

A STUDY OF AN EXPERIMENTAL TOWNSHIP
GOVERNMENT IN KANSAS

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CHAPTER I

INTRODUCTION

This study was made of a non-typical township in Kansas. It was the purpose of the study (1) to trace the movement to the urban township form of government; (2) to study the Mission Urban Township government in operation and attempt to determine its degree of success or failure; and (3) to trace the events which led to the incorporation of the urban township as a first class city.

A. WHY THE STUDY OF MISSION TOWNSHIP

Because of its nearness to Kansas City, Missouri, Mission Township's population and problems vary considerably from those of a typical rural township. Most studies of township government concern themselves almost completely with the rural township and its problems. The urban township is, accordingly, a field which needs some serious study. This is especially true because each year a larger percentage of Americans live in metropolitan areas. For several years Mission Township's problems have been those of a metropolitan community and they require careful examination.

Importance of the study. Mission Township had an experimental form of government between 1953 and 1960.

It was unique in both Kansas and the United States. The urban township government was made possible by the 1951 Kansas Legislature. As a pioneer in its field, Mission Urban Township was beset with many serious difficulties. An analysis of its successes and failures should be valuable for areas which might be considering the adoption of a similar form of government.

Materials available and methods used. Newspaper articles dating back to 1948 were useful in compiling this study as were various pamphlets and booklets on local government. Township Government in Kansas by James W. Drury and Government in Rural America by Lane W. Lancaster were helpful as background material for traditional township government. Government in Rural America was also a good source of information on the New England Town.¹

A study of Mission Township made in 1950 by Kansas University was important in pointing out some of the problems and weaknesses of the township. This study was made while Mission Township was in the transition from the regular or traditional to the urban township form of

¹James W. Drury, Township Government in Kansas (Lawrence, Kansas: University of Kansas, Governmental Research Center, Governmental Research Series, No. 10, 1954), 66 pp.; Lane W. Lancaster, Government in Rural America (New York: D. Van Nostrand Company, Inc., 1952), 375 pp.

government. The Kansas University experts pointed out many of the reasons why a change in government was needed, and they made recommendations for the governmental future of the township.²

Several methods and sources were used in making the study of Mission Urban Township and the change to first class city government. One method of great value was the use of the personal interview. When personal interviews could not be arranged, telephone conversations with township and county officials were used. The persons interviewed gave many insights into the operation and difficulties of the urban township. Another source of information for the later phases of the study were the findings of the Mission Urban Township Advisory Committee. This committee spent over a year in its study of different types of local governments. After much careful thought the advisory group recommended the incorporation of the urban township as a city of the first class.

Definition of terms. Until 1953 Mission Township had the traditional township government. The words Mission Township as used in this study will refer to that township before 1953 or to the total geographical township. Mission

²Government in Mission Township (Lawrence, Kansas: University of Kansas, Bureau of Government Research, 1950), 17 pp.

Urban Township will mean the unincorporated areas in the township between 1953 and 1960.

Organization of the study. The remainder of the first chapter will be devoted to background material on town and township government. Chapter II will be concerned with the forces that led Mission Township to adopt the urban township form of government in January, 1953. The next chapter will discuss the Mission Urban Township government in operation. In Chapter IV the important events leading to the incorporation of Mission Urban Township as the first class city of Overland Park will be traced. The last chapter will present a summary, conclusions, and contributions.

B. REVIEW OF TRADITIONAL TOWN AND TOWNSHIP GOVERNMENT

The New England Town and the township are alike in several respects. Usually both types of government cover the entire county or state in which they are located instead of being scattered like incorporated cities.³ The majority of both are located in rural areas, and they most commonly provide local services required by a rural

³William Anderson, The Units of Government in the United States (Chicago: R. R. Donnelley & Sons Company, Publication No. 83, 1949), p. 33.

community. To some extent both the town and the township are also agents of the state for administrative purposes.

New England Town Government

The New England Town differs from townships elsewhere in the United States in that it is smaller and more irregular in shape. The town in New England is an unincorporated area of about 25 to 30 square miles. In the beginning it consisted of a compact settlement around a church or fort. As the population of New England grew, new communities were formed and were set off as new towns. The New England Town was irregular in shape because it followed the features of the landscape and was most commonly the product of an actual community growth.⁴

An interesting thing about the New England Town is that it contains both rural and urban territory and performs rural and municipal functions. Many heavily populated New England Towns perform functions generally carried on by cities although they have no municipal charters. In rural areas the town has a village center which is not separately incorporated like it would be in other parts of the United States. Lancaster has this to say about the rural and urban parts of the New England Town:

While the town organization may exist very largely to perform services for the village center, the unity of

⁴Lancaster, pp. 35-37.

the community is preserved by considering both village and country as parts of the same whole.⁵

The functions performed by the county in other parts of the United States are the responsibility of the town in New England. Its large number of functions has helped to make the town a vital unit of local government.⁶ This is in contrast to the township which has lost many of its functions and is of declining importance in most parts of the country. Because the town performs so many functions, its importance for the future is almost certain.

Traditional town government has probably been most famous for its pure democracy. In times past the annual town meeting was a social and political event of great importance. At this meeting the budget, taxes, and problems were reviewed by the voters. All the people of the town worked together in the solving of community problems. Today the situation has changed somewhat and most town governments are run by elected representatives. This change in town government has resulted from the industrialization of society which brought into New England a large and heterogeneous population. The New England Town with its tradition of democracy has had a great influence on

⁵Ibid., p. 37.

⁶Ibid.

American local government.⁷

Township government

In New York, New Jersey and Pennsylvania the early township government was very similar to that of the New England Town. In these states the township was only slightly larger than the town, it had an irregular shape, and in many ways was a natural community.⁸

In sharp contrast to this is the township in the western states where the federal surveyor laid out the township boundaries long before the land was settled. Usually the township was 36 square miles and had no relation to the landscape. In this way the township can be thought of as an artificial creation. Its boundaries were not established as a result of community growth like those of the New England Town.⁹

The function of the township has been to serve the unincorporated areas within its borders. As cities are formed the incorporated areas no longer receive the services of the township government. The most important function of the township has been the maintenance of roads

⁷Ibid., pp. 40-42.

⁸Ibid., pp. 61-62.

⁹Ibid., p. 39.

within its jurisdiction.¹⁰ With the widespread use of the automobile, however, and the need for better roads many townships have given up this function to the county or the state. Where this has happened the township may be said to have given up its most important service to the community.

Other functions have also been performed by the township. In some states the township operates the schools similar to the way the school district performs that job in Kansas. In other parts of the country the township exists primarily for judicial purposes. The township is also an administrative unit. It assesses and collects taxes, it serves as an election district, and in some states it may require a license for certain things. So in addition to being a district for conducting local affairs, the township has also been a subordinate agency for county and state business.¹¹

Townships in Kansas. Kansas is one of 16 states that uses the township form of government. Most of the states that have townships are in the northeast one-quarter

¹⁰Drury, p. 39.

¹¹Donald G. Bishop and Edith E. Starratt, The Structure of Local Government (Washington, D. C.: National Council for the Social Studies, Bulletin Number 19, 1945), p. 93; Marguerite J. Fisher and Donald G. Bishop, Municipal and Other Local Governments (New York: Prentice-Hall, Inc., 1950), pp. 636-637.

of the country. There are 1,551 townships in Kansas and the number of townships per county varies anywhere between three and 32.¹² Townships cover the state of Kansas except for the areas of first and second class cities. In several instances even third class cities form separate townships for election purposes.

Kansas townships perform a number of services besides road maintenance. Prairie dog extermination, noxious weed eradication, cemetery maintenance, and fire protection are offered by a large number of townships. A few townships provide libraries, street lighting, and other miscellaneous functions.¹³

The governing body for the Kansas township is composed of a trustee, a treasurer, and a clerk. The trustee has general superintendence over the property and affairs of the township. He has election duties and serves as the deputy county assessor. The township clerk is in charge of the records of the township. It is his job to keep minutes of the board meetings and make reports to the county clerk. The township treasurer, as his title would indicate, has a number of fiscal responsibilities.

¹²Kansas Government (Topeka, Kansas: The League of Kansas Municipalities, 1959-60), p. 62; Drury, p. 2.

¹³Drury, p. 35.

These board members are elected for two year terms.¹⁴

The functions of Kansas townships are financed very largely by the property tax. Usually when a Kansas Statute makes provision for a township function, it also provides for a property tax levy to pay for the same service. Of the property taxes the ad valorem tax is a much more important source of revenue than is the intangible tax. The property tax accounted for more than 74 percent of all revenues received by townships filing budgets with the Kansas State Budget Director in 1952.¹⁵

The "average" or median township in Kansas contains about 36 square miles, has a population of between 350 and 400, and has an assessed valuation of \$1,556,000. The variation in each of these three statistics, however, is very great. For instance, the population of Kansas townships ranges from 23 to over 30,000 and the area runs anywhere between 1.5 and 430.5 square miles.¹⁶

Civil and congressional townships. The civil township is a township with governmental functions. It is a political unit that is governed by the township board. Its boundaries were laid out by the county

¹⁴Kansas Government, loc. cit.: Drury, pp. 23-26.

¹⁵Drury, pp. 55-56.

¹⁶Ibid., pp. 9-19.

commissioners and its areas are seldom changed. The congressional township, on the other hand, is not a political unit. It was established in the original survey of the public domain.¹⁷ As mentioned earlier, the congressional township is usually a block of land six miles square. The civil township, of the two types discussed, would more nearly be a natural area because its boundaries would be partially determined by community growth.

Metropolitan townships. Although the township is important chiefly for rural problems and rural government, there are townships in metropolitan areas which are faced with distinctly city problems. These townships have enlarged powers with which to govern their areas. When traditional township government is spoken of in this study, the metropolitan or urban township is not included. These special types of township government are a relatively recent development.

Criticism of traditional township government.

There is good reason for the great amount of criticism of township government at the present time. Many townships do not perform a single governmental function. Some of them exist only because there has not been a constitutional amendment adopted to abolish them. Several states

¹⁷Kansas Government, p. 63.

have made an attempt to abolish townships and in at least one case the attempt was successful. However, the elimination of townships by constitutional amendment is a difficult process. The township officers are an interest group which oppose such a change. They argue that townships are the heart of local self-government. In this connection it should be mentioned that 25 states never had townships and 11 other states never gave them any important powers.¹⁸

The township has been weakened a great deal by the incorporation of cities and by the use of special benefit districts. Furthermore, it does not appear likely that townships will regain their lost functions. In Government in Rural America Lancaster states:

The vast majority of townships are condemned on every count. They are too lacking in social unity, too small in area and population, and too weak in taxable resources to become vigorous units of government. There is not a function now performed by the township which could not be better performed by other units.... The county and state are stripping it of such functions as the care of roads, poor relief, and public health, while the incorporation of villages and small cities has depleted very seriously its taxable resources.¹⁹

This is a serious indictment of township government.

In 54 Kansas counties the township road system has been changed to the county-unit road system. According

¹⁸Bishop and Starratt, p. 97; Fisher and Bishop, p. 14; Lancaster, pp. 68-70.

¹⁹Lancaster, p. 67.

to this plan the roads and streets of a township are turned over to the county for construction and maintenance. When the county-unit system is adopted, the township transfers its road funds and equipment to the county. The widespread adoption of the county-unit road system in Kansas is another example of the diminishing importance of the township.²⁰

Since the end of World War II Oklahoma has abolished its 969 organized townships. The townships, which had been seriously weakened by the depression of the 1930's, were no longer able to finance road maintenance in the postwar period with their property tax receipts. Oklahoma abolished its townships because they no longer seemed to be a vital units of local government.²¹

²⁰Drury, pp. 40-41; William H. Cape, County Government in Kansas (Lawrence, Kansas: University of Kansas, Governmental Research Center, Citizen's Pamphlet Series, Number 23, 1958), pp. 20-21.

²¹Anderson, p. 3.

CHAPTER II

MISSION TOWNSHIP 1948-1952: THE MOVEMENT TO THE URBAN TOWNSHIP PROGRAM

From 1948 to 1952 Mission Township was in a period of transition. Many forces were in the making which were leading to the adoption of an urban township form of government. Some of these forces such as population growth, incorporation of cities, and public support of a change in the township government will be traced in this chapter. Much information for the chapter was found in newspaper articles during the period 1948-1952. Additional information was gained by talking to the men who served on the Mission Township Board during these years. An important factor in the transition stage will be discussed in the following section.

Population growth. A very noticeable feature about Mission Township has been its rapid population growth. Table I shows the population growth for the township between 1900 and 1952.¹ During this time the number of people living in the township grew from 944 to 43,497. Another obvious phenomenon was the rapid growth after

¹These population figures for Mission Township include the population of the incorporated cities in the township for the years 1948-1952.

TABLE I
MISSION TOWNSHIP POPULATION,
1900-1952

YEAR	POPULATION
1900	944
1910	1,613
1915	2,098
1920	2,456
1926*	4,522
1930	7,387
1935	7,562
1940	11,894
1945	18,258
1946	18,234
1947	22,552
1948	24,593
1949	26,614
1950	31,834
1951	41,106
1952	43,497

Source of information: Office of the Johnson
County Clerk, Olathe,
Kansas

* Population figures could not be found for
1925.

World War II. The population increase for Mission Township between 1948 and 1952 was nearly 19,000. If the township government had been adequate before the rapid population increase, it was apparent that the larger number of people living in the area would create new problems calling for new governmental functions.

A serious problem resulted from the fact that the township had the population of a metropolitan area, but its government was designed to handle problems of a sparsely settled rural community. Most of the laws under which Mission Township was operating at this time had been written nearly a hundred years before. Some recent Kansas legislation had helped the situation somewhat, but no fundamental changes were made. Basically in 1948 Mission Township was operating under laws passed for sparsely settled rural areas. In a personal interview Mr. McCool said the traditional township government was designed for horse and buggy days.²

Population growth was causing many different kinds of new problems. In 1952 consideration had to be given to the formation of new voting precincts. The voting population in Mission Township precincts had grown beyond the

²Interview with Mr. W. P. McCool, June 16, 1959.

limit set by Kansas Statutes.³ The need for better police protection was beginning to show itself. Mission Township had to contract with the county sheriff for any police protection that it received. Some of the incorporated cities in the township had police departments of their own, but these were small and ineffective. The problem of trash and garbage disposal, which had become quite serious, was partially alleviated by a Kansas Law of 1949 that allowed the township board to acquire a disposal site.⁴

Other difficulties were beginning to arise. The water distribution system for the area was considered by many to be unsatisfactory. When, for example, the Kansas City Suburban Water Company proposed a rate increase in early 1949, the case was taken to the Johnson County District Court for settlement.⁵ A serious problem with respect to sewers was rapidly developing. Mission Township Main Sewer District Number 1 was originally built to service 15,000 homes, and by February, 1952 there were around 19,000 homes in the district.⁶ The sewage disposal plant

³Johnson County Herald, (Overland Park, Kansas), January 31, 1952.

⁴Franklin Corrick (ed.), 1957 Supplement to General Statutes of Kansas 1949 (Topeka, Kansas: State Printer, 1958), 80-2202.

⁵Johnson County Herald, January 20, 1949.

⁶Johnson County Herald, February 22, 1951.

was simply too small to serve the community adequately. With a larger population and more homes in the township, the need for better roads and streets was arising. The man who served as township clerk from 1948-1952 said that road and street maintenance was the biggest problem facing Mission Township.⁷

The two other members of the 1948-1952 Mission Township Board indicated several more difficulties. The township treasurer mentioned overloaded septic tanks and the dumping of trash in unauthorized places as additional problems. He said the township board had no power to regulate the type of roads which were being built in the township. The lack of control over developers, he stated, had resulted in the construction of many sub-standard drainage facilities in the township. The township trustee mentioned the problems of (1) finances, (2) road maintenance, and (3) trying to keep the taxes down.⁸ With these problems confronting it the township was beginning a serious search for possible solutions.

It is interesting to note that on March 1, 1947 Mission Township had a greater population than 87 of the

⁷Telephone conversation with Mr. M. W. Maxwell, June 23, 1959.

⁸Telephone conversation with Mr. T. C. Hansen, June 24, 1959; Telephone conversation with Mr. G. W. Gagel, July 1, 1959.

105 counties in Kansas. Also of interest is the fact that some of the most rapid population growth for Mission Township took place after 1947. During the decade 1940-50 Mission Township's population increased 156.5 per cent and in the same period the population density increased from 378.6 to 971.2 persons per square mile.⁹ Table II shows the population growth of Mission Township in relation to the population growth of the other townships in Johnson County from 1900 to 1950. Starting with the smallest population of any township in Johnson County in 1900, Mission Township had a population more than three times as large as any of those same townships by 1950. Although some of the changes resulting from the population growth of the township have been mentioned, others remain to be discussed.

Incorporation of cities in Mission Township. One of the important results of rapid population growth was the incorporation of 11 third class cities in Mission Township between November, 1948 and July, 1951. The dates when these cities were incorporated are presented in Table III. Undoubtedly much of this incorporation took place because the more densely populated parts of the township

⁹Johnson County Herald, April 8, 1948; Area Development Study of Northeastern Johnson County, Kansas (Kansas City, Missouri: Midwest Research Institute, Industrial Economics Division, 1956), p. 13.

TABLE II
POPULATION GROWTH OF TOWNSHIPS, JOHNSON COUNTY,
1900-1950

	1900	1910	1920	1930	1940	1950
Aubry	1,259	1,040	947	963	922	888
Gardner	1,378	1,392	1,347	1,293	1,149	1,751
Lexington	2,029	1,839	1,490	1,761	1,604	5,383
McCamish	1,160	1,125	1,011	967	869	803
Mission	944	1,613	2,539	7,387	12,871	33,020
Monticello	1,430	1,257	1,094	1,302	1,186	1,164
Olathe	4,883	4,784	4,519	5,115	5,502	7,197
Oxford	1,577	1,458	1,351	1,552	1,457	1,457
Shawnee	2,208	2,580	2,922	5,768	6,858	10,064
Spring Hill	1,200	1,200	1,094	1,071	909	1,055

Source of information: Area Development Study of
Northeastern Johnson County, Kansas,
p. 8.

TABLE III

WHEN CITIES IN MISSION TOWNSHIP
WERE INCORPORATED

CITY	MONTH	YEAR
Leawood	November	1948
Fairway	May	1949
Mission Hills	June	1949
Westwood	June	1949
Westwood Hills	June	1949
Mission Woods	July	1949
Merriam	October	1950
Prairie Village	February	1951
Countryside	July	1951
Mission	July	1951
Roeland Park	July	1951

Source of information: Telephone calls to city clerks and records in Johnson County Commissioners' Office, Olathe, Kansas.

wished to avail themselves of municipal services which the township could not provide.

The desire of certain groups to protect themselves against a radical urban township bill that was considered and defeated by the 1949 Kansas Legislature was another reason for the incorporation of cities in Mission Township. Some of the 11 cities incorporated to evade a similar law, if passed, in 1951.¹⁰ It is also possible that some of the areas hurried their incorporation because of the desire to retain a greater portion of taxes which were being drained to less populated areas by county and state taxes. However, it seems reasonable to believe that most of the incorporations of cities in Mission Township resulted from the increasing population which was creating a greater demand for municipal services.

The incorporation of 11 tiny cities in the four by seven mile township territory brought certain problems with it. Several of the cities with inadequate resources have remained too small to be able to provide the desired city services. The result has been waste, confusion, and duplication of governmental services.¹¹

Functions of Mission Township. Maintenance of

¹⁰Johnson County Herald, June 16, 1949.

¹¹The Kansas City (Missouri) Times, August 29, 1951.

township roads was the most important service provided by Mission Township. A study of the 1948 Mission Township budget shows that out of the total expenditure of \$161,805 for the year, \$98,743 was spent on road maintenance. This was 60 per cent of the total township expense for 1948. In that year the township did have two special road funds in addition to its regular road fund, so the amount of money spent on roads might have been somewhat higher than normal. However, 1948 is representative in that it shows road maintenance to be the most important function of Mission Township.¹²

Another important service provided for residents of the township was fire protection. Mission Township paid out more than \$38,000 for that service in 1948.¹³ This expenditure was 23 per cent of the total budget. The fire protection for the township was provided by one fire district and several volunteer fire departments. The three member township board acted as the governing body for the fire district until the urban township government was created in 1953.

Street lighting was a function provided by Mission

¹²Mission Township Budget, Johnson County Herald, June 23, 1949.

¹³Ibid.

Township. During the last few years of operation of the traditional township government in the area, several light benefit districts were established. The Mission area (later to become the city of Mission) and the Overland Park area were provided with street lighting in this manner. Those areas were taxed extra for the service as is the case when any benefit district is created.

Mission Township residents were provided with a zoning service after 1939. A statute of the Kansas Legislature at that time allowed the Johnson County Commissioners to appoint zoning boards to serve the 10 townships in the county.¹⁴ All the decisions of the township zoning boards in the county were made subject to review by the county commissioners. This provision was a source of irritation to many people in Mission Township. On the other hand, some groups believed that the county commissioners should have the final zoning authority. In 1951 when a proposed bill would have shifted the final zoning authority to the Mission Township Board, a committee of four persons from the township went to Topeka to protest.¹⁵ The Mission Township Zoning Board was a very

¹⁴1957 Supplement to General Statutes of Kansas
1949, 19-2901.

¹⁵Johnson County Herald, March 15, 1951.

busy group. This can be shown by the large number of building permits it issued. During 1948 the board issued 1,025 building permits, and new construction costs in the township for the same year amounted to \$9,500,000.¹⁶

As has already been mentioned in connection with township problems, trash and garbage disposal facilities were provided after the township board received the authority to acquire a disposal site. Before the township operated a disposal site, the dumping of refuse into township ditches had created a serious health hazard for the area.

