

ORDINANCE OF THE CITY OF MOUNT HOPE REGULATING THE ORDERLY SUBDIVISION AND DEVELOPMENT OF LAND

PURPOSE, POLICIES AND INTENT.

The purpose of this Subdivision Ordinance is to regulate and control the division and development of land within the City, in order to promote the public health, safety and general welfare of the residents.

It is the general intent of the Ordinance to regulate the division and development of land so as to further the following policies:

- (a) Assure sites suitable for building purposes and human habitation, and to provide for the harmonious development of Mount Hope.
- (b) Provide for the orderly and appropriate development of land;
- (c) Assure adequate open space for traffic, recreation, light and air;
- (d) Provide facilities for the orderly movement of traffic on streets and highways;
- (e) Assure adequate and safe provision and proper construction of transportation, water, sanitary sewerage, storm drainage, open space and other public facilities;
- (f) Provide for the orderly arrangement of streets, public facilities and public services;
- (g) Assure proper accommodation of surface drainage over building sites and lots and control accumulation on streets and roads;
- (h) Provide for adequate street lighting and signing;
- (i) Guarantee proper access of firefighting equipment and public service equipment; Guarantee the equitable distribution of the costs and benefits of public works and facilities by requiring that the initial cost of constructing public improvements and facilities in new developments and/or necessary for proper public access, and services therefor shall be borne by the developer and not by the City taxpayer; and
- (k) Coordinate the operations of City departments and other agencies involved with land development.

ADMINISTRATION.

This Subdivision Ordinance shall be administered by the City of Mount Hope. All applications, fees, maps and documents relative to subdivision approval shall be submitted to the City Manager's Office for review and formal action by the City Council. The City Council shall formulate written administrative rules which govern the procedure for processing subdivision applications. Such administrative rules shall:

- (a) Outline the responsibility of parties concerned with subdivision and the processing thereof;

- (b) Specify application fees, the number of copies and distribution of copies of subdivision plans, plats and other information;
- (c) Contain other information necessary to systematize handling and processing of subdivision applications; and
- (d) Be formulated after consultation with appropriate City departments and other governmental agencies.

JURISDICTION APPLICATION AND INTERPRETATION.

- (a) The provisions of this Subdivision Ordinance shall apply to all land located within the corporate limits of Mount Hope, West Virginia.
- (b) No land within the incorporated area of the City shall be subdivided, nor shall any lot be sold or building erected in a subdivision as herein defined, until a plat of the subdivision is approved by the City Council and the plat properly filed and recorded by the Clerk of the County Commission for Fayette County, West Virginia.

Pursuant to West Virginia Code 39-1-13 through 39-1-17, a Clerk of the County Commission shall not record a plat of a subdivision unless the plat has been approved by the City Council as required by law. Any plat of a subdivision recorded without City Council approval has only the legal effect of an unrecorded plat.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements to meet the stated purpose and intent of this Ordinance. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other regulations or ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any Federal, State, County or City statute, ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such Federal, State, County or City statute, regulation or ordinance shall prevail.

SUBDIVISION OF RECORD.

Any plat or subdivision recorded among the Land Records of Fayette County prior to the effective date of the Planning and Zoning Code shall be accepted as valid and no further approval by the City Council shall be required for the conveyance of lots so shown.

MODIFICATION.

Where the City Council finds that extraordinary hardships may result from strict compliance with this Subdivision Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the intent and purpose of this Ordinance.

A modification may be granted where the hardship is created by the physical character of the property, including irregular dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a modification.

A modification may also be granted where necessary for preservation of environmentally sensitive features.

Where a modification is granted, the City Council may attach such conditions and safeguards as are deemed necessary to protect general public interest or the character of the neighborhood, and may require a guarantee or bond to assure compliance.

ASSESSMENT OF LOTS IN A SUBDIVISION.

The filing of plans with the City Council shall not constitute a basis for a change of tax assessment. When the final subdivision plat is filed with the Clerk of the County Commission for recording, it becomes public information, and a print of the plat so recorded is forwarded to the County Assessor's office.

APPEALS.

A decision of the City Council may be reviewed by certiorari procedure. A petition for review shall specify the grounds upon which the petition alleges the illegality of the City Council's action. Such petition must be filed in the Circuit Court of the County within thirty (30) days after the date of such decision.

AMENDMENTS.

The regulations set forth in this Subdivision Ordinance may from time to time be amended, supplemented, changed or repealed, provided however that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and residents shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.

CONFLICT.

All other ordinances, regulations or statutes in conflict with the provisions of the Subdivision Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

EFFECTIVE DATE.

This Subdivision Ordinance shall become effective as of the date of passage by the legislative body of the City.

PENALTY.

Whoever violates any provision of this Subdivision Ordinance shall be fined not more than three hundred dollars (\$300.00).

DEFINITIONS.

GENERAL.

- (a) Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this Subdivision Ordinance, the meanings set forth herein.

- (b) For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows:
- (1) Words used in the present tense include the future;
 - (2) The singular Includes the plural, the masculine includes the feminine or neuter gender;
 - (3) "Person" includes a corporation, firm, institution, partnership, association or any legal entity;
 - (4) "Lot" includes the word "plot" or "parcel";
 - (5) "Council" and "City Council" shall always mean the Mount Hope City Council.
 - (6) "Department" shall-always mean the Engineering Department for the City of Mount Hope, or its appointed employees, agents or assigns;
 - (7) "Mayor and Council" shall always mean the legislative body of Mount Hope;
 - (8) "County" shall always mean Fayette County, West Virginia;
 - (9) "City" shall always mean the City of Mount Hope, West Virginia.
- (c) Any word or term not defined herein shall be used with a meaning of standard usage.

TERMS DEFINED.

As used in the Subdivision Ordinance:

- (1) "Alley" means a right of way, not over twenty (20) feet in width, dedicated to public use, other than a street, place, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches.
- (2) "Bench mark" means a monument for which an accurate elevation has been established and shown on the plat or as defined by the United States Geological Survey.
- (3) "Block" means property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right of way, waterway or other barrier.
- (4) "Building" means a structure having a roof supported by columns or walls, including porches and breezeways when roofed, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.
- (5) "Building setback line" means the line indicating the minimum horizontal distance between the right of way of any existing or proposed street, and a part of any building except an eave or cornice over not exceeding four feet.
- (6) "City Engineer" means the duly designated City Engineer of the City.
- (7) "City Manager" means the duly designated Finance Director of the City.

