

LAND SUBDIVISION REGULATIONS – PROPOSED AMENDMENTS

4-8 COMPLETION OF PUBLIC IMPROVEMENTS – Public improvements that were not completed prior to certification of the final plan by the Urban County Engineer shall be completed in conformance with the approved improvement plan and ~~with the submitted schedule for completion~~ the Engineering Manuals adopted by the Urban County Government and incorporated herein by reference. In the event the public improvements are not completed as provided in the schedule for completion, or repaired as required, the Urban County Engineer shall, in writing, advise the Planning Commission, which shall have the authority to call the surety posted in favor of the Urban County Government and cause the work to be constructed or repaired, as appropriate.

4-8(a) PRE-FINAL INSPECTION – When requested by the developer, the Division of Engineering shall inspect the public improvements with the developer or developer’s representative. Incomplete portions of the work on the public improvements are added to the punch list, which is used to calculate the surety value.

~~**4-8(b) REDUCTIONS OF SURETY**~~ ~~**4-8(a) PRE-FINAL INSPECTION AND FIRST REDUCTION IN THE SURETY**~~ – When requested by the developer, reductions of surety shall be allowed as set forth herein. Within thirty (30) days of the ~~certification of the final plan by the Urban County Engineer~~ request by the developer, the Division of Engineering shall inspect the improvements. After one year, the surety may be reduced by an amount equal to ten percent (10%) of the total amount of the cost of the stormwater facilities, plus the value of all punch list items that are found to have been completed. After three years, the surety may be reduced by an amount equal to ten percent (10%) of the total cost of the sanitary sewer and pump station facilities plus the value of any items that are found to have been completed in the third year. ~~If the Division of Engineering finds that portions of the work of the work on the public improvements that were included in the punch list have now been completed, a first reduction in the surety shall be permitted, when so requested by the developer. The reduction in the surety shall equal the cost of those punch list items that are found to be complete.~~

~~**4-8(b) ADDITIONAL REDUCTIONS OF SURETY**~~ – ~~Additional reductions in the amount of the surety will be permitted. The surety may be reduced only at times provided below. In all cases, the Division of Engineering shall retain the amount of the surety for inflation and administration until the release of the surety. No reduction will be permitted after the completion date has passed, and no reduction will alter the original completion or termination date of the surety.~~

~~(1) **SECOND REDUCTION** – When requested by the developer, a second reduction shall be allowed one year from the Urban County Engineer’s certification of the final plan. Within thirty (30) days of the request by the developer, the Division of Engineering shall inspect the improvements. The surety may be reduced by an amount equal to ten percent (10%) of the total amount of the cost of the stormwater~~

~~facilities, plus the value of all punch list items that are found to have been completed during the first year.~~

~~(2) — THIRD REDUCTION — At the end of the second year from the date of the certification of the plan by the Urban County Engineer, and within thirty (30) days of the request by the developer, the Division of Engineering shall inspect the improvements. The surety may be reduced by an amount equal to the value of the items that are found to have been completed in the second year. If the final course of asphalt has been applied for at least one year, the amount of the surety may be reduced by an amount equal to ten percent (10%) of the total cost of the final course of asphalt.~~

~~(3) — FOURTH REDUCTION — At the end of the third year from the date of the certification of the plan by the Urban County Engineer, and within thirty (30) days of the request by the developer, the Division of Engineering shall inspect the improvements. The surety may be reduced by an amount equal to ten percent (10%) of the total cost of the sanitary sewer and pump station facilities plus the value of any items that are found to have been completed in the third year. If the final course of asphalt has been applied for at least one year, and if a previous reduction for the final course of asphalt has not been taken, the amount of the surety may be reduced by an amount equal to ten percent (10%) of the total cost of the final course of asphalt.~~

4-8(c) COMPLETION OF UTILITIES AND FINAL COURSE OF ASPHALT – Completion of utilities and final course of asphalt shall be in compliance with the current edition of the Procedures Manual. Upon installation of the final surface, the amount of the surety may be reduced by an amount equal to 10% of the cost of the base courses; but in no case shall the reduction be more than 10% of the cost of the final surface. If the final course of asphalt has been applied for at least one year, and if a previous reduction for the final course of asphalt has not been taken, the amount of the surety may be reduced by an amount equal to ten percent (10%) of the total cost of the final course of asphalt.

4-8(d) RENEWAL OF THE SURETY – When a renewal of the surety posted by the developer has been requested by the developer, the Urban County Engineer shall renew the surety for uncompleted and warranty items for one additional year, ~~beyond the three years otherwise provided.~~ As a condition of renewals for sureties older than 4 years, the Division of Engineering will require recalculation of the amount of the surety based on the current unit prices. Sureties shall remain in full force and effect until such time as all infrastructure and punch list items are complete, and in no event shall a developer allow surety to expire or to lapse until such time as all infrastructure and punch list items are complete.

4-8(e) FINAL REDUCTION / RELEASE OF SURETY – When the developer has completed all required improvements, and the final course of asphalt has been applied for

at least one year, the developer may request a final release of the surety. When so requested, the Division of Engineering will conduct a final inspection within thirty (30) days. Upon determination by the Division of Engineering that all improvements have been properly constructed in conformance with the requirements of these Subdivision Regulations, the Zoning Ordinance, the Division of Engineering Manuals and the Division of Engineering Standard Drawings, the Urban County Engineer shall, in writing, notify the Planning Commission, which shall release the surety.

4-8(f) SURETY FORFEITURES – If a surety is forfeited or called by the Urban County Government, the Corporation, Corporation Principal(s) or developer will be prohibited from submitting a surety to the Urban County Government for a period of three years from the date of forfeiture.

