

(First published in the Clyde Republican, Thursday, November 10, 1960—1)

ORDINANCE NO. 485

AN ORDINANCE RELATING TO SIDEWALKS AND PRESCRIBING THE WIDTH, MATERIAL, MANNER OF CONSTRUCTING SIDEWALKS IN THE CITY OF CLYDE, KANSAS, THE WIDTH OF SPACE RESERVED THEREFOR AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CLYDE, KANSAS:

Section 1. That the width and space along each side of the streets of the City of Clyde, Kansas, to be devoted to sidewalks is hereby established at twelve feet on Washington Street in said city and ten feet on all other streets, and the location of curbing, gutters, posts, trees and vault gratings in the streets, shall hereafter in all cases be governed by the width hereby established; PROVIDED, however, that the Governing Body of the City of Clyde, Kansas, may in its discretion authorize or require the construction of sidewalks of any width, less than the entire space herein designated.

Section 2. All sidewalks shall be built under the direction of the street commissioner of said city and whenever a sidewalk in front of any lots fronting the streets of the City of Clyde, Kansas, shall be ordered built or shall need repairing, then such sidewalk shall be built of material as set-out in this ordinance or as shall be subsequently approved by the Governing Body of the City of Clyde, Kansas.

Section 3. That all sidewalks shall be built at established grade and shall be built of cement constructed of clean sharp gravel laid in cement at least four(4)inches deep, in the proportion of seven (7) parts of sand to one part cement for the first three and one-half inches and the top shall be two (2) parts sands and one (1) part cement, and not less than one-half inch thick, and made in a good and workmanlike manner under the direction of the said street commissioner.

Section 4. Whenever a petition signed by not less than ten citizens owning real estate in a precinct in the City of Clyde, Kansas, praying for the construction of a sidewalk or sidewalks in such precinct is filed with the City Clerk, the Governing Body may in its discretion, by resolution, order such sidewalk or sidewalks constructed.

Section 5. When any sidewalk, in the opinion of the Governing Body of the City of Clyde, Kansas, becomes inadequate or unsafe for the travel thereon, the Governing Body may adopt a resolution condemning such walk and providing for the construction of a new walk in place of the walk condemned.

Section 6. The resolution providing for the construction or reconstruction of a walk shall give the owner of the abutting property not less than thirty days nor more than sixty days after its publication in which to construct or cause to be constructed or reconstructed, the sidewalk at his own expense. Such resolution shall be published once in the official city paper. If the sidewalk is not constructed by the property owner within the time specified, the Governing Body shall cause the work to be done by contract.

Section 7. Nothing in this ordinance shall prohibit the owner of property abutting on a street who desires to construct or reconstruct a sidewalk from doing so without any petition or condemning resolution, if he does so at his own expense and in accordance with official plans and specifications and meets such other requirements as would have to be met if the sidewalk were constructed or reconstructed by the city; PROVIDED, that if such property owner desires the walk to be constructed or reconstructed by the city and an assessment levied as provided in other cases, he shall file a request with the Governing Body and it may in its discretion provide for construction or reconstruction of the sidewalk in the same manner as in cases where citizens or taxpayers file petition.

Section 8. The cost of all sidewalks shall be assessed against the property abutting on the sidewalk; PROVIDED, that where a sidewalk is condemned and a new sidewalk constructed, the materials of the old sidewalk shall be the property of the city, except in those cases where the property owner builds the new sidewalk and pays for the same without any assessment having to be made, and in such cases he shall remove the old material from the street.

Section 9. When a sidewalk or sidewalks has or have been constructed or reconstructed and where special assessments must be levied for the expense thereof, the Governing Body shall, as soon as the cost is ascertained, levy an assessment against the lot or piece of land chargeable thereof, by ordinance, and the property owner shall have thirty days after the publication of the ordinance within which to make full payment of the assessment. The City Clerk shall mail a notice not less than fifteen days prior to the end of the thirty days to the owner of the property as shown on the records of the office of Register of Deeds, but failure of the owner to receive the notice shall not affect the validity of the assessment. The assessment may be levied to be paid in

five installments at the discretion of the Governing Body.

Section 10. This ordinance shall take effect and be in force from and after its passage and publication in the official city paper.

PASSED November 7, 1960.

FRED M. MURPHY, Mayor.

Attest: T. R. Young,
(SEAL) City Clerk.