the northeast corner of said now vacated Lot 13 of HERITAGE TRAILS subdivision, said point also being the southeast corner of Lot 3 of HERITAGE TRAILS II, a recorded subdivision of land in Johnson County, Kansas; thence South  $89^{\circ}31'28''$  West, along the south line of said Lot 3 of HERITAGE TRAILS II subdivision, a distance of 365.38 feet; thence continuing along the south line of said Lot 3 of HERITAGE TRAILS II subdivision, along a curve to the right that is tangent with the exit of the last described course, with a radius of 670.12 feet, an arc distance of 235.00 feet; thence South  $89^{\circ}31'28''$  West, continuing along the south line of said Lot 3 of HERITAGE TRAILS II subdivision, a distance of 269.00 feet to the most southwesterly corner of said Lot 3 of HERITAGE TRAILS II subdivision, said point being on the easterly right-of-way line of Aberdeen Road as established on the recorded plat of said HERITAGE TRAILS subdivision; thence North  $49^{\circ}54'44''$  West, perpendicular to said easterly right-of-way, a distance of 30.00 feet to the centerline of said Aberdeen Road; thence South  $40^{\circ}05'16''$  West, along the centerline of said Aberdeen Road, a distance of 41.26 feet; thence continuing southwesterly and southerly along the centerline of said Aberdeen Road, around a curve to the left that is tangent with the exit of the last described course, with a radius of 405.90 feet, an arc distance of 287.36 feet; thence South  $0^{\circ}28'32''$  East, continuing along the centerline of said Aberdeen Road, a distance of 45.00 feet to a point on the south line of the northwest quarter of the northeast quarter of said Section 34; thence North  $89^{\circ}31'28''$  East along the south line of the northwest quarter of the northeast quarter of said Section 34 a distance of 1011.75 feet to the point of beginning.

and also

All that part of the Northeast Quarter of Section 34, Township 14 South, Range 25 East of the Sixth Principal Meridian and part of vacated HERITAGE TRAILS subdivision, all in Johnson County, Kansas, described as follows:

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Commencing at the Northeast corner of said Section 34; thence South 87°31'37" West, along the North line of the Northeast Quarter of said Section 34, a distance of 232.45 feet to the Point of Beginning; thence South 01°42'14" East, parallel with the East line of the North One-Half of Fractional Section 35, Township 14 South, Range 25 East of the Sixth Principal Meridian, a distance of 1,225.22 feet to a point 100.01 feet North of the South line of the Northeast Quarter of the Northeast Quarter of said Section 34; thence South 87°32'17" West, parallel with the South line of the Northeast Quarter of the Northeast Quarter of said Section 34, a distance of 1,076.64 feet to a point on the East line of vacated Lot 13, HERITAGE TRAILS; thence North 02°27'46" West, along the East line of said vacated Lot 13, HERITAGE TRAILS, a distance of 180.03 feet to the Northeast corner of said vacated Lot 13, HERITAGE TRAILS, said point also being a point on the South line of Lot 4, HERITAGE TRAILS III, a subdivision in Johnson County, Kansas; thence South 83°03'05" East, along the South line of said Lot 4, HERITAGE TRAILS III, a distance of 31.61 feet to the Southeast corner of said Lot 4; thence North 09°00'44" East, along the East line of said Lot 4, HERITAGE TRAILS III, a distance of 360.07 feet to the Northeast corner of said Lot 4; thence North 87°32'14" East, along the Easterly prolongation of the North line of said HERITAGE TRAILS III subdivision, a distance of 142.94 feet; thence Northwesterly along a curve to the left that is non-tangent with the exit of the last described course, having an initial tangent bearing of North 10°49'29" West, a central angle of 31°22'31", a radius of 275.00 feet, an arc distance of 150.59 feet; thence North 42°12'00" West a distance of 200.00 feet; thence Northwesterly along a curve to the left that is tangent with the exit of the last described course, having a central angle of 12°13'30", a radius of 375.00 feet, an arc distance of 80.02 feet to a point on the East line of HERITAGE TRAILS II, a subdivision in Johnson County, Kansas; thence North 02°27'46" West, along the East line of said HERITAGE TRAILS II, a distance of 351.93 feet to the Northeast corner of said HERITAGE TRAILS II, said point being on the North line of the Northeast Quarter of said Section 34; thence North 87°31'37" East, along the North line of the Northeast Quarter of said Section 34, a distance of 1,092.87 feet to the Point of Beginning.

and also

A tract of land in the northeast quarter of Section 34, Township 14 South, Range 25 East, and the north half of fractional Section 35, Township 14 South, Range 25 East, Johnson County, Kansas, being more particularly described as follows:

Beginning at the northeast corner of fractional Section 35, Township 14 South, Range 25 East, Johnson County, Kansas; thence South 00°15'55" West, along the east line of said fractional Section 35, 1,328.25 feet; thence South 89°38'55" West 1,314.81 feet; thence North 00°15'55" East 1,325.17 feet to a point on the north line of Section 34, Township 14 South, Range 25 East, said point being 232.45 feet west of the northeast corner of said

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Section 34; thence North 89°30'51" East, along said north line, 1,314.85 feet to the point of beginning.

and also

The southeast quarter of Section 34, Township 14 South, Range 25 East, in Johnson County, Kansas.

and also

The south half of fractional Section 35, Township 14 South, Range 25 East, in Johnson County, Kansas.

and also

The south one-half of the northwest quarter and the southwest quarter of the northeast quarter, all in Section 34, Township 14 South, Range 25 East, Johnson County, Kansas.

and also

The northeast quarter of Section 3, Township 15 South, Range 25 East and the north one-half of fractional Section 2, Township 15 South, Range 25 East and the south one-half of fractional Section 2, Township 15 South, Range 25 East, all in Johnson County, Kansas.

and also

The southeast quarter of the southwest quarter of Section 22, Township 14 South, Range 25 East, in Johnson County, Kansas.

and also

All of the southeast quarter of Section 22, Township 14 South, Range 25 East, in Johnson County, Kansas, except the following described tract:

Beginning at the southeast corner of said Section 22; thence north 193 feet; thence west 210 feet; thence south 193 feet; thence east to the point of beginning.

and also

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All of those parts of the northeast quarter of Section 22, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas, being more particularly described as follows:

All of the south 30.00 feet of the west 495.00 feet of the northeast quarter of said Section 22. The same being the 30.00 feet roadway right-of-way for 171<sup>st</sup> Street as shown on the plat of COUNTRY MEADOWS, a subdivision of record in Johnson County, Kansas.

and also: Beginning at a point on the south line of the northeast quarter of said Section 22 that is 985.08 feet west of the southeast corner of the northeast quarter of said Section 22, said point being the southwest corner of STONE HILL, a subdivision of record in Johnson County, Kansas; thence west, along the south line of the northeast quarter of said Section 22, a distance of 335.00 feet; thence north a distance 40.00 feet to a point on the north line of the South 40.00 feet of the northeast quarter of said Section 22; thence east, along the north line of the south 40.00 feet of the northeast quarter of said Section 22, a distance of the 335.00 feet to a point on the west line of said STONE HILL subdivision; thence south along the west line of said STONE HILL subdivision, a distance of 40.00 feet to the Point of Beginning. The same being the 40.00 feet of roadway right-of-way dedicated to the Board of County Commissioners, Johnson County, Kansas, by a Dedication of Public Road, Storm Drainage, and Utilities, recorded June 28, 1988, in Book 2817, at Page 211, at the Johnson County, Kansas, Register of Deeds Office.

and also: Beginning at the southeast corner of the northeast quarter of said Section 22, said point also being the southeast corner of STONE HILL, a subdivision of record in Johnson County, Kansas; thence South 89°45'24" West, along the south line of the northeast quarter of said Section 22, a distance of 985.08 to the southwest corner of said STONE HILL subdivision; thence North 00°00'46" East, along the west line of said STONE HILL subdivision, a distance of 40.00 feet to the north right-of-way line of 171<sup>st</sup> Street as shown on the plat of said STONE HILL subdivision; thence North 89°45'24" East, along a line that is 40.00 feet north of and parallel with the south line of the northeast quarter of said Section 22, a distance of 985.20 feet to a point on the east line of the northeast quarter of said Section 22 and the east line of said STONE HILL subdivision; thence South 00°10'58" West, along the east line of the northeast quarter of said Section 22 and the east line of said STONE HILL subdivision, a distance of 40.00 feet to the point of Beginning. The same being the 40.00 feet roadway right-of-way for 171<sup>st</sup> Street as shown on the plat of said STONE HILL subdivision.

and also

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All of the east 20.00 feet of the south 193.00 feet of the Southeast Quarter of Section 22, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

All of the south 20.00 feet of the east 210.00 feet of the southeast quarter of Section 22, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

All that part of the south half of the northeast quarter of Section 22, Township 14 South, Range 25 East, Johnson County, Kansas, being more particularly described as follows: Beginning at the southwest corner of the northeast quarter of said Section 22; thence North 89°45'00" East along the south line of said northeast quarter a distance of 495.00 feet to the true point of beginning; thence North 89°45'00" East along the south line of said northeast quarter a distance of 837.00 feet; thence North 0°00'00" East a distance of 1300.84 feet; thence South 89°46'10" West a distance of 837.00 feet; thence South 0°00'00" West a distance of 1301.12 feet to the true point of beginning.

and also

All of the south 40.00 feet of the west 60.00 feet of the northwest quarter of fractional Section 23, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

All of the west 60.00 feet of the southwest quarter of fractional Section 23, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

All of the south 40.00 feet of the southwest quarter of fractional Section 23, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

The northeast quarter of the northeast quarter; the south half of the northeast quarter; the east half of the southeast quarter; and the north half of the northwest quarter of the southeast quarter of Section 27; also all of fractional Section 26, all in Township 14 South, Range 25 East, in Johnson County, Kansas, except that part described as follows:

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Beginning at the southwest corner of the southeast quarter of the southeast quarter of Section 27, Township 14, Range 25; thence north 1978.5 feet; thence southeasterly in a straight line to the southeast corner of the southeast quarter of said Section 27; thence West 1316.7 feet to the point of beginning.

and also

Part of the northwest quarter and southwest quarter of Section 27, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas, more particularly described as follows: Beginning at the northeast corner of the northwest quarter of Section 27, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas; thence South  $01^{\circ}50'22''$  East, along the east line of said northwest quarter, a distance of 783.21 feet to the True Point of Beginning; thence continuing South  $01^{\circ}50'22''$  East, along the along the east line of said northwest quarter, a distance of 538.12 feet to the southeast corner of the northeast quarter of said northwest quarter; thence South  $87^{\circ}49'56''$  West, along the south line of the northeast quarter of said northwest quarter, a distance of 487.20 feet; thence North  $40^{\circ}10'10''$  East, a distance of 727.97 feet to the True Point of Beginning.

and also

The southeast quarter of the northwest quarter and the east half of the southwest quarter, all in Section 27, Township 14 South, Range 25 East, Johnson County, Kansas, except that part thereof platted as MISSION FALLS ESTATES, a subdivision in Johnson County, Kansas.

and also

The northwest quarter of the northeast quarter of Section 27, Township 14 South, Range 25 East, Johnson County, Kansas.

and also

All of the north 20.00 feet of the northeast quarter of the northwest quarter of Section 27, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

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## **Exhibit A**

### **City Boundary Description, October 2023:**

All that part of Sections 6, 7, 17, 18, 19, 20, 29, 30, 31, and 32 in Township 12 South, Range 25 East; and all that part of Sections 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 in Township 13 South, Range 25 East; and all that part of Sections 24, 25, 26, 35 and 36 in Township 12 South, Range 24 East; and all that part of Sections 1, 2, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36 in Township 13 South, Range 24 East; and all that part of Sections 1, 2, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36 in Township 14 South, Range 24 East; and all that part of fractional Sections 2, 11, 14, 23, 26, and 35 in Township 14 South, Range 25 East; and all that part of Sections 3, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 22, 27, 29, 30, 31, and 34 in Township 14 South, Range 25 East; and all that part of Sections 1, 2, 3, 4, and 12 in Township 15 South, Range 24 East; and all that part of fractional Section 2 in Township 15 South, Range 25 East; and all that part of Sections 3, 6, and 7 in Township 15 South, Range 25 East, all in Johnson County, Kansas, as prepared by Robert L. Ubben, Kansas Licensed Land Surveyor 1247, on October 17, 2023, described as follows:

