

ENGINEERING DIVISION POLICY LETTER

Policy Number: 2013-03

Title: Half Street Right-of-Way Dedication

Purpose: This policy shall establish uniform procedures and guidelines for complying with the City of Sioux Falls Subdivision Ordinance requirements for Half Street Right-of-Way Dedications.

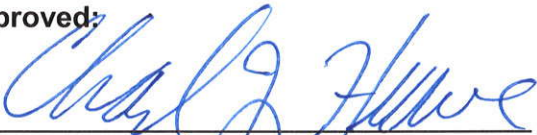
Effective Date: March 29, 2013

Expiration Date: N.A.

Policy Division: Subdivision

Supersedes Policy Numbers or New Policy: New

Approved:



Chad J. Huwe, PE, City Engineer

On:

3/29/13

HALF STREET RIGHT-OF-WAY DEDICATION

This policy shall establish uniform procedures and guidelines for completion of all public improvements associated with Half Street Right-of-Way Dedications. Revisions to this policy are subject to approval by the Infrastructure Review Advisory Board (IRAB), the Homebuilders Association (HBA) or other similar local boards/associations. This policy is new and is not intended to replace other policies, standards or requirements.

The City Engineering Division's policy for Half Street Right-of-Way Dedication shall be as follows:

1. The Half Street Right-of-Way Dedication shall meet the requirements for Half Streets set forth in the City of Sioux Falls Subdivision Ordinance.
2. The developer proposing the half street shall first have exhausted all reasonable attempts to remedy the proposed half street with the adjacent landowner. The City Engineer may request documentation of such unsuccessful attempts. Additionally, the City Engineer may facilitate meetings between the landowners to discuss the street location, design and construction timeframe.
3. When a half street is allowed, per ordinance, the developer is required to meet certain requirements prior to plat approval. The below shall only be used as a guideline for establishing responsibility for completing the public improvements.
 - a) Complete all required public improvements. – The City Engineer may require completion of all required public improvements within the limits of the half street right-of-way in accordance with the Subdivision Ordinance.
 - b) Financially securitize the uncompleted improvements. – Financial securities shall initially be established for a period not to exceed 5 years and in an amount equal to the value of the uncompleted public improvements. The developer will be required to use a City approved form. Prior to the expiration of the financial security, the developer and the City Engineer will be required to reassess the half street right-of-way dedication and the uncompleted improvements. If it is determined the improvements will be required, the developer shall maintain or renew the financial security. If it is determined the improvements are not needed, the associated right-of-way shall be vacated in accordance with the standard procedures prior to expiration of the financial security or assignment of escrowed funds to the developer. Financial securities are subject to the applicable requirements of the Subdivision Ordinance and the below guidelines.
 - i. Bond – A performance bond may be used when it is imminent that the improvements will be complete within a short period of time, typically less than 2 years.
 - ii. Irrevocable Letter of Credit (ILOC) – The developer may choose to execute an ILOC to establish the financial responsibility for the uncompleted improvements.
 - iii. Escrow Account (EA) – The developer may choose to deposit funds in an EA to establish the financial responsibility for the uncompleted improvements.

- c) Other assurances. – The City Engineer may approve other assurances that adequately protect the City and its' taxpayers from using public funds to complete private development. Alternatives include but are not limited to the following:
- i. No Building Permit Covenant. – This covenant shall be established on a City approved form, signed by the City Engineer and the property owners(s) and recorded with the County Register of Deed by the City Engineer against all adjacent properties. The City Director of Planning and Building Services shall also be notified that building permit(s) will not be allowed on said properties.

END OF POLICY LETTER