

CITY OF BLUFFDALE, UTAH

Ordinance No. 2008-12

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE SUBDIVISION ORDINANCE RELATED TO IMPROVEMENTS AND RELEASE OF PERFORMANCE GUARANTEE.

WHEREAS the City has received an application for an amendment of Title 11 of the Bluffdale City Code, the Bluffdale City Subdivision Ordinance, modifying various sections related to improvements and release of performance guarantee; and

WHEREAS the Planning Commission held a public hearing, has reviewed the application, and has made a recommendation to the City Council concerning the proposed change to Title 11, the Bluffdale City Subdivision Ordinance, and the City Council has found the proposed amendments to be consistent with the City's general plan; and

WHEREAS the proposed text amendment set forth herein has been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held and public notice given in accordance with Utah law to obtain public input regarding the proposed revisions to the Subdivision Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE AS FOLLOWS:

Section 1. Amendments of various sections of the subdivision ordinance related to improvements and release of performance guarantee. Title 11 of the Bluffdale City Subdivision Ordinance, is hereby amended as shown on Attachment A.

Section 2. Effective Date. This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 12th DAY OF AUGUST, 2008.

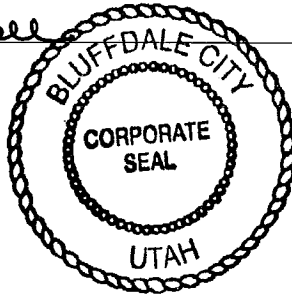
BLUFFDALE CITY

ATTEST:

Jeddie K. Bee
Recorder

Charles A. Bee
Mayor

[SEAL]



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Chisholm	<u> x </u>	<u> </u>
Councilmember Flanigan	<u>Absent</u>	<u> </u>
Councilmember Kartchner	<u> x </u>	<u> </u>
Councilmember Lord	<u> x </u>	<u> </u>
Councilmember Maxwell	<u> x </u>	<u> </u>

ATTACHMENT A

11.32 Inspection of Improvements and Release of Guarantee

11.32.1 General Procedure and Fees

11.32.2 Release or Reduction of Performance Guarantee

11.32.1 General Procedure and Fees

The City Engineer or designee shall provide inspection of required improvements and amenities during construction and insure their satisfactory completion. The applicant shall, in accordance with the City fee schedule, pay to the City an inspection fee. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the Design Guidelines and Standard Specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements and amenities is covered by a performance guarantee, the applicant and the issuing company shall be jointly liable for completing the improvements and amenities according to specifications. (*amended Ord. 2007-23, 8-28-07*)

11.32.2 Release or Reduction of Performance Guarantee

Subject to the maintenance provisions contained in this Title, the City will not accept dedication of required improvements or amenities, or release or reduce a performance guarantee, until the City Engineer has submitted a certificate stating that all required improvements and amenities have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" drawings of the subdivision indicating location, dimensions, materials, improvements and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with the approved construction plans for the subdivision. The "as-built" plans must comply with Section 11.32.2.2, As-built Drawings, and must be submitted at least two (2) weeks prior to any reduction in the performance guarantee. Further, a title insurance policy shall be furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

11.32.2.1 Reduction of Performance Guarantee

The City Manager and City Engineer may reduce a performance guarantee upon actual completion of public improvements and amenities and then only to the ratio that the public improvement and amenities accepted bears to the total public improvements and amenities for the plat. In no event shall a performance guarantee be reduced below twenty-five (25) percent retainage of the principal amount of the performance guarantee until total completion of all improvements and amenities. If the City Manager and City Engineer cannot agree on the reduction of the performance guarantee or if the person requesting the reduction is dissatisfied with the decision or lack of decision by the City Manager and City Engineer, the matter may be appealed to the City Council.

Deleted: A performance guarantee

Deleted: be reduced

Deleted: and acceptance

11.32.2.2 As-built Drawings

"As-builts" shall be submitted in hard copy (one (1) 24"x36" paper copy) and electronically (one (1) compact disc with AutoCad drawings and GIS shape files). Electronic files shall include AutoCad drawings with all accompanying cross reference files bound to the base drawing and compatible with AutoCad version 2004 or newer. Shape files shall include separate shape files for each utility including Culinary Water, Secondary Water, Storm Drain, Sewer, Roads and Parks that are compatible with ArcView version 9.1.

"As-built" drawings shall be based on survey information provided by the Developer's engineer or surveyor. The shape files shall include detailed information based upon survey points for:

- Fire Hydrants
- Water Valves
- Water Meter Boxes
- Pump House Corners

- Water Blow-offs/Drain Structures
 - Air Release Structures
 - Pipe Corners
 - Roadway Centerline
 - Structure Corners
 - Storm Drain Manholes
 - Storm Drain Inlets
 - Storm Drain Detention/Retention Structures
 - Sewer Manholes
 - Sewer Structures
 - Park Boundaries
 - Recreational Facilities General Locations
- (amended Ord. 2008-06, 2-26-08)*

11.33 Escrow Deposits or Letters of Credit for Lot Improvements

When, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the City Engineer for the cost of improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

All required improvements for which escrow or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install the improvements. In the event that they are not installed properly in the discretion of the Building Official, the Building Official may request the City Council to authorize the City to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit.

11.34 Maintenance of Improvements

11.34.1 Prior to Completion

11.34.2 Warranty After Acceptance and Dedication

11.34.1 Prior to Completion

The applicant shall be required to maintain all improvements and amenities on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the improvements and amenities by the City. *(amended Ord. 2007-23, 8-28-07)*

11.34.2 Warranty after Acceptance and Dedication

The applicant shall be required to file a maintenance guarantee with the City with the original performance guarantee, in an amount equal to 10% of the estimated construction cost and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements and amenities, including all lot improvements on the individual subdivided lots for a period of two (2) years after the date of their acceptance by the City and dedication to the City. *(amended Ord. 2007-23, 8-28-07, Ord. 2008-06, 2-26-08)*