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11 IMPROVEMENTS AND BONDS

11-A IMPROVEMENTS

11-A-1 Required Improvements

11-A-1-a The Commission shall require that the subdivider make the improvements provided for herein for Record Plat approval. Said improvements shall be installed at the cost of the subdivider and in compliance with the requirements of any or all plans and plats approved by the Planning Commission, Virginia Department of Transportation, Clarke County Sanitary Authority, Clarke County Health Department, or any other applicable state or local agency.

11-A-1-b No subdivider shall commence the construction of any such improvements without first submitting plans and specifications and obtaining the written approval of the Virginia Department of and Transportation, Clarke County Sanitary Authority, Clarke County Health Department, or any other applicable state or local agency.

11-A-1-c Any subdivider commencing any construction in violation of this Section shall be guilty of a misdemeanor, and punishable by fine of not more than One Thousand Dollars ($1,000). Any person who should knowingly continue construction after the issuance of a STOP WORK Order by the Zoning Administrator, Building Official, or other representative of the County shall be punishable, for each day said construction should continue after issuance of the STOP WORK Order, by a fine of not more than One Thousand Dollars ($1,000) and/or ten days in jail.

11-A-2 Monuments

11-A-2-a Monuments shall be placed in the ground at all corners, angles, and points of curvature in the subdivision boundaries, in the right-of-way lines of all streets and other public areas within the subdivision, and at all corners. Said monuments shall be of iron pipe not less than one-half inch nor more than one inch in diameter, and not less than three feet in length.

11-A-2-b The top of all monuments shall be set no more than four inches or less than one inch above finished grade of the ground surface at their respective locations. Upon completion of subdivision streets, sewers, water lines, and other required improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use.

11-A-3 Street Improvements

The subdivider of any subdivision shall lay out, grade, construct, and otherwise improve all streets that are designed on the approved Record Plat, or that directly serve the subdivision, in accordance with specifications of the Virginia Department of Transportation, or if more stringent, in accordance with the specifications established by the Planning Commission and/or the Board of Supervisors in conjunction with approval of the Record Plat. Furthermore, the subdivider shall maintain such streets to the standards of the Department of Transportation until such time that they are accepted into the State Road System for maintenance purposes.

11-A-3-a (8/17/93) Streets situated on private access easements will not be maintained at public expense by either the County of Clarke or the Virginia Department of Transportation, neither of which will accept responsibility for the construction, maintenance, reconstruction or improvement of such streets. Maintenance of such streets shall be the responsibility of each lot owner provided access by such easement.

Before such streets will be considered for addition and maintenance as part of the Secondary System of State Highways, such streets shall be made to comply with the prevailing Subdivision Street Requirements of the Virginia Department of Transportation, or to another standard deemed acceptable by such Department, at no cost to funds administered by it.

11-A-3-b (8/17/93) Each deed of conveyance shall include the covenants cited in 11-A-3-(a) and each plat including a street situated on a private access easement shall include the following statement: "Maintenance of streets on private access easements shall not be maintained by the County of Clarke or the Virginia Department of Transportation at public expense.

11-A-4 Street Name Signs

The subdivider shall install, at his cost, a street sign showing the names of all streets at all intersections. The signs shall conform to Virginia Department of Transportation specifications.

11-A-5 Half Streets

11-A-5-a Half streets shall not be permitted except where such streets are essential to the reasonable development of the proposed subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practical to require the dedication of the other half of the street when the adjoining property is subdivided.

11-A-5-b When the Planning Commission deems it essential for the development and construction of a half street when a subdivision abuts one side of any public street which is in the State Highway System, the subdivider shall be required to construct street improvements, storm drainage facilities, pavement, curb and gutter, and sidewalk on the one-half of said street abutting said subdivision as may be required by the Planning Commission, upon recommendation of the Virginia Department of Transportation.

