

IMPROVEMENT FINANCING AND GUARANTEES

7 ARTICLE SEVEN – IMPROVEMENT FINANCING AND GUARANTEES

7-1 Purpose

The purpose of this Article is to ensure the equitable financing and proper installation and maintenance of required streets, utilities, and other improvements. The guarantee shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

7-2 Application

This article applies to subdivisions, which require the installation of streets, utilities, or other public improvements by the City or developer.

7-3 Responsibility of the Subdivider

The subdivider shall be responsible for the installation and/or construction of all improvements required by this Ordinance and shall warrant the design, materials, workmanship, construction, and performance of such improvements for two years after the date of completion.

7-4 Subdivision Agreement

a. Condition for Approval of Plat

As a condition for final approval, each subdivision plat must include a subdivision development agreement entered into between the City of Storm Lake and the subdivider. No contract for the construction of public improvements involving a subdivision within two miles of the corporate limits of Storm Lake shall be awarded without adequate provisions for the construction, operations, and maintenance of a private sanitary sewer system.

b. Rules for Distributing Improvement Costs

Generally, the following rules shall be followed in distributing costs for public improvements:

1. Public Costs: Allowable public costs will be those items that have demonstrable benefit to the general public. These items may include:
 - (a) Pavement width in excess of 32 feet for streets designated as collector or arterial streets in the Storm Lake Comprehensive Plan or any subsequent

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amendment thereof. On collector and arterial streets the additional cost shall be borne by the City or other public agency.

- (b) The incremental cost of water mains over six inches.
 - (c) Oversized storm sewers or drainage structures required serving other areas in the watershed. Such expenses may also be assessed on an area basis to properties served by the improvement.
 - (d) Sanitary outfall sewers or water lines outside of the limits of a District that serve areas larger than that of the District, provided that such extension is consistent with the sequencing of development specified in an approved master plan or planned unit development.
 - (e) The additional costs of sanitary sewers over 8 inches in diameter, when the City requires such sewers.
 - (f) Park and recreation facilities consistent with the Comprehensive Plan or an approved Park System Plan.
2. Private Costs: Allowable special assessment costs will be those items that have direct benefit primarily to adjacent properties. These items may include:
- (a) The entire cost of grading street rights-of-way, including intersections.
 - (b) All sanitary sewer lines serving the subdivision up to 8 inches and water lines serving the subdivision up to 6 inches.
 - (c) All paving and street construction, including curbs and gutters, up to a roadway width of 32 feet.
 - (d) A storm water management system adequate to provide for the collection, retention, and treatment of surface runoff, extending to the boundaries of the subdivision.
 - (e) Sidewalks as required by this Ordinance. Construction of sidewalks may be delayed until after completion of site grading and construction, but must be completed prior to occupancy of the structure.
 - (f) The contract charge for underground electrical and gas service.
 - (g) An iron rod not less than one-half inch in diameter and 24 inches in length as follows:
 - (1) Set in concrete three feet deep at the intersection of all lines forming angles in the boundary of the subdivision and at all street intersections.
 - (2) At lot corners and changes in direction of block and lot boundaries.

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3. The subdivider in lieu of installing and constructing said improvements at his/her expense, may, along with all owners of property to be affected by such improvements and all perfected lien holders, petition the Council to cause the construction of such improvements. This petition shall waive any required resolution of necessity, any applicable limitations of the amount, which could be, assessed against subdivision property owners including intersection costs, and other costs normally paid by the City in special assessment projects.

7-5 Performance Guarantees

a. Required Guarantees

As a condition of the final approval of the plat and prior to its recording with the Buena Vista County Recorder, the City Council shall require and accept the following:

1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 120% of the estimated cost of the improvement installation.
2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council at the request of the applicant after demonstrating the reasonable need for the extension.
3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Subdivision Development Agreement negotiated between the City and the Developer and approved with the Final Plat.

7-6 Notification of Completion and Acceptance by City

a. Notification

Upon substantial completion of all required improvements, the developer shall notify the Zoning Administrator in writing, as well as submitting a certification from a registered Professional Engineer, attesting to the adequacy of the installation.

b. Inspection and Acceptance

1. The City's designee shall inspect all installations, and shall approve, partially approve, or disapprove the installation. Upon completion of improvements, he/she shall file a statement with the City Council and Zoning Administrator certifying that the improvements have been completed satisfactorily or listing the defects in the improvements.
2. If the installation is approved, the Zoning Administrator shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one

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year from the date of acceptance to remedy any deficiencies, which appear during that period.

3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.
4. No occupancy permits shall be issued for a subdivision unless the installation of improvements has been inspected and approved in full by the designee of the City.

c. Improvements within the two mile Jurisdiction

1. Improvements in the two-mile jurisdiction shall be the same as required above, provided that they are not less than required by county subdivision policy and that all road and drainage plans shall be approved by the County Engineer. The County Board of Supervisors for public maintenance shall accept all completed roads.
2. Where the subdivision contains physical facilities necessary for the welfare of the area, which are of common use or benefit, and which are not or cannot be satisfactorily maintained by an existing public agency, other satisfactory legal provision shall be made for the proper and continuous maintenance of such facilities and shall be identified as part of the subdivision development agreement.