

ARTICLE 5 REQUIRED IMPROVEMENTS

Final Plat Approval is subject to the installation of the improvements and utilities specified in this Section and satisfactorily completed in accordance with these Regulations and City Specifications or the posting of a bond in accordance with Article 6 Bonding, Inspection, Acceptance.

All street improvements must be in accordance with the most recent edition of the ALDOT Standards and Special Drawings for Highway Construction. When there is a conflict between the design requirements of these Regulations and the ALDOT standards, the more restrictive requirements govern. This does not include pavement widths, lane widths or intersection curb radii. However, the Commission may authorize the use of an alternate design or the design of an improvement not included within the ALDOT standards upon a favorable recommendation by the City Engineer.

SECTION 5.01 STREETS AND ALLEYS

5.01.01 Procedure

1. When water, sewer, electricity, telephone, and other utilities are to be installed in the street rights-of-way, said installation shall be completed prior to the construction of the streets or roadways.
2. Before construction of streets and drainage improvements, the City Planner must be notified no less than 24 hours before any phase of operation begins.
3. The base must be inspected and installed under the direction of the City Engineer.
4. No paving may be installed until the base course and type of paving and material are approved by the City Engineer.
5. In all cases in which the City Engineer has reasonable doubt concerning the stability or proper construction of any street or alley, he may require, after the installation of the binder course, that the seal course be delayed for a minimum of six (6) months.
6. No special drainage structure having twenty (20) square feet of end area or larger may be covered up without approval of the City Engineer.
7. After sewer and water utilities have been installed, the Subdivider must construct curbs and gutters, if required, and surface, or cause to be surfaced, streets and alleys to the required widths. All pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks must conform to City specifications and must be incorporated into the construction plans submitted for plat approval.

5.01.02 Pavement. On all streets and alleys, a suitable hard surfaced permanent type of pavement shall be constructed in accordance with ALDOT and City specifications, including the following minimum pavement standards:

TABLE 5-1 MINIMUM ROADWAY PAVING BUILD-UP	
Average Daily Traffic Count: 1-750 Vehicles	
424-A Superpave Bituminous Concrete Wearing Surface layer, ¾ inch Maximum aggregate size mix, ESAL Range B (220 lb/sy)	
401-A Bituminous Treatment Type “A” (0.25 gal/sy)	
301-A Compacted Granular Soil Base Course (sand/clay) Type “A” minimum of two 4” lifts of compacted thickness;	
OR	
301-B Crushed Aggregate Base Course (limestone) Type “B” minimum 6-inch compacted thickness ¹	
Average Daily Traffic Count: >750 Vehicles	
424-A Superpave Bituminous Concrete Wearing Surface layer, ½ inch Maximum aggregate size mix, ESAL Range B (125 lb/sy)	
405-A Tack Coat, Spread Rate of (0.10 gal/sy)	
424-B Superpave Bituminous Concrete Binder Layer, 1-inch Maximum aggregate size mix, ESAL Range B (220 lb/sy)	
401-A Bituminous Treatment Type “A” (0.25 gal/sy)	
301-A Compacted Granular Soil Base Course (sand/clay) Type “A” minimum of two 4” lifts of compacted thickness	
OR	
301-B Crushed Aggregate Base Course (limestone) Type “B” minimum 6-inch compacted thickness ¹	
¹ If used, delete 401-A treatment	

- 5.01.03** Curbs and Gutters. All new roads constructed shall have a 24” curb & gutter, 24” valley gutter, or other type of curbing approved by the City Engineer. Standard approved type curbs and gutters are required along any street where sidewalks are to be installed. Where curbs and gutters are required, they must be placed on both sides of the street.
- 5.01.04** Street markings must be applied after the binder is installed and must comply with the latest edition of the MUTCD and must consist of reflective beading and thermoplastic application.
- 5.01.05** The Subdivider must install approved traffic control devices in accordance with the MUTCD, any additional requirements of the City and/or ALDOT and the approved traffic control plan.