There were a number of less important functions performed by Mission Township. One of these was bindweed control. During 1948 the township spent \$159.60 on eradication of bindweed along township roads. An entertainment function was maintained in the form of a township band. Band expenses amounted to several hundred dollars each year. The township served as an election and registration district. Mission Township expenditures for this function during the election year of 1948 were \$7,371.58. A state law of 1949 made possible a township patrol service, but it was not provided for residents until 1950. The destruction of prairie dogs and gophers was a service formerly provided

¹⁶Johnson County Herald, January 13, 1949.

by Mission Township.¹⁷

The above-mentioned functions were provided for the residents of the unincorporated areas of the township. As the cities were incorporated, those areas were removed from the township's jurisdiction. Taxation problems for Mission Township did arise, however, because of the incorporations. For instance, the question of whether or not the township could tax the residents of the third class cities within its boundaries for additional police protection was carefully considered during 1949.¹⁸

Mission Township revenues. Some of the main township expenditures have already been mentioned so just a brief statement of the important revenues will be made here. By far the most important source of revenue for Mission Township was the property tax. Included in this were the ad valorem and intangibles taxes. The 1948 budget shows that 84 per cent of the receipts of the township for the year were from the property tax. The other 16 per cent of Mission Township's revenues for 1948 were received from residue sales taxes, gasoline taxes, and reimbursed expenses.¹⁹

¹⁷Mission Township Budget, loc. cit.

¹⁸Johnson County Herald, August 11, 1949.

¹⁹Mission Township Budget, loc. cit.

Suggested changes in Mission Township government.

By 1948 there were numerous suggestions for changing the governmental form and powers of Mission Township. In March the Council of Home Owners Associations of Northeast Johnson County made a plea for legislative action. They wanted Mission Township to have the authority to purchase and control its own water distribution system. The dissatisfaction with the water system for the township was mentioned earlier in the chapter. The council stated its interest in a state law which would allow townships with more than 15,000 population to adopt a municipal township form of government. The Council of Home Owners Associations announced, at this time, that they were considering the employment of governmental experts from Chicago to make a study of Mission Township.²⁰

The Shawnee-Mission Co-Operative Club was another group which showed an early interest in the solving of township problems. During April, 1948 this club formed a legislative committee headed by C. C. Pemberton to make a study of the area. The committee established three principles for itself in making suggestions about the township government. The committee (1) stated a thorough belief in the home rule principle, (2) made it clear that new

²⁰The Kansas City (Missouri) Star, March 8, 1948.

services cost money and should be made available only when citizens are willing to pay for them, and (3) encouraged the use of the benefit district idea to benefit areas that wanted services not desired by the township at large.

The legislative committee made a number of suggestions about the form and powers they desired for Mission Township. They wanted a five member township board which would have the authority to choose its own officers. An important part of the plan was the hiring of a township manager who would supervise the business of the township and have the power to hire other township help. The committee thought it desirable for the township to have control of the sewers within its boundaries. According to the plan of the legislative committee, final zoning authority was to be transferred from the county commissioners to the Mission Township Board. To give the township more local control the Pemberton Committee wanted Mission Township to have power to pave streets, build sidewalks, issue bonds, create trash and garbage disposal districts, and acquire and maintain public parks.²¹

Mr. Pemberton went on to point out that the area had completely outgrown its form of government. He stressed the need for more flexible laws as the township increased

²¹Johnson County Herald, April 8, 1948.

in population. The legislative committee believed an increase of township powers would make possible an easier and more economical development of the area.²² At the time this committee made its report the population of Mission Township was approaching 25,000 and still there were no incorporated cities within its boundaries. The Pemberton Committee proposals were made more than four years before Mission Township actually adopted the urban township government.

Other groups were becoming interested in the study of Mission Township by late 1948. The three member township board itself was active in encouraging a study of and a change for Mission Township's government. During this same period the Overland Park and Mission Chambers of Commerce announced their support of a township government change.²³ The weaknesses of traditional township government in the area were rapidly becoming more obvious.

In October, 1948 Dr. Ethan Allen stated that Kansas University would make a study of Mission Township. The study for the proposed reorganization of the township was to have two phases: (1) an effort was to be made to find out what steps should be taken to modernize the township,

²²The Kansas City Star, April 7, 1948.

²³Johnson County Herald, October 7, 1948.

and (2) a study of the constitutional problems involved was to be made. The problem stated for the township was that of a large population and a rural governmental structure.²⁴

Kansas University study of Mission Township. By late August, 1950 Mission Township was ready to make a complete study of its governmental problems. The three member township board had decided to use Kansas University's help in the study. Many citizens attended the meeting at which this decision was made and they were strongly in favor of the board's action. Most people in attendance agreed that the three member township board was handicapped by a lack of authority and that ways should be found to devise a plan which would better fit the needs of the area. A problem noted was that Mission Township had found it necessary many times to go to the Kansas Legislature to seek power and authority to handle township problems.²⁵

The Kansas University Bureau of Government Research made its study of Mission Township during the fall of 1950 and published the report in November. The township was called a teeming city in the country with a population of over 32,000. The study called attention to the 144 separate, unco-ordinated taxing units within the township

²⁴The Kansas City Times, October 8, 1948.

²⁵The Kansas City Times, August 30, 1950.

and noted the result of a widely dispersed authority. The need for a single administrative body with local control was repeatedly pointed out. The report said that over 26,000 people lived in unincorporated parts of the township which had to rely on antiquated machinery for services of a metropolitan community.²⁶

The governmental experts were concerned with the diffusion of authority and confusion of responsibility which made it impossible for citizens of Mission Township to secure the needed governmental services. By late 1950 there were already seven incorporated cities in Mission Township and the Kansas University study said any further city incorporations would make the situation even more confused. The Bureau of Government Research suggested a consolidation of the administrative authority of the township board, the county commissioners, and benefit districts. The consolidated authority was desired for the Mission Township Board as part of a plan to create a single responsible governing body for the area.²⁷ The township was said to be confronted with problems characteristic of suburban developments. The report stated that the traditional township government had simply been overwhelmed by the

²⁶The Kansas City Times, November 23, 1950.

²⁷Ibid.

large population increase with its resulting problems.²⁸

The Kansas University report made some important observations about services and money costs. Residents of the township were told that increased services such as adequate police and fire protection, proper sewage and garbage disposal, and recreation facilities would require a corresponding increase in cost. The Kansas University experts had this to say about tax levies and governmental services:

Too often the goal of some communities is the lowest tax levy possible, even though good sense indicates that the criterion should be the most effective and responsible government at the lowest cost possible.²⁹

The people of the township were told that the realistic acceptance of this fact would help them solve their problems.

The report of the Mission Township study said a metropolitan township did not have the authority to anticipate, plan for, or provide many necessary governmental services.³⁰ Concerning the problem of health and sanitation, the Kansas University study mentioned Mission

²⁸ Government in Mission Township (Lawrence, Kansas: University of Kansas, Bureau of Government Research, 1950), pp. 1-2.

²⁹ Ibid., pp. 2-3.

³⁰ Ibid., p. 4.

Township's inability to handle its sanitation problems until the 1945 Kansas Legislature gave the Johnson County Commissioners power to establish and operate sewer districts within the township's boundaries. Even then, said the report, Mission Township did not have the final authority with respect to its sanitation facilities. One case was cited and evidence was furnished of raw sewage being emptied into ditches in the township. More control over its own affairs was said to be needed by Mission Township to make possible the elimination of such health hazards.³¹

On the matter of police protection there were also some recommendations to be made. It was pointed out that Mission Township had no local authority to furnish police protection for its residents. This function, the report went on to say, was performed for the township by the county deputy sheriffs. The arrangement was criticized as being a diffusion of authority which made adequate law enforcement virtually impossible. The lack of power to furnish police protection for its residents was cited as another important community service over which the township had no local control. A single police department for all of Mission Township, incorporated and unincorporated

³¹Ibid., p. 5.

areas alike, was proposed as a solution to the township's police problems.³²

Some of the deficiencies of the fire protection for the area were singled out for comment. Again mention was made of state legislation which would be needed before the township could provide its citizens with an adequate fire protection service. At this time the township had one fire district which served the northeast part of the township and three volunteer fire departments to handle the fire fighting for the remainder of the territory. Mission Township's fire protection costs were announced to have risen from \$8,000 in 1946 to well over \$66,000 in 1950.³³ Two ways of improving the fire protection service in Mission Township were explained. The report said that strategically located stations with adequate equipment should be constructed, and it also pointed out the need of having better co-ordination among the fire fighting units.

The Kansas University report discussed the water service problems of the township. Kansas laws, the report stated, would not allow a township to install or operate a water distribution system for its residents. Added to this was the inability of a township in the state to control

³²Ibid., p. 6.

³³Ibid., p. 7.

private water services within its boundaries. Inequality of water rates among the water companies serving Mission Township was also considered to be an important aspect of the problem. Needless to say, the inequality of rates was a source of great dissatisfaction to many people. Those making the report felt that much of the difficulty in solving the water service problems had its source in the limitations placed on a metropolitan township.³⁴

The next item taken up for study by the governmental experts was the problem of Mission Township roads. With reference to roads the predicament of diffused authority and responsibility was again voiced. While the township had the authority to raise money for road purposes, the responsibility for the initial planning and construction lay with the Johnson County Board of Commissioners. Upon completion of the streets or roads the township was to assume the maintenance. This dual arrangement was criticized as being too expensive and as being responsible for the construction of a number of sub-standard roads in the township. To emphasize the seriousness of the road situation the university report quoted some of the figures for increasing township road expenditures.³⁵

³⁴Ibid., p. 8.

³⁵Ibid., pp. 8-9.

The status of planning and zoning in Mission Township was analyzed. Kansas legislation in 1939 made it possible for the township to have a zoning service. Its zoning board was composed of seven members, five of whom were residents of the township and were appointed by the Johnson County Commissioners. In addition the township trustee and the county engineer were made ex officio members of the same board. All actions of the Mission Township Zoning Board were subject to the approval of the county commissioners. The feeling of the Kansas University publication was that the review of township zoning was unnecessary and might prove to be a serious obstacle in the long range planning necessary for a metropolitan community.³⁶

In the study of Mission Township some of the fiscal facts were scrutinized. Johnson County was mentioned as having the lowest real estate assessment ratio in Kansas. The statewide assessment ratio for Kansas in 1946 averaged about 49 per cent while the urban assessment ratio in Mission Township was below 13 per cent. It was stressed that the tax revenues for any significant expansion and improvement of governmental services in Mission Township could not be obtained within the limits of the low

³⁶Ibid., p. 9.

assessment ratio.³⁷ The Kansas University report had this to say about assessment ratios and revenues:

Doubling the urban assessment ratio in the township to 26 per cent would double the funds available without approaching the state-wide average assessment ratio.³⁸

The higher assessment ratio was urged to provide more revenues with which to expand the township's governmental services.

Two general recommendations were made for Mission Township by the Kansas University Bureau of Government Research. The township was advised that it could achieve more control over its problems if it would become part of a first class city suggested for the area. According to this plan one of the third class cities in the township would serve as the nucleus around which the first class city could develop by the processes of consolidation and annexation. Eventually the city could have expanded to include most of the territory of the township. At the time this study was made in 1950, Mission Township's problems were considered to be similar to those of a first class city.³⁹

The other general recommendation made by the Bureau of Government Research would have given Mission Township a

³⁷Ibid., p. 10.

³⁸Ibid.

³⁹Ibid.

municipal township form of government. By this plan the township board would have been given increased administrative and regulatory powers. The plan, which provided for the adoption of a municipal township government, would have required Kansas legislation. According to the recommendation the township would hire a manager whose duties would be largely administrative. Mission Township residents were informed that earlier attempts to form a municipal township through state legislation had been unsuccessful.⁴⁰

In comparing the two general proposals that it had made for Mission Township, the Bureau of Government Research found them to be similar in many respects. In both cases the administrative control would have been exercised at the local level. Also, the report stated that either plan would make possible direct and clear-cut action by the Mission Township governing body. Either of the recommendations made by Kansas University were considered to be far superior to the regular or traditional township government under which Mission Township was operating. In conclusion the Kansas University Bureau of Government Research thought that either of their recommended plans, if adopted, would eliminate the diffusion of authority and the

⁴⁰Ibid., p. 12.

consequent lack of responsibility in Mission Township.⁴¹

Along with their report about Mission Township, Kansas University made two diagrams of governmental structure. Figure 1 shows the administrative organization of major services in Mission Township during 1950. Figure 2 shows the possible governmental framework for Mission Township, the type of government suggested for the township by the Kansas University report.

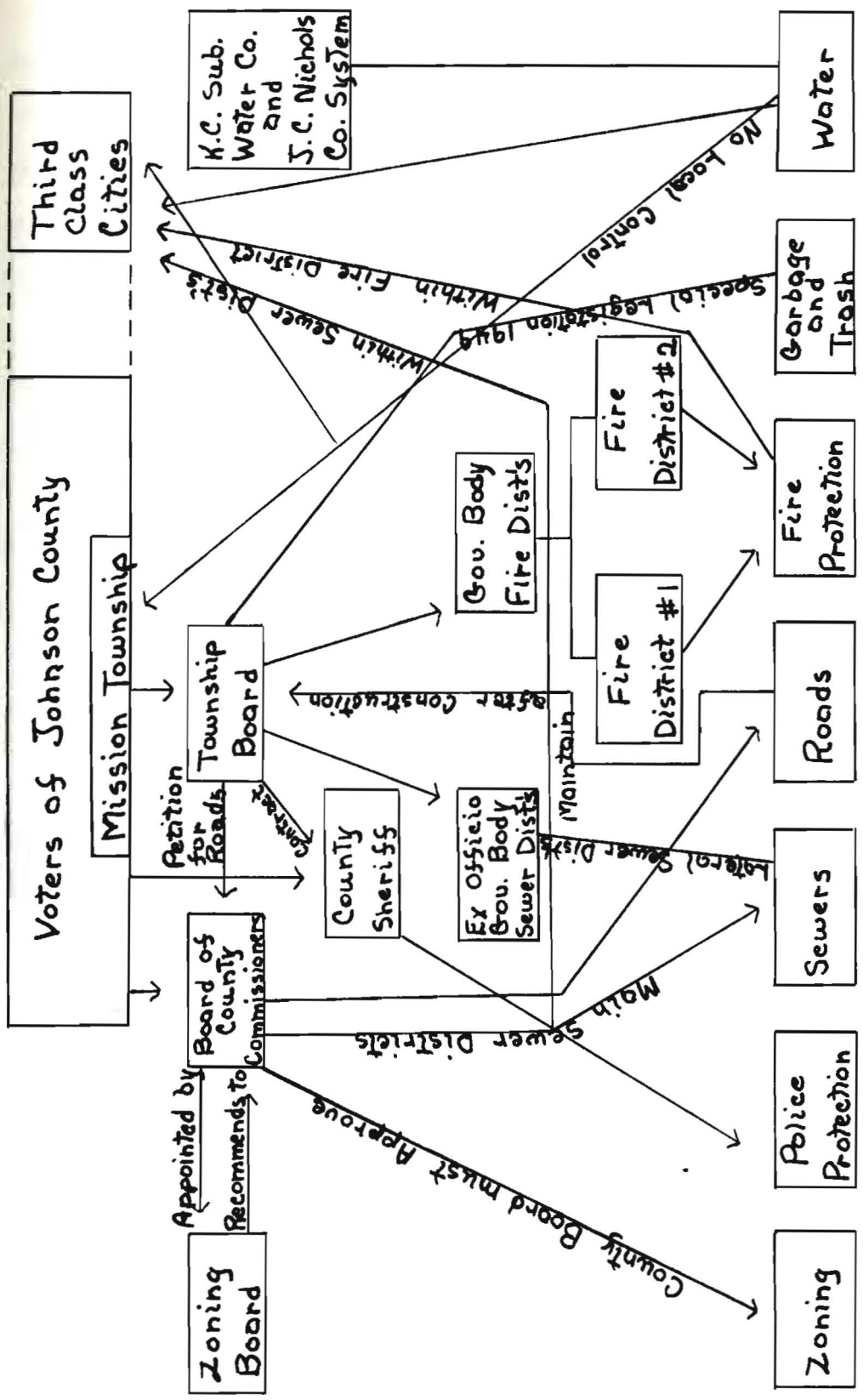
Support for urban township government. About a month after Kansas University had made its study of Mission Township, the Shawnee-Mission Sertoma Club had a meeting which Senator K. U. Snyder and Representative Clark Kuppinger attended. The purpose of the meeting was to urge the Johnson County legislators to seek solutions for the township's problems, many of which have already been mentioned. One spokesman at the meeting said the Mission Township Board had the power to levy a tax to provide a place for garbage and trash disposal but no power to condemn a site. This was typical of the problems discussed at the meeting.⁴²

The 1951 Kansas Legislature passed the Urban Township Law soon after Senator Snyder introduced the bill.

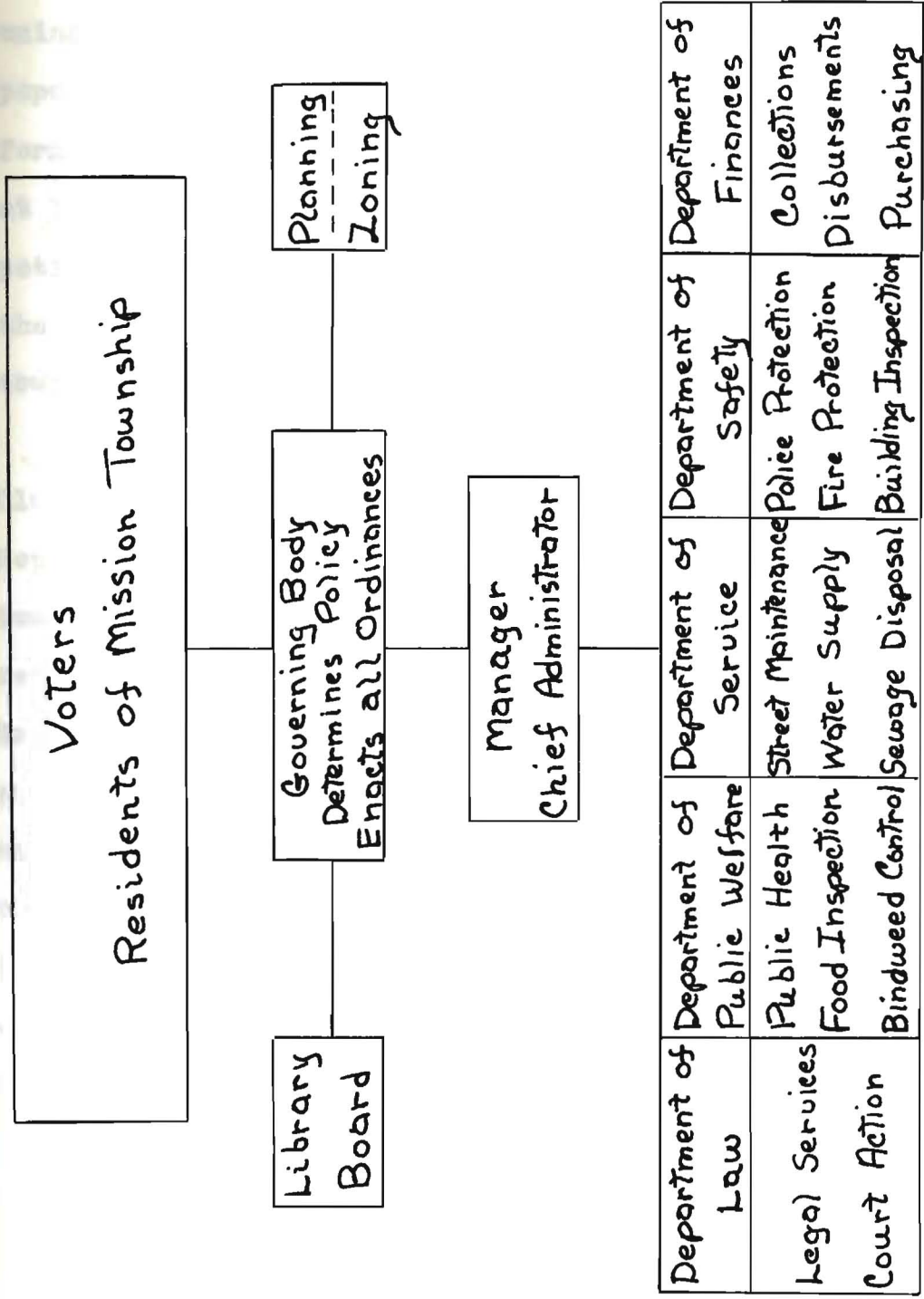
⁴¹Ibid., p. 17.

⁴²The Kansas City Times, December 15, 1950.

ADMINISTRATIVE ORGANIZATION OF MAJOR SERVICES
IN MISSION TOWNSHIP, 1950



Source of information: Government in Mission Township,
p. 15.



Source of information: Government in Mission Township, p. 16.

In the law provision was made for the residents of the unincorporated areas of Mission Township to decide by popular vote whether or not to accept the urban township form of government. This vote was to take place after at least 1,500 registered voters of the township had signed petitions calling for such an election.⁴³ A discussion of the election and of the powers to be given the urban township government will be presented later in the study.

While speaking to the Mission Township Republican Club later in the year, Clark Kuppinger, Johnson County Representative, expressed his approval of the Urban Township Law. He explained that the urban township powers were nearly equal to the powers of a third class city. Mr. Kuppinger urged the adoption of the urban township government as an alternative to further incorporation of cities in the area. The Johnson County Representative believed the urban township would be a substantial improvement over the traditional township government. It was his hope that the cities in the area would dissolve and join the urban township if and when it were formed.⁴⁴

By middle and late 1951 there was much popular support for the adoption of the urban township form of

⁴³1957 Supplement to General Statutes of Kansas
1949, 80-2301-08.

⁴⁴The Kansas City Star, April 4, 1951.

government. The Overland Park Chamber of Commerce was one of the first groups to announce its backing of the plan. They considered the powers of the three member township board to be inadequate, and pointed out the third class city powers which the urban township would have. The Overland Park group believed that with its large territory and high assessed valuation, the urban township would be able to provide the same services as a third class city at a lower per capita cost. The idea of the urban township being able to give good governmental services without putting too heavy a burden on the taxpayer was stressed.⁴⁵

The three member Mission Township Board was another early supporter of the experimental township plan. Murry W. Maxwell, township clerk and mayor of Westwood, said, "As soon as the township plan has proven itself, Westwood would be in favor of disbanding in a moment."⁴⁶ Mr. Maxwell believed the other cities in the area would also consolidate with the urban township. The township board supported the urban proposal because of the additional powers which the new form of government would have. They were another group to assert the efficiency and the low cost to the individual taxpayer of urban township services.

⁴⁵ Johnson County Herald, August 23, 1951.

⁴⁶ The Kansas City Times, August 28, 1951.

