

COMPLETION & MAINTENANCE BONDS INFORMATION SHEET



CITY OF BLACK DIAMOND

Community Development Dept.

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Public improvements are required to be completed prior to the approval of a final short or long plat. However, the City may allow the applicant to financially guarantee (bond) installation of the same pursuant to criteria below.

For Final Long Plats, if the hearing examiner has determined that the completion before final plat approval of all required water system, sanitary sewer system, and storm sewer system improvements, and all street improvements other than the final overlay, is necessary to protect the public health, safety, and welfare, then those improvements cannot be bonded in lieu of completion before final plat approval. Any required off-site improvements that are imposed as a condition of environmental review, the need for which is not triggered until more than one-half of all resulting lots are occupied, may be bonded, if the council makes a written finding, at the time of final plat approval, that to do so will not jeopardize the public health, safety, or welfare.

Any short subdivision approved by the community development director as a paper plat need not construct required improvements or provide financial guarantees prior to receiving final approval. The community development director may establish standards and procedures for approval of a paper plat.

IMPROVEMENT CONSTRUCTION

- A. In lieu of the completion of the actual construction of required public improvements prior to approval of a short subdivision/ final plat, the city may accept a bond, in a form approved by the city attorney, or other secure method, in an amount equal to one hundred fifty percent of the public works director's estimate of the cost of public improvements guaranteeing the actual construction and installation of such public improvements within one year of final short subdivision approval; provided, the city council has not determined that the completion of all required water system, sanitary sewer system, and storm sewer system improvements, and all street improvements other than the final overlay, is necessary to protect the public health, safety and welfare and thus those improvements cannot be bonded in lieu of completion before final approval. In addition, before final short subdivision approval is granted, the applicant/property owner shall file a maintenance bond, or other secure method approved by the city, in an amount equal to twenty-five percent of the public works director's estimate of the cost of improvements for a period lasting through the period two years after final acceptance of the improvements. The city shall withhold approval of the final short subdivision until the completion bond (if accepted by the city) and maintenance bond are filed. The city may enforce such bonds according to their terms, pursuant to any and all legal and equitable remedies. In addition, any completion or maintenance bond filed pursuant to this subsection shall be subject to enforcement in the following manner:
1. In the event the bonded public improvements are not completed as required, or maintenance is not performed satisfactorily, the city shall notify the property owner and the bonding company in writing which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.
 2. In the event repairs or maintenance are not completed as specified in the notice referred to in subsection (A)(1) of this section by the specified time, the city may, but shall not be obligated to, proceed to repair the defect or perform the maintenance by either: (a) force account, using city forces, or (b) by private contractor. To the extent that additional funds remain from the performance bond proceeds after the city has completed the work, these funds shall not be returned to the applicant/property owner until all work has been completed and accepted by the city. In the event the city is required to bring suit to enforce maintenance or completion bonds, or to collect



the cost of repairs or maintenance, the applicant/property owner and bonding company shall be responsible for any costs and attorney's fees incurred by the city as a result of the action.

- B. No Permits to be Issued. In the event that the city allows the applicant to file the performance bond instead of completing some or all of the required improvements prior to final approval of the short subdivision, no building permits shall be issued for development within the short subdivision until all required improvements have been completed to city standards and accepted by the city.
- C. Improvement Construction. Construction of short subdivision improvements prior to final short subdivision approval or subsequent to final short subdivision approval as a condition to meeting bond requirements shall proceed as follows:
 - 1. Complete construction drawings and specifications shall be submitted to the public works director for approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and certified by a professional civil engineer. Construction drawings shall be in conformance with the conditions, if any, of preliminary plat approval and applicable city standards.
 - 2. Construction of improvements shall not be initiated without authorization of the public works director. The public works director shall authorize the applicant/property owner to proceed with construction after approval of the construction drawings and specifications. The public works director may grant approval on condition additions or changes made in the drawings or specifications, or on the inclusion or implementation of mitigating measures necessary to minimize the impact of the short subdivision or short subdivision construction on the environment. Conditions required to minimize environmental impacts shall conform with the requirements of the city's current SEPA ordinance.
 - 3. Any changes to the construction drawings or specifications involving the design of the short subdivision improvements shall first be reviewed and approved by the public works director.
 - 4. Construction of the short subdivision improvements shall proceed as shown in the construction drawings and specifications. Construction shall proceed under the supervision of a professional civil engineer. The public works director shall ensure that construction is inspected to review compliance with construction plans and required standards. All costs of inspections by the public works director shall be borne by the applicant/property owner.
 - 5. After the completion of construction, "as-built" drawings showing the short subdivision improvement as constructed shall be certified as true and complete by a registered civil engineer and one shall be reproducible mylar. The certified "as-built" drawings shall be submitted to the city prior to final short subdivision approval and/or acceptance of the short subdivision improvements by the city.