

RESOLUTION NO. 2024-5

A RESOLUTION ESTABLISHING A SIDEWALK INCENTIVE PROGRAM FOR THE REPAIR, REPLACEMENT, AND INSTALLATION OF NEW SIDEWALKS IN THE CITY OF SMITH CENTER, KANSAS.

WHEREAS, by virtue of the corresponding provisions of Smith Center City Code, property owners are responsible for the maintenance and repair of abutting public sidewalks; and

WHEREAS, damaged sidewalks in disrepair present a danger to the health, safety, and welfare of pedestrians; and

WHEREAS, the City desires to facilitate the provision of safe sidewalks for pedestrians; and

WHEREAS, the City recognizes that the cost of sidewalk repairs can be significant; and

WHEREAS, the City has determined that it is a worthwhile use of public funds to provide an incentive to property owners for the qualifying addition and or replacement of sidewalks; and

WHEREAS, it is the intent of the City to provide an incentive program for those property owners approved for the program to help lessen the financial burdens associated with the construction of new sidewalks and sidewalks to be found in disrepair.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SMITH CENTER, KANSAS, that a Sidewalk Incentive Program is hereby established and shall operate in the following manor, to wit:

1. **Eligibility.** Any property owner in the incorporated city limits of Smith Center is eligible to participate in the program.
2. **Funding.** The Sidewalk Incentive Program is funded by the Governing Body. Once the program funds have been exhausted, no further applications will be approved for the year. It is at the discretion of the Governing Body to continue to fund the Sidewalk Incentive Program prior to or after the exhaustion of the original funds. The Governing Body may amend or discontinue the Sidewalk Incentive Program at any time. The Governing Body hereby appropriates the following funding in furtherance of the Sidewalk Incentive Program:
 - (a) \$20,000 designated for property owners that have submitted a completed and approved application in the calendar year 2024.
3. **Application.** To participate in the program, the property owner must submit a completed Sidewalk Incentive Program application to the City Offices. The application must be approved before work is completed.
4. **Repairs.** All repairs must be performed in compliance with all application requirements and specifications as determined by City standards. No payment shall be issued until the sidewalk has been inspected and approved by the designated City official.

5. Program Benefits. Program benefits for eligible property owners are as follows:

- (a) Each property owner that is approved for the program is entitled to a city issued reimbursement to assist in offsetting the costs of making sidewalk repairs. The city-issued reimbursement is limited to a maximum amount of 50% of the cost, with residential capped at \$1,200 and commercial capped at \$2,000.
- (b) The area that is repaired or replaced and subject to reimbursement is limited to the public sidewalk, which is on the street frontage, that being on the street right-of-way and running parallel to the street and shall not include any sidewalk serving as an approach or entrance into the property or any structures thereon.
- (c) Corner properties with sidewalks along each intersecting street shall be regarded as having two property street frontages, each of which shall be separately eligible for participation. Notwithstanding, a property owner may submit a single application for consideration.
- (d) The City staff is hereby authorized to provide additional rules and regulations associated with this program.
- (e) The program will provide a reimbursement to only the sections of sidewalk that are found to qualify based on the City scoring system.

6. Program requirements. To receive the designated program benefits, the following requirements must be satisfied:

- (a) The property owner has submitted a complete application;
- (b) The property owner has been approved for participation by the City;
- (c) The work has been completed in accordance with this program; and
- (d) The City has completed a final inspection and approved the work.

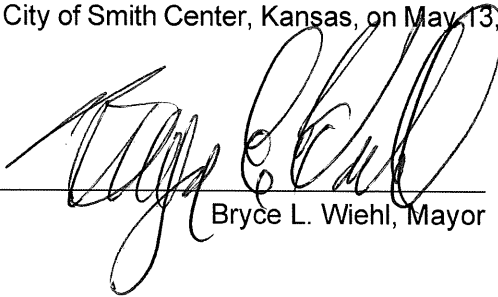
7. Non-participating property owner repairs. Nothing herein shall compel any property owner to participate in the program. However, non-participation in the Sidewalk Incentive Program does not alleviate a property owner from the duty to repair the abutting sidewalk pursuant to Smith Center Code. Non-eligible or non-participating citizens may perform the work themselves or utilize any licensed contractor of their choosing; provided, however, that:

- (a) An approval for the making of any such repairs within the public Right-of-Way must be obtained from the designated City official prior to any such repairs being undertaken; and
- (b) The repairs must be performed in compliance with all applicable requirements and specifications of City standards.

Administrative Authority. The designated City official is hereby authorized with the discretion to amend this program and effectuate any actions to fulfill and administer the general intent of this resolution.

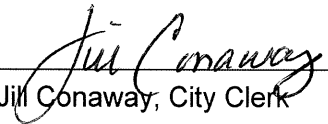
8. Effective Date: This resolution shall take effect and be in force from and after its adoption.

ADOPTED AND APPROVED by the governing body of the City of Smith Center, Kansas, on May 13, 2024.



Bryce L. Wiehl, Mayor

ATTEST:



Jill Conaway, City Clerk