

SUBJECT	ISSUED BY	EFFECTIVE DATE
SIDEWALK POLICY	CITY COUNCIL	DECEMBER 7, 2009

POLICY STATEMENT:

The City of Washington, Kansas, has established a program for repair and replacement of existing sidewalks and the construction of new sidewalks in the City of Washington, Kansas. The City Council has determined that the program will be offered to all properties. All applications may be evaluated on their merits to determine the highest priority by the staff and/or City Council.

There is no implied or guaranteed commitment from the City of Washington to fund any or all applications for the sidewalk program. Only money approved by the City Council will be used to fund the program.

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 sidewalk 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 sidewalk without charge to the property owner.
- Pay for up to 50% of the costs of the installation of the sidewalk either by a contractor selected by the City or by City crews. The City Council will determine the City's participation level.
- Pay for up to 100% of the costs of the installation of the sidewalk either by a contractor selected by the City or by City Crews from the intersection of north-south and east-west sidewalks to the adjacent street. This will include the ADA ramps as required by Federal law.

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 a minimum of 50% of the estimated cost of the installation of the sidewalk by a contractor selected by the City or city crews prior to being placed on the project list. The estimated cost will be based on the estimated square footage to be replaced and an estimated unit cost derived by the City Administrator.
- Pay for a minimum of 50% of the actual costs incurred for the installation of the sidewalk based on the bidder's unit price for construction and the actual square 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 be responsible for paying his/her share as determined by this policy.

The city will participate in the replacement of the public sidewalk. The city will participate in private sidewalks and driveways only to the extent to allow for a smooth transition from the new public sidewalk to the private sidewalk and/or driveways. The extent of the city's participation is at the sole discretion of the City. If the property owner wants additional work done by the contractor at the time the sidewalk 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 sidewalk 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 may 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 when authorized by the City Council. The City Administrator may use advertising means deemed appropriate including, but not limited to, radio, television, web sites, 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 square footage 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 square feet of sidewalk 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. All applications will be forwarded to the City Council for consideration. The Council will consider each project based on the application submitted and determine which, if any, projects will be funded and at what levels they will be funded.
8. Once the City determines enough projects have been added to the list, an Invitation to Bid will be sent out, if deemed necessary by the City. The City may elect to construct the project using its own crews. If work is done by City crews actual material costs will be used. Labor costs will be determined by using standard charge out rates set by resolution and actual hours spent on the job site.
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: _____
Harold H. Jones, Jr. , Mayor