

Ordinance No. 1069

AN ORDINANCE to amend and reordain Section 29-19, Article II, Chapter 29 of the Code of the City of Alexandria, Virginia, 1953, as amended, which Section 29-19 relates to PUBLIC IMPROVEMENTS, which Article II relates to REGULATIONS FOR SUBDIVISIONS, and which Chapter 29 relates to SUBDIVISIONS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 29-19, Article II, Chapter 29 of the Code of the City of Alexandria, Virginia, 1953, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 29-19. Public Improvements.

(a) On Site.

The owner, contract purchaser, proprietor, or developer, all hereinafter referred to in this section as developer, shall provide and pay in full, or guarantee payment in full, for sanitary sewers, storm sewers, streets, alleys, sidewalks, curbs, gutters, and such other public improvements as these subdivision regulations or the Planning Commission may require, within the platted limits of a subdivision, except as hereinafter provided in Section 29-20 and except for parkways.

(b) Off-site Storm Sewer.

If it is impracticable to dispose of storm water in the natural drainage ways or existing storm water facilities without damage to abutting property, the developer shall extend storm sewers from the subdivision to such points as the Planning Commission may direct upon the advice of the Director of Public Works. In determining such points, the Director and Commission shall take into consideration, among other things, design flow, flow of water from and to the subdivision and other property, zoning, present stage of development of off-site land, land use, flooding, changed course of flow, and the ability of such points to handle the flow. The developer shall pay in full or guarantee payment in full for such storm sewers, except as hereinafter provided in Section 29-20.

(c) Off-site sanitary sewers.

The developer shall, except as hereinafter provided in Section 29-20 also extend sanitary sewers from the subdivision to the nearest accessible sewer of proper size and shall pay in full or guarantee payment in full his share of the costs which shall be one-half of the total cost after deducting the tap fees that the Director of Public Works predicts the City might receive during the next succeeding five years, calculated on the tap fees in force at the time of prediction. In instances where there are no such predictable tap fees, then the developer's share shall be one-half the total cost.

(d) Parkways, on-site.

The developer shall provide for such parkways as these subdivision regulations or the Planning Commission may require and

pay in full or guarantee payment in full for rough grading to sub-grade elevation in accordance with established City specifications. He shall also pay in full or guarantee payment in full for such storm drainage across said parkway as may be required. He shall also be responsible for and pay in full or guarantee payment in full for curb and gutter and driveways on that part of the parkway abutting subdivision lots. He shall not be responsible for base construction, pavement or major drainage structures within the parkway itself.

(e) Miscellaneous.

The developer shall perform the construction of public improvements according to the requirements and standards of the laws of the City of Alexandria and under the inspection of the City; and the actual work on such construction shall be done by him unless the City Manager directs that it be paid for by the developer but performed by the City.

Computations on all public improvements shall be made by the Director of Public Works and such computations shall be considered estimates only. Unit prices used in such computations shall be the same as those that the City pays by virtue of any annual contracts then in force for similar City improvements. None of the provisions of this Section shall relieve the payment of sewer tap fees provided for in Section 24.5 of the City Code.

When the City and the developer reach an agreement on the matter of public improvements, a contract providing for the required improvements shall be entered into and no plat or subdivision shall be released for recording purposes until such contract has been executed.

No plat of subdivision shall be released for recording purposes unless it shall have been noted thereon over the signature of the City Manager that payment has been made for the required public improvements or that satisfactory guarantee for required public improvements has been made. Only the corporate surety bond, for at least the sum estimated to be the full costs of improvements, of a company authorized to do business in the Commonwealth of Virginia, or a cash escrow for the full amount of improvements, shall be deemed to be a satisfactory guarantee by the City Manager. Bonds for subcontractors will not be acceptable. Title to all public improvements not otherwise belonging to the City shall vest in the City when they conform to City regulations and are accepted by the City.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction with a notice containing the time and place for a public hearing. The Clerk of Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

LEROY S. BENDHEIM
Mayor

Final Passage: March 22, 1960