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City of Adams, Tennessee
Municipal Subdivision Regulations

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ARTICLE I GENERAL PROVISIONS

Section

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1-101 Title. From now on, these regulations shall be known and cited as the Subdivision Regulations of the City of Adams, Tennessee.

1-102 Authority. Per the Tennessee Code Annotated §13-4-303, in exercising the powers granted to it by this part, the Planning Commission shall adopt regulations governing the subdivision of land within the municipality. Such regulations provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality for adequate open spaces for recreation, light, and air, and for a distribution of population and traffic to create conditions favorable to health, safety, convenience, and prosperity, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the Planning Commission has determined the services are necessary for development to occur.

1-103 Jurisdiction. These subdivision regulations shall apply to all subdivisions, as herein defined, located within the corporate limits of the City of Adams. The land shall be subdivided within the jurisdictional area once the subdivider submits a plat as required by these regulations, obtains Planning Commission approval, and files the approved plat with the county register.

1-104 Policy and Purpose. It is hereby declared to be the policy of the Planning Commission to consider the subdivision of land and development of a subdivision plat as subject to the control of the adopted 2040 Robertson County Land Use Plan (from now on referred to as "land development plan") of the City of Adams for orderly, planned, and efficient physical and economic development. Land to be subdivided shall be of such character that it can be used for building purposes without danger of health, fire, flood, or other menace. The land shall be subdivided once proper provisions have been made for drainage, water, sewerage, other public utilities, and other required public services. The existing and proposed public improvements

shall generally conform to and properly relate to the proposals shown in the land development plan. The regulations herein shall supplement and facilitate the enforcement of the provisions and standards in the Zoning Ordinance of Adams, Tennessee (hereinafter referred to as "zoning ordinance"). These regulations are adopted for the following purposes:

- A. To promote the public health, safety, and general welfare of the jurisdictional area.
- B. To guide the development of the jurisdictional area per the land development plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
- C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
- D. To enhance character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
- E. To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
- F. To guide public and private policy and action, providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.
- G. To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
- H. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions; to further the orderly layout and use of land; and to ensure proper legal descriptions and proper monumenting of land.
- I. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of the jurisdictional area.
- K. To preserve the natural beauty and topography of the jurisdictional area and ensure appropriate development regarding these natural features.
- L. To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots while preserving the density of land as established in any zoning ordinance.
- M. To encourage subdivision design to maximize the conservation of all forms of energy.

1-105 Interpretation, Conflict, and Severability

1-105.1 Interpretation. These regulations shall be considered the minimum requirements for the promotion of health, safety, and general welfare.

1-105.2 Conflict with Public and Private Provisions.

1-105.201 Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever

provisions are more restrictive or impose higher standards shall control.

1-105.202 Private Provisions. Where any private provision exceeds the standards set forth herein, such shall be considered a private contract between the parties of interest and is beyond the Planning Commission's jurisdiction. These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where these regulations are more restrictive or impose higher standards than a such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

1-105.203 Severability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission now declares that it would have enacted the remainder of these regulations without any such part, provision, or application.

1-106 Saving Provision. These regulations shall not be construed as abating any action now pending under or by prior subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person; or as waiving any right of the Planning Commission under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person by lawful action of the Planning Commission, except as expressly provided otherwise in these regulations.

1-106.1 Previously Approved Subdivisions.

1-106.101 Unexpired Preliminary Approval. The approval granted on any plat before the effective date of these regulations shall remain in force and effect for the period stipulated by the regulations under which the approval was first granted.

1-106.102 Expired Preliminary Approval. In any instance in which the period of preliminary approval shall have passed with some portion of the subdivision not having received final approval, and the applicant wishes an extension of the preliminary approval, the Planning Commission may:

- A. Allow the remaining portion of the subdivision to be constructed and to receive approval under provisions outlined in the regulations whereby preliminary approval was originally granted, or
- B. Stipulate that the plat is null and void and that a new plat be presented subject to the provisions of these regulations.

