

Sec. 17-40-210. - Final subdivision plat.

Not more than twelve (12) months after the subdivider has received approval of the preliminary plat for a major subdivision or is notified by the City Planner as to the feasibility of a minor subdivision, the final plat shall be submitted to the City. Only that part of the preliminary plat which is proposed by the developer for immediate recording must be submitted in its final form. The final plat may reflect the entire preliminary plat or any logical part thereof. The final plat shall be processed as follows:

- (1) Ten (10) copies of the final plat and the required supplemental material shall be presented to the Planning Division.
- (2) After reviewing the final plat to assure its acceptability, the City Planner shall present the plat to the City Council for review.
- (3) The City Council shall hold a hearing on the final plat in the manner set forth herein. Every final plat shall contain the name and address of the applicant to whom the notice of said hearing shall be sent. The applicant shall also submit to the Planning Division the names and addresses of the owners of immediately adjacent property. Notice of hearing shall be sent by certified mail to the owners of the property to be subdivided, and a similar notice shall be sent to immediately adjacent property owners provided by the applicant on the final plat. Said notice shall be mailed at least five (5) days prior to the date fixed for the hearing; shall contain the time and place of the hearing; and shall accurately set forth the matter to be considered. Such notice shall be for informational purposes, and failure of any adjacent property owner to receive such notice shall not affect the validity of the hearing. The City Council shall approve, disapprove or approve the final plat with modifications. If the final plat is disapproved, the reasons shall be stated in writing and a copy of the reasons furnished to the subdivider within thirty (30) days of the final decision of the City Council.
- (4) Following approval of the final plat by the City Council, the final plat shall be signed by the Mayor and attested by the City Clerk. The City Clerk shall then record the final plat in the office of the applicable county clerk and recorder. The subdivider shall furnish the required copies for plat recording and shall pay all recording fees.
- (5) The final plat shall be prepared as follows:
 - a. The design shall conform to the preliminary plat if applicable, as conditionally approved, except that the final plat may constitute only that portion of the approved preliminary plat which is proposed for immediate recording; and
 - b. The drawing shall be made at a scale of one (1) inch equals one hundred (100) feet, by the use of India ink or other equally substantial solution, on a reproducible medium with outer dimensions of eighteen (18) inches by twenty-four (24) inches. Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet.

(6) The final plat shall contain the following information:

- a. The proposed name of the subdivision under which it is to be recorded.
- b. Scale, north sign and date.
- c. Legal description of the property.
- d. A complete description of primary control points (monuments) approved by the City Engineer to which all dimensions, angles, bearings and similar data on the plat shall be referred.

(These primary control points shall be determined prior to final approval; also, the monuments and ties to monuments shall actually exist in the field before final approval.)

- e. Names of all adjoining subdivisions with dotted lines of abutting lots.

(If the adjoining land is unplatted, it should be shown as such.)

- f. Filing boundary lines, right-of-way lines of streets, street center lines, easements and other rights-of-way, drainage channels and property lines of residential lots and other sites with accurate dimensions and bearings of curve data.
- g. Names and right-of-way widths for each street or other right-of-way.
- h. Location, dimensions and purposes of any easements and public use areas.
- i. Number to identify each lot or site and each block.
- j. State of land ownership by the subdivider and certification of title.
- k. Statement of owner dedicating streets, rights-of-way and any sites for public uses.

(Holders of encumbrances on the property to be subdivided shall consent thereto or issue a partial release to such dedicated streets, rights-of-way and public streets. Areas reserved for future public acquisition shall be defined in the subdivision agreement.)

- l. A current certificate by an attorney practicing law in the State, or a current title insurance commitment issued by a title insurance company authorized to do business in the State, that the person dedicating to the public the public ways and areas shown on the final plat is the owner thereof in fee simple, free and clear of all liens and encumbrances.
- m. Signature and seal of the registered land surveyor certifying accuracy of survey and plat.
- n. Certification for approval by the City Council.

(7) The final plat shall be accompanied by the following:

- a. A computer check of the closure of all boundary lines to one (1) part in ten thousand (10,000) parts;
- b.

Complete engineering plans and specifications for all public facilities to be installed; i.e., water and sewer, utilities, streets and related improvements, bridges, parks and storm drainage plans and facilities; and

c. Executed agreements made with ditch companies, when needed.

(8) The final plat of any minor subdivision, as defined within this Section and otherwise meeting all submittal requirements contained within the existing land use application, may be reviewed by the Director for conformance to the existing Zoning Ordinance and Subdivision Regulations and, at the Director's discretion, approved without further review by the City Council.

