



Record Plat and Construction Plan Review

1.7.01 Purpose

RECORD PLAT review is intended to provide for the acceptance or performance guarantee of improvements and reservations to be included in **MAJOR SUBDIVISIONS**, and for the recording of the **SUBDIVISION** plat.

1.7.02 Submittal of the Application

Simultaneously with or following the acceptance for processing and review of all Subdivision Construction Plans, the applicant shall submit to the **PLANNING DIRECTOR** a **RECORD PLAT** application which conforms to the submittal requirements of this Part. No application will be deemed accepted unless it is complete.

1.7.03 The Review Process

Upon acceptance of the application, the **PLANNING DIRECTOR** shall review the **RECORD PLAT** for conformance with the review standards below. No application should be approved unless:

- A. It is in conformance with the approved Preliminary Plan and other regulations and policies;
- B. **CONSTRUCTION DRAWINGS** and adequate performance guarantees have been provided and approved;
- C. All required subdivision agreements, escrows, dedications and reservations have been executed;
- D. The applicant has paid all required fees or charges, and has established any required escrow arrangements.

Recording of the Plat - Upon approval of the application, Planning Commission staff shall then be responsible to cause the recording of the signed Plat in accordance with state law.

Upon recording the **RECORD PLAT** the applicant may begin site development and installation of improvements. Approval of the **RECORD PLAT** shall constitute acceptance of all dedications and reservations of land shown on the Plat, except those that are specifically reserved or are refused in writing by the Planning Commission in connection with Plat approval.

**1.7.04
Effect of
Recording Plat**

Revisions After **RECORD PLAT** Approval - No changes, erasures or revisions shall be made after **RECORD PLAT** approval unless the Plat is resubmitted for new application under this Chapter. This shall not affect the right to file an affidavit confirming error on a recorded plat as provided by law.

The applicant shall submit the following:

**1.7.05
Record Plat
Submittal
Requirements**

- A. The original mylar plat with (5) paper copies (or four (4) paper copies and one CD-ROM of record plat information) prepared and certified by a Land Surveyor. If more than one sheet is required, a key plat shall be shown on all sheets. No sheet of the record plat may exceed seventeen (17) inches by twenty two (22) inches unless the County Clerk has agreed in writing to record it, if approved by the **PLANNING DIRECTOR**. A two (2) inch by three (3) inch space shall be reserved in the lower left hand corner for the County Clerk's stamp. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by fifty (50%) percent.
- B. The **RECORD PLAT** shall be in conformance with the approved Preliminary Plan, depicting the following information and utilizing the same graphic lines and symbols as utilized for the Preliminary Plan.
 1. The boundaries of the property including all bearings and dimensions as determined by an accurate survey in the field, the name(s) of property owner(s) and block(s) and lot number(s) for all parcels contained within the boundaries of the proposed **SUBDIVISION** as identified from Property Valuation Administrator's current maps and records.
 2. The names and widths of all adjoining **STREETS** and easements, a stub property line approximating the location of intersecting boundaries of all adjoining properties and the ownership of all adjoining properties. An owner's name and a deed book and page number or an owner's name and plat book and page number shall identify ownership.
 3. **LOT** numbers, lot lines, appropriate **BUILDING PLACEMENT/SETBACK LINES**, all fully dimensioned,

bearings and distances of non-parallel lot lines, and square footage of each lot.

4. The location, description and coordinate values of all permanent monuments set at all points of change in direction of all exterior boundary lines of each section. All permanent monuments set as a result of a boundary survey base should be geometrically related survey monuments geometrically tied to Woodford County GIS Monuments. The **PLANNING DIRECTOR** may approve an exception to this requirement if a controlled monument is not located within one mile or if other topographical conditions exist. All monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots or streets in the subdivision correctly by referring to the plat alone without any additional information.
 5. The limits of the 100-year floodplain and floodway, if any, and the applicable map numbers.
 6. A key map, showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.
 7. Landscape buffer areas, conservation easements, tree protection areas and any other area to be set aside or dedicated pursuant to these regulations or by conditions of approval of the Preliminary Plan or Development Plan in connection with a Zoning Map Amendment.
 8. Deed book and page number of the deed of restrictions applicable to the subdivision, if any.
 9. A title block, in the lower right hand corner of the plat depicting the title of the subdivision, the name and address of the owner, the name and address of the **SUBDIVIDER** or developer, the name and address of the land surveyor preparing the plat, the date of preparation, and the scale.
- C. The **RECORD PLAT** shall also contain the following certificates or notices in a form or format as specified by the **PLANNING DIRECTOR**.
1. A certificate of ownership and dedication, and an accompanying certificate of acknowledgment;
 2. A land surveyor's certificate;
 3. Certificates of reservation;

