

## 📖 CHAPTER 152: DEVELOPMENT AND SUBDIVISION REGULATIONS

### 📖 § 152.031 MAINTENANCE GUARANTEE.

No less than ~~three~~ one year's maintenance by the developer shall be assured prior to the filing of a plat. One of the following methods, dependent upon the method utilized, in § [152.031](#), must be followed:

(A) *Certificate of completion of improvements.* If a certificate of completion of improvements is submitted prior to filing of the final plat, a maintenance bond or letter of credit must also be submitted to the city prior to the filing of the final plat. The maintenance bond, cash deposit or letter of credit must meet the following conditions:

(1) It must be in an amount of 50% of the value of the donated assets. The value of the donated assets shall be as estimated by the engineer-of-record and agreed upon by the [City Engineer or their designee](#) ~~Planning Commission~~.

(2) It must be irrevocable and shall list the city as sole beneficiary.

(3) It must be in a form approved by the City Attorney.

(4) It must run for no less than ~~three~~ one years.

(5) At the end of ~~three~~ one years, if the improvements have not been adequately maintained, as determined by the city staff after consultation with the city's engineer, the city shall be entitled to payment upon making demand for payment under the terms of the maintenance bond, cash deposit or letter of credit. The city shall be entitled to use all of the money secured by the maintenance bond, cash deposit or letter of credit to assure the proper maintenance of the improvement.

(6) The subdivider shall not be entitled to any excess monies until the maintenance of the improvements in the subdivision has been satisfactorily completed.

(B) *Performance bond.*

(1) If a performance bond is posted to assure completion of the improvements, that performance bond must also include provisions that automatically convert it to a maintenance bond upon completion of the improvements or on the date the performance bond lapses, whichever comes first.

(2) Such maintenance bond shall meet all the conditions in certificate of completion of improvements listed in division (A) above.

(C) *Cash deposit.*

(1) If a cashier's check is provided to assure completion of the improvements, that cashier's check shall be cashed upon completion of the improvements or ~~three~~ one years from submittal, whichever comes first.

(2) Upon completion of the improvements, a sum in the amount of 50% of the value of donated assets shall be held by the city for a period of ~~three~~ ~~one~~ years to assure proper maintenance. Any amount above this sum shall be returned to the provider of the cashier's check.

(3) At the end of ~~three~~ ~~one~~ years, this sum shall be used to perform needed maintenance. Any amount not needed for proper maintenance, as determined by city staff, after consultation with the city's engineer, will be returned to the provider of the cashier's check.

(D) *Irrevocable letter of credit.*

(1) If an irrevocable performance letter of credit is posted to assure completion of the improvements, that letter of credit shall include provisions that automatically convert it to an irrevocable maintenance letter of credit upon completion of the improvements or on the date the performance letter of credit lapses, whichever comes first.

(2) Such maintenance letter of credit shall meet all conditions in certificate of completion of improvements, division (A) above.

(3) When the city staff has received notification that one of the heretofore described mechanisms assuring completion of the improvements have been executed, the Planning Commission may certify final plat approval.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.300.09, passed 9-3-13; Am. Ord. 2017-03-621, passed 3-7-17)