(9) Development sign. Within thirty (30) days of final plat approval by the City Council and as a condition precedent to the recording of any ordinance or platting document, the developer and/or landowner shall cause to have erected, if a development sign has not previously been erected pursuant to this Section hereof, or updated if a development sign has previously been erected pursuant to this Section, on the platted property, a sign providing information pertaining to the final plat of the property. At a minimum, the following information, conditions and specifications are required:

a. The sign shall be at least fifteen (15) square feet in size, with a maximum height of eight (8) feet;

b. The sign shall be placed on the zoned property so as to be visible to the public from nearby streets, trails and/or adjacent public areas. Where the zoned property abuts public right-of-way along more than one (1) of its property lines, a sign shall be placed at each such location;

c. At a minimum, the following information shall be included within each development sign:

1. The zoned property lies within the municipal boundary of the City.

2. A map, outline or site plan of the zoned property as approved by the City Council during the zoning/ platting process.

3. The zoning that has been approved.

4. Name of the developer and/or owner of the zoned property and an address, phone number and/or web site where they might be contacted for project information.

5. A statement that additional information may be obtained from the City of Brighton Planning Division at 303-655-2023 or at the City web site, www.brightonco.gov.

d. All signs shall be made of a durable substance and shall comply with the Uniform Sign Code and City Sign Code. The developer/landowner shall be responsible for maintaining the sign in a condition consistent with its intended use and location, including replacement, if necessary.

(Ord 1964, 2008)

Sec. 17-40-220. - Subdivision agreement, performance bond and schedule of improvements.

Before the City Council accepts and approves a final plat, the subdivider shall have entered into a written subdivision agreement with the City wherein the subdivider shall agree to make and install all necessary public improvements associated with the plat, within the period of time determined to be necessary by the City, and wherein the subdivider shall have provided a bond with sufficient sureties, a letter of credit or an agreement for the benefit of the City, guaranteeing the faithful performance of the covenants made, or shall have deposited sufficient funds in escrow with the City to cover the cost of such public improvements as said cost is determined by the City Engineer. Such bond, letters of credit, agreement or escrowed funds guaranteeing the performance of the subdivider's or owner's covenants shall be in an amount of at least equal to one hundred ten percent (110%) of the cost of performing the covenants made. The agreement shall further provide that no building permit or certificate of occupancy shall be issued if the agreement is in default. Said subdivision agreement shall also include any other provisions which the City deems necessary to protect the public health, safety and welfare, including but not limited to a schedule of improvements. *Schedule of improvements* shall mean a detailed listing of all of the public improvements, the design, construction and installation of which are the sole responsibility of the developer. The schedule of improvements may be divided into the phases of the approved final plat for the development and shall specify, as to each improvement listed below, the type, the size, the general location and the estimated cost of each improvement:

- (1) Water lines.
- (2) Sanitary sewer lines.
- (3) Storm sewer lines.
- (4) Drainage retention/detention ponds dedicated to the City.
- (5) Retaining walls.
- (6) Wells.
- (7) Fire hydrants.
- (8) Streets.
- (9) Alleys.
- (10) Curb/gutter/sidewalks.
- (11) Parking lots.
- (12) Bridges and other crossings.
- (13) Guard rails.
- (14) Street lights.
- (15) Traffic signal lights.
- (16) Signs.

- (17) Permanent easements.
- (18) Rights-of-way.
- (19) Neighborhood parks.
- (20) Trails and paths.
- (21) Community parks.
- (22) Irrigation systems.
- (23) Fencing.
- (24) Open space.
- (25) Other land donated/conveyed to the City.
- (26) Value of land beneath all infrastructure improvements.
- (27) Value of water donated or conveyed to the City.

(Ord. 1964, 2008)

Sec. 17-40-250. - Plat amendment.

Amendments to final plats approved in conformance with the Zoning Ordinance and these Regulations and recorded with the County Clerk and Recorder, but which do not accurately reflect actual construction, require the relocation of lot lines, easements or public rights-of-way or other material modifications and/or revisions, shall require the submittal of an amended plat for review by the Community Development Department and approval by the Director thereof. If the Director believes that the proposed amendment substantially alters the final plat as approved, the Director may refer the amendment to the City Council for consideration consistent with the requirements and process set forth in this Article. Any and all fees associated with the development, submittal, review and recording of such final plat amendment shall be solely the responsibility of the applicant.

(Ord. 1964, 2008)