

*** Please Note Numbering Correction from 05-10 to 05-10-A

ORDINANCE 05-10-A

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, AMENDING ORDINANCE 04-01, FIXING THE TIME AND PLACE OF REGULAR MEETINGS; TO CHANGE THE PLACE AND TIME OF THE MEETINGS.

WHEREAS, the Town of Dewey-Humboldt Town Hall has been located temporarily at Humboldt Station, 2735 Highway 69, Suite 7, Humboldt, Arizona. Due to space constraints, the Regular Council meetings have been held at Cherry Creek Ranch, 983 S. Foothill Drive, Dewey, Arizona at 5:30 p.m. on the 1st and 3rd Tuesdays of each month.

WHEREAS, the Town of Dewey-Humboldt desires to change the time and location of the Town Council Regular meeting to its permanent location of Humboldt Station 2735 Highway 69, Suite 10, Humboldt, Arizona and meet at 6:30 p.m. on the 1st and 3rd Tuesdays of each month.

NOW THEREFORE IT BE RESOLVED

Section 1. Regular Council Meetings

The Council shall hold Regular meetings on the 1st & 3rd Tuesdays of each month at 6:30 p.m. provided that when the day fixed for any Regular meeting of the Council falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hours on the next succeeding day which is not a holiday. All Regular meetings of the Council shall be held at 2735 Highway 69 Suite 10, Humboldt, Arizona.

All Council meetings will follow the requirements of the Arizona Open Meeting Law and apply Robert's Rules of Order in conducting the meetings.

Section 2. Special Council Meetings

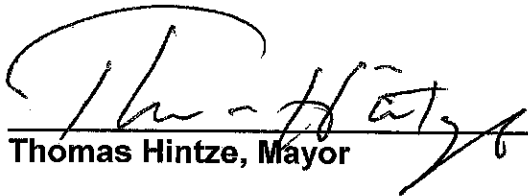
The Mayor, or the Clerk upon the written request of three members of the Council, may convene the Council at any time by notifying the members of the Council of the date, hour and purpose of such Special meeting. The public shall be given at least twenty-hour notice of any such Special meeting by the posting of such Special meeting by the posting of such notice in at least three public places: except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances.

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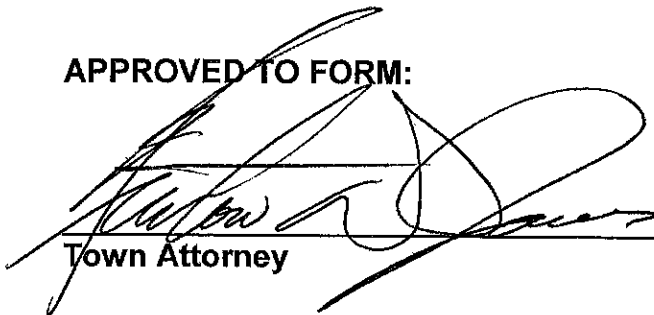
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 21 day of June, 2005.


Thomas Hintze, Mayor

ATTEST:


Debbie Gifford, MMC
Town Clerk

APPROVED TO FORM:


Town Attorney

ORDINANCE NO. 05-10

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF
THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING
LAND SUBDIVISION REGULATIONS.**

WHEREAS, the Town of Dewey-Humboldt is newly formed and needs to adopt Land Subdivision Regulations; and

WHEREAS, the Town of Dewey-Humboldt has reviewed these regulations and declare them to be fair and reasonable; and

WHEREAS, this ordinance has been properly noticed for public hearing and the necessary hearing was completed on May 31, 2005; and

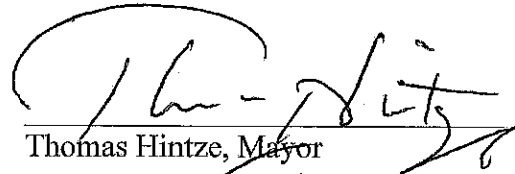
WHEREAS, adopting Land Subdivision Regulations for the Town of Dewey-Humboldt, Arizona will enhance the health, safety, and welfare of the community; and

