

**Town of Pittsboro
Standard Specifications**

**SECTION 7
PUBLIC INFRASTRUCTURE ACCEPTANCE PROCESS**

All improvements intended for public maintenance are eligible for acceptance by the Town of Pittsboro following the procedures outlined below (in addition refer to Town Code of Ordinance, Sub-division Regulation, Section 3:

GENERAL ASSURANCE FOR COMPLETION AND MAINTENANCE ACCEPTANCE PROCEDURES

Public Infrastructure improvements (water, sewer, drainage, roadways, sidewalks, landscaping) that are within the Town of Pittsboro public right of way or public easement and to be maintained by the Town of Pittsboro must adhere to the plan approval process in accordance with the Town Development Codes, ordinances and policies. Installation of the improvements must be inspected and approved during the installation process by the Town and by the Design Engineer (Engineer of Record) certifying construction.

Upon completion and installation of the public infrastructure improvements in accordance with approved plans and Town Specifications and Details, the Owner/Developer shall contact the Engineering Department in writing and request a punch list inspection per Town of Pittsboro Standard *Specification Section 2, Infrastructure and Utility Construction, Item 26*. The Engineering and Public Utilities Departments will then schedule and inspect the improvements. If the improvements are satisfactory to the Town, the warranty period acceptance process may begin.

Upon the completion of the final inspection and payment of any outstanding fees and posting of a *One (1) Year Warranty Financial Guarantee* (see below) for the public improvements, shall be submitted to the own (see attached) for review. Upon Town acceptance or the *One (1) Year* date stamp begins the warranty period for materials and workmanship for not less than one year from the date. All defects in materials and/or workmanship are the responsibility of the Owner/Developer until the warranty period expires. If during the warranty period, the Town determines there are any defects that require replacement or repair at the Owner/Developers expense. The Town will contact the Owner/Developer in writing requesting the repairs be made.

COMPLETION OF IMPROVEMENTS

Before the final plat is signed by the Mayor or Planning Director, all applicants shall be required to complete, in accordance with the Planning and Town Board's approval, all the street, sanitary, and/or improvements on the individual lots of the subdivision as specified in the final subdivision plat, and as approved by the Town.

METHODS OF ASSURANCE FOR COMPLETION OF IMPROVEMENTS

When forty (40%) percent of the total cost of improvements have been completed and when the public health and/or safety will not be endangered, the Town Board may waive the requirement that the applicant complete all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant shall post a performance bond, including labor and material cost, at the time of application for final subdivision approval. Other methods of assurance for completion and maintenance of improvements may be considered by the Town. The methods which may be considered for acceptance are cashier's check, certified check, money in escrow, and irrevocable letter of credit. The terms of these alternatives shall be satisfactory to the Town Attorney and Town Manager. The amount of the bond or alternative assurances shall not be less than an amount estimated by a registered professional architect or engineer licensed in the State of North Carolina. The period in which required improvements must be completed shall be specified by the Town Board in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from date of final approval. The Town Board may grant extension of completion date set forth in such bond or other assurances for a maximum period of one (1) additional year.

All required improvements shall be made by the applicant/owner, at owner's expense, without reimbursement by the Town of Pittsboro. The performance bond shall be in the amount of the approved written estimate.

FAILURE TO COMPLETE IMPROVEMENT

In those cases, where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Town Board there upon shall declare the bond to be default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default. The Town may take such actions necessary to collect on the defaulted bond or other form of security and provide for the completion of the required improvements.

ACCEPTANCE OF DEDICATION OFFERS

(Refer to Town of Pittsboro Standard Specification 2, Item 26)

Acceptance of formal offers of dedication of public areas, easements, right of way and parks shall be by Resolution of the Town of Pittsboro Board of Commissioners. The approval by the Town Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any easement/right of way, or park shown on said plat. Acceptance of formal dedication of these public areas, does not necessary constitute or imply acceptance by the Town of such lands for maintenance or future improvements.