Beginning at the northeast corner of Section 6, Township 12 South, Range 25 East in said Johnson County; thence west along the north line of said Section 6 to the northwest corner thereof; thence south along the west line of said Section 6 to a point 395.24 feet north of the southwest corner of said Section 6, said point also being the northwest corner of Hickory Hills No. 2 Lots 13 to 33 Inclusive, a subdivision of land in the City of Merriam, Johnson County, Kansas; thence east along the north line of said subdivision to the northeast corner of said subdivision, said point being on the east line of the southwest quarter of the southwest quarter of said Section 6; thence south along said east line of the southwest quarter of the southwest quarter to the southeast corner of the southwest quarter of the southwest quarter of said Section 6; thence east along the south line of the southwest quarter of said Section 6 to its intersection with the northerly extension of the center line of Lowell Street south of 55th Terrace, a distance of 1252.85 feet more or less; thence south along said northerly extension, and along the center line of said Lowell Street to its intersection with the north line of the southwest quarter of Section 7, Township 12 South, Range 25 East; thence east along north line of the southwest quarter of said Section 7 to the northeast corner of said southwest quarter; thence south along the east line of said southwest quarter to the south right-of-way line of 61st Street; thence east along the south right-of-way line of 61st Street, a distance of 80 feet; thence south along a line parallel to the east line of said southwest quarter a distance of 200 feet; thence west along a line parallel to the south right-of-way line of 61st Street, a distance of 80 feet, to the east line of the southwest quarter of said Section 7; thence south along the east line of said southwest quarter and along the east line of the northwest quarter of Section 18, Township 12 South, Range 25 East, to the southeast corner of said northwest

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quarter; thence west along the south line of said northwest quarter to the southwest corner of said northwest quarter; thence south along the west line of Sections 18 and 19 in Township 12 South, Range 25 East, to the southwest corner of the northwest quarter of said Section 19, said point also being on the center line of 75th Street; thence west along the north line of the southeast quarter of Section 24, Township 12 South, Range 24 East and continuing west along the north line of the southwest quarter of said Section 24 to the northwest corner of the southwest quarter of said Section 24; thence south along the west lines of Sections 24 and 25, Township 12 South, Range 24 East, to the northeast corner of the southeast quarter of the southeast quarter of Section 26, Township 12 South, Range 24 East; thence west along the north line of the southeast quarter of the southeast quarter of said Section 26 to the northwest corner of said quarter quarter section; thence south along the west line of said quarter quarter section to the southwest corner of said quarter quarter section; thence west along the north line of Section 35, Township 12 South, Range 24 East, to a point in the center line of Interstate Highway No. 35; thence southwesterly along the center line of said Interstate Highway No. 35 to a point where the west section line of said Section 35 intersects the center line of Interstate Highway No. 35; thence south along the west line of said Section 35 to the southwest corner of said Section 35; thence south along the west line of Section 2, Township 13 South, Range 24 East, to the southwest corner of said Section 2; thence west along the north line of Section 10, Township 13 South, Range 24 East, to the northwest corner of the northeast quarter of the northwest quarter of Section 10, Township 13 South, Range 24 East; thence south along the west line of said quarter quarter to the southwest corner of the northeast quarter of the northwest quarter of said Section 10; thence west along the north line of the southwest quarter of the northwest quarter of said Section 10, to the northwest corner of the southwest quarter of the northwest quarter of said Section 10; thence south along the west line of said Section 10 to a point where the west section line of said Section 10 intersects the southwesterly right-of-way line of Interstate Highway No. 435; thence southeasterly along the southwesterly right-of-way line of said Highway No. 435 to a point where the southwesterly right-of-way line intersects the north line of the southwest quarter of said Section 10; thence east along the north line of the southwest quarter of said Section 10 to the northeast corner of the west half of the southwest quarter of said Section 10; thence south along the east line of the west half of the southwest quarter of said Section 10 to the southeast corner of the west half of the southwest quarter of said Section 10; thence west along the south line of said Section 10 to the northwest corner of Section 15, Township 13 South, Range 24 East; thence south along the west line of Sections 15, 22, 27, and 34, Township 13 South, Range 24 East, to the southwest corner of said Section 34; thence east along the south line of Sections 34 and 35, Township 13 South, Range 24 East, to the northeast corner of the northwest quarter of the northwest quarter of Section 2, Township 14 South, Range 24 East; thence south along the east line of the west half of the northwest quarter of said Section 2 to the southwest corner of the northeast quarter of the northwest quarter of said Section 2; thence east along the south line of the northeast quarter of the northwest quarter of said Section 2 to the southeast corner of the northeast quarter of the northwest quarter of said Section 2; thence south

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along the east line of the northwest quarter of said Section 2 to the southeast corner of the northwest quarter of said Section 2; thence west along the south line of the northwest quarter of said Section 2 to the northeast corner of the northwest quarter of the southwest quarter of said Section 2; thence south along the east line of the northwest quarter of the southwest quarter of said Section 2 to the southeast corner of the northwest quarter of the southwest quarter of said Section 2; thence east along the north line of the southeast quarter of the southwest quarter of said Section 2 to the northeast corner of the southeast quarter of the southwest quarter of said Section 2; thence south along the east line of said southwest quarter to the southeast corner of the southwest quarter of said Section 2; thence west along the north line of Sections 11 and 10, Township 14 South, Range 24 East to the northeast corner of the northwest quarter of said Section 10; thence south along the east line of said northwest quarter to the southeast corner of said northwest quarter; thence west along the south line of said northwest quarter to a point 400 feet east of the southwest corner of the southeast quarter of the northwest quarter of said Section 10; thence south and parallel with the east line of the southwest quarter of said Section 10 to a point on the south line of said southwest quarter, said point being 1733.4 feet east of the southwest corner of the southwest quarter of said Section 10; thence westerly along the south line of said Section 10 to the southwest corner of said Section 10; thence south along the west line of Section 15, Township 14 South, Range 24 East to the southwest corner of said Section 15; thence south along the west line of Section 22, Township 14 South, Range 24 East, to the southwest corner of said Section 22; thence west along the north line of Section 28, Township 14 South, Range 24 East, to the northwest corner of said Section 28; thence south along the west line of said Section 28 to the southwest corner of said Section 28; thence east along the south line said Section 28 to its intersection with the northerly extension of the west right of way line of Pflumm Road in Section 33, Township 14 South, Range 24 East; thence south along the west right of way line of Pflumm Road and its southerly extension to the south line of said Section 33; thence south to the intersection of the south right of way line of 191<sup>st</sup> Street and the west right of way line of Pflumm Road in Section 4, Township 15 South, Range 24 East; thence east to the intersection of the south right of way line of 191<sup>st</sup> Street and the east right of way line of Pflumm Road in Section 3, Township 15 South, Range 24 East; thence east along the south right of way line of 191<sup>st</sup> Street to its intersection with the west right of way line of Quivira Road; thence east to the intersection of the south right of way line of 191<sup>st</sup> Street and the east right of way line of Quivira Road in Section 2, Township 15 South, Range 24 East; thence east along the south right of way line of 191<sup>st</sup> Street to its intersection with the west line of the east half of the northwest quarter of said Section 2; thence south along the west line of the east half of the northwest quarter of said Section 2 to the southwest corner of the east half of the northwest quarter of said Section 2; thence east along the south line of said northwest quarter and along the south line of the northeast quarter of said Section 2 to the southeast corner of the northeast quarter of said Section 2; thence north along the east line of the northeast quarter of said Section 2 to its intersection with the south right of way line of 191<sup>st</sup> Street in Section 1. Township 15 South, Range 24 East; thence east along the south right of way line of 191<sup>st</sup>

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Street to its intersection with the west right of way line of Antioch Road; thence south along the west right of way line of Antioch Road to its intersection with the north right of way line of 199<sup>th</sup> Street; thence south to the intersection of the south right of way line of 199<sup>th</sup> Street and the west right of way line of Antioch Road in Section 12, Township 15 South, Range 24 East; thence south along the west right of way line of Antioch Road to its intersection with the south line of the northeast quarter of said Section 12; thence east along the south line of the northeast quarter of said Section 12 to the southeast corner of the northeast quarter of said Section 12; thence east along the south line of the northwest quarter of Section 7, Township 15 South, Range 25 East, to the center line of U.S. 69 Highway; thence north along the center line of U.S. 69 Highway in said Section 7 and continuing north along said center line in Section 6, Township 15 South, Range 25 East, to the north line of said Section 6; thence North 02°30'35" East, continuing along said centerline of U.S. 69 Highway in Section 31, Township 14 South, Range 25 East, a distance of 3,415.67 feet; thence North 87°27'47" East a distance of 213.83 feet to a point on the Easterly right-of-way line of U.S. 69 Highway, as now established; thence continuing North 87°27'47" East a distance of 437.77 feet; thence South 02°04'39" East a distance of 38.14 feet; thence North 87°27'45" East a distance of 557.32 feet, to a point on the West line of the Southeast Quarter of the Northeast Quarter of said Section 31; thence South 02°04'36" East, along said West line, a distance of 60.17 feet, to the Southwest Corner of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31; thence North 87°32'59" East, along the South line of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31, a distance of 1,276.29 feet to a point on the West right-of-way line of Metcalf Avenue, as now established; thence North 02°02'23" West, along said West right-of-way line of Metcalf Avenue, a distance of 1,101.00 feet, to a point on the South line of BERKSHIRE RIDGE, a subdivision of land in Johnson County, Kansas; thence South 68°36'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 493.69 feet; thence South 43°23'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 208.00 feet; thence South 54°53'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 463.00 feet; thence South 80°18'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 277.03 feet, to the most Southwesterly Corner of said BERKSHIRE RIDGE subdivision, said point being on the West line of the Southeast Quarter of the Northeast Quarter of said Section 31; thence North 02°04'36" West, along said West line of the Southeast Quarter of the Northeast Quarter of said Section 31, a distance of 149.22 feet, to the Northwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 31; thence South 87°38'11" West, along the North line of the Southwest Quarter of the Northeast Quarter of said Section 31, a distance of 960.44 feet, to a point on the Easterly right-of-way line of U.S. 69 Highway, as now established; thence continuing South 87°38'11" West, along the North line of the Southwest Quarter of the Northeast Quarter of said Section 31, a distance of 203.05 feet, to a point on the centerline of said U.S. 69 Highway; thence North 02°30'35" East, along said centerline of U.S. 69 Highway, a distance of 1,328.75 feet, to the north line of said Section 31; thence east along the south

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line of Section 30, Township 14 South, Range 25 East to the southeast corner of said Section 30, said corner being on the center line of Metcalf Avenue as now established; thence northerly along the center line of Metcalf and its meander between Sections 29 and 30 and between Sections 19 and 20, and between Sections 17 and 18, all in Township 14 South, Range 25 East, to the southwest corner of the west half of the northwest quarter of said Section 17; thence east along the south line of the west half of the northwest quarter of said Section 17 to the southeast corner of the west half of the northwest quarter of said Section 17; thence north along the east line of the west half of the northwest quarter of said Section 17 to the northeast corner of the west half of the northwest quarter of said Section 17; thence east along the north line of the northwest quarter of said Section 17 to the northwest corner of the northeast quarter of said Section 17; thence south along the west line of the northeast quarter of said Section 17 to the southwest corner of the northeast quarter thereof; thence east along the south line of the northeast quarter of said Section 17 to the southeast corner of the west half of the northeast quarter of said Section 17; thence north along the east line of the west half of the northeast quarter of said Section 17 to the north line of said Section 17; thence east along the north line of the northeast quarter of said Section 17 to the northwest corner of Section 16, Township 14 South, Range 25 East; thence south along the west line of said Section 16 to the southwest corner of said Section 16; thence east along the south line of said Section 16 to the southwest corner of Tract "C", Wilderness Valley Fourth Plat, a subdivision of land in the City of Overland Park, Johnson County, Kansas; thence north along the west line of said Tract "C" to the northwest corner of said Tract "C", thence east and southeast along the north line of said Tract "C" to its intersection with the south line of said Section 16, thence east along the south line of said Section 16 to the west line of the east half of the southeast quarter of said Section 16; thence north and parallel to the east line of said Section 16 a distance of 1001.4 feet to a point on the north edge of the Camp Branch, a tributary to the Blue River; thence northeasterly along the northerly edge of Camp Branch to a point 6 feet southwesterly from the southwest bank of the Blue River; thence northerly along a line 6 feet south and west of the south and west bank of the Blue River to a point on the east line of the west half of the southeast quarter of said Section 16; thence north along the east line of the west half of the southeast quarter of said Section 16 to the center line of the Blue River; thence continuing north along the east line of the west half of the southeast quarter of said Section 16 to the northeast corner of the west half of the southeast quarter of said Section 16; thence east along the south line of northeast quarter of said Section 16 to its intersection with the west boundary of the Missouri Pacific Railway right of way; thence northeasterly along the west boundary of said right of way to its intersection with the east line of the northeast quarter of said Section 16; thence south along the east line of the northeast quarter of said Section 16 to the northwest corner of the southwest quarter of Section 15, Township 14 South, Range 25 East; thence South  $00^{\circ} 12' 55''$  West, along the west line of the southwest quarter of said Section 15 a distance of 825 feet; thence South  $80^{\circ} 14' 18''$  East along the north line of Orchard Hill Estates 2nd Plat, Lots 22, 23 & 24, a subdivision of land in Johnson County, Kansas, a distance of 169.06 feet; thence North  $27^{\circ} 46' 16''$  East a distance of

