

# Olathe Street Preservation Program- Private Street Participation

The City of Olathe is providing the following guidelines to allow HOA's to maintain their privately owned streets through participation with Olathe Street Preservation construction contracts.

**Background** – Within the City of Olathe there are 22.5 lane miles of private local residential streets which are not maintained by the City . These streets are not within City of Olathe right of way and were not originally constructed to City specifications.

**Considerations** – While the City historically has provided no street maintenance on private streets, these guidelines are intended to encourage private street stakeholders to maintain those streets in a manner consistent with the city's Street Preservation Program at the City's unit contracted costs. The HOA's will be responsible for reimbursement of costs to the City for work completed on private streets as part of a city Street Preservation Program construction project.

- The long-term viability of neighborhoods begins with access via streets that are in good condition. It is in the best interest of the City for these neighborhoods to maintain their streets rather than ignore the conditions until failure.
- Including coordination, planning and construction of private streets with the existing City street preservation projects, allows for private street residents to receive the same cost value as the city receives to maintain public streets.

**Conditions** – The following provisions establish conditions for participation in the program.

1. Private Streets must be part of an organized HOA to request participation.
2. Streets included in the participation request must be in a recorded private street easement, private right of way, shared use agreement or other such recorded document, which includes the full length and width of the private street.
3. Prior to or submitted with the request for participation, a right of entry letter must be provided by the HOA providing permissions for City staff and City contractors access for street construction projects.
4. HOA will provide a primary contact for city staff and contractor communications.
5. City preservation processes will be followed as written in contract specifications or special conditions for the construction contracts. No deviations or special processes that would be included specifically for HOA work will be added to City standards.
6. Construction scheduling is the responsibility of the City as it manages all aspects of the project construction schedule in coordination with the contractor. HOA construction will be completed within the allowed construction days established by the City's

construction contract. No special consideration or separate construction day limitations will be included for completion of streets requested by the HOA.

7. Request for HOA participation will be considered by submittal date and may be limited at the City's discretion based on quantity of requests received for any construction year.
8. The City will participate in a portion of the construction costs on private streets at a cost share split 75/25, where the HOA is responsible for 75% of the total construction costs per private street included in the construction contract and the City is responsible for 25% of the construction costs. The city's total cost share per year for all approved private street construction is capped at \$125,000.
9. The City's 25% cost share participation is contingent on the Street Maintenance Sales Tax currently in place. If for any reason the Street Maintenance Sales Tax funding is no longer available, the City's cost share will be zero and HOA's applying for participation will be responsible for 100% of the construction costs on private streets included in the construction contract.

**Process-** The following establishes the process by which HOA's may request and participate in a Street Preservation Program construction project.

- Street Preservation program projects which HOA's may request participation:
  - Local and Collector Mill Overlay Projects
    - May include any or all of the following based on specific street location; partial asphalt base repair, transverse joint asphalt base repair, concrete curb and gutter removal and replacement, sidewalk removal and replacement, ADA ramp removal and replacement, new sidewalk installation where sections are missing, 2" depth milling of the existing asphalt surface and placement of new 2" depth asphalt surface.
  - Microsurface Projects
  - Street Maintenance Crack Sealing Projects
- Requests for participation must be received by the City before April 1<sup>st</sup> of the year prior to the construction project.
- Upon receipt of the HOA request, City Public Works Engineering staff will measure quantities and calculate approximate costs to provide an Engineer's Estimate of Probable Cost to the HOA before October 1<sup>st</sup> of the year prior to the requested construction year. Upon HOA's receipt of the Engineer's estimate of probable cost the HOA must confirm intent to participate by signing and returning the Reimbursement Agreement to the City no later than November 30<sup>th</sup> of the year prior to construction. (Legal comment and process document)
- The City will include HOA residences in all standard construction notifications and outlined in the construction contract.
- Construction estimate, project management, inspections, testing and construction mobilization costs will be provided by the City at no additional charge to the HOA.

- Private Streets are included in the 2 Year Maintenance Bond provided to the city as part of the Construction Contract process. No additional warranty by the contractor or the City shall be provided.
- HOA reimbursement process items (TBD)
  - Upon acceptance of project completion, and final payment by the City to the contractor, an itemized invoice will be provided to the HOA requesting final reimbursement in full to the City.
  - Payment will be made within 60 days of the date of certified mail and/or e-mail invoice