By August, 1951 various groups and individuals had begun to circulate petitions among voters of the township to call for a vote on the urban township plan. Both major political parties favored the new proposal. Several Shawnee-Mission organizations and the Overland Park Chamber of Commerce were active sponsors of the petitions. An Overland Park businessman said, "The new plan won't be a cure-all but it's a step in the right direction...."⁴⁷ This, in general, was the feeling of those sponsoring the petitions.

During the next few months there were numerous newspaper articles devoted to educating the public about the urban township form of government which Mission Township was thinking of adopting. Most of these articles attempted to point out the advantages of the urban township over the regular or traditional township government. Several writers at this time believed the urban township would provide an escape from the division of the township into many small cities. By July, 1951 there were 11 incorporated cities in Mission Township, and many felt that the large number of incorporations was destroying the natural unity of the area. Other articles stressed the ability of the urban township to provide municipal services efficiently.

⁴⁷The Kansas City Times, September 26, 1951.

Still another advantage given for the urban plan was its ability to insure better representation for different areas in the township with the five new districts to be established. Some writers believed the cities in Mission Township would consolidate with the urban township if it were adopted. Finally, the sponsors of the plan argued that it would permit the gradual adoption of city powers as needed without requiring the suburban territory to operate under the limitations of a third class city.⁴⁸

Opposition to urban township government. Nearly all the groups expressing an opinion about the urban township government were in favor of it. However, the farmers in the south part of Mission Township were one group to express their disapproval of the plan. Some of these people did not see how a police force or a system of garbage collection could help them. This group also questioned the value of some of the other services to be offered by the urban township government. The farmers believed they would be paying higher taxes for services of benefit only to people in residential areas.⁴⁹

Urban township vote and adoption. In April, 1952

⁴⁸The Kansas City Star, August 21, 1951; Johnson County Herald, August 23, 1951; The Kansas City Star, September 20, 1951.

⁴⁹The Kansas City Times, September 26, 1951.

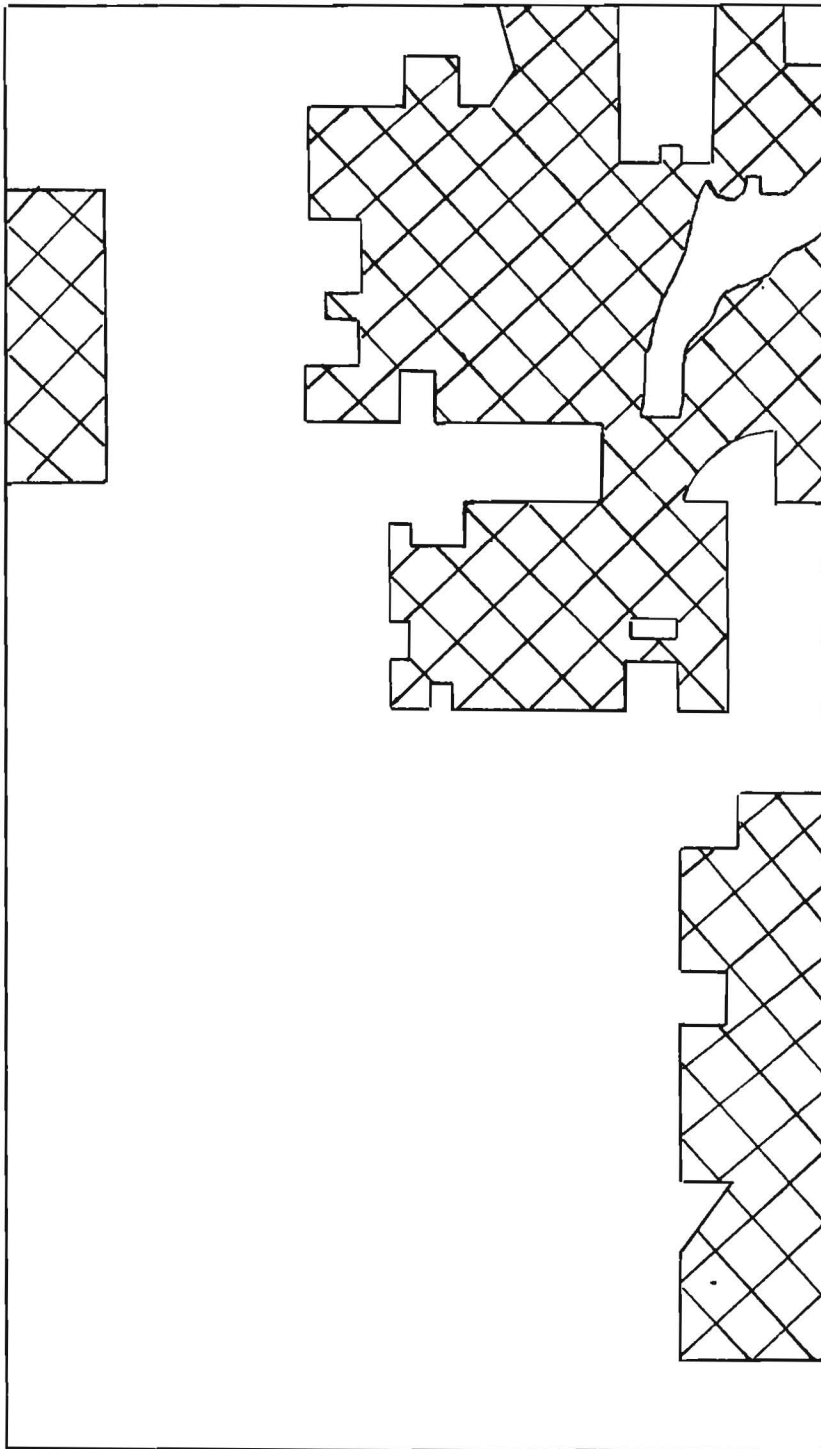
enough signatures had been received on petitions to call for the special election. The Mission Township Board set the date of April 29 for the election and on that date the residents of the unincorporated parts of the township voted 611 to 149 to adopt the urban township form of government for Mission Township. In this small turn-out, 11 of the 13 precincts voted in favor of the urban township plan. The change to the new form of government was not to be made until January, 1953.⁵⁰ Figure 3 shows the cities and the unincorporated areas in Mission Township at the time of the adoption of the urban township government.

This chapter traced some of the forces which brought about the change from traditional to urban township government for Mission Township, Johnson County, Kansas. Population growth, incorporation of cities, problems faced by the township, studies made of the area, and advantages of the new form of government were all important influences leading to the governmental change. Mission Township had outgrown its form of government and was in need of new powers to handle its problems.

⁵⁰Johnson County Herald, May 1, 1952.

FIGURE 3

INCORPORATED AND UNINCORPORATED AREAS OF
MISSION TOWNSHIP, APRIL, 1952



Source of information: Johnson County Herald,
April 17, 1952.

Unincorporated
areas



Incorporated
cities



CHAPTER III

MISSION URBAN TOWNSHIP IN OPERATION

This chapter will discuss some of the important aspects of the Mission Urban Township form of government. Its powers and functions, problems, weaknesses, and success are among the topics to be considered in this phase of the study. Much of the information for the chapter was obtained through personal interviews with persons in close touch with the township and its difficulties.

Legal basis. The Kansas Constitution makes possible the urban type of government for townships in the state. Article 2, Section 17 provides:

The legislature may designate areas in counties that have become urban in character as "Urban Areas" and enact special laws giving to such counties or urban areas such powers of local government and consolidation of local government as the legislature may deem proper.¹

This urban area provision was added to the state constitution in 1954, over three years after the Kansas Legislature had passed the Urban Township Law which made

¹Article 2, Section 17, Constitution of the State of Kansas (Topeka, Kansas: State Printing Plant, 1957), p. 9.

possible the additional powers for Mission Township.²

The first two sections of the basic Urban Township Law of 1951 explained: (1) the qualifications for townships which would be eligible to adopt the urban township government, and (2) the urban township adoption procedure.

Section 1 said that any township with a population of more than 15,000 and in a county bordering another state could adopt the provisions of the act and become an urban township. Mission Township of Johnson County was the only township in the state which could meet the population and location requirements of this section of the law.³ Section 2 of the Urban Township Law established the method by which the urban township government could be adopted. First of all a petition with the signatures of at least 1,500 qualified voters had to be presented to the township clerk. The purpose of the petition was to make possible a vote on the urban township plan. After the signed petition had been received, the township board was to select an election date. Section 2 stated how the question was to be worded on the ballot and also provided for the payment of the

²William H. Cape, County Government in Kansas (Lawrence, Kansas: University of Kansas, Governmental Research Center, Citizen's Pamphlet Series, Number 23, 1958), p. 12.

³Johnson County Herald, (Overland Park, Kansas), February 22, 1951.

election out of the general township fund. If the majority of the voters of Mission Township voted yes on the question, "Shall _____ Township adopt the urban township act?" the township was deemed to have adopted the urban township form of government.⁴

The next sections of the law dealt with districts to be created, urban township board members, and board meetings. Section 3 gave the township board the power to divide the township into five districts. Such districts were made subject to change every four years if population increases and decreases seemed to warrant a change. The third section also made separate townships of each of the incorporated cities in a township which would adopt the urban plan.⁵ The Urban Township Law provided, in Section 4, that the township was to be governed by a five member board, one member to be chosen from each of the five districts. The nomination and election procedures were established, and two year terms were set for the board members. The same section established township board member salaries at a maximum of \$600.00 per year. According to Section 5 the urban township board was to choose a chairman, treasurer, and clerk. The board was told to set

⁴Ibid. *State of Kansas Session Laws, 1951* (Topeka, Kansas: State Printer, 1951), Chapter 515, pp. 839-842.

⁵Ibid.

the times for their meetings which were to be held at least twice a month. At its public meetings the urban township board was instructed to keep a record of all proceedings. Provision was made whereby special meetings could be called.⁶

Section 6 of the Urban Township Law was important because it conferred powers upon the township of the urban class. According to Section 6, the urban township was to have all the powers, duties, and authority of traditional township government in Kansas in addition to a group of new powers to be enumerated later in the law. The urban township powers, said the law, could be exercised by the board or by people whom it designated.⁷

The 12 Articles of Section 7 listed the powers which an urban township would have in addition to powers already granted to township governments in Kansas. Article 1 gave the governing board the power to pass and adopt ordinances and resolutions. These were to direct the manner in which township powers were to be used. Article 2 said the urban township board could create any official position, department, or board which would be necessary for the good of the township. Section 7, Article 3, gave an urban township

⁶Ibid.

⁷Ibid.

government the power to create benefit districts and levy taxes within such districts. The other powers given to an urban township by Section 7 of the 1951 township law were as follows: Article 4, power to regulate traffic on all streets, roads, and highways in the township; Article 5, power to regulate the use of streets and roads by utilities and adjacent property owners; Article 6, authority of the urban township to pass ordinances to protect the general health of the township and to protect the residents against nuisances; Article 7, power to prohibit the running at large of domestic animals; Article 8, power to make police regulations to preserve peace and order, and power to make regulations to prevent destruction or interference with property; Article 9, authority to establish, maintain, and equip a police force and define the duties for it; Article 10, power to impose a punishment by fine or imprisonment or both for breaking of township ordinances; Article 11, power to establish and maintain a police court which would have original jurisdiction in all cases where township ordinances were broken; and finally Article 12 gave the urban township government the power to open, widen, and improve streets, avenues, and alleys.⁸

There were two other sections in the 1951 Kansas

⁸Ibid.

Urban Township Law. Section 8 described the form that township ordinances were to have, told how and when they should be published, and explained how the records of them were to be kept. Section 9 said the Urban Township Act would be in force after its publication in the statute book.⁹

Improvement of urban township over traditional township government. Mission Urban Township's ability to maintain its own police department was a very important governmental improvement for the township. One of the writers of the 1951 urban township legislation expressed the opinion that the power of the township to operate its own police force was the most highly desired feature in the Urban Township Law.¹⁰ More will be said about the police department in the next section which deals with urban township functions.

Before the urban township government was adopted in 1953, there were numerous community problems which Mission Township could not handle properly. The problem of trash and garbage disposal was one of these. The urban township board was able to purchase a disposal site to help in solving the difficulty. The urban township's power to pass

⁹Ibid.

¹⁰Telephone conversation with Mr. Lyndus A. Henry, June 24, 1959.

its own ordinances and resolutions was another important improvement which made possible better government for township residents.¹¹

Mission Urban Township made possible improved government for township residents in other ways. The urban township, said the county commissioners, had more governmental powers in a broader field. It had more flexibility in anticipating and handling problems than did Mission Township before 1953.¹² This additional authority to handle new problems and provide new services for its residents was, generally speaking, the most important improvement of the urban township over rural township government.

Functions of Mission Urban Township. The maintenance of its 142 miles of streets and roads was a very important service of the urban township. Most of the repairs made on Mission Urban Township's streets and roads were of a temporary nature. The urban township board, like the three member board before 1953, interpreted its responsibility to maintain roads and not build or rebuild them. The township engineer estimated that about \$80,000 worth of repairs made

¹¹ Interview with Mr. Matt Ross, June 15, 1959.

¹² Interview with Johnson County Commissioners, June 5, 1959.

on township streets and roads each year had to be repeated again the next year. The high road expenditure can be partially accounted for by (1) the temporary nature of the repairs, and (2) the large number of sub-standard streets in the township.¹³

The township engineer had general supervision over the work of the Mission Urban Township Street Department. It was his job to make plans, set construction requirements for new streets built by developers, and make inspections. His construction requirements were rigid enough to prevent the construction of sub-standard streets in the township. Most of the sub-standard construction took place in Mission Township before an engineer was hired. The street department itself was made up of a superintendent and a work force of 12 men. They sanded and oiled the roads and made whatever other repairs that seemed to be necessary. During the winter time the department performed a snow removal service for township residents. The street department installed stop signs and other street signs where necessary within the urban township's boundaries. When authorized to do so, they constructed temporary sidewalks

¹³Johnson County Herald, June 12, 1958; Interview Mr. R. L. Ehrlich, June 11, 1959.

upon request.¹⁴

Another function of major importance performed by Mission Urban Township was the operation of a police department. Before Mission Township became an urban township in 1953, this function had been performed for the community by the county sheriff's deputies. The organization of a police department was an enormous task facing the Mission Urban Township Board in 1953. Ordinances to establish the department and define its functions were passed.¹⁵ The Mission Urban Township Police Department had a number of problems. The lack of finances prevented the department from hiring as many policemen as it needed. For instance, in 1958 the police department of the township had 14 police officers to serve an area with 32,000 population and many heavily used trafficways. Because of cuts in the budget, the department had to reduce its force to 12 full-time field policemen in 1959. The budget under which the urban township operated also prevented any specialization in the crime detection function, as no money was available for hiring plain-clothesmen or laboratory technicians.¹⁶

¹⁴Interview with Mr. R. L. Ehrlich, June 11, 1959; Interview with Mr. Edgar Yeubanks, June 15, 1959.

¹⁵Johnson County Herald, October 22, 1953; Interview with Mr. Matt Ross, June 15, 1959.

¹⁶Johnson County Herald, January 9, 1958; Interview with Mr. J. O. Kenyan, June 12, 1959.

The Mission Urban Township Board also established a police court for the township during 1953. The police court handled petty misdemeanors for which it imposed fines of up to \$100 and gave jail sentences of up to 90 days. The court had original jurisdiction in all cases where township ordinances were broken. The most common violations handled were those of traffic offenses, but occasionally charges of disturbing the peace, assault and battery, and petty larceny were brought before the Mission Urban Township Police Court. Court was held every Monday night, and an average of 8 to 10 cases were tried each week.¹⁷

The police department and the police judge both advised the establishment of a central records system for traffic offenses in northeastern Johnson County. While the urban township board approved this project in principle, they took no definite action on it such as the appropriation of funds.¹⁸

Street lighting was a service which the urban township helped to secure for its residents. When a request for street lights was brought to the Mission Urban

¹⁷The Kansas City (Missouri) Times, November 25, 1953; Interview with Mr. Stan Bridgman, June 29, 1959.

¹⁸Johnson County Herald, June 12, 1958.

Township Board, the request was forwarded to the power company. After the power company had made a study of the area and if it felt the lights were necessary, a resolution was prepared and sent to the urban township board for signatures. The signed resolution was an order for the street lights to be installed by the power company. Under the power company's franchise, the urban township received a franchise fee for street lights which were installed. This money was then credited to a township street lighting fund. Hundreds of street lights were installed between 1953 and 1960 at the request of the urban township board.¹⁹

The five member board also exerted an influence in getting traffic signals installed at some of the busy intersections in the township. Groups and individuals of the urban township often requested the urban township board to take a traffic count or a survey to see if a traffic signal was needed at a particular place. The urban township board was instrumental in getting traffic signals installed at busy intersections along U. S. Highways 50 and 69.

The providing of a township band was one of the functions of Mission Urban Township. During each spring and summer a series of concerts were presented for the

¹⁹Ibid.

Overland Park area. While this was not one of the most important of the township's functions, the band provided good entertainment for many urban township residents.

In 1955 the urban township board passed a dog licensing ordinance. The same ordinance also made provision for the immunization of dogs as a protection against rabies. The licensing of dogs was not intended to be a large revenue producer for the township although it did bring in nearly \$3,000 during 1958. The service was established as a regulatory measure to benefit the community.²⁰

Mission Urban Township operated a trash and garbage disposal site located in central Shawnee Township. Originally the urban township board had bought a disposal site near a residential section in Mission Township, but many protests were soon voiced and the site was sold without having been used. Before the urban township purchased the disposal site, there had been a serious problem of people throwing their refuse into ditches and other unauthorized places. These problems were largely solved with the operation of a disposal site.²¹

²⁰Johnson County Herald, December 29, 1955; Mission Urban Township Budget, Johnson County Herald, June 25, 1959.

²¹The Kansas City Times, February 24, 1954 and August 31, 1954; Johnson County Herald, September 22, 1955.

Mission Urban Township operated a limited civil defense system. For part of 1957 and 1958 Mr. J. S. Stevenson served as the township civil defense director. During that time he worked with the police chief in training about 30 auxiliary policemen. His most important recommendation concerned the establishing of a system of warning sirens to be used in case of emergency. In 1958 the urban township board had appropriated \$1,000 to be used for civil defense, but the urban township police department needed more money during the year so the \$1,000 was used for police expenses.²²

There were other services performed for the citizens of Mission Urban Township by special districts. The districts and their functions will be discussed in the next section of the study. Zoning was also performed for the urban township, but it was not done under the control of the urban township board. Since zoning constituted one of the major problems of Mission Urban Township, it will be considered in the section dealing with the urban township's problems.

Special districts in Mission Urban Township. Fire protection was offered to the residents of Mission Urban

²²Telephone conversation with Mr. J. S. Stevenson, July 3, 1959.

Township and the cities of geographical Mission Township by four fire districts. The recent incorporation of the urban township did not change the areas served by these fire districts. Mission Fire District Number 1 has no governing body. It exists as a taxing and service area wherein three cities, in addition to areas formerly in the urban township, contract with a private corporation for fire protection. The private corporation has 24 volunteer fire fighters organized as a volunteer fire company. This district serves the northwestern part of Mission Township. Mission Fire Districts Number 2 and 3 are governed by boards appointed by the Johnson County Commissioners. These districts employ 28 paid, full-time firemen; 18 of these men serve Fire District Number 2. Fire Districts 2 and 3 serve approximately the eastern one-half of Mission Township. The fourth district, Overland Park, is also governed by a board appointed by the county commissioners. The fire board contracts with the Overland Park Volunteer Fire Company for services. The Overland Park Fire District provides fire protection for the southwestern part of Mission Township.²³

²³ Interview with Mr. C. G. Lipps, June 12, 1959; Johnson County, Kansas An Analysis of its Governmental Organization (Kansas City, Missouri: Community Studies, Inc., Publication Number 121, 1958), pp. 23-24; Telephone conversation with Mr. C. G. Lipps, February 20, 1960.

As part of the fire protection service, Mission Urban Township established a central fire dispatching office. This office serves all the fire fighting units in the Mission and Shawnee Township area. The service is paid for by the participating taxing units. The four fire districts and the fire departments of the two townships have mutual assistance agreements which may be used if necessary.²⁴

A recently organized Shawnee-Mission Park District is the only district of that type in Johnson County. It serves parts of the two townships of Shawnee and Mission as its name would indicate. The park district is governed by a board appointed by the Johnson County Commissioners.

"The district's function is to acquire, develop, operate, and maintain park facilities for district residents."²⁵

As of 1958, the park district owned three park sites.

Sewerage facilities were provided for Mission Urban Township by several sewer districts. The county commissioners are members of the governing board for each of the six sewer districts in Johnson County. A sewer districts' engineer is appointed to supervise sewer construction for the districts. Mission Township Main Sewer District

²⁴~~Ibid.~~, p. 24. Johnson County, Kansas an Analysis, p. 24.

²⁵Ibid., pp. 25-26.

Number 1, although not adequate to serve the area as it was originally constructed, has been expanded and is now judged to be capable of providing satisfactory service for district residents.²⁶ Most of the territory of Mission Township Main Sewer District Number 1 has already been developed extensively, and future urbanization in the district should present no serious problems. Most of the south part of Mission Urban Township was served by the Indian Creek-Dykes Branch Joint Sewer District. The construction of the sewer mains for this district was started in 1958, and the work is progressing rapidly. The entire sewer system should be ready for use by late 1960.²⁷

The most serious problem with respect to urban township sewers existed in the Turkey Creek Sewer District which was established in 1955. This district is west of Mission Township Main Sewer District Number 1 and serves the Merriam, Shawnee, and Overland Park areas. The problem in the district was that many people had invested money in septic tanks, and these people were very reluctant to vote bonds for the construction of a central sewer system. Two bond issues for the construction of Turkey-Creek Sewers were voted down by district residents before the central

²⁶Ibid., p. 25; The Kansas City Times, March 16, 1955.

²⁷The Kansas City Star, July 17, 1959.

sewer system was finally authorized. The Turkey Creek sewerage facilities have been of much concern to the county commissioners and county health authorities. Mr. Carl Standiford, county commissioner, described the inadequate sewerage facilities in the district as a terrible situation. He said the lack of a sewer system definitely slowed down the development of the area.²⁸ Construction of the Turkey Creek system has now begun, however, and the sewers in that district should be completed by 1960 or 1961.