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33.08 feet to the northwest corner of Lot 24 of said subdivision; thence North 89° 48' 32" East a distance of 107.78 feet to the northeast corner of said Lot 24; thence North 68° 32' 12" East a distance of 120.13 feet; thence South 48° 05' 26" East a distance of 211.11 feet to the northeast corner of Lot 22 of said subdivision; thence South 00° 12' 22" West a distance of 400.62 feet to a point on the north line of the southwest quarter of the southwest quarter of said Section 15; thence east along said north line to the northeast corner of the southwest quarter of the southwest quarter of said Section 15; thence south along the east line of the southwest quarter of the southwest quarter to the southeast corner of the southwest quarter of the southwest quarter of said Section 15; thence east along the south line of the southwest quarter and along the south line of the southeast quarter of said Section 15 to the southeast corner of the southeast quarter of said Section 15; thence north along the east line of the southeast quarter of said Section 15 to a point 678.14 feet north of the southwest corner of fractional Section 14, Township 14 South, Range 25 East; thence South 89° 26' 00" East, parallel with the south line of said fractional Section 14 a distance of 1034.93 feet to a point 60 feet west of the east line of said fractional Section 14; thence North 0° 02' 36" East along a line 60 feet west of and parallel to the east line of said fractional Section 14, a distance of 627.81 feet; thence South 89° 26' 00" East parallel with said south line a distance of 60 feet to the east line of said fractional Section 14; thence north along the east line of said fractional Section 14 to the southeast corner of the north 408 feet of said fractional Section 14; thence west along the south line of the north 408 feet of said fractional Section 14 to the southwest corner of the north 408 feet of said fractional Section 14; thence north along the east line of the southeast quarter of Section 15, Township 14 South, Range 25 East to the southeast corner of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15; thence west along the south line of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15 to the southwest corner of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15; thence north along the west line of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15 to the northwest corner of the north 256.80 feet of the east 367.08 feet of the northeast quarter of the southeast quarter of said Section 15; thence west along the north line of the southeast quarter of said Section 15 to the southeast corner of Lot 55, River Ridge Farms West Sixth Plat, a subdivision of land in the City of Overland Park, Johnson County, Kansas; thence northwesterly along the east line of said Lot 55 to the northeast corner thereof; thence southwesterly along the northwesterly line of said Lot 55 to the southeasterly extension of the east line of Lot 56 of said River Ridge Farms West Sixth Plat; thence northwesterly along said extension and along the east line of said Lot 56 to the northeast corner of said Lot 56; thence northwesterly along the north line of Lots 56, 57, and 58 of said River Ridge Farms West Sixth Plat to the northwest corner of said Lot 58; thence northwesterly along the northeasterly line of Lot 60 of said River Ridge Farms West Sixth Plat to the northernmost corner of said Lot 60; thence northwesterly along the north line of Lot 61 of said River Ridge Farms West Sixth Plat to the southeast corner of Lot 88 of said River Ridge Farms West Sixth Plat; thence north

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along the east line of said Lot 88 to the northeast corner of said Lot 88 and a point on the south right of way line of 162<sup>nd</sup> Street, as now established; thence west along the south right of way line of 162<sup>nd</sup> Street to the northwest corner of Lot 75 of said River Ridge Farms West Sixth Plat; thence southwesterly along the west line of said Lot 75 to the southwest corner of said Lot 75; thence northwesterly along the north line of Lot 74 of said River Ridge Farms West Sixth Plat to the northwest corner of said Lot 74; thence southwesterly along the west line of said Lot 74 to the southeasterly extension of the north line of Lot 32 of said River Ridge Farms West Sixth Plat; thence northwesterly along said extension and along the north line of said Lot 32 to the northwest corner of said Lot 32; thence northeasterly along the west line of Lots 22 and 21 in River Ridge Farms West Second Plat, a subdivision of land in Johnson County, Kansas, to the northwest corner of said Lot 21; thence north along the west lines of Lots 19 and 18 in said River Ridge Farms West Second Plat to the northwest corner of said Lot 18; thence west along the south plat line of Oakmont Estates, a subdivision of land in Johnson County, Kansas, to the northeast corner of Lot 25 of Oakmont Estates, a subdivision of land in Johnson County, Kansas; thence South 89° 09' 06" West, along the north line of said Lot 25, a distance of 6.44 feet; thence continuing westerly and southwesterly along the northerly line of said Lot 25, around a curve to the left that is tangent with the exit of the last described course, having a radius of 80.00 feet, a distance of 103.89 feet; thence South 14° 44' 46" West, along the west line of said Lot 25, a distance of 18.63 feet; thence continuing southwesterly along the west line of Lots 25 and 26 of said Oakmont Estates, around a curve to the right that is tangent to the exit of the last described course, having a radius of 2,730.00 feet, a distance of 455.00 feet to the southwest corner of said Lot 26; thence South 65° 42' 17" East, along the south line of said Lot 26, a distance of 271.13 feet to the southeast corner of said Lot 26, said point being on the west line of the northeast quarter of said Section 15; thence south along the west line of the northeast quarter of said Section 15 to the southwest corner of the northeast quarter of said Section 15; thence south along the west line of the southeast quarter of said Section 15 to the northeast corner of the southeast quarter of the southwest quarter of said Section 15; thence west along the north line of the southeast quarter of the southwest quarter of said Section 15 a distance of 1181.03 feet to the southwest corner of Lot 48 of Oakmont Estates, a subdivision of land in Johnson County, Kansas; thence North 13° 54' 44" East a distance of 388.61 feet; thence North 76° 05' 16" West a distance of 64.00 feet; thence North 13° 54' 44" East a distance of 299.01 feet; thence North 69° 42' 01" West a distance of 76.76 feet; thence North 78° 30' 08" West a distance of 64.59 feet; thence North 66° 25' 18" West a distance of 389.03 feet; thence South 66° 30' 21" West a distance of 109.00 feet; thence South 49° 14' 16" West a distance of 100.22 feet; thence North 57° 12' 14" West a distance of 97.16 feet; thence South 82° 46' 17" West a distance of 198.84 feet; thence South 88° 42' 36" West a distance of 69.51 feet; thence North 17° 19' 43" East a distance of 327.34 feet; thence North 36° 11' 15" East a distance of 221.47 feet; thence North 22° 18' 31" East a distance of 71.97 feet; thence North 86° 45' 56" East a distance of 676.90 feet to the westerly right-of-way of Kranker Drive; thence northeasterly along a curve to the right having a radius of 130 feet and tangent to a course

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bearing North 30° 30' 47" East a distance of 132.35 feet; thence North 88° 50' 47" East a distance of 472.44 feet; thence southeasterly along a curve to the right having a radius of 250 feet with an initial tangent bearing of South 74° 53' 45" East a distance of 85.58 feet; thence southeasterly, northeasterly, and northwesterly along a curve to the left having a radius of 95 feet and being tangent to the last described course, a distance of 256.95 feet; thence North 30° 15' 08" West a distance of 141.10 feet; thence northwesterly and northeasterly along a curve to the right having a radius of 280 feet and being tangent to the last described course, a distance of 294.60 feet; thence North 30° 01' 55" East along a line being tangent to the last described course, a distance of 5.04 feet; thence northwesterly along a curve to the left having a radius of 2660 feet and being tangent to the last described course, a distance of 709.66 feet; thence North 14° 44' 46" East along a line being tangent to the last described course, a distance of 18.63 feet; thence northeasterly along a curve to the right having a radius of 150 feet and being tangent to the last described course, a distance of 194.79 feet; thence North 89° 09' 06" East a distance of 6.58 feet to the east line of the northwest quarter of said Section 15; thence North 00° 43' 56" West along said east line a distance of 619.06 feet to the center line of the Blue River, said point being the northwest corner of Lot 1, Oakmont Estates, a subdivision of land in Section 15, Township 14 South, Range 25 East, Johnson County, Kansas, said point also being 21.97 feet north of the northwest corner of the south half of the north half of the northeast quarter of said Section 15; thence South 84° 24' 34" East along the center line of the Blue River, 197.38 feet; thence South 66° 30' 05" East along said center line 378.14 feet; thence South 53° 50' 31" East along said center line, 161.01 feet; thence South 59° 44' 37" East along said center line 208.39 feet; thence due east along said center line 95.0 feet; thence North 56° 18' 36" East along said center line 162.25 feet; thence North 34° 56' 44" East along the center line of the Blue River, 101.26 feet; thence North 76° 40' 47" East along said center line, 113.82 feet; thence North 34° 19' 08" East along said center line, 125.53 feet; thence North 12° 39' 16" East along said center line, 65.42 feet to the intersection of the center line of the Blue River with the north line of the south half of the north half of the northeast quarter of said Section 15; thence north-northeasterly along said center line to a point on the north line of the northeast quarter of said Section 15; thence east along the north line of said Section 15 to the southeasterly corner of Tract A, Black Oak Estates, a subdivision of land in Section 10, Township 14 South, Range 25 East, Johnson County, Kansas, said point also being the southwest corner of Lot 2, Black Oak Estates; thence North 62° 01' 11" East along the southeasterly line of said Tract A a distance of 674.75 feet; thence North 40° 29' 04" East along the southeasterly line of said Tract A and its extension to the center line of Kenneth Road, said point also being on the southwesterly line of Lot 113, Mastin Gardens, a subdivision of land in said Section 10, now vacated; thence southeasterly along the southwesterly line of said Lot 113 to a point on the east line of said Section 10, said point being 700.15 feet north of the southeast corner of said Section 10; thence north along the east line of said Section 10 to a point on the center line of the Blue River, said point being the southwest corner of a Certificate of Survey for Hallisey Subdivision, a recorded survey of land in fractional Section 11, Township 14 South, Range 25 East, Johnson

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County, Kansas, recorded March 12, 1918, in Book 5 at Page 17, at the Johnson County Register of Deeds; thence along the meander of the center line of the Blue River to its point of intersection with the east line of the north half of said fractional Section 11; thence north along the east line of the north half of said fractional Section 11 a distance of 1731.6 feet to the northeast corner of said fractional Section 11; thence north along the east line of fractional Section 2, Township 14 South, Range 25 East to a point on the south line of the north 20 acres thereof; thence west along the south line of the north 20 acres of said fractional Section 2 to the west line of said fractional Section 2; thence south along the west line of said fractional Section 2 to the northeast corner of the south half of the southeast quarter of Section 3, Township 14 South, Range 25 East; thence west along the north line of the south half of the southeast quarter of said Section 3 to the west line of said southeast quarter; thence south along the west line of said southeast quarter to the southwest corner of said southeast quarter; thence east along the north line of the northeast quarter of Section 10, Township 14 South, Range 25 East, to its intersection with the northerly extension of the east line of the west 246.3 feet of Lot 31, MASTIN GARDENS, a subdivision in the City of Overland Park, Johnson County, Kansas, (now vacated); thence south along the east line of the west 246.3 feet of said Lot 31 and its extension to the south line of the northerly 50.0 feet of right of way of the St. Louis San Francisco Railway Co., as same was formerly located and constructed over and across the northwest quarter of the northeast quarter of said Section 10; thence west along the south line of northerly 50.0 feet of said right of way to the west line of the northeast quarter of said Section 10; thence south along the east line of the north 50 acres of the northwest quarter of Section 10, Township 14 South, Range 25 East, to the southeast corner of said north 50 acres; thence west along the south line of said north 50 acres a distance of 231.2 feet; thence south 1320 feet; thence South 89° 53' 15" West, parallel with the North line of the South 110 acres of the Northwest quarter of said Section 10 a distance of 1411.14 feet; thence North 23° 31' 14" West 174.61 feet; thence along a curve to the left having an initial tangent bearing of North 66° 28' 47" East and a radius of 325 feet, a distance of 91.68 feet; thence on a curve to the right having an initial tangent bearing of North 47° 40' 07" West and a radius of 225 feet, a distance of 50.13 feet; thence along a curve to the right having an initial tangent bearing of South 50° 36' 35" West and a radius of 275 feet, a distance of 203.94 feet; thence North 0° 54' 18" East a distance of 137.61 feet; thence North 15° 30' 00" West a distance of 113.00 feet; thence North 44° 12' 00" West a distance of 105.00 feet; thence North 73° 30' 00" West a distance of 116.00 feet; thence South 65° 00' 00" West a distance of 115.00 feet; thence North 8° 00' 00" West a distance of 83.00 feet; thence North 0° 09' 53" East a distance of 129.93 feet; thence North 89° 50' 07" West a distance of 225.32 feet; thence along a curve to the left having an initial tangent bearing of North 89° 50' 11" West and a radius of 225 feet, a distance of 63.85 feet; thence along a curve to the right having an initial tangent bearing of South 73° 54' 16" West and a radius of 200 feet, a distance of 56.76 feet; thence North 89° 50' 07" West a distance of 110 feet to a point on the west line of the northwest quarter of said Section 10; thence south along the west line of the northwest quarter of said Section 10 to the southwest corner of the northwest quarter of said Section 10; thence west along the south