4. A certificate of approval;
5. Notice of the obligation with the following language:

“Property Owner’s Obligation

Certain improvements in this subdivision are required by the Subdivision Regulations as specified by an approved construction plan on file in the office of the Planning Director. It is the obligation of every property owner in the subdivision not to damage, alter or destroy those improvements and not to allow any condition or activity on his property that will impair the proper functioning of those improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violation that may be enforced in the same manner that mortgages are enforced, and persons responsible shall be subject to fine.”

6. Notice of Bond Requirement with the following language.

“Notice of Performance Guarantee Requirement

After construction approval and release of the subdivider’s bond, the owner of any lot may be required to post a performance guarantee as a condition of obtaining a building permit.”

7. Notice of the builder's obligation with the following language.

“Builders Obligation

The builder of each lot in this subdivision is required to grade the lot so that cross-lot drainage is in conformance with the approved Drainage Plan for the subdivision and all drainage from the lot is directed to a public drainage facility in easement or right-of-way.”

Before the **PLANNING COMMISSION** approval may be shown on the **RECORD PLAT** for recording, the **SUBDIVIDER** shall deliver to the **PLANNING DIRECTOR** and the applicable **ENGINEERING OFFICIAL** the following items (See Part 8 for additional information and requirements).

- A. Subdivider’s Commitment - The **SUBDIVIDER** shall be responsible for the installation, good repair and proper functioning of all improvements required by the approved **CONSTRUCTION PLAN** and the installation of all reference monuments required by the **RECORD PLAT**.

**1.7.06
Installation of
Improvements**

Installation shall begin within one (1) year after approval of the **RECORD PLAT**, or within a maximum one (1) year extension granted by the applicable City or County Engineer and Planning Commission, and shall proceed in a manner which, in the judgment of the applicable City or County Engineer, does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. If the installation of improvements has not begun within the maximum two (2) year period (which assumes that a one (1) year extension has been approved), the approval of the **RECORD PLAT** and **CONSTRUCTION PLANS** shall be deemed to be null and void.

The judgment of the applicable City or County Engineer with respect to the manner of proceeding may not be questioned in any judicial proceeding by anyone except the **SUBDIVIDER**, but said judgment when exercised in favor of the subdivider shall not constitute a defense to the subdivider in a judicial action against the subdivider by a complaining property owner. This obligation of the **SUBDIVIDER** shall continue until the Planning Commission has granted a release.

The required installations shall be completed and properly functioning within a reasonable time. At any time after the date of approval of the record plat, the **SUBDIVIDER** shall abide by any time limits that the applicable City or County Engineer may specify in writing. This obligation shall be evidenced in writing signed by the **SUBDIVIDER** on forms provided by the applicable City or County Engineer.

- B. Security Required - There shall be filed with the **PLANNING COMMISSION** and applicable City or County Engineer a performance guarantee of a type and amount determined by the regulations of Part 8 of this Chapter. The purpose of this security is to ensure that:
1. The installation of improvements is completed in a timely manner, and the public health, safety and welfare is not adversely affected if the installation of improvements is begun and then halted for a period of at least six (6) months from the date of a stop work order or other notice issued by the **PLANNING COMMISSION** or as determined by the **PLANNING COMMISSION** and applicable **ENGINEER**. The performance guarantee may be utilized to perform or have performed interim measures to protect the integrity of any improvements that have been installed or to address erosion, drainage or other aspects associated with the interrupted installation of improvements and disturbance of the construction site.