NOW THEREFORE, be it ordained by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona that:

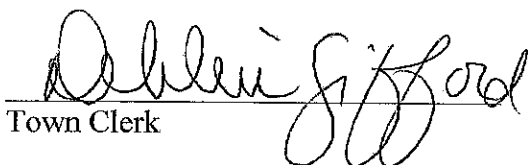
Section 1: Adoption of the Town of Dewey-Humboldt Land Subdivision Regulations. The Town of Dewey-Humboldt Land Subdivision Regulations, a copy of which is on file with the Town Clerk, is hereby adopted.

Section 2: Authorization to Prepare Documents. The Town Manager, Town Clerk, Town Engineer, Town Attorney and any other necessary persons are hereby authorized to prepare the agreements, forms and instruments contemplated to be used by the Town in implementing the provisions of the Land Subdivision Regulations.

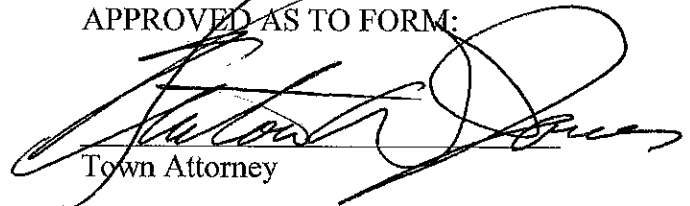
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Dewey-Humboldt, Arizona, this 31 day May, 2005.


Thomas Hintze, Mayor

ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

Town of Dewey-Humboldt

LAND SUBDIVISION REGULATIONS

Effective July 1, 2005

Ordinance 05-10

SECTION 1 GENERAL PROVISIONS

- A. Property within the incorporated limits of the Town may not be subdivided except in accordance with all the provisions of this Regulation.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other public improvements.

C. PLATTING STAGES

1. Stage I: Pre-Application Conference

The pre-application conference stage of subdivision planning comprises an investigatory period which precedes actual preparation of preliminary plans by the subdivider. During this stage the subdivider makes known his intentions to the Land Use Specialist and is advised of specified public objectives related to the subject tract and other details regarding platting procedures and requirements.

2. Stage II: Preliminary Plat

The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review, and approval by the Town Council.

3. Stage III: Final Plat

The final plat includes the final design of the subdivision, engineering of public improvements and submittal of the plat and plans by the subdivider, for review and action by the Town Council.

- a. The subdivider shall submit the final plat to the Town Engineer, who shall review it for completeness and conformity to the approved preliminary plat. If the plat is not complete or does not conform to the preliminary plat, the Town Engineer shall reject the plat.
- b. If the plat is found complete and in conformance with the approved preliminary plat, the Land Use Specialist shall request that the Town Clerk place the plat on the agenda of the next regular Town Council meeting, whereupon the Town Council shall approve or deny the plat.
- c. If the Town Council rejects the plat for any reason whatsoever, the reasons therefore shall be recorded in the minutes.
- d. If the Town Council approves the final plat, the Clerk shall transcribe a certificate of approval upon the plat and have it recorded in the Office of the County Recorder of Yavapai County and distribute prints of the recorded plat to the County Recorder, County Assessor,

Public Works Director, Town Engineer, and Development Services
Director.

SECTION 2 STREET NAMING

- A. The subdivider shall indicate the street name for public streets on the preliminary plat by projecting existing north-south and east-west street names that fall in alignment. When no current streets are in alignment, the subdivider may propose a name based on the Town street naming policy. All names are subject to final approval by the Town.
- B. Street sign posts shall be placed at all street intersections by the subdivider and shall be in place when street paving is completed. Specification for design, construction, location and installation shall be in accordance with Town roadway standards.

