

Table of Contents

# **Aspen Place complex in Gardner cited dozens of times before condemnation**

***Kansas Legal Services Executive Director, Matt Keenan, said Kansas Legal Services was “the only one” in direct negotiations with KDR to ensure residents get compensation with “no strings attached.”***

From the [Johnson County Post](#) Lynne Hermansen May 16, 2025



A muddy pit remained last week where a Fire District# 1 fire truck sank into the street the night of Sunday, May 4, crushing the main water line to the complex and leaving residents without water. Photo credit Leah Wankum.

More than a week has passed since residents at the Aspen Place Apartments in Gardner were forced to leave their homes in a chaotic rush following a 48-hour condemnation order issued by the city.

The city condemned the property, owned by Lenexa-based KDR Realty, on Tuesday, May 6, citing unsafe and uninhabitable living conditions, but multiple residents whom the Post has spoken with over the past week say problems at the complex were long-standing and well-known.

“The water was shut off six times since March,” said Heather Dominguez, who had only lived there for two months with her 10-year-old daughter, Alexa. “One time I was in the shower getting ready for work with shampoo still in my hair. I had to use cold bottled water to rinse it out.”

Likewise, Wasnail Remy and his wife say they experienced ongoing water issues in their unit ever since moving there from Florida in February.

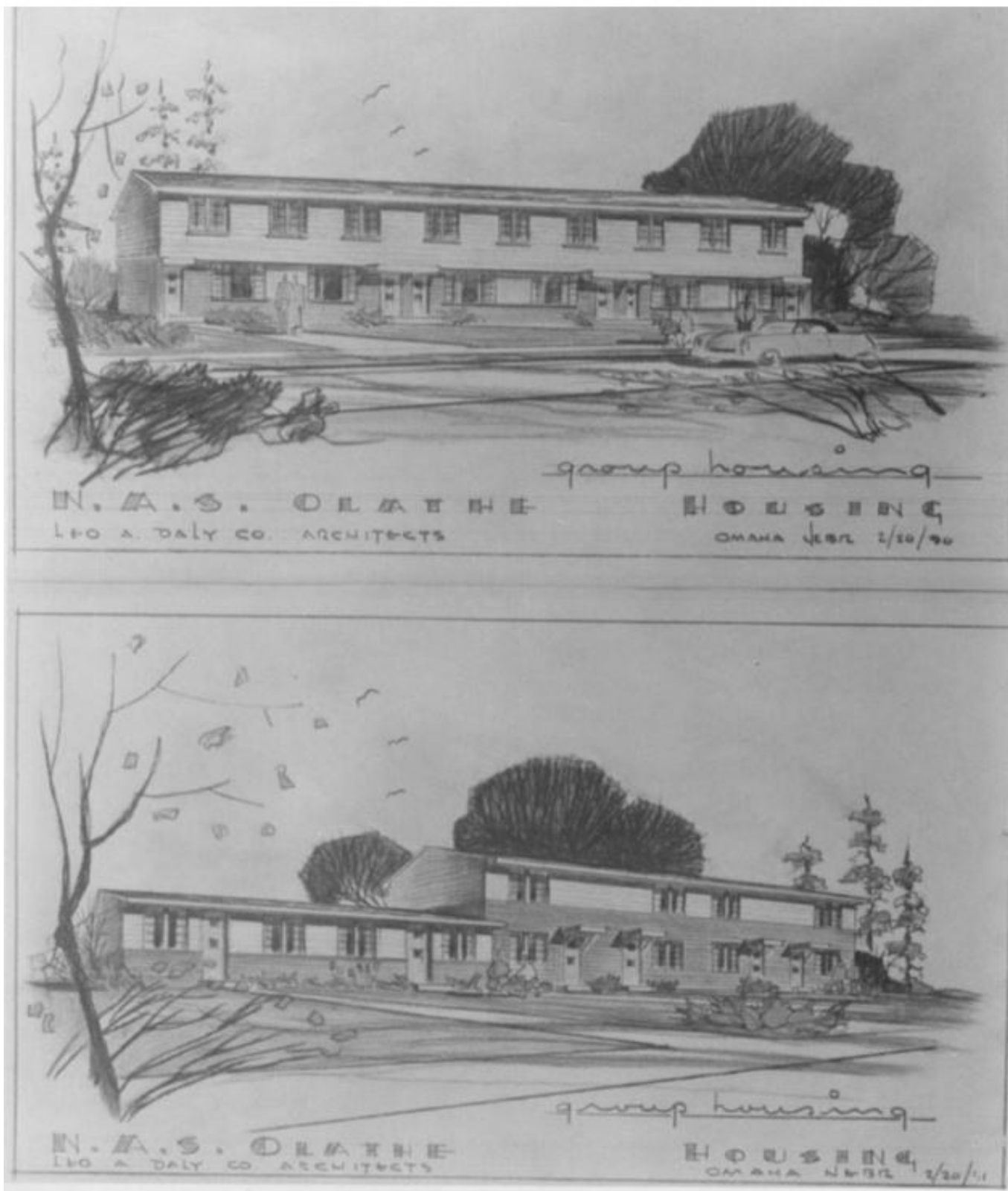
“I’ve never seen a situation like this in the United States,” Remy said. “I have been here in the U.S. for 15 years, I’ve never lived in a bad situation like this.”