SECTION 5.02 PEDESTRIAN AND BICYCLE FACILITIES

- 5.02.01** All major subdivisions shall provide for sidewalks adjacent to all new lots.
- 5.02.02** Sidewalks are to be installed within the dedicated non-pavement right-of-way of streets as required in 4.17 Sidewalks.
- 5.02.03** Sidewalks shall be a minimum of five (5) feet in width. In subdivision involving nonresidential and mixed-uses (other than industrial), sidewalks must be at least eight (8) feet wide. All sidewalks shall be constructed of reinforced concrete that has a minimum twenty-eight (28)-day compressive strength of 3,000 psi.
- 5.02.04** Sidewalks shall connect to any sidewalks and/or bike paths within a reasonable distance and shall be interconnected within said development to allow for sufficient pedestrian access.
- 5.02.05** Sidewalks shall be constructed by the developer prior to final plat approval.

- 5.02.06** Shared Use Paths. Shared use paths may be asphalt, Portland cement concrete or other ADA-compliant surface approved by the City Planner.
- 5.02.07** All pedestrian and bicycle facilities installed shall be in accordance with current ADA Requirements.

SECTION 5.03 SANITARY SEWERAGE FACILITIES

- 5.03.01** Sanitary sewers must be provided where a public sanitary sewer system is reasonably accessible as determined by the Commission and the public Sewer Authority responsible for the maintenance of the sanitary sewer system. The developer shall install a sanitary sewer system which meets the requirements of the Sewer Authority and shall connect to such system at their expense.
- 5.03.02** Where lots cannot be reasonably connected with a public or private sanitary sewerage system, they must contain adequate area for the installation of septic tanks and disposal fields and shall be approved by the Baldwin County Health Department.
- 5.03.03** When sanitary sewer facilities are required, the Subdivider must install the sanitary sewer facilities in a manner prescribed by the City Engineer and/or the Sewer Authority. All plans and specifications must be prepared by a registered engineer and submitted for approval at the time of submission of the preliminary plat.
- 5.03.04** Sewer stub-outs, capable of allowing gravity connections, shall be provided for each lot and shall extend to the right-of-way line of said lots.

SECTION 5.04 WATER FACILITIES

- 5.04.01** Necessary action must be taken by the Subdivider to extend the public water supply systems capable of providing domestic water use and fire protection. Where a public water system is within reasonable distance of the subdivision, as determined by the Planning Commission, the developer shall connect with said water system. The design and specifications of the distribution system shall meet the specifications of the Water Authority having jurisdiction.
- 5.04.02** The Subdivider must install adequate water facilities, including fire hydrants, subject to the specifications of the Water Authority having jurisdiction. Water mains must be at least six inches (6") in diameter and must extend the full length or width of the pavement.
- 5.04.03** The location of all fire hydrants and all water supply improvements must be shown on the preliminary plat, and the cost of installation must be included in the performance bond, if applicable.
- 5.04.04** Water mains for both domestic use and fire protection shall be properly connected with a central water system or with an alternate water supply approved by ADEM for human consumption. The lines shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat.
- 5.04.05** If a well is required for each lot, the location, construction and use of such well shall also meet the standards of Baldwin County Health Department. If a well is to serve more than one lot, a public water system shall be required. The design and specifications of such system shall meet the Alabama Department of Environmental Management requirements.

SECTION 5.05 FIRE HYDRANTS

- 5.05.01** Fire hydrants of a type acceptable to the Utility Authority and Fire Department are required for all subdivisions.
- 5.05.02** Fire hydrants shall be installed along each street at a maximum interval of 600 ft., or at the ends and center of each block as determined by the Planning Commission with the recommendation of the Fire Inspector. Fire hydrants must be located no more than 1,200 feet apart as measured along the applicable street centerline.
- 5.05.03** The water supply and pressure shall be sufficient to provide adequate fire protection as well as the future needs of the intended land use. Water supply and pressure shall be subject to the review and approval of the Fire Inspector.
- 5.05.04** All proposed buildings must be within six hundred feet (600') of the nearest fire hydrant, as measured along the applicable street centerline.
- 5.05.05** To eliminate future street openings, all underground utilities for fire hydrants and all other supply improvements must be installed before any final paving of a street shown on the subdivision plat.