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line of the northeast quarter of Section 9, Township 14 South, Range 25 East to the northeast corner of the southwest quarter of said Section 9; thence west along the north line of said southwest quarter to a point 230 feet east of the northwest corner of the southwest quarter of said Section 9; thence north and parallel to the west line of the northwest quarter of said Section 9 a distance of 189 feet; thence west to the east line of the northeast quarter of Section 8, Township 14 South, Range 25 East; thence north along the east line of said northeast quarter, to the northeast corner of the northeast quarter of said Section 8; thence west along the north line of the northeast quarter of said Section 8 to the southeast corner of the southwest quarter of the southeast quarter of Section 5, Township 14 South, Range 25 East; thence north along the east line of the southwest quarter of the southeast quarter of said Section 5 to the northeast corner thereof, said point also being the southwest corner of the northeast quarter of the southeast quarter of said Section 5; thence east along the south line of the northeast quarter of the southeast quarter of said Section 5 to the southeast corner of the northeast quarter of the southeast quarter of said Section 5; thence north along the east line of said Section 5 to the northeast corner of said Section 5 and continuing northerly along the east line of Section 32, Township 13 South, Range 25 East to the northwest corner of the southwest quarter of the southwest quarter of Section 33, Township 13 South, Range 25 East; thence east along the north line of the south half of the southwest quarter of said Section 33 to the northeast corner of the southeast quarter of the southwest quarter of said Section 33; thence north along the east line of the southwest quarter of said Section 33 to the northeast corner of the southwest quarter of said Section 33; thence west along the north line of the southwest quarter of said Section 33 to the northwest corner of the southwest quarter of said Section 33; thence north along the west line of said Section 33 to the northwest corner of said Section 33; thence east along the north line of said Section 33 to the southwest corner of the southeast quarter of the southwest quarter of the southwest quarter of Section 28, Township 13 South, Range 25 East; thence north along the north-south center line of the southwest quarter of the southwest quarter of said Section 28 to the northwest corner of the northeast quarter of the southwest quarter of the southwest quarter of said Section 28; thence east along the north line of the southwest quarter of the southwest quarter of said Section 28 to the southwest corner of the northeast quarter of the southwest quarter of Section 28, Township 13 South, Range 25 East; thence north along the west line of said quarter quarter section to the northwest corner of the northeast quarter of the southwest quarter of said Section 28; thence west along the north line of the southwest quarter said Section 28 to the northwest corner of the southwest quarter of said Section 28; thence north along the west line of said Section 28 to the northwest corner of said Section 28 and continuing north along the west line of Section 21, Township 13 South, Range 25 East to the southwest corner of the northwest quarter of the southwest quarter of said Section 21; thence east along the south line of said quarter quarter section to a point in the center line of a creek now known as Tomahawk Creek; thence northeasterly, along the center line of said Tomahawk Creek to its intersection with the east line of the northwest quarter of said Section 21, said point being 170 feet north of the southeast corner of the northwest quarter of said Section 21; thence east along a line

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perpendicular to the west line of the northeast quarter of said Section 21, a distance of 150 feet; thence continuing along a line that deflects  $18^{\circ}$  to the left from the last described course, a distance of 115.51 feet; thence continuing along a line that deflects  $44^{\circ}$  to the left from the last described course, a distance of 198.8 feet; thence continuing along a line that deflects  $47^{\circ} 20'$  to the right from the last described course, a distance of 460.14 feet; thence continuing along a line that deflects  $57^{\circ} 10' 30''$  to the left from the last described course, a distance of 605.19 feet; thence continuing along a line that deflects  $18^{\circ} 05' 30''$  to the left from the last described course, a distance of 537.85 feet; thence continuing along a line that deflects  $90^{\circ}$  to the left from the last described course, a distance of 74.13 feet; thence continuing west along an extension of the last described course a distance of 418.72 feet; thence continuing along a line that deflects  $81^{\circ} 05' 26''$  to the right from the last described course a distance of 176.0 feet; thence continuing along a line that deflects  $83^{\circ} 51' 01''$  to the left from the last described course a distance of 470.65 feet to a point on the west line of the northeast quarter of said Section 21, said point being 1,762.6 feet north of the southwest corner of the northeast quarter of said Section 21; thence north along the west line of the northeast quarter of said Section 21, to the northwest corner of the northeast quarter of said Section 21, said point also being on the south line of Section 16, Township 13 South, Range 25 East; thence west along the south line of said Section 16 to the southwest corner thereof; thence north along the west line of Section 16, Township 13 South, Range 25 East, to the southwest corner of Section 9, Township 13 South, Range 25 East; thence east along the south line of said Section 9 to a point 1097.40 feet east of the southwest corner of the southeast quarter of said Section 9; thence North  $7^{\circ} 19' 30''$  East, along the center line of El Monte, a distance of 524.88 feet; thence North  $29^{\circ} 35' 40''$  East, a distance of 298.95 feet; thence North  $60^{\circ} 3' 30''$  East, a distance of 550.90 feet; thence North  $76^{\circ} 16'$  East, a distance of 54.10 feet; thence North  $77^{\circ} 24' 5''$  East, a distance of 357.48 feet; thence North  $59^{\circ} 13' 17''$  East, a distance of 170.89 feet; thence North  $75^{\circ} 13' 27''$  East, a distance of 335.57 feet to a point on the east line of said Section 9; thence north along the east line of said Section 9 and along the east line of Section 4 Township 13 South Range 25 East, said east line also being the center line of Mission Road, to the southwest corner of the northwest quarter of Section 3, Township 13 South, Range 25 East; thence east along the south line of said northwest quarter of Section 3 to the southeast corner thereof; thence north along the east line of the northwest quarter of said Section 3 to the north line thereof in 95th Street; thence west along the north line of said Sections 3 and 4 in 95th Street to the northwest corner of Section 4, Township 13 South, Range 25 East in Nall Avenue; thence north along the east line of Sections 32 and 29, Township 12 South, Range 25 East, in Nall Avenue to the northeast corner of the southeast quarter of said Section 29, in 83rd Street; thence west along the north line of the southeast quarter of said Section 29 in 83rd Street to the northwest corner of the southeast quarter of said Section 29 in Lamar Avenue; thence north along the east line of the northwest quarter of said Section 29 and along the east line of the southwest quarter of Section 20, Township 12 South, Range 25 East, in Lamar Avenue to the center line of 78th Street; thence west along the center line of said 78th Street to the northerly extension of the center line of Walmer Street; thence north

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along the northerly extension of Walmer Street to the center line of 77th Street; thence west along the center line of said 77th Street to its intersection with the center line of Walmer Street north of 77th Street; thence north along the center line of said Walmer Street to its intersection with the south line of the northwest quarter of Section 20, Township 12 South, Range 25 East, in 75th Street; thence east along the south line of the northwest quarter and along the south line of the northeast quarter of said Section 20, in 75th Street to a point 70 feet west of the east line of said Section 20; thence north along a line parallel to the east line of said Section 20, a distance of 30 feet; thence east along a line 30 feet north of and parallel to the east and west center line of said Section 20 to the east line of said Section 20 thereof in Nall Avenue; thence north along said east line in Nall Avenue to the northeast corner of said Section 20 in 71st Street; thence west along the north line of said Section 20 in 71st Street to its intersection with the center line of Reeds Street; thence north along the center line of said Reeds Street to its intersection with the center line of 69th Street; thence east along the center line of said 69th Street to its intersection with the east line of Section 17, Township 12 South, Range 25 East, in Nall Avenue; thence north along the east line of said Section 17 in Nall Avenue to the northeast corner of the southeast quarter of said Section 17 in 67th Street; thence west along the north line of the southeast quarter of said Section 17 in 67th Street to the center of said Section 17 in Lamar Avenue; thence north along the east line of the northwest quarter of said Section 17 in Lamar Avenue to the north line thereof; thence west along the north line of said Section 17 to its intersection with the center line of U.S. Highway No. 169 as now established, said point being the northwest corner of said Section 17; thence north and northwesterly along said center line of U. S. Highway No. 169 to its intersection with the north line of Mission Township, said line being the northwesterly right-of-way line of the St. Louis and San Francisco Railroad; thence northeasterly along said north line of Mission Township to the east line of Section 6, Township 12 South, Range 25 East; thence north to the point of beginning.

and also

A part of the north half of fractional Section 35, Township 14 South, Range 25 East and part of the northeast quarter of Section 34, Township 14 South, Range 25 East of which a portion of this tract is within the platted subdivision of HERITAGE TRAILS, including all of the now vacated Lots 10, 11, 12, and 13 and a portion of the now vacated Lot 9, Johnson County, Kansas, more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of the northeast quarter of said Section 34; thence South  $0^{\circ}15'27''$  East, along the east line of the southwest quarter of the northeast quarter of said Section 34, a distance of 1324.86 feet to the southeast corner of the west half of the northeast quarter of said Section 34; thence North  $89^{\circ}32'04''$  East, along the south line of the northeast quarter of said Section 34 and also along the south line of the north half of said fractional Section 35, a distance of 2378.80 feet to the southeast corner of the north half of said fractional Section 35, which is a point on the

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centerline of State Line Road; thence North 0°12'26" East, along the east line of the north half of said fractional Section 35 and also along the centerline of State Line Road, a distance of 179.77 feet to a point on the east line of the north half of said fractional Section 35; thence North 0°15'55" East, and continuing along the east line of the north half of said fraction Section 35 and also along the centerline of State Line Road, a distance of 1142.76 feet to a point; thence South 89°38'55" West a distance of 1314.81 feet to a point on the south line of the northeast quarter of the northeast quarter of said Section 34; thence North 0°15'55" East a distance of 100.01 feet; thence South 89°31'28" West, and parallel with the south line of the northeast quarter of the northeast quarter of said Section 34, a distance of 1077.16 feet to a point on the east line of the now vacated Lot 13 of said HERITAGE TRAILS subdivision and also the east line of the northwest quarter of the northeast quarter of said Section 34; thence North 0°28'32" West, along the east line of said now vacated Lot 13 of HERITAGE TRAILS subdivision and also along the east line of the northwest quarter of the northeast quarter of said Section 34, a distance of 180.00 feet to the northeast corner of said now vacated Lot 13 of HERITAGE TRAILS subdivision, said point also being the southeast corner of Lot 3 of HERITAGE TRAILS II, a recorded subdivision of land in Johnson County, Kansas; thence South 89°31'28" West, along the south line of said Lot 3 of HERITAGE TRAILS II subdivision, a distance of 365.38 feet; thence continuing along the south line of said Lot 3 of HERITAGE TRAILS II subdivision, along a curve to the right that is tangent with the exit of the last described course, with a radius of 670.12 feet, an arc distance of 235.00 feet; thence South 89°31'28" West, continuing along the south line of said Lot 3 of HERITAGE TRAILS II subdivision, a distance of 269.00 feet to the most southwesterly corner of said Lot 3 of HERITAGE TRAILS II subdivision, said point being on the easterly right-of-way line of Aberdeen Road as established on the recorded plat of said HERITAGE TRAILS subdivision; thence North 49°54'44" West, perpendicular to said easterly right-of-way, a distance of 30.00 feet to the centerline of said Aberdeen Road; thence South 40°05'16" West, along the centerline of said Aberdeen Road, a distance of 41.26 feet; thence continuing southwesterly and southerly along the centerline of said Aberdeen Road, around a curve to the left that is tangent with the exit of the last described course, with a radius of 405.90 feet, an arc distance of 287.36 feet; thence South 0°28'32" East, continuing along the centerline of said Aberdeen Road, a distance of 45.00 feet to a point on the south line of the northwest quarter of the northeast quarter of said Section 34; thence North 89°31'28" East along the south line of the northwest quarter of the northeast quarter of said Section 34 a distance of 1011.75 feet to the point of beginning.

and also

All that part of the Northeast Quarter of Section 34, Township 14 South, Range 25 East of the Sixth Principal Meridian and part of vacated HERITAGE TRAILS subdivision, all in Johnson County, Kansas, described as follows:

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Commencing at the Northeast corner of said Section 34; thence South 87°31'37" West, along the North line of the Northeast Quarter of said Section 34, a distance of 232.45 feet to the Point of Beginning; thence South 01°42'14" East, parallel with the East line of the North One-Half of Fractional Section 35, Township 14 South, Range 25 East of the Sixth Principal Meridian, a distance of 1,225.22 feet to a point 100.01 feet North of the South line of the Northeast Quarter of the Northeast Quarter of said Section 34; thence South 87°32'17" West, parallel with the South line of the Northeast Quarter of the Northeast Quarter of said Section 34, a distance of 1,076.64 feet to a point on the East line of vacated Lot 13, HERITAGE TRAILS; thence North 02°27'46" West, along the East line of said vacated Lot 13, HERITAGE TRAILS, a distance of 180.03 feet to the Northeast corner of said vacated Lot 13, HERITAGE TRAILS, said point also being a point on the South line of Lot 4, HERITAGE TRAILS III, a subdivision in Johnson County, Kansas; thence South 83°03'05" East, along the South line of said Lot 4, HERITAGE TRAILS III, a distance of 31.61 feet to the Southeast corner of said Lot 4; thence North 09°00'44" East, along the East line of said Lot 4, HERITAGE TRAILS III, a distance of 360.07 feet to the Northeast corner of said Lot 4; thence North 87°32'14" East, along the Easterly prolongation of the North line of said HERITAGE TRAILS III subdivision, a distance of 142.94 feet; thence Northwesterly along a curve to the left that is non-tangent with the exit of the last described course, having an initial tangent bearing of North 10°49'29" West, a central angle of 31°22'31", a radius of 275.00 feet, an arc distance of 150.59 feet; thence North 42°12'00" West a distance of 200.00 feet; thence Northwesterly along a curve to the left that is tangent with the exit of the last described course, having a central angle of 12°13'30", a radius of 375.00 feet, an arc distance of 80.02 feet to a point on the East line of HERITAGE TRAILS II, a subdivision in Johnson County, Kansas; thence North 02°27'46" West, along the East line of said HERITAGE TRAILS II, a distance of 351.93 feet to the Northeast corner of said HERITAGE TRAILS II, said point being on the North line of the Northeast Quarter of said Section 34; thence North 87°31'37" East, along the North line of the Northeast Quarter of said Section 34, a distance of 1,092.87 feet to the Point of Beginning.