SECTION 3 LAND SPLITS

A. PURPOSE

Land Splits are regulated for the purpose of ensuring each parcel of land within the Town has sufficient public access, provision for water and waste disposal, adequate parcel size and dimensions for the use intended, and availability of public services.

B. REQUIREMENTS

The following requirements shall be met for any land split within the jurisdiction of the Town:

1. Parcel size and dimensions shall meet the requirements of the underlying Land Use District.
2. Adequate access for ingress/egress shall be provided.
3. Adequate provision for utilities, including electric, water and wastewater service shall be available and such availability shall be indicated on a survey submitted with a request for a land split.

C. APPROVAL

A request for a land split shall be approved by the Land Use Specialist if the application meets all the requirements as stated in Subsection (B) above. At the time of approval, the Land Use Specialist shall provide a list of requirements which will be necessary for issuance of a building permit.

SECTION 4 PRELIMINARY PLAT

A. SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL

Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary plat approval is based on the following terms:

1. The basic conditions under which approval of the preliminary plat is granted will not be substantially changed prior to the expiration date of the preliminary plat.

2. Approval is valid for a period of twelve (12) months from date of approval. A twelve (12) month extension of the preliminary plat approval may be granted by the Development Services Director upon receipt of a letter from the subdivider prior to the expiration date indicating proper cause.
3. Preliminary approval, in itself, does not assure final acceptance of streets for dedication nor continuation of existing development requirements for the tract or its environs.

B. REQUIRED INFORMATION FOR PRELIMINARY PLAT

The information hereinafter required as part of the preliminary plat submittal shall be shown graphically, by note on plans, or by written report, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred (100) feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring twenty-four (24) by thirty-six (36) inches.

1. Identification and Descriptive Data
 - a. Proposed name of subdivision and its location by section, township and range; reference by dimension and bearing to a section corner or quarter section corner.
 - b. Name, address and phone number of subdivider.
 - c. Name, address and phone number of person preparing plat.
 - d. Scale, north point and date of preparation, including dates of any subsequent revisions.
 - e. A location map which shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it, including main traffic arteries, public transportation lines, shopping areas, elementary and high schools, parks and playgrounds, and churches. This map may be on the preliminary plat if practicable, or if not, a separate map showing title, scale, north point and data shall be provided.
2. Existing Conditions Data
 - a. Topography by contours or spot elevations related to U.S.G.S. survey datum, or other datum approved by the Town Engineer, shown on the same map as the proposed subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.
 - b. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; direction of flow; location and extent of areas subject to inundation, whether such inundation be frequent, periodic or occasional.
 - c. Location, widths and names of all platted streets, railroads, utility right-of-way of public record, public areas, permanent structures to remain, including Town utilities and municipal corporation lines

within or adjacent to the tract. Two (2) copies of a preliminary title report showing the above shall be submitted.

- d. Name, book and page numbers of adjacent subdivisions, along with county assessor number of all adjacent parcels having a common boundary with the tract.
 - e. By note, the existing land use district classification of the subject and surrounding tracts.
 - f. By note, the acreage of the subject tract.
 - g. Boundaries of the tract to be subdivided shall be delineated and fully dimensioned.
3. Proposed Conditions Data
- a. Street layout, including location, width of public and private streets, alleys, crosswalks and easements; connections to adjoining platted tracts. A traffic study may be required if evidence suggests that proposed subdivision may congest public streets or intersections.
 - b. Typical lot dimensions (scaled); dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbered individually; total number of lots.
 - c. Locations, width and use of easements.
 - d. Designation of all land to be dedicated or reserved for public use with use indicated.
 - e. If plat includes land for which multiple-family, commercial or industrial uses are proposed, such areas shall be clearly designated together with existing land use district classification.
 - f. Three (3) copies of any proposed restrictive covenants (deed restrictions).
 - g. Typical lots showing building footprints/envelope dimensioned, with proposed setbacks.
4. Proposed Utility Methods
- a. Statement as to the type of sewage disposal facilities. Additional information shall be provided by the subdivider as required by the Development Services Director.
 - b. Statement as to the type of potable water facilities. Additional information shall be provided by the subdivider as required by the Development Services Director for evidence of an adequate volume and quality of potable water supply.
 - c. Preliminary calculations and layout of proposed drainage system and locations of retention areas.
 - d. Statement as to the provision of other utilities being supplied to the plat area such as electric, phone, gas, and irrigation.

