

**CITY OF HIGHLAND**

**RESOLUTION NUMBER 19-03**

**A RESOLUTION OF THE CITY OF HIGHLAND, KANSAS, PROVIDING FOR DISCRETIONARY PARTIAL REIMBURSEMENT FOR NEW SIDEWALK CONSTRUCTION AND REPLACEMENT IN THE DOWNTOWN AND OTHER AREAS OF CITY**

WHEREAS, The governing body of the City of Highland recognizes the value and benefit to the safety and welfare of its residents and the general public for new construction and replacement of deteriorated sidewalks in the city, particularly in the downtown area; and

WHEREAS, state law provides that the responsibility for the cost of such construction and improvements to all sidewalks is with the abutting landowner; and

WHEREAS, said City believes it appropriate to establish a program for partial reimbursement of such costs, as proscribed herein, in order to encourage landowners to construct or replace sidewalks in the city, subject to funds available to the city for such purposes; and

WHEREAS, any such sidewalks shall be constructed, repaired and/or improved in accordance with high quality workmanship and construction standards and in accordance with any design standards adopted by the city from time to time.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND, DONIPHAN COUNTY, KANSAS:

**SECTION ONE. SIDEWALK CONSTRUCTION.** The governing body recommends that all new construction and/or complete replacement of sidewalks within the corporate limits of the City of Highland be in accordance with high quality workmanship and construction standards and requires that such be in accordance with any design standards or specifications adopted by the city from time to time.

**SECTION TWO. REIMBURSEMENT.** Subject to available funds, it is the policy of the city to reimburse the abutting landowner (as described herein) that incurs such expense for fifty percent (50%) of the fair market, actual cost of any such new construction or replacement of sidewalk, upon the following terms and conditions:

**A. ABUT STREETS.** Any such sidewalk must abut a dedicated street right-of-way within the corporate city limits.

**B. APPLICATION.** Application for such reimbursement shall be in writing, on forms supplied by the city, as set forth hereinafter, and shall be made within the same calendar year during which such construction is completed.

**C. LIMITATION.** Said policy applies only to land in private ownership and in the ownership of not-for-profit institutions and entities, and not to other governmental entities.

**SECTION THREE. TERMS.** The following additional terms and conditions shall apply in the administration of this policy:

**A. ALLOCATION.** At the regular meeting of the city council in January of each year, or at such other time as shall be determined from time to time, the governing body shall establish the amount to be budgeted and set aside for sidewalk reimbursement under this policy.

**B. DOWNTOWN.** The downtown area is defined herein to be the north and south sides of the Main Street right of way, from Kansas Street to Ives Street, upon the portions that are not included in the traveled roadway. These terms shall apply:

1. Abutting landowners in the downtown area of the city shall be given priority to apply for reimbursement for the months of January through April. Those landowners that apply during the months of January and February shall be prorated, based upon the relative cost of the construction reimbursement amount as related to the entire pool of approved applications, in the event the amount of such applications approved for reimbursement exceeds the available funds.

2. Abutting landowners that apply for reimbursement, and that are approved during the months of March and April, shall be awarded on a first-come, first-serve basis.

3. Abutting landowners that apply for reimbursement may 1 or thereafter, and that are approved for reimbursement, shall be treated as if such application was for an area other than in the downtown area of the city under subsection C herein.

**C. OTHER AREAS.** Other areas is defined herein to be all other areas of the city abutting streets that are not located in the downtown area. These terms shall apply:

1. Abutting landowners in all areas of the city other than in the downtown area shall be allowed to apply for reimbursement beginning May 1 of each year. Those landowners that apply during the months of May and June shall be prorated, based upon the relative cost of the construction reimbursement amount as related to the entire pool of approved applications, in the event the amount of such applications approved for reimbursement exceeds the available funds.

2. Abutting landowners that apply for reimbursement and are approved during the months of July through December shall be awarded out on a first-come, first-serve basis.

3. All reimbursements in this area that are otherwise eligible shall be limited to no more than one thousand dollars (\$1,000) in amount, unless and until all other eligible reimbursements have been fulfilled in any given calendar year.

4. Any such application can be denied upon the basis of such sidewalk failing to serve as a pedestrian traffic way for the general public.

**D. RIGHT OF WAY.** Only sidewalks that are located upon the public right-of-way, and which abut a dedicated street right-of-way and extends in the same directions of said street, shall be eligible to apply for reimbursement. No portion of any such sidewalk located upon private property is qualified.

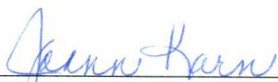
**E. RESERVATION.** The city reserves the right to deny any such application, in its sole discretion, and to terminate this program for reimbursement, at any time, and for any reason whatsoever, and such reimbursement policy is always subject to the cash-basis and budget law restrictions applicable to the city.

Adopted by the governing body this 9th day of January, 2019.



Charles N. Batchelder, Mayor

ATTESTED TO:

  
Joann Karn, City Clerk