

SUBJECT	ISSUED BY	EFFECTIVE DATE
CURB AND GUTTER POLICY	CITY COUNCIL	JUNE 1, 2009

POLICY STATEMENT:

The City of Washington, Kansas, has established a program for repair and replacement of curb and guttering for the City of Washington, Kansas. The City Council has determined that the program will be offered to properties on a first come first serve basis.

The City Council should consider the funding of this program during the budget preparation each year. If funding is budgeted, the following procedure shall be used by staff unless otherwise approved by the City Council.

The City's responsibilities under this program:

- remove any existing curb and gutter and rough grade the site at no charge to the property owner.
- repair damage to streets, at the city's sole discretion, caused by the construction of the new curb and gutter without charge to the property owner.
- Pay for 50% of the costs of the installation of the curb and gutter by a contractor selected by the City.

The property owner's responsibilities under this program:

- Repair any damage to the lawn, landscaping, and/or irrigation systems owned by the property owner.
- Pay for 50% of the estimated cost of the installation of the curb and gutter by a contractor selected by the City prior to being placed on the project list. The estimated cost will be based on the estimated linear footage to be replaced and an estimated unit cost derived by the City Administrator.
- Pay for 50% of the actual costs incurred for the installation of the curb and gutter based on the bidder's unit price for construction and the actual linear footage installed adjacent to the property.

Any property owner desiring to participate in the program shall sign an Intent To Participate indicating his/her desire to participate in the program and shall pay his share.

The city will participate in the replacement of curb and gutter and curb cuts for driveways and/or sidewalks. The City will not participate in the replacement of any driveways and only in sidewalks at the intersection of two or more streets back to the intersection of the sidewalks. If the property owner wants additional work done by the contractor at the time the curb and gutter work is done, it shall be the property owner's responsibility to contact the contractor, make arrangements for the extra work, and to pay for any extra work requested and the City shall not have any responsibility regarding this work.

The City reserves the right to deny use of the program by any property owner whose curb and guttering the City believes, in its sole opinion, not to be in need of immediate replacement.

The City Administrator shall be in charge of administering this program including obtaining agreements with property owners who desire to participate in the program and coordinating the work to be done with the contractor. It is anticipated that work will only commence after commitments are received to use all of the funds appropriated by the City for the program so that the contractor may perform all of the work to be done at one time instead of on a piece-meal basis.

PROCEDURE:

The program shall be administered as follows:

1. The City Council will consider funding for the program during the budget preparation process.
2. If money is budgeted for the program, staff will advertise the availability of the program in the City's official newspaper when authorized by the City Council. The City Administrator may use other advertising means deemed appropriate including, but not limited to, radio, television, web site, or flyers.
3. Any property owner interested in participating in the program shall complete an Intent To Participate form available from City Hall or on the City's web site and submit it to the City Administrator.
4. The City Administrator shall inspect or cause to be inspected the property for the proposed work. The inspection shall be done to determine the feasibility of the project and estimate the linear feet to be replaced and/or installed.
5. If the project is deemed feasible by the City Administrator, he/she shall prepare an agreement for signature by the property owner. The agreement shall indicate the estimated number of linear feet of curb and gutter to be replaced and/or installed, the estimated unit cost, and the estimated total cost of the project. The agreement will be mailed to the property owner via U.S. first class mail. If the project is deemed not to be feasible, the City Administrator shall send a letter to the property owner detailing the reason(s) the project could/should not be done.
6. If the property owner is interested in participating in the program, he/she shall then sign the proposed agreement and return the agreement along with a payment for the property owner's portion.
7. The property will then be added to the list for a curb and gutter project. All projects will be added to the list in the order that the completed agreement and payment are received. Projects will not be added to the list until both items have been received.
8. Once the City determines enough projects have been added to the list, an Invitation to Bid will be sent out.

9. The bids will then be considered by the City Council at a regular council meeting. If the Council awards the bid, the bidder and all affected property owners will be notified.
10. Once the work has been completed, the City Administrator will accept the work on behalf of the City and actual quantities will be calculated.
11. The actual quantities and accepted bid price will be used to calculate the final bill for all properties.
12. Letters will then be mailed by U.S. first class mail to all property owners informing them of the final bill. Those property owners that overpaid will be mailed a check within 60 days of the date of the letter. All those property owners that underpaid will be sent a bill with the letter. The underpaid amount must be paid by the property owner within 30 days of the date of the invoice included with the letter.
13. If the property owner has not paid the invoice amount in full within 30 days, the City reserves the right to take any actions it deems necessary to recover the funds. This may include, but is not limited to Small Claims Court, a professional collections firm, or placing a special assessment against the property.

Approved By: _____
Meyler D. Gibbs, Council President