- (8) "Clear sight triangle" means an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right of way lines.
- (9) "Dedication" means the deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
- (10) "Development" means any activity, other than normal agricultural activity, which materially affects the existing condition or use of any land or structure.
- (11) "Developer" means any person commencing proceedings under the Subdivision Ordinance to effect a subdivision of land as defined herein.
- (12) "Easement" means an area set aside, dedicated or granted by the property owner or developer for the use by the public or by other corporations or persons for specific uses and purposes.
- (13) "Flood elevation, 100-year" means the elevation as shown on the profiles contained in the City's Flood Insurance Study. Where elevations are not provided in the Flood Insurance Study, then the applicant for the proposed development shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques.
- (14) "Flood plain" means an area subject to a flood that has a one percent (1%) chance of occurring in any given year.
- (15) "Health Department" means the Fayette County Health Department.
- (16) "Jurisdiction" means the geological area within which the powers of the City may be exercised.
- (17) "Lot" means a parcel, tract or area of land abutting upon a street or place for at least fifty percent (50%) of the lot width prescribed for the district in which the lot is located. It may be a single parcel separately described in a deed or plat which is recorded in the office of the Clerk of the County Commission or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines no part thereof within the limits of a street shall be included.
- (18) "Lot depth" means the horizontal distance between the front and rear lines of a lot measured at the midpoints of the front and rear lot lines.
- (19) "Lot, double frontage" means a lot, the opposite ends of which abut on streets.
- (20) "Lot line, front" means in the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.
- (21) "Lot width" means the dimension of a lot, measured between side lot lines on the building line.

- (22) "Open space" means land provided and deemed necessary and desirable for the recreation, leisure time and aesthetic needs of present and future residents.
- (23) "Performance bond" means any security which may be accepted by the Mayor and Council in lieu of a requirement that certain improvements be made before the City Council approves the plat, including, but not limited to performance bonds, escrow agreements and other similar collateral or surety agreements, with *surety* to be approved by the Mayor and Council.
- (24) "Plat" means a map, plan, chart or drawing indicating the subdivision or resub division of land filed or intended to be filed for record.
- A. Sketchplat. A preliminary sketch of the proposed subdivision showing the developer's desires in regard to the future development of land for informal consideration by the City Council at the sketch plat review.
- B. Preliminary plat. A map indicating the subdivision of land, prepared in accordance with the requirements of this Ordinance as a basis for consideration prior to the preparation of the final plat.
- C. Finalplat. The final map or plan which legally describes the subdivision of land, containing a detailed plan of the property, giving all dimensions, angles and bearing, together with such information, statements and certificates as required by this Ordinance and presented to the City Council for approval, *and* which if approved, will be submitted to the Clerk of County Commission for recording among the land records of the County.
- D. SimplifiedPlat. The City Council may approve the use of a simplified plat for certain types of subdivisions. Examples of this type of subdivision may include, but not necessarily be limited to, acquisition of additional acreage solely for property enlargement, a conveyance for acquisition purposes, only, readjustment of property lines and/or correction of deed discrepancies, and conveyance of an existing structure for residential purposes only, and subdivision of a parcel in three or less lots.
- (25) "Preliminary consultation" means a procedure for the presentation of a proposed subdivision to the City Council for informal review prior to formal application and preparation of a preliminary plat.
- (26) "Required Improvements" means storm drainage facilities, sanitary sewerage facilities, water supply facilities, streets, curbs, street lights, street signs, gutters, gas lines, electricity lines, walks and/or other accessory works and appurtenances.
- (27) "Right of way". See "Easement".
- (28) "Specifications" means the design specifications of the City which have been adopted by Council or have been approved by the appropriate City department or agency.
- (29) "Street" and/or "road" means a public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law, and providing principal access to abutting property.

- (30) Street classifications.
- A. Freeway. Provides metropolitan area or City connection to regional road networks so that regional traffic is removed from local traffic within the area. Access is grade-separated.
 - B. Arterial. Provides area-wide connections between the City core and outlying activity centers, residential areas and the freeway system.
 - C. Collector. Provides residential neighborhood connections to the arterials.
 - D. Local Street. Provides individual house and site connections to collector streets.
 - E. Cul-de-sacs. Streets having one end open to traffic, the other end being terminated by a vehicle turnaround.
- (31) "Subdivision" means the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resub division and when appropriate to the context, relates to the process of resub dividing or to the land or territory subdivided.

PROCEDURE FOR FILING SUBDIVISION APPLICATIONS

INTRODUCTION.

The procedures for obtaining approval of a subdivision consist of the following three (3) steps:

- (a) Sketch plat review (optional);
- (b) Preliminary plat review and approvals; and
- (c) Final plat review and approval.

SKETCH PLAT REVIEW.

The sketch plat procedure is intended to provide the applicant with an opportunity to resolve problems with respect to a subdivision early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing preliminary and final plats.

The sketch plat review does not require formal application, fee or filing of a plat. A preliminary sketch plan containing the following information is all that is required for review:

- (a) Proposed layout of streets, lots and other elements basic to the proposed use in relationship to site conditions; and
- (b) Proposed methods for sewage collections, storm drainage, water supply and other utilities.

The preliminary sketch plan may be a pencil drawing superimposed upon a print of a topographic survey of the area proposed to be subdivided or may be in any other graphic medium and form containing the

above information. The City Council shall provide comments and recommendations on such information as is provided.

PRELIMINARY PLAT REVIEW.

The preliminary plat is intended to provide a formal basis for City Council review and consideration of a subdivision prior to preparation of a final plat.

