

ORDINANCE 2026-01

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF CANEY, KANSAS, BY ADDING A NEW ARTICLE 8, PROVIDING FOR REIMBURSEMENT OF CROP DAMAGE CAUSED BY EASEMENT WORK.

WHEREAS, the City of Caney holds or authorizes easements across private agricultural land for public or approved purposes; and

WHEREAS, construction, maintenance, repair and inspection activities conducted within such easements may result in damage to crops; and

WHEREAS, it is in the interest of fairness and good stewardship to compensate landowners and -tenants for verified crop losses directly caused by easement-related work.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CANEY, KANSAS AS FOLLOWS:

Section 1. Chapter 4 of the Code of Ordinances of the City of Caney is hereby amended by adding a new Article 8, as follows:

Article 8. Easement Work Crop Damage Reimbursement

4-801. Title. This article shall be known as "Easement Work Crop Damage Reimbursement".

4-802. Purpose. The purpose of this article is to establish a clear and equitable process for reimbursing landowners or tenants for crop damage caused by authorized work conducted within easement areas.

4-803. Definitions. For purposes of this article, the following definitions apply:

- (a) "Easement" means a legal right granted to the City of Caney or authorized entity to enter, use, or maintain a portion of private property for specified purposes.
- (b) "Easement Work" means construction, maintenance, repair, inspection or related activities conducted within the boundaries of an easement.
- (c) "Crop Damage" means measurable loss, destruction, or reduction in yield of planted agricultural crops directly resulting from easement work.

- (d) "Claimant" means the landowner or lawful tenant who suffered crop damage.
- (e) "Administering Authority" means the city administrator of the City of Caney or other personnel designated by the mayor with the approval of the city council.

4-804. Eligibility. A claim for reimbursement shall be eligible if:

- (a) The damaged crops were lawfully planted within or immediately adjacent to an easement area;
- (b) The damage was directly caused by authorized easement work;
- (c) The claimant submitted notice of damage within thirty (30) days of discovery of the damage; and
- (d) The claimant allows reasonable access for inspection and verification.

4-805. Notice and Claim Procedure.

- (a) Prior to easement work, reasonable notice shall be provided to affected landowners tenants, whenever practicable.
- (b) Claims for crop damage shall be submitted in writing on forms provided by the City of Caney. Comment: Do we have the form? If not, consider revising, as follows: "Claims for crop damage shall be submitted in writing to the city clerk and shall contain the information set forth in subsection (c) hereof."
- (c) Each claim shall include:
 - (1) The claimant's name, address and telephone number;
 - (2) A description and location of damaged crops;
 - (3) Acreage affected;
 - (4) Type and date of easement work; and
 - (5) Supporting documentation, including photographs and production records.

(d) The City of Caney may conduct on-site inspections to verify damage.

4-806. Determination of Reimbursement.

(a) Reimbursement shall be based on:

- (1) Verified acreage damaged;
- (2) Average yield and market value of the affected crop; and
- (3) Stage of crop growth at the time of damage.

(b) Reimbursement shall not exceed the fair market value of the anticipated crop yield.

(c) No reimbursement shall be provided for pre-existing damage or damage unrelated to easement work.

4-807. Payment.

(a) Approved reimbursement shall be paid within thirty (30) days of claim approval.

(b) Payments are subject to available appropriated funds or contractual obligations with easement holders or contractors.

4-808. Limitations and Exclusions.

(a) Reimbursement shall not be provided for indirect or consequential losses, including future planting decisions or lost profits beyond the damaged crop.

(b) No reimbursement shall be granted if damage results from the claimant's own negligence or failure to follow reasonable agricultural practices.


(c) No contractors performing easement work may be required by contract to reimburse crop damage under the code.

4-809. Appeals. A claimant may appeal a reimbursement determination by submitting a written appeal within thirty (30) days. Appeals shall be decided by the city council, whose decision shall be final.

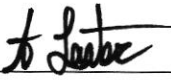
4-810. Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions.

Section 2. This ordinance shall take effect upon publication of a summary ordinance in the City's official newspaper, following its adoption.

PASSED AND APPROVED by the Governing Body of the City of Caney, Kansas, on this 20 day of January, 2026.


Joshua D. Elliott, Mayor

Attest:


Adam Lanter, City Clerk