Mission Urban Township had no control over the sewer districts that served its area. However, the township engineer did provide some engineering control for new storm sewers to be constructed by developers in the urban township. In this connection he made surveys and recommendations for sewer construction which would provide proper drainage for the area.²⁹

Most of Mission Urban Township was located within the boundaries of Johnson County Water District Number 1. The water district is governed by an elected board which selects an operating engineer. District revenues come from

²⁸ Area Development Study of Northeastern Johnson County, Kansas (Kansas City, Missouri: Midwest Research Institute, Industrial Economics Division, 1956), p. 22; Interview with Mr. Carl Standiford, July 7, 1959.

²⁹ Telephone conversation with Mr. R. L. Ehrlich, July 8, 1959.

the sale of water and related services with certain minor exceptions. The enabling legislation for the Johnson County Water District was passed by the 1951 Kansas Legislature. During its first few years of operation, the district made a study of the possible purchase of the Kansas City Suburban Water Company. The actual purchase of this private water company took place in December, 1957. There were many who complained about the very high price which had to be paid for the Kansas City Suburban Water Company. Two things should be kept in mind in this connection, however. (1) The private water company spent much money in developing a water plant near Morris, Kansas and in making arrangements to get water from Kansas City, Kansas and Kansas City, Missouri. (2) The construction costs of the water distribution system in the period after World War II were very high. These expenses and high construction costs resulted in high water rates for those served by the Kansas City Suburban Water Company. Since Johnson County Water District Number 1 has been formed, the water rates of individual consumers have not been lowered, and they probably will not be until increased urbanization of the area makes possible the use of water mains to the saturation point. Although a prolonged period of hot, dry weather might cut the water supply below the level needed by district residents, the water district is

engaged in an enlargement program which should be completed by the end of 1960. The capacity of the water treatment plant near Morris in Wyandotte County is being increased from five million to fifteen million gallons of water a day. This improvement will make Johnson County Water District Number 1 less reliant upon Kansas City, Kansas and Kansas City, Missouri for its water supply.³⁰

In addition to the special districts mentioned, there are also some elementary school districts and a rural high school district in the township. Because of the similarity of school districts throughout the state, it is felt that no discussion of these should be included in this study.

Organization of the Mission Urban Township Board.

When the urban township board first met in January, 1953, the five members chose a chairman, a treasurer, and a clerk. The other two men were simply considered as board members. The same organization of urban township officers and members remained unchanged until the urban township was incorporated. The urban township board further organized

³⁰ Johnson County, Kansas An Analysis of its Governmental Organization, p. 26; Interview with Mr. Stan Lamar, July 6, 1959; Telephone conversation with Mr. I. L. Roark, July 8, 1959; The Kansas City Star, March 7, 1960; Letter received from the Johnson County Water District Number 1, March 17, 1960.

itself into five standing committees to facilitate the handling of its work. The committee on Law and Ordinance, Police, License, and Public Health was the most active of the standing committees. Its chairman, acting as police commissioner, worked closely with the police chief to help provide adequate law enforcement for Mission Urban Township. The other four standing committees of the urban township board were: (1) Streets, Traffic, and Highways; (2) Fire Protection; (3) Zoning, Planning, Parks, and Playgrounds; and (4) Public Utilities and Sewers. During 1959 and the first part of 1960 these committees were not as active as they had been in the years before. With all the thinking about and the problems in connection with the incorporation procedure, the board more often acted as a committee of the whole.³¹

The urban township board had several advisors. One of these was the township engineer. He was consulting engineer for both the zoning board and for the urban township governing body. He attended the board meetings and made reports and recommendations as necessary. Mission Urban Township also maintained an attorney. The township attorney advised the board on legal matters, drew up

³¹Johnson County Herald, January 8, 1953; Telephone conversation with Mr. Roy Kamberg, June 26, 1959; Telephone conversation with Mr. H. H. Horn, July 2, 1959.

ordinances, and prosecuted traffic offenders in police court. Until 1957 the urban township had a manager who acted as a liaison officer between the zoning board and the urban township board.³²

The Mission Urban Township Board held its meetings on the first and third Monday evenings of each month. The board's job was both legislative and administrative in that it passed ordinances and resolutions and then enforced them. At the board meetings the complaints and requests of urban township residents were heard. A request for new street lights was a common item on the board meeting agenda. Other appeals such as those asking for temporary sidewalk construction or for traffic signal installation were taken into consideration. Complaints about drainage conditions and sewerage problems over which the urban township government had no jurisdiction were often brought to the attention of the five man board.³³

Mission Urban Township Budget. A study of the urban township budget for the years 1958-59 showed the general fund and the road fund to account for most of the urban township expenditures. Included in the general fund were

³² Interview with Mr. R. L. Ehrlich, June 11, 1959; Interview with Mr. R. J. Taylor, June 15, 1959.

³³ Attendance at five Mission Urban Township Board meetings, April 20, 1959 to June 15, 1959.

administrative expenses, police department and police court expenses, and traffic control expenses. From the standpoint of money spent, the maintenance of roads and the policing of the area were the two most important functions of the Mission Urban Township government. Out of a total expenditure by the urban township of \$339,856 in 1958, \$152,500 was spent on road maintenance and \$108,024 was spent on the police department. The amount spent on these two functions represented 76 per cent of the urban township expenditures for the year. Other smaller expenditures for 1958 ranked in the order of their amount were as follows: fire district expenses, \$28,080; administrative department expenses, \$25,722; election and registration expenses, \$12,700; machinery and equipment purchases, \$6,652; trash and garbage disposal, \$6,354; traffic control expenses, \$3,114; band expenses, \$1,500; and noxious weed eradication, \$1.83.³⁴

The ad valorem and intangible property taxes were the largest revenue producers for Mission Urban Township. In 1958 the property taxes accounted for 63 per cent of the urban township's receipts. Other less important sources of urban township revenues were sales tax residues, franchise

³⁴Mission Urban Township Budget, Johnson County Herald, June 25, 1959.

taxes, police court and parking fines, state liquor tax, licenses and permits, reimbursed expenses, insurance claims and refunds, interest on land contract, sale of land, and gasoline taxes. Mission Urban Township had no bonded indebtedness as of January 1, 1959.³⁵

Problems of Mission Urban Township. Loss of its territory through annexation was probably the most serious problem facing Mission Urban Township throughout its existence. As early as 1955 the township attorney was instructed to seek means to prevent further annexations. At that time the annexations were said to be posing a serious threat to the future operation of the urban township government. Even though the law required 100 per cent permission of property owners before any area could be annexed to a city, the annexation by small tracts of land still went on. During 1955 the suggestion was made that Mission Urban Township incorporate as a first class city to end further land loss to the adjacent cities.³⁶

In 1956 the city of Mission tried a new method in attempting to annex urban township territory. Instead of annexing by ordinance with the property owners consent, Mission tried to annex some land by petition. If the

³⁵Ibid.

³⁶The Kansas City Star, September 28, 1955 and October 11, 1955.

county commissioners had granted approval, the annexation could have taken place regardless of the desires of property owners. Although Mission's attempt to annex by petition failed, it illustrates one of the methods tried in the constant annexation struggle between the urban township and surrounding cities.³⁷

When the new urban township board took over its duties in January, 1957, attempts were made to prevent additional land losses through annexation. State law at that time limited the annexation of township territory in counties which were under 115,000 population. The law said annexation could take place only if (1) the property owners consented, and (2) the county commissioners approved the action. By 1957 Johnson County's population was rapidly approaching the 115,000 population level, and urban township officials were concerned about losing the state's protection against annexation. Much effort was made by the Mission Urban Township Board to get a revision of the law, and the effort was successful. The state law was changed to give annexation protection to townships in counties which had populations of 150,000 or less.³⁸

³⁷The Kansas City Times, April 28, 1956.

³⁸Laws of Kansas, 1957 (Topeka, Kansas: State Printing Office, 1957), Chapter 533.

Early in 1957 the urban township board met with the county commissioners to discuss the annexation problem. Although no formal action was taken, those attending the meeting agreed that Mission Urban Township's boundaries should remain unchanged until an over-all plan of government could be worked out for the area. The township officials complained about earlier annexations because (1) the cities were annexing fully developed residential sections on which the urban township had spent much money, and (2) the cities doing the annexing had no long range plans for development. The Mission Urban Township Board Chairman had this to say about the problem:

We do not claim that all township areas should remain within the township forever. There are some surrounded areas which probably should become part of an adjacent city. However, the township cannot continue to exist if the cities annex indiscriminantly (sic). Our tax base would be destroyed.³⁹

Some serious problems resulted from the loss of urban township territory through annexation. The urban township board chairman mentioned the problem of a shrinking tax base. As an example of this, in 1958 the

p. 1068 of. Johnson County Herald, June 26, 1958; The earlier law to limit township territory annexation can be found in Franklin Corrick (ed.), 1955 Supplement to General Statutes of Kansas 1949 (Topeka, Kansas: State Printer, 1956), 80-2303.

³⁹The Kansas City Star, January 23, 1957.

urban township estimated its valuation at \$34,000,000. Later it was found that those making the estimate had not considered all the annexations which had taken place, and the true valuation was slightly over \$32,000,000. As a result the urban township budget had to be cut by \$12,000 for the year. Scattered areas to be serviced was another difficulty which developed because of the annexations. The urban township had to provide government for areas which were entirely surrounded by incorporated cities. Often these surrounded areas were undesirable tracts of land which the cities did not want to annex. In addition to the creation of surrounded township areas, the annexations produced many jagged or irregular boundaries in the township. A glance at a 1958 or 1959 map of Mission Township will confirm this statement. Finally, the unfortunate annexation struggle between the urban township and surrounding cities prevented cordial and cooperative relations from developing between these units of local government.⁴⁰

The annexation problem for Mission Urban Township continued through 1959 and the first part of 1960. With the talk of the urban township incorporating as a first class city, the cities in the township were more eager than

⁴⁰The Kansas City Star, September 3, 1958; Johnson County Herald, November 6, 1958.

ever to increase in size. The cities talked about "squaring off" their boundaries which to them meant the inclusion of huge tracts of urban township land within their city limits. More will be said about the boundary problem in the chapter dealing with the change of the urban township into a first class city.

Zoning was another major problem for Mission Urban Township. Many people had hoped that with the formation of the urban township government in 1953 the final zoning authority would be transferred from the Johnson County Commissioners to the Mission Urban Township Board. However, the county commissioners retained the final zoning power despite the protests of many urban township residents. Even before 1953 there was much dissatisfaction with the zoning that was done by a county commissioner appointed board. It was an even more serious grievance for the urban township. A former board member said there was more dissatisfaction expressed about Mission Urban Township's zoning than about any other service provided by local government.⁴¹

The urban township board made several attempts to get the final zoning authority for itself. One such attempt was made in 1955 after about 100 persons had

⁴¹Interview with Mr. Matt Ross, June 15, 1959.

attended an urban township board meeting to protest the actions of the zoning board. The protest was centered about the refusal of the zoning board to allow a \$6,000,000 shopping center at 95th Street and U. S. Highway 69. The zoning board decision on that particular issue had been based on a study of the area made by Community Studies, Inc. In June, 1955 the urban township board announced that it would draw up an ordinance to create a new planning and zoning commission to be appointed by the Mission Urban Township Board. Such an ordinance was not drawn up, however, because the board members seriously doubted its legality. On several occasions during 1955 and 1956 the urban township board announced to crowds of township residents that it would be happy to assume the zoning function if Kansas Statutes would permit. The urban township board, its members stated, simply did not have the authority to assume that function. In spite of these announcements, the zoning issue still was not settled. In 1956 the urban township board defeated a proposed ordinance which would have given the urban township government the final zoning power. Also in 1957 the board promised residents that a serious effort would be made to change the situation with respect to zoning, but no important changes were made. The county commissioners retained the authority to review the

action of all township zoning boards in Johnson County.⁴²

Although there was much criticism of the Mission Urban Township Zoning Board, some of it probably was not justified. On the same night the zoning board had disapproved the \$6,000,000 shopping center at 95th and U. S. 69, it had approved a multi-million dollar apartment project only two blocks to the north. Immediately charges of favoritism were thrown at the board. Soon after these important zoning decisions had been made, the urban township board met with the county commissioners to discuss the zoning problem. Both groups agreed that the zoning for Mission Urban Township had been very poor. The zoning board was accused of spot zoning, of being too much influenced by personalities, and of having too many Overland Park businessmen who were concerned only with protecting their own business interests. A former urban township board chairman said the zoning board had been dominated by a large Overland Park developer who became a political boss in the community. Nearly all the criticisms of the zoning board resulted from various zonings about business. In some cases where a plot of land was zoned for business, the nearby residents complained that their property values

⁴²The Kansas City Times, June 8, 1955; June 14, 1955; August 24, 1955; February 14, 1956; and March 13, 1959.

would be lowered. Other times when zoning for a business was refused, those desiring the business charged the zoning board with protecting its own interests.⁴³

Many of the urban township zoning problems were eliminated after a master zoning plan worked out by Hare and Hare Architects and Zoning Consultants was accepted. The plan was started in 1956 and was accepted by the township in November, 1957. This plan dealt with the northern two-thirds of the urban township which contained mostly residential areas. In 1959 a master zoning plan was ordered for the southern part of the township which had been largely agricultural land up to that time. During 1958 and 1959 the zoning board continued to use Hare and Hare as planning consultants on a monthly fee basis.⁴⁴

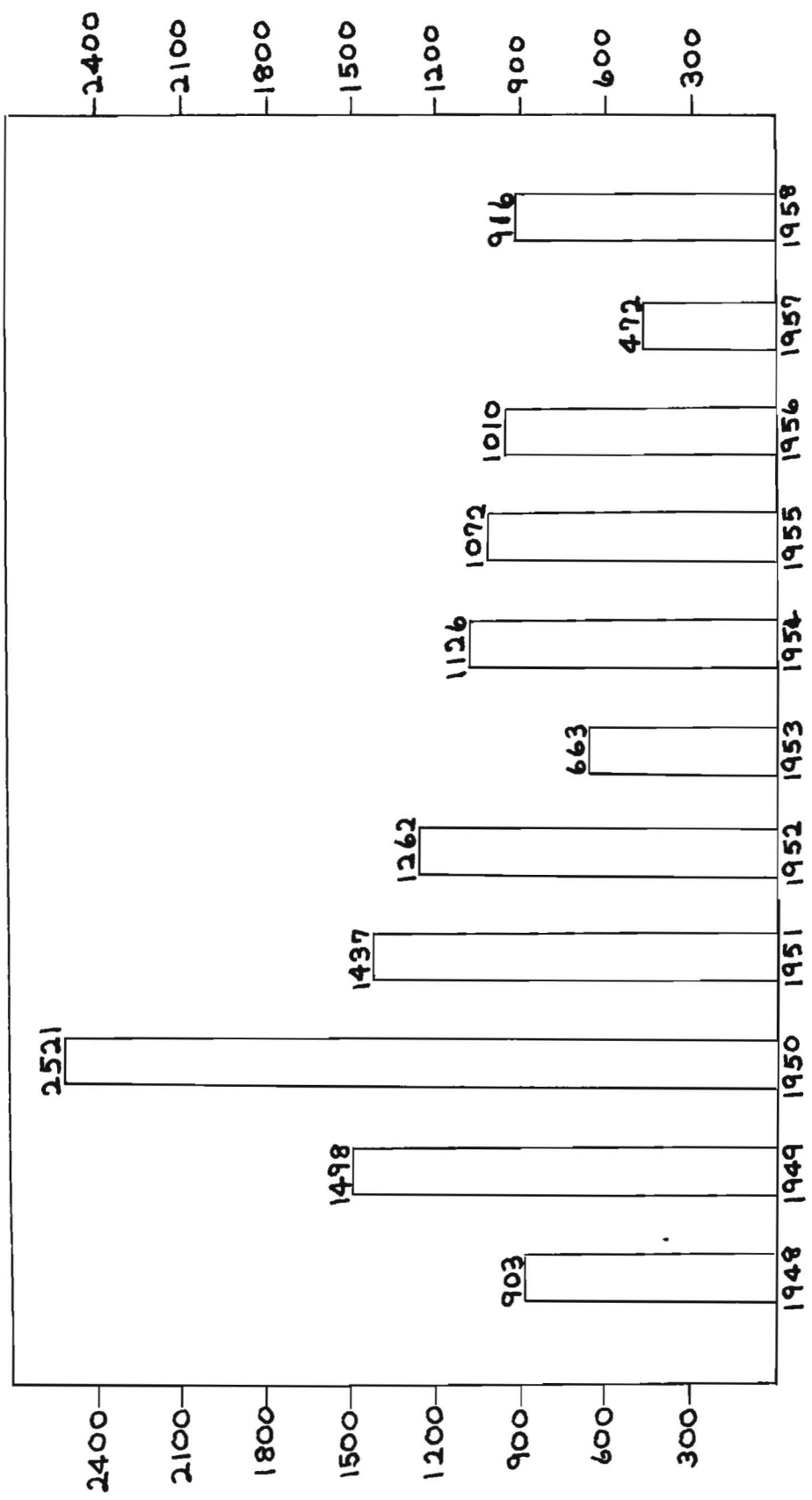
The zoning board issued large numbers of building permits for Mission Township and Mission Urban Township as can be seen by Figure 4. The highest number of building permits was issued in 1950 and generally the trend after that was downward. This can be explained by the fact that most of Mission Urban Township's territory was extensively

⁴³Johnson County Herald, June 16, 1955; The Kansas City Star, June 29, 1955; Interview with Mr. Robert Knapp, June 13, 1959; Interview with Mr. Matt Ross, June 15, 1959.

⁴⁴The Kansas City Star, July 24, 1956; Johnson County Herald, November 21, 1957; The Kansas City (Kansas) Kansan, January 21, 1959.

FIGURE 4

BUILDING PERMITS ISSUED BY MISSION TOWNSHIP AND MISSION URBAN TOWNSHIP, 1948-1958



Source of information: Mission Urban Township Zoning Board office.

developed by 1950.

Another problem of Mission Urban Township was its inability to establish a building code for its area. Under Kansas Law an unincorporated area is not allowed to have a building regulation code without permissive state legislation. The urban township officials were unsuccessful in their attempts to get such legislation. A building code would have insured that homes and commercial establishments were built to minimum standards of health, safety, and durability. The inability to establish a building code for its area made Mission Urban Township a less desirable place to live than it otherwise would have been.⁴⁵

The two main problems of the urban township from an engineering standpoint were sub-standard streets and inadequate drainage facilities. Maintenance of the sub-standard streets was a very costly operation. These streets were the product of (1) poor planning, and (2) the lack of enforcement of minimum standards. The inadequate drainage facilities resulted from careless and rapid work of developers. The urban township had very little authority to correct the drainage problems in its area.⁴⁶

⁴⁵The Kansas City Kansan, October 27, 1958;
Interview with Mrs. Virgil Benton, June 11, 1959.

⁴⁶Interview with Mr. Roy Owen, June 10, 1959;
Interview with Mr. R. L. Ehrlich, June 11, 1959.

One of the Mission Urban Township Board members mentioned the difficulty of trying to offer municipal services to a large population with a government he described as a hybrid between an incorporated city and a rural township. A similar problem mentioned by the board members was that of the urban township having to operate under ambiguous laws. They complained about the township's powers not being well-defined by Kansas Statutes.⁴⁷

The complicated structure of local government in Mission Urban Township's area should be mentioned as another problem. In addition to the complexity of county and urban township government, a large number of special districts also operated in Mission Urban Township's territory. The total governmental structure in Mission Urban Township was hard for residents to understand, it resulted in duplication of services, and it was expensive. The special districts were not responsible to the urban township government or to the cities in the area. Uncoordinated local government was the result.

Population growth of Mission Urban Township. The population growth of the urban township should be considered. It was the rapid population increase which brought about the demand for more governmental services. In this section

⁴⁷Johnson County Herald, June 26, 1958.

of the study the population figures for both Mission Urban Township and the entire geographical Mission Township will be mentioned. These latter figures are used because they help to show the population trend for the entire area. The annexations of urban township areas sometimes caused its population to decrease while the population numbers and density for the township as a whole showed a steady increase.

The total population for Mission Township, including the population of the 11 incorporated cities, grew from 49,601 in 1953 to 83,820 in 1959. During the same time the Mission Urban Township population increased from 19,582 to 32,833 while its size was reduced by annexations. These population changes are shown in Table IV.

Most of the population growth for Johnson County has been accounted for by the growth of the three most populous townships in the county--Mission, Shawnee, and Olathe. The three townships had 80 per cent of the total county population in 1950 and are expected to have 86 per cent of the county population by 1970. The other seven townships in Johnson County are largely agricultural areas.⁴⁸ Table V shows the population of Johnson County from 1950 to 1959.

⁴⁸Area Development Study of Northeastern Johnson County, Kansas, p. 7.

TABLE IV
 POPULATION GROWTH OF MISSION URBAN TOWNSHIP
 AND
 GEOGRAPHICAL MISSION TOWNSHIP

YEAR	MISSION URBAN TOWNSHIP	GEOGRAPHICAL MISSION TOWNSHIP
1953	19,582	49,601
1954	22,983	58,684
1955	26,304	64,331
1956	29,577	72,570
1957	31,839	75,209
1958	28,115	77,708
1959	32,833	83,820

Source of information: Office of the Johnson County
 Clerk, Olathe, Kansas.

TABLE V
POPULATION GROWTH OF JOHNSON COUNTY,
1950-1959

YEAR	POPULATION
1950	61,466
1951	71,336
1952	79,917
1953	87,272
1954	96,705
1955	105,345
1956	112,836
1957	118,694
1958	120,679
1959	128,934

Source of information: Office of the Johnson
County Clerk, Olathe,
Kansas.

Weaknesses of Mission Urban Township. The lack of authority of Mission Urban Township to establish its boundaries permanently was discussed in connection with the annexation problem. Some people believe that the cities of Mission Township were influential with the Kansas Legislature in keeping the urban township weak in power with respect to boundary establishment.⁴⁹ At any rate the inability to keep its territory must be ranked as a major weakness of Mission Urban Township.

The urban township's lack of final zoning authority can also be classed as a weakness which caused serious problems. Many township residents felt that the urban township board which was directly responsible to the people of the township should have had the zoning power. There probably would not have been as much criticism of the zoning service if it had been controlled by the urban township board rather than by the Johnson County Commissioners.