- (a) The preliminary plat, subdivision application, and all information and procedures relating thereto shall in all respects be in compliance with the provisions of the Subdivision Ordinance, except where variation therefrom may be specifically authorized in writing by the City Council.
- (b) Six copies of the preliminary plat and the supplementary material specified shall be submitted to the City Council together with a written application on forms provided by the City Council.
- (c) Upon receipt of the six (6) copies of the preliminary plat and other required data, and the written application form, the City Council shall set a place and date for a public hearing and notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed subdivision.
- (d) The City Council shall transmit a copy of the preliminary plat, and the supplementary data, to the pertinent review agencies. Such agencies shall transmit recommendations and comments on the requested subdivision to the City Council before the date established for the public hearing. The City Council may transmit copies of the plat and data to other local and State agencies for review and recommendations as deemed appropriate.
- (e) The public hearing shall be held. After the hearing, the City Council shall proceed to the consideration of the preliminary plat. The City Council shall consider comments and opinions expressed at the public hearing but the City Council shall be responsible for reaching its own conclusions on the merits of the proposed subdivision. In determining whether conditional approval should be given to the preliminary plat, the City Council shall be guided by the accompanying design standards. Particular attention shall be given to the arrangement, location and width of streets and their relation to the topography, water supply, sewage disposal, drainage, lot sizes and arrangements, the future development of adjoining lands not yet subdivided, and the requirements of the Zoning Ordinance.
- (f) Following review of the preliminary plat and other material submitted for conformity to these regulations, and discussions with the sub divider on changes deemed advisable, and the kind and extent of improvement to be made by him, the City Council shall approve, conditionally approve or disapprove the preliminary plat within forty-five days following formal receipt of such plat by the City Council. Approval of the preliminary plat is tentative involving the general acceptability of the layout submitted and shall in no way constitute approval of the final plat. Preliminary plat approval shall be effective for a period of one year, and such additional periods as may be specifically approved in writing by the City Council.
 - (1) Approval of the preliminary plat shall be noted by the Mayor of the City Council signing two copies of such plat. One copy is to be returned to the applicant and the second retained in the City Council's files.

- (2) If the City Council disapproves the preliminary plat, it shall set forth the reasons for disapproval in its records and provide the applicant with written notification of such reasons.
 - (3) Conditional approval of a preliminary plat shall state the conditions or modifications necessary to satisfy requirements of the Subdivision ordinance prior to the submission of the final plat.
- (g) Nothing herein contained shall be construed to prohibit submittal of preliminary plat and data in the form required for final plat and data, for use in both preliminary and final review.

FINAL PLAT REVIEW.

(a) General Procedure.

- (1) The purpose of the final plat is to require formal approval by the City Council before plats for subdivisions are recorded as required by the Subdivision Ordinance. The final plat shall conform to the approved preliminary plat and shall reflect all changes required by the City Council pursuant to the preliminary plat review procedure.
- (2) The City Council may permit submission of the final plat in sections, each covering a portion of the entire proposed subdivision as shown on the preliminary plat.
- (3) The final plat and supporting documents shall comply with the provisions herein.
- (4) The approved preliminary plat may be submitted as the final plat if it meets all of the necessary requirements of these regulations.
- (5) The final plat may constitute only that portion of the approved preliminary plat which the developer proposed to record and develop at the time, provided that such portion conforms with all the requirements and standards of these regulations.

(b) Subdivider Procedure.

- (1) The application, plats and supporting documents shall be filed with the City Council at least ten working days in advance of the meeting at which the plat is to be considered.
- (2) Upon approval of the final plat by the City Council, the subdivider shall file such plat in the Office of the County Clerk in accordance with the appropriate provisions of the law within ninety days of such approval or mutually agreed upon extension of time. In the event that the final plat is not so filed within the appropriate time, the application shall be considered withdrawn and any previous approval or waivers shall be considered null and void.

(c) City Council Procedures.

- (1) The City Council shall review the final plat and within thirty days of the meeting at which the final plat is first considered, the City Council shall approve, modify and approve, or disapprove such plats.

- (2) If the subdivider has installed the necessary improvements in the subdivision, the City Council shall determine that the improvements have been installed in accordance with the design standards adopted by the City Council and as shown on the final plat. If the subdivider elects to post a bond to cover future installation of improvements, the City Council shall determine that the bond meets the requirements outlined herein.
- (3) If the City Council approves the final plat, it shall affix its seal upon plat. The plat shall be signed and dated by the Mayor of the City Council. If the City Council disapproves the plat, it shall set forth the reasons in its own records and provide the applicant with a copy.

ACCEPTANCE OF REQUIRED IMPROVEMENTS.

Approval of the final plat shall not be deemed to constitute or effect an acceptance by the City of any required improvement shown upon the final plat. Acceptance of such required improvement shall be made only by the Mayor and Council in accordance with these regulations and other applicable ordinances, statutes, and regulations.

RECORD PLAT.

The record plat of approved final plat to be recorded with the Clerk of the County Commission shall be a clear and legible blue or black line print on white opaque linen. This print shall be an exact copy of the approved final plat as certified by the Mayor.

PRELIMINARY PLAT DATA REQUIREMENTS.

The preliminary plat shall be drawn at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet and may be of one (1) or more sheets as necessary. The preliminary plat shall include the following information:

- (a) Drafting Standards.
 - (1) Dimensions shall be in feet and decimal parts thereof.
 - (2) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
 - (3) Where any revision is made, or when the plat is a resubdivision of a previously approved plat, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.
 - (4) The plat shall contain an adequate legend so as to clearly indicate which features are existing and which are proposed.
 - (5) The boundary line of the subdivision shall be shown as a solid heavy line.
- (b) Existing Information.
 - (1) Vicinity map drawn to a scale of not less than one (1) inch to one thousand (1,000)

feet showing the approximate relationship of the plat to its general surroundings and showing the following details.

