

ARTICLE 50. EXTENT AND MANNER OF CONSTRUCTING OR INSTALLING PHYSICAL IMPROVEMENTS

Section 1. General: As a condition to the approval of a final plat, the subdivider shall agree to install the following improvements.

1. *Streets:* Streets shall be surfaced with concrete, asphaltic concrete or materials approved by the City or County, whichever jurisdiction shall apply, and shall include the curb, gutters and storm sewer inlets. No grading or other construction shall take place within a street right-of-way until the construction plans have been examined by the City Engineer and approved. All street pavings shall be located in the center of the right-of-way. All street construction shall conform to the specifications of the Governing Body, and compliance therewith shall be confirmed by the City or County Engineer prior to release of surety by the Governing Body.
2. *Storm Drainage:* The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches, and these and other improvements shall comply with the minimum standards of the Governing Body and such plans shall be examined by the City or County Engineer and approved prior to construction.
3. *Water:* Where an approved public water system is proposed to serve the subdivision, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way and shall be of a size as approved by the City. Water mains will be supplied and installed by the City for the subdivisions located inside the City Limits.
4. *Sewers:* Where an approved public sanitary system is proposed to serve the subdivision, the sewer system shall be constructed to provide service to each lot within the subdivision. The system of mains and laterals shall collect the sewage within the subdivision and discharge it into a community disposal system approved by the City and State Department of Health and Environment.
5. *Street Signs:* Street signs will be supplied and erected by the City or County, whichever jurisdiction shall apply.
6. *Other Utilities:* The subdivider shall be responsible to provide for and pay the full cost for the proper installation of all required utilities, including fire hydrants, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or public agency, and must be placed underground in residential districts unless otherwise approved by the governing body. (Ordinance 1026)
7. *Street Lighting:* The City shall install street lighting in accordance with the recommendations of the City Engineer.

8. *Sidewalks*: Sidewalks shall be installed on both sides of all streets and shall have a minimum width of four (4) feet and shall comply with the specifications of the Governing Body. Sidewalks shall be located in the platted street right-of-way, or in any pedestrian easements as may be required by the Planning Commission. Sidewalks may be constructed at the time of street construction or at the time of construction under individual lot building permits.
9. *Permanent Monuments*: Permanent monuments shall be placed at all lot and block corners, angle points, point of curve in streets, and at intermediate points as required prior to the final acceptance of the plat by the City. Said permanent monuments shall be 3/4 inch iron bars or pipe, eighteen (18) inches long, and shall be set with top of monument flush with existing ground line. Lot pins on alley lines may be delayed to follow completion of utility placement. Where major grading is to be done, a formal agreement for monument and pin placement may be approved by the City.
10. *Other Improvements*: If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendations of the Planning Commission and specifications of the City, or County, whichever jurisdiction shall apply.
11. Discuss Class A. B. & C. improvement variables with City.

Section 5. Exceptions for Existing Improvements:

1. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this article and are in good condition as determined by the Governing Body upon its consideration of the opinion of the City or County Engineer, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet said requirements as determined by the Governing Body upon its consideration of the opinion of the City or County Engineer, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet said requirements as determined by the Governing Body.
2. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the Governing Body, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the

Governing Body. The Governing Body shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The Governing Body may reduce the minimum roadway width if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length.

Section 10. Construction Financing: In lieu of construction of the above required public improvements the Governing Body of the City, or County, may, prior to their acceptance of dedications and approval of the final plat, accept one of the following alternate methods of financing:

1. A corporate surety bond, cashier's check, escrow account, letter of credit or other like security, in an amount to be fixed by the Governing Body and conditioned upon the actual completion of such work or improvements within a specified period. Such surety shall be properly executed prior to any grading or construction and shall be released in segments upon written approval of the City. The Governing Body may enforce such bond by all equitable remedies.
2. A petition properly executed by the property owners, may be presented to the Governing Body for approval. If the Governing Body approves the petition, the improvements will be installed by the Governing Body and the cost will be assessed against the subdivided property.

Section 15. Building Permits: Unless the required improvements have been installed or guaranteed by a bond or special assessment petition for a lot or tract, no building permits shall be issued for that lot or tract.

Section 20. Occupancy or Zoning Permits: No occupancy or zoning permit shall be issued until all improvements have been installed.