SECTION 5 FINAL PLAT

A. GENERAL REQUIREMENTS FOR FILING

1. The final plat shall be prepared in accordance with this Regulation and shall substantially conform to the approved preliminary plat.
2. Land use proposed shall be in conformance with this Regulation and any amendments needed shall have received final approval prior to the filing of the final plat.
3. Prior to the filing of the final plat, the subdivider shall obtain approval from the applicable utility interests for easement location and width as required for utility purposes.

B. REQUIRED INFORMATION FOR FINAL PLAT

The record plat shall be drawn with India ink on linen or mylar having a left-hand margin of two (2) inches on a sheet size of twenty-four (24) by thirty-six (36) inches. If more than two (2) sheets are required for the drafting of the final plat, an index sheet shall be filed showing the entire subdivision on one sheet and the portion thereof contained on the other sheets. Copies of the record plat shall be reproduced in the form of blue or black line prints on a white background. The final plat shall be drawn to a scale not to exceed two hundred (200) feet from an accurate survey.

1. Identification Data Required

- a. A title which includes the name of the subdivision and its location by number of section, township, range and county.
- b. Name, address and registration number of seal of the registered civil engineer or registered land surveyor preparing the plat.
- c. Scale, north arrow and date of plat preparation.

2. Survey Data Required

- a. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearing and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- b. Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- c. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced; each of two (2) corners of the subdivision traverse shall be tied by separate course and distance to separate section corner or quarter section corners.
- d. Location of all physical encroachments upon the boundaries of the tract.

3. Descriptive Data Required

- a. Name, right-of-way lines, courses, lengths, width of all public streets, crosswalks and utility easements; radii, points of tangency

- and central angles of all curvilinear streets; radii of all rounded street line intersections.
- b. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways, as designated by the Town Engineer, shall be dedicated to the public.
 - c. All easements for rights-of-way provided for public services or utilities and any limitations of the easements. Construction within the easement shall be limited to utilities, and wood, wire or removable type fencing.
 - d. Location and dimensions of all lots.
 - e. All lots shall be numbered by consecutive numbers through the plat. "Exceptions," "tracts" and "private parks" shall be so designated, lettered or named, and clearly dimensioned.
 - f. Location, dimensions, bearing, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
 - g. Location of all adjoining subdivisions with date, book and page number of recordation noted, or if unrecorded or unsubdivided, so marked.
 - h. Any proposed private deed restrictions or restrictive covenants to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land shall be typewritten and attached to the plat and to each copy submitted. Deed restrictions shall in no way be less restrictive than requirements imposed by the Town of Dewey-Humboldt.
 - i. Acknowledgement from the Arizona Department of water Resources certifying a 100 Year Assured Water Supply for the Plat.
4. Dedication and Acknowledgment
- a. Dedication: Statement of dedication of all streets, crosswalks, drainage ways, pedestrian ways, and other easements for public use by the person holding title of record, by persons holding titles as vendees under land contract, by spouse of said parties, lien holder and all other parties having an interest in the property. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication shall include a written location by section, township and range, of the tract.
 - b. Acknowledgment of dedication: Execution of dedication acknowledged and certified by a notary public.
5. Required Certifications
- a. Certification by the registered civil engineer or registered land surveyor making the plat that the plat is correct and accurate and that the monuments described in it have either been set or located as described. The certification shall be accompanied by the signature and seal of such civil engineer or surveyor.