- (2) The zoning district in which the proposed subdivision is located.
 - A. Existing or mapped streets within one thousand (1,000) feet of the subdivision.
 - B. Municipal boundaries within one thousand (1,000) feet of the tract.
- (3) Identifying Information.
 - A. Name of subdivision; the name shall not duplicate, be the same spelling or alike in pronunciation to any other recorded subdivision.
 - B. Location by tax map number, election district, City and State.
 - C. Names and addresses of the developer and owner(s) if other than the developer.
 - D. Certificate signed by a registered land surveyor or registered professional engineer responsible for the survey, preliminary plat and seal.
 - E. Date of drawing, north point and scale.
- (4) Existing Conditions.
 - A. A boundary survey or survey of record of the property to be subdivided including map book and page reference, locating and identifying adjacent or abutting streets (existing or platted), subdivisions, unsubdivided parcels, easements, water areas and the like, and all visible monuments showing all courses, distances and area, and tie-ins to all adjacent street intersections.
 - B. Existing contours with intervals of not more than five feet where the slope is ten percent (10%) or greater and not more than two feet where the slope is less than ten percent (10%). Elevations shall be based on U. S. Geological Survey or equivalent adjusted datum. Source of contour information shall also be provided on the plat.
 - C. Location, width and names of all existing or prior platted streets or other public streets, railroad and utility rights of way, parks and other public open spaces, and municipal corporation lines within or adjoining the tract.
 - D. Other conditions on the tract being subdivided including, but not necessarily limited to, watercourses, marshes, flood plains, rock and outcrop areas, wooded areas and other environmentally sensitive areas and significant features.
 - E. Utilities on and adjacent to the tract; location, size and invert elevation of existing sanitary sewerage facilities and storm drains, location and size of water mains, location of fire hydrants, utility lines and street lights. If water

mains, sanitary sewers, and storm drains are not on or adjoining the tract, indicate the direction, distance to, and size of nearest water mains and sewers showing invert elevation of sewers to extent known to developer.

- F. Other conditions on adjoining land within one hundred (100) feet; approximate direction and gradient of ground slope, including any embankments or retaining walls, character, location and ownership of private sewerage systems within one hundred (100) feet of the subdivision boundary, railroads, utility lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjoining unplatted land. For adjoining platted land refer to subdivision plat by name recorded.
- G. Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract to the extent known to the developer.

(c) Proposed Layout.

- (1) Street plan containing the following information:
 - A. Location of all proposed streets in the subdivision.
 - B. Widths of all proposed rights of way and proposed paving widths.
 - C. Proposed street names.
 - D. Plan and-profile of all proposed streets; grade shall be set at top of curb.
 - E. Location of all required sidewalks and crosswalks.
- (2) Layout and dimension of proposed lots, including lot lines, lot numbers and block letters.
- (3) Sites, If any, for multifamily dwellings including the number and types of units proposed, parking spaces, shopping centers, churches, industry or other non-public uses, exclusive of single-family and two-family dwellings.
- (4) Building setback lines.
- (5) Location and dimensions of all parcels proposed to be dedicated or reserved for school sites, parks, open space use by occupants of the subdivision and for other public uses.
- (6) Identification including plan and profile of all utilities proposed within the subdivision including the location, grade and size of storm drains and catch basins, drainage; ways and channels, sanitary sewerage facilities, pumping stations, water mains, street lights, fire hydrants and other required public facilities and improvements.
- (7) Rights of way proposed to be created for all drainage purposes and utilities.

FINAL PLAT DATA REQUIREMENTS.

The final plat shall show or be accompanied by the following information:

(a) Drafting Standards.

- (1) Dimensions shall be in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
- (2) The scale of the final plat shall be one inch equals one hundred (100) feet or one inch equals fifty (50) feet.
- (3) When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.
- (4) Where the plat is a resubdivision of a previously approved plat, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.
- (5) The plat shall contain adequate legend so as to clearly indicate which features are existing and which are proposed.
- (6) The boundary line of the subdivision shall be shown as a solid heavy line.
- (7) The final plat shall be prepared by a certified civil engineer or land surveyor on a sheet eighteen inches by twenty- two and three quarters inches with a one and one-half (1½) inch margin for binding along the left edge and a one-half (½) inch margin along the remaining edges.
- (8) All linear and angular dimensions for locating the boundaries of the subdivisions, lots, streets, alleys, public and private easements shall be expressed in feet and hundredths of a foot. Angular measurements shall be expressed by bearings. All curve data shall be expressed by a curve table on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curves shown through the plat. Dimensions, both linear and angular, shall be determined by an accurate control survey in the field which shall be checked for closure and must balance and close within one (1) to ten thousand (10,000). Horizontal control shall be based on the West Virginia Coordinate Grid System when possible, in a coordinate table located on the face of the plat.

(b) Existing Information.

(1) Identifying Information.

- A. Name of the subdivision.
- B. Name and address of owner of the land being subdivided and name and address of the developer If different from that of the owner.
- C. Name and address of the engineer or surveyors.

- D. Date of drawing, north point and scale.
- E. Location of subdivision by tax map number, election district, City and State.
- F. Vicinity map for the purpose of locating the site to be subdivided at a scale of not less than one thousand (1,000) feet to the inch showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided.

(2) Existing Conditions.

- A. Complete outline survey of the property to be subdivided, showing all courses, distances and area and tie-ins to all adjacent street intersections.
- B. The location, name and right of way of each street and the locations and width of all other rights of way.
- C. The location and angles of departure of adjoining property and street right of way lines, the names of abutting subdivisions and the names of adjoining property owners including deed reference. The abutting subdivisions shall be identified by lot and block numbers, subdivision name, place of record or other proper designations.
- D. The location, size and ownership of all existing utility easements as defined herein, both within the subdivision and within one hundred (100) feet of the subdivision's boundaries.

(c) Proposed Layout.

- (1) Lot layout with lots numbered in numerical order. In tracts containing more than one block, the blocks shall be lettered in alphabetical order.
- (2) Area of each lot, parcel, site or other unit shown on the final plat.
- (3) The names, right-of-way widths and pavement widths of all proposed streets.
- (4) Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line.
- (5) Building setback line for each street.
- (6) Location and dimensions of all parcels proposed to be dedicated or reserved for open space use as defined herein or for other public uses with the purposes indicated thereon.
- (7) The location, width and purpose of all easements or rights of way and boundaries by bearings and dimensions.

