

Article Six

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6.1 Surety

- A. At the time when the Secondary (Final) Major Plat is approved by the Plan Commission and before the plat is signed by the officers of the Plan Commission or is recorded, the petitioner shall file a surety or irrevocable letter of credit with the Clerk-Treasurer and the Town Council and/or all appropriate county agencies. The performance bond or letter of credit shall:
 - a. Be drawn in favor of the Town of Cicero and/or applicable county agencies.
 - b. Be in an amount and time period determined by the Plan Commission and the Town Council or appropriate county agency to be sufficient to complete the improvements and installations in compliance with this ordinance. The petitioner's engineer shall supply an estimate of the cost of improvements and installation on the project to aid the Plan Commission and the Town Council or appropriate county agency in its determination of the amount of the bond. The engineer's estimate, however, shall not be binding.
 - c. Be with surety satisfactory to the Plan Commission and the Town Council or appropriate county agency.
 - d. Comply with all statutory requirements and shall be satisfactory to the Plan Commission's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
 - e. Extend for the period within which required improvements must be completed as specified by the Commission in the resolution approving the Secondary (Final) Major Plat.
 - f. Cover the installation costs of the streets, sanitary sewers, curbs, street signs, sidewalks, and other recreational amenities, surface swales, subsurface and storm drainage systems, seeding/erosion control, landscaping, and other public improvements.
- B. The representative of the Town or appropriate county agency may, upon proof of difficulty, recommend to the Town Council or appropriate county agency an extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The Town Council or appropriate county agency may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Plan Commission's Attorney. The Town Council or appropriate county agency shall have the authority to increase the bond amount to cover increased costs.
- C. All required improvements shall be made by the petitioner, at his expense, without reimbursement by the local government or any improvement district therein.
- D. The petitioner shall be required to maintain at his expense a licensed civil engineer or engineering firm on the job site to manage the construction of the subdivision improvements. The on-site engineer shall certify that the subdivision construction is in compliance with the detailed construction plans submitted to the Plan Commission during the review of the Secondary (Final) Plat. The on-site engineer shall submit weekly progress reports to the Town Engineer during construction and should notify the Town Engineer when important work has been scheduled so that an inspection can be made. A final report shall be submitted to the Director of the Plan Commission and the Town Council or appropriate county agency by the petitioner's engineer or his firm.
- E. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a perfor-

mance bond, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

- F. If a Secondary (Final) Plat is divided into sections, the Plan Commission may allow for performance bonds to be submitted to cover only the cost of improvements to be constructed in each section.
- G. Exemptions from Surety may be approved if:
 - a. Construction plans have been approved by the Plan Commission, Town Council, or appropriate county agency, and
 - b. Improvements are made prior to Secondary (Final) Major Plat approval, and
 - c. The town engineer and appropriate county agencies have inspected and approved such improvements, and
 - d. Town Council or appropriate county agency has accepted said improvements, and
 - e. Posting of a maintenance bond or bonds has been accepted in the amount required by this ordinance.

6.2 Release of Performance Bond

- A. The Town Council or appropriate county agency shall not accept dedication of required improvements nor release or reduce the performance bond amount until the Town Engineer or the appropriate County agency has submitted a final inspection report of the subdivision. The Town Engineer or the appropriate County agency shall certify that the layout of the public improvements has been completed, properly inspected, and is ready for acceptance into the Town's or County's system.
- B. The Town Council or the appropriate County agency, upon approval of the Town Engineer's or the appropriate County agency's inspection report, shall pass a resolution accepting the improvements in the subdivision and formally releasing the performance bond.
- C. 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 of Cicero or appropriate county agency may thereupon declare the bond to be in 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.

6.3 Other Forms of Surety

- A. Should the petitioner be required to extend to the subdivision site improvements such as extensions of water and sewer lines owned by the Town of Cicero which may provide benefits to other properties in the vicinity of the proposed subdivision, then the petitioner and the Town Council may, by contract, agree that the other property owners in the vicinity of the subdivision who wish to connect to or utilize the installation provided by the petitioner shall pay the Town over a ten (10) year period a fee in an amount agreed to by the contract and that portion of said fee shall be rebated to the petitioner in annual installments.

6.4 Maintenance of Public Improvements

- A. The applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks (where required) until acceptance of said public improvements by the Town of Cicero, or the Hamilton County Highway Department.
- B. The applicant shall be required to file a maintenance bond with the Commission, prior to acceptance, in an amount not to exceed twenty percent (20%) of the cost of all public improvements, and in a form satisfactory to the Commission Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three (3) years after the date of their acceptance by the Town or the County.