SECTION 5.06 STORM DRAINAGE FACILITIES

- 5.06.01** All subdivisions shall be provided with adequate storm drainage facilities. Any areas subject to periodic flooding caused by poor drainage facilities will not be approved for a development by the Planning Commission unless the developer or subdivider makes necessary provisions to eliminate such flooding.
- 5.06.02** In addition to the requirements herein, the Drainage and Stormwater Management Standards of the City of Bay Minette Zoning Ordinance shall also apply to all subdivisions.
- 5.06.03** A complete drainage plan and contour map showing the criteria outlined in Appendix A Submittal Requirements, shall be submitted along with the profile grades and typical roadway section for approval.
- 5.06.04** All existing drainage structures shall be shown on the preliminary plat, contour map, and construction plans.
- 5.06.05** All off project drainage, draining onto a subdivision or other development, shall be shown on contour maps and/or construction plans showing the areas in acres that the subdivision or development will have to accommodate.
- 5.06.06** On any single drainage structure requiring twenty (20) square feet or more of end area, a special design drawing will be required for approval.
- 5.06.07** Where the subdivider or developer has open ditches, a maximum of 3:1 front slopes and flat bottom ditch is required; the width of the ditch shall be determined by the required flows and the existing conditions and be approved by the City Engineer and Superintendent of Streets and Sanitation. V-bottom ditches or other special designs will be permitted in special cases. Resulting 2-year peak flow

rates in the natural system or open ditch drainage shall be less than the critical rates that would cause excessive channel scour.

5.06.08 Storm sewers, where required, must be designed in accordance with acceptable engineering methods as approved by the City Engineer.

5.06.09 Inlets must be provided so that surface water is not carried for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowances may be made for flow beyond that point, and basins must be provided to intercept flow at that point.

5.06.10 Every drainage structure must be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the planned subdivision. The Subdivision Engineer must determine the size of the facility based on City Specifications assuming conditions of the maximum potential development permitted by the Zoning Ordinance or as provided for in the Comprehensive Plan. Drainage structures must be designed in to a standard acceptable to the City Engineer.

5.06.11 Storm drainage facilities must be installed where driveways connect with streets, must be specified in the Preliminary Plat. Size, location and width must be approved by the City Engineer.

5.06.12 Swales. Where provided, swales must meet the following design criteria:

1. Swale may be trapezoidal or parabolic, with a bottom width of two (2) to ten (10) feet. Maximum side slope is 3:1.
2. The height of grass or other approved ground cover must be established and maintained at three (3) to six (6) inches.
3. Minimum swale length is fifty (50) feet.

SECTION 5.07 STREET SIGNS

5.07.01 Proper signage in accordance with the latest edition of the MUTCD as adopted by ALDOT shall be installed prior to receiving Final Plat approval, and maintained in all subdivisions, until such time as roads are accepted for maintenance by the City Council. All proposed signage shall be shown and detailed on the Construction Plans. The following minimum standards shall be adhered to:

5.07.01.01 R1-1 Stop Sign - Diamond grade- Minimum 0.080" thick 36" for all intersections.

5.07.01.02 Street Name Sign (Public) – 9" Aluminum Extruded Blade, High Intensity Prismatic, 6" tall white capital and 5" tall lower-case lettering on green background - for streets proposed to be public

5.07.01.03 Street Name Sign (Private) – 6" tall white capital, and 5" tall lower-case lettering on blue background – for streets proposed to remain private

5.07.01.04 Brackets - Vulcan type VS-8 vandal proof or approved equivalent.

5.07.01.05 All other signs – High Intensity Prismatic or better – Minimum 0.080" thick.

5.07.01.06 Posts for street signs – minimum 12 feet long – 2 3/8" galvanized round posts; street signs may be mounted on the same post or separate from the stop sign. In no case shall the street sign be attached directly to the stop sign.

