

Attachment A

SECTION 410.250: MINIMUM REQUIRED IMPROVEMENTS

~~The owner or developer is required to have all the improvements, including sidewalks completed prior to the filing of the Final Plat unless the Board of Aldermen, upon recommendation by the City Planner, approve a Surety Bond with one or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an cash escrow or performance bond, in lieu of completing the improvements. The improvements eligible for escrow or bond approval shall be limited to seeding and mulching of right of way, easements, detention and drainage areas, etc. and the installation of asphalt. Inclement weather shall be the only grounds for accepting a cash escrow or performance bond in lieu of completing the improvements. Inclement weather shall be limited to excessive cold weather, snow, ice, etc. or a drought of excessive heat prohibiting the germination of grass, etc. Such cash escrow or performance bond will only be accepted for a period no longer than six (6) months or less, as recommended by the City Planner. Extensions of which shall not be granted. The amount permitted to be secured by a cash escrow or performance bond shall not be less than the estimated cost of the completion by the City, as determined by the City Engineer. In the event the improvements are not completed within the time allowed, the City shall enforce the bond by all appropriate legal and equitable remedies, collect the same, and complete the required improvements on behalf of the City. Only performance bonds, guaranteeing actual construction and installation of the improvements in accordance with this Chapter, issued by corporate sureties engaged in the business of signing bonds in the State of Missouri shall be approved by the City Attorney of the City of Republic.~~

Replace the above paragraph with the following paragraphs

The Owner or Developer is required to have all subdivision improvements, including sidewalks completed prior to the filing of the Final Plat. In lieu of the final completion of said improvements before the plat is recorded, the Owner or Developer or other person who agrees with the City to make the public improvements on behalf of the Owner or Developer, may post a surety bond with one or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an escrow agreement, letter of credit or other appropriate security agreement for certain improvements with the approval of the City Attorney and the City Administrator of the City of Republic, which surety, escrow agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the Owner or Developer.

1. Improvements related to ensuring public safety within the development must be completed and accepted prior to the filing of the Final Plat. All other

improvements must be completed within one year after the recording of the Final Plat. The Director of Public Works may require that certain improvements, such as storm sewers, off-site improvements and basic improvements necessary for the provision of public health and safety, be made and refuse to accept security for such improvements when he determines the improvements are necessary for the protection of adjacent property or of the general public. The City may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the Department of Public Works. The City Attorney and City Administrator, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement. The amount of the corporate surety bond, escrow agreement, or other appropriate security agreement shall not be less than the estimated cost of the improvements, said estimate of cost to be made by the Department of Public Works. The City may defer at the time of final approval, subject to appropriate conditions, the provision of any and all such improvements as, in its judgment, are not appropriate because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons. As a condition of deferral, the Owner or Developer shall pay his share of the costs of the future improvements to the City prior to the signing of the Final Plat, or the Owner or Developer may post an appropriate security approved in the same manner as stated above which shall insure completion of said deferred improvements upon demand by the City. If the improvements are not completed within the specified time, the City Council may use the funds from said security, or any necessary portion thereof, to complete the same.

2. The release or reduction of said corporate surety bond, escrow agreement or other appropriate security agreement shall be in accordance with the following:
 - (a) When a petition for improvements by the tax bill method is filed for the improvements of this section and when said petition has passed the required remonstrance petition assuring the City that all improvements will be installed, said bond or agreements posted by the Owner or Developer to insure the City the improvements of this section may be released and returned to the Owner or Developer.
 - (b) The Director of Public Works may release or reduce said bond or agreements posted by the Owner or Developer to insure to the City the improvements of this section when he has determined that all required improvements have been satisfactorily completed and the Owner or Developer's Engineer or Surveyor has certified to said Director, through submission of a detailed "as-built" survey plat of the subdivision indicating location, dimensions, materials and other information required by said Director, that the layout of the line and grade of all public improvements are in accordance with construction plans

for the subdivision and 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.

- (c) The Director of Public Works may reduce upon request, said bond or agreements when he has made the findings and received the information required in the above subsection (b), but such reduction shall not exceed the ratio that the cost of completed improvements bears to the total estimated cost of total public improvements for the plat.
3. The City, its Boards, Commission and agents shall withhold all city improvements or services of whatsoever nature, including the furnishing of sewer, water, electricity and gas from all additions which have not been approved as provided by these regulations; and further, no permits shall be issued by the Planning and Development Department of the City of Republic on any property which has not been approved as provided by these regulations.
 4. Provided, however, the improvements and permits withheld above shall not be withheld by reason of the conditions therein stated when the City finds one of the following situations to exist:
 - a) A tract of land so improved and/or so situated that to conform to the right-of-way requirements of the Master Thoroughfare Plan would result in extraordinary loss to the property owners.
 - b) Where improvements are necessary to comply with other ordinances of the City of Republic which carry a penalty for failure to comply.
 - c) Where leased property lies on railroad right-of-way and such property is adequately served by streets and utility easements.