Mission Urban Township's inability to provide some of the necessary municipal functions required by a metropolitan area should be listed as a weakness. It was already mentioned that the urban township had to operate under laws which some people termed ambiguous. More than

⁴⁹Telephone conversation with Mr. I. L. Roark, July 8, 1959.

likely the urban township government would have provided additional services for its residents if the laws had been clearly stated.

Limitation on its taxation powers was another weakness of Mission Urban Township. The tax levy allowed for the urban township was much lower than the levy which cities in the state may use. Without the necessary revenues the urban township could not have provided all the desired services. It should be mentioned here, however, that the urban township board did not use its maximum tax levy. The few things mentioned in this section, while not a complete list, were the most serious weaknesses of the urban township government.

Success of the Mission Urban Township government.

In 1951 and 1952 the proposed urban township form of government was spoken of in highly complimentary terms by most individuals and groups in Mission Township. By the middle of 1959 the situation had changed considerably. There were still those who praised the urban township government, but there were others who originally supported the urban township plan who had become highly critical of it. The opinions on the success of Mission Urban Township vary all the way from those who considered it highly successful to those who considered it a complete failure.

One of the men who helped draft the Urban Township

Law of 1951 said the urban township was as successful as it was expected to be. The urban township government, he said, was established to serve for six or seven years until there was a larger population in the area and a change to a more permanent form of government could be made. This man considered the urban township as an interim government which had served its purpose.⁵⁰

Another man who assisted in drafting the Urban Township Law in 1951 was more critical of the operation of Mission Urban Township. He said it had not been very successful and gave two reasons in explanation. According to his thinking the urban township board had not used all of its clearly stated powers nor had the board explored for new powers to use. As an example, he pointed out that the urban township government had not created benefit districts for street improvement; instead, this had been left as a job for the county. The other reason this man gave for the urban township's lack of success was its newness as a form of government. He said the urban township government had no examples to follow and it was not understood by the people of the township.⁵¹

⁵⁰Telephone conversation with Mr. Lyndus A. Henry, June 24, 1959.

⁵¹Telephone conversation with Mr. Clark Kuppinger, July 3, 1959.

The man who had been township trustee from 1948 to 1952 expressed the opinion that the urban township government had not been as successful as people thought it would be. He talked about the jealousy and friction of the urban township in its relations with the cities in Mission Township. During 1951 and 1952 there were many, he stated, who believed the cities of the area would consolidate with the urban township. This, of course, had not taken place and the relations of the urban township and the cities had been very unfriendly.⁵²

The first chairman of the Mission Urban Township Board, who served in that capacity during 1953 and 1954, believed the urban township government had not been successful. He stated that the urban township government was doomed to failure because of the nature of Kansas laws. Much of the urban township's failure, he thought, could be blamed on its lack of home rule powers and on the ambiguous Urban Township Law.⁵³

At a boundary hearing with the Johnson County Commissioners in June, 1959, there were several in attendance who were highly critical of Mission Urban Township

⁵²Telephone conversation with Mr. Tom C. Hansen, June 24, 1959.

⁵³Telephone conversation with Mr. I. L. Roark, July 8, 1959.

government. One lady said that the urban township board had no power, its members didn't do anything, and it was a waste of money to pay the board members' salaries. She and others at the meeting were quite obviously unhappy with urban township services.

The Johnson County Commissioners themselves rated the urban township government as only moderately successful. They pointed out the entire incorporation procedure as proof of much dissatisfaction with the urban township. The county commissioners also cited the urban township's failure to use all its powers and its maximum tax levy. They believed that the urban township could have provided more services for its residents had the maximum tax levy been used.⁵⁴

On the other hand, there are those who considered the urban township to be a very successful experiment in government. A person who had studied the urban township and its problems said that Mission Urban Township was highly successful. He mentioned the urban township's \$250,000 worth of road equipment, the money which the urban township had in a capital improvement fund, and the fact of the urban township's having no bonded indebtedness as

⁵⁴Talk with Mrs. F. A. Redfern at boundary hearing, June 5, 1959; Interview with Johnson County Commissioners, June 5, 1959.

examples of its success. Various people at hearings with the county commissioners announced their satisfaction with the urban township government and their desire for it to be continued.⁵⁵

Other groups and individuals took a more moderate view of the successes and failures of Mission Urban Township. The urban township board of 1959 was in this category. The board chairman believed the urban township government had been successful except for its lack of zoning power and its inability to protect against annexation. The urban township board clerk referred to the urban township as an interim government in the change from rural township to city government. He said the urban township could have been more successful if it had been given more powers when it was adopted in 1953. The urban township board treasurer expressed the opinion that the urban township government had been successful in providing services considering the framework under which it had to operate.⁵⁶

A few other ideas about the success of Mission Urban

⁵⁵Attendance at boundary hearing with Johnson County Commissioners, June 8, 1959; Telephone conversation with Mr. Gerald I. Coel, June 23, 1959.

⁵⁶Interview with Mr. Roy Owen, June 10, 1959; Telephone conversation with Mr. H. H. Ellis, June 17, 1959; Telephone conversation with Mr. Roy Kamberg, June 26, 1959.

Township will be summarized briefly. Several persons interviewed felt that the urban township government had worked as well as possible in an area with a rapidly growing population. Another person mentioned the ability of the urban township to govern a large territory with the powers of a third class city. A former township clerk thought the loss of its best land through annexation had seriously hurt the urban township's chances for success.⁵⁷

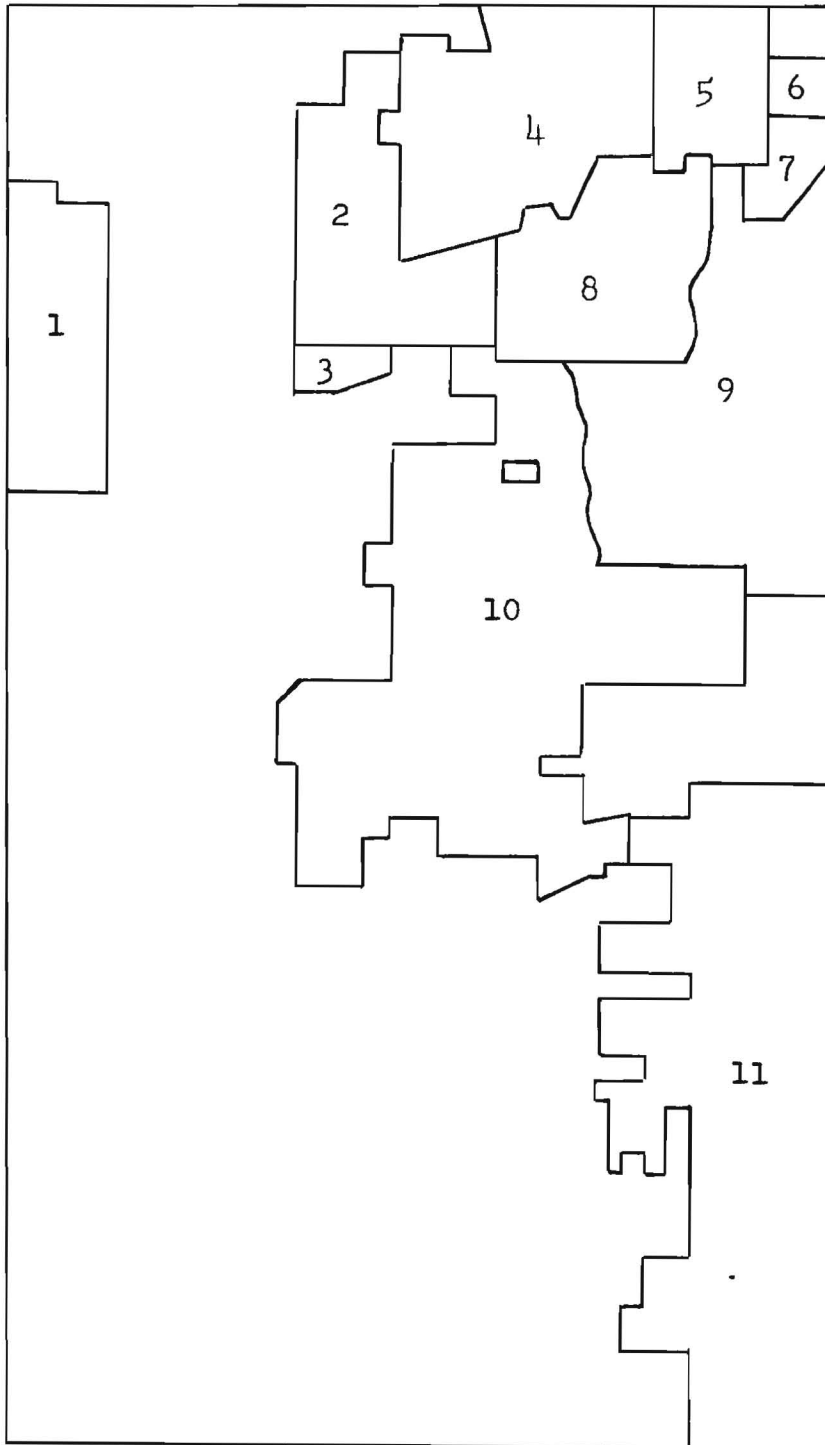
A comparison of Figure 3 on page 47 and Figure 5 on page 91 will show the amount of land lost by Mission Urban Township through annexation between April, 1952 and February, 1959. It will also be of interest to compare these Figures with the ones on pages 121 and 122 in Chapter IV. The two latter Figures show the proposed boundaries for the cities in Mission Township in connection with the incorporation procedure.

Chapter III has presented some of the findings about the operation of Mission Urban Township. Its functions, problems, and degree of success were three important aspects to be considered. In making an evaluation of the experimental urban township government these five factors should be considered: (1) the urban township government was

⁵⁷ Interview with Mr. R. J. Taylor, June 15, 1959; Telephone conversation with Mr. M. W. Maxwell, June 23, 1959.

FIGURE 5

MISSION URBAN TOWNSHIP,
FEBRUARY, 1959



Source of information: Mission Urban Township
office.

Cities in Mission Township
in Figure 5
Page 91

1. Merriam
2. Mission
3. Countryside
4. Roeland Park
5. Westwood
6. Westwood Hills
7. Mission Woods
8. Fairway
9. Mission Hills
10. Prairie Village
11. Leawood

considered by some of its framers to be merely an interim government; (2) the residents of the area generally did not understand the urban township government; (3) the Kansas Legislature did not give the urban township clearly stated powers; (4) rapid population growth created difficult problems for the urban township government; and (5) the annexation procedure constantly lowered the urban township's tax base. Even though Mission Urban Township encountered many serious difficulties, many people believe the urban township government served the purpose for which it was intended.

CHAPTER IV

THE CHANGE OF MISSION URBAN TOWNSHIP INTO A FIRST CLASS CITY

This chapter is primarily concerned with a three year period, 1957-60, in which much serious thinking was done about the urban township's governmental future. By 1957 the dissatisfaction which had been expressed with the urban township government was beginning to produce important efforts to solve the township's problems. Newspaper articles, interviews, and the findings of the Mission Urban Township Advisory Committee were important information sources for this part of the study.

The formation of and early reports of the Mission Urban Township Advisory Committee. The urban township board had become convinced by the middle of 1957 that some township governmental changes were necessary. Problems which the urban township government could not solve had arisen. Using its appointive power, the Mission Urban Township Board chose a 25 member citizens advisory committee. The committee was established to work in cooperation with the urban township board and the department of social studies of the University of Kansas in studying the problems and planning for the future of the urban township. In its first few weeks of operation the

advisory committee mentioned the annexation problem and lack of revenue as the chief problems of Mission Urban Township. Zoning difficulties, fire and police protection conflicts, and lack of authority were singled out as less serious problems. Already in late 1957 one of the advisory committee members suggested the incorporation of the urban township as a first class city.¹

Deficiencies of Mission Urban Township. Several times the advisory committee made reports in which the deficiencies of the urban township government were listed. One such report was made in June, 1958. According to the report, Mission Urban Township was not getting a fair share of state-returned funds. In Kansas various state-collected taxes are shared with incorporated cities but not with townships. The report went on to mention that the urban township government was limited in the funds it could collect and in the means for collecting them. Furthermore, the advisory committee pointed out that the urban township could not spend money for public works even if it so wished. Other deficiencies of the urban township mentioned in the June report were: (1) inability to stop annexation;

¹The Kansas City (Missouri) Times, November 27, 1957; The Kansas City (Kansas) Kansan, December 21, 1957; Johnson County Herald, (Overland Park, Kansas), December 26, 1957.

(2) no control of its own planning and zoning; (3) lack of clearly stated powers; and (4) the failure of the people of the community to understand the urban township form of government.²

Speaking in October, 1958, the urban township clerk had something to say about the continued operation under existing state laws. While he was concerned partially with the urban township's future, he was also thinking about the welfare of the entire community. In part he said:

As long as we remain under the present law, new cities will continue to be formed, the proliferation of governments and overlapping of authority will continue, there will be no unity among government (governments) and little cooperation, and the problem will eventually bring building and development to a halt in Mission Township.³

Mr. Ellis further mentioned the difficulty of servicing urban township areas which were completely surrounded by incorporated cities.

In November, 1958 the urban township advisory committee prepared a circular entitled Let's Talk Turkey about Mission Urban Township which was sent to 10,000 urban township residents. Part of the circular was devoted to a listing of the urban township's deficiencies. In answer to

²Report of the Mission Urban Township Advisory Committee, urban township office, Overland Park, Kansas, June 16, 1958.

³The Kansas City Kansan, October 28, 1958.

the question, "What do we have under Mission Urban Township Government?" the following seven deficiencies were listed: (1) an area with a shifting boundary and an unstable tax base; (2) a government designed primarily to handle rural problems; (3) outside control of zoning and planning; (4) a complex mixture of municipal functions; (5) little community identity; (6) lack of clearly defined powers of government, and (7) limited ability to furnish governmental services without placing an overburden on the home-owning taxpayer.⁴

Population growth. Again the rapid population increase in the entire geographical Mission Township area must be considered briefly in tracing the transition from urban township to city government. By December, 1957 Mission Urban Township had a larger population than any of the cities in northeastern Johnson County. Yet the urban township had only the powers of a third class city. One of the advisory committee members pointed out the inconsistency of trying to govern an area having a first class city population with the governmental powers of a third class city. That, very briefly, was the problem facing Mission Urban Township government. The rapid population growth in

⁴Let's Talk Turkey about Mission Urban Township, urban township office, Overland Park, Kansas, November 1958, p. 2.; The Kansas City Kansan, December 20, 1958.

Mission Township between 1953 and 1960 tended to make the urban township government more ineffective each year, and it was a very important factor in forcing the incorporation of Mission Urban Township.⁵

Recommendation of the advisory committee. Since its formation in late 1957, the advisory committee had been faced with the problem of choosing the type of government to suggest for the urban township's future. In the summer of 1958 the committee made a decision to recommend first class city government for Mission Urban Township. The other alternative considered by the citizens' advisory committee was a strengthening of the urban township government. Before the choice was made between the two plans, the advisory committee had definitely decided that one of the plans would need to be adopted to give better government to community residents. The idea of strengthening the urban township was dropped because the urban township concept was not well-defined and its powers had not been tested in court. In choosing to recommend first class city government, the Mission Urban Township Advisory Committee

⁵The Kansas City Times, December 21, 1957; Interview with Johnson County Commissioners, June 5, 1959; Population figures from office of the Johnson County Clerk, Olathe, Kansas.

knew it had selected a well-understood form of government.⁶

Advantages of changing to a first class city. After recommending the change to city government, the advisory committee did much work to show township residents the advantages of changing the urban township into a first class city. One advantage pointed out was the clearly defined power of a first class city through statutes and court decisions. The residents were told that a city could obtain representation in the state legislature.⁷ The better possibilities for orderly development of the area and the fact that annexation would cease were used as arguments in favor of changing to a city. According to the advisory committee's calculations, the area would have received \$87,000 in state-collected taxes during 1957 if it had been a city. A first class city's flexible system of financing and its ability to provide more services for its residents were used as additional arguments for making the proposed governmental change.⁸

The circular which was mailed to 10,000 urban township residents in November, 1958 contained several

⁶Telephone conversation with Mr. W. V. Skinner, June 11, 1959.

⁷Report of the Mission Urban Township Advisory Committee, June 16, 1958.

⁸Ibid.

kinds of information. It listed the seven deficiencies of Mission Urban Township mentioned earlier in this chapter. The little pamphlet also told residents how they could get first class city government for the area. The two things stressed by the advisory committee in this connection were: (1) the need for state legislation, and (2) the need for the people of the area to convince state legislators that the urban township should be changed into a first class city. The pamphlet went on to mention some of the groups and individuals who had announced their desire to make the recommended governmental change. The urban township board, the advisory committee, home owners associations, and members of both major political parties had stated their support of the change to city government.⁹

Two other important questions were answered in the four page circular commonly called Let's Talk Turkey. Ten answers were given to the question, "Why does Mission Urban Township need first class city government?" The answers were as follows: (1) to provide a stable tax base and be able to keep taxes down; (2) to be able to make long range plans for a rapidly growing community; (3) to maintain property values; (4) to establish better cooperation with

⁹The Kansas City Kansan, November 6, 1958; Let's Talk Turkey about Mission Urban Township, pp. 2-3.

neighboring communities; (5) to better coordinate community services and activities; (6) to get better roads; (7) to increase the civic pride of the community; (8) to provide city services for an area with a city population; (9) to give the governing body tested solutions for home owners' problems, and (10) to gain tax revenues returned by the state to incorporated cities. The other important question was similar and it read, "What would we have with a first class city government?" The seven parts of the answer were: (1) a large stable community; (2) a government that could handle city problems; (3) local control of planning and zoning; (4) an administration with a central point for answers and services; (5) a home-town community identity; (6) well-established powers of government, and (7) a lighter financial burden with the return of state-collected taxes.¹⁰

In January, 1959 the Johnson County Herald made a survey of 200 urban township residents on the question of changing into a first class city. While there were a few who were against making the change, most of the residents wanted Mission Urban Township to become a first class city. These people thought a city would be an improvement over the urban township government in providing better

¹⁰Ibid., pp. 1-3.

management and more economical government for the area.¹¹

Urban township officials were among those to point out advantages in changing to a first class city. The urban township board chairman mentioned an advantage with respect to the budget. He referred to the urban township's problem of making budget adjustments because of annexations and said an incorporated city would not face this difficulty. The police chief believed the change to city government would mean more job security for his men. The urban township police force had to be reduced several times because of budget changes. The urban township clerk thought a city would be able to attract some industry which would make possible a broader tax base. According to the clerk, Mission Urban Township contained some land well suited to industrial use.¹²

Arguments against changing to a first class city.

The Johnson County Commissioners stated that the taxes in a first class city would be higher than the taxes levied by the urban township. They believed a city would perform more services and require more revenue than the urban township government. Other individuals pointed out that an

¹¹Johnson County Herald, January 15, 1959.

¹²Interview with Mr. Roy Owen, June 10, 1959; Interview with Mr. J. O. Kenyan, June 12, 1959; Telephone conversation with Mr. H. H. Ellis, June 17, 1959.

even more serious taxation problem would exist for the agricultural areas of southern Mission Urban Township if they were included in the proposed first class city. These people said the residents of farm areas would object strenuously to high city taxes. It was argued that the change of the urban township into a city would cause a serious boundary dispute. This argument proved to be true in the efforts made during 1959 and 1960 to incorporate Mission Urban Township. The boundary struggle will be described in another section of this chapter. Still other people believed the formation of a 12th small city in Mission Township was a mistake, and they opposed the incorporation of the urban township for this reason.¹³

The effort to secure state legislation. In September, 1958 the urban township legislative committee was told to start preparing legislation to present to the 1959 Kansas Legislature. The legislation was desired to make possible a change of Mission Urban Township into a first class city. The hope at that time was to incorporate the entire urban township territory, farm land included, as the first class city. After the November election the legislative committee completed the drafting of its bill

¹³The Kansas City Times, April 26, 1958; Interview with Johnson County Commissioners, June 5, 1959.

on the subject of urban township incorporation.¹⁴

In February, 1959 Representative Clark Kuppinger of Johnson County introduced his version of the township incorporation bill in the Kansas Legislature. The bill provided for the dissolving of the urban township board, the holding of boundary hearings, the establishment of boundaries, and the evolving of the urban township into a first class city. There was much public support of the bill as evidenced by the fact that Mr. Kuppinger received a petition with 5,000 signatures in favor of the bill. In March the bill passed the Kansas Legislature and received the governor's signature to become law.¹⁵

The law which made possible the change of Mission Urban Township into a first class city is summarized as follows:

An act relating to townships of the urban class; to provide a procedure for the dissolution of such townships and the disposition of all property and assets of a township so dissolved; to provide for the attachment of part of the territory of the township to existing cities and to include the remainder in a city of the first class to be created; to prescribe the powers, duties, authority, and jurisdiction of boards of county

¹⁴The Kansas City Kansan, September 20, 1958; Telephone conversation with Mr. W. V. Skinner, June 11, 1959.

¹⁵The Kansas City Kansan, February 17, 1959 and March 18, 1959; Johnson County Herald, February 19, 1959; Clark Kuppinger, House Bill No. 169, Printed for the Kansas Senate, 1959 Session.

commissioners, election commissioners, and other public officers in relation thereto; to provide for the payment of the costs and expenses and the reimbursement of the county therefor.¹⁶

The provision that all the territory of Mission Township should be included in one of the 12 incorporated cities of the township is important. Much of the boundary dispute to be discussed in another section can be traced to this provision of the law.

Name for proposed first class city. A minor problem for the early part of 1959 was the choosing of a name for the first class city to be formed out of Mission Urban Township's territory. Santa Fe was the most likely choice of names during part of April. After the name Santa Fe had been proposed, it was found that there had once been a Santa Fe, Kansas in the western part of the state. It had been incorporated in 1886 and was located between Garden City and Sublette. When the railroad was built through the area, it had missed Santa Fe and the city soon became a ghost town. Overland Park was always in the running as the name for the new city. Contrary to the beliefs of many people, Overland Park, Kansas was not an incorporated city until May, 1960. It was merely the name given to a business district and an area in south-central Mission Urban

¹⁶Ibid., p. 1.

