

CHAPTER 166

SUBDIVISION REGULATIONS

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166.01 PURPOSE. In the best interests of the City and to assist the subdivider in harmonizing his or her interests with those of the City, the following regulations are adopted in order that adherence to the same will bring results that are beneficial to both parties. It is deemed necessary to establish minimum standards for the design and development of all new subdivisions in order to eliminate piecemeal planning and to insure sound community growth and safeguarding of the interests of the homeowner, the subdivider, and the local government. It is the duty of the Planning and Zoning Commission to require that all regulations set forth in this chapter are complied with, before giving their approval. It is the purpose of this chapter to make regulations and requirements for the platting of land which the Council deems necessary for the health, safety and general welfare of the citizens.

166.02 JURISDICTION. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat said tract or parcel into three or more plats, for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the City or within two miles from the incorporated territory of the City, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth, before selling any lots therein contained or placing the plat on record. In accordance with Section 354.9 of the Code of Iowa, all subdivision plats situated outside of but within two miles of the incorporated territory of the City shall be subject to review and approval under the provisions of this chapter.

166.03 ADMINISTRATION. The following offices of the government of the City are concerned with the administration of this chapter.

1. Council. The Council is vested with the following responsibilities with regard to subdivision control:
 - A. Approval or disapproval of all preliminary and final plats referred to it by the Commission.
 - B. Approval or disapproval of all variations and exceptions recommended by the Commission.
 - C. Amendment of the regulations of this chapter when found necessary and desirable, as hereinafter provided.
 - D. Initiation of appropriate proceedings to enforce the provisions of this chapter.
2. Commission. The City Planning and Zoning Commission shall administer the provisions of this chapter, and in furtherance of said authority, shall:
 - A. Maintain permanent and current records of this chapter, including amendments thereto.
 - B. Receive and file all preliminary plats and final plats (together with applications).
 - C. Forward copies of the preliminary plat to other appropriate offices and agencies for their recommendations and report.
 - D. Forward all preliminary plats to the Council with recommendations.
 - E. Receive and file all final plats, and check their compliance with the preliminary plat.
 - F. Forward, with recommendations, to the Council all final plats.
 - G. Make all other determinations required by the regulations herein.

166.04 ENFORCEMENT.

1. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the Council, in accordance with the provisions of this chapter, and filed with the County Recorder.
2. The subdivision of any lot or any parcel of land by the use of metes and bounds description with the intent of evading this chapter, for the purpose of sale, transfer, or lease shall be subject to all of the requirements and regulations contained in this chapter.

3. No building or repair permit shall be issued for the construction or repair of any building or structure located on a lot or plot subdivided or sold in violation of these regulations. An original tract, however, may be divided into two (2) lots or tracts and not be subject to the provisions of this section.

4. No plat of a subdivision shall be approved which does not comply with all of the provisions of this chapter, except as may be allowed in Section 166.21.

166.05 RULES AND DEFINITIONS. As used in this chapter, the word “lot” includes the words “plot,” “piece,” and “parcel.” The phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.” The following terms are also defined for use in this chapter:

1. “Alley” means a public right-of-way less than 20 feet in width which affords only a secondary means of access to abutting property.

2. “Block” means a tract of land within a subdivision that is entirely bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways, or corporate boundary lines of the City.

3. “Building setback line” means a line within a lot or parcel of land, so designated on the plats, between which line and a street no building or structure may be erected.

4. “Collector street” means a street intended to carry vehicular traffic from minor streets to major streets and/or thoroughfare systems.

5. “Commission” means the Planning and Zoning Commission of the City.

6. “Comprehensive Plan” means the Comprehensive Plan adopted by the Council, known as the Comprehensive Plan for Perry, together with all changes and amendments thereto which are adopted from time to time.

7. “Cul-de-sac” means a minor street having one open end and being permanently terminated by a vehicular turnaround.

8. “Days” refer to calendar days.

9. “Design standards” means the specifications to land owners or subdividers for the preparation of plats, indicating among other things, but not limited to, the optimum, minimum, and maximum dimensions of such items as right-of-way, blocks, easements, and lots.