and also

A tract of land in the northeast quarter of Section 34, Township 14 South, Range 25 East, and the north half of fractional Section 35, Township 14 South, Range 25 East, Johnson County, Kansas, being more particularly described as follows:

Beginning at the northeast corner of fractional Section 35, Township 14 South, Range 25 East, Johnson County, Kansas; thence South 00°15'55" West, along the east line of said fractional Section 35, 1,328.25 feet; thence South 89°38'55" West 1,314.81 feet; thence North 00°15'55" East 1,325.17 feet to a point on the north line of Section 34, Township 14 South, Range 25 East, said point being 232.45 feet west of the northeast corner of said

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Affinis Corp  
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Overland Park, Kansas 66210



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Section 34; thence North 89°30'51" East, along said north line, 1,314.85 feet to the point of beginning.

and also

The southeast quarter of Section 34, Township 14 South, Range 25 East, in Johnson County, Kansas.

and also

The south half of fractional Section 35, Township 14 South, Range 25 East, in Johnson County, Kansas.

and also

The south one-half of the northwest quarter and the southwest quarter of the northeast quarter, all in Section 34, Township 14 South, Range 25 East, Johnson County, Kansas.

and also

The northeast quarter of Section 3, Township 15 South, Range 25 East and the north one-half of fractional Section 2, Township 15 South, Range 25 East and the south one-half of fractional Section 2, Township 15 South, Range 25 East, all in Johnson County, Kansas.

and also

The southeast quarter of the southwest quarter of Section 22, Township 14 South, Range 25 East, in Johnson County, Kansas.

and also

All of the southeast quarter of Section 22, Township 14 South, Range 25 East, in Johnson County, Kansas, except the following described tract:

Beginning at the southeast corner of said Section 22; thence north 193 feet; thence west 210 feet; thence south 193 feet; thence east to the point of beginning.

and also

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All of those parts of the northeast quarter of Section 22, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas, being more particularly described as follows:

All of the south 30.00 feet of the west 495.00 feet of the northeast quarter of said Section 22. The same being the 30.00 feet roadway right-of-way for 171<sup>st</sup> Street as shown on the plat of COUNTRY MEADOWS, a subdivision of record in Johnson County, Kansas.

and also: Beginning at a point on the south line of the northeast quarter of said Section 22 that is 985.08 feet west of the southeast corner of the northeast quarter of said Section 22, said point being the southwest corner of STONE HILL, a subdivision of record in Johnson County, Kansas; thence west, along the south line of the northeast quarter of said Section 22, a distance of 335.00 feet; thence north a distance 40.00 feet to a point on the north line of the South 40.00 feet of the northeast quarter of said Section 22; thence east, along the north line of the south 40.00 feet of the northeast quarter of said Section 22, a distance of the 335.00 feet to a point on the west line of said STONE HILL subdivision; thence south along the west line of said STONE HILL subdivision, a distance of 40.00 feet to the Point of Beginning. The same being the 40.00 feet of roadway right-of-way dedicated to the Board of County Commissioners, Johnson County, Kansas, by a Dedication of Public Road, Storm Drainage, and Utilities, recorded June 28, 1988, in Book 2817, at Page 211, at the Johnson County, Kansas, Register of Deeds Office.

and also: Beginning at the southeast corner of the northeast quarter of said Section 22, said point also being the southeast corner of STONE HILL, a subdivision of record in Johnson County, Kansas; thence South 89°45'24" West, along the south line of the northeast quarter of said Section 22, a distance of 985.08 to the southwest corner of said STONE HILL subdivision; thence North 00°00'46" East, along the west line of said STONE HILL subdivision, a distance of 40.00 feet to the north right-of-way line of 171<sup>st</sup> Street as shown on the plat of said STONE HILL subdivision; thence North 89°45'24" East, along a line that is 40.00 feet north of and parallel with the south line of the northeast quarter of said Section 22, a distance of 985.20 feet to a point on the east line of the northeast quarter of said Section 22 and the east line of said STONE HILL subdivision; thence South 00°10'58" West, along the east line of the northeast quarter of said Section 22 and the east line of said STONE HILL subdivision, a distance of 40.00 feet to the point of Beginning. The same being the 40.00 feet roadway right-of-way for 171<sup>st</sup> Street as shown on the plat of said STONE HILL subdivision.

and also

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Overland Park, Kansas 66210

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All of the east 20.00 feet of the south 193.00 feet of the Southeast Quarter of Section 22, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

All of the south 20.00 feet of the east 210.00 feet of the southeast quarter of Section 22, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

All that part of the south half of the northeast quarter of Section 22, Township 14 South, Range 25 East, Johnson County, Kansas, being more particularly described as follows: Beginning at the southwest corner of the northeast quarter of said Section 22; thence North 89°45'00" East along the south line of said northeast quarter a distance of 495.00 feet to the true point of beginning; thence North 89°45'00" East along the south line of said northeast quarter a distance of 837.00 feet; thence North 0°00'00" East a distance of 1300.84 feet; thence South 89°46'10" West a distance of 837.00 feet; thence South 0°00'00" West a distance of 1301.12 feet to the true point of beginning.

and also

All of the south 40.00 feet of the west 60.00 feet of the northwest quarter of fractional Section 23, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

All of the west 60.00 feet of the southwest quarter of fractional Section 23, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

All of the south 40.00 feet of the southwest quarter of fractional Section 23, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

and also

The northeast quarter of the northeast quarter; the south half of the northeast quarter; the east half of the southeast quarter; and the north half of the northwest quarter of the southeast quarter of Section 27; also all of fractional Section 26, all in Township 14 South, Range 25 East, in Johnson County, Kansas, except that part described as follows:

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Beginning at the southwest corner of the southeast quarter of the southeast quarter of Section 27, Township 14, Range 25; thence north 1978.5 feet; thence southeasterly in a straight line to the southeast corner of the southeast quarter of said Section 27; thence West 1316.7 feet to the point of beginning.

and also

Part of the northwest quarter and southwest quarter of Section 27, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas, more particularly described as follows: Beginning at the northeast corner of the northwest quarter of Section 27, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas; thence South  $01^{\circ}50'22''$  East, along the east line of said northwest quarter, a distance of 783.21 feet to the True Point of Beginning; thence continuing South  $01^{\circ}50'22''$  East, along the along the east line of said northwest quarter, a distance of 538.12 feet to the southeast corner of the northeast quarter of said northwest quarter; thence South  $87^{\circ}49'56''$  West, along the south line of the northeast quarter of said northwest quarter, a distance of 487.20 feet; thence North  $40^{\circ}10'10''$  East, a distance of 727.97 feet to the True Point of Beginning.

and also

The southeast quarter of the northwest quarter and the east half of the southwest quarter, all in Section 27, Township 14 South, Range 25 East, Johnson County, Kansas, except that part thereof platted as MISSION FALLS ESTATES, a subdivision in Johnson County, Kansas.

and also

The northwest quarter of the northeast quarter of Section 27, Township 14 South, Range 25 East, Johnson County, Kansas.

and also

All of the north 20.00 feet of the northeast quarter of the northwest quarter of Section 27, Township 14 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas.

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**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Resolution No. 4935 - Extend a pilot program for the use of E-Bikes and E-Scooters on bike and hike trails.

**POLICY ISSUE:**

Resolutions require approval of the City Council

**STAFF RECOMMENDATION:**

Staff recommends extending the e-bike and e-scooter pilot program through December 31, 2023 to allow Staff to present changes to the municipal code to permanently allow the use of e-bikes and e-scooters on City Parks and Recreation trails.

**PROPOSED MOTION:**

I move to recommend to the City Council adoption of Resolution No. 4935.

**BACKGROUND:**

Pursuant to O.P.M.C. Section 10.08.144, motorized vehicles are specifically prohibited from operating within any park areas of the City (including city bike-hike trails) except parking lots, access drives to parking lots, park streets or areas specifically established by the Director of Parks and Recreation for motor vehicle use.

In June of 2020, Overland Park adopted Resolution No. 4605 instituting a pilot program allowing Class I and Class III e-bikes to share the trails for a period of eighteen months. These two classes of e-bikes are pedal assisted and non motorized with a maximum speed of 28 mph. Overland Park has a posted speed limit for all bikes on the trail system of 20 mph.

At the end of the initial pilot program, staff recommended a second pilot program with the proposed inclusion of other e-mobility devices, such as e-scooters and Class II e-bikes. The inclusion of the Type II e-bikes in this second pilot program was intended to further expand the accessibility of the Overland Park bike/hike trail system. The Type II bikes do not require the rider to pedal and have a limited speed limit of 20 miles per hour.

This second pilot program was approved in November 2021 in Resolution No. 4754. City staff installed signs with the rules of the program along the trails to inform users of the pilot program and how they could provide their feedback. Citizens were asked to voice their opinions using the OPCares platform.

## **Agenda Item #12.**

The second pilot program was approved by Resolution No. 4754 and will expire on November 30, 2023.

Throughout both pilot programs, the feedback from the community and trail users has remained fairly evenly split. During the first pilot program, we received a total of thirty-nine comments, while during the second pilot program, we received sixteen. In total, we had fifty-five responses over the two pilot programs that spanned a forty-two-month period.

These comments broke down to include twenty-nine being in favor and twenty-six being opposed. Those in favor cited positives such as increased mobility at all ages, family time, and health. Those in favor of not having e-bikes and e-mobility devices cited dangerous riders, increased traffic, and speed. In fact, of the twenty-six that asked that Overland Park not continue the program, twenty-three cited speed in their reasoning.

City Staff requests direction from the Committee regarding whether to proceed with ordinance amendments concerning the use of electric-assisted bicycles and electric-assisted scooters on city bike-hike trails.

### **ATTACHMENTS:**

[Resolution No. 4605](#)

[Resolution No. 4754](#)

[Resolution No. 4935](#)

**RESOLUTION NO. 4605**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, TO ESTABLISH A PILOT PROGRAM FOR THE USE OF E-BIKES ON THE BIKE-HIKE TRAILS OF THE CITY OF OVERLAND PARK.**

WHEREAS, the past two years city staff has participated on a task force of the Kansas City Metropolitan Parks and Recreation Directors Association (KCMPRDA) consisting of professionals and leaders of parks and recreation agencies for the purpose of researching and discussing the issue of e-bikes, motorized scooters and motorized vehicles on park trails; and

WHEREAS, recognizing that many of the park trails throughout the metropolitan area are interconnected, the task force has recommended a collective position on this issue in order to strengthen the possibility of consistent regulations and to minimize confusion and conflict for trail users throughout the metropolitan area; and

WHEREAS, the task force collectively agreed that motorized scooters and motorized vehicles should not be permitted on park trails (*except as needed to address ADA needs*); and

WHEREAS, after reviewing information and research and consulting with staff at the Mid-America Regional Council, BikeWalk KC and local bike shops, and after reviewing the safety and risk considerations related to e-bikes, the task force determined that: (i) e-bikes are likely to continue as an increasing trend in the recreation industry and provide numerous benefits from transportation to recreation; and (ii) it is reasonable to conclude that a majority of the concerns related to e-bikes can be alleviated or minimized through appropriate regulations; and

WHEREAS, based on the task force's report, KCMPRDA recommends implementing a simple, yet measurable and enforceable series of regulations for trails across jurisdictions similar to the following: (i) prohibit motorized scooters (*unless approved through an OPDMD Policy*); (ii) allow e-bikes which are pedal assisted in nature (Types 1 and 3) to operate on trails, with each jurisdiction determining the type of trails on which e-bikes should be permitted; (iii) implement a maximum speed limit of 20 mph for all users; and (iv) encourage the use of proper trail etiquette through educational signage and other means, which includes slowing down when multiple users are on the path; and

WHEREAS, following a pilot program, Johnson County, Kansas Parks and Recreation Board has recently approved measures to allow e-bikes on all paved JCPRD trails, the State of Missouri currently allows Type 1 and 3 e-bikes on the Katy Trail, the Kansas Department of Wildlife, Parks & Tourism is moving forward with allowing e-bikes on its Rail Trails and State Park Trails, and several other cities in the metropolitan area are reviewing whether to allow e-bikes on their trails; and

WHEREAS, pursuant to O.P.M.C. Section 10.08.144, motorized vehicles are specifically prohibited from operating within any park areas of the City (*including city bike-hike trails*) except



## Agenda Item #12.

parking lots, access drives to parking lots, park streets or areas specifically established by the Director of Parks and Recreation for motor vehicle use; and

WHEREAS, based upon the discussions, research and recommendation of KCMPRDA and its task force, city staff recommends a pilot program within the City of Overland Park adopting the KCMPRDA recommendations with respect to e-bikes for a period of approximately 18 months in order to evaluate the use of e-bikes on city bike-hike trails.