Township. Finally in May, 1959 Overland Park was chosen as the name for the proposed first class city. When the Johnson County Commissioners announced their choice of names, they said that the name of Overland Park had been in use in the area for at least 50 years.¹⁷

Efforts of the urban township board in the change to city government. Although the advisory committee had originally made the recommendation to incorporate as a first class city, it was the Mission Urban Township Board which officially decided upon that course of action. The board had until May 1, 1959 to take up the option of changing into a first class city. During the last two weeks of April, the urban township board unanimously approved a formal resolution seeking incorporation of the urban township. The resolution was then presented to the county commissioners. Newspaper articles written during April, 1959 said that it would take about two months to hold the boundary hearings, establish the boundaries, and effect the incorporation.¹⁸

At the time the urban township board filed its resolution with the Johnson County Commissioners, the board

¹⁷The Kansas City Kansan, April 20, 1959; The Kansas City Times, May 8, 1959.

¹⁸The Kansas City Star, April 20, 1959; The Kansas City Times, April 21, 1959.

chairman announced the urban township's agreement with the county commissioners on most boundary questions. It was pointed out that residents of contested areas would be allowed to have boundary hearings with the county commissioners to decide which city they would join. A postcard poll was also suggested to help settle possible boundary disputes.¹⁹

In June, 1959 the urban township board prepared and mailed an open letter to 8,000 residents of Mission Urban Township. The board admitted the inability of the urban township government to cope with the problems created by rapid growth. The urban township board then announced its support for the proposed change to first class city government. The main purpose of the open letter was to urge township residents to request that they be included in the new city of Overland Park. The board listed five facts in their open letter which they hoped would influence some people in making the choice. They said the urban township was entering the era: (1) without any debt, (2) with over \$250,000 worth of operational assets available upon incorporation, (3) with plenty of room for growth and development to the south and the west, (4) with an opportunity for urban township residents to share in the government of the

¹⁹The Kansas City Kansan, April 23, 1959.

new city by electing representatives of their own choosing, and (5) with engineers working out plans for the orderly development of residential, business, and recreational areas. Along with the open letter, which contained preliminary boundaries for the proposed city, the urban township board sent a postcard to the residents. On the postcard were the following words:

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS

I am now a resident of Mission Urban Township. I do not want to be included in any incorporated area other than the proposed New 1st Class City.

Signature Mr. (s) _____

Address _____ 20

After these postcards were returned to the Mission Urban Township Board, they were presented to the Johnson County Commissioners.

Other support for the proposed city. During the last two months of 1958, the advisory committee members made numerous speeches to urban township residents urging their support in the change to a first class city. Mr. Coel, advisory committee vice-chairman, warned township residents about the dangers of continuing under the urban

²⁰The Mission Urban Township Board, An Open Letter to the Residents of Mission Urban Township, June 1959; Postcard sent to urban township residents, June 1959.

township form of government. He said unless the change to a city was made, urban township residents would be faced with rising costs and a reduction of services. He pointed out that the area lost by annexation in 1958 resulted in an \$11,000 reduction in police funds. The large amount of money being lost to the urban township in the form of state-collected taxes was mentioned. Mr. Coel expressed his opinion that property values sag when a community cannot afford to maintain its governmental services. The advisory committee vice-chairman urged the signing of petitions to encourage legislation which would allow Mission Urban Township to incorporate as a city of the first class. About a month later Mr. Coel spoke to residents in the southern part of the urban township. He told these people "the future of Mission urban township lies primarily in the undeveloped lands south of 83rd."²¹ Coel again expressed the opinion about the stabilizing influence of incorporation on property values. In speaking about the important problem of planning and zoning he had this to say:

Areas such as yours are still under development, and must have control of their own planning and zoning-- thru (through) their municipal government. Mission township resident (residents) will not have this right unless incorporation takes place.²²

²¹The Kansas City Kansan, December 17, 1958.

²²Ibid.

In other speeches to urban township residents, the advisory committee members emphasized the seven deficiencies of Mission Urban Township which they had found in their study. These deficiencies were listed earlier in this chapter.²³

Boundary hearings with the county commissioners.

Boundary hearings were to begin June 5, 1959 and run for 20 days if necessary. The main purpose of these hearings was to help the County Commissioners establish the boundaries for the proposed first class city of Overland Park. By June 5 the preliminary boundaries for all 11 cities (12 cities including Overland Park) in Mission Township had been published in local newspapers. The hearings gave township residents the chance to request a change of or an acceptance of the preliminary boundaries which had been established by the county commissioners.²⁴

The first boundary hearing was held June 5, 1959 with residents of an area bordering Mission, Kansas. In the preliminary plan this territory had been included in the new city of Overland Park. Over 200 interested citizens attended the noisy and argument-filled hearing. The county commissioners had difficulty in keeping order during

²³The Kansas City Star, November 25, 1958; The Kansas City Kansan, December 17, 1958 and December 20, 1958.

²⁴The Kansas City Times, May 23, 1959.

part of the meeting. There were questions to the county commissioners about the proposed city, arguments about the comparative taxes of Mission and Overland Park, and speeches made in praise of those two areas. When the final vote was taken, only 14 people expressed the desire to become a part of the city of Overland Park. Those in attendance were told that the area under consideration would probably be included in the city of Mission if the urban township incorporation took place.²⁵

Some of the boundary hearings with the county commissioners were noisy and hard to control; others were conducted in a more orderly manner. At several of the hearings the groups had spokesmen who presented the wishes of the residents to the county commissioners. The commissioners then assured the people that their desires would be considered in making the final boundary plan. The boundary hearing with the residents of the Meadow Lake area, on the other hand, was filled with protests. These people had been told that their area would become a part of the city of Prairie Village. About 4,000 persons lived in the Meadow Lake area which was non-contiguous to Mission Urban

²⁵Attendance at boundary hearing with Johnson County Commissioners, June 5, 1959, The Kansas City Times, May 23, 1959.

Township at the time of the boundary hearings with the county commissioners.²⁶

At several of the boundary hearings the county commissioners announced that the final plan for incorporation would be ready by June 25, and the incorporation of the urban township would take place in early August, 1959. The commissioners also explained about a referendum which could be called to decide whether or not to incorporate Mission Urban Township. The voters of the community later made use of this method to make their wishes known.²⁷

Boundary problem for the proposed city of Overland Park. The most serious obstacle in the incorporation procedure for Mission Urban Township was the problem of final boundary establishment for Overland Park and the adjacent cities in Mission Township. The worst part of the boundary dispute was between Mission Urban Township and Prairie Village with Mission and Leawood also in the struggle. The other cities in Mission Township were more nearly satisfied with their boundaries. As soon as the legislation making possible the urban township's incorporation was introduced in the Kansas Legislature, Prairie

²⁶The Kansas City Kansan, June 10, 1959.

²⁷Attendance at boundary hearings with Johnson County Commissioners, June 5, 1959 and June 8, 1959.

Village and Mission began to talk about annexing township land to "square off" their boundaries. The mayor of Mission said the incorporation of the urban township would benefit the area, but the cities should be allowed to get some land by annexation first.²⁸

In February, 1959 Carl Standiford, Johnson County Commissioner, said the situation was intolerable because of "squabbles". Many petitions for and against annexations were circulated in the urban township. During the same period the mayors of the 11 incorporated cities in the township joined in drawing up a proposed map for the area which would have left Mission Urban Township with about one-third of its territory. There were many irregular boundaries in the township which had resulted from small territory annexations in the past. The boundary situation was becoming very confusing for township residents.²⁹

To help the situation somewhat, the Mission Urban Township Board met with some of the city officials to discuss problems resulting from the incorporation procedure. Typical of these meetings was one held with the mayor of Merriam. Mayor Mattingly expressed the city's

²⁸The Kansas City Kansan, February 13, 1959 and February 18, 1959.

²⁹Johnson County Herald, February 19, 1959; The Kansas City Star, February 24, 1959.

desire to expand by annexing urban township land. He went on to say, however, that Merriam was not interested in areas where the revenues produced would not take care of the streets.³⁰ This is another example of the problem mentioned earlier in the study of cities wanting to annex only the desirable urban township territories.

When Prairie Village annexed some tracts of developed urban township land in late April, 1959, Mission Urban Township officials strongly protested the surprise move. The urban township attorney said the annexation conflicted with House Bill 169 which made possible the incorporation of Mission Urban Township. He filed a petition with the Johnson County District Court which sought an injunction to restrain Prairie Village from annexing any more township territory. The petition filed in the district court stated that the urban township should retain possession of land held at the time of filing for incorporation.³¹ The urban township board had filed for incorporation about one week before the Prairie Village annexation occurred.

³⁰The Kansas City Star, April 15, 1959.

³¹The Kansas City Kansan, April 28, 1959; The Kansas City Times, May 1, 1959.

There was some fear that Mission Urban Township's population might not be large enough to qualify it for incorporation as a first class city. According to the 1959 state legislation, the urban township needed to have at least a 20,000 population to be eligible for the change to city government. Mission Urban Township had a population of over 28,000 in 1958, but the boundary changes and annexations of 1959 lowered that figure considerably. It was of some relief to the urban township board to hear that the county commissioners would prevent further annexations after May 1, 1959 while the first class city plan was under consideration.³²

At a meeting with county commissioner Herman Higgins, 100 urban township residents protested the boundary changes which had been made in favor of the cities in Mission Township. Robert Anderson, spokesman for the residents, told that the people had been constantly petitioned by Prairie Village and Mission. He mentioned the urban township's large expenditures in developing some of the territories considered for annexation, and he expressed the opinion that the people of the urban township should have a voice in deciding what to do with these areas. Mr.

³²Attendance at urban township board meetings, May 4, 1959 and May 18, 1959.

Higgins told the group to "Get to work and do some counter-selling."³³ He explained that the county commissioners were working according to the will of the people in establishing boundaries for the proposed city of Overland Park. The Johnson County Commissioner further told urban township residents not to believe some of the tax claims made by Prairie Village and Mission.

Following the publication of the preliminary boundary plan in late May, 1959, the county commissioners shifted large tracts of urban township land to the adjacent cities. Some of these boundary changes were made as a result of the boundary hearings. By the middle of June, 160 acres of the Milhaven sub-division had been given to Mission, Prairie Village had been extended south from 83rd to 95th Street, and Leawood's boundary had been extended west one-quarter of a mile south of 95th Street. Harry King, county commissioner, expressed disapproval of the boundary changes in saying, "As far as I'm concerned our preliminary plan was as good a one as I've seen."³⁴ Mr. Standiford was in favor of expanding the city of Mission west to U. S. Highway 69, but Mr. King said he would not vote for that change unless Merriam, which is in his

³³The Kansas City Kansan, June 4, 1959.

³⁴The Kansas City Star, June 16, 1959.

district, was also allowed a considerable increase in size.

The Johnson County Commissioners completed the final plan for the incorporation of Mission Urban Township as a first class city on June 26, 1959. Actually, only a small part of the original urban township territory remained according to the plan. The 1959 Kansas Legislature had hoped to create a large city in the township which might start a consolidation movement, but the June 26 plan had merely formed the boundaries for the 12th small city in Mission Township. The final boundary plan had very little similarity to the preliminary plan which had been worked out nearly a month before. County commissioner Carl Standiford had become the chief architect for the new city of Overland Park, as he was willing to give large tracts of urban township land to neighboring cities in making the boundary plan.³⁵

A difficulty appeared on June 30, 1959 when urban township officials reported that the unofficial census figures showed the urban township territory of the June 26 plan to be under 19,000 population. John J. Gardner, Johnson County Attorney, told the county commissioners that their final plan would be void unless the territory out of

³⁵The Kansas City Times, June 23, 1959; The Kansas City Star, July 1, 1959.

which the city of Overland Park was to be formed had at least a 20,000 population. Carl Standiford called the report "inaccurate and incomplete"³⁶ which listed the urban township population below 20,000. But to make sure their final boundary plan would not be declared invalid, the county commissioners had begun to consider the shift of territory back to Mission Urban Township.

On July 1 the county commissioners voted two to one to revert to the preliminary boundary plan with minor changes. Standiford was bitterly opposed to the action and called the change "a stinking deal."³⁷ The July 1 revision of the boundary plan returned large tracts of land to the urban township, and it was considered as an important victory by urban township officials. The plan represented a major loss of territory for Prairie Village, Mission, and Leawood as compared with the boundaries announced June 26, 1959. The county commissioners said they changed back to the boundary plan of May because of Mission Urban Township's population. The assessor's office had shown the urban township to contain less than 20,000 people. After the July 1 session, county commissioner Higgins said no further

³⁶The Kansas City Star, July 1, 1959.

³⁷The Kansas City Times, July 3, 1959.

revisions would be made on the plan for the incorporation of the urban township.³⁸

There were still changes to be made in the boundaries, however, despite the announcement of commissioner Higgins. Many angry citizens, primarily from areas near Mission and Prairie Village, made a trip to Olathe on July 2 to protest the boundary revisions made the day before. One man claimed that the county commissioners had acted in the interests of two large land owners in Mission Urban Township. These protests resulted in another boundary meeting for the Johnson County Commissioners. July 2, as a Thursday, was not a day for official action by the county commissioners according to state law. Nevertheless, the two commissioners who were at the courthouse voted to reinstate the June 26 boundary plan which had given much urban township territory to Mission, Prairie Village, and Leawood. Harry King, the third county commissioner who was not in attendance at the meeting, later described the action of the other two commissioners as a "wholesale giveaway."³⁹ He said the action was also bad legally because he did not think the commissioners would take official

³⁸The Kansas City Times, July 2, 1959 and July 3, 1959.

³⁹The Kansas City Times, July 3, 1959.

action on Thursday. After Mr. Higgins and Mr. Standiford had voted to revert to the June 26 plan and after the angry citizens had gone, Mr. Higgins said, "Basically, I still think it's wrong."⁴⁰ He was referring to the return of urban township land to the three cities.

Figures 6 and 7 on pages 121 and 122 show the "final" boundary plans of the county commissioners about which there were so many disputes. Figure 6, page 121, shows the boundaries as established by the commissioners in the June 26 and July 2, 1959 plans. The urban township officials strongly protested those boundaries. Figure 7, page 122, shows the boundary plan accepted July 1, 1959. The July 1 revision, very similar to the preliminary plan of May, was most unsatisfactory to many residents of Mission and Prairie Village, Kansas.

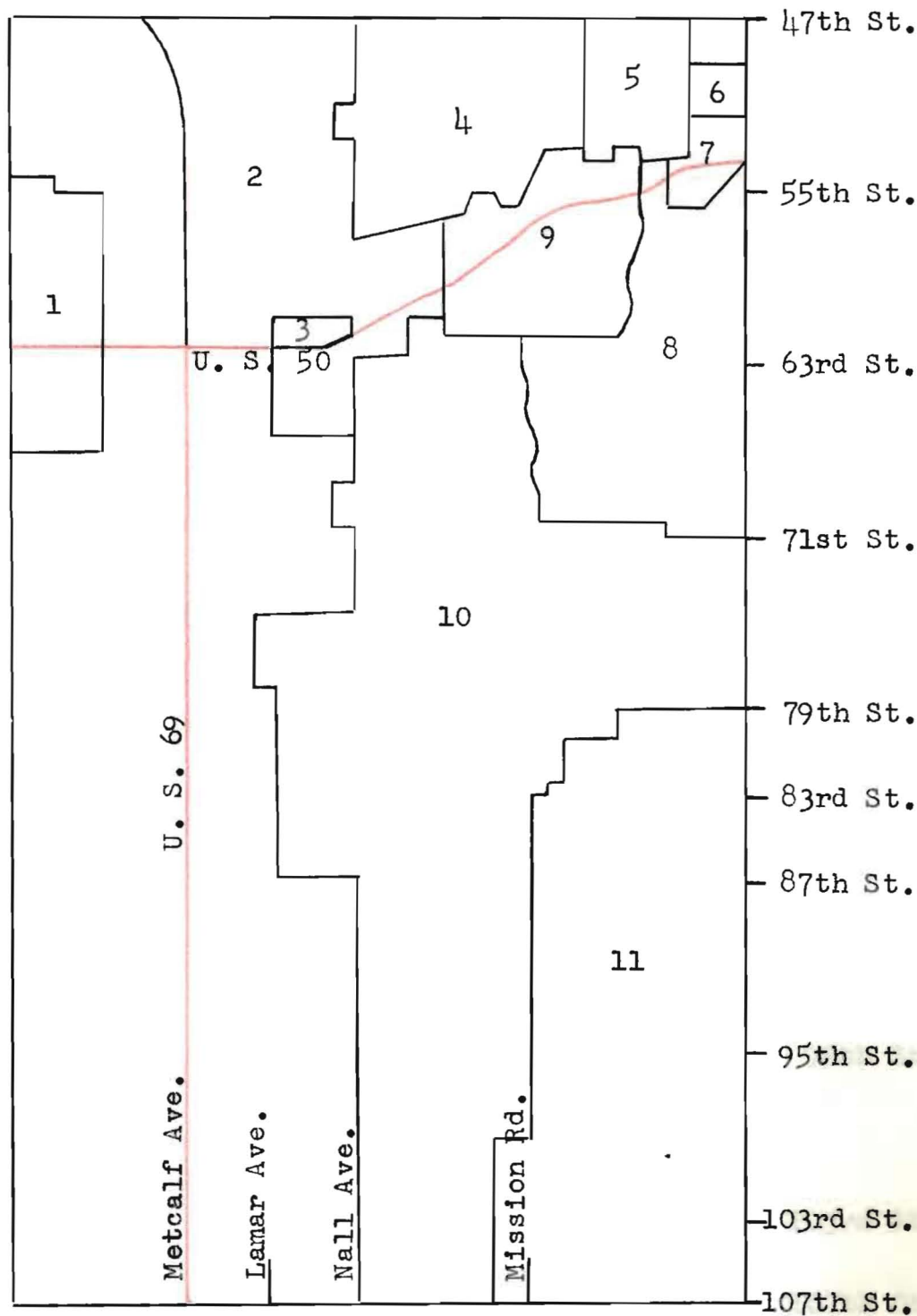
In answer to the questions of urban township residents, John J. Gardner, county attorney, explained three methods which could be used by people who were dissatisfied with the boundary plan of the county commissioners. The methods mentioned were: (1) direct appeal to the district court, (2) an attempt could be made to rescind the resolution made in April which initiated the incorporation procedure, or (3) a special election could be

⁴⁰Ibid.

FIGURE 6

COUNTY COMMISSIONERS' BOUNDARY PLAN
OF JUNE 26, 1959 AND JULY 2, 1959

121

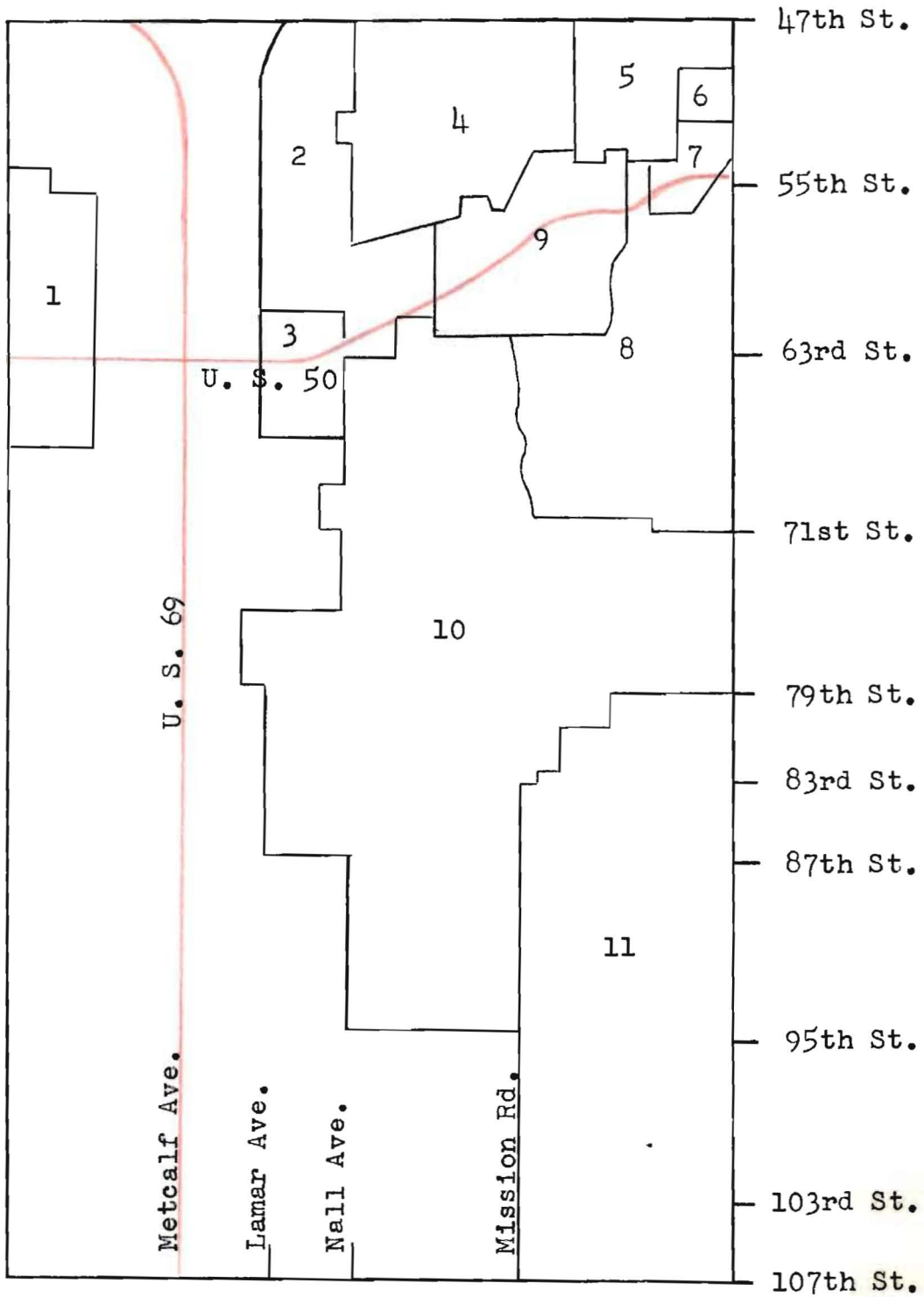


Source of information: The Kansas City Star,
June 30, 1959.

FIGURE 7

COUNTY COMMISSIONERS' BOUNDARY PLAN
OF JULY 1, 1959

122



Source of information: Mission Urban Township
office.