10. “Developer” means the owner or agent under legal authority of the owner who undertakes to cause a parcel of land to be designed, constructed, and recorded as a subdivision.
11. “Easement” means a grant by a property owner of the use of land for construction or maintenance of facilities in accordance with the Comprehensive Plan and the requirements of these regulations or any utility company.
12. “Engineer” means a registered engineer authorized to practice civil engineering, as defined by the Registration Act of the State of Iowa.
13. “Escrow agreement” means an agreement between the subdivider and the City whereby a percentage of the sale price of each lot in the subdivision, when sold, shall be deposited in escrow as a guarantee for the installation of the required improvements, the percentage to be determined by the City Engineer or Council.
14. “Final plat” means the map or drawing and necessary legal papers, to engineering accuracy and containing the items specified by these regulations, on which the subdivision plan is presented, in the form which if approved will be filed and recorded with the County Recorder.
15. “Frontage street” means a street contiguous to, and generally paralleling, an expressway, parkway, or through street. It is designed so as to intercept, collect, and distribute traffic desiring to cross, enter, or leave such a highway and to furnish access to property that otherwise would be isolated as a result of the controlled access feature.
16. “Grading plan” means a drawing of a proposed subdivision with plans and specifications for grading which is intended to represent the layout which will be approved for construction by the Commission and Council.
17. “Improvements” means changes and additions to land necessary to prepare it for building sites, and including street paving and curbing, grading, monuments, drainage ways, sewers, fire hydrants, water mains, sidewalks, and other public works and appurtenances.
18. “Intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
19. “Lot” means a parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a

building, structure, and/or accessory buildings, is sufficient to provide the yards required by the regulations of the Zoning Regulations.

20. “Maintenance bond” means a surety bond, cash deposit, or escrow agreement made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, said cost being estimated by the City Engineer or Council, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements shall be kept in good repair from the time of acceptance by the City of said improvements for such period of time as is specified by this chapter.

21. “Major thoroughfare” means an arterial street with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

22. “Minor street” means a street used primarily for access to the abutting properties, having a minimum right-of-way width of fifty-five (55) feet.

23. “Outlot” means a parcel of land within a subdivision and which has been included on a preliminary or final plat but not designated as a buildable lot due to insufficient size and/or frontage or peculiar site or topographical problems.

24. “Performance bond” means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this chapter.

25. “Plat” means a graphic presentation on which the subdivider’s plan for the subdivision of land is presented and which is submitted for approval and subsequent action.

26. “Preliminary plat” means a map or plan showing all the facts needed to enable the Commission to determine whether the proposed layout of the land is satisfactory from the standpoint of public interest.

27. “Replat” means a plat representing land which has previously been included in a recorded plat.

28. “Roadway” means that portion of the street available for vehicular traffic and where curbs are laid, the portion from back to back curbs.

29. “Street” means an improved right-of-way dedicated to public use, which serves as a primary access to abutting lands.

30. "Street, private" means any street which is under the jurisdiction of an individual, corporation, or trustee, or any street which is privately owned or established.

31. "Subdivision" means the division of land into three (3) or more lots for the purpose, whether immediate or future, or transfer of ownership or building development; or, any change in existing street lines or public easement. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

32. "Subdivider" means any person commencing proceedings under this chapter to effect a subdivision of land hereunder.

All other terms used in these regulations shall have their normal meanings, except that terms common to engineering and surveying shall be used in their professional sense.

166.06 APPLICATION PROCEDURE.

1. Three (3) copies of the preliminary plat and supplementary material specified shall be submitted to the Commission with written application for approval. These materials shall be retained by the Commission.

2. The application for approval of the preliminary plat shall be accompanied by a certified check or money order payable to the City in the amount of twenty-five dollars (\$25.00) plus three dollars (\$3.00) for each lot in the proposed subdivision.

3. Following review of the preliminary plat and other data submitted in compliance with these regulations, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Commission shall within forty-five (45) days act on the plat and data as submitted or modified, and, if approved, state the conditions of such approval, if any, or, if disapproved, the Commission shall express its disapproval and its reasons therefor.

166.07 PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT.

1. Within fifteen (15) days of the Commission's decision, they shall inform the subdivider that the plans and datum submitted or as modified do or do not meet the objectives of these regulations. When the

Commission finds that the plans and datum do not meet the objectives of these regulations, it shall express its reasons therefor.

2. If the Commission does not act within the forty-five (45) days, the preliminary plat shall be deemed to be approved as is. The approval of the preliminary plat shall be null and void unless the final plat is presented to the Commission within one hundred eighty (180) days of the date of approval.

3. Approval of the preliminary plat shall not constitute approval of the final plat.

4. Action must be taken by the Council within thirty days after the preliminary plat has been submitted for approval.

5. When the preliminary plat has been approved, one copy of the plat shall be returned to the applicant, with street addresses annotated to the lots.

166.08 PROCEDURES FOR APPROVAL OF FINAL PLAT.

1. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

2. Six (6) copies of the final plat and other exhibits required for approval shall be prepared as specified in Section 166.20 and shall be submitted to the Commission. The plat shall be accompanied by a notice from the Council stating that there has been filed with and approved by the Council a bond which shall:

- A. Run to the Mayor and Council;
- B. Be in an amount determined by the Mayor and Council to be sufficient to complete the improvements and installations in compliance with these regulations;
- C. Be with surety by a company entered and licensed to do business in the State of Iowa; and
- D. Specify the time for the completion of the improvements and installations.

