

## **SECTION 15-300 IMPROVEMENT REQUIREMENTS**

### **15-301 GENERAL PROVISIONS**

Prior to approval of the Final Plat, the Board of County Commissioners will require one or a combination of the following:

- A. An Improvement Agreement agreeing to construct any required public improvements shown in the Final Plat documents, together with collateral which is sufficient, in the judgment of the Board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications, or
- B. Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the Final Plat documents which, in the judgment of the Board, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

### **15-302 IMPROVEMENTS**

As improvements are completed, the subdivider may apply to the Board of County Commissioners for a release of part or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with the Regulations, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

### **15-303 TIME SCHEDULE FOR CONSTRUCTING PUBLIC IMPROVEMENTS**

Public improvements must be completed within the time frame designated in the approved Improvement Agreement. In the event that such installation is not completed within the time frame set forth in the Improvement Agreement, the subdivider must provide conclusive evidence that an extension of time is in the public interest. In the event that such installations are not made, the Board of County Commissioners may withdraw adequate funds from the subdivider's financial collateral to install the public improvements.

### **15-304 PERMITTING, INSPECTION, TESTING, AND ACCEPTANCE OF PUBLIC IMPROVEMENTS**

- A. Permitting requirements for public improvements construction are delineated in the Arapahoe County Infrastructure Design and Construction Standards. These include requirements for construction permits and street cut permits.
- B. Inspection and testing requirements for public improvements construction are delineated in the Arapahoe County Infrastructure Design and Construction Standards.
- C. Acceptance procedures for transferring maintenance responsibility from the subdivider/developer to Arapahoe County are delineated in the Arapahoe County Infrastructure Design and Construction Standards.

## **15-305      OPTIONAL REVIEW AND APPROVAL SCHEDULES FOR PUBLIC IMPROVEMENT FINAL CONSTRUCTION PLANS**

Because circumstances and priorities vary significantly from one subdivision application to another, three options are available to a subdivider for PWD approval of final construction plans for public improvements:

### **15-305.01            STANDARD APPROVAL PROCESS**

The construction plans submitted with the final plat represent a preliminary design of public improvements. These documents are reviewed primarily to establish the scope of the Improvement Agreement and to support the cost estimate and collateral for the agreement. Final construction plans for the public improvements are submitted after Board approval of the Final Plat, i.e. after right-of-way dedication to the County. PWD reviews the plans. When the final construction plans comply with all engineering provisions set forth by the PWD Department, the PWD Director approves them. The subdivider may then apply for construction permits to build the improvements. This option normally results in construction plan approval from 4-8 weeks after the Board of County Commissioners' approval of the plat.

### **15-305.02            CONCURRENT APPROVAL OF FINAL CONSTRUCTION PLANS WITH FINAL PLAT APPROVAL**

For circumstances in which the subdivider desires to start public improvements construction immediately following Board of County Commissioners' approval of the Final Plat, the following process should be followed:

- A. At the first resubmittal of construction plans following the Planning Commission hearing that recommends the proposed subdivision favorably, the applicant should submit a letter indicating his goal of concurrent plat and final construction plan approval.
- B. Final construction plans submitted at this time must meet the requirements of the Arapahoe County Infrastructure Design and Construction Standards for completeness of design and material requirements detail. The corresponding Phase III Drainage Report must be in full accord with the County's Stormwater Management Manual.
- C. Final construction plans submitted must be accompanied by the appropriate application form and review and approval fee.
- D. Engineering review will proceed as if right-of-way dedications were complete. When the final construction plans meet all the requirements of the Arapahoe County Infrastructure Design and Construction Standards, the applicant will be notified. If this condition is reached prior to the Board of County Commissioners' Final Plat hearing, the approval of plans (signing by the PWD Director) will be deferred until the Final Plat is approved by the Board of County Commissioners. If this condition is reached after Board of County Commissioners approves the plat, the plans will be signed at the next scheduled review committee meeting by the PWD Director.
- E. NOTE: The applicant's letter requesting final construction plan approval through the expedited process guarantees only that detailed review by staff will start before Board of County Commissioners approval of the plat. No warranty is given that construction plan approval will be concurrent with Final Plat approval by the Board of County Commissioners.

**15-305.03                    APPROVAL OF PUBLIC IMPROVEMENT FINAL  
CONSTRUCTION PLANS PRIOR TO FINAL PLAT APPROVAL**

For circumstances in which subdivider's desire to construct public improvements at the subdivider's own risk prior to the Board of County Commissioners' approval of the Final Plat, several conditions must be met:

- A. The land developer initiates the process by submitting a letter stating the desired objective of starting construction of public improvements prior to plat approval. This letter should be submitted to the Director, Department of Public Works and Development, explaining the circumstances and justification for this request.
  
- B. Final construction plans prepared in accordance with the Arapahoe County Infrastructure Design and Construction Standards and the Phase III Drainage Report must be submitted at least eight weeks prior to the expected construction start date. This submittal must be accompanied by the appropriate application form and review/approval fee.

**15-305.03.03**

- A. The applicant must provide the County a deed or other legal conveyance, granting to the County title to the land which is to become roadway right-of-way. The Board of County Commissioners must accept title to the land, or reach another equivalent agreement acceptable to the County Attorney, before the PWD Director may approve public improvement construction plans on unplatted land.
- B. This process is not typically used. It is recommended that land developers wishing to build public improvements prior to Final Plat approval schedule pre-submittal meetings with the County Attorney's office and the PWD Director's office.
- C. Any final construction plan approvals granted through this process are subject to subsequent revision during the subdivision process. The land developer assumes this risk when constructing prior to subdividing. The County does not imply, assert, or guarantee to the applicant that revisions, additions or deletions of certain public improvements may be required when the land served by the public improvements is eventually subdivided.