As they scramble to find new housing, tenants are asking how issues were allowed to persist for so long at Aspen Place — and who is ultimately responsible.

### **The city: “It’s been a problem”**

Aspen Place was originally built to accommodate military family housing for the Olathe Naval Air Station (now the New Century AirCenter) in 1953 toward the tail end of the Korean War, according to the Johnson County Museum.

The plumbing system remains original to the property and hasn’t been fully upgraded in over 70 years, according to the city.



Architectural renderings of new housing to be built for armed service members and their families stationed at what was then known as the Olathe Naval Air Station, which later became New Century AirCenter. Image credit Gardner History Museum.

The city says that while the land where Aspen Place sits is within the city limits, the complex has been privately owned since the naval base was decommissioned in the late 1960s, leaving the city with no control over its utilities.

Aspen Place residents received their water from pipes dating to the 1950s that are connected to New Century AirCenter.

Gardner Councilmember Steve Shute said that while he was mayor from 2018 to 2022, the city encountered issues with Aspen Place, but they were limited in what they could do.

“Our only choices were to give citations or condemn,” Shute said.

City officials said citations had been given to property managers over the years, including one for sewage problems two weeks before the condemnation. The neighborhood doesn’t have proper storm drainage either, so sewer waste often flowed through streets and came up through yards.

“It has been a problem,” City Administrator Jim Pruetting said.

Pruetting said the city cited KDR for various reasons 43 times from January 2024 to May 5, the day before the city issued the condemnation notice.

Fire District #1, which serves that area of southern Johnson County, also cited KDR for fire code violations after a fire engine sank into a street at the complex while responding to a 911 call on Sunday, May 4.

That incident seems to have been the final straw. The city’s condemnation order was issued two days later.

City officials say they have also cited KDR for issues related to trash, leaked sewage onto roadways, standing sewage, roadway maintenance and land maintenance for trees on the property, among other issues.

Pruetting and Gardner Police Chief Pam Waldeck said municipal courts handle citation enforcement, and they have been trying to get the current owner, KDR Realty, to comply since a water pipeline burst in December 2023, leaving residents without water for multiple days around Christmas that year.



“We serve them the city’s notice of violation, and they (management) go to court, say they fixed the problem, but they don’t,” Waldeck said. “They don’t comply, pay the fine and just band-aid the situation until the next one.”



Furniture was stacked up on the front lawns last week as tenants quickly emptied their homes. Photo credit Leah Wankum.

### **Lawyer for KDR suggests complex could be repaired**

Jeff Zimmerman, an attorney with Shawnee-based law firm Zimmerman & Doering, represents KDR and says the company is reimbursing residents for their final month’s rent and their security deposits.

KDR bought the property in 2022, and Zimmerman said the company was aware of the complex’s plumbing problems at that time. He said that despite the aging pipes, documents from utility WaterOne showed the water was safe to drink.

“From a distance, it (the neighborhood) looks uninhabitable, but a lot of tenants had been there for years,” Zimmerman said.

Pruetting, the city administrator, said many of the tenants remained in the neighborhood because low credit scores and rent histories made it hard for them to find new places to live. Others were undocumented immigrants or had limited financial means to find new apartments.

Zimmerman said KDR had a plan to invest up to \$1.8 million in designing a new plumbing system and was planning to submit designs to the city for a permit to start the work later this month.

“They were prepared to invest a significant amount and take 90 days to overhaul everything,” Zimmerman said.

Then, the fire truck sank into the street at the complex, crushing a water line. Water at the complex was turned off, and officials with Fire District #1 advised the city to condemn the property for health and safety concerns.

City Administrator Pruetting said the city never received any permit requests from KDR.

“The owners have been notified of what they have to bring up to code with the water and sewer systems, along with the roads having to be completely reconstructed,” Pruetting said.