- b. Certification by the Development Services Director that all lots shown upon the plat conform to this Regulation and are suitable for the purpose for which they are subdivided.
- c. Certification by the Town Engineer that all engineering conditions and requirements of this Regulation have been complied with.
- d. Certification by the Town Clerk of the date the plat was approved by the Town Council.
- e. Certification of recordation by the county recorder.

SECTION 6 SUBDIVISION DESIGN

The purpose of the Subdivision Design Standards is to begin achieving greater diversity within new residential developments relative to lot sizes, subdivision layout, and single-family architecture. The standards set objectives for the developer/home builder to meet and are not intended to restrict or impede creativity and imagination.

A. LOT DESIGN

- 1. Lot Width
 - a. Minimum lot width shall be in accordance with the underlying zoning.
 - b. Provide a minimum of three different lot widths (at least five foot differentials) within the same development. No more than 25% of the total number of lots shall be at the minimum lot size.
- 2. Setbacks
 - a. Minimum interior side yard setbacks shall be in accordance with the underlying zoning.
 - b. Corner (exterior) side yard setbacks that are adjacent to local streets shall be in accordance with underlying zoning.
 - c. Minimum rear yard setbacks shall be in accordance with underlying zoning.
 - d. Rear yard setbacks on all lots that back up to arterial streets, railroads, canals, electrical transmission easements, or commercial or industrial districts shall be a minimum of thirty (30) feet. The rear one (1) foot shall be recorded as a non-vehicular access easement.
 - e. The space in any required yard shall be open and unobstructed, except for the ordinary projections of chimney flues, outside stairways and balconies, open lattice and other architectural features, provided such features shall not project further than three (3) feet into any required yard, and provided further that in no case shall such projections be nearer than five (5) feet to the property line. Window sills, belt cornices, eaves and other architectural features which occur at least eight (8) feet above grade may encroach three (3) feet into side yards. Shrubs and groundcovers may be planted within any side yard.

- f. Fire places, entertainment centers, and bay windows (including their cornices and eaves) may project into any required yard not more than three (3) feet, provided the sum of such projections on any wall does not exceed one-third (1/3) the length of the wall and provided further that in no case shall such projections be nearer than five (5) feet to any property line.
- g. Mechanical equipment, such as air conditioners, may be placed within the rear or side yards provided that in no case shall said mechanical equipment be nearer than five (5) feet to the property line within a required side yard.
- h. Home builders shall stagger front yard setbacks by five (5) feet with no more than two homes in a row with the same front yard setback. Minimum front yard setbacks, as measured from the property line, shall be in accordance with underlying zoning. Rear yard setbacks shall not be affected by the front yard setback stagger.

3. General Layout

The design and layout of lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, abrupt changes in land use, heavy street traffic or other conditions.

- a. The lot arrangement shall be such that there will be no foreseeable difficulties in obtaining a building permit or in providing driveway access to buildings on such lots from an approved street.
- b. Double frontage, reversed frontage, flag, or other odd shaped lots are to be avoided.
- c. Corner lots shall be larger than other lots in the same area to provide additional buffering area.
- d. Lots shall be so placed as to provide positive drainage away from all buildings.
- e. Lot widths on cul-de-sacs shall be measured as the distance in a straight line, between the side lot lines at the points of intersection with the front setback line.

B. STREETS

In addition to those standards contained in the Town of Dewey-Humboldt's Engineering Standards, streets should incorporate the following design features and goals:

- 1. Minimize alteration of natural site features. When locating placement of streets, vistas from the street should be preserved.
- 2. Minimize the area devoted to motor vehicle travel. The minimum width to accomplish the safe and efficient flow of traffic is to be used.
- 3. Promote pedestrian travel. Arterial and collector streets are to be separate from walkways, sidewalks and pathway.
- 4. Allow the privacy of residences by use of cul-de-sacs, appropriate right-of-way widths in relation to building height, and appropriate placement and location of parking.