3. Application for approval of the final plat shall be submitted in writing to the Commission at least fifteen (15) days prior to the meeting at which it is to be considered.

166.09 STREETS – GENERAL REQUIREMENTS.

1. Grading Plan. Roads shall be graded to conform to the construction standards and specifications recommended by the City Engineer and approved by the Council prior to final plat endorsement.
2. Topography and Arrangement.
 - A. Roads shall be related appropriately to the topography. Local roads should be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. (See Section 166.10 Design Standards)
 - B. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as established by the Comprehensive Plan.
 - C. Minor or local streets should be laid out to discourage use by through traffic and to permit efficient drainage and utility systems. The use of curvilinear streets, cul-de-sacs, and loop streets shall be encouraged where such use will result in a more desirable layout.
 - D. In business and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
 - E. The layout of the streets shall afford maximum solar access to a minimum of eighty percent (80%) of all dwelling units within the proposed plat.
3. Arrangement of Streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Commission may limit the length of

temporary dead-end streets in accordance with the design standards of these regulations.

4. Cul-de-sacs. Where a cul-de-sac is permitted, its terminus shall normally not be nearer to the boundary of the subdivision than the minimum lot depth requirement of the Zoning District in which it is located. The Commission may require the reservation of an appropriate easement at the closed end of the cul-de-sac to accommodate drainage facilities, pedestrian traffic, and/or utilities. Minimum turnaround radii and maximum length shall be limited as provided by Section 166.10 of this chapter.

5. Proposed Streets. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development or adjacent tracts.

6. New Perimeter Streets. Street systems shall be laid out so as to avoid perimeter half-streets. The Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his or her own subdivision boundaries.

7. Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

8. Widening and Realignment of Existing Roads. Where a subdivision borders an existing narrow road or when the Comprehensive Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to dedicate such areas as are required for widening or realignment of such roads. The Council may at its discretion require that such streets also be improved by the subdivider at his or her own expense to the full width as required by these subdivision regulations. Land reserved for any road purposes shall not be counted in satisfying yard or area requirements of the Zoning Regulations.

9. Alleys. Alleys may be required in business and industrial subdivisions for adequate access to block interiors and to off-street loading and parking spaces, but shall as a rule not be permitted in residential subdivisions.

10. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

A. In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

B. In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

11. Bridges. Bridges of primary benefit to the subdivider, as determined by the Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the Council will be fixed by special agreement between the Council and the subdivider. Said cost shall be charged to the subdivider pro rata as the percentage of his or her land developed and so served.

12. Street Names. Street names shall be sufficiently different in sound and in spelling from other streets' names in the City so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

13. Traffic Regulatory Signs. The applicant shall deposit with the local government at the time of final subdivision approval the sum of fifty dollars (\$50.00) for each road sign required by the City Engineer at all road intersections. The City shall install all road signs before issuance of certificates of occupancy for any residence on the streets approved.

14. Street Name Signs. Street name signs shall be provided at the subdivider's expense at all intersections within or abutting the

subdivision. The type and location of said signs shall be recommended by the City Engineer and approved by the Council.

15. Street Lights. Street lights shall be installed at the subdivider's expense in accordance with design and specification standards recommended by the City Engineer and approved by the Council.

166.10 STREETS – DESIGN STANDARDS.

1. Rights-of-way. Street rights-of-way shall have a minimum width as shown in the Comprehensive Plan for the type of street involved.

2. Surfacing and Improvements. All roadways to be dedicated to the City shall be surfaced with six (6) inches of Portland Cement concrete with integral curb and gutter. Minimum pavement width for local streets shall generally be thirty-one (31) feet, but pavement widths of thirty-six (36) feet may be required by the Council where such additional width is deemed to be in the public's interest. Said improvements and surfacing shall be in accordance with design specifications and standards recommended by the City Engineer and approved by the Council prior to final plat endorsement, and shall whenever possible be installed by the subdivider after sewer and water utilities have been installed by the subdivider. Adequate provisions shall be made for culverts, drains and bridges.

3. Minimum Radius of Curves. Minimum radius of curves shall be one hundred (100) feet on the centerline for any residential local or collector street, and two hundred (200) feet on any commercial/industrial, local or collector street. Minimum radius for any arterial street shall be three hundred (300) feet on the centerline, except that the Council may require a larger radius upon recommendation from the City Engineer.

4. Minimum Length of Tangents. Minimum length of tangents between reverse curves shall be one hundred (100) feet for any local residential street and one hundred fifty (150) feet for any residential collector street. Minimum length of said tangent for any local or collector commercial/industrial street shall be two hundred (200) feet, and minimum tangent for any arterial shall be three hundred (300) feet.

