



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 4/7/2020

DEPARTMENT: Public Works

STAFF CONTACT: Mary Jaeger / Beth Wright

SUBJECT: Mitigation Credit Reservation and Purchase Agreement for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

ITEM DESCRIPTION:

Consideration of a Mitigation Credit Reservation and Purchase Agreement with Swallow Tail LLC, for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

SUMMARY:

As part of the federal permitting requirements with the United States Army Corps of Engineers (USACE), the City applied for a permit under Section 404 of the Clean Water Act due to the project impacting federally defined Waters of the United States. The USACE conducted a review of the proposed improvements and the condition of the channel and determined the City must purchase stream mitigation credits from an approved mitigation bank. Purchase of the credits is required to comply with the USACE Permit NWK-2017-1840.

The Mitigation Credit Reservation and Purchase Agreement allows the City to purchase 0.85 wetland credits at \$55,000 per credit and 5,027 stream credits at \$50 per credit from Swallow Tail LLC for a total of \$298,100. This purchase will allow the project to gain the necessary permit from the USACE. In 2012, the City purchased \$71,155 of mitigation credits from Swallow Tail LLC for the Community Center project, and in 2017, the City purchased \$61,100 of mitigation credits from Swallow Tail LLC for the Indian Creek (Albervan St. to Pflumm Rd.) Stormwater Improvements Project.

This project is in place to meet the stormwater detention needs of properties within the Coffee Creek watershed, to reduce the risk of flooding of four (4) homes and to address flooding on Black Bob Road south of 167th Street. The project includes construction of two (2) earthen embankments and reinforced concrete box culverts on Coffee Creek along the future Brougham Drive alignment south of 167th Street and the future Lindenwood Drive alignment south of 167th Street.

The estimated total cost for this project is \$6,200,000. This includes preliminary and final design, land acquisition, utility relocations, staff time, construction and construction inspection. It is anticipated that Johnson County's total share of the cost will be \$4,600,000 (\$4,225,000 from Johnson County SMAC and \$375,000 from Johnson County Public Works), and the City of Olathe's share of the cost will be \$1,600,000.

The project is tentatively scheduled to be completed by the end of 2020.

FINANCIAL IMPACT:

MEETING DATE: 4/7/2020

Funding for the Brougham Drive Regional Detention Basin Project includes:

General Obligation Bonds	\$ 1,000,000
Stormwater Fund	\$ 600,000
Johnson County PW	\$ 375,000
<u>Johnson County SMAC</u>	<u>\$ 4,225,000</u>
TOTAL	\$ 6,200,000

ACTION NEEDED:

Approval of a Mitigation Credit Reservation and Purchase Agreement with Swallow Tail LLC, for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

ATTACHMENT(S):

- A. Project Location Map
- B. Project Fact Sheet
- C. Mitigation Credit Agreement