

RESOLUTION NO. ~~1971~~3815

A RESOLUTION ESTABLISHING POLICY ON CHANGING PRIVATE STREETS TO PUBLIC STREET CLASSIFICATION: AND RESCINDING POLICY RESOLUTION NO. ~~1534~~1971.

~~WHEREAS, the Governing Body of the City of Overland Park, Kansas, previously adopted Resolution No. 1534 on February 4, 1980, establishing private street classification and construction standards; and~~

WHEREAS, a public street is defined as a means of right-of-way which affords principal access to property abutting thereon, which right-of-way is controlled and maintained by the City of Overland Park, which is named in accordance with the street name designated system on the City map and signed in accordance with Chapter 13.16 of the Overland Park Municipal Code (Street Name Signs); and

WHEREAS, the City should properly consider requests to change street classifications from private to public; and

WHEREAS, it is desirable that a policy be established in order to set standards and inform all interested persons;

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

That the following policies and procedures are adopted:

- 1. The area must be platted or replatted in order to dedicate street rights-of-way, sidewalk, drainage, and utility easements, and other easements as necessary for the platted area.
- 2. Where easement rights to any person, utility, or corporation have been previously dedicated within the proposed street right-of-way, or where private easements exist within the proposed rights-of-way, a release must be obtained from each person, utility, or corporation agreeing to retain only those rights they would have in a public street right-of-way.
- 3. A map or sketch must be provided showing proposed right-of-way widths, building setbacks, sidewalk locations, easement widths and locations, curve data, and other pertinent geometric details. This map must be drawn to a scale of 1" = 50' or 1" = 100' by a licensed professional engineer or land surveyor.
- 4. The present street construction details must be certified by a licensed professional engineer. This certification must be accompanied by surveys, sketches and test borings giving the pavement material and thickness, cross section, grades, vertical curves, and drainage data.
- 5. The date of the street construction and a history of maintenance including type of maintenance treatment and dates must be furnished.

- 6. For an existing private street to be classified as a public street the pavement shall be equal to or improved to meet the standards of a public street as set forth in Chapter 13 of the Overland Park Municipal Code and be properly certified as to compliance by the City Engineer before receiving final approval by the City Council.
- 7. The Planning Commission, as part of the platting process, shall hold a public hearing and make a recommendation to the City Council.
- 8. Street lighting meeting City specifications shall be installed and dedicated to the City for operation and maintenance.
- 9. Public sidewalks meeting City specifications shall be installed and dedicated to the City.
- 10. Driveway entrances meeting City specifications shall be installed.

RESOLUTION NO. ~~1534 establishing policy on Changing Private Streets to Public Street Classification~~1971 is hereby rescinded.

ADOPTED by the Governing Body this ____ day of May, 2010.

Carl Gerlach, Mayor

ATTEST:

Marian Cook, City Clerk

APPROVED AS TO FORM:

Tammy M. Owens,
Senior Assistant City Attorney