

## **ARTICLE IV. IMPROVEMENTS**

### **Sec. 4-1. Required.**

- (a) The subdivider or developer of any subdivision approved in accordance with these regulations shall be obligated to install all public improvements, as set forth herein, in conjunction with building development in the subdivision. Such improvements shall be provided by one of the following methods:
  - (1) Construction and development as a developer project, paid for entirely by the subdivider or developer.
  - (2) Construction and development under contract with the county commission in accordance with a benefit or special assessment district as provided by law.
  - (3) Posting a satisfactory bond or cash deposit securing to and insuring that such improvements will be completed within a specified time period.
- (b) All building permits issued in the subdivision shall be conditioned upon such satisfactory assurances of completion of such public improvements. Fractional or partial public improvements shall be permitted upon the approval of the county engineer.

### **Sec. 4-2. Procedure for developer project.**

The following procedure shall be followed when the public improvements are proposed to be completed as a developer project:

- (1) All proposed street, sanitary sewer, storm sewer and sidewalk improvements to be installed by a subdivider or developer must first be approved by the county engineer. A plan review fee of \$42.00 per hour shall be charged. Payment by the developer or subdivider of all plan review fees incurred shall be a condition precedent to the acceptance of the improvements.
- (2) The county engineer shall inspect all work done by the subdivider or developer and shall approve or reject as appropriate. A final inspection shall be requested in writing by the developer or subdivider when work is completed. The county engineer's approval and payment by the developer or subdivider of all inspection fees incurred shall be a condition precedent to the acceptance of the improvements.
- (3) Upon approval of such work and payment of all fees, the county engineer shall accept the improvement for maintenance by the county.
- (4) The subdivider or developer shall furnish a surety bond conditioned that they shall maintain and make all necessary repairs to the improvements constructed by them, at their own expense, for a period of one year after the date of acceptance of the improvements, where repairs are necessary by reason of defective workmanship, imperfection in material used, or improper, imperfect or defective preparation of the ground upon which the improvement shall be laid. The surety shall be for the benefit of the public and in an amount equal to ten percent of the total improvement cost, but in no case shall the amount be less than \$5,000.00.
- (5) Unless and until such acceptance is made as provided for in this article, the county accepts no responsibility for any improvements.

### **Sec. 4-3. Required improvements.**

- (a) All improvements as required by county resolution 77-255, and subsequent amendments thereto, shall be constructed to provide continuity as determined by the county engineer to the furthest extremities of the lots for which building permits are being requested.
- (b) If the lots for which building permits are being requested are located in such a manner that access to the nearest existing public improvement is restricted by a separation of ownership and subdivision but having a continuity of dedicated right-of-way, then such connecting public improvements shall not be subject to the provisions of county resolution 77-255. However, the owner of the lots requesting a building permit shall be required to make such improvements as requested by the county engineer; provided, however, all lots abutting on an existing county road, as determined by the county engineer, shall be exempt from county resolution 77-255.
- (c) Improvement plans shall be submitted to the county engineer for approval prior to the construction of any subdivision improvement. Inspection and approval of the improvements by the county engineer shall be required prior to the issuance of any building permits.

### **Sec. 4-4. Streets.**

- (a) Streets shall be graded and improved by construction of curb, gutter and pavement in units of one block or more for streets entirely within the subdivision but may include fractional blocks ending at the subdivision boundaries. Streets may be built in phases as approved by the county engineer and planning director. Each phase of development that includes street segments that extend to the subdivision boundary shall require the improvement of those segments that extends to the boundary of the subdivision. Building permits for lots adjoining street segments extending to a subdivision boundary shall not be issued until the adjoining street segment is constructed or satisfactory assurance of completion is provided by the developer as approved by the county engineer.
- (b) Streets whose centerline is the boundary line of the subdivision and streets whose centerline is the city boundary may be improved to the centerline or city boundary and shall be paid for and provided by the owner of the subdivision in accordance with provisions as set forth above. Such improvements shall conform to the usual requirements for residential street paving.
- (c) Major traffic thoroughfare improvements will be furnished by the county when necessary and in the judgment of the county commission such improvements are vital to the welfare of the county under the following conditions:
  - (1) If the street is unimproved, a portion comparable in cost to a street improvement in a regulation residential street shall be borne by the owner of the subdivision as set forth above.
  - (2) If the major traffic thoroughfare is already improved with pavement comparable to the usual residential requirements, the distribution of cost shall be determined by the county as provided by statute.
- (d) Streets separating a park from residential or other property shall be improved as provided in subsection (a) and shall be paid for as follows:

- (1) The half of such street adjacent to private property shall be paid for by the subdivider or property owner in accordance with section 4-1.
- (2) The half of such street which adjoins public park property within the county shall be paid for by the county at large, provided however, the amount to be paid by the county under this subsection shall be determined by three appraisers appointed by the county commission, and the amount which they find to be the county's one-half shall be conclusive upon the county and the owner of the subdivision.

#### **Sec. 4-5. Intersections.**

- (a) The county commission may, by resolution, reimburse developers for any intersections, including curb, gutter and storm sewers, which the developer has constructed pursuant to subdivision rules and regulations or other requirements of the county.
- (b) The county commission, upon passage and approval of the resolution therefor, is authorized to reimburse the developer for the cost of each intersection so constructed, either on the basis of the developer's actual cost or on the average amount of the successful competitive bids for construction of the same type intersections for the county during the preceding 12 months, whichever is lower. The cost of such reimbursement shall be paid out of the general obligation bonds.

#### **Sec. 4-6. Water lines.**

The subdivider shall connect with a public water main and make such connection accessible to each lot within the subdivision. Plans and contracts for such installation shall be submitted to and approved by the public water company before issuance of building permits and shall be paid for by the owner of the subdivision.

#### **Sec. 4-7. Sewers.**

- (a) Lateral sanitary sewers shall be provided and paid for by the owner of the subdivision or guaranteed as provided in section 4-1.
- (b) Main sanitary sewers shall be furnished by the owner of the subdivision or guaranteed as set forth in these regulations if it serves only the subdivision for which it is provided. If, in the opinion of the county commission, it would be beneficial and in the interest of economy for future development outside of the subdivision to do so, a benefit district for main sanitary sewers may be formed and the cost paid by special assessment as provided by law.
- (c) Lateral storm sewers and those which accompany street improvements shall be paid for by the owner of the subdivision or guaranteed as set forth in these regulations.
- (d) Main storm sewers shall be furnished by the owner of the subdivision or guaranteed as set forth in these regulations if it serves only the subdivision for which it is provided. If in the opinion of the county commission it would be beneficial and in the best interest for future development outside of the subdivision to do so, a benefit district for a main storm sewer shall be formed and the cost paid by special assessment as provided by law.

#### **Sec. 4-8. Sidewalks.**

In all subdivisions, the subdivider shall construct sidewalks on both sides of all streets which are contained entirely within the boundary of the subdivision. Where the boundary of a subdivision is an

existing street or a proposed street, sidewalks shall then be installed on the nearest adjacent side or sides. All sidewalks shall be installed and constructed in accordance with the applicable uniform standards. In subdivisions containing blocks of over 800 feet in length and where pedestrian ways or easements are provided, sidewalks shall be installed within such ways or easements. Sidewalks shall be provided on all street improvement projects which are initiated by the county commission or contracted for by any federal, state or public body.

**Sec. 4-8. Permanent monuments.**

Permanent monuments shall be placed at each corner of each lot in the subdivision.