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ARTICLE XII.

PUBLIC BUILDINGS AND IMPROVEMENTS

DIVISION 1.

GENERALLY

Sec. A12-1. General improvements and land therefore.

For the purpose of paying for any bridge, viaduct, street, trafficway, sidewalk public building, including the land necessary therefore, for land for public parks and recreation facilities (including golf courses) and developing the same, within or without the city, for the purpose of acquiring, improving or extending an electric or electronic traffic control system, or for the improvement, repair or extension of any airport, waterworks system, sanitary and/or stormwater sewage disposal system, electric light plant, antenna and tower system or other public utility plant owned by the city; for the purpose of rebuilding, adding to or extending the same from time to time, as the necessities of the city may require; and for the acquisition of equipment for the construction, installation, maintenance, and repair of such improvements, the city may borrow money and issue its general obligation bonds for the purpose of paying the costs of any of the equipment or improvements mentioned in this section and the land necessary therefore.

(C.O. No. 39, § 2, 8-22-77; C.O. No. 44, § 1, 7-7-78; C.O. No. 53, § 1, 8-22-81; C.O. No. 60, § 1, 12-11-82; C.O. No. 68, § 1, 4-11-86; C.O. No. 89, § 1, 5-27-03)

State Law References: K.S.A. 13-1024a.

Secs. A12-2--A12-15. Reserved.

DIVISION 2.

SIDEWALKS AND OTHER IMPROVEMENTS*

* **Cross References:** Sidewalk construction and maintenance, § 130-356 et seq.
State Law References: K.S.A. 13-1008(a), 13-1017.

Sec. A12-16. Resolution.

That the governing body of the City of Topeka, Kansas, may by resolution adopted by the governing body and published for three consecutive days in the official city newspaper, determine the necessity for construction, reconstruction and repair of sidewalks and the reconstruction of curbs, gutters, curb cuts, curb cutbacks and driveways having become in bad repair, dangerous or abandoned on each and any of the streets

and other public ways of said city.

Such resolution shall find and declare the necessity of the sidewalk or sidewalks and the reconstruction of curbs, gutters, curb cuts, curb cutbacks and driveways described therein to be constructed or reconstructed or repaired for public use and shall order such sidewalk or sidewalks and the reconstruction of curbs, gutters, curb cuts, curb cutbacks and driveways to be constructed, reconstructed or repaired, and shall order and direct the city engineer to prepare and submit plans and specifications for the construction, reconstruction or repair of such sidewalk or sidewalks and the reconstruction of curbs, gutters, curb cuts, curb cutbacks and driveways. (C.O. No. 17, § 2, 1-30-71)

Sec. A12-17. Project budget.

No project shall be authorized until after the city engineer, or some other competent person, appointed for such purposes by the governing body, has submitted a project budget showing the anticipated amount to be spent for construction, engineering, right-of-way, legal fees, administrative expense, and any other expenses requested by the governing body. No project shall be authorized until the city commission [council] first shall have approved a project budget, provided, however, that preliminary studies may be authorized as set forth in Charter Ordinance No. 17 [this article]. (C.O. No. 17, § 3, 1-30-71; C.O. No. 24, § 1, 8-24-73)

Sec. A12-18. Budget.

Once a project budget has been approved, it cannot be exceeded under any circumstances nor shall the city be liable for any engineering fees incurred in excess of those authorized by the adopted budget unless an amended project budget first has been submitted and approved by the city commission [council]. (C.O. No. 17, § 4, 1-30-71)

Sec. A12-19. Preliminary studies.

Preliminary studies or planning to determine the feasibility of any project may be authorized by the city commission [council]. (C.O. No. 17, § 5, 1-30-71)

Sec. A12-20. Reimbursement of consulting engineers upon abandonment of project.

If the city commission [council] at any time chooses to abandon the project, then and in that event, the consulting engineers shall be reimbursed in accordance with the provisions of Chapter 2, Article 14, Code of the City of Topeka, 1969, and amendments thereto [now ch. 2, art. VII, div. 5, subd. III]. (C.O. No. 17, § 6, 1-30-71)

Sec. A12-21. Cost estimate.