5. Permanent Cul-de-sacs. Permanent cul-de-sacs may be permitted if such arrangement will improve the subdivision design, but shall in no case exceed five hundred (500) feet in length or serve more than fourteen (14) dwelling units. Minimum pavement width shall be thirty-one (31) feet. A circular turn-around shall be provided having a minimum right-of-way radius of fifty-five (55) feet and a minimum pavement curb radius of forty-five (45) feet. Temporary dead-end streets shall not

exceed one thousand (1,000) feet in length nor serve more than twenty-five (25) dwelling units, and shall be provided with a temporary turnabout as provided by Section 166.09(3) of this chapter. Said temporary turnabout shall be surfaced with a dust-retardant surfacing as approved by the Council.

6. Cross-slope On All Street. The cross-slope on all streets, including intersections, shall not exceed three percent (3%).

7. Intersections.

A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five degrees (75°) shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Council.

B. Proposed new intersections along one side of an existing street should, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where specifically approved by the Council. Where any major street is intersected by another street, the alignment of said intersecting street shall generally be continuous.

C. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector or arterial street shall be at least twenty-five (25) feet; provided that at any intersection where a curb radius has been previously established, such radius shall be used as standard. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

D. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to provide an adequate sight distance.

166.11 DRAINAGE AND STORM SEWERS.

1. General Requirements. The Council shall not approve any plat of subdivision which does not make adequate provision for drainage of storm or flood water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed according to the method recommended by the City Engineer and approved by the Council, and a copy of design computations shall be submitted along with plans. Inlets should be provided so that surface water is not carried across any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.
2. Drainage. The applicant may be required by the Council to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be constructed in accordance with the construction standards and specifications approved by the Council.
3. Storm Sewers. Underground storm sewers systems shall be constructed throughout the subdivision and connected to an existing storm sewer if feasible. If no suitable outlets are available within a reasonable distance but a public storm sewer will be provided eventually, as determined by the City Engineer and the Council, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be included in the performance bond or escrow agreement required for the subdivision plat. The subdivider shall also provide a suitable interim outfall or drainage system as approved by the Council.
4. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility should in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development as established by land uses projected in the Comprehensive Plan, and as permitted by the zoning regulations applicable to such land uses.
5. Effect on Downstream Drainage Areas. The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government

drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Council shall determine.

6. Subdivision Approval. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

7. Dedication of Drainage Easements.

A. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the road rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or other drainage facilities.

C. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights shall be secured and indicated on the plat.

D. The Council may require dedication to the City, either in fee or by drainage or conservation easement, of land on both sides of existing watercourses, to a distance to be determined by the Commission or City Engineer, if such dedication is deemed necessary to assure preservation of said watercourses, drainageways, channels, or streams.

E. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to

periodic flooding shall not be computed in determining the number of lots to be utilized for planned unit development or for computing the area requirement of any lot.

166.12 WATER FACILITIES.

1. Public Water.

A. Where a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) in accordance to the plans and specifications adopted by the Council. All water mains shall be at least six (6) inches in diameter, and shall be properly valved and looped where feasible to insure adequate water pressure.

B. To facilitate the above, the location of all fire hydrants, all water supply improvements, and all development proposed to be served shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.

2. Individual Wells and Central Water Systems.

A. In low-density zoning districts, in the discretion of the Council, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the Health Department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. Orders of approval shall be submitted to the Council.

B. If the Council requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

3. Fire Hydrants. Fire hydrants shall be required for all subdivisions except those with approved individual wells. Fire hydrants shall be located as approved by the Council after recommendation from the Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

166.13 SANITARY SEWER FACILITIES. Sanitary sewer facilities shall be provided by the subdivider for each lot in accordance with the general regulations listed below and with design specifications and plans approved by the Council prior to final plat endorsement. The Council may seek recommendation from the City Engineer in determining design criteria for said facilities.

1. **Public Sanitary Sewer.** Where a public sanitary sewerage system is reasonably accessible the subdivider shall connect with same and provide sewers accessible to each lot in the subdivision. Design criteria for slope, size, manhole locations, manhole and pipe elevations, materials, construction techniques, and other considerations shall be reviewed by the City Engineer and approved by the Council.

A. Sanitary sewer systems shall be designed for the ultimate tributary population. Due consideration should be given to current zoning regulations and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewerage and industrial waste together with an adequate allowance for infiltration and other extraneous flow.

B. The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the City Engineer.

C. No public sewer shall be less than eight (8) inches in diameter.

D. Sewers shall generally be located within street or alley rights-of-way unless topography dictates otherwise. Where sewers are located in easements on private property, access shall be provided to all manholes.

