

RESOLUTION NO. 3655

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; RESCINDING RESOLUTION NO. 2395.

WHEREAS, habitable structures, hereinafter referred to as “dwellings,” 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 public property, public right-of-way, and/or one or more private 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 natural stream.
  - B. The benefited property or properties are those that contain a one- or two-family dwelling which has a verifiably high risk of incurring structural damage or collapse as a result of the continued bank instability.
  - C. Before consideration can be given to a potential problem area, the property owner(s) must first provide the City with a sealed engineering report at the owner’s sole cost and expense analyzing the current bank stability condition, estimating the risk of future damage to the dwellings, and providing preliminary recommendations for bank stabilization measures. The City may authorize additional studies if necessary to further develop the feasibility report and recommended alternative.
  - D. 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.
  - E. That improvement districts will not be created unless 100 percent of the owners in the proposed improvement district sign the petition.
  - F. 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.
  - G. That property owners in the improvement district agree to dedicate all necessary 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 current engineering practice.
  - 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 constructed bank stability project and/or 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. The feasibility analysis shall include, but not be limited to, a consideration of the value of the properties protected relative to the cost of the project;
  - B. The severity of the potential structural damage to the dwelling or the danger of collapse of the dwelling.
  - C. The filing date of the petition;
  - D. That funds are available to pay the City's portion of the project cost.
4. Resolution No. 2395 is hereby rescinded.

ADOPTED by the Governing Body of the City of Overland Park, Kansas, this 4<sup>th</sup> day of August, 2008.

ATTEST:

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Marian Cook  
City Clerk

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Carl Gerlach  
Mayor

APPROVED AS TO FORM:

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Tammy M. Owens  
Senior Assistant City Attorney