
Sec. 51-64. Street standards.

Delete subsection j and l.

- (j) The developer shall be held responsible for the street workmanship, materials, deterioration or any other deficiencies for a period of one year following the completion of the work and acceptance of the street by the city. The developer shall repair and/or replace all street deficiencies during this one-year corrective period at no cost to the city. Any surface restoration costs incurred because of the repairing and/or replacing of deficiencies shall be borne by the developer. The city shall have the final approval as to whether adequate repair and restoration has been completed by the developer. In the event the developer fails to repair or restore the affected street in a manner acceptable to the city, the city shall have the right, after allowing the developer a reasonable period to complete the repair and restoration, to make such repairs and restoration, and the developer shall pay the costs incurred by the city for such actions. The city may also apply the warranty security required in subsection 51-64(l) to the developer's obligation to pay the costs incurred by the city to repair and restore the street. The developer shall remain obligated to the city for any costs of street repair and restoration which are not covered by the warranty security.
- (l) The developer shall be responsible for the public street acceptance process as follows:
- (1) Retain a licensed professional engineer with responsibilities which will permit the engineer to provide a professional opinion that the construction of the streets and associated work was constructed in general accordance with the approved plans and specifications.
 - (2) Upon completion of street construction, or a segment of street construction, and prior to the street maintenance responsibilities being transferred to the city, the developer shall submit to the city engineer:
 - a. A certificate of completion signed by the developer's engineer stating that in their opinion, the streets and associated work were constructed in general accordance with the approved plans and specifications.
 - b. Warranty security in the amount of ten percent of the engineer's estimate of construction based on the approved plans and specifications subject to the certificate of completion set forth in section 2(a) for the duration of one year, naming the City of Brookings as the additional insured.
 - (3) Upon receipt of the certificate of completion and warranty security, the city engineer shall determine acceptability of these submittals and site conditions within 30 days of the submission of the documents.
 - (4) Upon review and approval of the certificate of completion, warranty security and site conditions, the city engineer shall issue a transfer of street ownership certificate for the specific segments of streets listed on the certificate of completion which satisfy these requirements, provided:
 - a. The one year warranty period shall begin upon the date of the transfer of street ownership.
 - b. The developer is required to complete any incomplete or deficiently performed street acceptance requirements within 180 days of notice of deficiency by the city engineer.
 - c. The city may extend the time required by this section on written request by the developer showing that circumstances beyond the control of the developer have prevented or delayed street repair or restoration.

Proposed "New" Ordinance Section

Street acceptance and transfer of ownership to the City:

- (1) The developer shall be responsible for constructing the street to the City approved plans and specifications. This shall include all street signs, traffic control signage, ramps, roadways and curbing, and the stormwater management for all street runoff.
- (2) Before the street can be accepted and ownership of the street is transferred to the City the developer shall be responsible for the following:
 - a. Retain a licensed professional engineer with responsibilities which will permit the engineer to provide a professional opinion that the construction of the streets and associated work was constructed in general accordance with the approved plans and specifications and the City of Brookings Manual of Engineering Design Standards.
 - b. Construct street utilities and storm sewer in the street the winter prior to paving of the street.
 - c. Upon completion of street construction, or a segment of street construction, and prior to the street maintenance responsibilities being transferred to the city, the developer shall submit to the city engineer:
 1. A certificate of completion signed by the developer's engineer stating that in their opinion, the streets and associated work were constructed in general accordance with the approved plans and specifications, and the City of Brookings' Manual of Engineering Design Standards.
 2. Warranty security in the amount of ten percent of the engineer's estimate of construction based on the approved plans and specifications subject to the certificate of completion for the duration of three years, naming the City of Brookings as the additional insured.
 3. Construction lien waivers from all general contractors who worked on the subdivision
 4. All inspection reports required in the City of Brookings Engineering Design Standards.
 5. As-builts as required in the City of Brookings Engineering Design Standards.
 - d. Upon receipt of the certificate of completion, warranty security, and all supporting documentation required by the City of Brookings Manual of Engineering Design Standards the city engineer shall determine acceptability of these submittals and site conditions within 30 days of the submission of the documents.
 - e. Upon review and approval of the certificate of completion, warranty security, site conditions, and all of the supporting documentation required by the City of Brookings Manual of Engineering Design Standards the city engineer shall issue a transfer of street ownership certificate for the specific segments of streets listed on the certificate of completion which satisfy these requirements, provided:
 1. The warranty period shall begin upon the date of the transfer of street ownership.
- (3) Warranty: Year one - the developer shall be responsible for the street workmanship, materials, deterioration or any other deficiencies. Years two and three - the developer shall be responsible for deficiencies directly related to settlement and infrastructure failure, based on an engineering field review. During the warranty period:
 - a. The developer shall be responsible for repairing and/or replacing deficiencies at no cost to the city within 180 days of notice of deficiency by the city engineer. The city may extend the time required by this section on written request by the developer, showing that circumstances beyond the control of the developer have prevented or delayed street repair or restoration.
 - b. The city shall have the final approval as to whether adequate repair and restoration has been completed by the developer after repairs are completed. In the event the developer fails to repair or restore the affected street in a manner acceptable to the city, the city shall have the right, after allowing the developer a reasonable period to complete the repair and restoration, to make such repairs and restoration, and the developer shall pay the costs incurred by the city for such actions.
 - c. The city may also apply the warranty security required in subsection 51-XX to the developer's obligation to pay the costs incurred by the city to repair and restore the street. The developer shall remain obligated to the city for any costs of street repair and restoration which are not covered by the warranty security.