- 5.07.01.07** Decorative sign posts may be permitted if approved by the City Planner. No decorative signposts shall be permitted unless the application is accompanied by a written statement from the property owner's association agreeing to maintain such decorative posts, and to replace the same if destroyed. Any damaged or destroyed decorative posts may be replaced by the City, and in such event, the City may install a 2 3/8" galvanized round post.
- 5.07.01.08** Posts for all other signs – #2 galvanized U-channel (minimum length 12 feet) of appropriate height embedded not less than 3 feet below the finished grade elevation, complying with minimum 7-foot clearance between grade level and the bottom of the sign.

SECTION 5.08 UTILITIES

- 5.08.01** Underground utilities are required in all high-density residential developments and any mixed-use development containing residential uses. Underground utilities are required in medium-density residential developments unless this is shown to not be practicable due to the presence of rock or other site constraints.
- 5.08.02** For all other types of development, above-ground utilities may be permitted but must be installed in alleys or within rear lot easements in so far as practicable. Above-ground utility lines may cross streets only as needed. The number of such crossings must be minimized.
- 5.08.03** Electric lines shall be installed in such a manner as to serve adequately all lots shown on the subdivision plat. Electrical services and streetlights shall be installed along all new roadways within subdivisions at the expense of the developer. All electrical improvements shall be paid for and installed prior to final plat approval.
- 5.08.04** Telephone service shall be provided to all lots within proposed subdivisions. The installation of all telephone conduit, wire, and/or structures shall be coordinated by and if necessary, paid for by the developer prior to final plat approval.
- 5.08.05** The Subdivider must install conduit for the installation of fiberoptic cable or similar underground telecommunications infrastructure, in coordination with the telecommunication provider, to avoid the need for future street opening for telecommunications installation after street construction.
- 5.08.06** All utility facilities existing and proposed throughout the subdivision must be shown on the preliminary plat.
- 5.08.07** Easements centered on rear and/or side lot lines must be provided for utilities.

SECTION 5.09 STREET LIGHTS

- 5.09.01** Street lights must be installed at all street intersections and other locations as necessary to maintain a maximum spacing of two hundred feet (200') along the right-of-way, as approved by the Commission to provide for the public's safety and general welfare. Streetlights shall be mounted on approved light posts and only allowed to be mounted on power poles if overhead power lines are utilized due to site constraints. The Subdivider, owner or property owners' association, but not the City or utility provider, is responsible for replacement or repair of any non-standard street light poles and fixtures.

5.09.02 In order for the City of Bay Minette to provide regular maintenance of street lighting, said lighting shall be purchased through and installed by Alabama Power. Regular maintenance does not include replacement of lamps, luminaries or standards which are damaged or destroyed due to vandalism or any other cause beyond the utility's control. Such facilities damaged or destroyed under such circumstances shall be replaced by the utility company at the property owner's expense.

SECTION 5.10 COMMON OPEN SPACES AND FACILITIES

5.10.01 All subdivisions greater than twenty-four (24) lots shall be provided with open space.

5.10.02 For every twenty-five (25) lots or fraction thereof, the developer shall provide an open space that is equal in size to one (1) average lot in the subject development.

5.10.03 Said open space shall be provided in one location and all required open space shall be contiguous. This shall also apply to phased developments.

5.10.04 Stormwater management facilities and narrow strips less than twenty feet (20') in width shall not be counted as the required open space.

5.10.05 Open Spaces can be held by the developer, Homeowners' Association, or deeded to the city.

5.10.06 For all subdivisions involving the creation of common open spaces or facilities, which may include subdivision entrances and signage, that are to be owned and maintained by the developer or a property owner association, the following apply:

5.10.06.01 If not owned and maintained by the developer, an association representing the owners must own the common open space or facility in perpetuity. Membership in the association is mandatory and automatic for all owners of the subdivision or condominium and their successors. The association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and/or facilities is borne by the association.

5.10.06.02 Management Plan. The applicant must submit a plan for management of open space and/or common facilities that:

1. Allocates responsibility and guidelines for the maintenance and operation of the common open space/facilities including ongoing maintenance and long-term capital improvements.
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the common open space/facilities and outlines the means by which funding will be secured.
3. Provides that any changes to the plan must be approved by the Commission; and
4. Provides for enforcement of the plan.

