

**8-101. Subdivision Types.** For purposes of this article, subdivisions shall be classified as follows:

Urban Subdivisions. All subdivisions lying within an incorporated city and those subdivisions in the unincorporated areas of Sedgwick County having or intended to have a density of more than one dwelling unit per 25,000 square foot lot. All subdivisions or portions of subdivisions being platted for commercial, industrial, and public or semi-public purposes (directly related to an urban residential subdivision) are considered to be urban subdivision.

Suburban Subdivisions. All residential subdivisions lying in the unincorporated areas of Sedgwick County that have a density of one, or less than one, dwelling unit per 25,000 square foot lot are considered to be suburban subdivisions.

When interpreting this article, any time a tract of land is split by the application of a three-mile ring (i.e., a line drawn in a circular fashion that is three miles from the corporate limits of a city), the tract shall be considered to be within three miles of the city only if over fifty (50) percent of the area of the tract lies within the three mile ring. If over fifty (50) percent of the tract lies outside the ring, then the entire tract shall be considered to lie outside the three-mile ring.

**8-102. Engineering Jurisdictions.** When setting standards and specifications, approving engineering drawings, inspecting improvements, recommending acceptance of improvements, preparing petitions and establishing the amount of surety for guaranteeing the installation of required improvements; the following table shall be used to designate the "appropriate engineer" for the type of improvement listed:

Improvement	Appropriate Engineer	
	Column A	Column B
	City of Wichita	All Unincorporated Areas of Sedgwick County
Roadways, Alley, Curbs and Gutters, Sidewalks	City Engineer	County Engineer
Water Supply Systems	Director of Water Sewage Treatment of the City of Wichita*	County Code Enforcement

Fire Hydrants	Director of Water Sewage Treatment of the City of Wichita and the Fire Chief of the City of Wichita	County Fire Chief
Sanitary Sewer Systems	City Engineer*	County Engineer*
Storm Sewer Systems/Storm Water Management Facilities/Street Drainage Facilities	City Engineer**	County Engineer
Street Signs	City Engineer	County Engineer
Underground Wiring Overhead Wiring Gas Lines	Utility Company Involved	Utility Company Involved
Benchmarks Monuments	City Engineer	County Engineer

\*With the approval of the Kansas Department of Health and Environment and the City of Wichita-Department of Environmental Services, as applicable, when required by Law.

\*\*The City's Storm Water Engineer shall have oversight over all stormwater quality matters, requirements of the NPDES program, stormwater management plans, subdivision grading/drainage plans and watershed planning.

**8-103. Required Improvements.** The subdivider of a proposed subdivision shall install, or guarantee the installation of, the following facilities and improvements:

(A) Streets.

For urban subdivisions being platted for residential development, all local and collector streets shall be paved with pavement that conforms to the standards adopted by the appropriate governing body. Streets shall also be paved in subdivisions that are being platted for development of office, commercial or industrial uses.

For suburban subdivisions located within three-miles of the City of Wichita that are proposing lot sizes from 25,000 square feet to one acre in size and involve property identified as being within the future urbanizing area, all local streets required by these regulations shall be paved in accordance with a suburban street pavement standard.

The suburban street pavement standard shall provide for a minimum of six inches of base stabilization with treated subgrade and shall not require the installation of curb and gutter. The

paved roadway shall provide a 24-foot wide driving surface and shall be paved with a minimum of six inches of asphalt or concrete. The asphalt thickness may be increased to the thickness called for in the "Supplementary Pavement Thickness Design Manual for Residential Streets within the

Wichita Metropolitan Area" based upon a determination by the County Engineer that a thicker pavement is warranted. In all cases, construction of paved suburban roadways shall provide for installation of adequate roadside shoulders and adjacent open ditch drainage.

For suburban subdivisions not required to construct paved suburban streets, all roadways required by these regulations shall be constructed with gravel or sanded surface. If other than a gravel or sanded surface is desired, the suburban street pavement standard as described for suburban subdivisions shall be used.

For urban subdivisions in or within three (3) miles of the City of Wichita, the Subdivider shall provide for paved access of section-line roads between the nearest paved segment and the entrance to the subdivision, in conformance with the standards established by City Council policy.