5. Discourage excessive speeds.
6. Reflect the design of surrounding development.
7. Developers/home builders shall provide a curvilinear street system with safe traffic sight visibilities, particularly at intersections,
8. Developers shall provide a number of cul-de-sacs with a diversity feature such as a landscaped island, or pedestrian access to common open space.

C. EASEMENT DESIGN

The width, location and purpose of all easements shall be provided on the final plat.

1. Utility easements shall be located to the front of lots where practicable.
2. Drainage easements shall be provided for the retention of drainage from subdivision streets. Drainage shall not be shed to adjoining right-of-way.
3. Natural drainage easements are encouraged to preserve washes and streams. Easements should include a minimum of twenty-five (25) feet of area on either side of a natural drainage area.
4. The private maintenance of all easements shall be provided for in the recorded CC&Rs for the subdivision.
5. Landscaping shall be provided by the developer or designee for all easement areas, medians, etc. Maintenance of the landscaping shall be provided for in the recorded CC&Rs for the subdivision.

D. COMMON AREA DESIGN

Common areas, which can be undisturbed habitat, parks, common pasture, improved pedestrian or equestrian easements, community recreational facilities and play fields are required in every subdivision design in accordance with the following:

1. Developer/home builder shall create and record a set of covenants, conditions, and restrictions, establishing a homeowners' association which shall be responsible for the maintenance of all landscaping in all common areas and adjacent rights-of-way.
2. Location of the common areas shall be approved on the Final Plat.
3. Developer/home builder shall provide unique entry features to the development featuring such elements as monument signing, special landscaping, specialty pavement, enhanced fence wall details, boulevard median, etc. (Note: all such elements must be maintained by a homeowners association and must not impede safe traffic visibilities).
4. Developers shall design and improve retention areas to be useable and accessible, i.e. not inundated by 10-year storm volumes for certain recreational purposes, such as basketball, volleyball, tot-lots, etc., as well as for specific site and architectural amenities such as ramadas, par courses, etc.
5. A minimum of one tot-lot play area is required per every project unless waived by action of the Town Council. The home builder shall provide more extensive playground equipment/active adult recreational amenities with larger scale projects with more than one hundred (100) homes. Said

playground equipment/active adult recreational amenities shall be subject to approval by the Town of Dewey-Humboldt.

6. Common areas shall be improved prior to the release of any financial guarantee.
7. Acceptance for maintenance responsibility by an approved party must be included on the final plat prior to approval.

E. SINGLE-FAMILY ARCHITECTURE

1. Roof material for residential developments, excluding flat roofs, shall be either all tile (e.g. barrel tile or flat concrete tile) or all composition shingles. A combination of the two within the same development shall be prohibited. Wood shake shingles are prohibited.
2. Each house shall include at least a two-car garage; carports are prohibited.
3. Production home builders within a subdivision shall provide not less than six (6) house colors and three (3) roof colors.
 - a. A minimum of three (3) front elevations for each house plan is required. The same house plan with the same or similar elevation shall not be placed on adjacent lots or directly across the street from one another.
 - b. Home builders shall provide elevations which have altering ridge lines and roof lines.
4. Home builders shall upgrade rear or side elevations along arterial or collector streets and open space areas.
5. Home builders shall de-emphasize garage fronts as the most prominent architectural feature of the dwelling front by incorporating, e.g., side access garages, "in-line" garages, L-shape floor plans, etc., into their product mix.
6. Home builders shall emphasize distinctive architectural details in the front elevations, e.g., covered front entries, covered front porches, door and window details, roof overhangs, parapet walls with cap features, etc.
7. All air conditioning units/mechanical equipment shall be ground mounted and shall not be nearer than five (5) feet to the property line within a required side yard. Roof mounted air conditioning units may be permitted provided they are architecturally screened with a parapet and are perceived as an integral part of the building. Roof mounted mechanical equipment shall require approval from the Land Use Specialist.

