

ADMINISTRATION

Chapter 5

BONDING, OTHER SECURITY AND DEDICATIONS

Sec. 501. PERFORMANCE SECURITIES

In lieu of completing required street, utility and/or drainage improvements prior to plat recording or development approval in accordance with 17.32.055 and 17.32.056 of the Ferndale Municipal Code, the Public Works Director may authorize the developer to post a security with the City Planning Director's office to guarantee completion of said improvements. The security posted shall conform to the following conditions:

- A. The security shall be equal to 150 percent of the construction estimates approved by the Public Works Director.
- B. The security shall be of a form approved by the City Attorney's Office. Types of securities include, but are not limited to cash deposits, assigned savings and performance bonds.
- C. The security shall be for one (1) year at which time it may be extended at the option of the Public Works Director. A new amount will be calculated at a time of any extensions.
- D. The security shall be used by the Public Works Director to make the required improvements if these improvements are not made in the allotted time.
- E. On new streets and drainage facilities, ninety (90) percent of the security may be released upon completion and approval of the work by the Public Works Director. The remaining ten (10) percent or \$5,000 (whichever is greater) shall be held until the facilities are provisionally accepted and maintenance security has been received.
- F. On existing established City streets, ninety (90) percent of the security may be released upon completion of the work and approval of the Public Works Director. The remaining ten (10) percent or \$5,000 (whichever is greater) may be released upon receipt of the maintenance security.

Sec. 502. MAINTENANCE SECURITIES

- A. **General.** Prior to satisfactory completion of street and/or drainage facilities and utilities to be maintained by the City as a condition of acceptance of such facilities by the City, the developer shall post a maintenance security with the City Planning Director's office which conforms to the following:
1. The security shall be in effect for two (2) years from the date of provisional acceptance of new street, drainage facilities, and utilities for maintenance.
 2. The maintenance security shall be for an amount of ten (10) percent of the construction cost estimate or \$5,000 (whichever is greater).
 3. The security shall cover the costs for defects in design, materials and workmanship of streets, sidewalks, curbs, and/or drainage facilities as determined by the Public Works Director throughout the maintenance period.
 4. The release of this security on the effective date shall be for the amount of security minus the cost of any maintenance work required to be done by the City.
 5. Bond forms shall be generally in conformance with bond forms listed in Appendix A.

Sec. 503. ENCROACHMENT PERMIT BONDS

A surety commensurate with the extent of work to be done may be required and shall be posted with the City Planning Director's Office prior to the issuance of a permit to work within City street rights-of-way.

Sec. 504. LAND DISTURBANCE PERFORMANCE BOND

Land disturbance permits meeting both of the following criteria shall require the posting of a performance bond:

- A. The land disturbance permit application is not submitted in conjunction with an application for subdivision, short subdivision, binding site plan, shoreline substantial development permit, zoning conditional use permit, planned unit development or building permit; and,

- B. The land disturbance permit application consists of the movement of more than 500 cubic yards of material.

In such cases, the applicant is required to post a performance bond or other monetary security as approved by the City Attorney. The amount of the bond shall be \$5,000 or one hundred and twenty-five (125) percent of the land disturbance cost, whichever is greater. If there is a land disturbance violation a portion of the bond may be used as needed to repair the damages. If the repairs result in costs greater than the amount of the bond, the applicant shall be liable for the difference.

Sec. 505. DEDICATIONS AND EASEMENTS

- A. **General.** Right-of-way shall be dedicated for streets and other improvements to accommodate motorized and non-motorized transportation, parking, utility and buffer requirements. Some reduction in the minimum right-of-way requirement may be granted by the City Council where it can be demonstrated that sufficient area has been provided for all functions within the right-of-way and in alternate locations. The minimum right-of-way requirements for urban minor and local streets can be reduced in widths if geometric requirements and provisions for utility installations and maintenance are met. Wherever utility and maintenance easements are required beyond the existing right-of-way requirements, necessary easements shall be provided. Unless already allowed in these Standards, right-of-way widths less than 60 feet require specific approval of the City Council. Right-of-way widths greater than 60 feet may be required along State routes or City streets where geometric factors warrant.
- B. **Easements.** Easements shall be provided for all public systems as required. Specific requirements for sewer, water, and storm drainage easements are detailed in the relevant chapters. Particular design features of a street may necessitate slope, retaining wall or drainage easements. Such easements may be required by the Public Works Director in conjunction with dedication or acquisition of right-of-way and other standard easements.
1. i) **Access Easements - Pedestrian.** Where it is necessary to facilitate pedestrian circulation between neighborhoods, schools, shopping, recreation or other activity centers in addition to that provided for adjacent to a street, public access easements shall be dedicated. Access easements shall be a minimum of ten feet wide. Improvements to the easements shall include a sidewalk or trail consistent with other non-motorized facilities in the area. Fences may be constructed along access easements.

- ii) **Access Easements - Vehicular.** In the event properties do not have direct frontage on a city street, access shall be provided via an easement. Creation of a development served by an access easement rather than a dedicated street shall be as determined by the Ferndale City Council. Vehicular access easements shall be paved, be a minimum of 24 feet in width, shall terminate in an approved hammerhead turnaround as described in the attached detail R5-A and shall be built in a manner consistent with Sections 10.201 - .206 of the Uniform Fire Code - current edition. In the event that multiple lots are served by an access easement, an agreement designating the shared maintenance responsibilities for the easement shall be signed by all affected parties and recorded with the County Auditor.
2. i) **Utility Easements - Singular.** An easement for a single city utility line shall be minimum of 10' in width and shall be designated on a recorded plat, short plat, binding site plan or recorded deed.
- ii) **Utility Easements - Multiple.** An easement containing both city water and sewer lines shall be a minimum of 20' in width and shall provide for a minimum horizontal separation between water and sewer lines of 10 feet. Easements shall be designated on a recorded plat, short plat, binding site plan or deed.