Paving of arterial streets shall be required in accordance with the following provisions:

- (1) Within any unincorporated portion of an Urban Growth Area, all proposed subdivisions shall provide access to a paved arterial street when a Community Sewer System (CSS) is proposed or when the vehicle trips projected to be generated by the proposed subdivision will cause, cumulatively, more than 200 vehicle trips per day on the arterial street (in accordance with trip generation rates contained in the most recent edition of "Trip Generation", Institute of Transportation Engineers).
  - (a) Where paving on the arterial street does not exist at the time of platting to the entrance to the subdivision, the subdivider shall petition Sedgwick County to provide the paving, in minimum increments of one-half mile, to the nearest paved arterial. To offset its costs and the debt service on obligations issued to pay for such paving, the petition shall be based on a charge to the subdivider of \$950 per acre of land platted. The fee shall be guaranteed by surety that is acceptable to the County, prior to final plat approval. The fee shall be credited to the account established by Sedgwick County for the express purpose of paving arterial streets in Urban Growth Areas and for the debt service on obligations issued by Sedgwick County for that purpose.
  - (b) Where paving on the arterial street does exist at the time of platting to the entrance to the subdivision, in order to offset its share of the costs of paving arterial streets and the debt service on obligations issued to pay for such paving, Sedgwick County shall charge a benefit fee, in accordance with the following fee schedule, to any property that is subdivided after the effective date of this Ordinance within the unincorporated portion of an Urban Growth Area, except as specifically exempted below. The fee shall be guaranteed by surety that is acceptable to the County, prior to final plat approval. The fee shall be credited to the account

established by Sedgwick County for the express purpose of paving arterial streets in Urban Growth Areas and for the debt service on obligations issued by Sedgwick County for that purpose.

- i. For properties that do not have access to an arterial street paved as of the effective date of Res. No. 201-2005 (Publ. 12-27-05), the benefit fee shall be \$950 per acre.
  - ii. For properties that have access to an arterial street paved as of the effective date of Res. No. 201-2005 (Publ. 12-27-05), the benefit fee shall be \$475 per acre.
  - iii. The benefit fee shall not apply to properties that pay fees to Sedgwick County under the provisions of Paragraph 1(a) above, are outside an Urban Growth Area, or to existing structures that are not subject to platting.
- (2) Outside an Urban Growth Area, all proposed subdivisions shall provide access to a paved arterial street when the vehicle trips projected to be generated by the proposed subdivision will cause, cumulatively, more than 200 vehicle trips per day on the arterial street (in accordance with trip generation rates contained in the most recent edition of "Trip Generation", Institute of Transportation Engineers). Where paving on an arterial street does not exist at the time of platting to the entrance to the subdivision, the subdivider shall petition Sedgwick County to provide the paving, in minimum increments of one-half mile, to the nearest paved arterial. In the petition, the subdivider shall agree to be responsible for the entire cost of the paving and will pay the costs to Sedgwick County in full, or by surety that is acceptable to the County, prior to final plat approval.

Effect of Future Annexations. The imposition of the above fees shall apply irrespective of any future annexation by a city.

(B) Sidewalks.

Sidewalks, when required, shall be guaranteed from curb to curb of intersecting streets rather than to property lines. Sidewalks shall be constructed as near as possible to property lines rather than curb lines.

For urban subdivisions, sidewalks shall be guaranteed for construction at locations that conform to the requirements of the City of Wichita's Sidewalk Ordinance. This ordinance applies to not only property within the city limits of Wichita, but also to all unincorporated property within three (3) miles of Wichita's corporate boundaries.

An alternative sidewalk plan may be proposed by the subdivider that indicates the construction of sidewalks at locations different from those required by the Sidewalk Ordinance. The Planning Commission may recommend that the Wichita City Council accept the alternative sidewalk plan provided it is determined that the alternative plan provides a pedestrian circulation system that is equal to or superior to the circulation system required by the Sidewalk Ordinance. If an alternative

plan indicates the construction of sidewalks within private open space, the subdivider shall guarantee the construction of such sidewalks by a method acceptable to the engineer having jurisdiction. A covenant that assures the perpetual maintenance of the sidewalk system within private open space shall be submitted by the subdivider. This covenant shall be recorded with the Register of Deeds and shall run with the land.