### **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK:**

**Section 1.** A pilot program is hereby authorized to commence in order to allow the use of certain e-bikes on the bike-hike trails of the City of Overland Park, subject to the following:

- The pilot program will run from the date of adoption of this Resolution through November 30, 2021.
- Through the duration of the pilot program the following types of e-bikes are allowed on city bike-hike trails:
  - **Type 1:** bicycle with throttle assisted motor that provides assistance only when rider is pedaling (pedal assist) and ceases when the bicycle reaches 20 mph.
  - **Type 3:** bicycle with throttle assisted motor that provides assistance only when rider is pedaling (pedal assist) and ceases when the bicycle reaches 28 mph and is equipped with a speedometer.
- The pilot program does not include the following:
  - **Type 2:** bicycle with motor that may be used exclusively to propel a bicycle (without rider pedalling) but is not capable of providing assistance when the bicycle reaches 20 mph.
  - Motorized scooters (*electronic or otherwise*)
  - Other motorized vehicles such as golf carts, ATVs or other fuel-powered devices
- Under the direction of the Director of Parks and Recreation, city staff shall prepare, install and/or utilize any appropriate signage or other means of education to:
  - inform the public about the pilot program;
  - establish a maximum speed limit for all users; and
  - encourage the use of proper trail etiquette, which includes slowing down when multiple users are on the path.

Speed limits should be set to be appropriate for each specific trail or portion of the trail, accounting for matters such as trail width, capacity and design, but in no event shall any maximum speed limit exceed 20 mph.

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- At the end of the pilot program, the Director of Parks and Recreation and his staff should prepare a report on the pilot program for the City Council’s Community Development Committee, which may or may not include a recommendation of whether to proceed with an ordinance amendment concerning the use of e-bikes on city bike-hike trails.

**Section 2.** For the duration of the pilot program, there shall be a stay on the enforcement and application of O.P.M.C. Section 10.08.144 with respect to Class 1 and Class 3 e-bikes that comply with the provisions of pilot program as set out in Section 1 above.

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED AND SIGNED by the Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF OVERLAND PARK, KANSAS**

(SEAL)

\_\_\_\_\_  
Carl Gerlach, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth Kelley  
City Clerk

(s) Stephen B. Horner  
Stephen B. Horner  
Senior Assistant City Attorney



**RESOLUTION NO. 4754**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, TO ESTABLISH A PILOT PROGRAM FOR THE USE OF E-BIKES AND E-SCOOTERS ON THE BIKE-HIKE TRAILS OF THE CITY OF OVERLAND PARK.**

WHEREAS, during 2018 and 2019 city staff participated on a task force of the Kansas City Metropolitan Parks and Recreation Directors Association (KCMPRDA) consisting of professionals and leaders of parks and recreation agencies for the purpose of researching and discussing the issue of e-bikes, motorized scooters and motorized vehicles on park trails; and

WHEREAS, after reviewing information and research and consulting with staff at the Mid-America Regional Council, BikeWalk KC and local bike shops, and after reviewing the safety and risk considerations related to e-bikes, the task force determined that: (i) e-bikes are likely to continue as an increasing trend in the recreation industry and provide numerous benefits from transportation to recreation; and (ii) it is reasonable to conclude that a majority of the concerns related to e-bikes can be alleviated or minimized through appropriate regulations; and

WHEREAS, based on the task force's report, KCMPRDA recommended implementing a simple, yet measurable and enforceable series of regulations for trails across jurisdictions similar to the following: (i) prohibit motorized scooters (*unless approved through an OPDMD Policy*); (ii) allow e-bikes which are pedal assisted in nature (Types 1 and 3) to operate on trails, with each jurisdiction determining the type of trails on which e-bikes should be permitted; (iii) implement a maximum speed limit of 20 mph for all users; and (iv) encourage the use of proper trail etiquette through educational signage and other means, which includes slowing down when multiple users are on the path; and

WHEREAS, following a 2019 pilot program, Johnson County, Kansas Parks and Recreation Board allows e-bikes on all paved JCPRD trails, the State of Missouri allows e-bikes on the Katy Trail and most other multi-use trails, the Kansas Department of Wildlife, Parks & Tourism allows e-bikes on its Rail Trails and State Park Trails, and several other cities in the metropolitan area now allow e-bikes on their trails; and

WHEREAS, pursuant to O.P.M.C. Section 10.08.144, motorized vehicles are specifically prohibited from operating within any park areas of the City (*including city bike-hike trails*) except parking lots, access drives to parking lots, park streets or areas specifically established by the Director of Parks and Recreation for motor vehicle use; and

WHEREAS, based upon city staff recommendation and the 2019 discussions, research and recommendation of KCMPRDA and its task force, the City Council adopted City Resolution No. 4605 establishing a pilot program within the City of Overland Park adopting the KCMPRDA recommendations with respect to e-bikes for a period of approximately 18 months (through November 30, 2021) in order to evaluate the use of e-bikes on city bike-hike trails; and

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WHEREAS, the City has been approached by private companies wishing to deploy shared electric scooter (e-scooter) networks within the City; and

WHEREAS, on October 5, 2021, city staff provided a report to the City Council's Community Development Committee on the (initial) e-bike pilot program established by City Resolution No. 4605, as well as a report on the State's regulatory changes regarding electric-assisted bicycles and electric-assisted scooters, the City's ongoing discussions and negotiations with a city-wide e-scooter provider, and other related research regarding e-mobility; and

WHEREAS, at the October 5 Community Development Committee meeting city staff made a recommendation to extend the pilot program for the use of e-bikes on city bike-hike trails for an additional 2 years, and to modify and extend the pilot program to also include the use of Type 2 electric-assisted bicycles and electric-assisted scooters.

### **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK:**

**Section 1.** A pilot program is hereby authorized to commence in order to allow the use of electric-assisted (e-bikes) and electric-assisted scooters (e-scooters) on the bike-hike trails of the City of Overland Park, subject to the following:

- The pilot program will run from the date of adoption of this Resolution through November 30, 2023.
- Through the duration of the pilot program the following types of electric-assisted bicycles and electric-assisted scooters are allowed on city bike-hike trails:
  - **Type 1 Electric-assisted Bicycle:** bicycle with throttle assisted motor that provides assistance only when rider is pedaling (pedal assist) and ceases when the bicycle reaches 20 mph.
  - **Type 2 Electric-assisted Bicycle:** bicycle with motor that may be used exclusively to propel a bicycle (without rider pedalling) but is not capable of providing assistance when the bicycle reaches 20 mph.
  - **Type 3 Electric-assisted Bicycle:** bicycle with throttle assisted motor that provides assistance only when rider is pedaling (pedal assist) and ceases when the bicycle reaches 28 mph and is equipped with a speedometer.
  - **Electric-assisted Scooter.** Every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake, and a deck that is designed to be stood upon when riding.

In addition to the above, the Director is authorized to further include additional forms of e-mobility devices similar to and consistent with the above four items and that are not specifically excluded by the following subsection.

- The pilot program does not include the following:

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- Any purported electric-assisted bicycles with motors that do not meet the definitions of Type 1, 2 or 3 above and/or that are designed to exceed the maximum speeds of the same.
- Mopeds or motorized scooters (electronic or otherwise) (*not including electric-assisted scooters as specifically defined above*)
- Other motorized vehicles (electronic or otherwise) such as golf carts, ATVs, motorcycles, autocycles, electric personal assistive mobility devices (e.g., segways), or other fuel-powered devices.
- Under the direction of the Director of Parks and Recreation, city staff shall prepare, install and/or utilize any appropriate signage or other means of education to:
  - inform the public about the pilot program;
  - establish a maximum speed limit for all users; and
  - encourage the use of proper trail etiquette, which includes slowing down when multiple users are on the path.

Speed limits should be set to be appropriate for each specific trail or portion of the trail, accounting for matters such as trail width, capacity and design, but in no event shall any maximum speed limit on any city trail exceed 20 mph.

- At the end of the pilot program, the Director of Parks and Recreation and his staff should prepare a report on the pilot program for the City Council's Community Development Committee, which may or may not include a recommendation of whether to proceed with an ordinance amendment concerning the use of electric-assisted bicycles and electric-assisted scooters on city bike-hike trails.

**Section 2.** For the duration of the pilot program, there shall be a stay on the enforcement and application of O.P.M.C. Section 10.08.144 with respect to Class 1, Class 2 and Class 3 electric-assisted bicycles and with respect to electric-assisted scooters that comply with the provisions of pilot program as set out in Section 1 above.

Section 3. City Resolution No. 4605 establishing the initial pilot program is hereby rescinded.

*[Remainder of page intentionally left blank.]*



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ADOPTED by the City Council this 15th day of November, 2021.

APPROVED AND SIGNED by the Mayor on this 15th day of November, 2021.

**CITY OF OVERLAND PARK, KANSAS**

(SEAL)

\_\_\_\_\_  
Carl Gerlach, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth Kelley  
City Clerk

(s) Stephen B. Horner  
\_\_\_\_\_  
Stephen B. Horner  
Senior Assistant City Attorney

**RESOLUTION NO. 4935**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, TO EXTEND A PILOT PROGRAM FOR THE USE OF E-BIKES AND E-SCOOTERS ON THE BIKE-HIKE TRAILS OF THE CITY OF OVERLAND PARK.**

WHEREAS, pursuant to O.P.M.C. Section 10.08.144, motorized vehicles are specifically prohibited from operating within any park areas of the City (*including city bike-hike trails*) except parking lots, access drives to parking lots, park streets or areas specifically established by the Director of Parks and Recreation for motor vehicle use; and

WHEREAS, the City Council previously adopted City Resolution No. 4605 establishing a pilot program within the City of Overland Park with respect to e-bikes for a period of approximately 18 months (through November 30, 2021) in order to evaluate the use of e-bikes on city bike-hike trails; and

WHEREAS, the City Council then adopted City Resolution No. 4754 extending the pilot program for the use of e-bikes on city bike-hike trails for an additional 2 years, and to modify and extend the pilot program to also include the use of Type 2 electric- assisted bicycles and electric-assisted scooters; and

WHEREAS, the City Council wishes to extend the pilot program established in City Resolution No. 4754 through December 31, 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK:**

**Section 1.** A supplemental pilot program is hereby authorized to commence in order to allow the use of electric-assisted (e-bikes) and electric-assisted scooters (e-scooters) on the bike-hike trails of the City of Overland Park, subject to the following:

- The supplemental pilot program will run from December 1, 2023 through December 31, 2023.
- Through the duration of the supplemental pilot program the following types of electric-assisted bicycles and electric-assisted scooters are allowed on city bike-hike trails:
  - **Type 1 Electric-assisted Bicycle:** bicycle with throttle assisted motor that provides assistance only when rider is pedaling (pedal assist) and ceases when the bicycle reaches 20 mph.
  - **Type 2 Electric-assisted Bicycle:** bicycle with motor that may be used exclusively to propel a bicycle (without rider pedaling) but is not capable of providing assistance when the bicycle reaches 20 mph.
  - **Type 3 Electric-assisted Bicycle:** bicycle with throttle assisted motor that provides

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assistance only when rider is pedaling (pedal assist) and ceases when the bicycle reaches 28 mph and is equipped with a speedometer.

- **Electric-assisted Scooter:** Every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake, and a deck that is designed to be stood upon when riding.

In addition to the above, the Director is authorized to further include additional forms of e-mobility devices similar to and consistent with the above four items and that are not specifically excluded by the following subsection.

- The supplemental pilot program does not include the following:
  - Any purported electric-assisted bicycles with motors that do not meet the definitions of Type 1, 2 or 3 above and/or that are designed to exceed the maximum speeds of the same.
  - Mopeds or motorized scooters (electronic or otherwise) (*not including electric-assisted scooters as specifically defined above*)
  - Other motorized vehicles (electronic or otherwise) such as golf carts, ATVs, motorcycles, autocycles, electric personal assistive mobility devices (e.g., segways), or other fuel-powered devices.
- Under the direction of the Director of Parks and Recreation, city staff shall prepare, install and/or utilize any appropriate signage or other means of education to:
  - inform the public about the pilot program;
  - establish a maximum speed limit for all users; and
  - encourage the use of proper trail etiquette, which includes slowing down when multiple users are on the path.

Speed limits should be set to be appropriate for each specific trail or portion of the trail, accounting for matters such as trail width, capacity and design, but in no event shall any maximum speed limit on any city trail exceed 20 mph.

**Section 2.** For the duration of the supplemental pilot program, there shall be a stay on the enforcement and application of O.P.M.C. Section 10.08.144 with respect to Class 1, Class 2 and Class 3 electric-assisted bicycles and with respect to electric-assisted scooters that comply with the provisions of supplemental pilot program as set out in Section 1 above.

*[Reminder of Page Intentionally Left Blank.]*

Agenda Item #12.

ADOPTED by the City Council this \_\_\_\_th day of November, 2023.

APPROVED AND SIGNED by the Mayor on this \_\_\_\_th day of November, 2023.