E. Adequate provisions shall be made to prevent any sewage from entering any source of potable water. The Council may require a minimum horizontal distance of ten (10) feet to be maintained between parallel water and sewer lines or for sewer lines to be installed at least two (2) feet below any water main, or other precautions.

F. Storm sewerage, foundation drains, roof drains and similar installations shall not be connected to the sanitary sewer system unless expressly permitted by the Council.

2. **Individual Sewerage Systems.** If public sanitary sewer facilities are not available when the subdivision is platted and individual disposal systems are proposed, minimum lot areas shall conform to the

requirements of the Zoning Regulations and percolation tests and test holes shall be made as directed by the Health Department and the results submitted with design specifications for the individual disposal system(s), including the size of the tile fields or other secondary treatment device, at the time the preliminary plat is submitted for review by the Commission. Said systems shall be approved by the Commission and Council. Cesspools shall not be permitted.

A. Where public sanitary sewerage systems are not reasonably accessible but will become available within a period of not to exceed fifteen (15) years as determined by the Council, the Council may require that the subdivider install sanitary sewer lines, laterals, and mains within the subdivision to a point in the subdivision boundary where a future connection with the public sewer shall be made. Sewer lines shall be laid to the house from the street lines, and a connection shall be available in the home to connect from the individual disposal system to said sewer system when the public sewer becomes available. Such sewer shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer mains. Provisions shall be made in the performance bond or escrow agreement for installation and dedication of said system.

B. If a public sewer is accessible and a sanitary sewer is placed in a street or alley abutting upon property, the owner thereof may be required to connect to said sewer for the purpose of disposing waste, and it may be deemed unlawful for any such owner or occupant upon such property to operate and maintain an individual sewage disposal system.

166.14 UTILITIES. The Council shall require all utility facilities, including but not limited to gas, electrical lines of nominal voltage not in excess of 15,000 volts, telephone, and CATV cables, to be located underground throughout the subdivision. Wherever existing utilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed and their easement throughout the subdivision shall be shown on the plat. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in a manner so as not to interfere with other underground utilities. Said lines which cross underneath the right-of-way of any street, alley, or way shall be installed prior to the improvement of any such street, alley, or way. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes,

meters and meter boxes may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Council and Commission may consider that soil, topographical or other conditions make such installations within the subdivision unreasonable or impractical.

166.15 EASEMENTS. Easements for utilities (private and public) may be required along rear or side lot lines where deemed necessary. Such easements shall be at least ten (10) feet wide.

166.16 SIDEWALKS. Sidewalks shall be required along both sides of any street. Sidewalks shall be at least four (4) feet wide when located along a local street, and may be required to be five (5) feet wide or more when along any collector or arterial street. Said walks shall be located one (1) foot inside the street right-of-way line and shall be constructed according to the design specifications approved by the Council. The Commission or Council may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements or dedicated rights-of-way at least twenty (20) feet in width for provision of sidewalks. Such easements or rights-of-way shall be indicated on the plat.

166.17 ACRE SUBDIVISIONS. Whenever the area is divided into lots larger than ordinarily used in the area for building purposes, and there is reason to believe that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easements or deeds providing for the present or future opening and extension of such streets, may, at the discretion of the Council, be made a condition of the approval of the plat.

166.18 DEDICATION AND RESERVATION OF LAND FOR OPEN SPACE AND RECREATIONAL FACILITIES. In order to provide for the proper location and preservation of adequate open spaces and sites for public uses; to safeguard the health, safety, and welfare of the public by providing safe places for children to play and for adequate recreational areas within new subdivisions and developments in the City, and to apportion most equitably the cost of providing the public school, park, and recreation sites and facilities necessary to serve the additional number of people brought into the community by subdivision development on basis of the additional need created by such developments, the following provisions are established.

1. Procedure.

A. Consideration shall be given in the design of a residential subdivision plat to the provision of adequate and suitable open space and recreational areas for use by the inhabitants of the subdivision. The owner or subdivider of the land to be subdivided, at the time of filing a preliminary plat with the Clerk for consideration by the Commission shall indicate whether he or she desired to dedicate or reserve property for open space and recreational purposes, or whether he or she desires to pay a fee in lieu thereof. If he or she desires to dedicate or reserve land for this purpose, he or she shall designate the area thereof on the preliminary plat as submitted.

B. The Commission and Council shall review such plat, and where the Commission and Council determine pursuant to this section that open space and recreational areas are necessary and required and are feasible and compatible with the comprehensive plan for development of the City, the subdivider shall provide and dedicate to the public adequate land to provide for said open space and recreational needs of the subdivision.

