



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 2/16/2021

FOCUS AREA: Infrastructure (Engineering)

STAFF CONTACT: Mary Jaeger / Beth Wright

SUBJECT: Mitigation Credit Reservation and Purchase Agreement for the Upper Cedar Creek Stormwater Improvements Project, PN 2-C-013-19.

ITEM DESCRIPTION:

Consideration of a Mitigation Credit Reservation and Purchase Agreement with Swallow Tail LLC for the construction of the Upper Cedar Creek Stormwater Improvements Project, PN 2-C-013-19.

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 an open drainage channel (unnamed tributary to Cedar Creek). 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 prior to the USACE release of a permit for modifications to Cedar Creek tributary.

The Mitigation Credit Reservation and Purchase Agreement allows the City to purchase 2,123.56 stream credits from Swallow Tail LLC at \$50 per credit for a total of \$106,178. This purchase will allow the project to gain the necessary permit from the USACE. The City has purchased \$495,416 worth of mitigation credits from Swallow Tail for four previous projects, with the two most recent being purchased in 2020.

This project includes replacement of existing corrugated metal pipe (CMP) culverts with larger concrete culverts, reconstruction of street pavement, channel improvements, storm sewer improvements, and the reduction of the flood risk for two (2) businesses identified within the 100-year floodplain through project improvements.

This is the second of six identified neighborhood flood control projects located outside the FEMA regulated floodplain.

Construction is tentatively scheduled to start in Spring 2021 and be completed by Fall 2021.

FINANCIAL IMPACT:

Project funding for the Upper Cedar Creek Stormwater Improvements Project includes:

Johnson County SMAC Program	\$1,350,570
<u>Olathe Stormwater Funds</u>	<u>\$1,184,430</u>
Total	\$2,535,000

ACTION NEEDED:

MEETING DATE: 2/16/2021

Approval of a Mitigation Credit Reservation and Purchase Agreement with Swallow Tail LLC for the construction of the Upper Cedar Creek Stormwater Improvements Project, PN 2-C-013-19.

ATTACHMENT(S):

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