

RESOLUTION NO. 3326

A RESOLUTION ESTABLISHING A POLICY FOR THE CITY OF OVERLAND PARK, KANSAS, FOR THE IMPROVEMENT OF STORM DRAINAGE WITHIN THE CITY, AND RESCINDING RESOLUTION NO. 2583.

WHEREAS, the Governing Body of Overland Park is cognizant of the fact that adequate stormwater drainage is beneficial to the City; and

WHEREAS, the City has limited funds to apply to storm drainage improvements at city-at-large expense; and

WHEREAS, it is desirable that a standard policy be established to allocate funds and set priorities for such projects.

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

1. That the following policy regarding storm sewer improvements be established:

a. Improvement districts to be created shall consist of those properties on, abutting, or near a natural stream, earthen ditch, or ditch with improvements not to present city standards which will be benefited by the proposed storm drainage project, as well as properties subject to frequent flooding.

b. Consideration of improvements will be initiated upon filing of a proper and legal petition by landowners pursuant to the provisions of K.S.A. 12-6a04.

c. The signatories of the petition desiring the establishment of an improvement district agree to pay four and five-tenths percent (4.5%) of their property and improvement appraised valuation as recorded on the assessment rolls in the Johnson County Clerk's office at the time of the improvement district creation.

d. Due to statutory limitations, no project can be undertaken where the city-at-large cost is more than 95% of the total cost of the improvement.

e. That, upon creation of the improvement district, the City will:

(1) Pay all cost of the project other than the special assessments with either city-at-large funds, federal funds, county funds, or a combination thereof;

(2) Provide a storm sewer system or flood control project to existing city standards.

(3) Reseed all disturbed areas caused by the project;

(4) Assess those within the improvement district over a period of ten (10) years;

(5) Provide all necessary temporary fences during construction;

(6) Replace all permanent fences as part of the contractor's work;

(7) Compensate for all private shrubs, trees, and other damage as part of the easement acquisition or by replacement with nursery stock;

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f. That priority as to projects to be undertaken will be established by the following criteria:

(1) That the project is feasible from the economic and the engineering design standpoint;

(2) The degree of landowner interest in such project as manifested by the percent of petition signatories to potential petition signatories within the improvement district;

(3) The filing date of the petition;

2. Creation of an improvement district is not required for the rehabilitation of existing storm sewer systems, provided that the storm sewer is located within City easement or right of way, has been accepted by the City for maintenance, and any additional permanent or temporary easements needed are donated at no cost to the City. Existing storm sewers consist only of those constructed storm drainage conveyance systems composed of inlets, pipes or concrete-lined ditches installed in accordance with City standards at the time of construction or installed prior to the adoption of City standards but which were subsequently accepted for City maintenance. Consideration of rehabilitation projects will be initiated upon the informal petition of property owners affected, and will be prioritized using the same criteria used for improvement districts, where landowner interest is manifested by donation of the necessary easements.

3. RESOLUTION NO. 2583 is hereby rescinded.

ADOPTED by the Governing Body of Overland Park, Kansas, this 14 day of April, 2003.

(s) Ed Eilert
Ed Eilert, Mayor

ATTEST:

(s) Marian Cook
Marian Cook, City Clerk

APPROVED AS TO FORM:

(s) Jane Neff-Brain
Jane Neff-Brain
Senior Assistant City Attorney