The governing body shall require the city engineer to make a detailed estimate of the cost of such sidewalk or sidewalks, curbs, gutters, curb cuts, curb cutbacks and driveways under oath, and file said estimate with the city clerk, which estimate shall be sealed and remain in the custody of the city clerk, and shall be submitted to the bid board and opened prior to the opening of bids for the awarding of a contract for the

construction, reconstruction or repair of such sidewalk, sidewalks, curbs, gutters, curb cuts, curb cutbacks and driveways. The engineer's detailed estimate shall be approved by the commission [council] prior to the awarding of any construction contract.

(C.O. No. 17, § 7, 1-30-71)

Sec. A12-22. Plans and specifications; cost.

Such sidewalk or sidewalks shall be constructed, reconstructed or repaired and such curb cuts, gutters, curb cutbacks and driveways shall be reconstructed according to the plans and specifications, and under the supervision of the city engineer.

The cost of constructing, reconstructing or repairing said sidewalk and the reconstruction of sidewalks, curbs, gutters, curb cuts, curb cutbacks and driveways shall include the cost of preparing plans and specifications and such supervision, and the reasonable costs of engineering services, inspection and administrative services performed by city employees, the cost of an abstract showing the names of owners of affected property, and any clerical costs in making up assessments.

(C.O. No. 17, § 8, 1-30-71)

Sec. A12-23. Levy of special assessments.

To pay for the construction, reconstruction or repair of sidewalks and the reconstruction of curbs, gutters, curb cuts, curb cutbacks and driveways, special assessments shall be levied on all lots and pieces of land abutting on the improvement according to the front foot thereof. The cost of the construction, reconstruction or repair of such sidewalk, sidewalks, and the reconstruction of curbs, gutters, curb cuts, curb cutbacks and driveways shall be paid by the issuance of sidewalk scrip to the contractor, payable in not more than two years from the date of the issuance of such scrip, and said scrip shall bear interest at a rate not to exceed six percent. The cost of constructing, reconstructing or repairing all sidewalks and the reconstruction of curbs, gutters, curb cuts, curb cutbacks and driveways abutting on lots or pieces of land belonging to the city, the state or the United States shall be paid by the city at large.

(C.O. No. 17, § 9, 1-30-71)

Sec. A12-24. Issuance of scrip.

Scrip shall be issued for the payment of the same, and provisions shall be made that such scrip that is issued for the construction, reconstruction or repair of such sidewalks and the reconstruction of curbs, gutters, curb cuts, curb cutbacks and driveways abutting upon the property of the city, the state or the federal government, be retired by a general levy on all property of the city, in the same manner as for the retirement of the general bonds of the city. This provision for the payment of the costs of the sidewalks and the reconstruction of curbs, gutters, curb cuts, curb cutbacks and driveways abutting on state and United States government property shall not apply when the contract for the construction, reconstruction or repair of the same is let by the state or the United States.

(C.O. No. 17, § 10, 1-30-71)

Sec. A12-25. Project budget; amendment.

Before undertaking the construction or reconstruction of any bridge, pavement, sewer or any other

public improvement, and any street, highway or public grounds, or of any public building or facility, or any other kind of public improvement in the city shall be commenced or ordered by the governing body, or under its authority, the city engineer or some other competent person appointed for such purposes by the governing body shall submit a project budget showing the anticipated amount to be spent for construction, engineering, right-of-way, legal fees, administrative expenses, and any other expenses requested by the governing body. No project shall be authorized until after the city commission [council] first shall have approved the project budget. Once a project budget has been approved, it cannot be exceeded under any circumstances, nor shall the city be liable for any engineering fees or any other expense incurred in excess of those authorized by the adopted budget unless an amended project budget first has been submitted [to] and approved by the city commission [council].
(C.O. No. 17, § 11, 1-30-71; C.O. No. 24, § 2, 8-24-73)

Sec. A12-26. Sealed proposals.

In all cases where the estimated cost of the completed building, facility or public improvement amounts to more than \$6,000.00, sealed proposals for the building or construction thereof shall be invited by advertisement, published by the city clerk in the official city newspaper for at least one day; provided however, that emergency repairs to streets, bridges, sidewalks or public buildings or facilities necessary to protect the health and welfare of the public may be let without competitive bidding, provided that all other requirements of this charter ordinance [article] shall first be complied with.
(C.O. No. 17, § 12, 1-30-71; C.O. No. 78, § 1, 12-1-92)

Sec. A12-27. Detailed engineer's estimate of construction cost to be compared with bids.

