

**ARTICLE 7.           INSTALLATION OF REQUIRED IMPROVEMENTS****700   REQUIRED IMPROVEMENTS.**

The subdivider of a proposed subdivision shall install, or in cooperation with governmental bodies and utility companies cause to be installed, the following facilities and improvements in the City: (For subdivisions outside the City, see Section 7-702.)

- A. All roadways, alleys, curbs, gutters and street drainage facilities in accordance with City standards. Unless otherwise addressed in the developer's agreement, any temporary streets constructed by a subdivider are the responsibility of the subdivider to maintain until such time as they are formally accepted by the City.
- B. All sidewalks located within the public areas in accordance with City Ordinances.

In addition to requirements as noted by City Ordinance, sidewalks or other acceptable facilities shall be provided for those Pedestrian and Accessways as identified by Section 603 C (3).

- C. A water supply system for each lot in the proposed subdivision in conformity with the requirements of the City.
- D. Fire hydrants of the type and quality specified in City standards of the National Board of Fire Underwriters which shall be subject to the inspection and approval of the City Fire Chief.
- E. A sanitary sewer system for each lot meeting all City specifications. Such system shall be connected to the sanitary sewer system of the City at such point or points as the City Engineer shall determine, based upon the location and size of the City's engineered system in relation to the estimated flow of the sanitary system of the proposed subdivision. Dual sewer service shall be provided to all duplexes so that each dwelling unit controls their individual system.

- F. A storm sewer system, separate and independent of the sanitary sewer system meeting all of the City specifications and Stormwater Management Criteria. Such approved storm sewer system shall be connected to the existing storm sewer system of the City if such system is available and has adequate capacity. If such connection or capacity is not available, other adequate means for the discharge of such drainage system shall be provided by the subdivider such as but not limited to the provision of detention and retention facilities within Reserves or by other means as determined by the City Engineer.
- G. A street lighting system meeting the requirements of the City.
- H. Street signs and traffic signs of such location, type and size as shall meet City standards, giving due regard to the prevailing type, size and pattern of location utilized throughout the City. The subdivider may install and maintain temporary street signs.
- I. If landscaping of public areas is to be provided or the screening of private areas be required, a planting plan shall be prepared and approved by the Planning Commission.
- J. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shall be required by the City Engineer. The monuments shall be of such material, size and length as may be approved by the requirements of the City Engineer.
- K. Underground wiring in residential subdivisions, including both electrical power and telephone service, except:
  - 1. For lines rated over 12,000 volts.
  - 2. Appurtenances serving such lines which may be mounted on the ground, such as transformers, transformer pads and telephone service pedestals.
  - 3. For those proposed subdivisions or replats of existing subdivisions located in areas which presently have an overhead type of distribution system.

All such construction and installation shall be under contract with the applicable utility company. Construction or installation shall occur after sanitary sewer lines, if any, are in place. Cable television lines, if installed shall be placed underground in accordance with the above requirements. Nothing in this section shall be construed as to requiring underground installation of lines beyond the boundaries of the area contained in the preliminary plat.

- L. Concrete, masonry and/or decorative iron fences or walls 6' in height and/or landscaping shall be constructed or provided where proposed residential subdivisions abuts arterial collector and / or other such street having relatively high traffic volumes and where abutting lots do not have access to such a street, provided that:
1. Walls, iron fences, and landscaping shall not be placed in the vision triangle or otherwise impair the vision of motorists.
  2. Walls, iron fences and landscaping shall be maintained by the developer, property owner or homeowner's association.
  3. Walls or iron fences shall be constructed within a wall easement that is at least 5 feet in width and is located adjacent to the street right-of-way.
  4. Utilities may cross wall easements, but walls or iron fences shall not be constructed in a utility easement unless such construction is approved by the City Engineer. Based on a recommendation of the City Engineer, the construction of walls or iron fences over a utility easement may require execution of a Hold Harmless Agreement, a commitment for special wall or fence construction provisions, i.e., removable sections, or the making of satisfactory arrangements with affected utility companies. Any special arrangements made necessary by proposed perimeter wall or iron fence construction for a subdivision shall be completed prior to submitting the plat for scheduling before the Planning Commission.
  5. Wall and iron fences shall not exceed 6 feet in height unless authorized by the Planning Commission.

