

Private Development Policy
City Engineer's Office
August 20, 2019

The following is the City Engineer's policy on the review of plans, the release of bonds, and the acceptance of maintenance of public improvements for private development:

Plan Review:

The City Engineer's office recognizes that any delay in the review of plans could result in costly expenses to any developer. However, the City Engineer's office also needs a sufficient amount of time to review plans properly. Due to this, the City Engineer's office will commit to performing the review of most plans in a timely manner as stated below. If there is any exception to this timeline, the City Engineer's office will notify the developer's engineer as soon as possible.

The City Engineer will only review a complete set of development plans. This includes a complete plan set, the erosion control plans, and the completed drainage calculations with its drainage summary in a drainage folder. Any partial submittal will be logged and placed in the file without review until the entire set is submitted. Once a complete set of development plans has been received, the plan review process will begin. The City Engineer will attempt to complete the initial plan review process in two (2) weeks (10 working days). The mark-up plans and comments will be returned to the developer's engineer. The City Engineer will attempt to complete any subsequent review in one (1) week (5 working days) unless a complete redesign has been done.

It has been brought to our attention that the developer would like to have one (1) week to look over our comments in case he wishes to make changes. This is understandable; however, the schedule will have to be set up by the developer's engineer in order to allow for the time schedule set out above.

All plan and drainage folder review is for completeness and compliance only. The review does not include a check of the design calculations, the field survey, the engineering accuracy nor the accuracy of the field survey. The sign-off of the plans by the City Engineer's office does not relieve the developer's engineer of any liability for sound engineering judgment and/or accuracy.

Additional Permits:

A Cut and Fill permit will be required prior to the start of any dirt work on any project. The Cut and Fill permit can be obtained through the City Engineers Office. The Cut and Fill permit will not be signed off on until the Notice of Intent (NOI) is submitted to the Kentucky Division of Water (DOW), and the NOI, the Storm Water Pollution Prevention Plan (SWPPP), and all required Corps of Engineers (COE) and DOW permits have been submitted to the City Engineer's office.

Surety Performance Bond Review:

All development in the City of Owensboro will require a surety performance bond of some form to be submitted to the City Engineer. The Unit Prices as established by the Public Improvement (PI) Spec Committee will be used to set all bond amounts, as well as to perform bond updates. However, the Surety Performance Bond shall be considered as a Lump Sum Bond, not as a unit specific bond.

The City Engineer's office recognizes that any delay in the review of surety performance bonds may also result in costly expenses to any developer. However, the City Engineer's office needs a sufficient amount of time to review plans in order to become properly familiar with the project. Due to this, the City Engineer's office will commit to performing the review of most surety performance bonds in a timely manner as stated below. If there is any exception to this timeline, the City Engineer's office will notify the developer's engineer as soon as possible.

The City Engineer will complete the review of most surety performance bonds in a one week (5 working days) period. This includes the start-up of any bond, or the full release of any bond. The exception will be for larger developments that will require extensive field work and review. The comments will be returned to the developer or his engineer. Any subsequent reviews will be performed in three (3) working days.

Surety Performance Bond Format:

Any form of bond currently acceptable by the Owensboro Metropolitan Planning Commission (OMPC) is also acceptable by the City Engineer's office.

Surety Performance Bond Update Schedule:

All bonds shall be renewed and updated every two (2) years after the initial date of the bond. Any time a bond is renewed, it shall be updated to the current unit price rates as specified by OMPC on the recommendation of the PI Spec Committee.

Any bond currently active as of the effective date of this policy shall be given extra time. These bonds shall be completed and closed or updated within two (2) years of the effective date of this policy.

Maintenance Bond:

A Maintenance Bond will be required for all public improvements which fall under the jurisdiction of the City Engineer, which upon final acceptance, the responsibility for maintenance fall under the purview of the City, including "common sidewalks" but excluding "residential lot associated sidewalks." This will be a lump sum bond that is equal to five percent (5%) (minimum of \$5,000.00 per unit) of the total for public improvements not yet accepted as calculated by the unit prices as established by the PI Spec Committee. It is the policy of the City Engineer's office to release the Maintenance Bond after the unit has been accepted, with acceptance requiring that one hundred percent (100%) of the public improvements have been installed and required corrective work has been completed of the unit bonded. If any items in the bonded unit are being used as a Best Management Practice (BMP) in the SWPPP of non-completed units, then the

Maintenance Bond will be maintained intact until those items are no longer BMP's, and the subject area is stabilized, or the Lump Sum maintenance bond can be replaced by a new Maintenance Bond that addresses only the erosion control. The release of the maintenance bond will be decided on a case-by-case basis to determine if other issues exist that may also deem the holding of the Maintenance Bond necessary.

Bond Release Minimum:

Minimum amount for a bond release will be \$2,500.00.

Street DGA:

Once all Street DGA has been placed to the satisfaction of the City Engineer's Office, the developer may request one hundred percent (100%) release of the amount for the DGA surety performance bond. The developer is still responsible for the maintenance of the DGA, including cleaning of mud and other normal construction means and methods until the lump sum Maintenance Bonds are released.

