



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 4/6/2021

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**FOCUS AREA:** Legal

**STAFF CONTACT:** Ron Shaver and Chris Grunewald

**SUBJECT:** Sanitary sewer easement acquisition and reimbursement agreement with Cedar Creek Development Company, LLC, and Valley Ridge, LLC.

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**ITEM DESCRIPTION:**

Consideration of a sanitary sewer easement acquisition and reimbursement agreement with Cedar Creek Development Company, LLC, and Valley Ridge, LLC.

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**SUMMARY:**

Cedar Creek Development Company, LLC and Valley Ridge, LLC (collectively “the Developer”) own the property being developed as the 6<sup>th</sup> Plat and 7<sup>th</sup> Plat of Valley Ridge which is in the City’s sanitary sewer service area. The City’s sewer mains are located to the south along 119<sup>th</sup> Street west of Clare Road. The connection requires public easements across two private properties not owned by the Developer and located within unincorporated Johnson County. The Developer has been unable to obtain the public easements and has agreed to reimburse the City for all costs associated with acquiring them.

The proposed sanitary sewer easement acquisition and reimbursement agreement (**Attachment A**) allows the City to acquire the necessary easements for this sewer extension and requires the Developer to pay all the City’s costs. The Developer is required to make an initial deposit with the City of \$20,000 and replenish those funds as they are spent down. Under the agreement, City staff will attempt to obtain the public easements through voluntary negotiation. If those attempts are unsuccessful, then staff will return to City Council to seek authorization to acquire the easements through condemnation in accordance with the Kansas Eminent Domain Procedure Act.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

Approval of sanitary sewer easement acquisition and reimbursement agreement with Cedar Creek Development Company, LLC, and Valley Ridge, LLC.

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**ATTACHMENT(S):**

- A. Sanitary Sewer Easement Acquisition and Reimbursement Agreement