

RESOLUTION 2011-65

A RESOLUTION AMENDING AND MODIFYING THE CURRY COUNTY SUBDIVISION REGULATIONS, CURRY COUNTY ORDINANCE NUMBER 2006-02

WHEREAS, the Board of County Commissioners of Curry County, the governing body of Curry County, have previously passed and adopted Ordinance 2006-02, which sets forth Curry County's Subdivision Regulations; and,

WHEREAS, pursuant to Article 1.6 of said Subdivision Regulations, supplementation to the Curry County Subdivision Regulations can be made by resolution; and,

WHEREAS, the Board of County Commissioners of Curry County desires to revise the Subdivision Regulations to make it clear to all persons and entities that prior to the Board of County Commissioners approving or accepting any plat, the subdivider must acknowledge his/her/its obligation or obligations to complete all improvements within said subdivision.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CURRY COUNTY, which is the governing body of Curry County, that Curry County Ordinance Number 2006-02, the County's Subdivision Regulations, are hereby amended as follows:

1. A new **Section 5.5.1 County Commission Approval** is hereby adopted, which will read as follows:

5.5.1 County Commission Approval. Any plats, whether preliminary or final, prior to their submission to the Curry County Commission for consideration and/or approval, must contain clear language on the face of the plat acknowledging that the owner/subdivider will be responsible for the cost and expenses of all improvements, including roads within the subdivision and further acknowledging that all roads within said subdivision are to be completely constructed to County standards by the subdivider prior to the final plat being submitted for approval. If the roads and other improvements are not completed to County standards prior to the final plat being submitted to the Commission, the subdivider must provide the written assurances set forth in this section **prior to** the Commission approving any plat.

IT IS FURTHER RESOLVED that existing Section 5.5.1 shall be renumbered as Section 5.5.2 and existing Section 5.5.2 shall be renumbered as Section 5.5.3.

IT IS FURTHER RESOLVED that Section 5.9 Improvement Guarantees., as currently written, is hereby deleted and a new Section 5.9 Improvement Guarantees. is added, which will read as follows:

Section 5.9 Improvement Guarantees.

Section 5.9.1 Assurance. Any plats, whether preliminary or final, prior to their submission to the Curry County Commission for consideration and/or approval, must contain clear language on the face of the plat acknowledging that the owner/subdivider will be responsible for the cost and expenses of all improvements, including roads within the subdivision and further acknowledging that all roads within said subdivision are to be completely constructed to County standards by the subdivider prior to the final plat being submitted for approval. If the roads and other improvements are not completed prior to the final plat being submitted to the Commission, the subdivider must provide the written assurances to the County Assessor set forth in this section **prior to** the Commission approving any plat.

Section 5.9.2 Uncompleted Improvements. All improvements required under this policy are to be completed by the subdivider prior to the approval of the final plat by the Board of County Commissioners of Curry County. However, with the prior written consent of the Board of County Commissioners of Curry County, given at a public meeting, the subdivider may be granted a period of time up to, but not to exceed, twelve (12) months from the date of the acceptance of the final plat in order to complete the improvements. Such additional time up to, but in no event more than twelve (12) months, may, at the discretion of the Board of County Commissioners of Curry County, be granted if, and only if, the subdivider complies with each and every provision set forth in Section 9.4 of this policy.

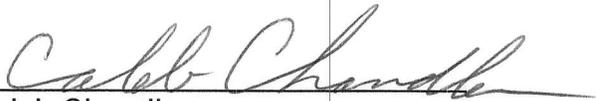
Section 5.9.3 Termination of Plat. If a final plat is accepted and approved by the Board of County Commissioners of Curry County without all improvements being completed to County standards, and pursuant to an improvement guarantee as set forth in Section 9.4, all improvements must be completed within the specific time limits granted by the Commission, and under no circumstances any longer than twelve (12) months after the date the final plat is filed of record. In the event that a final plat has been accepted and filed of record and the

subdivider has not completed all of the required improvements within the twelve (12) month period immediately following the date the plat is filed of record then, said plat shall be deemed void and the Board of County Commissioners of Curry County can move to vacate the plat.

IT IS FURTHER RESOLVED that a new Section 9.4.3 Failure to Complete Improvements. is adopted, which will read as follows:

Section 9.4.3 Failure to Complete Improvements. If a final plat is accepted and approved by the Board of County Commissioners of Curry County without all improvements being completed to County standards, and pursuant to an improvement guarantee as set forth in Section 9.4, all improvements must be completed within the specific time limits granted by the Commission, and under no circumstances any longer than twelve (12) months after the date the final plat is filed of record. In the event that a final plat has been accepted and filed of record and the subdivider has not completed all of the required improvements within the twelve (12) month period immediately following the date the plat is filed of record then, said plat shall be deemed void and the Board of County Commissioners of Curry County can move to vacate the plat.

PASSED AND ADOPTED ON THIS 20th DAY OF DEC., 2011.



Caleb Chandler
Chairman



Attest to:


Curry County Clerk