



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 2/18/2020

DEPARTMENT: Public Works & Legal

STAFF CONTACT: Mary Jaeger / Beth Wright / Ron Shaver

SUBJECT: Approval of an engineer's survey for eminent domain for the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18

ITEM DESCRIPTION:

Consideration of Ordinance No. 20-06 approving an engineer's survey and authorizing the acquisition of land for the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18

SUMMARY:

Project No. 2-C-030-18 was created by Resolution No. 18-1075 on August 21, 2018.

This project will be the first phase of a project that through a combination of capital improvements and voluntary home buyouts will remove thirty-three (33) buildings from the FEMA regulated floodplain and minimize overtopping of Cherry, Prairie, Spruce, Poplar, Water, Woodland, Santa Fe, Park, and Loula Streets. Phase 1 of this project will address street and structure flooding that occurs along Mill Creek north of Santa Fe and south of Mulberry Street. The project location is shown on the attached Project Location Map (Attachment A).

This phase is the fourteenth (14th) of twenty (20) identified watershed flood control projects located in the FEMA regulated floodplain.

This phase of the project includes replacement of existing culverts with bridges at Chestnut, Spruce, and Poplar Streets, reconstruction of street pavement, channel deepening and widening, retaining walls, storm sewer improvements, and voluntary home buyouts. It is anticipated that the maximum number of home buyouts will be four (4) out of the 33 buildings currently in the FEMA regulated floodplain.

On February 18, 2020 the City Council approved Resolution No. 20-0606 which authorized an engineering survey of land needed for the project.

This ordinance is the second step of the eminent domain process. The ordinance approves the survey and authorizes the filing of a petition for eminent domain in the Johnson County, Kansas District Court (Attachment B). It also authorizes the payment of the appraisers' award. Staff will continue to negotiate with the property owners to try to reach agreements to acquire the property before using the eminent domain process.

FINANCIAL IMPACT:

Funding for the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project includes:

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Olathe Stormwater Fund	\$ 390,000
Revenue Bonds (Stormwater)	\$1,695,000
<u>Johnson County SMAC Program</u>	<u>\$4,200,000</u>
Total	\$6,285,000

ACTION NEEDED:

Approve Ordinance No. 20-06 approving an engineer's survey and authorizing the acquisition of land for the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18

ATTACHMENT(S):

A: Project Location Map

B: Eminent Domain Ordinance 2-C-030-18