INSPECTION OF IMPROVEMENTS

A. General Procedure: The Town of Pittsboro Engineering Department shall inspect improvements during construction and ensure satisfactory completion. If the Town finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the Owner/Developer shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the Owner/Developer and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

B. Release or Reduction of Performance Bond:

a. Certificate of Satisfactory Completion: The Town of Pittsboro will not accept dedication of required improvements, nor the release nor reduce a performance bond, until the Town has issued a certificate of satisfactory completion stating that all required improvements have been satisfactorily completed.

b. Reduction of Performance Bond: A performance bond may be reduced upon actual completion of public improvements and then only to the ratio that the public improvements completed bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five (25) percent of the principle amount.

DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

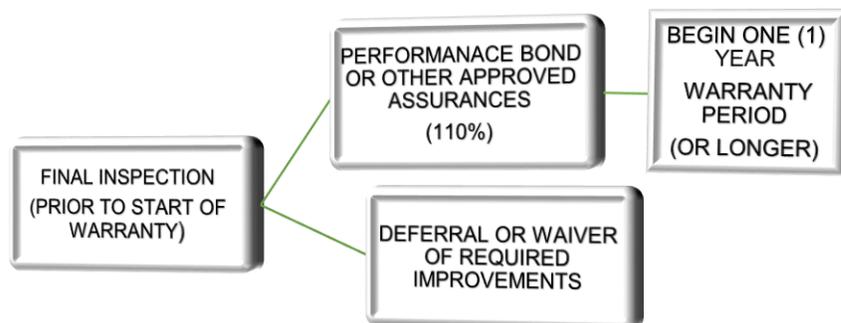
A. Conditions: The Town of Pittsboro may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgement, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

B. Payment in Lieu of Improvements: Whenever it is deemed necessary by the Town of Pittsboro to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons the applicant may be required to pay his share of the costs of the future improvements to the Town prior to signing of the final subdivision plat, or the applicant may post a bond insuring completion of said improvements upon demand of the Town.

ONE-YEAR WARRANTY PERIOD FINANCIAL GUARANTEE

The One-year warranty period financial guarantee requirement is for the guarantee that all public infrastructure improvements (water, sewer, streets, sidewalks, landscaping, etc.) for the project will be accepted for total maintenance at the end of the minimum one-year warranty period.

The developer's representative must submit a written actual cost sheet and a vicinity map for the actual construction cost of the public infrastructure being considered for acceptance to the Town. The actual cost sheet must be submitted and sealed by a Professional Engineer licensed in the State of North Carolina. The "Financial Guarantee" amount shall be 10% of the actual cost sheet total.



When public infrastructure construction is completed the financial guarantee is then submitted to the Town and must remain in effect until the improvements have received the certificate of final acceptance from the Town as describe above. This financial guarantee will be released when all items related to the financial guarantee are completed and approved as determined by the Town. The financial guarantee will be returned to the Owner/Developer or a legal representative.

ONE YEAR WARRANTY INSPECTION AND TOWN ACCEPTANCE

No more than sixty (60) days prior to expiration of the warranty period (per the date listed on the approved *One (1) Year Warranty*, the Owner/Developer shall request in writing a final inspection from the Engineering Department. After the final inspection, the Town will respond with a *Final Punch List* of items, addressing workmanship or material defects that must be addressed or provide "*Letter of Final Acceptance*"

