

**Agreement between Johnson County, Kansas and the City of Olathe, Kansas
for Construction of a Regional Detention Basin
Upstream of Lackman Road**

THIS AGREEMENT is made and entered into this 14 day of November 2019, by and between the Board of County Commissioners of Johnson County, Kansas (“Board”) and the City of Olathe, Kansas (“City”), hereinafter Board and City may be referred to singularly as the “Party” and collectively as the “Parties”.

Recitals

WHEREAS, the City has decided that the installation of a regional detention basin upstream of Lackman Road will be the best solution for addressing flooding issues in the City and Unincorporated Johnson County and has requested Johnson County Public Works Department (“JCPW”) participate in funding of the construction (the “Project”); and

WHEREAS, the Project is within the corporate boundary of the City, the regional detention will have positive impacts in the unincorporated area of Johnson County, Kansas.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the Parties agree as follows:

Agreement

1. **Purpose of Agreement.** The Parties enter into this Agreement for the purpose of facilitating the completion of the Project to assure a more adequate, safe, storm water detention in Johnson County, Kansas.
2. **Description of the Project Scope.** The Project shall consist of design and construction of a regional detention basin upstream of Lackman Road.
3. **Administration of the Project:** The City shall be responsible for administering the Project and invoice JCPW \$375,000 upon completion of the Project.
 - a. **Project Costs:**
 - i. The City will provide \$1,000,000 in City General Obligation Bonds
 - ii. The City will provide \$600,000 in City Stormwater Funds
 - iii. \$4,225,000 will be provided from the Johnson County Stormwater Program.
 - iv. JCPW will provide \$375,000 of funding to the City upon completion of the

project.

- 4. **Maintenance.** The City agrees to operate and maintain the Project.
- 5. **Amendments.** This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change or amendment shall be binding on the Parties unless it shall have been agreed to in writing and signed by both Parties.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed by each of the Parties hereto and made effective on the day and year first above written.

Board of County Commissioners
Johnson County, Kansas

City of Olathe, Kansas



[Signature]
Ed Eilert, Chairman

Michael Copeland, Mayor

Attest:

Attest:

[Signature]
Lynda Sader
Deputy County Clerk

Emily Vincent
City Clerk

Approved as to form:

Approved as to form:

[Signature]
Robert A. Ford
Assistant County Counselor

Ron Shaver
City Attorney

Approved 7-0

FILED

NOV 14 2019

DEPUTY COUNTY CLERK
JOHNSON COUNTY KANSAS