11-A-5-c Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

11-A-5-d Half streets shall not be less than one-half the standard width for the appropriate right-of-way as required by the Virginia Department of Transportation for that said street.

11-A-6 Improvements; Stormwater Management

(01/17/17) When required by the Virginia Department of Transportation or by State stormwater management regulations, stormwater management systems shall be provided by means of culverts, ditches, catch basins, cross drains, curbs and gutters, and any other facilities that are necessary to provide adequate management of surface and storm waters from or across all streets and adjoining properties. Stormwater management features shall comply with State stormwater management regulations. Appropriate drainage easements shall also be provided as

required by the Planning Commission, Board of Supervisors, and/or the Virginia Department of Highways and Transportation.

11-A-7 Where public water and/or public sewer facilities are available or required by the Clarke County Zoning Ordinance, or may be reasonably required by the Planning Commission in the interest of the public health, safety and general welfare, the service shall be extended to all lots within a subdivision and shall meet all regulations and specifications of the Clarke County Sanitary Authority and any other applicable federal, state, or local agency.

11-B AGREEMENTS AND BONDS

11-B-1 All physical improvements required by the provisions of this Ordinance or as a contingency to approval of a Record Plat for the subdivision as platted shall be installed therein and thereon at the expense of the subdivider.

11-B-1-a Pending actual installation of all such required improvements, and prior to approval of the Record Plat by the Planning Commission, the subdivider shall execute and file with the Board of Supervisors one or more, or a combination of, the following forms of secured performance guarantees:

1. A certified check or cash escrow;
2. A personal, corporate, or property bond, with surety satisfactory to the Board;
3. Written certification that the construction costs have been paid to the person (or persons) constructing such improvements along with a copy of all contracts for the construction of such improvements, the contractor's verification of receipt of such payment, and if required by the Board, the contractor's bond, with surety satisfactory to the Board;
4. A bond or savings and loan association's letter of credit on certain designated funds, satisfactory to the Board as to the bank or savings and loan association and as to the form of such security.

11-B-1-b All such forms of secured performance guarantees as provided for herein shall be in an amount determined by the Board, upon a recommendation by the Planning Commission, to be equal to the total estimated costs of all such required improvements, plus 10%, and shall guarantee proper and satisfactory installation of all such improvements within a designated length of time as specified in the security instrument, and shall be payable to and held by the County of Clarke.

11-B-2 After construction of any streets in a subdivision is completed, and until such streets are accepted into the State Highway System, a portion of any secured performance guarantees, as provided for and required by the provisions herein, shall be retained in an amount determined by the Board, upon a recommendation of the Resident Engineer, to be sufficient for, and conditioned upon, satisfactory maintenance of such streets. Maintenance of such streets, curbs, gutters, drainage facilities, utilities and other street improvements in a manner satisfactory to the Board and the Virginia Department of Transportation, including the correction of defects or damages and the removal of snow, water, or debris so as to keep such streets reasonably open for public usage.

11-B-3 Upon acceptance of all streets in a subdivision into the State Highway System, and/or upon completion of construction or installation of all other physical improvements required by the provisions of this Ordinance or as a contingency to approval of a Record Plat, the subdivider shall furnish written certification that all construction and installation of such improvements

conforms to the requirements and specifications of the Virginia Department of Transportation, the Board of Supervisors, and the Planning Commission, as approved or required in conjunction with the approval of the Record Plat.

11-B-4 Upon evidence of satisfactory compliance with all provisions and requirements set forth herein, secured performance guarantees held by the County of Clarke shall be released in full.

11-B-5 In the absence of secured performance guarantees as required in Section 11-B, above, no Record Plat shall be approved or recorded.

11-C CONSTRUCTION RESPONSIBILITIES

The subdivider and/or contractor shall have available on the project, at all times, a clearly readable copy of all approved plans and specifications and shall cooperate in every way possible with the Zoning Administrator and any inspector or representative of the County and of any other federal, state, and local agency