- (8) The location and description of all markers, monuments or other evidence found or established to determine the boundaries of the subdivision.
- (9) Private restrictions, if any, proposed to be included in deeds.

FINAL PLAT CERTIFICATION.

The following certification and related information shall appear on the final plat:

- (a) Certification of Ownership and Dedication signed and acknowledged by all parties which have any record title interest in the land subdivided consenting to the preparation and recording of such final plat, establishing minimum building restriction lines and dedicating the following public uses: roads, streets, alleys, walks, utility and storm drainage rights-of-way, open space and other areas approved for dedication to public use by the City Council.
- (b) Certification of Accuracy signed by a registered professional engineer or registered land surveyor responsible for the survey and final plat with seal.
- (c) Certification of the West Virginia Department of Health signed by the Fayette County Health Officer regarding the installation of water supply and sanitary sewerage systems and certification of the Mount Hope Sanitary Board regarding sanitary sewerage systems.
- (d) Certification signed by the City Engineer approving the installation of streets and other improvements as defined herein in accordance with the city specifications, where these improvements have been completed, dedicated and accepted by the City prior to final plat approval.
- (e) Certification signed by the City Treasurer acknowledging that a performance bond in the amount determined by the appropriate City officials has been posted with the Mayor and Council guaranteeing completion of all improvements as defined herein in accordance with city specifications where these improvements have not been completed, dedicated and accepted by the City prior to final plat approval. Certificate of Approval signed by the Mayor of the City of Mount Hope certifying that the subdivision shown on the final plat is in compliance with the Subdivision Ordinance, and approving the final plat for recording with the Clerk of the County Court.
- (g) Any other restrictions or requirements relating to land use, height, area or bulk regulations or restrictions designed to promote the purposes of the Zoning Ordinance as determined by the City Council.
- (h) Protective covenants, if any, in form for recording.

WITHDRAWAL.

A final plat, upon written request of the applicant, shall be withdrawn from consideration by the City Council, provided the written request is received prior to the expiration of the thirty-day City Council period.

SIMPLIFIED PLAT PROCEDURE.

The City Council may approve the use of a simplified plat for certain types of subdivisions. Examples of this type of subdivision may include, but not necessarily be limited to, acquisition of additional acreage solely for property enlargement, a conveyance for acquisition purposes only, readjustment of property lines and/or correction of deed discrepancies, and conveyance of an existing structure for residential purposes only and subdivision of a parcels in three (3) or less lots.

- (a) The simplified plat shall contain the following information:
 - (1) Vicinity plan to scale of not less than one thousand (1,000) feet to one (1) inch. May be waived by City Engineer.
 - (2) Name of subdivision.
 - (3) Location of subdivision by street address, tax map number, zoning district, election district, City and State.
 - (4) Area of each lot, parcel or other unit shown on the plat.
 - (5) Name and address of owner of the land and name and address of developer, if different from that of owner.
 - (6) Scale, north point and date.
 - (7) Sufficient data to determine readily the bearings and length of every lot and boundary line. Dimensions shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot.
 - (8) Tract boundary lines, right-of-way lines of streets, easements and other rights of way.
 - (9) Owners of adjoining land.
 - (10) All existing buildings and Improvements as defined herein located within the boundaries of the subdivision.
- (b) Each simplified plat submitted to the City Council for approval shall contain or be accompanied by such certificates, affidavits, endorsements, or documents as may be required by the City Council in enforcement of this Subdivision Ordinance.
- (c) Simplified Plat Approval.
 - (1) The City Council shall approve or disapprove a simplified plat, if all Subdivision Ordinance requirements have been complied with, within thirty (30) days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and the certificate to that effect shall be issued by the City Council on demand. The grounds of disapproval of such plat shall be stated upon the records of the City Council and the applicant so notified in writing.

- (2) Approval of the simplified plat shall be noted by the signing of a certificate of approval by the Mayor.

DESIGN PRINCIPLES AND STANDARDS.

APPLICATION.

- (a) The subdivision plat shall conform to the principles that are exhibited in the Zoning Ordinance, and any other applicable ordinances, statutes or regulations that support the goals and objectives for growth and development in the City.
- (b) The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety and general welfare.
- (c) All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses, so that remnants and landlocked areas shall not be created.
- (d) No land shall be subdivided unless there exists adequate access to the land over approved streets or roads as defined herein, or unless such access will be provided by the developer, or if such land is considered by the City Council to be unsuitable for such use by reason of flooding or improper drainage, geological structure, topography or any other feature harmful to the health, safety and general welfare of present and future residents of the City.

LAYOUT AND DESIGN.

- (a) Arrangement character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and appropriate relation to the proposed uses of land to be served by such streets.
- (b) The overall street plan for any subdivision must provide access to the subdivision by public street(s) connected to the existing road system of the City.
- (c) Arrangement of streets in a subdivision shall either:
 - (1) Provide for continuation or appropriate projection of existing roads or streets (constructed or recorded) in surrounding areas; or
 - (2) Where topography or other conditions make continuance or projection of existing streets unnecessary or impracticable shall conform to a general area plan approved by the City Council.
- (d) Local streets in residential neighborhoods shall be so laid out that their use by through traffic will be discouraged.
- (e) Where a subdivision abuts or contains an existing or proposed arterial street or other streets carrying heavy traffic, the City Council may require local access streets, reversed frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment, including wider pavement widths, as may be necessary for adequate protection of residential or other properties and separation of

local and through traffic.