In making this determination, the Planning Commission shall consider all pertinent facts. The Planning Commission's deliberation shall consider the current state and active pursuit of

construction and development activities within the subdivision.

1-107 Amendments

1-107.1 Enactment. To provide for public health, safety, and general welfare, the Planning Commission may occasionally amend these regulations. Before the adoption of any amendment to these regulations, a public hearing thereon shall be held by the Planning Commission, as required by Tennessee Code Annotated §13-4-303, the time and place of which shall be given in a newspaper of general circulation.

1-107.2 Codification and Distribution. After adopting any amendment to these regulations, such amendment shall be incorporated into the text of these regulations. Each adopted amendment shall be listed with several resolutions or ordinances of the amendment, the date of final passage, and a summary of any language deleted, added, or changed.

1-108 Resubdivision of Land

1-108.1 Procedures for Resubdivision. If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before the adoption of any subdivision regulations, such amendment shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a subdivision.

1-108.2 Procedures for Subdivision Where Future Resubdivision Is Foreseen. Whenever a parcel of land is subdivided, and the subdivision plat shows one or more lots containing more than one acre of land, and the Planning Commission has reason to believe that any such lot(s) will be subdivided into smaller building sites, the Planning Commission may require that the subdivision and development of a such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public ways. The Planning Commission may also require that dedications for the future opening and extension of such public ways be indicated on the plat.

1-109 Conditions. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the state to the Planning Commission. The developer has the duty of compliance with reasonable conditions imposed by the Planning Commission for design, dedication, improvement, and restrictive use of the land to provide for the physical and economic development of the jurisdictional area and the safety and general welfare of future plot owners in the subdivision and of the community at large.

1-110 Vacation of Plats. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot described therein, by a written instrument, to which a copy of such plat shall be attached, declaring the plat or part of the plat to be vacated. Such an instrument shall be executed, acknowledged, or approved, and duly recorded or filed; the instrument shall operate to void the recorded plat and divest all public rights in the public ways and public grounds and all dedications laid out or described in such plat. The Planning Commission shall follow the same procedure as for the approval of plats. The Planning

Commission may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, or ways. When any lot or lots have been sold, the plat may be vacated in the manner provided only if all of the owners of lots in such platted area join in the execution of such writing.

1-111 Variances

1-111.1 General. On occasion, the Planning Commission may determine that extraordinary hardships or practical difficulties may result from strict compliance with these regulations. In that case, a variance from these regulations may be granted, provided such variance shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the Planning Commission shall not recommend variances unless it makes findings based upon written evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to public safety, health, or welfare or be injurious to other property or improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and do not apply generally to other properties.
3. Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
4. The variance will not alter the provisions of the land development plan, the major street or road plan, or any zoning ordinance.

The Planning Commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance if it may approve other variances to these regulations.

1-111.2 Procedures. Every variance or modification of these subdivision regulations sought by a subdivider shall be specifically applied for in the numerical order of the subdivision regulations, in writing by the subdivider in letter form. In approving any variation from these regulations, the Planning Commission shall state fully in the minutes the grounds for the variation and all of the facts upon which the decision is made. Any condition shown on the plat requiring a variance or modification shall constitute grounds for disapproval unless such a special application for modification variance is made.

1-111.3 Conditions. In approving variances, the Planning Commission may impose such conditions as in its judgment will secure substantially the objectives, standards, and requirements of the regulations.

1-112 Enforcement, Violation, and Penalties

1-112.1 General

1-112.101 Authority. The enforcement of these regulations and the penalties for violations are provided according to Title 13 of the Tennessee Code Annotated.

1-112.102 Enforcing Officer. It shall be the duty of the Zoning Administrator (or their designee) (hereinafter referred to as "the Zoning Administrator") to enforce these regulations and to bring to the attention of legal counsel any violations or lack of compliance herewith.