C. Where such dedication is not feasible or compatible with the comprehensive plan as determined by the Council upon recommendation by the Commission, the subdivider shall in lieu thereof pay to the City a fee or combination of fee and land, equivalent to the value of the required dedication as provided by subsection (2)(B) of this section.

D. Such dedication or payment of fees in lieu thereof shall be made as condition of final plat approval and shall be accomplished prior to endorsement of final plat and recording of same. Where dedication is required, it shall be accomplished by providing to the Council a properly executed warranty deed dedicating the required land to the City without cost to the City. Where fees in lieu of dedication are required, the same shall be deposited with the Clerk for deposit in a special fund as provided by subsection (2)(B) of this section.

2. Amount of Dedication. Dedication of land or payment of fees in lieu thereof for public open space and recreational facilities shall be required for all residential subdivisions, but shall not be required for any commercial or industrial subdivisions. The provisions of this section are minimum standards and shall not be construed as prohibiting a developer from dedicating or reserving other land for recreational or open space purposes in addition to these requirements.

A. The amount of land to be dedicated by the subdivider for public open space and recreation facilities as provided by this chapter shall not be less than seven hundred (700) square feet per dwelling unit.

B. Where the Council determines that a suitable park or parks cannot be properly located in the area covered by any such plat, or if the application of the standard for dedication of lands would result in open space sites too small to be used, or if the Comprehensive Plan calls for such neighborhood open space to be located elsewhere, the subdivider shall in lieu thereof pay to the City a fee, the amount of such to be based upon the fair market value of the amount of land which would otherwise be required to be dedicated. "Fair market value" shall be determined as of the time of filing the final plat in accordance with the following: the fair market value as determined by the Council based on current appraisals; or, if the subdivider objects to such amount of evaluation, he or she may, at his or her own expense, obtain an appraisal of property by a qualified real estate appraiser approved by the City, which appraisal may be accepted by the Council if found reasonable; or the City and subdivider may agree as to the fair market value. All funds so levied, assessed and collected by the City shall be deposited as a non-lapsing special fund to be known and designated as the "Open Space and Recreational Facilities Improvement Fund." Said funds shall be used exclusively for immediate or future site acquisition and development and shall be used only for the purpose of providing open space and recreational facilities that will be available to and benefit the future inhabitants of the subdivision for which they were collected. Any and all interest accumulated upon such funds shall be added to the Open Space and Recreational Facilities Improvement Fund and shall be used only for acquisition and development of open space and recreational facilities.

C. Where private open space for park and recreational purposes is provided in a proposed subdivision or planned unit development and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirements of dedication for park and recreation purposes, as set forth in subsection (1)(A) of this section, or the payment of fees in lieu thereof, as set forth subsection (2)(B) hereof, provided the Council finds it is in the public interest to do so, and that the following standards are met:

- (1) That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and
- (2) That the private ownership and maintenance of the open space is adequately provided for by written agreement; and
- (3) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be defeated or eliminated without the consent of the Council; and
- (4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land; and
- (5) That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the Comprehensive Plan, and are approved by the Council.

3. Reservation of Open Space, Recreational Facilities, and School Sites. If the Comprehensive Plan requires public open space and/or recreation facilities larger than that area required to be dedicated, or a proposed school site is located within the area to be subdivided, the Council may require the subdivider to reserve additional area in excess of the dedication requirements of this chapter for purchase by the appropriate agency. Park and other public recreational sites are to be reserved for purchase within two (2) years of the recording date of the subdivision. School sites shall be reserved for four (4) years, giving the school district the option of purchase. The purchase price in all cases shall be at the appraised raw land value prior to subdivision plus one-half ($\frac{1}{2}$) of the cost of grading and paving, including curb, of that portion of any street contiguous to the site. Should the park or school sites not be purchased within the time limits specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plat.

4. Location and Design Criteria. The Council shall determine whether dedication, reservation, or payment of fees in lieu of dedication

or a combination of cash, dedication, and reservation shall be required. In making such decision, the Council shall consider the following:

- A. Recreation element of the City's Comprehensive Plan.
- B. The size and shape of the land available for dedication. The dedicated land shall form a single parcel of land except where the Council determines that two or more parcels would be in the public interest, in which case the Council may require that the parcels be connected by a path or strip of land not less than fifteen (15) feet wide. In general, no parcel less than two (2) acres should be reserved for recreational purposes if it will be impractical or impossible to secure additional lands to increase its area. The shape of the dedicated parcel should accommodate development of recreational facilities suitable to the subdivision said parcel is intended to serve.
- C. The dedicated land shall be located so to be reasonably accessible to all inhabitants of the subdivision it is intended to serve. Public access to the dedicated land shall be provided either by adjoining street frontage or public easements to the dedicated parcel. The easements shall be sufficiently wide so that maintenance equipment will have reasonably convenient access to the land.
- D. Site Suitability. A minimum of sixty percent (60%) of the parcel to be dedicated shall be suitable for dry ground recreational use. Fifty percent (50%) of the area suitable for dry ground recreational use should not exceed three percent (3%) grade, and the remainder of such area should not exceed five percent (5%) grade. Exceptions to the preceding may be given in cases of exceptional topography or natural amenities.
- E. Existing or proposed open space and recreational facilities in adjoining lands which may serve in whole or in part the open space and recreational needs of the development.
- F. Any and all other relevant information.