- (f) Where a subdivision borders or contains a railroad or limited access highway right of way, the City Council may require a street approximately parallel to and on each side of such right of way and at such distance therefrom as required for appropriate use of intervening land, if any, and as determined with due regard for requirements of future approach grades and grade separations.
- (g) A subdivision plat involving new or existing streets crossing railroad tracks shall provide adequate right of way and slope easements, for construction of an underpass or overpass.
- (h) No street intersection shall include more than four street approaches.
- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect another at less than sixty degrees (60°), provided however that other arrangements for smooth merging of traffic shall be permitted where the total effect on the intersection to reduce traffic hazards and to provide for smooth traffic flow at the intersection as a whole.
- (j) Property lines at the intersection of local streets with each other or with alleys shall be curved with a minimum radius of ten (10) feet. Property lines at the intersection of alleys with any streets shall be curved with a minimum radius of ten (10) feet. Property lines at all other street intersections shall be curved with a minimum radius of twenty (20) feet.
- (k) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- (l) Clear sight triangles of fifteen (15) feet measured along property lines from their points of junction shall be provided at an intersections, and no building, structure, grade or planting higher than three (3) feet above the center line of the street shall be permitted within such sight triangles.
- (m) If a portion of a tract is not subdivided, suitable access to street openings for eventual subdivision of the entire tract shall be provided.
- (n) Dead-end streets are prohibited except as stubs to adjoining tracts. Where stub streets are provided abutting unsubdivided acreage, temporary easements for turnarounds shall be provided at the boundary lines and appropriate arrangements shall be made for those parts of temporary turnarounds outside of street right of way to revert to abutting owners at such time as the street shall be extended.
- (o) Private streets are prohibited unless approved by the City Council.

STREETS WIDTHS AND GRADES.

- (a) Street right-of-way widths and pavement widths for public streets shall be in relation to the proposed density and/or land use of the property adjacent to the roads and within the parcel sought to be subdivided, but in no case, be less than as follows:

Street Type	Min. R.O.W. Width (ft.)	Min. Pavement Width (Face to face of curb) (ft.)
Freeway	200	26-60
Arterial	80	40
Collector	60	40 ¹ 32 ²
Local	50	26 ³
Cul-de-sac	100	80
Alley	20	10

1. Parking permitted both sides of street
2. Parking permitted on one side of street
3. Parking prohibited.

(b) Streets grades shall not exceed the following:

Street Type	Grade (percent)
Freeway	6.0
Arterial	8.0
Collector	10.0
Local	12.0
Cul-de-sac	10.0
Alley	12.0
Parking lot	8.0

- (c) For adequate drainage, the minimum street grade shall not be less than one-half of one percent (0.5%) or as approved by the City Engineer in accordance with acceptable engineering standards.
- (d) A normal street crown shall be provided on all streets, not super elevated, of one-quarter (¼) inch per foot straight slope extending in cross section from edge of pavement to centerline symmetrical to the center.

BUILDING SETBACK LINES.

Building setback lines shall be no less than the following:

Street Type	Building Setback Line (ft.)
Freeway	100
Arterial	30
Collector	30
Local	25
Cul-de-sac	25

STREET NAMES.

No street name shall be used which duplicates or is likely to be confused with the name of an existing or previously platted street. Proposed streets in alignment with existing or platted streets shall bear the names of the existing or platted streets.

ALLEYS AND CUL-DE-SACS.

- (a) Unless other definite and assured provision is made for service access, such as off-street loading, unloading and the like, alleys shall be provided in commercial and industrial districts. Alley intersections and sharp changes in alignment shall be avoided where possible, but where unavoidable, comers shall be curved to permit safe vehicular movement. Alleys which dead-end against permanent barriers are prohibited unless approved provision for turnaround is made at the terminus.
- (b) Except where justified by unusual and extreme conditions of topography, traffic flow, or access, alleys shall be prohibited in residential subdivisions.
- (c) No subdivision shall be approved by the City Council where the only access to the subdivision or any lot, parcel or site thereof is by means of an alley as defined herein. All such lots, parcels or sites shall be provided with access to an arterial, collector or local street as defined herein in accordance with the minimum right-of-way and pavement widths specified herein.
- (d) Except where unusual land configuration requires otherwise, cul-de-sac streets shall not be longer than six hundred (600) feet from the nearest intersecting street, and shall be provided at the closed end with a turnaround having a curb radius of at least forty (40) feet. Between the street and the circle there shall be a twenty-five (25) foot reverse radius.

SIDEWALKS.

Sidewalks not less than four feet wide shall be required where deemed essential to provide adequate circulation, or access to schools, playgrounds, shopping centers, transportation and other community

facilities. Sidewalks not less than five (5) feet wide shall be required adjacent to arterial streets.

EASEMENTS.

Easements for utilities and drainage shall be provided, unless waived in writing by the agency or utility that may be involved, across lots or overlapping or adjoining rear or side lot lines, and shall be of whatever width is necessary to provide for Installation of such utilities or drainage and of whatever width and slope is necessary for access for maintenance, provided however that no such easement shall be less than ten (ten) feet wide. There shall be no buildings, structures, improvements or appurtenances of any kind erected or placed upon any easement area.

Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines thereof, and such further width or further construction, or both, as will be required for the purpose of handling drainage. Streets parallel, but not necessarily adjacent to such watercourses may be required.

BLOCKS.

- (a) Lengths, widths and shapes of blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use anticipated.
 - (2) Zoning requirements as to lot sizes and dimensions.
 - (3) Needs for convenient access, circulation, control and safety of street and pedestrian traffic.
 - (4) Limitations and opportunities of topography.
- (b) Block lengths shall not exceed one thousand eight hundred (1,800) feet nor be less than four hundred (400) feet, except where alternate designs are approved by the City Council.
- (c) Blocks shall normally be designed with sufficient width to provide two (2) tiers of lots. However, the City Council may approve a more flexible block width design where due to heavy traffic ways, railroads, bordering streams, drainage courses, multi-family housing, commercial or industrial areas, schools, churches or other land uses, a two-tier block design is not appropriate.

LOTS.

- (a) Lot size, width, depth, shape and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and the type of development and use contemplated.
- (b) Lot dimensions in residential districts or for residential uses in other districts shall be as required by the Zoning Ordinance. Depth and width of properties subdivided for nonresidential purposes shall be adequate for off-street parking and service facilities required by the type of use and development anticipated.