2. The required improvements are completed to the extent required by the approved **RECORD PLAT** and **CONSTRUCTION PLANS**.

A **SUBDIVIDER** may request a release from responsibility for the good repair and proper functioning of improvements required by the **PLANNING COMMISSION** in accordance with the following procedures:

**1.7.07
Release from
Requirement
to Guarantee
Proper
Functioning**

- A. Construction Approval - A written request for release shall be submitted to the applicable City or County Engineer, the Board of Health, the agency or official having jurisdiction with respect to fire protection, and the Mayor or designee if the **SUBDIVISION** is located in an incorporated city. This release may be requested after principal buildings have been completed on eighty (80%) percent of all lots shown on the record plat and the public improvements (except sidewalks on unimproved lots) have been installed in a good and workmanlike manner and are functioning in accordance with the approved construction plans.
- B. Upon receipt of a request from a **SUBDIVIDER** the appropriate agency must inspect the **SUBDIVISION** and inform the subdivider in writing of approval or disapproval. If the subdivider disagrees with the written comments received an appeal may be filed with the Planning Commission. The Planning Commission shall review this request through the **TECHNICAL REVIEW COMMITTEE**.
- C. Upon obtaining a written release from all appropriate agencies, the applicable City or County Engineer may release the performance guarantee completely or reduce the bond to an amount necessary to insure the installation of sidewalks, related drainage and any other right-of-way and easement improvements. This bond shall be considered as if it were a separate bond designed solely for that purpose to be released by the approval of the applicable City or County Engineer with the approval of the appropriate agencies. If a bond for only a sidewalk is required it shall be of a limited time period to insure that all walks are constructed and fully functioning within two (2) years of date of said bond.
- D. The eighty (80%) percent figure referred to above may be increased or reduced by the Planning Commission at any time for good cause shown after recommendation from the applicable City or County Engineer.

**1.7.08
Builder's
Commitment
and
Performance
Guarantees**

A builder on any lot in a **SUBDIVISION** shall be responsible for the good repair and proper functioning of all installed improvements required by the approved construction plan and installed reference monuments required by the record plat and shall proceed with construction in a manner which is satisfactory to the Director of Works and the **SUBDIVIDER**, and which does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. The judgment of the applicable City or County Engineer or that of the **SUBDIVIDER** with respect to the manner of construction may not be questioned in any judicial proceeding by any one except the builder, but said judgment when exercised in favor of the builder, shall not constitute a defense to the builder in a judicial action against the builder by a complaining property owner. An applicant for a building permit shall execute and deliver written evidence of his awareness and commitment to fulfill this obligation on forms approved by the applicable City or County Engineer.

- A. Property Owner's Obligation - It is the obligation of a property owner in the subdivision not to damage, alter or destroy the required improvements or reference monuments and not to allow any condition or activity on his property that will impair the proper functioning of the required improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violations that may be enforced in the same manner that mortgages are enforced, in addition to other remedies available.
- B. Enforcement and Remedy of Obligations - If, at any time following the period allowed to the subdivider to complete his obligations, the applicable City or County Engineer finds that the required improvements and reference monuments have not been installed or they are not in good repair or are not functioning properly, and also finds that it does not appear to his satisfaction that the improvements will be completed within a reasonable time considering the potential for harm, inconvenience or annoyance to others, he shall recommend that the Planning Commission declare the obligation of the subdivider, as well as the obligation of any others who may appear to him to be responsible, to be in default.
- c. Upon declaration of default, the applicable City or County Engineer shall collect such amounts from performance guarantees or otherwise as is required to remedy the default. In the event that amounts available from bonds are sufficient to cover the costs of remedying the default, such bonds shall be collected and used in full or in such proportion as the applicable City or County Engineer determines to be just and equitable based upon apparent responsibility therefore. Anyone

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claiming to be aggrieved by such determination shall have as his exclusive remedy a cause of action for contribution or indemnity against the parties responsible for the default. The determination of the applicable City or County Engineer shall not be used as evidence in support of or against responsibility in such cause of action, and he shall not be made a party thereto.

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