

## APPENDIX A – 10

# CHECKLIST: SECURITY FOR FINAL PLAT APPROVAL

# TOWN OF CARRBORO

301 WEST MAIN STREET

(919) 918-7336: OFFICE

CARRBORO, NORTH CAROLINA  
27510

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## CHECKLIST: Security for Final Plat Approval

### (Projects with Town Streets)

#### *A CHECKLIST FOR THE PREPARATION OF FINANCIAL SECURITIES FOR THE APPROVAL OF FINAL PLATS BY THE TOWN.*

*(IN LIEU OF COMPLETING THE PUBLIC IMPROVEMENTS PRIOR TO FINAL PLAT APPROVAL)*

#### **I. OVERVIEW (please read carefully):**

*In order to file a final plat for a subdivision that involves the construction of public improvements such as streets, sidewalks, drainage structures, etc., all improvements must be installed to Town standards and accepted by the Town or some form of financial security complying with the requirements of Section 15-60 and 15-82 of the Carrboro Land Use Ordinance must be posted guaranteeing their installation and acceptance. With respect to recreational facilities required to satisfy the recreational provisions of the LUO, the facilities must be installed per the approved plans or must be guaranteed through some form of performance security per Section 15-61 of the LUO. Please note that financial securities are completed on a phase-by-phase basis per the phasing schedule approved as part of the permit approval process (or as subsequently amended).*

*The financial security must be either cash or a bond/letter of credit from a bank operating within the State of North Carolina. All improvements guaranteed through a financial security must be installed per Town standards and an offer of dedication made within the ten (10) month period. Please note that if the improvements are not made within the ten (10) month period, the Town will use the financial security to complete the work.*

*Additionally, please note that Section 15-82 of the LUO requires that the performance security amount also cover the cost of the warranty security. As a result, the total amount of the performance security required for filing a final plat prior to the completion and acceptance of the public improvements is 150% of the estimated cost of construction. The language of the performance security must reference that the additional 25% is for a street improvement warranty security. Another option is to post a separate street improvement warranty security in the amount of 25% of the cost of construction for the improvements to be accepted by the Town for a period of 25 months.*

#### **II. SUBMITTAL**

- Five (5) copies of the Final Plat (see “Checklist: Filing a Final Plat” for more information).
- Four (4) copies of the itemized cost estimate to the Zoning Division. Approval of the estimate will be required from Public Works, the Town Engineer, the Zoning Division and Parks and Recreation (where applicable).

- ❑ The cost estimate must include all public improvements and recreational facilities for the phase with the exception of any OWASA items.
- ❑ Letter from OWASA acknowledging approval and acceptance of a performance security for all OWASA utilities or a letter of acceptance of improvements.
- ❑ Letter signed by the applicant/developer acknowledging the security requirements and the fact that if the improvements are not installed at the end of the ten month period, the town will use the security to complete the project
- ❑ Sample security (bond or letter of credit). The security (bond or letter of credit) amount must be for 150% of the cost of construction and include a condition for conversion of 25% of the amount to act as the warranty security. If Cash is posted as the performance security, a letter signed by the owner/developer must be submitted authorizing the Town to hold 25% of the amount as the street improvement warranty security upon acceptance of the improvements. Security can also be accomplished by providing a performance security in the amount of 125% of construction costs for a period of ten (10) months and a separate street improvement warranty security in the amount of 25% of construction costs for improvements to be accepted by the Town for a period of twenty-five (25) months.

*Prior to releasing the final plat for recording, all requirements contained on the final plat checklist must be completed. Additionally, the petition for annexation must be completed and all engineering and street inspection fees must be paid. For additional information pertaining to the final plat requirements, please contact the Zoning Division at 918-7334. For additional information pertaining to the annexation requirements and/or the payment of engineering and street inspection fees, please contact the Planning Division at 918-7324.*

**III. CONTENT OF SECURITY ESTIMATE (label as Attachment A):**

- ❑ Name of Owner/Developer
- ❑ Address of Owner/Developer
- ❑ Signature of the Owner/Developer
- ❑ Name and Phase of Project
- ❑ Name, Address and Seal of the Engineer Preparing the Estimate
- ❑ Signature of the Engineer Preparing the Estimate
- ❑ Itemized cost estimates for all proposed or remaining work including, but not limited to, mobilization, clearing and grubbing, grading, ABC, I-2, concrete curb, concrete sidewalk, all drainage structures, stabilization methods and materials, street trees, recreational equipment, erosion control measures and removal, etc.
- ❑ 25% contingency
- ❑ 25% guarantee for the street improvement warranty surety