Cities in Figures 6 and 7**Pages 121-122**

1. Merriam
2. Mission
3. Countryside
4. Roeland Park
5. Westwood
6. Westwood Hills
7. Mission Woods
8. Mission Hills
9. Fairway
10. Prairie Village
11. Leawood

forced by petition, and the election might eliminate the incorporation plan.⁴¹

The boundary dispute was taken to the Johnson County District Court for settlement on July 6. A petition filed by Mission Urban Township sought (1) a declaratory judgment, and (2) an injunction enjoining the county commissioners from proceeding with the incorporation procedure according to the July 2 plan. The petition asked if a legal plan of incorporation existed. According to urban township officials the county commissioners had violated House Bill 169 in several ways. They had held boundary hearings more than 20 days after publication of the preliminary plan, the final plan of July 2 did not divide the city into wards or precincts, and the plan had not contained a legal description of city boundaries in Mission Township. In addition the petition mentioned the boundary revision made by the two county commissioners on Thursday after the commissioners had adjourned from Wednesday to Friday. The petition described the special July 2 session of the county commissioners as an "extraordinary and rump session"⁴² and requested that the city limits established July 1 be reinstated.

⁴¹The Kansas City Star, July 3, 1959.

⁴²The Kansas City Times, July 7, 1959.

A few days later the county attorney filed a motion in the Johnson County District Court to strike several phrases and paragraphs from the urban township petition. The motion stated that certain passages of the petition were redundant, irrelevant, and conclusions of urban township officials. The Johnson County Attorney wanted all references to the July 2 meeting as a rump session and pseudo hearing to be stricken from the petition. The motion also sought to eliminate the objection that the meeting had been held with only two county commissioners present and without notice to the urban township. The Mission Urban Township petition had described county commissioner Herman Higgins as having a "vacillating and indecisive mind"⁴³ and the motion asked that this description be removed from the petition. In ruling on the motion, the district judge upheld the pleas of the county attorney and gave the urban township five days to file an amended petition. At the same time he granted a temporary restraining order to prevent the county commissioners from annexing more territory to the cities in Mission Township.

On July 23, 1959 the county attorney filed a demurrer in the district court to block Mission Urban Township's petition. The demurrer claimed that the urban

⁴³The Kansas City Times, July 10, 1959.

township board's petition for an injunction and a declaratory judgment concerning the boundary plan of July 2 contained no valid basis for court action. Judge O'Connor believed otherwise, however, and overruled the demurrer which had been filed on behalf of the county commissioners and the city of Prairie Village. After the ruling on the demurrer the county attorney still argued that the commissioners had complied with the special Kansas Statute in making their July 2 boundary plan.⁴⁴

Within the next few days there were other important developments in the urban township court action. Mission, Prairie Village, and Leawood were named as co-defendants along with the county commissioners in the litigation. An attorney for Prairie Village notified the district court of his intentions to appeal the demurrer ruling to the Kansas Supreme Court. Mission Urban Township announced its efforts to seek a permanent injunction against the formation of a city out of urban township territory remnants. To add to the confusion, a petition signed by 3,000 urban township residents was filed in the office of the Johnson County Clerk. The petition called for a referendum to

⁴⁴The Kansas City Times, July 24, 1959 and July 25, 1959.

decide whether or not to form Overland Park as a first class city.⁴⁵

Mission Urban Township's attempt to get a permanent injunction against the county commissioners' final boundary plan of 1959 was not successful. On July 31, 1959 the district court granted a temporary injunction against any further proceedings toward incorporation as outlined by the July 2 plan. The court ruled the special Thursday session of the county commissioners invalid because one of its three members had not been notified and did not attend the meeting. However, about a week later the urban township's request for a permanent injunction against the same boundary plan was denied. Judge O'Connor explained that according to Kansas Supreme Court decisions a township could not legally question municipal incorporation procedures or initiate an injunction suit. The judge said he still believed the July 2 boundary plan to be invalid but said the opinion was "of no legal consequence"⁴⁶ because the lawsuit had not been initiated by the state or one of its officers. After making this decision the district

⁴⁵The Kansas City Times, July 29, 1959 and August 1, 1959; The Kansas City Star, July 31, 1959.

⁴⁶The Kansas City Star, August 7, 1959.

court dismissed the urban township case.⁴⁷

After failing in its effort to get a permanent injunction against the July 2 boundary plan, Mission Urban Township filed a motion in the district court for a writ of mandamus against the county commissioners. The motion sought to have the July 1 boundary plan reinstated by mandate of the court. On the same day the county attorney announced his intentions of preparing a demurrer against the urban township's motion for a writ.⁴⁸ These legal actions were later invalidated by other developments.

During the second week of August, 1959 the Johnson County Commissioners approved a special election to allow urban township residents to vote for or against the dissolution of Mission Urban Township and formation of the first class city of Overland Park.⁴⁹ The commissioners expected the election to be held around the middle of September, but it did not take place until the end of October. The results of the special election will be discussed later.

The county attorney's office reversed an earlier opinion and on August 11 filed quo warranto proceedings

⁴⁷The Kansas City Star, July 31, 1959 and August 7, 1959; The Kansas City Times, August 4, 1959.

⁴⁸The Kansas City Times, August 8, 1959.

⁴⁹The Kansas City Star, August 10, 1959.

against the county commissioners' July 2 plan. The assistant county attorney had tried to take the injunction suit to the Kansas Supreme Court, but the case was refused there so again the action was brought to the Johnson County District Court. The quo warranto action said the July 2 plan should be ruled void because the county commissioners did not comply with the regulations of Kansas legislation in making the boundary plan. About a week earlier the county attorney had defended the legality of the same plan. In initiating the new court action the county attorney's office also sought to postpone the referendum on whether or not to incorporate the urban township until after a ruling on the quo warranto suit.⁵⁰

The county commissioners had earlier announced that the incorporation of Mission Urban Township would take place in August, 1959. By the end of the month, however, the boundary situation was still highly confused. The urban township was awaiting a hearing on the county's quo warranto suit, and the whole area was waiting for the referendum to decide about the proposed incorporation. Typical of the confused legal situation during August was a court session where High Kreamer, assistant county attorney, found himself prosecuting the quo warranto suit against the

⁵⁰The Kansas City Times, August 12, 1959.

county commissioners and defending the commissioners in the urban township's writ of mandamus action. A newspaper editorial aptly described the boundary problem in this way:

The struggle in Northeast Johnson County over the size and ultimate fate of the proposed city of Overland Park has reached a state of awesome confusion so far as the residents of the area are concerned. Even the lawyers must confer continually to keep the legal involvements straight in their own minds.⁵¹

The next really important development took place in mid-September when the Johnson County District Court affirmed the validity of the county commissioners' July 2 boundary plan. The district court decision was based on new evidence which had been presented by county commissioner Harry King. In a hearing of the district court during the quo warranto proceedings, King reversed some of his earlier statements and announced that he had known about the controversial July 2 meeting but had decided not to attend. The court ruled that the urban township incorporation could proceed according to the July 2 boundary plan which was substantially in compliance with the provisions of the special Kansas Statute.⁵²

A referendum to decide whether or not to incorporate Mission Urban Township was held on October 30, 1959. The

⁵¹ Editorial in The Kansas City Star, August 11, 1959.

⁵² The Kansas City Star, September 22, 1959.

urban township board, which had initiated the incorporation procedure, had by that time changed its position and urged urban township residents to vote against the formation of the new city of Overland Park. They took this stand because of the relatively small size which the city would have according to the county commissioners' boundary plan. A final tally of the votes showed that the plan to form Overland Park out of Mission Urban Township had been defeated 1,802 to 835.⁵³ Out of about 10,000 eligible voters only a little over 26 per cent had bothered to vote. There were not even as many voters as there had been signers of the petition calling for the referendum.

Voters undoubtedly expressed their disappointment over what had started as a plan for a sizable metropolitan city, only to see it whittled away by a wavering board of county commissioners, which assigned large areas of the township to adjacent cities.⁵⁴

The October 30 referendum voided the July 2, 1959 boundary plan of the county commissioners and ended the chances of the urban township to be incorporated in 1959.

The incorporation of Mission Urban Township. In December, 1959 the urban township board proposed to the county commissioners that Mission Urban Township either be

⁵³The Kansas City Times, October 31, 1959.

⁵⁴Editorial in The Kansas City Star, November 2, 1959.

incorporated separately or be joined with the city of Prairie Village. The proposal was considered by the Johnson County Commissioners and Prairie Village officials but no definite action followed. During December, 1959 and January, 1960 urban township officials also considered the possibilities of merging the urban township with the cities of Merriam or Mission. Here again, however, nothing was done to put these plans into effect.⁵⁵

In January, 1960 the Mission Urban Township Board prepared a second resolution asking the county commissioners that the urban township be incorporated. The resolution proposed specific boundaries for the city to be formed out of urban township territory. Although the county attorney notified the urban township board that the boundaries they had proposed could not be binding, the incorporation procedure had again been initiated. The county commissioners proceeded with the incorporation plan and by the middle of February had completed a preliminary boundary plan. This plan was generous to Mission Urban Township in that it shifted only small amounts of land to Leawood and Prairie Village. When the preliminary plan was announced, the county commissioners told about public hearings which would

⁵⁵The Kansas City Star, January 6, 1960; The Kansas City Times, January 7, 1960.

be held before a final boundary plan was formed.⁵⁶

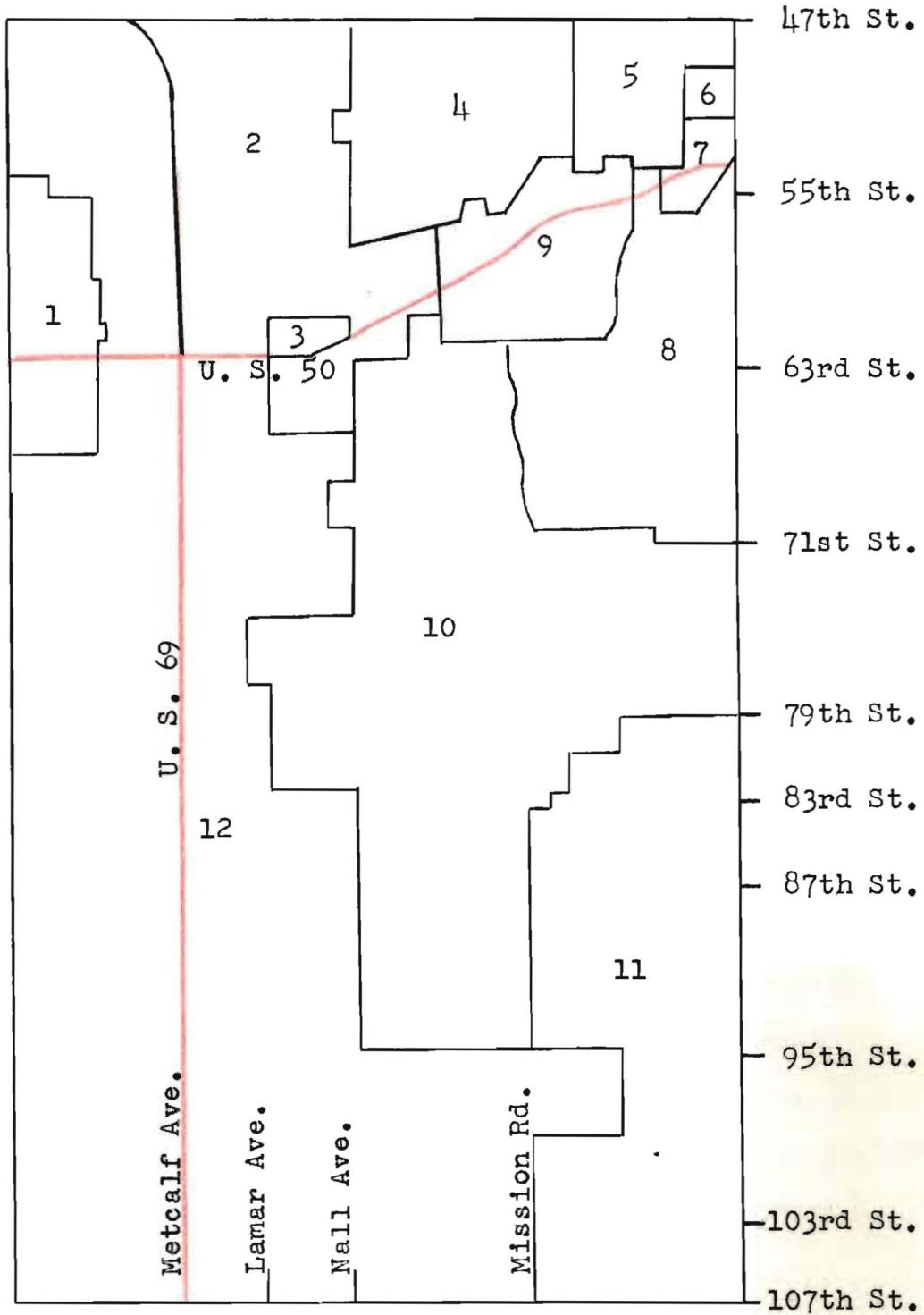
Boundary hearings held with the county commissioners during the first half of March, 1960 brought about several boundary changes. The most important change doubled the size of the city of Mission by extending its western boundary from Lamar Avenue to U. S. Highway 69, its northern boundary to the Wyandotte County line, and its southern boundary to U. S. Highway 50. Another very important change shifted 160 acres of land southeast of 95th Street and Mission Road to the proposed city of Overland Park. Residents of this area wanted to be included in the city of Leawood but Leawood officials did not desire to annex the territory. The 160 acre Beverly Hills development southwest of 83rd Street and Nall Avenue was left in the urban township despite the protests of some who desired that it become a part of Prairie Village. The final plan for the incorporation of the urban township which was completed on March 23, 1960 established the boundaries for Overland Park and the other cities in Mission Township. These boundaries are shown in Figure 8.⁵⁷

⁵⁶The Kansas City Star, January 14, 1960; Johnson County Herald, February 18, 1960.

⁵⁷The Kansas City Star, March 11, 1960 and March 18, 1960; The Kansas City Times, March 24, 1960 and March 30, 1960.

FIGURE 8

THE 12 CITIES OF MISSION
TOWNSHIP



Source of information: Johnson County Herald,
May 12, 1960.

the final plan had
to the Secretary
the

Cities in Figure 8

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1. Merriam
2. Mission
3. Countryside
4. Roeland Park
5. Westwood
6. Westwood Hills
7. Mission Woods
8. Mission Hills
9. Fairway
10. Prairie Village
11. Leawood
12. Overland Park

A protest petition filed after the final plan had been published caused a four week delay in the incorporation procedure. The petition, which was filed with the Johnson County Clerk on April 21, 1960, prevented the formation of the city of Overland Park on April 22. Most of the 2,300 persons who signed the petition desired to be in Leawood rather than in the new first class city. The protest petition made possible a second referendum on whether or not to incorporate the urban township. Urban township officials urged residents to vote for the formation of the city of Overland Park in the referendum which was held May 17. Citizen interest in the incorporation issue was shown by the large number of persons who turned out to vote. Residents of the area voted 4,350 to 630 to dissolve the Mission Urban Township government and form the first class city of Overland Park.⁵⁸

The experimental seven-year-old urban township government was officially ended on May 20, 1960 when the Johnson County Commissioners signed a resolution creating the first class city of Overland Park. The new city with a mayor-council form of government has approximately 20,000 residents in its 13 square-mile area. It is the sixth

⁵⁸The Kansas City Star, April 21, 1960; The Kansas City Times, May 18, 1960.

largest city in area in Kansas. Actually Overland Park's governmental machinery will not begin to function until after the city holds its primary and general elections on August 2 and September 13. Mission Urban Township ordinances will be in effect until they are replaced by ordinances of the city. Residents of the new city are pleased that Overland Park has inherited nearly one-half million dollars worth of capital funds and equipment from Mission Urban Township. The formation of Overland Park as a first class city ended a two-year incorporation struggle.⁵⁹

Consolidation talk. Ever since 1948 and 1949 when incorporation of cities started in Mission Township, there have been proposals to consolidate all the cities in the township. In 1956 the Junior Chamber of Commerce took a straw vote of township residents on the question, and the vote was overwhelmingly in favor of consolidation. The amount of talking and thinking about consolidation has increased since early 1959 when the incorporation procedure for Mission Urban Township was begun. The urban township board chairman announced that support for the

⁵⁹The Johnson County Courier, (Overland Park, Kansas), May 12, 1960; The Kansas City Times, May 19, 1960; The Kansas City Star, May 20, 1960.

new city of Overland Park would be support for consolidation.⁶⁰

A former urban township board clerk believes the small cities in northeast Johnson County have evaded city responsibilities. About this problem Mr. Ellis says:

They do not furnish fire protection, schools, sewage service or garbage disposal, water, public library or health service. All these are furnished by special districts or by the county.⁶¹

Mr. Ellis went on to argue that if a city was to be formed from urban township territory, it should be large enough to perform city functions. Otherwise he thought the incorporation would be pointless.

Much of the opposition to consolidation of cities in Mission Township has come from city officials who would lose their jobs as a result of consolidation. The Northeast Johnson County Council of Mayors has expressed its opposition to consolidation. These mayors and other city officials form an important interest group in the township. In addition many people have identified themselves with a particular city name and area, and they would argue against any mergers. Some people have opposed the

⁶⁰The Kansas City Kansan, May 28, 1959; Telephone conversation with Mr. M. W. Maxwell, June 23, 1959.

⁶¹The Kansas City Kansan, October 28, 1959.

consolidation movement because they felt there would be a loss of local control in the formation of a larger city.⁶²

Several advantages have been given for the consolidation of cities in northeast Johnson County. The elimination of duplication with its resulting benefit to the taxpayer has often been stressed. The Johnson County Civic Planning Council believes the merging of cities into a larger municipality would solve many district problems. They argue that consolidation would make possible more efficient planning and zoning and would prevent the formation of slum areas. Other organizations mention better streets, better police protection, and better fire protection as improvements to be gained by merging the cities of the township. It is further argued that consolidation would simplify the local governmental structure and eliminate some of the taxing districts. Finally, some people believe the formation of a large city in the area would give northeast Johnson County more authority and recognition in the Kansas Legislature.⁶³

⁶²The Kansas City Kansan, January 9, 1959; Telephone conversation with Mr. M. W. Maxwell, June 23, 1959.

⁶³Johnson County, Kansas An Analysis of its Governmental Organization (Kansas City, Missouri: Community Studies, Inc., Publication Number 121, 1958), p. 67; The Kansas City Star, April 25, 1959; Interview with Mr. Roy Owen, June 10, 1959.

Chapter IV has been concerned with the events which made possible the incorporation of Mission Urban Township as the first class city of Overland Park. The citizens' advisory committee played a very important part in this governmental change. They recommended first class city government for the urban township, pointed out many serious deficiencies of the urban township government, and explained some of the advantages of changing into a first class city. The boundary problem, which proved to be extremely troublesome, prevented the formation of the first class city of Overland Park during 1959. After initiating the incorporation procedure again in 1960, urban township officials were happy to see Mission Urban Township incorporated as a first class city.

CHAPTER V

SUMMARY, CONCLUSIONS, AND CONTRIBUTIONS

A. SUMMARY

New England Town government. New England Town government is similar to township government in several respects. Both exist primarily in rural areas to provide rural services. The New England Town, however, is not incorporated and it contains both rural and urban territory. In the township the densely settled areas are separately incorporated as towns or cities. The New England Town is usually the result of a natural community growth while the township, especially in the western states, is an artificial creation.¹

Traditional township government. Traditional township government exists to provide governmental services for sparsely settled rural areas. It serves the unincorporated areas within its boundaries. The maintenance of roads, fire protection service, and cemetery maintenance are some of its most important functions.² In addition the

¹Lane W. Lancaster, Government in Rural America (New York: D. Van Nostrand Company, Inc., 1952), pp. 35-37.

²James W. Drury, Township Government in Kansas (Lawrence, Kansas: University of Kansas, Governmental Research Center, Governmental Research Series, No. 10, 1954), pp. 39-46.

township acts as an administrative agent of the state and the county in conducting elections, assessing taxes, and issuing licenses.

The township is maintained primarily by property taxes. Included in this are the ad valorem and intangibles taxes. Of the two the ad valorem tax is by far the larger revenue producer. Other less important sources of revenue for the township are gasoline taxes, sales tax residues, and reimbursed expenses.³

Kansas is one of 16 states that uses the township form of government. Townships cover the state except in the areas of incorporated cities. Kansas townships are governed by a three member board consisting of a trustee, a treasurer, and a clerk.⁴ These men are elected for two year terms. The number of townships per county in the state varies anywhere between three and 32.

Traditional township government is presently receiving much criticism. Many townships no longer perform any important governmental services. The county and state have taken over a number of functions once performed by townships. The shifting of road maintenance and health services to the county are examples of this. In most cases

³Ibid., p. 55.

⁴Ibid., pp. 23-25.

the township is too small and too lacking in tax resources to be able to provide governmental services efficiently. There are those who believe that services provided by the township could be provided more economically by other units of local government.⁵

Mission Township, 1948-1952. By 1949 and 1950 Mission Township of Johnson County, Kansas had outgrown its rural township governmental structure. Yet until 1953 the township was attempting to govern a city population with its limited powers. From 1900 to 1950 Mission Township's population had grown from 944 to over 30,000.⁶ The large population increases had changed the community considerably, but the governmental changes for the township had not kept pace.

Many problems were appearing in Mission Township with which the traditional township government could not cope effectively. The water distribution system, street maintenance, police protection, and sewage disposal were among the township's most serious problems. The incorporation of 11 tiny cities in Mission Township between 1948 and 1951 resulted in waste, duplication of governmental

⁵Lancaster, p. 67.

⁶Population figures from office of the Johnson County Clerk, Olathe, Kansas.

services, and inefficiency. While the incorporations might have helped certain areas, they resulted in more problems for the township as a whole.⁷

Mission Township provided a combination of rural and urban functions for its residents. Among the rural functions were those of road maintenance and bindweed eradication. The urban services included fire protection, street lighting, and zoning. The zoning, however, was done by a township board which was appointed by the county commissioners. In its last few years of operation Mission Township offered a township patrol service and a system of trash and garbage collection.⁸

As early as 1948 various groups made suggestions about Mission Township's governmental future. The Council of Home Owners Associations and the Shawnee-Mission Co-Operative Club both recommended the adoption of a municipal township government which would have expanded powers. They realized that the traditional township government could not handle Mission Township's problems. Some of these early recommendations were made nearly four years

⁷The Kansas City (Missouri) Times, August 29, 1951.