For suburban subdivisions, sidewalks shall not be required unless the engineer having jurisdiction can show how construction of a sidewalk would significantly enhance pedestrian access to schools, parks, or places of public assembly.

(C) Sanitary Sewer.

All sanitary sewer and sewerage treatment systems are subject to regulation by the Kansas Department of Health and Environment. Sanitary sewer lines shall not be combined with storm water sewer lines.

(1) Within the City of Wichita.

(a) Laterals shall be installed in accordance with the standards of the appropriate engineer. Where permanent facilities are in the planning or construction stage, temporary facilities may be used, provided, the lot sizes being created are appropriate for use of a municipal system and a restrictive covenant is provided to guarantee the proper building site necessary for proper functioning of the temporary facilities. If individual treatment systems are used, then the minimum aggregate building site area prescribed in Section 8-103(C)(4) shall be followed.

(b) Mains and submains shall be installed at the direction of the governing body. The cost of such installation may be assessed to benefiting properties or paid from other funds.

(2) Within unincorporated areas designated for urbanized growth, as shown on the adopted comprehensive plan, or on a map approved by the governing body that shows areas designated for future growth or indicates areas to be served by future sewer line extensions, the following requirements shall apply:

(a) Laterals shall be installed in accordance with the standards of the appropriate engineer. Temporary facilities may be used as provided in (1) (a) above.

(b) Mains (and submains) shall be installed at the direction of the governing body. The extensions of mains shall be made at the discretion of the governing body. The decision to extend a main shall evaluate the cost of the extension relative to the rate of growth expected in the area to be served by the main. The length and size of the sewer main extension shall be reasonable when the cost of the line extension is compared to the number of people to be served by the improvement. The cost of such construction may be paid from the funds of the governing body as deemed proper by them. Those costs that are legally chargeable to a benefit district may be so assessed or such costs may be recovered later by use of a connection or "hook-up" fee. Connection or hook-up fees shall be payable at the time of development. In those areas where

growth is expected within the planning period, but extension of main sewers is not yet feasible as determined by the governing body, the subdivider shall provide either the necessary main extensions to connect to an existing sanitary sewer system or an on-site treatment facility (such as a "package plant") that is satisfactory to the appropriate engineer, the City of Wichita Department of Environmental Services/County Code Enforcement, as applicable, and the Kansas Department of Health and Environment. When the subdivider is required to provide the main sewer, treatment facility, or submain sewer, the governing body may participate in improvement costs to the degree that it determines the public interest is served.

- (3) For urban subdivisions in other areas, the subdivider shall provide municipal-type sanitary sewer service approved by the appropriate engineer or an on-site treatment facility that is satisfactory to the appropriate engineer, the City of Wichita Department of Environmental Services/County Code Enforcement, as applicable, and the Kansas Department of Health and Environment. In approving such a system, the MAPC may require a covenant be filed that prohibits certain land uses that are inappropriate to discharge into on-site systems.
- (4) For all other areas not covered by the preceding sections, on-site systems of sewage disposal may be used on individual lots, provided that:
  - (a) All new lots on property on which an onsite wastewater treatment system is to be constructed must provide a lot size with a minimum of 43,560 square feet. This minimum size requirement is independent of all other area and separation requirements;
  - (b) There is a soil profile and other soil tests made for each lot or such number of lots as may be specified by the City of Wichita Department of Environmental Services/County Code Enforcement, as applicable. The lots shall be satisfactory for a septic tank system if there is a percolation rate from 6 to 60 minutes per inch or less. Lots shall be satisfactory for a sewage lagoon if there is a percolation rate of 61 minutes per inch or more. For lots with soils found to have percolation rates between 0 and 5 minutes per inch, a specially designed sewage disposal system approved by the Director of Environmental Services shall be required. Soils information available at the Office of the Sedgwick County Soil Conservation District shall be consulted where conditions indicate that more detailed soils information is needed, and;
  - (c) There is at least 10 feet of separation between the groundwater elevation and the ground surface as determined by the City of Wichita Department of Environmental Services/County Code Enforcement, as applicable.
  - (d) Any property shall have preliminary soil profiling completed before platting in order to determine if there is sufficient area for the primary dispersal or soil absorption system as well as a reserve area for the dispersal or soil absorption system. An area of equal size to the primary dispersal or soil absorption area shall be held in reserve for future replacement of same.