Curb and Gutter:

Once all Curb and Gutter has been placed to the satisfaction of the City Engineer's Office, the developer may request one hundred percent (100%) release of the amount for the Curb and Gutter surety performance bond. The developer is still responsible for the maintenance of the Curb and Gutter until the lump sum Maintenance bonds are released. This release does not relieve the developer of keeping mud and other debris out of the Curb and Gutter.

Street Base Asphalt:

Once all Street Base Asphalt has been placed to the satisfaction of the City Engineer's Office, the developer may request one hundred percent (100%) release of the amount for the Street Base Asphalt surety performance bond. The developer is still responsible for the maintenance of the Street Base Asphalt until the lump sum Maintenance bonds are released. This release does not relieve the developer of keeping mud and other debris out of the Base Asphalt.

Street Surface:

Street Surface will not be allowed to be placed until the installed asphalt base has been exposed to a minimum of two (2) winter seasons for Local and Collector streets and three (3) winter seasons for Arterial streets. Petition by the developer to the City Engineer or directive by the City Engineer to the developer to install surface outside of the above timeline shall be considered on a case-by-case basis with the determining factor to be action taken in the best interest of the City.

Under no circumstances will the installed base asphalt be allowed to be exposed to more than four (4) winters without being covered with surface asphalt. If the developer does not apply the surface asphalt by October prior to the fifth winter, the City of Owensboro will cash in the surety performance and maintenance bonds and complete the placement of the surface.

Once all Street Surface has been placed to the satisfaction of the City Engineer's Office, the developer may request one hundred percent (100%) release of the amount for the Street Surface bond. The developer is still responsible for the maintenance of the Street Surface until the release of the lump sum Maintenance bond.

RESIDENTIAL SINGLE LOT DEVELOPMENTS (Single Family Attached, Condominiums, and Townhouses)

Sidewalk:

The sidewalk adjoining each lot of record shall be installed, inspected and approved before a Certificate of Occupancy (CO) for the structure on the lot will be approved by the Owensboro Metropolitan Planning Commission. A request for final inspection of sidewalk must be submitted to the City Engineer a minimum of five (5) business days before the scheduled final inspection of the structure. Sidewalks will be inspected for compliance with the current PI Specifications and current Department of Justice ADA regulations.

If the sidewalk fails inspection, repair or replacement is required before the CO is obtained or if the sidewalk can't be installed (due to current weather, temperature conditions) the property owner shall post a surety performance bond to proceed with obtaining the Certificate of Occupancy. The bond amount shall be determined by the unit length of walk to be installed/repared multiplied by the bond rate specified by the PI Specification committee, or \$2,000.00, whichever is greater. A certified check will be required as surety. Sidewalk shall be installed/repared within one calendar month of issuance of the Certificate of Occupancy or by the following April 15, if weather/temperature was the cause of the delay. If the owner fails to meet this deadline, the City Engineer will utilize all of the surety to have the sidewalk installed/repared.

The sidewalk that is adjoining common areas (retention basins, parks, etc.) is required to be installed before the approval of the final plat or surety will be posted for this item. Common areas sidewalk PI calculations/ surety performance bonding will be included on calculating Maintenance Bond posting five percent (5%) requirements. Sidewalks installed as part of the developed unit, which when the unit is accepted and maintenance responsibility will then be under the City's purview, will remain the developer's responsibility until that unit is accepted by the City. Lump Sum maintenance bond utilization is applicable for these areas, both "common" and "residential lot" connected sidewalks.

If the developer chooses to place sidewalk on any lot prior to construction on that lot, the sidewalk shall be 6" thick across the entire lot width.

All sidewalks will be required to be installed within five (5) years of final plat. Owner(s)/ Developer(s) may petition the City Engineer for an extension of time to install the sidewalk. Extension considerations will be evaluated on a case-by-case basis.

ALL OTHER DEVELOPMENTS

Surety will be required for all public sidewalks that have not been constructed at the time of final plat. Once all sidewalks has been placed to the satisfaction of the City Engineer's office and the development is complete on any particular lot, the developer may request the release of one hundred percent (100%) of the bond for sidewalk across that lot as long as the total requested bond release meets the bond release minimum stated above. If the developer chooses to place sidewalk on any lot prior to construction on that lot, the sidewalk shall be 6" thick across the entire lot width.

Storm Sewer Systems of all types, Excluding Basins:

Once Storm Sewer System has been installed UNDER THE DIRECT INSPECTION of the City Engineer's office, and once the unit of the development that drains through a particular section of a storm sewer system is one hundred percent (100%) complete and stabilized per KYR10, then an inspection will be done of the system at the City's expense. Any debris, silt, mud, etc., found in the system shall be removed by the developer to the City Engineer's satisfaction. Any spot repairs of the system will also be done at the developer's expense. At this time, the developer may request a full release of one hundred percent (100%) the bond for each individual item. However, if any items in the bonded unit are being used for BMP or SWPPP the developer may provide a replacement maintenance bond to release the lump sum Maintenance bond.