The determination of the Council as to whether land shall be dedicated or reserved or a fee paid, or combination thereof, shall be final and conclusive.

5. Development and Maintenance. It is the duty of the City to properly develop and maintain the dedicated area for open space and recreational facilities, and the subdivider shall in no way be responsible for development, maintenance, or liability thereof except that said subdivider shall not develop the surrounding area in a manner which

would unduly depreciate the purpose, use of value of the dedicated property. Where the land required for open space and recreational purposes and facilities is retained in private ownership, it shall be the owner's responsibility to properly develop and maintain said area.

6. Time of Commencement. At the time the final plat is approved and requirements of this chapter met, the Council shall establish a reasonable time table for the development of the park and recreational facilities.

166.19 PRELIMINARY PLAT REQUIREMENTS.

1. The preliminary plat shall be drawn to a scale of 1" = 100' or larger, and shall be plainly marked as "Preliminary Plat."

2. The preliminary plat shall include and show the following information.

A. Proposed name of the subdivision, which shall not duplicate or resemble previously filed plat names.

B. Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.

C. Names and addresses of the developer and engineer, surveyor or land planner preparing the plat.

D. Vicinity sketch showing location of the tract. The vicinity sketch shall show street alignment of existing and proposed subdivision. The vicinity sketch shall not exceed the scale of one inch equals five hundred (500) feet.

E. North point (which shall be directed to the top or right side of the plat), scale and date.

F. Location, width and name of each existing or platted street within the proposed subdivision and within two hundred (200) feet thereof; location and width of other public ways, railroads, utility right-of-way or easements, park, and other public open spaces within the proposed subdivision.

G. All existing sewers, water mains, culverts, and other underground installations within the proposed subdivision or immediately adjacent thereto and the location of the nearest available facility.

H. Existing contours at intervals adequate to portray existing and proposed conditions, referred to town datum; also the locations of water courses, bridges, wooded areas and such other topographic features as may be pertinent to the subdivision.

- I. Existing and proposed zoning of proposed subdivisions and existing zoning of adjacent tracts.
- J. The location and width of proposed streets, roadways, alleys, pedestrian ways and easements.
- K. The general location and character of proposed surface storm drainage and sanitary sewer facilities.
- L. Layout, numbers and approximate dimensions of lots and the number or each block.
- M. Location and size of any proposed school sites, parks, playgrounds, churches or other public lands in accordance with the Comprehensive Plan, to be considered for sale or dedication to public use.
- N. Draft of protective covenants whereby subdivider proposes to regulate land subdivision and otherwise protect development including any covenants necessary to protect adjoining property rights.
- O. The solar access plan including the shadows that would be cast by buildings.
- P. Location of proper street lighting is necessary to ensure pedestrian and vehicular safety.

166.20 FINAL PLAT – PREPARATION AND FILING. Following approval of the preliminary plat, the subdivider shall cause to be prepared a final plat and other material required in filing for final approval. Application for final approval shall consist of filing with the Clerk the reproducible final plat and five (5) copies and such additional information outlined here:

- 1. Final Plat drawn to the scale of 1" = 100'. The final plat may include all or only part of the preliminary plat and shall include or indicate the following:
 - A. Accurate tract boundary lines with dimensions and angles which provide a survey of the tract, closing with an error of not more than one (1) foot in three thousand (3,000) feet.
 - B. Property line of residential lots and other sites with accurate dimensions of all straight lines and arcs, bearings of property lines or other means of accurately locating property lines.
 - C. Accurate bearings and distances to known monuments.

- D. Accurate locations of existing and recorded streets intersecting the boundaries of the tract.
- E. Accurate legal description of the property.
- F. Proposed street names.
- G. Complete and accurate curve data having all but not limited to the following information:
 - (1) Length of all tangents
 - (2) The angle of intersection between tangents of the curve.
 - (3) The degree of curvature for each curve.
 - (4) The radius of each curve.
 - (5) The length of the curve.
 - (6) Complete data on any easement, transition, or spiral curves used.
- H. Street right-of-way lines.
- I. Lot and block numbers.
- J. Property to be dedicated or reserved for public, semi-public, or community use, with accurate dimensions.
- K. Markers or monuments indicating location, type of material, and size.
- L. Subdivision name.
- M. Name and address of the owner and subdivider.
- N. North point, scale, and date.
- O. Certification by a registered land surveyor of the State of Iowa.
- P. Certification of dedication of streets and other public property.
- Q. Final Approval by Council and Commission with signature and date spaces for Mayor and Clerk and Commission Chairperson respectively.
- R. Building setback lines.
- S. Sizes and location of utilities and, unless waived by the Council, certification by an engineering firm acceptable to the

Council, that the public water and sewer system is adequate to serve the development.