F. BUILDING ARRANGEMENT AND SITE DESIGN

1. Pad Location

Pad location is to be identified. The location should minimize disruption of light and views as well as ensure privacy of the surrounding lots. In areas of natural desert, location shall minimize plant and natural grade disruption. Developers/home builders shall be expected to provide reasonable plant salvage/protection of on-site indigenous plant material.
2. Building Mass

- a. To avoid monotonous linear development, multiple family buildings shall be in small clusters designed as neighborhood units. A cluster shall not include more than thirty (30) units. The number of units in a row is limited to eight (8).
 - b. Offsets in frontages, building mass, facades and other building features are required to create individualized spaces in residential areas.
3. Parking
- a. Parking shall be interior to multiple family projects. No more than twelve (12) parking spaces will be permitted in a continuous row. Double rows of parking must be separated by a minimum six (6) foot landscaped area.
 - b. If building lots are less than three thousand (3,000) square feet, a minimum of fifteen percent (15%) of the required parking spaces shall be provided as common guest or overflow parking.

SECTION 7 ENGINEERING & CONSTRUCTION PLANS

- A. It shall be the responsibility of the subdivider to have prepared by an engineer, registered in the State of Arizona, a complete set of engineering plans in accordance with all applicable Town Codes, for the construction of all required improvements. Such plans shall be in conformance with the approved preliminary plat.
- B. The Town Engineer shall approve the engineering plans unless they fail to conform with one or more requirements of this Regulation or the plans differ substantially from the plans and specifications approved in conjunction with the preliminary plat.

SECTION 8 GUARANTEE AND WARRANTY OF PUBLIC IMPROVEMENTS

A. FINANCIAL GUARANTEE

The Town Council shall require the subdivider to guarantee that all required improvements will be completed in a manner satisfactory to the Town using either of the following methods:

1. A performance bond, an irrevocable letter of credit, assurance of construction of subdivision improvements, funds in a restricted escrow account, or other financial guarantee approved by the Town Attorney and accepted by the Town Council prior to the recordation of the final plat.
 - a. The financial guarantee shall be one hundred (100) percent of the cost of the labor and materials necessary to complete the subdivision.
 - b. The period within which required improvements must be completed shall be specified and shall not exceed two (2) years from the date of final approval.
2. As an alternative procedure, the Town Council may approve a final plat and instruct the Development Services Director to withhold the recording

of the plat for a period of time to allow the subdivider to complete the required improvements. When the subdivider has completed the required improvements and they have been inspected and approved by the Town Engineer, the plat shall be recorded and the sale of lots may then proceed according to the approved and recorded plat.

B. INSPECTION OF IMPROVEMENTS

Prior to the approval of the required improvements by the Town Engineer, an engineer retained by the subdivider shall certify to the Town that all facilities and improvements to be dedicated to the Town have been constructed in accordance with the requirements of this Regulation. The Town Engineer shall also inspect all improvements to the site and certify that they comply with all specifications as set forth in the approved improvement plans. Any inspection expenses incurred by the Town shall be reimbursed by the subdivider.

C. WARRANTY OF IMPROVEMENTS

The subdivider shall post a performance bond or other sufficient surety to guarantee that all defects in any public facilities or improvements that occur within one (1) year after acceptance of the improvements by the Town shall be corrected by the subdivider.

D. DEVELOPMENT AGREEMENT

The Town shall have the authority to enter into a development agreement with the subdivider to carry out the provisions contained in this Regulation.

SECTION 9 ABANDONMENTS

- A. Any plat or part of a plat may be vacated under the provisions of this Regulation, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat.
- B. The Town Council may abandon streets, easements, and other right-of-way under the appropriate provision(s) of applicable state law and this Regulation.