

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS, UPDATING THE SIDEWALK INSTALLATION/REPLACEMENT PROGRAM WITH MODIFICATIONS TO THE APPLICATION PROCESS, PAYMENT PROCESS, AND REPAIR PROCESS.**

WHEREAS, the City of Bel Aire (hereinafter “City”) recognizes that the maintenance of sidewalks within the City is necessary to protect the safety and welfare of its residents and visitors. Well-maintained sidewalks also promote public health by providing a designated space for walking and improving accessibility for people with disabilities; and

WHEREAS, City recognizes the potential financial burden that may be placed on owners and occupants needing to install and/or replace sidewalks. The governing body supports an effective partnership with its citizens to share the burden of sidewalk maintenance and repair; and

WHEREAS, City desires to adopt a formal resolution that establishes the Sidewalk Installation/Replacement Program and update the application process, payment process, and repair process. These modifications will limit City liability, decrease staff time, and the resolution will be published to inform all interested residents.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS, AS FOLLOWS:

Section 1. Program Establishment. City hereby adopts and establishes the Bel Aire Sidewalk Installation/Replacement Program (hereinafter “Program”).

Section 2. Funds. The Program has \$15,000 in funds for the fiscal year of 2025. These funds will apply only to projects undertaken within the 2025 calendar year.

Section 3. Applications. To participate in the Program, an application must be received at City Hall by October 15, 2025, for consideration.

A. Grants will be awarded on a first come basis. The City reserves the right to prioritize replacements based upon need for replacement and budgetary considerations.

Section 4. Program Management. The City Manager or designee is authorized to manage the Program and conduct an annual review to determine whether any modifications are needed. The Program will be presented to the governing body each year for funding approval and resolution updates. Then it will be published to inform all interested residents.

The City Manager or designee may award grants to property owners which meet the

following criteria:

- A. The City will reimburse property owners for one hundred percent (100%) of the cost of a city approved public sidewalk repair located in the public right of way along the street easement. This reimbursement is not intended to remove or transfer any property owner's statutory responsibility to maintain safe and navigable sidewalks and warn the public of dangerous conditions on or along an owner's section of sidewalk.
- B. Reimbursement will occur based on measurements and cost per square foot determined by the City. Measurements will be rounded to the nearest foot.
- C. Requests in 2025 not funded may receive priority for 2026, if the program continues, however homeowners should make replacement time decisions based on safety.
- D. Sidewalk construction must comply with City codes regarding specifications for 5' sidewalks.
- E. The City will pay for the installation of Americans with Disabilities Act (hereinafter "ADA") approaches on corner lots and make those arrangements separately from the grant.
- F. A permit is required for sidewalk installations and must be approved by the City Building Inspector.
- G. Payment will be made on the regular payment schedule for the City.
- H. All degraded sections or the entire sidewalk must be included in the application.
- I. Coloring must match a driveway or adjacent public sidewalks.
- J. Minor sections of new sidewalks must link to existing sidewalks.
- K. The City reserves the right to refuse reimbursement based on:
  - a. The condition of the sidewalk upon final inspection as determined by the City Inspector.
  - b. Non-compliance with City code and/or this Program through the installation process.
  - c. Depletion of funding for the Program due to number of applicants or available funds.

Section 5. Qualification Guidelines. The Program's sidewalk qualification guidelines are:

- A. Slab(s) with a  $\frac{3}{4}$ " or more offset between slabs / joints.
- B. Slab(s) with a severely cracked, spalding, or with pieces missing.

- 70 C. Slab(s) that is cracked with unstable or rocking sections.
- 71 D. Slab(s) that has a slope crossway of more than 1" in 12".
- 72 E. Slab(s) that has a horizontal separation due to cracking between adjacent panels
- 73 of walk or more than 1" which is a bicycle tire or high heel hazard.
- 74 F. Slab(s) settlement that causes accumulation of water or ice.

75 Section 6. Miscellaneous.

- 76 A. The owner of property abutting a sidewalk is responsible for all maintenance of
- 77 said sidewalk and accountable for all City Code Enforcement notices, regardless
- 78 of grant approval. The applicant/owner is not relieved from any liability for
- 79 future replacement, repair, maintenance or keeping sidewalk clear on the
- 80 applicant's property.
- 81 B. The City will coordinate the replacement of sidewalks based on grants and
- 82 requests for such work. The City will bid the replacement projects as one job
- 83 and inspect as repairs are made by the contractor.
- 84 C. The Program only applies to public sidewalks.
- 85 D. Property owners are responsible for all costs associated with sprinkler repair,
- 86 driveway repair/replacement or retaining wall repairs.
- 87 E. If a tree root caused the sidewalk to heave, the property owner must contract to
- 88 have the tree removed prior to sidewalk repair. Said removal of the tree and
- 89 stump will be at the property owner's expense.
- 90 F. Sidewalks that lead to a house are not eligible.
- 91 G. Non-profit or taxing entities are not eligible for this program.
- 92 H. Only work done by licensed City contractors are eligible for reimbursement
- 93 unless the work is done by the property owner having a proper permit.

94 Section 7. Effective Date. This resolution shall be in full force and effect from and after its

95 adoption by the Governing Body of the City of Bel Aire.

96 Section 8. Publication. The City Clerk shall cause this resolution, as soon as practicable

97 after it has been adopted and signed, to be published on the City's website as the designated official

98 city newspaper.

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ADOPTED by the Governing Body of the City of Bel Aire, Kansas on the 5<sup>th</sup> day of August, 2025.

SIGNED by the Mayor on the \_\_\_\_\_ day of August, 2025.

CITY OF BEL AIRE, KANSAS

\_\_\_\_\_  
Jim Benage, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:

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Maria A. Schrock, City Attorney