A detailed engineer's estimate of the construction cost of the project, given under oath, shall be submitted to the purchasing division. The contract shall be let to the lowest responsible bidder, if any, whose bid does not exceed the estimate, taking into consideration conformity with the specifications, terms of delivery and other conditions imposed in the invitation for bids.
(C.O. No. 17, § 13, 1-30-71; Ord. No. 79, § 1, 12-1-92)

Sec. A12-28. Reexamination of estimate; negotiation without bids.

In the event no bid is received below the engineer's estimate, or if no responsible person shall propose to enter into the contract at a price not exceeding the estimated cost, the engineer shall be authorized to reexamine his estimate. If in the opinion of the city engineer there is no public benefit achieved by rebidding the contract, then the city engineer is authorized to negotiate the contract without rebidding. If in the opinion of the city engineer there is public benefit achieved by revising the engineer's estimate and rebidding the contract, then the city engineer shall revise or cause to be revised the engineer's estimate and the contract shall be rebid.
(C.O. No. 17, § 14, 1-30-71; C.O. No. 45, § 1, 8-6-78; C.O. No. 80, § 1, 12-1-92)

Sec. A12-29. Money to be available prior to commencement of work.

Before any type of public improvements shall be commenced, the money to pay for the same must be available in the city treasury as provided by law; or provision may be made for the issuance of internal improvement bonds to pay for any such improvement as provided by law; provided, that this ordinance shall not be construed to include any repair or maintenance work not amounting to substantial alteration, addition or change in any structure, street or facility; and "public improvement" as used herein shall not include the making

of repairs or the maintenance of any building, street, sidewalk or other public facility in this city by employees of this city or the making of any expenditures from the city budget for such purposes.
(C.O. No. 17, § 15, 1-30-71)

Sec. A12-30. Detailed estimate of cost; bidding; money to be available before work commences; exception for industrial revenue bonds.

(a) Before undertaking the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or any other public improvement in any street, highway or public grounds, or of any public building or facility, or any other kind of public improvement in any city of the first class shall be commenced or ordered by the governing body, or under its authority, a detailed estimate of the cost of such improvement shall be made under oath by the city engineer (or some other competent person appointed for such purposes by the governing body) and said estimate shall be submitted to the governing body for its action thereon; and in all cases where the estimated cost of the contemplated building, facility or public improvement amounts to more than \$2,000.00, sealed proposals for the building or construction thereof shall be invited by advertisement, published by the city clerk in the official city paper for at least three consecutive days, and the governing body shall let all such work by contract to the lowest responsible bidder, if there be any such whose bid does not exceed the estimate.

If no responsible person shall propose to enter into the contract at a price not exceeding the estimated cost, all bids shall be rejected and the same proceedings as before repeated, until some responsible person by sealed proposal shall offer to contract for the work at a price not exceeding the estimated cost; provided, that if no responsible bid shall be received within the estimate, the governing body shall have power to make said improvement within the estimated cost thereof, and shall further have the power to purchase the necessary tools, machinery, apparatus, materials, employ the necessary labor, construct the necessary plant or plants for the purpose of carrying into effect the provisions of this act. In no case shall the city be liable for anything beyond the estimated cost or the original contract price for doing such work or making such improvements.

Before any type of public improvements shall be commenced, the money to pay for the same must be available in the city treasury as provided by law; or provision may be made for the issuance of internal improvement bonds to pay for any such improvement as provided by law: Provided, that this section shall not be construed to include any repair or maintenance work not amounting to substantial alteration, addition or change in any structure, street or facility; and "public improvement" as used herein shall not include the making of repairs or the maintenance of any building, street, sidewalk or other public facility in such cities by employees of said cities or the making of any expenditures from the city budget for such purposes.

(b) The above provisions shall not apply to the construction or reconstruction of a building or facility, or the purchase of supplies and equipment, for the use of a private lessee with funds derived from an issue of industrial revenue bonds of the City of Topeka authorized pursuant to K.S.A. 12-1740 to 12-1749 inclusive, as amended.
(C.O. No. 35, § 2, 5-8-76)

Secs. A12-31--A12-40. Reserved.

DIVISION 3.