

STATE OF GEORGIA

COUNTY OF HALL

**A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY
WITH REGARD TO FINAL PLAT REVIEW; APPROVAL REQUIREMENTS AND
MAINTENANCE BOND**

WHEREAS, Hall County has enacted Code Section 16.30.360 of the Official Code of Hall County, Georgia entitled “Final plat review; approval requirements and maintenance bond” found in Title 16 of the Code relating to Subdivisions, Chapter 16.30, relating to Procedures for Submittal of Plans and Plat Recordation; and

WHEREAS, the County’s Board of Commissioners believes that Code Section 16.30.360 of the Hall County, Georgia Official Code should include a requirement for maintenance agreements and should be adjusted so that the County is properly protected by the bonding process relating to subdivision infrastructure; and

WHEREAS, the Hall County Board of Commissioners believes that certain adjustments to Code section 16.30.360 relating to bonding, maintenance agreements, and subdivision final plat review would promote orderly, planned, and efficient development in the County; and

WHEREAS, the County wishes to enact the adjustments to Code section 16.30.360 concurrent with certain changes that the County is enacting in its regulations relating to completion of sidewalks; and

WHEREAS, the County’s Board of Commissioners believes that the changes to its Code of Ordinances relating to “Final plat review; approval requirements and maintenance bond” will serve the best interests of Hall County and will promote the public health, safety, and general welfare of the community.

NOW, THEREFORE, the Board of Commissioners does hereby amend the Official Code of Hall County, Georgia as follows:

1.

Section 16.30.360 is hereby amended by deleting Section 16.30.360 in its entirety and by inserting in lieu thereof a new Section 16.30.360 which provides as follows:

16.30.360 – Final plat review; approval requirements and maintenance bond.

A. *Bonding instrument requirement.* Final approval by the planning director shall not be shown on the final plat until all requirements of these regulations have been met and until the Hall County Engineering Division has certified by letter or endorsement on the plat that a maintenance bond (either in the form of a guaranty bond or cash deposited in escrow for the county) or an irrevocable letter of credit has been received which adequately and sufficiently provides for the maintenance of all installations and improvements required by these regulations for a period of 24 months following the date of final plat approval for base, paving, grassing, storm water management facilities, sidewalks, and any other necessary infrastructure within that subdivision.

B. *Bonding and maintenance agreement.* All bonding instruments must be valid for a minimum of 24 months from the date of issuance. The guarantee bond, escrowed cash, or irrevocable letter of credit must also be accompanied by completed forms provided by the Hall County Engineering Division, and must also be accompanied by a fully executed Maintenance Agreement by which the developer agrees to maintain all such facilities and infrastructure for a period of not less than 24 months from the date of final platting. All bonding instruments must be issued by a company with a minimum A rating (or better), and which is licensed to do business in the State of Georgia and with a principal office and registered agent located in the State of Georgia.

C. *Storm water bonding release.* Storm water management facilities will need to be cleaned of silt of accumulation and properly maintained as provided in Code Chapter 8.180 prior to release of issued bonds.

D. *Bonding instrument amount.* The amount of the bonding mechanism will equal 30 percent of all completed infrastructure including base, paving, grassing, storm water management facilities, sidewalks, and any other necessary infrastructure plus 100 percent of the cost of all incomplete infrastructure such as remaining sidewalks and asphalt topping. The unit cost data used in the initial calculations will be based upon the latest Georgia Department of Transportation (GDOT) Item Mean Summary plus up to 10% per year, or the latest county contract data, whichever is higher. The County is also authorized to require yearly increases in the face amount of required bonds based upon the Consumer Price Index in order to cover the increasing cost of construction and maintenance of infrastructure due to economic inflation.

E. *Transfer of land ownership during the bonding period.* No person, firm, partnership, association, corporation, estate, trust, developer, subdivider, or any other owner or agent shall transfer title of a property which is the subject of any active maintenance or performance bonds without first providing to the county, as beneficiary, a newly executed bonding instrument for the new owner or developer. The newly executed bonding instrument must be presented to and approved by the Hall County Board of Commissioners.

F. *Bonding instrument collection fee.* Hall County shall impose a collection fee \$1,000.00 for any bonding instrument that is presented to the Hall County Board of Commissioners for collection, which fee the Board of Commissioners reasonably believes to be related to the costs associated with collection on such a bond. The director of public works and utilities shall be granted authority to initiate collection efforts in his or her discretion. Staff shall commence

collection efforts at least 90 days prior to the expiration of the bond in order to allow sufficient time for collection. The developer shall deposit \$1,000.00 at the time of submission of the bond to the county, and the \$1,000.00 shall be refunded once bonded work is completed more than 45 days prior to the expiration of the bond or the bond is renewed more than 45 days prior to its expiration.

G. *Request for final acceptance and release of bonds.* Roads within a development are not accepted into the Hall County road system until there has been a request for acceptance by the developer and a favorable vote by the Hall County Board of Commissioners to accept the roads and to release all bonding mechanisms relating to the development. Likewise, the County may release bonding mechanisms only upon a favorable vote by the Hall County Board of Commissioners. Release of bonds can occur after all asphalt road construction has been in place for a minimum of one year, and all infrastructure is installed to the satisfaction of Hall County's Engineering Division. In order for the County's Board of Commissioners to release bonding mechanisms Hall County's Engineering Division must confirm that:

1. All improvements and installations to the subdivision required for approval of the final plat under the rules and regulations of the county have been completed in accordance with the appropriate specifications; and

2. All of the drainage and retention facilities, grading, water and sewer utilities, street base and curbing construction, and grassing required for approval of the final plat have been completed.

[Signatures on following page.]

SO RESOLVED, this the _____ day of _____, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
Richard Higgins, Chairman

ATTEST:

_____ (SEAL)
Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

Van Stephens, County Attorney