If the developer fails to notify the City Engineer's office prior to the installation of any storm sewer system, the developer shall prove to the City Engineer's office the system was installed per the PI Specification at the developer's expense. This could include, but is not limited to:

- 1) TV-ing of system
- 2) Pothole
- 3) Complete uncovering

Detention/Retention/Mitigation Basins:

The following items shall be completed prior to the developer requesting full release of the bonds on any basins:

- 1) If the basin is to be used as a BMP in the SWPPP, then one hundred percent (100%) of the area draining into the basin shall be completed and stabilized per KYR10 prior to the request for the full release of bond. The silt must be cleaned out of the basin, and the basin restored to the plan dimensions. All banks and side slopes shall be stabilized per the plan, and sufficient ground cover established. The developer shall hire a Professional Engineer licensed in Kentucky to certify the basin was constructed to plan dimensions and slopes, was constructed to achieve the designed capacity, and that it is no longer a BMP in the SWPPP. (See sample language and detail below). The certification shall coincide with the full release request.
- 2) If the basin is not to be used as a BMP in the SWPPP, then the developer may request a full release of the bonds upon the completion of the following items:
 - a) The silt must be cleaned out of the basin
 - b) The basin must be restored to the plan dimensions

c) All other BMP's in the SWPPP upstream of the basin shall be in place and maintained at all times.

d) The developer shall hire a Professional Engineer licensed in Kentucky to certify the basin was constructed to plan dimensions and slopes, was constructed to achieve the designed capacity, and that it is not a BMP in the SWPPP. (See sample language and detail below).

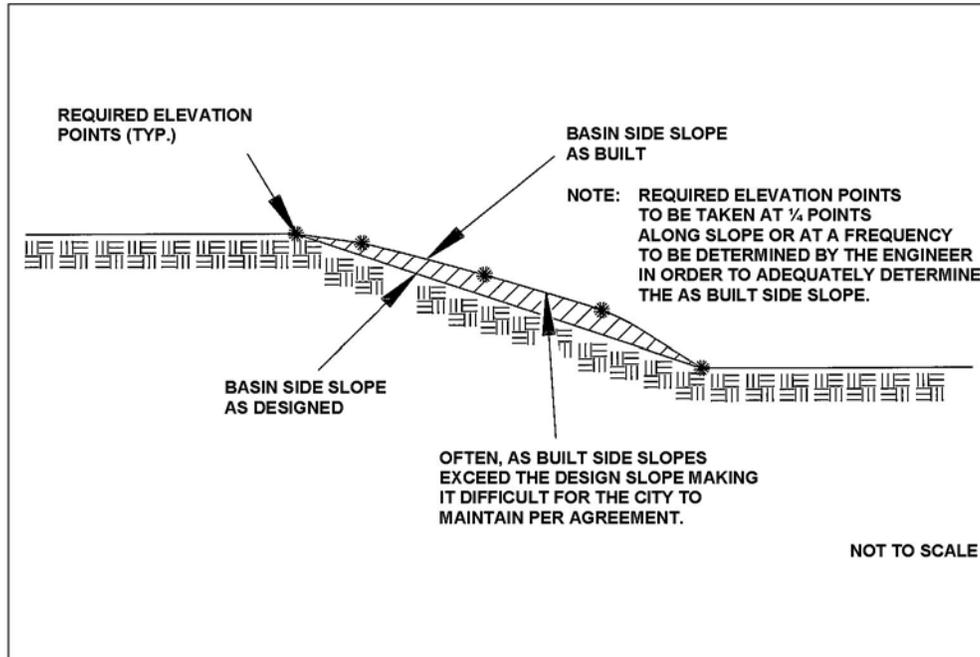
At this point, the developer may request a full release of the bond. The release of the bond of the basin does not release the developer from the liability should any silt deposit in the basin due to a failed BMP upstream.

Private basins shall be certified. The developer shall hire a Professional Engineer licensed in Kentucky to certify the basin was constructed to plan dimensions and slopes, was constructed to achieve the designed capacity, and that it is no longer a BMP in the SWPPP. (See sample language and detail below). The certification shall coincide with the full bond release request of the associated development.

Sample Language:

"I certify the subject basin was constructed per plan dimensions. The maximum slopes dimensioned in the plans are _____. The in-place slopes are _____. The drainage report specified a capacity of _____ acre-feet of storage in the basin. The as-built storage of the basin is _____ acre-feet. The basin (is no longer/has never been) used as a BMP in the SWPPP."

Detail of Required Elevation Points:



Traffic Control:

The developer is responsible for all traffic control through the development until final surface is placed and all bonds have been released. This includes, but is not limited to the control of traffic around manholes and inlets that are higher than the existing grade of the driving surface.

Storage of Material:

Storage of building materials shall not be allowed in the Right-of-Way during the construction of any improvements.