5.10.06.03 In the event the party responsible for the common open space or facilities fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including extended maintenance. The costs of such maintenance may be charged to the association, or to the individual owners that make up the association and may include administrative costs and penalties. Costs may become a lien on all involved properties.

5.10.06.04 No decorative squares, tree, island, ornamental entrances, or any other obstruction to traffic shall be constructed or preserved with the right-of-way of a road dedicated to the public without the written permission of the Superintendent of Streets and Sanitation. If landscaping and/or irrigation are proposed within the right-of-way, the responsibility for maintenance of such facilities shall be borne by the developer or the Home Owner's Association (HOA).

SECTION 5.11 PERMANENT REFERENCE MARKERS

5.11.01 Prior to the approval of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements:

1. Lots and Streets. All lot corners, points where street lines intersect the exterior boundary of the subdivision and intersections of curves and tangents along street lines must be marked.
2. Subdivision Corner Tie. At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Baldwin County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distance from the Government Survey corner to an accuracy of 1:5,000.
3. Monuments. Concrete monuments four (4) inches in diameter or four (4) inches square and three (3) feet long with a flat top shall be set at all exterior corners of the subdivision. The top of the monument shall have an indented mark to identify properly the location and shall be set flush with the finished grade. Elevation from mean sea level datum shall be established on a permanent benchmark at the corner of the subdivision and at a distance no greater than 2,000' on perimeter.
4. Property Markers. All lot corners not marked with a monument shall be marked with an iron pipe or iron pin not less than one-half inch (1/2") in diameter or in width, and twenty-four inches (24") long, and driven so as to be flush with the finished grade.
5. Accuracy. The land survey shall be in accordance with the State of Alabama's Minimum Technical Standards for Land Surveyors.

ARTICLE 6 BONDING, INSPECTION, ACCEPTANCE

SECTION 6.01 INSTALLATION OF REQUIRED IMPROVEMENTS

The subdivider/developer shall be responsible for the provision of all required improvements to the subdivision/development. This may be accomplished by either the full installation of all required improvements by the developer at the time the Final Plat is to be submitted to the Planning Commission, or by the provision of a financial guarantee of performance.

6.01.01 Provisional final approval can be given by the Planning Commission under extenuating circumstances, provided that a financial guarantee in the form of a surety bond shall be given in the amount equal to one hundred fifty percent (150%) of the cost as estimated by an independent source of installing all improvements, including grading, paving of the streets, and installation of all required utilities, and fees encountered during execution of improvements. The cost estimate for all remaining civil improvements shall be certified and submitted by the design engineer with the application for final plat approval; a cost estimate of any remaining landscaping improvements must be certified and submitted by the professional landscape architect with the application for final plat approval and the financial guarantee.

6.01.02 One (1) or more of the following may be accepted as a financial guarantee with surety payable to the City of Bay Minette:

1. a letter of credit approved by the City Administrator and City Attorney, or
2. a cash deposit to be held by the City, or
3. a certified check from an Alabama lending institution in an amount not to exceed one hundred fifty percent (150%) of the cost of the required improvements remaining.

6.01.03 The surety bond will be made payable to the City of Bay Minette and will be held until all improvements are met per the specifications of the City. Once the development is satisfactorily constructed, the developer on said action will request the release of said bond through the Planning Commission, and the Planning Commission will then notify the City for said release.

6.01.04 Failure to Complete Work. If within twelve (12) months after filing said surety, the subdivider/developer has not completed all necessary improvements or if in the opinion of the City Planning Commission said improvements have not been satisfactorily installed, the bond shall be used by the City to complete the improvements in satisfactory fashion, or the City may take such steps as may be necessary to require performance under the bond.

SECTION 6.02 INSPECTION AND CERTIFICATION

The City Planner or their designee shall regularly supervise inspection for defects in the construction of the required improvements or assigns such work. The applicant shall pay to the City an inspection fee of \$20.00 per lot for the initial inspection. If additional inspections are required, additional fees shall be required in the amount of \$10.00 per lot and the Chairman of the Planning Commission shall not sign the subdivision plat until the applicant has paid all fees. These fees shall be due and payable

upon demand by the City. If the City Planner finds upon inspection that any of the required improvements have not been constructed in accordance with the City's adopted construction standards and specifications, the applicant shall be responsible for completing the improvements.