- (e) A sewerage system, of any kind, may not be constructed and/or used on any lot, tract or parcel outside the boundary of any city until a permit has been issued by the County or State official authorized to issue the sewerage system permit.

When the City of Wichita Department of Environmental Services Health/County Code Enforcement, as applicable, determines that soil conditions or lot sizes are not suitable for septic tank systems or other on-site sewage disposal facilities, sanitary sewer and/or sewage treatment facilities, approved by the appropriate engineer, shall be provided.

(5) Community Sewer Systems (CSS):

- (a) CSS Oversight Committee. The County Manager shall establish an oversight committee for the purpose of which shall be to review the technical feasibility of proposed community sewer systems; educate builders and the public regarding these systems; provide technical assistance regarding the systems, if requested and as able; monitor and review CSS implementation and operation; and make other recommendations as appropriate.

- (b) Maintenance Responsibility. Community sewer systems shall be owned and maintained by a city or a sewer district. The developer shall petition for inclusion of the proposed CSS in the sewer district or acceptance of the facility by a city prior to issuance of a permit. Within an Urban Growth Area, the pertinent city shall be contacted regarding the assumption of maintenance responsibility for the CSS and may require a cost-effectiveness determination before accepting that responsibility.

- (c) Criteria for Use of CSS. A CSS shall be a type that has been approved by the County Manager's CSS Oversight Committee prior to the Planning Commission review of the final plat. The number of different types of CSS allowed shall be limited so that cities and sewer districts can more easily maintain all systems for which they assume responsibility.

- (1) The CSS Oversight Committee shall consider for approval only nitrogen-reducing systems with a proven history based on operating records, or an approved equivalent.

- (2) A CSS shall only be approved for domestic strength wastewater.

- (d) Standards for Use of CSS:

- (1) No building permits shall be issued until the CSS has received all applicable permits for the sewer system.

- (2) Within an Urban Growth Area, a CSS shall be installed in accordance with the sanitary sewer system requirements and specifications of the pertinent city (except when otherwise allowed by a city on a case-by-case basis), including the city's criteria specified for location and connection to its municipal sewer when that system is extended to the subdivision.

- (3) Easements for the approved system shall be dedicated at the time of platting.
- (4) The developer shall provide a petition, as required by the city, for future extension of the sewer main to serve the property. The city may also require a petition for annexation.
- (5) In a subdivision using a CSS, the minimum lot size shall be 12,000 square feet, with minimum side yard setback of twelve feet.
- (6) For any of the requirements of this Subsection (C) that call for action by a governmental agency, the requirement for municipal-type sewer facilities shall not apply if the governing body does not fulfill its obligation within a set period of time. The amount of time available to the governing body shall be determined by the Planning Commission at the time the final plat is approved. The amount of time shall not exceed five (5) years. If the governing body fails to act within the established time period, the subdivider may proceed with approved individual treatment systems

(D) Water Supply Systems.

- 1) Within an Urban Growth Area, the subdivider shall contact the city to which the Urban Growth Area pertains, as designated in the most recently adopted version of the Wichita-Sedgwick County Comprehensive Plan, to determine the financial feasibility of connecting the proposed subdivision to the city water system. If financially feasible, then the subdivision shall be connected to the city's water system in accordance with that city's standards.
- 2) Where it is not currently financially feasible to connect a subdivision to the city water system within an Urban Growth Area, the subdivider may provide a community well system.
  - a. Said system shall be installed to city standards applicable to the installation of the city's municipal system in order to permit eventual connection to the municipal system when a water main is extended to the subdivision.
  - b. The property owner shall apply for and obtain permits for the community well from the Department of Agriculture, Division of Water Resources and from Kansas Department of Health and Environment.
  - c. The subdivider shall install the well and water distribution system and shall dedicate the system to the city, in accordance with an agreement with the city to assume ownership and operation of the community well and distribution systems.
- (3) In all areas where a municipal or rural water supply system is not available, the subdivider may provide an on-site water supply approved by the appropriate jurisdiction.