CITY OF OVERLAND PARK, KANSAS

(SEAL)

\_\_\_\_\_  
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth Kelley  
City Clerk

\_\_\_\_\_  
(s) Trevor Stiles  
Trevor L. Stiles  
Senior Assistant City Attorney





**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Resolution No. 4934 - Authorizing the establishment of a common consumption area generally located in the vicinity of 7313 W. 80th Street, allowing the consumption of alcoholic liquor on property not otherwise subject to a license issued pursuant to the Kansas Liquor Control Act or the Club and Drinking Establishment Act.

**POLICY ISSUE:**

Common Consumption Areas must be created by resolution.

**STAFF RECOMMENDATION:**

That the City Council review the request by Strang Hall, LLC, for the renewal of a common consumption area in the general vicinity of 7313 W. 80th Street. If the governing body approves the proposed request, staff recommends the approval of Resolution No. 4934.

The Council is to consider the following factors in determining if a permit should be approved:

1. The suitability of the proposed common consumption area and its compatibility or impact on adjacent or nearby properties and their uses.
2. Whether the proposed closure of any street, alley or roadway will cause a significant hardship to pedestrian or vehicle traffic, and whether alternative routes are available for public, transit and emergency vehicles.
3. The adequacy of fire and EMS routes and access and the anticipated area occupancy.
4. The adequacy of security to be provided in the common consumption area.
5. The conformance of the premises to applicable provisions of city code, including but not limited to, the UDO and applicable building, health, or fire codes.
6. The distance between the proposed common consumption area and other common consumption areas approved by the City.
7. Concerns expressed by neighborhood, businesses, residents or other citizens regarding the proposed common consumption area.
8. Impact of the application on the public health, safety and welfare.
9. City staff's review and comments of the proposed application.
10. Any other factor deemed pertinent to the application.

No CCA permit shall be approved to authorize the consumption of alcoholic liquor prior to 6:00 a.m. or after midnight. Provided, this limitation shall not apply to events between 8:00 a.m. on December 31st through midnight on January 1st of any year.

**REQUESTED ACTION:**



## Agenda Item #13.

The applicant is requesting approval of a Common Consumption Area (CCA) for a one-year period of time. The Common Consumption Area would be operated continually throughout this period during the following proposed hours of operation:

- Monday: 11:00 a.m. until 10:00 p.m.
- Tuesday: 11:00 a.m. until 10:00 p.m.
- Wednesday: 11:00 a.m. until 10:00 p.m.
- Thursday: 11:00 a.m. until 11:00 p.m.
- Friday: 11:00 a.m. until 12:00 a.m.
- Saturday: 10:00 a.m. until 12:00 a.m.
- Sunday: 10:00 a.m. until 8:00 p.m.

The applicant is requesting renewal of an existing common consumption area for the sale and consumption of alcoholic liquor by Strang Hall, LLC, a drinking establishment attached to the boundaries of the proposed common consumption area. Alcoholic liquor will be sold, dispensed and distributed from the bar inside Strang Hall, located in the vicinity of 7313 W. 80th Street (Exhibit A, Map).

The proposed CCA is for patrons of the Strang Hall. The total occupancy of Strang Hall is 441 patrons and 34 staff. Included in the occupancy total is outdoor dining seating, which accommodates 40 patrons. The outdoor area is 14,000 square feet to allow for additional patrons.

Emergency crews will have access to the CCA on the west from Overland Park Drive, on the north from 80th Street, and on the east from Marty. Emergency vehicle response routes to the area will not be modified by Common Consumption Area closures or barricades, permitting emergency vehicles if necessary. The CCA district boundary is designated by a line of demarcation, which is painted red circles where the natural physical barriers (retaining walls and planters) are not present. The painted red circles are 3.25", which are spaced every 24 inches denoting the district barrier. Boundary signs are posted indicating "No Alcohol Beyond This Point" where patrons access the public way.

The Strang Hall management team will be responsible for monitoring patrons and enforcing the boundary demarcations of the CCA during all other hours of operation. For any event planned within the CCA that draws more patrons to the area, arrangements will be made to provide external personnel to ensure the CCA is maintained.

To prevent off-premise consumption of alcoholic liquor and consumption of liquor by minors, bartenders and servers will be required to check ID identifying patrons as 21 years of age or older. The participating licensee will serve alcoholic liquor in plastic cups, non-glass recyclable or compostable cups, with the establishment's name printed on the cup. Signage will clearly denote the Common Consumption Area. Strang Hall management will monitor persons within the proposed boundaries.

Should an event be planned within the CCA that draws more patrons to the area than within the normal course of business, then routes, access and security arrangements will be reevaluated by City staff under a Special Event Permit application and adjusted accordingly.

### ANALYSIS:

With the approval of the resolution establishing the Common Consumption Area and the proposed hours and days of operation, staff will issue a permit for a one-year period of time.

## Agenda Item #13.

- The applicant will be required to obtain all necessary special event and food permit requirements.
- The Police, Fire, Public Works and Planning Department have completed a review of the proposed application. Applicant will submit a request for a special event permit for any event planned within the CCA that draws more patrons to the area than the normal course of business. Police, Fire, Public Works and Planning Department will complete an in-depth review of the security plan for any event(s) proposed prior to the issuance of a special event permit.
- Following approval by the City Council, the applicant will be required to obtain a Common Consumption Permit from the Director of the Division of Alcoholic Beverage and comply with all state regulations regarding such permit.

### **PROPOSED MOTION:**

**Staff Proposed Motion:** I move to recommend to the City Council adoption and approval of Resolution No. 4934.

### **BACKGROUND:**

In 2017, the Kansas Legislature approved substitute House Bill 2277, enacting statutes which allow municipalities to designate by resolution indoor and outdoor entertainment districts where alcoholic liquor can be consumed during prescribed times on otherwise unlicensed premises as long as they remain within a designated "Common Consumption Area." Any proposed common consumption area must be clearly marked by a physical barrier or an apparent line of demarcation to distinguish the area where consumption is allowed. Any public streets or roadways in such area must be blocked from motor vehicle traffic during the hours that alcohol is being consumed. Only consumption of alcoholic liquor purchased from drinking establishment licensees or other licensed vendors participating in the common consumption area is permitted in the common consumption area and must be served in a non-glass distinctive container displaying the licensee's trade name, logo or other identifying marks. Alcohol is not permitted to be removed from the designated common consumption area.

Overland Park Municipal Code allows for open containers in designated common consumption areas. Chapter 5.22 (Common Consumption Areas) allows the City Council to review a request for a specific common consumption area and to approve a resolution establishing the boundaries of the common consumption area, the hours and days of operation, a list of streets that will be closed, a corresponding traffic control plan and any other condition or stipulation set the City Council. Governing Body Policy Resolution No. 4824 provides a schedule of fees and taxes for licenses, permits and applications related to the sale and consumption of intoxicating liquors, including the fees to be paid by applicants for common consumption area permits.

### **BUDGET IMPACT:**

The applicant submitted the required application fee to the City Clerk's office and all city staff and city equipment fees shall be paid prior to issuance of the common consumption area permit in accordance with Resolution No. 4824.

### **ATTACHMENTS:**

[Resolution No. 4934](#)



**RESOLUTION NO. 4934**

**A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A COMMON CONSUMPTION AREA ALLOWING THE CONSUMPTION OF ALCOHOLIC LIQUOR ON PROPERTY NOT OTHERWISE SUBJECT TO A LICENSE ISSUED PURSUANT TO THE KANSAS LIQUOR CONTROL ACT OR THE CLUB AND DRINKING ESTABLISHMENT ACT.**

WHEREAS, the Governing Body is authorized to grant the establishment of the Common Consumption Area and the permit for the same (the “CCA permit”) pursuant to Chapter 5.22 of the Overland Park Municipal Code (“O.P.M.C.”) and K.S.A. 41-2659; and

WHEREAS, Strang Hall, LLC, (“Permit holder”) has filed an application seeking the establishment of a Common Consumption Area within the boundaries identified in Section 2 below on the times and dates set forth in Section 3 below; and

WHEREAS, Permit holder is a Kansas resident or organization with its principal place of business in Kansas as required by K.S.A. 41-2659(b) and is not prohibited from receiving a CCA permit under O.P.M.C. Section 5.22.030 A.12 ; and

WHEREAS, Permit holder is the property owner or has obtained agreements with the owners of the Common Consumption Area property(ies) to utilize the premises; and

WHEREAS, all participating alcohol vendors must be licensed to sell alcoholic liquor immediately adjacent to or within the boundaries of the Common Consumption Area either by obtaining a temporary permit for such sale to be issued by the State of Kansas and the City of Overland Park, or shall sell pursuant to a caterer’s license issued by the State of Kansas and the City of Overland Park by providing the required notification pursuant to K.S.A. 41-2643; and

WHEREAS, City staff has reviewed Permit holder’s application and has provided written comments and recommendations to the Governing Body for consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK:

**Section 1. Authorization.**

The Governing Body hereby authorizes the designation of a Common Consumption Area and the issuance of a CCA permit to Permit holder, subject to the provisions of this Resolution. By accepting its CCA permit, Permit holder agrees to be bound by the conditions set forth herein and in O.P.M.C. Chapter 5.22.

**Section 2. Boundaries and Detailed Map.**

The Common Consumption Area is generally located at 7313 W. 80th Street, with the specific boundaries set forth on the Detailed Map (attached hereto as Exhibit A and incorporated herein by reference). Permit holder is responsible to ensure the use of all barriers, signage, entrances/exits, security location, lines of demarcation and any other use shown on the Detailed Map during the Common Consumption period.

**Section 3. Applicable Dates and Times.**

The date(s) and time(s) when alcoholic liquor is allowed within the Common Consumption Area are during the event(s) scheduled for:

Continually throughout a one-year period of time from the date of permit issuance:

- Monday: 11:00 a.m. until 10:00 p.m.
- Tuesday: 11:00 a.m. until 10:00 p.m.
- Wednesday: 11:00 a.m. until 10:00 p.m.
- Thursday: 11:00 a.m. until 11:00 p.m.
- Friday: 11:00 a.m. until 12:00 a.m.
- Saturday: 10:00 a.m. until 12:00 a.m.
- Sunday: 10:00 a.m. until 8:00 p.m.

Should permit holder want to revise any of the proposed hours of operation, Permit holder shall file an amended application with the City Clerk.

**Section 4. Road Closings and Emergency Access.**

All of the common consumption area is located on private property and no public streets, roadways, alleys, sidewalks or other right-of-way will be closed due to the operation of the common consumption area

- A. Emergency crews shall be able to enter the Strang Hall District on the west from Overland Park Drive, on the north from 80th Street, and on the east from Marty; permitting emergency vehicles if necessary.

**Section 5. Required Security.**

Permit holder is responsible to ensure the required Security identified on the Detailed Map (Exhibit A).

- A. Security shall be provided by the CCA Permit holder. The management team for the applicant will be responsible for monitoring patrons and enforcing the boundary demarcations of the Strang Hall CCA during all hours of operation. For all special events that will draw more patrons to the area than the normal course of business, the applicant will apply for a special event permit and with the Police, Fire, Planning and Public Works

Departments to avoid any safety or traffic concerns.

**Section 6. Participating Licensees.**

A. All participating alcohol vendors (“Licensees”) must be properly licensed to sell alcoholic liquor immediately adjacent to or within the boundaries of the Common Consumption Area by both the State of Kansas and the City of Overland Park. Subject to holding necessary licensing, the following Licensees are approved to participate:

- Strang Hall, LLC, 7313 W. 80th Street

Should Permit holder want to revise this list of Licensees, Permit holder shall file an amended application with the City Clerk.

B. Each Licensee must provide the City Clerk with a sufficient description or sample of the distinctive alcoholic liquor container that displays its trade name, logo, or other unique identifying mark. Such container cannot be a glass bottle, container or other vessel and must be distinctively different than containers in which non-alcoholic drinks are served.

**Section 7. Insurance and Indemnification.**

As a condition of the CCA permit Permit holder must procure and maintain throughout the duration of the CCA permit an insurance policy(ies) as required by O.P.M.C. Section 5.22.020 A.13. Also as a condition, Permit holder agrees to indemnify, release and hold harmless the City, its Governing Body and its employees from and against any losses incurred or suffered by any person or to any real or personal property as a result of or in connection with the Common Consumption Area.

**Section 8. Compliance with Applicable Law.**

- A. Permit holder and all Participating Licensees must abide by all applicable federal, state and local laws, including but not limited to, all rules and regulations for a Common Consumption Area as set forth in O.P.M.C. Chapter 5.22, K.S.A. 41-2659 and the Kansas Director of Alcoholic Beverage Control.
- B. Permit holder shall provide the City Clerk with a copy of its state common consumption permit issued by the Director of Alcoholic Beverage Control within 10 business days of issuance. Permit holder shall promptly notify the City Clerk within 5 business days of serve of any administrative actions or amendments to the state permit. During the operation of the Common Consumption Area, the state permit must be maintained by the onsite manager/supervisor and made available upon request by a law enforcement officer or other city or state official.
- C. Participating Licensees must receive permission to participate in the Common Consumption Area from the Director of Alcoholic Beverage Control. Said licensees shall notify the City Clerk of such approval, and shall post at all times a copy of documentation received from Alcoholic Beverage Control approving its participation.