6.02.01 Wherever a surety covers the cost of improvements, the applicant and the surety company shall be severally and jointly liable for completing the improvements according to specifications.

6.02.02 Upon completion of the improvements, the applicant shall file with the Planning Commission a statement stipulating the following:

1. That all required improvements are complete.
2. That these improvements are in compliance with the minimum standards specified by the Planning Commission and the City for their construction.
3. That the applicant knows of no defects from any cause in these improvements; and,
4. That these improvements are free and clear of any encumbrance or lien.

6.02.03 The applicant shall also file with the City an agreement dedicating all said improvements of the development.

6.02.04 Upon completion of these improvements, the City Planner shall file with the Commission a statement either certifying that the improvements have been completed in the specified manner or listing the defects in these improvements.

SECTION 6.03 STREETS MAINTENANCE BOND

6.03.01 The developer/owner shall submit a Street Maintenance Bond payable to the City which shall be valid for a period of two (2) years. The bond shall be in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required as a condition to dedication and acceptance of any new streets within the corporate limits. The City Administrator shall determine the adequacy of said bond and security thereon.

6.03.02 The Street Maintenance Bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by an Engineer designated by the City to ensure that the improvements are in satisfactory condition prior to acceptance.

6.03.03 Based on the recommendations of the Engineer and other applicable City Staff, the City Planner may release or extend a street maintenance obligation for a period of time no greater than one (1) year. Upon approval of an extension of the original Street Maintenance Bond period, the developer shall submit to the Planning Department sufficient proof of the extended bond, and the City Administrator shall determine the adequacy of said extended bond and security thereon.

SECTION 6.04 ACCEPTANCE OF IMPROVEMENTS

Acceptance of formal offers of dedication of streets, public areas, easements and parks are by express Resolution of the Council. Upon completion of the required improvements, the City Planner will file

with the Commission a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.

- 6.04.01** Reduction of Guarantee. In those cases where an improvement guarantee has been made under subsection 3.16 of these Regulations, the amount of the surety may be reduced upon acceptance, in compliance with these Regulations, of the dedication of a portion of the required improvements. A surety shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a surety be reduced below twenty percent (20%) of the principal amount.
- 6.04.02** Upon completion of the improvements, the applicant shall file with the Planning Commission a statement stipulating the following:
1. That all required improvements are complete.
 2. That these improvements are in compliance with the minimum standards specified by the Planning Commission and the City for their construction.
 3. That the applicant knows of no defects from any cause in these improvements; and,
 4. That these improvements are free and clear of any encumbrance or lien.
- 6.04.02.01** The applicant must also file with the Council an agreement dedicating the improvements. This agreement must include record drawings of the improvement and specify that all improvements, including all interest in real property except for water and sanitary sewer infrastructure are dedicated to the City and that all water and sanitary sewer infrastructure is dedicated to the Utility Authority. The Subdivider must submit a PDF or other electronic version of the subdivision plat As-Built as part of the filing.
- 6.04.02.02** If the Subdivider's Engineer has certified that the contracted improvements are complete and free from defect, and said improvements have passed inspection by the City Engineer, then upon receipt of the other statements and agreements detailed above, the Council may accept the dedication of the completed improvements. Improvements to be dedicated to the Utility Authority are accepted according to that Authority's rules. However, the Council may not accept infrastructure within any subdivision or part thereof until after the associated water and sanitary sewer improvements have been accepted by the applicable Utility Authority.
- 6.04.03** Guarantee Against Faulty Material and Workmanship. The City only in accordance with one of the following requirements shall grant final approval of all improvements on said development:
- 6.04.03.01** Said improvements shall have been completed and in place for a period of one (1) year and shall, upon inspection following such period of time, be found to be free from defective workmanship or material and free from sinkholes or other settling.
- 6.04.03.02** Following satisfactory completion of such work, the subdivider shall post with the City a guaranty bond in an amount equal to ten (10) percent of the improvement cost on said project for which acceptance is sought. Said bond will guarantee the City that the installation and workmanship is in acceptable condition for a period of one (1) year. Said guaranty bond shall be effective for a period of one (1) year. If at the end of the one (1)-year period the improvements is found to be defective or to be otherwise unacceptable because of faulty workmanship or material, said defects shall be repaired at

the cost of the developer up to the amount of the guaranty bond, and upon the developer's failure or refusal to do so within ninety (90) days after demand is made upon them by the City. Then the City shall make such repairs as are reasonably necessary and recover the cost thereof.