**IV. THE FINANCIAL SECURITY SHOULD CLEARLY INDICATE:**

- ❑ The financial institution with address, phone number and contact person
- ❑ The type of financial security with number (if applicable)
- ❑ The date of submittal
- ❑ The project name and name of owner/developer with address and phone number
- ❑ The beneficiary (Town of Carrboro, 301 W. Main Street, Carrboro, NC 27510)
- ❑ The amount of money guaranteed through the financial security.
- ❑ The expiration date of the security, which should be ten (10) months after the submittal date (date must be adjusted to correspond with a workday for the Town).

- Standard language authorizing the Town of Carrboro to “draw down” on the financial security for failure to construct the improvements bonded for, failure to construct them to Town standards or failure to dedicate and place the improvements under warranty.

#### **V. PROCEDURES FOLLOWING SECURITY AND PLAT APPROVAL:**

- THE TIMING OF THE FINAL PLAT APPROVAL AND FINANCIAL SECURITY APPROVAL SHOULD BE SCHEDULED SO THAT ALL INFRASTRUCTURE GUARANTEED CAN BE CONSTRUCTED, INSPECTED AND ACCEPTED WITHIN THE TEN (10) MONTH PERIOD SPECIFIED IN THE CARRBORO LAND USE ORDINANCE AND THE FINANCIAL SECURITY.
- NO SECURITY EXTENSIONS ARE PERMITTED NOR ARE ANY OUTSTANDING ITEMS ALLOWED TO BE “CARRIED OVER” TO THE WARRANTY PERIOD (*THE REMOVAL OF EROSION CONTROL MEASURES MAY BE CARRIED OVER TO THE WARRANTY PERIOD IF AT THE DIRECTION OF THE ORANGE COUNTY EROSION CONTROL OFFICER*).
- ALL WORK MUST BE INSPECTED PER THE DIRECTION OF THE STREET SUPERINTENDENT, THE TOWN ENGINEER, ORANGE COUNTY EROSION CONTROL AND THE PROJECT ENGINEER – PLEASE CONTACT EACH ENTITY TO DETERMINE THE INSPECTION REQUIREMENTS THROUGHOUT THE CONSTRUCTION PROCESS.
- TWO (2) MONTHS PRIOR TO THE EXPIRATION DATE OF THE FINANCIAL SECURITY (TWO MONTHS PRIOR TO THE TOWN CASHING THE SECURITY), THE IMPROVEMENTS SHOULD BE INSTALLED AND A FINAL INSPECTION SCHEDULED. THIS IS NECESSARY IN ORDER TO COMPLETE PUNCH-LIST ITEMS, CONDUCT A RE-INSPECTION AND COMPLETE THE REQUIREMENTS FOR STREET ACCEPTANCE

#### **VI. STREET ACCEPTANCE PROCEDURES:**

- The developer is required to have a registered engineer inspect the construction of the sub-grade base and the paving of all streets, the construction and installation of any drainage related items (i.e., curb/gutter, storm drainage pipe, drainage swales, etc.) and the installation of any sidewalks, bike paths, etc. Please note that the Town may also need to inspect some of the above mentioned items. Please contact the Public Works Department and the Town Engineer for the applicable inspections
- After the construction of all improvements in the phase, the developer’s engineer is required to certify, in writing to the Director of Public Works, that all construction is in compliance with Town standards
- After construction of all improvements in the phase, the developer’s engineer must contact the Town Engineer for instructions pertaining to the creation and submittal of the as-built drawings.
- Upon satisfactory completion of the above requirements, the developer is required to submit the following documents to the Director of Public Works (all must be submitted simultaneously):
  1. Letter requesting acceptance of the streets as part of the Town’s street maintenance system;
  2. As-built plans certified by the developer’s engineer;
  3. Letter from the developer’s engineer certifying, in writing, that all construction is in compliance with Town standards;
  4. A fifteen (15) month letter of credit (or other surety) ensuring that any defects of construction will be repaired. The surety must be for 25% of the original construction cost of the street and associated improvements. The 25% guarantee for the street improvement warranty surety required with the approval of the final plat can be revised to serve as the warranty surety.

