

**CITY OF HIGHLAND**

**RESOLUTION NUMBER 2022-03**

**A RESOLUTION OF THE CITY OF HIGHLAND, KANSAS, PROVIDING FOR DISCRETIONARY PARTIAL REIMBURSEMENT FOR TREE REMOVAL IN THE PUBLIC RIGHT OF WAYS OF THE CITY**

WHEREAS, The governing body of the City of Highland recognizes the value and benefit to the safety and welfare of its residents and the general public for removal of dead and/or damaged trees that pose a hazard to people, animals, personal property, utilities, and other structures that might be damaged from falling trees or limbs of trees; and

WHEREAS, city ordinances and Kansas state law provide that the city can cause the removal of any and all trees, shrubbery, plantings and other structures or impediments located upon the streets, alleys and public rights of way of the city; and

WHEREAS, city ordinances provide that the primary responsibility and cost for maintenance and trimming of any such trees, shrubbery, plantings and the like that are allowed to be situated on any public street, alley or right of way, is with the abutting landowner; and

WHEREAS, said City believes it appropriate to establish a program for partial reimbursement of the costs of removal of such dead or damaged trees, as proscribed herein, in order to encourage the removal of same, subject to funds available to the city for such purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND, DONIPHAN COUNTY, KANSAS:

**SECTION ONE. TREE REMOVAL.** The governing body recommends that all removal of trees located on the public rights of way within the corporate limits of the City of Highland be in accordance with high quality workmanship and safety standards.

**SECTION TWO. REIMBURSEMENT.** Subject to available funds, it is the policy of the city to reimburse the abutting landowner (as described herein) that incurs such expense for up to fifty percent (50%) of the fair market, actual cost of any such removal of dead or damaged trees that pose such a hazard, upon the following terms and conditions:

**A. LOCATION.** Any such hazardous tree must be located upon a dedicated street or alley right-of-way within the corporate city limits.

**B. APPLICATION.** Application for such reimbursement shall be in writing, on forms supplied by the city, as set forth hereinafter, and shall be made within the same calendar year during which such removal is completed and paid for.

**C. LIMITATION.** Said policy applies only to rights of way abutting land in private ownership or in the ownership of not-for-profit institutions and entities, and not to rights of way abutting land owned by other governmental entities.

**SECTION THREE. TERMS.** The following additional terms and conditions shall apply in the administration of this policy:

**A. ALLOCATION.** At the regular meeting of the city council in January of each year, or at such other time as shall be determined from time to time, the governing body shall establish the amount to be budgeted and set aside for tree removal reimbursement under this policy.

**B. PRIORITY.** Reimbursement shall be wholly within the discretion of the governing body. Factors to be given consideration in this decision are as follows:

1. The location of the right of way in question relative to pedestrians, travelled roadways, the general public.

2. The degree of hazard posed by the tree to people, animals, personal property, utilities, and other structures that might be damaged from falling trees or limbs of trees.

3. The degree of offensive aesthetic appearance of any such tree in a location viewable by the public.

4. Abutting landowners that apply for reimbursement, and that are approved, shall be awarded on a first-come, first-serve basis.

5. All reimbursements that are otherwise eligible shall be limited to no more than one thousand dollars (\$1,000) in amount, unless and until all other eligible reimbursements have been fulfilled in any given calendar year.

**C. RESERVATION.** The city reserves the right to award or deny any such application, in its sole discretion, and to terminate this program for reimbursement, at any time, and for any reason whatsoever, and such reimbursement policy is always subject to the cash-basis and budget law restrictions applicable to the city.

Adopted by the governing body this 9th day of February, 2022.



Charles N. Batchelder, Mayor

ATTESTED TO:

  
Joann Karn, City Clerk