- (c) Double frontage and reversed frontage residential lots shall in general be avoided except where essential to provide residential separation from traffic arteries or to overcome other disadvantages of orientation or topography.
- (d) Where utility or other easements are involved, lot lines shall be so arranged with respect to such easements as to permit efficient installation of the utilities without unnecessary irregularities in alignment.
- (e) No lot shall be divided by a municipal boundary line without the approval of the Mayor and Council.
- (f) In cases where a mid-block pedestrian crosswalk is provided in a residential subdivision, the lots adjoining such crosswalks shall be increased in width sufficient to provide for a side building setback line running parallel to such crosswalk and a minimum of fifteen (15) feet therefrom.
- (g) Where there is a resubdivision of any lot, tract or other parcel of land, the resubdivided lots shall have the same character with respect to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

FLOOD PLAIN AREA.

- (a) Purpose. The specific purpose of these provisions is:
 - (1) To regulate the subdivision and/or development of land within any designated flood plain area in order to promote the general health, welfare and safety of the community;
 - (2) To require that each subdivision lot in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designated and installed to preclude flood at the time of initial construction;
 - (3) To protect individuals from buying lands which are unsuitable for use because of flood, by prohibiting the improper subdivision and/or development of unprotected lands within the designated flood plain area.
- (b) Abrogation and Greater Restrictions. These provisions pertain to those areas in the City designated as flood plain areas. However, any other applicable ordinances shall remain in full force and effect to the extent that those provisions are more restrictive.
- (c) Municipal Liability. The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any designated flood plain shall not constitute a representation, guarantee or warranty of any kind by the Municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Municipality, its officials or employees.

NATURAL LAND CONTOUR PROTECTION/HILLSIDE DEVELOPMENT.

- (a) Purpose. The specific purpose of these provisions is:

- (1) To regulate the subdivision and/or development of land within an area defined as a hillside development area in order to promote the general health, welfare and safety of the community.
 - (2) To require that each subdivision lot in hillside developments be provided with a safe building site with adequate access;
 - (3) To require that developers of hillside properties leave a minimum portion of the tract in its natural state;
 - (4) To protect individuals from buying lands which are unsuitable for use because of hillside slope, by prohibiting the improper subdivision and/or development of unprotected lands within defined hillside developments.
- (b) Hillside Development. A hillside development is a residential development with an average slope of ten percent (10%) or more. Developers of this type of subdivision shall leave a minimum portion of the tract in its natural state, according to the average slope of the tract.

The minimum portion of land which shall be left in its natural state is:

Average Percent Slope	Minimum Portion of Land in Each Slope Category to Remain in Natural State
10.0 to 14.9	25%
15.0 to 19.9	40%
20.0 to 24.9	55%
25.0 to 29.9	70%
30.0 and above	85%

For the purposes of this section, "natural state" means no clearing, cutting or filling, or other substantial changes in the natural conditions of the slopes.

- (c) Municipal Liability. The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any area defined as a hillside development area shall not constitute a representation, guarantee or warranty of any kind by the City or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the City, its officials or employees.

REQUIRED IMPROVEMENTS.

PURPOSE AND APPLICABILITY.

- (a) The purpose of this article is to delineate the required improvements as defined herein which shall be required of the applicant as condition for final approval.
- (b) All required improvements delineated in these regulations shall be installed and constructed by the developer who shall pay all costs involved in installation, construction, inspection and testing.
- (c) Approval of the final plat by the City Council does not constitute permission to construct required improvements. Appropriate permits must be obtained from the City Engineer and other applicable departments and agencies before construction may commence.

REVISION OF PLANS.

When changes or alterations of the requirements as defined herein become necessary during construction, written approval by the City Council shall be secured before execution of such changes. Application for such changes shall be made to the applicable City department or agency and the department or agency through its duly authorized representative shall make recommendations to the City Council within twenty-four (24) hours of such change request. The City Council shall consider such change request within five (5) days thereafter. In the event that the City Council does not deny the request prior to the expiration of such period of time, then the same shall be considered to have been approved. AR approvals by the City Council shall be in writing. All denials of such changes by the City Council shall be in writing.

MONUMENTS AND MARKERS.

- (a) Monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. All monuments shall be set to the requirements of the "Rules and Regulations for the Practice of Land Surveying in West Virginia" as published by the State Board of Examiners. A minimum of two markers shall be placed within each block of a subdivision at each end of a line whose direction and length is shown on the plat. These markers may be set after final plat approval. The City Council may require additional monuments at other points.
 - (1) Reinforced concrete six (6) inches by six (6) inches square or in diameter, not less than twenty-four (24) inches long with a one-half (1/2) inch round brass pin in the center.
 - (2) Such other monuments as the City Council may approve. The subdivider shall bear the cost of replacing a disturbed monument until construction of the subdivision is completed.
- (b) Markers shall be set at all lot corners. Markers shall consist of steel bars at least fifteen (15) inches long and not less than five-eighths (5/8) inch in diameter.

GAS, ELECTRIC, AND TELEPHONE UTILITIES.

The City Council may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in the form of a letter addressed to the City Council stating that such public utility company will make the necessary installations for furnishing its services within a specified time. The City Council may require placing electric and telephone lines underground in new subdivisions. All other public and private utilities and facilities including gas and electric shall be elevated or

flood proofed up to the 100-year flood elevation.

WATER SUPPLY.

- (a) Where a public water supply, in the opinion of the City Council is reasonably accessible, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants.
- (b) Where public water supply is not available within a reasonable distance, an alternate supply, approved by the City Council and the West Virginia Department of Health, shall be furnished.
- (c) All water systems located in any designated flood plain districts, whether public or private, shall be flood proofed up to the 100-year flood elevation.

SANITARY SEWERAGE SYSTEM.

- (a) Where a public sanitary sewer system, in the opinion of the City Council is reasonably accessible, sanitary sewer shall be installed to serve adequately all lots with connections to the public system.
- (b) Where a public sanitary sewer system is not available within a reasonable distance, individual septic tanks and disposal fields may be used. Use of a local disposal system or septic tanks shall be approved by the City Council and the West Virginia Department of Health.
- (c) Where there is a plan for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by the public system within a period of five (5) years, capped sewers shall be installed to serve adequately all lots in the proposed subdivision.
- (d) All sanitary sewer systems located in any designated flood plain district, whether public or private, shall be flood proofed up to the 100-year flood elevation.

STORM DRAINAGE FACILITIES.

