

ORDINANCE NO. 24-01
AN ORDINANCE UPDATING THE FINAL PLAT ORDINANCE

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the governing body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, The Garden City Town Council is authorized to regulate building and construction in the Town of Garden City; and

WHEREAS, the Garden City Town Council bring conformity to the final plat recording requirements for all development types.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GARDEN CITY TOWN COUNCIL THAT ORDINANCE #11E-500 SHALL BE UPDATED AS FOLLOWS:

CHAPTER 11E – 503 Time Limitations. The failure to obtain final plat approval by the Council of an approved preliminary plat within twelve months after approval by the Council shall cause all approvals of said preliminary plat to be null and void unless the subdivider applies for, and is granted, a written extension by the Council. The final plat shall be filed with the Rich County recorder within ~~six months~~ **12 months** after final plat approval by the Council. Failure to file said final plat within that time shall cause all approvals of said final plat to be null and void. No lots shall be sold and no building permit shall be issued with regard to any parcel of land within a proposed subdivision until the final plat has been recorded.

11E -504 Contents of Final Plat:

- C. The final plat shall require the following certifications, legal reviews, and approvals:
1. Certification and signature of reviewing surveyor verifying that the subdivision meets all Town requirements. Certificate by registered surveyor preparing the map certifying to the accuracy of surveying plat,
 2. The owner's "Certificate of Dedication".
 3. A notary public's "Acknowledgment".
 4. The Utah State Board of Health's "Certificate of Approval", or Bear Lake Special District "Certificate of Approval".
 - 5. The Garden City Public Works Director "Certificate of Approval."**
 - ~~5.~~ **6.** Certification and signature of the Town engineer verifying that the subdivision and design standards meet all Town requirements.
 - ~~6.~~ **7.** The Town Attorney's "Certificate of Approval".
 - ~~7.~~ **8.** Certification and signature of the Clerk of the Town of Garden City attesting that the subdivision has been approved by the Council.
 - ~~8.~~ **9.** Certification of owner(s) of record, and all holders of security interest(s) of record with regard to said property.

9. ~~10.~~ A provision in the owner's certificate referencing the county recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowner's association governing the subdivision are recorded.
- ~~10.~~~~11.~~ Notation of any additional restrictions imposed by the Council or the Fire District Fire Chief on the development of said subdivision to provide for the public health, safety, and welfare.
- ~~11.~~ ~~12.~~ A current title report of all property contained within the plat. The title report shall include the name of the subdivision, the name of the Town, if appropriate, county and state, and the location and description of the subdivision referenced to section, township, and range.
- ~~12.~~ ~~13.~~ Certification that all water rights have been transferred to the Town of Garden City.
- ~~13.~~ ~~14.~~ A one-and-one-half by five-inch space in the lower right-hand corner of the drawing for official agency use.
- ~~14.~~ ~~15.~~ Twenty (20) copies of the final plat shall be filed with the Clerk prior to being placed upon the Commission's agenda. One (1) copy shall be 24" x 36". The remaining copies may be 18" x 18". One copy of the final plat as approved by the Council and signed by the Mayor shall be filed with the Clerk and retained by the Town. An additional copy of the final plat as approved by the County and signed by the Mayor will be filed with the Rich County Recorder.
- ~~15.~~ ~~16.~~ An electronic copy of the final plat shall be provided to the Clerk in PDF Format.
- ~~16.~~ ~~17.~~ A copy of the provisions of the articles of incorporation and by-laws of homeowner's association and/or condominium declarations to be filed with the final plat of the subdivision.

11E-505 Infrastructure

- C. Guarantee of Completion of Infrastructure: In lieu of the actual installation of infrastructure required for the subdivision before filing of the final plat, the subdivider may elect to provide one of the acceptable forms of completion assurance set forth below in accordance with the terms and conditions of this Section.
1. Amount of the completion assurance. The completion assurance shall be in an amount equal to one hundred ten percent (110%) of the total estimated cost for completing construction of the required infrastructure shall include not only the estimated cost of materials and labor but also the estimated costs the Town may incur in having to assume responsibility to complete the infrastructure including, without limitation, the cost of hiring new contractors as well as any administrative costs.