- 6.04.04** At the end of the maintenance period, and after inspection of the improvements and infrastructure by the City Engineer, the developer may request through the City Planner that the City Council accept the improvements and the responsibility of the maintenance. It is the developer's or subdivider's responsibility to make this request.
- 6.04.05** Failure to be Accepted. If any portion of the required improvements fails to be accepted for dedication in compliance with these Regulations within the allocated time period, either for reason of incompleteness or for reason of substandard construction, then the Commission shall declare whatever security has been pledged as a guarantee to be forfeit. If Commission is not already in possession of said guarantee, it will immediately take the actions necessary to obtain it. Upon receipt of these securities, the Commission will use them, or receipts from their sale if applicable, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities will be returned to the Subdivider, bonding company, or crediting institution, as appropriate.
- 6.04.06** Maintenance. The Subdivider must maintain all improvements until acceptance of the required improvements by the City in accordance with the following:
- 6.04.06.01** The Subdivider must file a Maintenance Bond with the recommendation of the Commission and approval by the Council for the repair and maintenance of the public improvements. The amount of the Maintenance Bond must be equal to fifteen percent (15%) of the total cost of all public improvements. The Sewer Board may require the posting of a maintenance bond to assure the satisfactory condition of the sanitary sewer improvements for a period of one year after their acceptance by the Board. Failure to post a maintenance bond or security may constitute cause for denial of acceptance by the City or Board, as applicable.
- 6.04.06.02** The Maintenance Bond must be secured in the same manner as required for Performance Bonds in this Article, must comply with all statutory requirements and be reviewed by the City Attorney as to form, sufficiency, and manner of execution as set forth in these Regulations.
- 6.04.06.03** The Maintenance Bond must remain in full force for a period of thirteen (13) months after the date of acceptance of the improvements. For subdivisions with multiple phases of construction, any street or alley within the subdivision used by construction traffic must be included under the Maintenance Bond for the duration of construction of any phases requiring the use of such street.
- 6.04.06.04** The Subdivider must provide a letter or statement in which the Subdivider agrees to maintain the backfill and any improvements located thereon or therein of any ditch that has been dug in connection with the installation of the improvements. The letter or statement must be binding on the Subdivider for a period of twelve (12) months from the date of acceptance of such improvements.
- 6.04.07** Improvements to be Dedicated to the Utility Authority, Guarantee

- 6.04.07.01** All sanitary sewer facilities (excluding easement and fee rights to real property), once constructed, accepted, and dedicated to public use, become the property of the Utility Authority. Consequently, a separate dedication procedure is required for these improvements and the Utility Authority prescribes the manner of the dedication. The Authority's approval and acceptance of sanitary sewer facilities for a subdivision satisfies the requirements of this Section with respect to those facilities.
- 6.04.07.02** The Utility Authority may elect to accept improvements guarantees, pursuant to the rules of the Authority. If the Authority does choose to accept an improvement guarantee, the Subdivider must post the form of guarantee as agreed, separate and apart from any guarantee accepted by the City. The Authority may choose to sign the Final Plat of the subdivision based on the posting of a guarantee acceptable to it.
- 6.04.08** If the City Planner has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the City may accept the dedication of these improvements for public use by Resolution at a regularly scheduled meeting. The City may, at its discretion, accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

SECTION 6.05 RELEASE OF GUARANTEE

Upon acceptance, in accordance with these Regulations of the dedication of the final portion of improvements, the City Council shall authorize the release of the remaining portion of the improvement guarantee.