- (4) For subdivisions outside the Urban Growth Area, where individual domestic wells are proposed to supply water, well construction shall at a minimum conform to the State of Kansas requirements and regulations. Lots with individual domestic wells shall be at least one acre or larger in size. Except in the case of a single lot for which platting is required, the following standards shall also apply:
- (a) A licensed geologist or licensed professional engineer with experience in hydrogeology shall determine, using the Safe Yield Methodology (as defined by Kansas Division of Water Resources rules and regulations, as may be amended from time to time), whether an adequate, safe supply of water is available that does not impair existing water rights. That analysis shall include the following components:
- (1) A water availability evaluation shall be done for the proposed subdivision, using the center of the subdivision as the "point of diversion". That evaluation shall include all existing water appropriations within a two-mile radius of the "point of diversion", and the established safe-yield of the aquifer that the subdivision is projected to use for a water supply.
- (2) Maximum levels of potential contaminants shall follow recommendations and requirements of the Safe Drinking Water Act and the K-State Bulletin # MF- 912 (as may be amended from time to time). Treatment of the water to meet drinking water suitability requirements shall be provided by the subdivider.
- (b) In lieu of the requirements and standards of subsection (a), another method approved by the Kansas Division of Water Resources may be used to satisfactorily demonstrate availability and non-impairment of existing water rights.
- (5) During the platting process, perimeter easements shall be dedicated for the potential future extension of public water in accordance with the standards of the municipal entity planning to extend service to the area.

(E) Fire Hydrants.

Fire hydrants, which are in accordance with the standards of the appropriate engineer and fire chief, shall be provided wherever a public water supply system is required.

(F) Storm Drainage System.

For urban subdivisions, a storm drainage system that is both separate and independent of the sanitary sewer system and meets all of the specifications and requirements of the appropriate engineer shall be required. Plans for mitigating stormwater pollution may be required by the engineer. The engineer shall use structural and nonstructural methods that prevent the degradation of stormwater quality to create a long-term, positive impact on the quality of stormwater runoff. Storm sewers shall be connected to the existing storm drainage system of the City where the subdivision is located, the system of the nearest city or to the nearest major water channel. If such connections are not available, other adequate means for the discharge of the storm drainage system shall be provided by the subdivider.

(G) Street Signs.

For all subdivisions, street signs approved by the appropriate engineer shall be required.

(H) Underground Wiring.

Underground wiring for electric power, cable T.V. and telephone service is required in all subdivisions, except as follows:

- (1) For lines rated over 12,000 volts.
- (2) Appurtenance serving such lines that may be mounted on the ground, such as transformers, transformer pads, and telephone service pedestals.
- (3) For those proposed subdivisions or replats of existing subdivisions that are less than six (6) acres in size and located in developed areas that presently have an overhead type of distribution system.
- (4) For those residential subdivisions in the unincorporated areas having a lot size of five (5) acres or more.

All such construction and installation shall be under contract with the utility. Construction or installation shall occur after sanitary sewer lines, if any, are in place.

Nothing in this section shall be construed to mean that the subdivider must provide for underground installation of lines beyond the boundaries of the area contained in the preliminary plat.

(I) Monuments.

For all subdivisions, monuments shall be placed at all block corners, angle points, points of curve in streets, and at intermediate points as determined by the appropriate engineer. Monuments shall be of a material, diameter and length approved by the appropriate engineer. All monuments shall be securely placed and set in such a manner that the top of the monument shall be at least twelve inches below grade or ground level. The appropriate engineer may add additional specifications as determined necessary. Benchmarks may also be required as determined by the appropriate engineer. Benchmarks shall be of a material, size, and length approved by the appropriate engineer.

(J) Relocation of Existing Facilities.