- (a) The developer shall provide in every subdivision, storm drains, culverts, drainage ways or other works adequate to collect and dispose of all water originating on or flowing across the property without inundating or damaging neighboring streets, roads, lots or other properties.
- (b) Wherever curbs and gutters are provided or when the City Engineer determines the natural surface drainage to be inadequate, the subdivider shall construct a storm drainage system with catch basins appropriately spaced along the streets in the subdivision.
- (c) In the design of a storm drainage system for a subdivision, the present and future expected runoff from the larger drainage areas shall be considered. It may be required that larger sewers than those needed to service the Immediate subdivision be installed, and certification by a registered professional engineer stating that all proposed drainage facilities are adequately designed to safely handle surface drainage from a higher watershed area shall be provided to the City Engineer.

STREET SIGNS, CURBS AND GUTTERS.

Street signs shall be installed in accordance with standards approved by the City Engineer. At intersections where streets cross, there shall be at least two (2) such street signs.

Curbs and gutters shall be built in accordance with specifications along all streets.

DRIVEWAY ENTRANCES AND SIDEWALKS.

Sidewalks and driveway entrances shall be constructed in accordance with specifications and standards provided by the City Engineer. Pedestrian sidewalks and crosswalks shall be required where deemed essential to provide interior circulation and access to schools, parks and other community facilities.

Where the City Engineer finds that sidewalks, other than those located at the edges of streets would provide safe, logical and convenient routing of pedestrian traffic, such sidewalks constructed in a manner appropriate to their purpose may be required.

STREETS AND ALLEYS.

Streets and alleys shall be graded and surfaced in accordance with specifications and standards provided by the City Engineer. In the case of a subdivision containing lots fronting on an existing State or City maintained road, the developer shall provide required right of way as necessary to serve the needs of such subdivision for access and traffic.

OPEN SPACE.

The City Council may require the dedication of land for open space purposes for traffic, utilities, access of firefighting apparatus, recreation, light and air and the avoidance of congestion of population, including minimum width and area of lots.

The following criteria shall be used to determine open space requirements within a subdivision:

Gross Residential Density (per acre)	Minimum Percentage of Total Land Required for Open Space
20 units and greater	20
10 units - 19 units	15
6 units - 9 units	12
5 units or less	10

ASSURANCES AND GUARANTEES.

Before the City Council shall approve the final plat for any subdivision, it shall ascertain that one of the two following requirements have been adequately met by the developer:

- (a) All required improvements have been completed, inspected, and accepted by the Mayor and Council in accordance with these regulations and other applicable ordinances, statutes and regulations; or

- (b) Where required improvements have not been completed, that acceptable assurances have been made to the Mayor and Council guaranteeing completion of all required improvements in accordance with specifications and standards approved by the City Engineer.

CORPORATE SURETY PERFORMANCE BOND.

A corporate surety performance bond, referred to in these regulations as a performance bond, shall be required by the City Council as acceptable guarantee for the installation and construction of required improvements where same have not been completed prior to final plat approval. The bond shall be sufficient as determined by the appropriate City officials.

The developer shall post such a performance bond with the City Clerk in the amount specified by the appropriate City officials providing acceptable guarantee to the Mayor and Council that all required improvements shall be constructed in accordance with specifications.

Specifically the developer shall be required in posting the performance bond to agree to the following items:

- (a) To construct and install or cause to be constructed and installed at his own expense, all streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, street lights and other required improvements in strict accordance with the final plat, as approved, and in strict accordance with design standards and specifications.
- (b) To maintain at his own cost such streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other required improvements, until the same are accepted by the Mayor and Council in accordance with applicable regulations and ordinances.
- (c) To obtain at the developer's expense the easements and releases required when any street, storm drainage facility, or other required improvement abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision.
- (d) To post a guarantee bond to remain in effect for a period of one (1) year following acceptance of required improvements by the Mayor and Council for the purpose of assuring satisfactory construction following release of the performance bond.

ACCEPTANCE OF IMPROVEMENTS AND DEDICATIONS.

The installation of required improvements, in accordance with the terms of this Subdivision Ordinance, shall in no way be construed as acceptance by the City or an acceptance of an offer of dedication. Same shall be considered only as an offer of dedication until formally accepted by the Mayor and Council.

All offers of dedication of rights of way, streets, alleys, open spaces, public areas or any other matter of whatsoever nature or kind shall be considered only an offer to dedicate and shall in no way be considered accepted by the City until action is taken in the manner prescribed by law.

- (a) Manner of Acceptance of Dedication. All offers of dedication to the City of any required improvements, as set forth herein, shall only be considered accepted after all the following procedures have been completed:

- (1) An offer of dedication has been made on the appropriate plat;
- (2) Acceptance of same by a formal resolution of the Mayor and Council;
- (3) Conveyance to the City of the interest in question by applicable deed, or other instrument in writing with proper designation and description of same, and of specific reference to the formal acceptance;
- (4) The signature of the Mayor affixed thereon showing formal acceptance; and
- (5) The resale and deed of dedication or other applicable instructions be received and recorded among the land records of the Clerk of the County Circuit Court.

After the date of adoption, under no circumstances shall implied acceptance of an offer of dedication be recognized by the City except as set forth herein.

- (b) In the event that the Mayor and Council does not accept or reject a formal offer of dedication within sixty (60) days of such formal offer, same shall be considered accepted provided the applicant furnishes necessary dedication, in the proper form, subject to approval by the City Attorney.
- (c) A rejection of an offer of dedication shall not preclude reapplication or reoffer to dedication either immediately or at any later date.

RELEASE OF BONDS.

Performance bonds or other sureties established in accordance with the provisions of this Subdivision Ordinance shall be released by the Mayor and Council when the City Engineer or other applicable officials certify that the requirements set forth therein have been met and when the required improvements and offers to dedication have been accepted by the City.

This Ordinance shall become effective from passage.

FIRST READING: _____

SECOND READING: _____

PASSAGE: _____

ATTEST:

CITY OF MOUNT HOPE, WEST VIRGINIA

Michael Kessinger, Mayor

Thomas Brown, Recorder