

## Article 8

# REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

### Standards

#### 800 Improvement and Cost Estimate Information

Before the signing of the final plat, all applicants shall be required to complete, to the satisfaction of the county engineer, county health department or other appropriate agency, all the streets, sanitary improvements, and other public improvements, including lot improvements on the individual lots, as listed on the preliminary plan and engineering plans and as construction-certified on the final plat. When required improvements are not completed, the subdivider shall insure their completion with a performance guarantee acceptable to the planning commission and board of county commissioners.

All required improvements shall be made by the developer, at his or her expense, and cost estimates for various materials and labor shall be provided as requested by a professional engineer licensed in the State of Ohio. The developer shall dedicate public improvements to the local government, free and clear of all liens and encumbrances on the dedicated property and public improvements.

#### 801 Performance Guarantee for Installation and Maintenance of Improvements

To guarantee the construction and/or maintenance of required improvements prior to the approval and recording of the final plat, the subdivider shall be required to provide a performance guarantee in one or a combination of the following arrangements:

a. **Performance Bond, Certified Check, or Irrevocable Letter of Credit:** The subdivider shall post a bond, executed by a surety company, or a certified check or irrevocable letter of credit equal to the estimated cost plus ten (10) percent of the required improvements. The bond shall be in favor of the board of county commissioners, and shall guarantee construction of the improvements according to the plans and specifications approved by the planning commission. The term of the bond shall not exceed two (2) years plus a one (1) year maintenance period for a total of three (3) years. The planning commission may grant an extension where due cause can be shown. The bond amount can be reduced to a percentage of its original amount during the one year maintenance period. Under no circumstances shall the required performance bond, cash deposit or irrevocable letter of credit be tied to or be considered a portion of the developer's financing for the development.

b. **Deposit:** The subdivider may make a deposit with the county treasurer, with a responsible escrow agent, or with a trust company. The deposit shall be money or negotiable bonds in an amount equal to the estimated cost plus ten (10) percent of the required improvements. If a cash deposit is made, an agreement may be executed to provide payments to the contractor or the subdivider from the deposit as the work progresses and is approved by the responsible county officials.

#### 802 Temporary Improvements

The applicant shall build and pay for all temporary improvements required by the planning commission and shall maintain those temporary improvements for the period specified by the planning commission. Prior to construction of any temporary facility or improvement, the developer shall file with the planning commission a separate performance guarantee in an amount equal to the estimated cost of the temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained and removed.

#### 803 Extension of Time

If the construction or installation of any improvements or facility, for which guarantee has been made by the developer in the form of a performance bond, cash deposit, or irrevocable letter of credit, is not completed with two (2) years from the date of final approval of the recorded plat, the developer may request the board of county commissioners to grant an extension of six (6) months, provided he can show reasonable cause for inability to complete said improvements within the required two (2) years. The request shall be accompanied by revised cost estimate of construction to be completed.

#### **804 Failure to Complete Improvements**

In case the subdivider fails to complete the required public improvements work within such time period as required by the conditions or guarantees as outlined above, the board of county commissioners may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit, certified check, surety bond, or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

#### **805 Progressive Installation**

After the preliminary plan of a proposed subdivision has been approved by the planning commission, the subdivider may improve a part of the entire area and submit a final plat for that improved portion to the planning commission for approval.

#### **806 Inspection of Improvements**

The planning commission shall coordinate with the county engineer, county health department, or other appropriate agency to provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the planning commission an inspection fee of 5% of the estimated cost of improvements, and shall notify proper administrative officials at least twenty-four (24) hours before each phase of the improvements is ready for inspection. Inspection fees for roadway and drainage improvements shall be remitted to the county engineer. Inspection fees for sanitary sewer shall be remitted to the sanitary engineer. Work requiring periodic inspections and an inspection schedule shall be finalized by the developer and inspectors before any work begins. If, in the opinion of the inspector, installations are improper or inadequate, the inspector shall issue a stop order. The developer may appeal the inspector's findings to the county engineer and/or sanitary engineer within forty-eight (48) hours. Failure to comply with the inspector, county and/or sanitary engineer's directive, will be deemed a violation of these Regulations subject to having the approved final plat invalidated by the board of county commissioners.

#### **807 Acceptance of Streets, Storm Drainage, Sanitary Sewer and Water Distribution Improvements for Use and Maintenance by the Public**

The subdivider shall have properly constructed and maintained all required improvements at the time he requests their acceptance by the board of county commissioners. Upon completion of all improvements, the developer shall request that the county engineer perform an inspection for conditional acceptance. After the inspection, the county engineer will do one of the following:

- a. Issue a letter to the board of county commissioners, with a copy to the developer, recommending conditional acceptance and the amount of a maintenance bond.
- b. Issue a letter to the developer, with a copy to the board of county commissioners listing items of work necessary to accomplish satisfactory completion of the improvements.

Upon completion of the improvements and conditional acceptance by the board of county commissioners, the developer shall furnish a maintenance guarantee in the amount of 25% of the total performance guarantee or \$1000.00, whichever amount is the larger. The subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent. Said subdivider shall also make repairs due to erosion or abuse by utility companies installing utilities and shall repair all failure, for all other reasons, during the one (1) year period. He shall restore the improvements at the end of the maintenance period.

The improvements will be eligible for final acceptance one year after the conditional acceptance. The maintenance bond shall remain in effect until final acceptance by the board of county commissioners. Before the board of county commissioners will release the maintenance bond or maintenance fund, the developer shall submit a sworn statement that all bills and financial obligations incurred for maintenance or restoration of the subdivision improvements have been fully paid.

One year after conditional acceptance, the developer shall, after restoring all improvements to an acceptable condition, and after all monies are paid, request that the county engineer perform an inspection for final acceptance. After the inspection, the county engineer will do one of the following:

- a. Issue a letter to the board of county commissioners, with a copy to the developer, recommending final acceptance of the improvements and release of maintenance bond(s).
- b. Issue a letter to the developer, with a copy to the board of county commissioners, listing items of work necessary to accomplish before the recommendation for final acceptance can be made.