

ARTICLE VIII

REQUIRED IMPROVEMENTS

SECTION 1. IMPROVEMENT PROVISIONS: As a condition to the approval of the final plat, the subdivider shall agree to install, or provide for the installation of, the following necessary facilities and improvements:

1. All roadways, alleys, curbs, gutters, and street drainage facilities in the subdivision in accordance with standard specifications provided by the City. All paved streets shall be constructed of concrete, asphalt, or asphaltic concrete. Unpaved rural type roadways may be constructed with gravel or sanded surface. If other than gravel or sanded surface materials are used, urban construction standards shall govern. Streets may require cooperative agreements for maintenance.
2. Sidewalks, when required, shall be constructed in accordance with specifications provided by the City under the following conditions:
 - a. Sidewalks shall be installed on both sides of all arterial and collector streets, and sidewalks shall be required on both sides of the streets in commercial districts. All sidewalks shall be not less than four (4) feet in width of portland cement concrete and shall comply with the specifications of the Governing Body. Sidewalks shall be located in the platted street right-of-way, adjacent to property line where possible. Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission.
3. The subdivider shall be responsible to provide for and pay the full cost for the proper installation of all utilities, including: sanitary sewers and connection to approved treatment facilities, water supply, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or public agency.
4. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, sub-transmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction.
5. All gas meters must be located within three (3) feet of the building foundation if located within front yards in all subdivisions. All of the above will apply to any final plat which is approved by the Planning Commission after the passage of these regulations.
6. Fire Hydrants, in accordance with the standards of the applicable water supplier, but not less than the minimum standards of the National Board of Fire Underwriters, shall be provided wherever there shall be constructed a water supply system capable of sustaining fire hydrant service.

7. A storm drainage system shall be provided, separate, and independent of the sanitary sewer system, meeting all of the standard specifications provided by the City. Such storm drainage shall be connected to any existing storm drainage system, where available, or if such connection is not available, other adequate means for the discharge shall be provided into the nearest major water channel.
8. Street signs of such location, type, and size as shall be approved by the Governing Body, giving due regard to the prevailing type, size, and pattern of location utilized in the area.
9. Underground wiring for electric power, street lights, and telephone service is encouraged, but not required.
10. Street trees may be planted by the subdivider on all streets in the subdivision. Such trees may be planted on both sides but not less than five (5) feet from the back of curb lines.
11. All lot and block corners, angle points, points of curve in streets, and at intermediate points, as required, shall be set prior to the final acceptance of the plat by the City. Said stakes shall be 3/4-inch iron bars, three (3) feet long, and shall be set flush with the existing ground surface.
12. A minimum of 2 benchmarks (monuments) shall be placed in each subdivision, located and installed as required by the Engineer. In subdivisions larger than 40 acres, 1 benchmark shall be installed for each additional 20-acre area. The monument shall be a 3-inch brass cap set permanently in concrete, 10 inches in diameter by 24 inches deep approved the Engineer. The elevation of the monuments shall be identified on each.
13. The City shall install street lights.
14. Where landscaping of public areas is to be provided or the screening of private areas is required, a planting plan shall be submitted and the landscaping installed in accordance with the plan.

SECTION 2. RELOCATION OF EXISTING FACILITIES: Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground or overhead electric and communication lines, gas lines, pipe lines, or transmission lines are required to be relocated due to the subdivision or construction of improvements required as a condition of approval of the subdivision, and in the event such was not known at the time of subdivision approval for any reason, provision for such relocation shall be the sole responsibility of the subdivider.

SECTION 3. EROSION CONTROL: Where required, applicable measures will be taken during construction to minimize soil erosion and sedimentation by wind or water. Conservation standards shall be observed as recommended by the Downs County Conservation District.

SECTION 4. EXISTING IMPROVEMENTS:

1. Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of these regulations and are in good condition as determined by the

Governing Body based upon its consideration of the opinion of the City Engineer, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet said requirements, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet the requirements of these regulations.

2. Where the proposed subdivision is a re-subdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the Governing Body, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the Governing Body. The Governing Body shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The Governing Body may reduce the minimum roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length. Lanes to be painted on such widened streets designating driving and parking areas may also be required by the Governing Body.

SECTION 5. FINANCING OF REQUIRED IMPROVEMENTS:

1. When the construction or installation of street improvements, central sanitary sewer system, storm sewer system, or other drainage improvements are required to serve the proposed development within a subdivision, a prerequisite for approval of the Final Plat shall be the submission of a plan specifically setting forth the extent, time schedule, and method of financing such construction or installation as proposed by the owner or developer. The plan shall show the quantity, quality, and geometric details of the proposed construction or installation, which shall meet or exceed the standards set forth in the Subdivision Regulations and the City Building Codes.
2. Upon final approval of plans and specifications for required improvements, the subdivider shall enter into an agreement with the Governing Body under which the subdivider agrees to install such required improvements. Such agreement shall be conditioned upon the approval of the final plat by the Governing Body.
3. Simultaneously with execution of the agreement, unless otherwise approved, the subdivider shall furnish a corporate completion bond by a firm authorized to do business in Kansas with good and sufficient sureties thereon, or a cashier's check, escrow account, or irrevocable letter of credit in favor of the Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements. Such financial guarantee shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and satisfactory installation of such required improvements within two (2) years from the date that the final plat is approved by the Governing Body.
4. As an alternative method of providing for financing of improvements, petitions to the Governing Body may be submitted as a means of guaranteeing to such Governing Body the

authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:

- a. The petitions, to be secured from the Governing Body, must be valid petitions as may be provided for under Kansas law.
 - b. The petitions must be approved by the Governing Body, concurrent with the approval and acceptance of the final plat.
 - c. The initiating resolution for such improvements must be adopted by the 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.
 - d. The initiating resolution must be recorded with the Downs County Register of Deeds after it has been adopted by the Governing Body showing that the land described in the resolution will be liable in the future for special assessments for the improvements authorized.
5. The subdivider shall, prior to the approval of the final plat, submit a letter from the utility(ies) involved stating that satisfactory arrangements have been made by the subdivider guaranteeing the installation of their respective services.
 6. Unless the required improvements have been installed or guaranteed by a bond or special assessment petition for a lot or tract, no building permits shall be issued for that lot or tract.
 7. No occupancy shall be allowed until all improvements have been installed.