Whenever existing municipal facilities such as sanitary or storm water sewers, water lines, drainage channels, culverts, pipelines, or transmission lines are required to be relocated due to a subdivision, or construction of improvements required as a part of a subdivision, the cost of such relocation shall be the sole responsibility of the subdivider. This is the case even if, at the time of subdivision approval, relocation costs were not specifically identified for the subdivider. The non-municipal utilities are solely responsible for the costs of relocating gas lines, pipelines, underground or overhead electric lines and

communication lines due to a subdivision or construction of improvements required as a part of a subdivision, unless the improvement exclusively serves that subdivision. Utility relocation costs resulting from such exclusive improvements shall be the sole responsibility of the subdivider. The appropriate engineer shall make the determination if the improvement exclusively serves a subdivision.

(K) Best Stormwater Management Practices.

The subdivider shall take measures during construction to minimize soil erosion and sedimentation by wind or water, and to mitigate stormwater pollution as required by the City Engineer, Stormwater Engineer, County Engineer, and/or Chapter 16.32 of the City Code.

(L) Improvements Subject to Flooding.

For all subdivisions that include property subject to flooding, new or replacement water supply and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters and shall be located so as to avoid their impairment or contamination during flooding, and outside of any floodway reserve or easement.

(M) Off-site Improvements.

For all subdivisions, the subdivider shall guarantee any off-site improvements determined by the Metropolitan Area Planning Commission to be necessary for the development of the proposed subdivision. Such off-site improvements may include, but shall not be limited to, construction of accel/decel lanes or other widenings of existing street pavement, installation of street intersection signalization and/or channelization, street construction, installation of drainage channels or swales and the extension of municipal water, storm sewer or sanitary sewer lines.

(N) Street Lighting.

For new residential streets in all urban-scale plats located within the City of Wichita or within three (3) miles of Wichita's city limits, street lights shall be installed at each intersection. Mid-block lights shall be installed if the distance between intersections exceeds one thousand feet (1,000') or as necessary to enhance traffic safety on curvilinear streets. A street light shall be installed in those cul-de-sacs exceeding five hundred feet (500') in length or as necessary to enhance traffic safety on curvilinear cul-de-sacs. All street lights in new residential areas shall be served underground.

**8-104. Exceptions for Existing Improvements.**

(A) When a proposed subdivision is for an area presently having some of the required improvements set out in Section 8-103, and where the existing improvements meet the requirements of Section 8-103 and are in good condition as determined by the appropriate engineer, the subdivider shall not be required to guarantee installation of duplicate improvements. However, if existing improvements do not meet the requirements of Section 8-103 or are not in good condition, the subdivider shall guarantee the repair, correction, or replacement of the existing improvements.

- (B) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street rights-of-way that are less than the minimum right-of-way widths required by these regulations, land shall be dedicated by the subdivider in order to meet the right-of-way standards of Section 7-201(G), Section 7-201(H) and/or Metropolitan Area Planning Commission policy. The subdivider of the proposed subdivision shall also guarantee the construction of any additional roadway pavement needed to meet the minimum pavement standards as set forth in Section 7-201(G). The appropriate engineer shall determine what adjustment to make, if any, when pavement widenings merge with existing streets, which are of smaller width, at the boundary of the proposed subdivision. The appropriate engineer may reduce the right-of-way required by these Regulations to match an existing roadway system if the extension of the right-of-way is two blocks or less in length and the driving surface is already improved at each end of the right-of-way in the subdivision. The appropriate engineer may also require lanes to be painted on widened streets in order to designate driving and parking areas. The Planning Commission may waive the above stated requirement for pavement widening, if the length of the pavement to be widened is less than 135 feet.

**8-105. Agreement, Bond, Deposit and Petitions Guaranteeing Installation of Required Improvements.** Except for monuments, underground wiring, overhead wiring and gas lines, one of the following methods shall be used by the subdivider to guarantee that improvements required by these Regulations will be installed.

- (A) Fiscal Sureties.