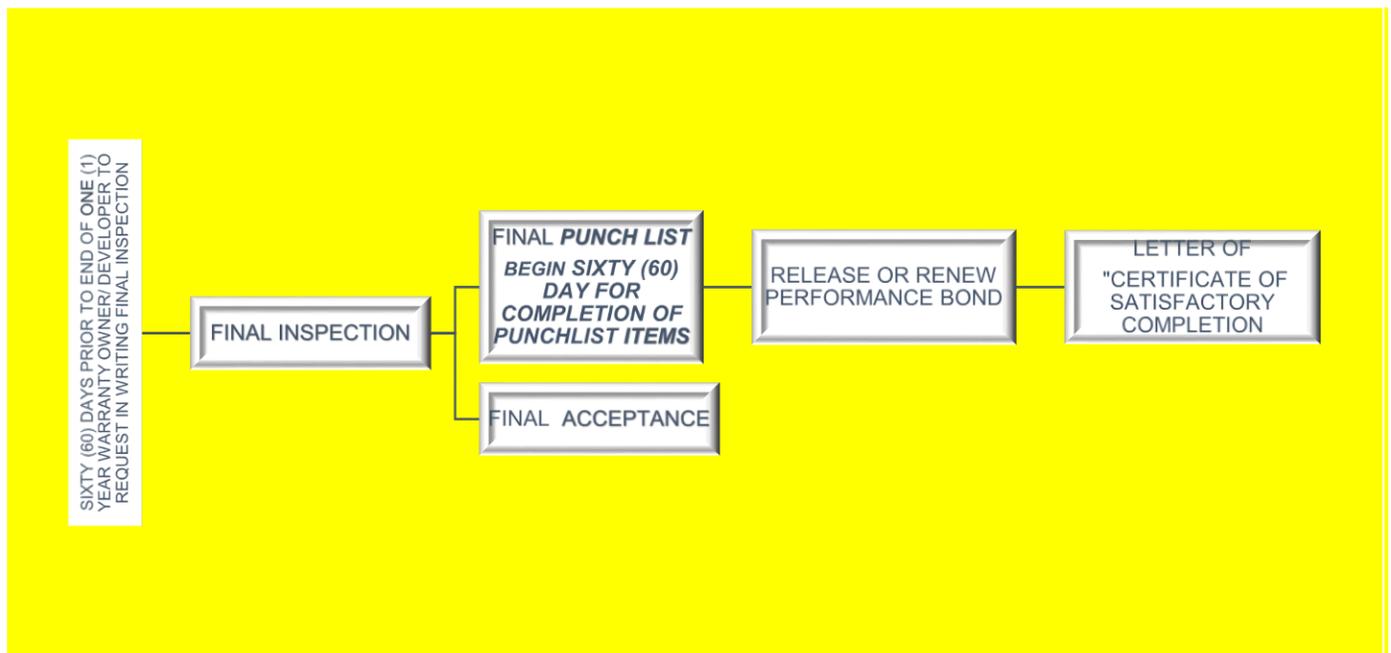
The Owner/Developer must complete all items indicated on the "*Final Punch List*" within sixty (60) days, or the final punch list will be void. Inspection fees apply in accordance with the applicable Budget Ordinance.

Upon the Town acceptance of *Final Punch List* items, the Owner/Developer will receive a "*Letter of Final Acceptance*" from the Town of Pittsboro. All financial guarantees

posted will then be released, and returned to the Owner/Developer within sixty (60) days.

The Town will begin all inspection and maintenance of the public infrastructure as of the date of the “*Final Acceptance Letter*.” Until this letter has been issued, all materials and workmanship repairs are the responsibility of the Owner/Developer regardless of the amount of time that has passed.

Upon such approval and recommendation, the Town of Pittsboro Board of Commissioner’s may thereafter accept the improvements for dedication in accordance with the established procedure and release the performance bond



TEMPORARY IMPROVEMENT

The applicant shall build and pay for all costs of temporary improvements required by the Town of Pittsboro and shall maintain same for the period specified by the Town Board. Prior to construction of any temporary facility or improvement, the developer may be required to file with the Town a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.

MAINTENANCE OF PUBLICLY DEDICATED ROADS BEFORE ACCEPTANCE INTO THE TOWN RIGHT OF AWAY

The Owner/Developer, at the time of final plat submittal, shall submit a financial guarantee to the Town of Pittsboro of sufficient form and amount to assure the road is in

acceptable form 12 months from the date of final plat approval. The developer shall also be required to record an instrument with the final plat which guarantees:

- (1) A right of access to any roads in the subdivision by all lots served by the road.
- (2) Maintenance of any road in the subdivision at the standards set for approval for acceptance into the Town Right of way; the responsibility to be given to a property owner's association until such time as the road is accepted by the Town of Pittsboro.
- (3) A full disclosure of the status of the roads and road maintenance responsibilities and that these listed items shall run with the land until such time as the roads are accepted into the Town Right of Away or State Road System.

SPECIFIC OPERATION AND MAINTENANCE AGREEMENTS

Specific operation and maintenance agreements are required for subdivisions located within public water supply watersheds which utilize the high density development option [see Article V, Section 5.5.12 (c) of the Pittsboro Zoning Ordinance.

ADDITIONAL REQUIREMENTS

Refer to Town Code of Ordinances "SUBDIVISION REGULATIONS," Section 7-DEVELOPMENT PREREQUISTE TO FINAL APPROVAL. The approved Standard Specifications.