Even after the recent condemnation order, Zimmerman insisted KDR could still repair the property and have tenants move back into their apartments.

“It is entirely possible to have it completed within the next four to five months once approval is received,” Zimmerman said.

### **Property manager speaks out**

Dana Perez had only been the property manager at Aspen Place for nine months when the condemnation order shut the complex down, but she said she saw “the mess” firsthand.

“They (the tenants) just wanted to be heard,” Perez said. “The conditions they moved into— I am like, what the hell. I was pissed.”

Perez confirmed that KDR had plans to repair the main water and sewer lines.

“We were prepping for this,” Perez said. “Trees were marked.”



The sign for the leasing office is falling apart. Volunteers worked last week to set up tent pavilions and help residents. Photo credit Leah Wankum.

Perez also said KDR had repeatedly sent out a plumber to deal with the crumbling pipes.

“I have to go through them to get what I need,” Perez said.

Perez said she takes responsibility as the property manager and thinks KDR left her and tenants “hanging.”

“I don’t like the way our company hasn’t stepped up for our own tenants,” she said.

In the hours after the city issued the condemnation order, rumors circulated around the Aspen Place complex that KDR was forcing people to sign non-disclosure agreements to receive pro-rated May rent checks back. Others heard the checks they had received from KDR had bounced.



Zimmerman, the lawyer representing KDR, insisted the company had not asked residents to sign non-disclosure agreements or liability waivers.

But Perez contradicts that.

“The owners did have me give the NDAs to residents,” Perez said. “I ripped up those NDA papers and threw them in the trash. It’s not right. These are my people.”

### **Does the county have a role?**

Johnson County government says it has limited oversight over the Aspen Place complex.

Much of that purview comes down to residents who have federal [Housing Choice vouchers](#), formerly known as Section 8 vouchers, which the county administers.

The county says three households at Aspen Place qualified for Housing Choice vouchers and that those residents had not filed complaints about their living conditions with the county.

Andy Hyland, a spokesperson for Johnson County, noted that the county Housing Authority “has no jurisdiction over non-subsidized units” not receiving vouchers. Complaints filed by other residents would have gone to the city of Gardner, he said.

Hyland said the county is focused on helping support displaced Aspen Place residents.

“Johnson County has undertaken a number of efforts to support Aspen Place residents, including activating its Emergency Operations Center, conducting a needs assessment survey with displaced residents, establishing a resource center at the New Century Fieldhouse and supporting an emergency shelter established by the Salvation Army in Olathe,” he said.

As for the water lines, Hyland confirmed that the Aspen Place water lines were connected to New Century AirCenter, but that the water issues experienced by residents “are related to the condition of the water lines on the apartment property, not with the New Century AirCenter water lines.”

The upkeep and maintenance of the water lines beyond the boundaries of New Century AirCenter are that of the property owner, KDR, Hyland said.



Legal notices like this one forbid entry to all housing units and deem them “unsafe/unfit structures.” Tenants were required to vacate their homes by 6 p.m. Thursday, May 8. Photo credit Leah Wankum.

## Legal services pushing to get residents \$2,000 each

On Tuesday, representatives with the nonprofit [Kansas Legal Services](#) met with Aspen Place tenants one-on-one at the Hampton Inn Conference Center in Gardner to offer free legal advice and assistance.

Managing Attorney Alex English said they had received a good turnout.

“We hope we can help a lot of people,” English said. “This is an opportunity for anyone who has filled out an application regarding this issue to come and talk to attorneys on the spot.”

Executive Director Matt Keenan said Kansas Legal Services was “the only one” in direct negotiations with KDR to ensure residents get compensation with “no strings attached.”

Kansas Legal Services is requesting displaced Aspen Place residents get \$2,000 cash to help with security deposits and the first month's rent at their new place of living.

"It will put a little bit of wind in their sails," Keenan said. "I was trying to pick a number low enough that they won't choke, but high enough that it would be a significant game changer for our clients."

Attorney Nick Blessing said the responsibility ultimately falls on KDR and their failure to meet their end of the rental agreements.

"This is an extreme example," Blessing said. "However, landlords fail all the time and tenants continue to pay rent because they don't want to be evicted."

Still, Blessing said the city of Gardner could have done more to help residents, especially since issues have been ongoing for years.

Blessing said that, unfortunately, it is "normal and commonplace in Kansas" for tenants' complaints to be overlooked or ignored.

"(The city) could have done more," Blessing said. "The law has to be enforced somehow."

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Table of Contents

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