**701 EXEMPTION FOR EXISTING IMPROVEMENTS**

- A. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as set out in Section 7-700, and where such improvements meet the requirements of said Section, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet the requirements of Section 7-700, the subdivider shall repair, correct or replace such improvements so that all improvements will then meet the aforesaid requirements of Section 7-700.
- B. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less width or a roadway of less width than required by these regulations, land shall be dedicated in so far as is possible so as to provide a minimum right-of-way width and provide an additional roadway pavement meeting the minimum standards as set forth in Section 6-602(B). The Planning Commission shall determine what adjustment to make where the aforesaid widening merges with existing streets which are of smaller width at the boundary of such proposed subdivision.

**702 EXCEPTIONS FOR REQUIRED IMPROVEMENTS.**

In the event that the land to be subdivided is located outside of the City but within the jurisdictional area specified in Section 1-103, the following regulations shall apply in regards to the installation of required improvements:

- A. Land which lies outside the corporate limits but within the growth area as specified in the Comprehensive Plan or other officially adopted growth area map shall be subject to the provisions of all the improvements specified in Section 7-700 to City standards except that this provision may be waived when such land is one or more parcels removed from the corporate limits, provided that the subdivider shall submit an acceptable plan which indicates how all of the improvements specified in Section 7-700 shall be provided in the future subject to all the provisions of 7-703.

- B. Land which does not lie within the growth area as specified in the Comprehensive Plan or other officially adopted growth area map, shall be subject to the provision of water and sanitary facilities according to City-County Department of Community Health standards as may be required. All storm drainage systems and street improvements shall be installed to standards and specifications as established by the County Engineer; except that no private streets or roadways therein are permitted. Monuments as required by Section 7-700(J) shall be installed on the basis of a joint agreement between the City and County engineers.

### **703 AGREEMENT AND GUARANTEES FOR INSTALLATION OF REQUIRED IMPROVEMENTS.**

Except for monuments and landscaping, one of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations can or will be installed in accordance with approved plans and specifications. This does not preclude the possibility that the Governing Body or the Board of County Commissioners may, at their discretion and in recognition of their financial position, share in the cost of oversized improvements which may benefit other related areas or the City or County-at-large:

- A. Petitions to the Governing Body of the City or County as applicable shall be submitted for all phases of improvements within the proposed subdivision as a means of guaranteeing to the Governing Body the authority to install improvements. All of the following conditions shall be met:
1. The petitions (to be secured from the applicable engineer) must be valid as provided under Kansas law.
  2. The petitions must be concurred in by the applicable engineer and accepted and approved by the applicable governing body concurrently with the approval of the final plat.
  3. The initiating resolution for such improvement must be adopted by the applicable Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be born by the subdivider.
  4. Documents must be filed with the Register of Deeds showing either the petitions or a certificate signed by the petitioners stating that such petitions have been filed and approved by a governing body and that certain lands as described will be liable in the future for

special assessments for the required improvements which are to be listed on the certificate.

If special assessments are proposed to pay for the improvements, the subdivider shall submit the applicable financial guarantee as outlined in the City's current "Debt Management Policy". (See Article 8 of these Regulations).

- B. As an option to special assessments, the owner/subdivider may elect to install required improvements without City financing. The following procedures shall apply:
1. The owners and/or the subdivider of the land proposed to be subdivided shall enter into a developer's agreement with the City or County (depending on the area in which the subdivision is located), under which the owners and/or subdivider agree to install such required improvements at their own expense in accordance with the approved plans and specifications, within the time prescribed by the provisions of these regulations. Such agreements shall constitute a contract between the City and the subdivider and all appropriate parties to the agreement shall have their signatures acknowledged. A developer's agreement shall be conditioned upon the approval of the final plat and filed either with the City Clerk or County Clerk depending upon the location of the land being subdivided.
  2. Simultaneously with the execution of the agreement provide for in Section 7-703(B)1 above, the owner and/or the subdivider of the land proposed to be subdivided shall furnish a corporate completion bond, with good and sufficient sureties thereon, or a cashier check, escrow account, or irrevocable letter of credit in favor of the City, in the amount of the cost as estimated by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements as aforesaid. Such bond shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and installation of such required improvements within two years from the date that the final plat is approved by the Planning Commission.