

RESOLUTION NO. 4405

**A RESOLUTION ESTABLISHING POLICY ON REQUESTS FOR
SIDEWALK CONSTRUCTION.**

WHEREAS, the City has adopted standards pertaining to the construction and maintenance of sidewalks; and

WHEREAS, it is desirable that a policy be established in order to set standards for the construction of new sidewalks in developed areas.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING
BODY OF THE CITY OF LEAWOOD, KANSAS:**

That the following policies and procedures are hereby adopted:

Section 1. *Request.* Persons owning real estate in the City of Leawood may request the construction of sidewalks along the street abutting their real estate by submitting an informal petition to the City Engineer to have the City construct a sidewalk and assess the costs thereof against the lots abutting the area of the street where the sidewalk is to be placed. The informal petition shall be for the installation of sidewalks to run from intersection to intersection. The informal petition shall include a description of the street or streets and area thereof which is included in the request and must be signed by the legal owners of at least 75% of the lots abutting the subject street, upon which the sidewalk is proposed to be constructed. The petition shall be in a form substantially similar to the attached exhibit.

Section 2. *Public Works Committee Procedure.* A request meeting the requirements set forth above shall be referred to first to the Public Works Committee. The City shall provide notice to the legal owners of all properties abutting the area of the proposed sidewalk construction of the time, date and place of the Public Works

Committee meeting wherein the sidewalk will be considered. The Public Works Committee shall consider the request and any statements made for or against the request and shall make a recommendation to the Governing Body regarding the request.

Section 3. Governing Body Procedure. The Governing Body shall consider the proposed construction and Public Works Committee recommendation and may approve or deny the request in its sole discretion. If approved, the Governing Body shall determine in which calendar year the work shall be scheduled subject to the financing considerations set forth below.

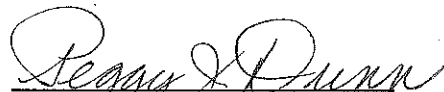
Section 4. Financing of Construction. Generally, if such a request is approved by the Governing Body, the cost of construction shall be borne by the owners of the property abutting the area of sidewalk construction. In such case, the owners shall be responsible for submitting an appropriate formal petition for benefit district financing of the construction and assessments to be made against each lot. Such petition shall be executed by at least 75% of the legal owners of the lots abutting the sidewalk area.

Section 5: This resolution shall become effective upon passage.

PASSED by the Governing Body this 2nd day of February, 2015.

APPROVED by the Mayor this 2nd day of February, 2015.




Peggy J. Dunn, Mayor


Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:


Patricia A. Bennett, City Attorney

INFORMAL RESIDENTIAL SIDEWALK PETITION

TO: THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

We the undersigned, being owners of record of property abutting [name of street] in Leawood, Kansas, do hereby petition the Governing Body to install sidewalks within the right-of-way or on sidewalk easements along one side of the above described street[s] from to .

In so petitioning, we understand that we may be asked to dedicate permanent sidewalk easements and/or temporary construction easements to the City for its use in constructing the project, that the project will not go forward unless and until all of such easements have been so dedicated, and we agree to dedicate such easements.

We further understand that the location of the sidewalk will be determined by the City depending on continuity of sidewalks in the neighborhood, topography, presence of trees, shrubs and other conflicts or economic considerations.

We further understand that the City generally requires the cost of construction of such sidewalks to be paid by the abutting landowners and may make arrangements to assess the cost of construction against each lot.

We further understand that the City reserves the right to proceed or to not proceed with the project, in its sole discretion.

IN WITNESS WHEREOF, we, the undersigned petitions, have executed the above and foregoing petition on the date or dates indicated below:

Signature & Print Name	Residence or Mailing Address	Date of Signature	Address of Property

VERIFICATION

STATE OF KANSAS)
)SS
COUNTY OF JOHNSON)

I _____, being first duly sworn upon my oath
dispose and say that I have personally witnessed the signing of the petition by each person
whose name appears hereon, that I am an owner of property located within the sidewalk area,
that the signatures and addresses of the signers hereto are genuine, and that I am one of the
signers of the petition.

Signature

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
this ____ day of _____, 20__.