2. Time to complete the improvements. If the subdivider provides a completion assurance in compliance with this Section, the subdivider shall complete the construction of the required infrastructure within eighteen (18) months of the date of approval of the final plat unless otherwise approved by the Town Council in a written development agreement recorded on title to the property being subdivided (referred as the “construction period” and the end thereof referred to as the “completion deadline”). The completion assurance provided by the subdivider must be valid for at least ninety (90) days past the completion deadline to allow the Town sufficient time to execute on the same after a default.
3. Type of completion assurance. The subdivider may provide one of the following types of completion assurance:
 - a. Cash Deposit in Escrow. The subdivider may deposit completion assurance funds with a bank, title company, or other professional escrow, which is acceptable to the Town and upon execution of an escrow agreement that is approved by the Town Attorney. The escrow must agree to hold and apply the proceeds completion assurance only for the required infrastructure for the subdivision. The agreement must give the Town the right to withdraw those funds necessary to complete any required infrastructure not installed by the completion deadline.
 - b. Letter of Credit. The subdivider may provide an irrevocable letter of credit as a completion assurance. The letter of credit must be with a federally insured bank or savings institution and be in a form as approved by the Town Attorney.
4. Partial Release. The subdivider may apply to the Town for partial or prorated releases of the completion security if: (1) a request is not made more frequently than every sixty (60) days. (2) the request for required infrastructure that has been completed, inspected, and approved by the Town, (3) a proportionate warranty assurance for the required infrastructure has been received by the Town.
5. Default by Subdivider. In the event the subdivider fails to complete the installation of all required infrastructure by the completion deadline, the Town shall have the right to complete or cause to be completed the installation of the required infrastructure. The subdivider shall indemnify and hold the Town harmless for, and the Town may collect from the completion assurance, all costs and expenses the Town incurs in completing the installation of the required infrastructure, including without limitation all engineering, legal, and contingent costs and any and all damages the Town may sustain on account of the subdivider’s failure to timely complete the installation of the required infrastructure. The Town need not wait until after the infrastructure is completed to draw upon the completion assurance but may collect therefrom in order to obtain the funds necessary to complete the installation of the required infrastructure.

6. Warranty of Improvements. The subdivider shall warrant that all installed infrastructure shall remain in good condition and free from all defects in performance, materials and workmanship during the warranty period. The warranty period shall commence on the date the Town approves and accepts the installed infrastructure and shall terminate one (1) year thereafter.
7. Warranty Assurance. Before the Town may approve and accept any infrastructure installed by the subdivider, the subdivider shall provide a warranty assurance that meets the same requirements for a completion assurance set forth in this Section, except that the amount of the warranty assurance shall be 10% of the lesser of (i) the estimated cost of completion of the infrastructure as determined by the Town Engineer or (ii) the subdivider's reasonable proven cost of completion.
8. Defects in improvements. In the event the Town discovers any defect in any of the infrastructure installed by the subdivider during the construction period of the warranty period, the Town shall provide notice of the same to the subdivider. The subdivider shall repair or replace the defective infrastructure within ninety (90) days of receipt of the notice from the Town (the "repair deadline").
9. Default on Warranty. In the event the subdivider fails repair or replace the defective infrastructure set forth in the notice provided by the Town by the repair deadline, the Town shall have the right to complete or cause to be completed the repair or replacement of the defective infrastructure. The subdivider shall indemnify and hold the Town harmless for, and the Town may collect from the warranty assurance, all costs and expenses the Town incurs in completing the repair or replacement of the defective infrastructure, including without limitation all engineering, legal, and contingent costs and any and all damages the Town may sustain on account of the subdivider's failure to timely complete the repair or replacement. The Town need not wait until after the repair or replacement is completed to draw upon the warranty assurance but may collect therefrom in order to obtain the funds necessary to complete the repair or replacement of the defective infrastructure.
10. Building Permits. No Building Permits may be issued until all infrastructure required by the Planning Commission or the Town Council are complete and signed off by the Public Works Dept., Sewer Dist. and Town Engineer, or until a completion assurance that meets the requirements of this Section has been provided in accordance with the terms and conditions required in this Section. Nothing herein supersedes the requirements of the State Building and Fire Codes which also must be met before a building permit may be issued.

**a. Building permits will be issued in accordance with Garden
City Code 11H-101**

b. Building permits applied for more than three (3) years after the recorded plat date, shall comply with current Garden City Ordinances.

APPROVED AND ADOPTED this 11th day of January 2024.

APPROVAL:

Attest:

Michael Leonhardt, Mayor

Cathie Rasmussen, Town Clerk

Voting	Aye	Nay
Argyle	___	___
Hansen	___	___
Menlove	___	___
Parry	___	___
Leonhardt, Mayor	___	___