Fiscal sureties may be offered and the following shall apply:

- (1) Upon final approval of plans or specifications for required improvements, the owners and/or the subdivider of the land proposed to be subdivided shall enter into an agreement with the City or County (depending on the association of the appropriate engineer establishing the standards for the improvements), where the owners and/or subdivider agree to install such required improvements at their own expense in accordance with approved plans and specifications, within the time prescribed by the provisions of these Regulations. The agreement shall be conditioned upon the approval of the final plat for the subdivision.
- (2) Simultaneously with the execution of the agreement provided for in subparagraph (1) above, the owner and the subdivider of the land proposed to be subdivided shall furnish a corporate completion bond by a firm authorized to do business in Kansas with good and sufficient sureties, 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. The financial guarantee shall be conditioned upon approval of the final plat and further conditioned upon the actual completion and installation of the required improvements within two (2) years from the date that the final plat is approved by the Planning Commission.
- (3) Simultaneously with the execution of the agreement provided for in Section 8-105(A)(1) above, if the subdivider furnishes a corporate completion bond, he shall also deposit in escrow with the governing

body, who is to accept the improvements AND cash in the amount of fifteen percent (15%) of the cost of all improvements to be made in accordance with the plans and specifications for the improvements. If a subdivider furnishes a cashier's check, escrow account or irrevocable letter of credit in favor of the governing body, fifteen percent (15%) of the amount of such cashier's check, escrow account, or letter of credit of the governing body shall be held as a deposit in escrow after the final completion of the improvements. The subdivider shall agree that the deposit in escrow may be held by the governing body for a period for twenty-four (24) months after the final completion of the improvements for the purpose of:

- (a) Guaranteeing and securing the correction of any defect in material or workmanship furnished for the improvements, latent in character, and not discernible at the time of final inspection or acceptance by the governing body; and,
- (b) Guarantee against any damage to the improvements by reason of the settling of the ground, base or foundation.

The escrow agreement shall also provide that, if defects develop in the improvements the deposit may be applied by the governing body toward the costs incurred for correcting the defects; and that the balance of the deposit, if any, shall be held to the end of the twenty-four (24) month period. Upon completion of the twenty-four (24) month period, the balance of funds in the escrow account shall be returned to the depositor without the payment of interest by the governing body.

- (4) Prior to offering any improvement to the governing body, the subdivider shall furnish good and sufficient guarantee that all indebtedness incurred for supplies, material, labor furnished, or engineering and professional services during the construction of improvements have been paid in full and that there are no claims for damage or suits against the contractor involving the improvement.
- (5) Petitions for future municipal services for urban developments within a city's adopted growth area must include consent to annexation. Annexation petitions will not be activated until the development is contiguous to established corporate city limits, unless approved by the County Commission.

(B) Petitions.

Petitions to the governing body of any city or the county may be submitted as a means of guaranteeing to the governing bodies the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:

- (1) The petitions must be valid petitions as may be provided for under Kansas law.
- (2) The petitions must be reviewed and approved by the appropriate engineer prior to acceptance and approval by the governing body. Petitions should be accompanied by a breakdown in spreadsheet

form of the estimated assessment costs for each lot. Should the governing body decide to accept petitions as a guarantee, they shall be accepted and approved concurrently with the approval of the subdivision.

- (3) The initiating resolution for the petitioned 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 the resolution shall be paid by the subdivider.
  - (4) A certificate signed by the petitioners, which states that petitions have been filed and approved by a governing body and that the property within the plat will be liable for the payment of special assessments in the future, has been submitted for recording with the Register of Deeds.
  - (5) Petitions for future municipal services for urban developments within a city's adopted growth area must include consent to annexation. Annexation petitions will not be activated until the development is contiguous to established corporate city limits, unless approved by the County Commission.
- (C) Monuments and benchmarks shall be installed by the subdivider before the subdivision plat is recorded with the Register of Deeds.
- (D) If required by the Planning Department, the subdivider shall submit a letter from the utility(ies) involved stating that satisfactory arrangements have been made to guarantee the installation of underground wiring. This letter shall be submitted to the Planning Department, prior to release of the plat for recording.

**8-106. Vacation of a Subdivision.** Prior to the sales of any lots within a subdivision, the subdivider may file for the vacation of the plat prior to the time that the improvements covered by platting guarantees are installed. After the plat is vacated, all fiscal sureties associated with the plat shall be returned to the subdivider.