## **Agenda Item #13.**

Said licensees shall notify the City Clerk of any change, deletion, or addition of such approval within 10 business days of any such change to its license.

### **Section 9. Additional Requirements.**

- A. The authorization set forth in this Resolution and the CCA permit shall not exceed a period of one year, and the CCA permit is not transferable or assignable.
- B. In the event of a change of any supervisors/managers, Permit holder must provide the name and contact information to the City Clerk at least 14 days prior to the Common Consumption period.
- C. CCA Permit holder and any participating licensee must comply with all rules and regulations set forth in Overland Park Municipal Code Chapter 5.22.
- D. CCA Permit holder shall prevent off-premise consumption of alcoholic liquor and consumption of liquor by minors. Bartenders and servers shall be required to check ID identifying individuals as 21 years of age or older.
- E. All participating licensees shall serve alcoholic liquor in plastic cups, non-glass recyclable or compostable cups, with the establishment name printed on the cup.
- F. CCA Permit holder shall obtain all necessary special event and food permit requirements, and comply with the provisions and requirements necessitated by a special event.
- G. CCA Permit holder shall obtain a Common Consumption Permit from the City Clerk's Office and from the Director of the Division of Alcoholic Beverage and comply with all state regulations regarding such permit.

### **Section 10. Notification to Director of Alcoholic Beverage Control and Permit Holder.**

The City Clerk shall provide a copy of this Resolution to the CCA permit holder and the Kansas Director of Alcoholic Beverage Control within 10 business days of approval.



**Agenda Item #13.**

ADOPTED by the City Council this 6th day of November, 2023.

APPROVED AND SIGNED by the Mayor on this 6th day of November, 2023.

CITY OF OVERLAND PARK, KANSAS

(SEAL)

\_\_\_\_\_  
Curt Skoog, Mayor

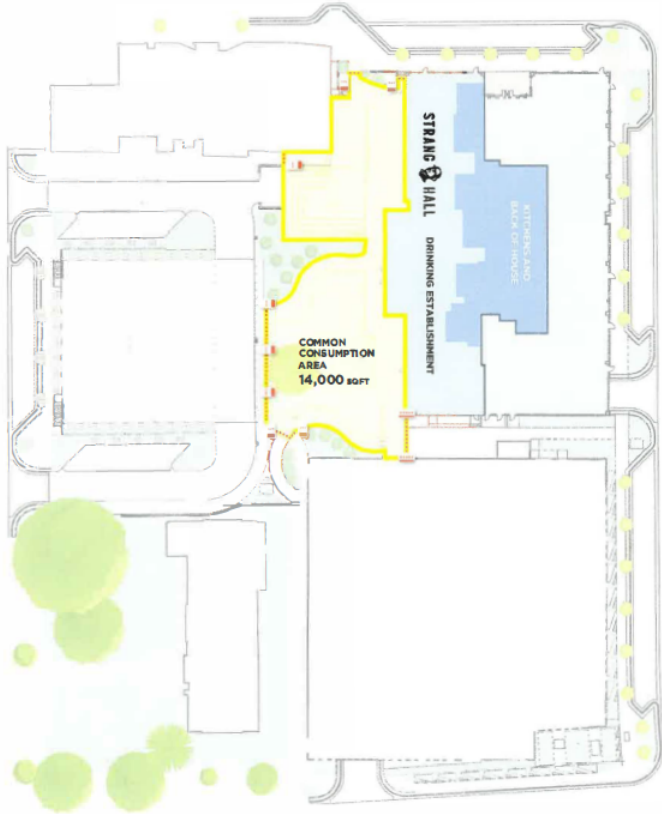
ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth Kelley  
City Clerk

**(s) Trevor L. Stiles**\_\_\_\_\_  
Trevor L. Stiles  
Senior Assistant City Attorney

Exhibit A



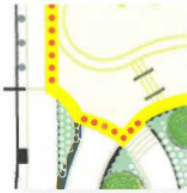
**STRANG HALL** 7313 W. 80th  
Overland Park, KS 66204

**COMMON CONSUMPTION AREA BOUNDARY**

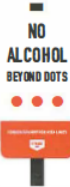
**LINE OF DEMARCATION**

**BOUNDARY SIGNS**

**LINE OF DEMARCATION**  
The boundary area will be painted as red dots where natural physical barriers of retaining walls and planters are not present. 3.25" painted circles spaced every 24 inches.



**BOUNDARY SIGNS**  
Signs posted denoting No Alcohol Beyond This Point where patrons access public way.



**SECURITY PERSONNEL**  
A combination of contracted security and Strang Hall operational management will be responsible for the enforcement of the area.





**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Pattern Zone

**POLICY ISSUE:**

None

**STAFF RECOMMENDATION:**

None

**BACKGROUND:**

The 2018 ForwardOP process identified “Living” as one of the community's action items. In response, in 2019 the staff engaged with the Incremental Development Alliance to analyze in more detail two specific goals: 1) create more diverse housing options and 2) establish policies that support the creation of pocket neighborhoods. The result of that effort was presented to the Community Development Committee on [February 5, 2020](#). The associated report and community lectures are available on the City’s website: [Small Scale Development](#).

In 2021, the staff engaged with MBL Planning to develop a set of approximately 24 small-scale residential plans as part of a subscription service. The goal is to develop permit-ready home plans with a high quality of architectural design to encourage a more varied housing supply. Staff and MBL have been working with a Steering Committee of NEC members and have met with builder representatives to identify house plans for inclusion in a permit-ready program. The subscription service will allow the offering of plans to be adjusted to respond to community preferences.

Although the original intent of the program was to create a specific geographical location for permit-ready plans in a pattern zoning district that included some zoning incentives for pocket neighborhoods, staff has revised focus to utilize permit-ready plans on any legal lot provided that current zoning requirements are met. The home plans under consideration include cottage-style housing, small single-family homes, and, where allowed by zoning, accessory dwelling units\* and duplexes. Limited modifications to permit-ready designs could be approved administratively while other changes may require a full plan review. Zoning, setbacks, and site grading will all require an individual review under the City’s existing zoning and subdivision regulations prior to issuance of a permit. All selected plans will be reviewed against building code requirements before being made available to the public for use.

*\*Currently, accessory dwelling units or guest houses are allowed by-right in the Downtown Form District, and residential areas in southern Overland Park covered by the County zoning that was in place at the time of annexation*

## Agenda Item #14.

In order to implement a permit-ready program, a modification to [Section 16.107.1.1](#) of the Municipal code is required. This section includes a local requirement for engineered plans for all single-family homes. The requirement has been a response to an increasing average single-family home size but places an unnecessary burden for less complicated structures under 3,500 square feet. Additionally, the MBL Planning team has identified other barriers for infill and pocket neighborhoods including a low threshold for stormwater detention, a lack of zoning tools to support pocket neighborhoods, and subdivision requirements that preclude lot ownership without direct street frontage. Staff recommends that considerations of zoning and platting modifications be considered through the required public process after the Comprehensive Plan update is finalized to ensure consistency with the goals of the plan.

### **BUDGET IMPACT:**

None.

### **ATTACHMENTS:**

[Pattern Zone](#)

Coordination

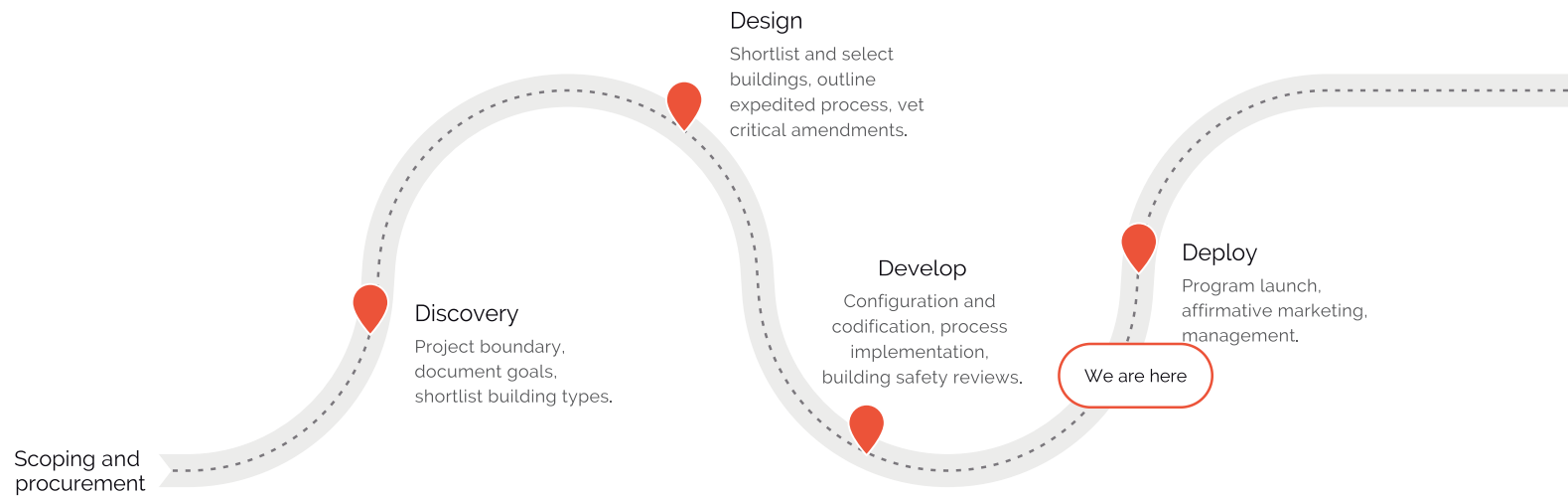
## Project Principles

- ① Expand opportunities for home ownership.
- ② Utilize existing infrastructure and services.
- ③ Increase the variety of available housing.
- ④ Emphasize traditional town forms.
- ⑤ Combine quality design with familiar styles.

Implementation

# Workplan Structure

Typical workplans take 12-14 months.

















**STAFF REPORT**  
**Community Development - November 1, 2023**

**ITEM TITLE:**

Bird Scooter and E-Bike Pilot Program Update

**POLICY ISSUE:**

This is a discussion regarding the scooter and e-bike program provided by Bird Rides, which is within the subject matter purview of the Community Development Committee.

**STAFF RECOMMENDATION:**

As this is a Discussion Item, staff does not have a formal recommendation at this time. Recommendations (if any) will be brought forward at a later date for consideration with the appropriate Committee.

**BACKGROUND:**

In 2021, staff worked with two scooter providers (Bird and Lime) to develop a scooter share program in Overland Park. Ultimately, the city chose to enter into an exclusive interim operating agreement with Bird in exchange for bringing both scooters and e-bikes. The City Council authorized the City Manager to enter into an interim operating agreement on behalf of the City on November 15, 2021, in Resolution 4757, and an agreement was signed on February 7, 2022, with Bird Rides. The scooters were deployed on March 1, 2022, with e-bikes deployed on July 1, 2022. Bird committed to deploying 75 scooters and 25 e-bikes initially with the ability to increase the fleet size up to 400 vehicles before requiring city approval to go beyond that limit. The city received \$0.25 for each ride and a \$500 annual administrative fee. The pilot program ends on November 30, 2023.

Over the term of the pilot program, 21,832 trips were taken and the city collected \$6,458 in ride revenue and administrative fees. No significant issues were observed, and staff logged 31 comments since the beginning of the pilot program. Of these 31 comments, 17 required some sort of action by the city (going out to check something reported by a resident or business owner); 12 were considered informational exchanges (someone wanted info about the program or how to report an issue); and 2 were positive comments.

During the course of the pilot program, here are some of staff's more notable observations:

- Bird removed all of their scooters and e-bikes on or about August 8, 2023, due to a lack of staffing. Their overall responsiveness has been lacking since August.
- Bird deployed their vehicles primarily in northern OP (north of 103rd) and very seldom had vehicles deployed south of I-435.

## Agenda Item #15.

- The JCCC campus would be a prime area for scooter use (as happens on other college campuses). However, JCCC personnel asked that no Bird vehicles be allowed on their campus so it was geofenced as a restricted area.
- Hotels would be prime areas for scooter deployment but there were issues working through insurance requirements according to one hotel operator.
- There were a few scooter related incidents (one was placed on top of the monument at Thompson Park and several were tipped over in the downtown area).
- No scooter related crashes were reported to the police that involved Bird scooters.
- The e-bikes were not very stable in the Kansas winds and had a penchant for falling on their side.
- The dashboard that Bird provides has good information but it only goes back about four months. Bird can provide prior information when requested but it is not as handy as having it available on-demand.

The future of scooters and e-bikes as shared-mobility devices in the public right-of-way will be discussed at an upcoming Public Works Committee meeting. The possibilities include: (1) conducting another pilot program with a different vendor, (2) requesting proposals from interested vendors that might want to deploy their scooter or e-bike vehicles (and then selecting one or more), or (3) taking no further action on allowing a vendor for shared mobility devices in the right-of-way. None of these options prevent residents from operating their own scooter or e-bike in the right-of-way.

### **BUDGET IMPACT:**

The City received \$6,458 from Bird Rides during the pilot program. Minor amounts of staff time were needed to review scooter deployment locations and follow-up on concerns identified by residents.