⁸Johnson County Herald, (Overland Park, Kansas), June 23, 1949.

before Mission Township adopted the urban township government.⁹

In late 1950 a very important study of Mission Township was made by the Kansas University Bureau of Government Research. The Kansas University study repeatedly pointed out the diffusion of authority and Mission Township's lack of control over its local affairs. The deficiencies of the township's fire protection, police protection, sewage disposal service, and zoning were mentioned. The two general recommendations made for Mission Township by the Bureau of Government Research were: (1) incorporate as a third class city and eventually expand into a first class city, or (2) adopt a municipal township government which would allow a maximum of local control.¹⁰

After the 1951 Kansas Legislature had passed the Urban Township Act there were many people who urged the adoption of the urban township government. Supporters of the urban township plan stressed the weaknesses of traditional township government and the advantages inherent in the new form of government. It was believed that the urban township government with its third class city powers would

⁹The Kansas City (Missouri) Star, March 8, 1948.

¹⁰Government in Mission Township (Lawrence, Kansas: University of Kansas, Bureau of Government Research, 1950), pp. 1-17.

be a tremendous improvement for Mission Township.¹¹

In 1952 the residents of Mission Township voted to adopt the urban township government. The change was to be made January, 1953. In preparation for the change many newspaper articles were written to educate the people about the new type of government, and five districts were formed from which the five member urban township board was to be elected.¹²

Mission Urban Township, 1953-1960. The 1951 legislation gave Mission Urban Township all the powers of rural or traditional townships in addition to a list of new powers. Such powers as the right to operate its own police department and police court were important improvements. Even with its added powers, however, Mission Urban Township was considered by many to be lacking in authority.¹³

The functions performed by Mission Urban Township were very similar to those performed by Mission Township before 1953. Street maintenance and street lighting, the operation of a trash and garbage disposal site, weed eradication, and the providing of a township band were some of the services provided by Mission Urban Township. All of

¹¹The Kansas City Star, August 21, 1951.

¹²Johnson County Herald, May 1, 1952.

¹³Johnson County Herald, February 22, 1951.

these except the operation of a trash and garbage disposal site were functions of Mission Township. Before 1953 Mission Township had to contract with the county sheriff for its police protection, but after 1953 the operation of its own police department was a major service provided by Mission Urban Township.¹⁴

Special districts performed other services for urban township residents. Fire protection, sewerage facilities, water distribution, and public park facilities were provided by such organizations.¹⁵ The Johnson County Board of Commissioners exercises much authority in forming and governing these districts. During the urban township's seven years of operation there were numerous complaints about the lack of local control over the services mentioned in this paragraph.

The urban township governing board was composed of five members. One man was elected from each of the five districts in Mission Urban Township to serve a two year term. The board chose its own chairman, treasurer, and clerk at the beginning of each term. To facilitate its work, the urban township board also formed five standing

¹⁴Interview with Mr. Roy Owen, June 10, 1959.

¹⁵Johnson County, Kansas An Analysis of its Governmental Organization (Kansas City, Missouri: Community Studies, Inc., Publication Number 121, 1958), pp. 22-26.

committees. During 1959 and the first part of 1960 these standing committees were not as active as they had been in earlier years. The board more often acted as a committee of the whole in dealing with the incorporation procedure.¹⁶

A survey of the budget reveals some interesting facts about Mission Urban Township's expenditures and sources of revenue. Road maintenance and police department operation accounted for 76 per cent of all urban township expenditures in 1958. Another large amount of money was spent on fire protection. In the same year the property tax produced 63 per cent of the urban township's revenues. The franchise tax, sales tax residues, and the gasoline tax were less important sources of income.¹⁷

The annexation of its land was the most serious difficulty facing Mission Urban Township. Numerous attempts were made to prevent the adjacent cities from annexing township land, but none of the efforts were successful. The loss of land through annexation seriously reduced the urban township's tax base which made necessary the constant adjusting of the urban township budget. Two other problems resulting from the annexations were: (1) the

¹⁶Telephone conversation with Mr. Roy Kamberg, June 26, 1959.

¹⁷Mission Urban Township budget, Johnson County Herald, June 25, 1959.

necessity of servicing township areas which were surrounded by incorporated cities, and (2) poor relations and lack of cooperation between the urban township and surrounding cities.¹⁸

Zoning was another major problem of Mission Urban Township. Several times the urban township board tried to get the final zoning authority for itself, but the attempts were unsuccessful as the county commissioners still retained that power.¹⁹ There was much heated argument about zoning for business and many criticisms of the township zoning boards which were appointed by the county commissioners. The creation of Mission Urban Township in 1953 did not bring with it the shift in zoning authority as many people had hoped.

Continuing rapid population growth was an important part of the history of Mission Urban Township. Between 1953 and 1959 the total population for Mission Township, cities included, nearly doubled.²⁰ The rapid population increase made it necessary for the urban township to seek new powers with which to handle its new problems.

¹⁸Interview with Mr. W. P. McCool, June 16, 1959.

¹⁹The Kansas City Times, March 13, 1959.

²⁰Population information from office of the Johnson County Clerk, Olathe, Kansas.

Opinions on the success of the urban township government vary all the way between the two extremes. Some people severely criticize the urban township for not having provided more governmental services. Others point to Mission Urban Township's operational assets or its low tax levy and term the experimental interim government highly successful. Most opinions on the success of the urban township, however, are more moderate. These opinions consider both the strengths and weaknesses of the urban township government in making the evaluation.²¹

Change to city government, 1957-60. In 1957 the Mission Urban Township Board chose a 25 member advisory committee to study township problems and make governmental recommendations. The advisory committee pointed out the deficiencies of the urban township and recommended the change to city government.²² The committee also helped in the drafting of 1959 Kansas legislation which established the method whereby the urban township could change into the first class city of Overland Park. Much of the time of the 25 member committee was spent in pointing out the

²¹Talk with Mrs. R. A. Redfern, June 5, 1959; Telephone conversation with Mr. H. H. Ellis, June 17, 1959; Telephone conversation with Mr. Gerald I. Coel, June 23, 1959.

²²Report of the Mission Urban Township Advisory Committee, June 16, 1958.

advantages of first class city government.

The urban township board was active in support of the change to city government. In an open letter to township residents in June, 1959, the board admitted its inability to cope effectively with problems that had arisen. The open letter mentioned the reasons for supporting the proposed incorporation of Mission Urban Township.²³

According to the provisions of the 1959 Kansas legislation, the Johnson County Commissioners drew up a preliminary boundary plan in May, 1959. Boundary hearings followed in which residents were given the chance to express their opinions about the proposed boundaries for the cities of Mission Township. As a result of these hearings, land was shifted from the urban township to Mission, Prairie Village, and Leawood, Kansas.²⁴

The most serious obstacle in forming the first class city of Overland Park was the establishment of a final boundary plan. The county commissioners finished what they called their final boundary plan on June 26, 1959, but they

²³The Mission Urban Township Board, An Open Letter to the Residents of Mission Urban Township, urban township office, Overland Park, Kansas, June, 1959.

²⁴Attendance at boundary hearings with Johnson County Commissioners, June 5, 1959 and June 8, 1959.

made further boundary revisions on July 1 and July 2. The June 26 and July 2 plans were generally acceptable to the cities in Mission Township, but the same plans were protested by Mission Urban Township. The urban township was satisfied with the July 1 plan but the cities in the township were not.²⁵

The boundary dispute was taken to the Johnson County District Court. After some new evidence had been introduced by one of the county commissioners, the district court affirmed the validity of the July 2 plan for the incorporation of Mission Urban Township.²⁶ The snarled litigation which followed was thoroughly confusing to all the residents of the area.

Much legal maneuvering and two referendums were necessary before Mission Urban Township could finally be incorporated as the first class city of Overland Park in May, 1960. Residents of the urban township voted in October, 1959 not to form the new first class city according to the controversial July 2 plan. After the incorporation procedure had again been initiated in 1960, a protest petition forced a second referendum. This referendum held in May, 1960 cleared the way for the dissolution

²⁵The Kansas City Times, July 3, 1959.

²⁶The Kansas City Star, September 22, 1959.

of the urban township and the formation of Overland Park as a first class city.²⁷

B. CONCLUSIONS

By 1948 and 1949 it was obvious that Mission Township had outgrown the traditional township government. While many people realized this, still it took several years to get the necessary enabling legislation and the public approval for a stronger township government. Some of the 11 city incorporations from 1948 to 1951 and the consequent confusion could have been prevented if Mission Township had adopted a strong urban township government soon after World War II. Such action would have prepared the way for the eventual incorporation of one or possibly several large cities in the township.

It seems strange that Mission Urban Township should have been given the powers of a third class city when its population and its problems were those of a first class city. As early as 1950 Mission Township was told by the Kansas University Bureau of Government Research that it would need first class city powers to solve its problems.²⁸

²⁷The Kansas City Times, October 31, 1959 and May 18, 1960.

²⁸Government in Mission Township, p. 11.

The population was greater and the problems more serious when Mission Urban Township began its operation in 1953 with third class city powers. This lack of authority certainly should be considered as an important reason for Mission Urban Township's relatively unsuccessful government. If Mission Urban Township had been given the power to establish its boundaries permanently by preventing annexation, the experimental township government would have been more successful. As it was, the cities annexed the fully developed residential sections and left the problem areas in the urban township. Control of its own zoning would also have improved Mission Urban Township. Much of the criticism of zoning in the township could have been eliminated if urban township officials had been given direct zoning authority.

A rapidly growing population in Mission Township forced the change to the urban township government, and it played a very important part in the change to first class city government. Annexation and zoning as the most serious problems of Mission Urban Township would have been much less serious without the rapid population increases. In an area with a more stable population the urban township government would probably have been more successful.

The Mission Urban Township Board made a narrow interpretation of its authority and was hesitant to use

some of the clearly stated powers of the Urban Township Act. An example of this can be cited with reference to the road function. According to the 1951 legislation the urban township government was given the authority to improve streets and roads. Yet Mission Urban Township interpreted its road function as one of maintenance and not of improvement. Because of this interpretation, many miles of sub-standard streets and roads continued to exist in the urban township and much money was spent each year on temporary repairs. A more realistic policy toward this problem would eventually result in savings to taxpayers of the community.²⁹

The failure to use its maximum tax levy also hampered Mission Urban Township government. Although public pressure was undoubtedly exerted to keep township taxes low, the urban township board was unduly cautious about using the maximum tax levy. The urban township government could have performed more services for its area had the full taxing power been used. There was too much concern about having a low tax levy and not enough concern

²⁹ Johnson County Herald, June 12, 1958; Interview with Mr. R. L. Ehrlich, June 11, 1959; Interview with Mr. Edgar Yeubanks, June 15, 1959; Telephone conversation with Mr. W. P. McCool, July 9, 1959.

about providing adequate government for urban township residents.³⁰

It would be a serious mistake to condemn Mission Urban Township as a complete failure. The urban township government should be considered as an experimental interim government which helped in the transition from rural township to city government. As an experimental government the urban township was handicapped in three ways: (1) it had no examples to follow; (2) the laws under which it operated were not carefully thought out or clearly stated; and (3) it was not understood by residents of the area.

The Johnson County Commissioners were responsible in part for the prolonged boundary dispute which took place in Mission Township. The incorporation of Mission Urban Township would very likely have taken place during 1959 if the commissioners had planned more carefully and had maintained a consistent policy. It appears that the county commissioners were more concerned with increasing their popularity within their districts than they were in carrying out the provisions of Kansas legislation. During much of the 1959 incorporation attempt, two of the commissioners seemed to be interested mainly in increasing the size of

³⁰ Interview with Johnson County Commissioners, June 5, 1959.

the cities in their districts. Furthermore, their handling of the incorporation procedure thoroughly confused everyone who tried to keep informed on the subject. The county commissioners announced a "final" boundary plan for the incorporation of the urban township on June 26, 1959; then they changed their minds and announced other "final" plans on July 1 and July 2. This inability of the three commissioners to make a final decision needlessly complicated the boundary dispute. It should be admitted that the boundary problem in Mission Township was a difficult one, but the Johnson County Commissioners were careless in the way they handled the situation.

While the incorporation of the urban township as a first class city will solve a few problems for a small area, the need for a fundamental reorganization of local government in Mission Township remains. There are 35 units of local government operating within the township; it would be foolish to argue that there are 35 communities in the area which need independent and non-cooperating governments. Mission Township as a suburban residential area should be considered as one community or possibly as several communities. Certainly in this case "The political boundaries . . . do not coincide with economic and social

realities."³¹ The large number of small cities and special districts operating in the township make a complicated governmental pattern which is expensive, inefficient, and hard for residents of the area to understand. Another serious aspect of the problem is that the 12 cities of Mission Township do not perform many of the services usually provided by cities. They have no control over sewers, fire protection, schools, or water distribution systems. The special districts which provide these services are not responsible to the cities, nor are they large enough to be able to provide a regional approach to the problems of the area. The creation of a large city in Mission Township through consolidation would be a logical starting point in the effort to reorganize local government in the area. To achieve truly coordinated government in Mission Township, such a city would need to have the authority to provide services which are now offered by the special districts of the area.

C. CONTRIBUTIONS

The most important contribution of this study has been the assembling of facts and information from different

³¹Donald G. Bishop and Marguerite J. Fisher, Municipal and Other Local Governments (New York; Prentice-Hall, Inc., 1950), p. 14.

sources about township government. The important sources were: (1) newspaper articles, (2) booklets and pamphlets, (3) books on local government, (4) telephone conversations, and (5) personal interviews with township and county officials. The importance for any one of these sources varies from chapter to chapter in this study.

It is hoped that this paper will make some contribution to the knowledge about urban township government. Some sections of the study contain information gained through interviews, and most of such information has never been published. Finally, a study of the experimental urban township achievements and mistakes should be of some value to other metropolitan areas.

BIBLIOGRAPHY

1. *Journal of State Printing*
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 1912 - 1913 - articles which give knowledge
 of the protection against taxation.

2. *Journal of State Printing*
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 Frankfort as a first class city.

3. *PAVILIONS AND CIRCULARS*

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A BIBLIOGRAPHY WITH ANNOTATIONS

A. BOOKS

Corrick, Franklin (ed.). 1955 Supplement to General Statutes of Kansas 1949. Topeka, Kansas: State Printer, 1956. 953 pp.

A law giving townships protection against annexation was of concern to urban township officials.

Corrick, Franklin (ed.). 1957 Supplement to General Statutes of Kansas 1949. Topeka, Kansas: State Printer, 1958. 1269 pp.

Used in this study in referring to Kansas Laws which have been of particular value to Johnson County and Mission Township.

Fisher, Marguerite J. and Donald G. Bishop. Municipal and Other Local Governments. New York: Prentice-Hall Inc., 1950. 664 pp.

A survey of county and township government in addition to a careful study of city government in the United States.

Lancaster, Lane W. Government in Rural America. New York: D. Van Nostrand Company, Inc., 1952. 375 pp.

An excellent source of information on traditional New England Town and township government in this country.

Laws of Kansas, 1957. Topeka, Kansas: State Printing Office, 1957. 1179 pp.

Reference was made to a statute which gave townships in certain counties protection against annexation.

Laws of Kansas, 1959. Topeka, Kansas: State Printing Office, 1959. 912 pp.

Of special interest in connection with this study is the law which made possible the incorporation of Mission Urban Township as a first class city.

B. PAMPHLETS AND CIRCULARS

Anderson, William. The Units of Government in the United States. Chicago: R. R. Donnelley & Sons Company. Public Administration Service Number 83, 1949. 50 pp.

An analysis of the forces which cause increases and decreases in the different types of local governments in the United States.

Area Development Study of Northeastern Johnson County, Kansas. Kansas City, Missouri: Midwest Research Institute, Industrial Economics Division, 1956. 30 pp.
A study concerned primarily with problems created by rapid population growth in northeastern Johnson County.

Bishop, Donald G. and Edith E. Starratt. The Structure of Local Government. Menasha, Wisconsin: George Banta Publishing Company. The National Council for the Social Studies, Bulletin Number 19, 1945. 140 pp.
An examination of the structure and functions of city, county, township, village, and borough government in this country. Parts of Fisher and Bishop's Municipal and Other Local Governments seem to be a reprint of this pamphlet.

Cape, William H. County Government in Kansas. Lawrence, Kansas: University of Kansas. Governmental Research Center. Citizen's Pamphlet Series, Number 23, 1958. 35 pp.
A study of county organization, services, and officers in Kansas.

Constitution of the State of Kansas. Topeka, Kansas: State Printing Plant, 1957. 32 pp.
Of particular value to this study was the section which makes possible the urban township form of government.

Drury, James W. Township Government in Kansas. Lawrence, Kansas: University of Kansas. Governmental Research Center. Governmental Research Series Number 10, 1954. 66 pp.
A valuable study of all aspects of township government in the state.

Government in Mission Township. Lawrence, Kansas: University of Kansas. Bureau of Government Research, 1950. 17 pp.
A careful and thorough analysis of township structure, functions, and deficiencies with recommendations for the township's governmental future.

Johnson County, Kansas An Analysis of its Governmental Organization. Kansas City, Missouri: Community Studies, Inc., Publication Number 121, 1958. 105 pp.

The discussion of special districts which provide governmental services for various parts of Mission Township was especially helpful.

Kansas Government. Topeka, Kansas: The League of Kansas Municipalities, 1959-60. 154 pp.

A good general description of the different types of governments in Kansas.

Kuppinger, Clark. House Bill Number 169. Topeka, Kansas: State Printer. Printed for the 1959 session of the Kansas Senate, 1959. 13 pp.

This bill became law and made possible the incorporation of Mission Urban Township.

Let's Talk Turkey about Mission Urban Township. Overland Park, Kansas: Mission Urban Township Advisory Committee, 1958. 4 pp.

A small pamphlet sent to urban township residents in November, 1958 explaining the advantages of changing to city government and giving the deficiencies of the urban township.

C. PERSONAL INTERVIEWS

Interview with Johnson County Commissioners, June 5, 1959.

Interview with Mrs. F. A. Redfern, June 5, 1959.

Interview with Mr. Roy Owen, June 10, 1959.

Interview with Mr. Robert L. Ehrlich, June 11, 1959.

Interview with Mr. John O. Kenyan, June 12, 1959.

Interview with Mr. C. G. Lipps, June 12, 1959.

Interview with Mr. Robert G. Knapp, June 13, 1959.

Interview with Mrs. Virgil Benton, June 11, 1959.

Interview with Mr. Matt Ross, June 15, 1959.

Interview with Mr. Robert J. Taylor, June 15, 1959.

Interview with Mr. Edgar Yeubanks, June 15, 1959.

Interview with Mr. W. P. McCool, June 16, 1959.

Interview with Mr. Stan Bridgman, June 29, 1959.

Interview with Mr. Stan Lamar, July 6, 1959.

Interview with Mr. Carl Standiford, July 7, 1959.

These personal interviews were especially valuable in finding out about the operation, problems, and weaknesses of Mission Urban Township.

D. TELEPHONE CONVERSATIONS

Telephone conversation with Mr. W. V. Skinner, June 11, 1959.

Telephone conversation with Mr. Harry H. Ellis, June 17, 1959.

Telephone conversation with Mr. Murry W. Maxwell, June 23, 1959.

Telephone conversation with Mr. Gerald I. Coel, June 23, 1959.

Telephone conversation with Mr. Tom C. Hansen, June 24, 1959.

Telephone conversation with Mr. Lyndus A. Henry, June 24, 1959.

Telephone conversation with Mr. Roy Kamberg, June 26, 1959.

Telephone conversation with Mr. George W. Gagel, July 1, 1959.

Telephone conversation with Mr. Harold H. Horn, July 2, 1959.

Telephone conversation with Mr. Clark Kuppinger, July 3, 1959.

Telephone conversation with Mr. J. S. Stevenson, July 3, 1959.

Telephone calls to city clerks of cities in Mission Township, July 7, 1959.

Telephone conversation with Mr. R. L. Ehrlich, July 8, 1959.

Telephone conversation with Mr. I. L. Roark, July 8, 1959.

Telephone conversation with Mr. W. P. McCool July 9, 1959.

Telephone conversation with Mr. C. G. Lipps, February 20, 1960.

The telephone conversations were valuable for all phases of the study.

E. NEWSPAPERS

Johnson County Herald, (Overland Park, Kansas), 1948-1960.

A legal newspaper published in Mission Urban Township which contained much information about the urban township's population, problems, budget, and operation.

The Kansas City (Kansas) Kansan, 1957-1959.

A valuable source of information about the Mission Urban Township Advisory Committee and its reports.

The Kansas City (Missouri) Star, 1948-1960.

The Kansas City (Missouri) Times, 1948-1960.

Both The Kansas City Star and The Kansas City Times have given a careful coverage to the governmental changes made in Johnson County and Mission Township. Their articles were especially helpful in following the boundary dispute among the cities of Mission Township.

The Johnson County Courier, (Overland Park, Kansas), May 12, 1960.

Contained a good article about the financial assets of Mission Urban Township which were transferred to the new first class city of Overland Park.

F. MEETINGS ATTENDED

The following meetings were attended to get information for this study:

Mission Urban Township Board meetings, April 20, 1959; May 4, 1959; May 18, 1959; June 1, 1959; and June 15, 1959. Generally these meetings did not prove to be as valuable information sources as had been hoped.

Boundary hearings with the Johnson County Commissioners, morning and afternoon of June 5, 1959 and June 8, 1959. These boundary hearings showed that the boundary problem was a complex one which would require a very careful handling.

G. MISCELLANEOUS INFORMATION SOURCES

Information and population figures from the office of the Johnson County Clerk, Olathe, Kansas.

Information on city incorporations in Mission Township from office of the Johnson County Commissioners, Olathe, Kansas.

Information about the numbers of building permits issued from the Mission Urban Township Zoning office.

Map received at the Mission Urban Township office, May, 1959.

Report of Mission Urban Township Advisory Committee, Mission Urban Township office, June, 1958.

The Mission Urban Township Board, An Open Letter to the Residents of Mission Urban Township, June, 1959.

Postcard sent to Mission Urban Township residents, June, 1959.

Letter received from the Johnson County Water District Number 1 office, Mission, Kansas, March 17, 1960.

The miscellaneous information sources were helpful in writing the third and fourth chapters of the study.