



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 6/2/2020

DEPARTMENT: Public Works & Legal

STAFF CONTACT: Mary Jaeger / Beth Wright / Ron Shaver

SUBJECT: Approval of an amendment to eminent domain Ordinance No. 19-83 for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

ITEM DESCRIPTION:

Consideration of Ordinance No. 20-20 amending Section Four of Ordinance No. 19-83 pertaining to the legal description of land required to construct the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

SUMMARY:

Project No. 2-C-002-16 was created by Resolution No. 18-1068 on August 7, 2018.

This project meets 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. **Attachment A** is a map of the project area.

Easements need to be acquired on two tracts of land for the project. On November 19, 2019, the City Council approved Resolution No. 19-1067 which authorized an engineering survey of land needed for the project. On December 17th, 2019, the City Council approved Ordinance No. 19-83, which approved the survey described the land to be acquired. On January 29, 2020 an eminent domain petition was filed in Johnson County District Court.

During negotiations with the landowner, it was determined that if the City were to obtain certain waivers from the State, the land necessary for the project could be reduced, and the buildable land in the area could be increased. The attached Ordinance 20-20 (**Attachment B**) amends section 4 of Ordinance No. 19-83 to reflect this new, smaller land area to be acquired.

To keep the project on schedule, land acquisition needs to be completed as soon as possible to allow the project to be completed by late fall 2020. Staff is continuing to negotiate with the property owner to try to reach an agreement to acquire the property before using the eminent domain process.

FINANCIAL IMPACT:

Funding for the Brougham Drive Regional Detention Basin Project includes:

General Obligation Bonds	\$ 1,000,000
Stormwater Fund	\$ 600,000
Johnson County CIP	\$ 375,000

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<u>Johnson County SMAC</u>		<u>\$ 4,225,000</u>
TOTAL		\$ 6,200,000

ACTION NEEDED:

Approve Ordinance No. 20-20 amending Section Four of Ordinance No. 19-83 pertaining to the legal description of land required to construct the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16.

ATTACHMENT(S):

- A: Project Location Map
- B: Ordinance 20-20 - Eminent Domain Ordinance