

Chapter 11
REQUIRED IMPROVEMENTS

SECTION:

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XX-11-1: GENERAL PROVISIONS:

- A. No subdivider shall be permitted to start work on any improvements without approval of the town board for compliance with the provisions of this ordinance.
- B. Before a final plat is signed by the town, the subdivider shall pay all applicable fees and enter into a development agreement setting forth the conditions under which the plat is approved.
- C. No final plat shall be approved by the town board without first receiving a report from the town engineer that the improvements described therein together with the agreements and documents required under this chapter, meet the requirements of the town.
- D. The subdivider is required to submit the final plat and all construction record drawings in either a .dwg file or a .dxf file electronic format in accordance with standard town specifications.
- E. All of the required improvements to be installed under the provisions of this ordinance shall be approved by and subject to the inspection of the town engineer. All expenses incurred by the town as the result of the requirement improvements shall be reimbursed to the town by the subdivider.
- F. The subdivider shall provide to the town a written warranty that all required improvements on the site meet or exceed all town standards and that such improvements have been inspected and tested in regards to the town standards. The subdivider shall be responsible for having all such inspections and testing completed at their expense.

- G. Prior to the release of the required grading security, an as built certificate of survey shall be submitted to verify that the final as built grades and elevations of the lot and building and building setbacks are consistent with the approved grading plan for the development and amendments as approved by the town engineer and that all required property. (Ord. 910, 18 Apr 22)

XX-11-2: MONUMENTS:

- A. Official monuments, as designated and adopted by the county surveyor and approved by the county district court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the town engineer. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.
- B. Pipes or steel rods shall be placed at each lot corner. All United States, state, county, or other official bench marks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys, shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.
- C. To ensure that all irons and monuments are correctly in place following the final grading of a plat and construction of utilities, financial security will be required as determined by the town engineer. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for by the town zoning ordinance, as may be amended. (Ord. 910, 18 Apr 22)

XX-11-3: IMPROVEMENTS REQUIRED: The subdivider shall agree, in the manner set forth by this chapter, to install the following improvements on the site, in conformity with approved construction plans and in conformity with all applicable standards and ordinances:

- A. Roads:
 - 1. The full width of the right-of-way shall be graded in accordance with the provisions for construction as outlined in chapter 10 of this ordinance.
 - 2. All roads shall be improved in accordance with the standards and specifications for road construction as required by the town board.
 - 3. All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the town board

4. The portion of the right-of-way outside the area surfaced shall be sodded or seeded by the subdivider.
 5. Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the town board.
 6. Driveway aprons and culverts standard design as may be required by the town board shall be installed
 7. Street signs of the design approved by the town board shall be installed.
 8. Construction of sidewalks and trails adjacent to public roads as required by the town board.
- B. Stormwater Management and Erosion Control: The grading, drainage, and erosion control improvements required for each plat to manage stormwater in accordance with Chapter 10 of this ordinance approved by the town engineer shall be constructed.
- C. Trees, sod, and seed shall be planted in conformance with the standards and specifications as required by the town board.
- D. Street lighting fixtures as may be required by the town board shall be installed.
- E. All utilities, including but not limited to, telephone, electric, natural gas, and/or cable service lines shall be placed underground. (Ord. 910, 18 Apr 22)

XX-11-4: PAYMENT FOR INSTALLATION OF IMPROVEMENTS: The improvements required by this chapter and this ordinance are to be furnished and installed at the sole expense of the subdivider. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made at the discretion of the town for causing a portion of the cost of the improvement, representing the benefit to such lands, to be allocated in accordance with town policies. (Ord. 910, 18 Apr 22)

XX-11-5: DEVELOPMENT AGREEMENT:

- A. Prior to the installation of any required improvements by the subdivider and prior to approval of the plat, the applicant shall enter into an agreement in writing with the town requiring the subdivider to construct said improvements at their sole cost and in accordance with plans and specifications requiring all public and private utility material standards and installation requirements be met and approved by the town engineer.

- B. The agreement shall include provision for supervision of construction by the town engineer and shall grant to the town engineer authority to coordinate the work and improvements to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the town in the vicinity.
- C. The agreement shall require the subdivider to make an escrow deposit or furnish an irrevocable letter of credit, as is determined by the town, with the amount of the security equal to 150 percent the town engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.
- D. On request of the subdivider, but at the sole discretion of the town, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid for, the amount of the security may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.
- E. The time for completion of the work and the several parts thereof shall be determined by the town engineer, upon recommendation of the town engineer after consultation with the subdivider, being reasonable with relation to the work to be done, the seasons of the year, and proper coordination with construction activities in the plat. (Ord. 910, 18 Apr 22)

XX-11-6: FINANCIAL GUARANTEE: The agreement provided for by section XX-11-5 of this chapter shall require the subdivider deposit a cash escrow or provide an irrevocable letter of credit as determined by the town, which shall conform to the following requirements:

- A. Escrow Deposit:
 - 1. If an escrow deposit is required, the escrow deposit shall be made with the town clerk in a sum equal to the total costs calculated as provided in section XX-11-5 of this chapter.
 - 2. The town shall be entitled to reimburse itself out of said escrow for any cost and expense incurred by the town for related to the plat, completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.
 - 3. Upon completion of the work and termination of any liability, the balance remaining in said escrow shall be refunded to the subdivider without interest.

B. Irrevocable Letter of Credit:

1. If the subdivider is required to furnish to the town an irrevocable letter of credit, the sum shall be payable to upon request of the town in the amount calculated as provided in section XX-11-5 of this chapter.
2. The irrevocable letter of credit shall be approved as to form by the town attorney and filed with the town clerk, subject to the following requirements:
 - a. Include provisions for automatic renewal provisions without expiration.
 - b. Issued by a financial institution insured by the federal deposit insurance corporation and in good standing as determined by the town.
 - c. May be drawn by the town at a location within 100 miles of the town hall.
3. The town shall be entitled to reimburse itself out of said letter of credit for any cost and expense incurred by the town related to the plat, for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.
4. The town may allow reductions in the amount of the security required as portions of the work required by this chapter is substantially completed to the satisfaction of the town.
5. Upon completion of the work and termination of any liability, the irrevocable letter of credit shall be returned to the subdivider. (Ord. 910, 18 Apr 22)

XX-11-7: WARRANTY:

- A. The subdivider shall warrants all improvements required to be constructed by them pursuant to this section against poor material and faulty workmanship for a period of one year, except for roads that shall be warranted for two years.
- B. The warranty period shall commence following completion of the improvements and acceptance by town.
- C. A minimum of 15 percent of the total security required by section XX-11-5 of this section shall be retained by the town until the expiration of the warranty period and final acceptance of the improvements. (Ord. 910, 18 Apr 22)

XX-11-8: INSTALLATION BY TOWN: The town may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the subdivider. (Ord. 910, 18 Apr 22)