

RESOLUTION NO. 2395

A RESOLUTION ESTABLISHING THE POLICY OF THE GOVERNING BODY ON PROVIDING STREAM BANK EROSION PROTECTION AND BANK STABILIZATION ADJACENT TO ONE AND TWO FAMILY RESIDENCES.

WHEREAS, homes constructed adjacent to major streams may be threatened by continuing erosion or stream bank instability; and

WHEREAS, correction of such problems often requires public projects extending across one or more properties; and

WHEREAS, the scope and cost of such projects requires city coordination and financial assistance in order to provide well engineered and financially feasible solutions to the erosion and bank stability problems.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

1. That the following policy regarding Stream Bank Stabilization be established:
 - A. That Improvement Districts to be created shall consist of those properties to be benefited abutting an unimproved stream.
 - B. That consideration of improvements will be initiated upon filing of a proper and legal petition by property owners pursuant to the provisions of K.S.A. 12-6a 04.
 - C. That improvement districts will not be created unless 100 percent of the owners in the proposed improvement district sign the petition.
 - D. That property owners in the improvement district agree to pay one-third of the project construction and engineering costs at the time of the assessment hearing.
 - E. That property owners in the improvement district agree to dedicate all rights-of-way and easements at no cost to the project.
2. That, upon creation of the improvement district, the City will:
 - A. Pay all costs of the project other than special assessments, including any rights-of-way and easements outside the limits of the improvement district.
 - B. Provide a completed bank erosion protection or bank stabilization project in accordance with prevailing engineering practice.

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- C. Restore and resod all areas disturbed by construction of the project.
 - D. Replace landscape trees and shrubs disturbed by the project with nursery stock.
 - E. Provide necessary temporary fences during construction.
 - F. Replace all permanent fences as part of the contractor's work.
 - G. Assess properties in the improvement district over a period of ten (10) years.
 - H. Provide future maintenance of the facilities.
3. That priority as to projects to be considered for construction will be established by the following criteria:
- A. That the project is feasible from an economic and engineering design standpoint;
 - B. The filing date of the petition;
 - C. That funds are available to pay the City's portion of the project cost.
 - D. Dwelling unit is in danger of flooding or structural damage.

ADOPTED by the Governing Body of the City of Overland Park, Kansas, this 21st day of January, 1991.

(s) Ed Eilert
Mayor

ATTEST:

(s) Bernice Crummett
Finance Director/City Clerk

APPROVED AS TO FORM:

(s) Jane Neff-Brain
Assistant City Attorney