



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 3/19/2019

DEPARTMENT: Legal & Public Works

STAFF CONTACT: Ron Shaver / Mary Jaeger / Beth Wright

SUBJECT: Authorizing payment of eminent domain award and court appointed appraisers' fees in case of *The City of Olathe, Kansas vs. Wal-Mart Real Estate Business Trust, et al.*, Case No. 18CV06665 for the Stag's Ridge Project, PN 7-C-047-18.

ITEM DESCRIPTION:

Consideration of Ordinance No. 19-10 authorizing payment by the City Treasurer of an eminent domain award and court appointed appraisers' fees in the eminent domain case of *The City of Olathe, Kansas vs. Wal-Mart Real Estate Business Trust, et al.*, Case No. 18CV06665 for the Stag's Ridge Project, PN 7-C-047-18.

SUMMARY:

This project involves the conversion of private streets to public streets in the West Village shopping center on the west side of K-7 Highway at Spruce Street in west Olathe to provide public street access to the tract of land north of the West Village shopping Center. Attachment A is a map of the project area.

The City Council adopted Resolution No. 18-1104 on November 20, 2018, which authorized an engineer's survey of the property to be taken. The City Council passed Ordinance No. 18-57 on November 20, 2018, which approved the survey and authorized the filing of a petition for eminent domain.

On January 7, 2019, the Johnson County District Court appointed John Moser, Robin Marx, and former Johnson County District Court Judge Larry McClain as court appointed appraisers. The appraisers' hearing was held on February 12, 2019.

On February 27, 2019, the court appointed appraisers awarded \$93,250 in total taking damages and \$9,150 as appraisers' fees. The breakdown of the awards by tract is:

Tract	Owner	Easement	Sq. Feet	City Appraisal	Appraisers' Award
1	Wal-Mart Real Estate Business Trust	ROW	990.20	\$4,250	\$4,250
2	Olathe West Developers, Inc.	ROW	46,839.10	\$12,200	\$80,000
3	Olathe West Developers, Inc.	TCE	626.70	\$1,600	\$1,600
4	The Paskevic Family Trust	TCE	2,402.00	\$7,400	\$7,400

Staff recommends accepting the awards and approving the Ordinance.

FINANCIAL IMPACT:

Total awards equal \$93,250. Court costs (appraisers' fees) equal \$9,150 for a total of \$102,400.

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There are adequate funds in the project account.

ACTION NEEDED:

Adopt Ordinance No. 19-10 authorizing payment by the City Treasurer of an eminent domain award and court appointed appraisers' fees in the eminent domain case of *The City of Olathe, Kansas vs. Wal-Mart Real Estate Business Trust, et al.*, Case No. 18CV06665 and approval of payment for the Stag's Ridge Project, PN 7-C-047-18.

ATTACHMENT(S):

A: Project Maps

B: Ordinance