

RESOLUTION NO. ~~2896~~3817

A RESOLUTION ESTABLISHING POLICY ON SIDEWALK CONSTRUCTION AND MAINTENANCE AND RESCINDING RESOLUTION NO. ~~1941~~2896.

WHEREAS, ~~the Public Works Committee of the City Council at their meeting on the 26th day of March, 1997, recommended to the City Council certain operating policies and procedures~~ public sidewalks help maintain property values, as well as contribute to the safety and general welfare of the residents of the neighborhood; and

WHEREAS, ~~the Governing Body of the City of Overland Park, Kansas, did on the 7th day of April, 1997, find such policies and procedures to be acceptable~~ certain situations arise during development of properties, and in the City's maintenance of public sidewalks, that are currently not addressed by City policies; and

WHEREAS, it is desirable that a policy be established in order to set standards and inform all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

That the following policies and procedures are adopted:

- ~~A1.~~ RURAL AREAS: (With Streets Not to City Standard): No sidewalk construction is required with building permits. ~~Sidewalk Variance Agreement to be executed and filed at County Register of Deeds, without Sidewalk Review Board approval. Condition on agreement would defer sidewalk construction until streets are constructed to city standards.~~
- ~~B2.~~ STREET WIDENING PROJECTS: New sidewalks or existing sidewalk replacement associated with main thoroughfare street widening shall be constructed as part of the project.
- ~~C3.~~ REMODELING - ROOM ADDITIONS: Sidewalks are not required to be constructed in association with R-1 and R-2 building uses zoning districts, in conjunction with building permits for room additions, remodeling or swimming pool permits, ~~and all agreements and administrative procedures associated with these permits are to be eliminated as city policy.~~
- ~~D4.~~ STREETS ADJACENT TO CITY PARKS: Where sidewalks are required on streets adjacent to ~~e~~City parks, a variance from ordinance requirements may be granted for a period of not to exceed three (3) years from the date of the first phase of park development.
- ~~E5.~~ SIDEWALK AGREEMENT EXECUTION WITHOUT SIDEWALK REVIEW BOARD APPROVAL: The staff is authorized to require execution of the sidewalk agreement and collection of appropriate filing fee at the time the building permits are issued for R-1 and R-2 type dwellings zoning districts under any one of the following conditions or situations:

~~(1)A.~~—Where no sidewalk plan has been designated by plat;

~~(2)B.~~ No sidewalk exists in the general area;

~~(3)C.~~ Where the street is uncurbed (ditched) and grade is not acceptable for constructing sidewalk.

~~F6.~~ REPAIRS: Pursuant to Overland Park Municipal Code Section 13.10.080 and K.S.A. 12-1808, persons or entities owning property adjacent to the right-of-way or easement upon which there is a public sidewalk are responsible for maintenance and repair of same; however the City may elect to undertake maintenance and repair. If the City so elects, the repair of the sidewalks shall be paid from funds annually budgeted for this purpose. Any repair programs shall be administered by the Director of Public Works.

~~G7.~~ NEW SIDEWALKS: The Public Works Committee of the City Council will establish and authorize new sidewalk projects to be constructed from funds as annually budgeted for this purpose.

~~H8.~~ SNOW, ICE, AND DEBRIS REMOVAL: Owners of property adjacent to public right-of-way or easement upon which a public sidewalk is located are encouraged to remove snow, ice and other debris therefrom.

RESOLUTION NO. ~~1941-2896~~ is hereby rescinded.

ADOPTED by the Governing Body this \_\_\_\_ day of May, 2010.

\_\_\_\_\_  
Carl Gerlach, Mayor

ATTEST:

\_\_\_\_\_  
Marian Cook, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Tammy M. Owens  
Senior Assistant City Attorney