Section 25. Plans and Specifications: Upon the approval of the final plat, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required improvements containing the data and information specified below:

1. Content of Engineering Drawings: Engineering drawings for required improvements shall contain the following data and information.
 - (a) Plans, profiles, details, specifications and cost estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of 1" = 50' horizontal, and

1" = 5' vertical. This information shall be shown on standard plan and profile sheets unless otherwise required.

- (b) Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
- (c) Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and hydrants, if any.
- (d) Plans, profiles, details, specifications and cost estimates of sewerage systems and of any required sewage treatment facilities.
- (e) Grading plans which shall indicate plans for handling drainage for all lots and other sites in the subdivision.
- (f) When unusual site conditions exist, the Governing Body may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
- (g) All plans shall be based on U.S.G.S. datum for vertical control. If any other datum is used, that datum shall be clearly noted on the plans.

2. Review of Plans: The City or County Engineer shall review all engineering drawings in order to advise the Governing Body as to whether or not such drawings are consistent with the approved final plat and comply with their design standards. The City or County Engineer shall forward to the Governing Body a notice stating its opinion. In the event that it is its opinion that the drawings do not so conform or comply, the City or County Engineer shall notify the Governing Body of the specific manner in which such drawings do not so conform or comply. After consideration of the City or County Engineer's opinion, the Governing Body shall notify the subdivider as to whether or not the drawings are consistent with the approved final plat and comply with their design standards and, if not, of the specific manner in which such drawings do not so conform or comply. The subdivider may then correct any defective drawings and resubmit the corrected drawings. The final plat shall not be filed until the engineering drawings have been approved by the Governing Body.

Section 30. Construction of Improvements: No improvement shall be constructed nor shall any work preliminary thereto be done until such time as a final plat has been approved by the Planning Commission and the engineering drawings accompanying it shall have been approved by the Governing Body and

there shall have been compliance with all of the requirements relating to an agreement, bond, or deposit specified in these regulations.

Section 35. Inspection: All improvements constructed or erected shall be subject to inspection by the City or County Engineer or its designated representative responsible for setting and enforcing the applicable design and construction standards of the required improvement. The subdivider shall pay all inspection fees as established by the Governing Body.

After such inspection has been made, said official shall notify the Building Inspector of his or her opinion thereof. If the Governing Body shall determine, after consideration of the opinion of the official, that such work does not comply with the approved engineering plans and specifications, the Governing Body shall so notify the subdivider, and may require the subdivider to terminate all further work until necessary steps are taken to correct any defect, deficiency, or deviation to the satisfaction of the Governing Body.

Section 40. Final Inspection: Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the City which shall thereupon conduct a final inspection of all improvements installed. If the Governing Body shall determine that there are defects, deficiencies, or deviations in any such improvements as installed, or if there are any deviations in such improvements as installed from the approved engineering plans and specifications, the Governing Body shall so notify the subdivider in writing, and the subdivider shall, at its sole expense, correct such defects, deviations, or deficiencies. When such defects, deficiencies, or deviations have been corrected, the subdivider shall notify the Governing Body that the improvements are ready for final reinspection.

Section 45. Acceptance of Improvements: Upon the determination by the Governing Body that there are no defects, deficiencies, or deviations in the improvements, and that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these regulations, and all other applicable statutes, ordinances, and regulations, the Governing Body and/or such appropriate utility shall thereupon by resolution or by letter, respectively, formally accept such improvements. The improvements shall become the property of the Governing Body or appropriate utility company involved.

Section 50. Improvement Maintenance Guarantee: Prior to the acceptance by the Governing Body of the improvements installed by the subdivider as required herein, the subdivider shall provide one of the following:

1. Maintenance bond written by a bonding company; or

2. Cash deposited in escrow from which the subdivider would be entitled to any interest income; or
3. Upon approval by the Governing Body, a personal surety bond; or
4. A Letter of Credit - guaranteeing each improvement that the subdivider installs or has installed against defects in workmanship and materials for a period of two (2) years from the date of acceptance for such improvements. Such guarantee shall be in the amount of twenty percent (20%) of the estimated cost of the improvements, but shall not be less than two hundred fifty dollars (\$250.00) per lot, and shall be filed with the City or County Engineer prior to the acceptance of the improvements by the Governing Body.