2. Other Required Documents.

A. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council;

B. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

C. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

D. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

E. Restrictive covenants, if any, in form for recording.

F. Certified statement of the Clerk indicating that the subdivider has the subdivider's estimate for improvements to be installed and a statement from the Clerk concurring with the subdivider's estimate of cost for improvements.

G. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

H. All formal irrevocable offers of dedication to the public of all streets, City uses, utilities, parks, and easements, in a form approved by the City Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or representative, hereby irrevocably offers for dedication to the City all the streets, city uses, easements, parks and required utilities shown within the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated _____ and recorded in the County Recorder of Deeds Office.

By _____
Owner or Representative

Date: _____

The applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording together with a title policy for the local government in the sum not less than ten thousand dollars (\$10,000) which sum shall be determined by the local government attorney before signing of the final subdivision plat.

166.21 EXCEPTIONS.

1. Special Exceptions Use. Whenever the tract to be subdivided is of such unusual topography, size or shape that the strict application of the requirements contained in these regulations would result in substantial non-self-inflicted hardships, the Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, provided that such variance or modification will not have the effect of nullifying the intent and purpose of this chapter or of interfering with carrying out the Comprehensive Plan of the City.

2. Petition for Variance. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the considerations of the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

166.22 PENALTY FOR VIOLATION. Any person being the owner or agent of the owner of any land located within or adjacent to the City who

knowingly or with intent to defraud transfers or sells, by reference to or exhibition of, or by other use of a plat of subdivision of such land before such plat has been approved by the Commission, shall forfeit and pay the penalty of not more than one hundred dollars (\$100.00) for each lot so transferred or sold or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from such penalties.

166.23 FAILURE TO COMPLETE IMPROVEMENTS. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Council in the resolution approving the plat, the approval shall be deemed to have expired. 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 City 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.

166.24 PROCEDURE FOR IMPROVEMENTS. The applicant shall be responsible for the design and construction of all public and private improvements within the subdivision including any necessary improvements adjoining the subdivision to provide services to the subdivision. Then the City, on a case-by-case basis, may initiate a public improvement project to provide for the design and construction of any public improvement which may be located within the subdivision. If the City elects to initiate a public improvement project for one or more public improvements, the applicant shall be responsible for that portion of the cost of the public improvement which would be proportioned to the applicant's property by special assessment, agreement or such other means as may be approved by the City.

166.25 ACCEPTANCE OF DEDICATION OFFERS. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by resolution of the Council. The approval by the Council of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on said plat. The Council may require said plat to be endorsed with appropriate notes to this effect.

166.26 INSPECTION OF IMPROVEMENTS.

1. General Procedure and Fees. The Council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the local government the cost of the inspection fees which shall include inspection of water mains, sewer, streets, or any other required improvements, and the subdivision plat shall not be signed by the Mayor unless such fee has

been paid at the time of application. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon the inspection that any of the required improvements have not been constructed in accordance with the approved construction standards and specifications, the applicant shall be responsible for completing the improvements according to such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements in accordance with the standards and specifications approved by the Council.

2. Release or Reduction of Performance Bond. The City shall not accept dedication of required improvements or release or reduce a performance bond until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Commission, Council, or City Engineer, that the layout of the line and grade of all public improvement is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements shall have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Council shall thereafter accept the improvements for dedication in accordance with the established procedure. A performance bond shall be reduced upon actual dedication of public improvements and then only to the ration that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five percent (25%) of the principal amount.

166.27 MAINTENANCE OF IMPROVEMENTS. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the City. If there are any occupancy permits on a street not dedicated to the City, the City may, on twelve (12) hours' notice, plow the street or effect emergency repairs and charge same to applicant. The applicant shall be required to file a maintenance bond with the Council, prior to dedication, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory

condition of the required improvements for a period of time in accordance with

the schedule below. Said time shall run from the date of their acceptance by the Council and dedication of same to the City.

Type of Maintenance Bond	Bonding Period
Pavements	4 years
Sanitary Sewer	2 years
Storm Sewer	2 years
Sidewalk	2 years

166.28 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council, provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least seven (7) days and not more than fifteen (15) days prior to such hearing.