1-112.103 Recording of Plats. According to Tennessee Code Annotated, §13-3-302 and §13-4-304, the plat of a subdivision of land within the jurisdictional area shall be received or recorded by the county register once the plat has received final approval from the Planning Commission per these regulations. The Planning Commission secretary has endorsed such approval in writing on the plat in the manner prescribed by *Section 2-105* of these regulations. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt any owner or agent violating the provisions of the preceding paragraph from the penalties or remedies provided in *Subsections 1-112.2 and 1-112.3* of these regulations.

1-112.104 Use of Unapproved Plats. Under Tennessee Code Annotated §13-4-306, no owner or agent of any landowner shall convey such land contrary to the provisions stated herein. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt any owner or agent violating the provisions of the preceding paragraph from the penalties or remedies provided in *Subsections 1-112.2 and 1-112.3* of these regulations.

1-112.105 Metes and Bounds Subdivisions. All described subdivisions shall be subject to all of the requirements of these regulations. The subdivision of any lot or parcel of land by use of metes or bounds description without complying with the plat provisions of these regulations shall not be permitted.

1-112.106 False Statements About Roads. According to Tennessee Code Annotated §13-3-410 and §13-4-306, no owner or agent of the owner of any land shall falsely represent to a prospective purchaser of real estate that roads or streets will be built or constructed by any city, county, or any other political subdivision.

1-112.107 Public Ways and Utilities. Under Tennessee Code Annotated §13-3-410 and §13-4-306, the Planning Commission shall not nor shall any public authority accept, layout, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the jurisdictional area unless such way shall have been accepted, opened, or otherwise received the legal status of a public way before the attachment of the Planning Commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the Planning Commission or on a public way plat made by the Planning Commission. In case of any state highway constructed or to be constructed within the jurisdictional area with state

funds as a part of the state highway system, the submission to the Planning Commission shall be by the Tennessee Commissioner of Transportation, who shall have the power to overrule the disapproval of the Planning Commission. However, the county commission may override the Planning Commission as provided in Title 13 of the Tennessee Code Annotated.

1-112.108 *Building Permits.* No building permit shall be issued for constructing any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations.

1-112.109 *Access to Lots by Public Way or Private Easement.* Under Tennessee Code Annotated §13-3-411 and §13-4-308, no building permit shall be issued. No building or structure shall be erected on any lot within the jurisdictional area unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way as provided by law, or unless such lot fronts upon a permanent easement which conforms to the provisions outlined in these regulations. Provided, further, that when a permanent easement to a public way is used as access to a lot or tract of land that has been or is being separated by deed or plat from other property, the easement shall be at least fifty (50) feet in width from and after the time of adoption of these regulations. They shall be used to access up to one lot or tract of land. The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the Planning Commission and will be in private ownership and control in perpetuity.

1-112.2 Penalties for Violations

1-112.201 *Recording of Unapproved Plats.* No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in Tennessee Code Annotated §13-3-402 and §13-4-302. Any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Any County register, receiving, filing, or recording a plat of a subdivision violating *Subsection 1-112.103* of these regulations shall be deemed guilty of violating the above-cited provision of the Tennessee Code.

1-112.202 *Use of Unapproved Plats.* Tennessee Code Annotated, §13-4-306, provides that whoever being the owner or agent of the owner of any land transfers, or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other users of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town, through its Town attorney, may enjoin such transfer, sale, or agreement by the action of the injunction.

1-112.203 *Illegal Buildings.* Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the building official or other official designated by the chief legislative body may bring an action or enjoin such erection or cause it to be vacated or removed as provided in Tennessee Code Annotated §13-4-308.

1-112.3 Civil Enforcement

1-112.301 *General.* Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent illegal construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise; these remedies shall be in addition to the penalties described in *Subsection 1-112.2*, of these regulations.

1-112.302 *Specific Statutory Remedies*

- A. Use of Unapproved Plats.** The county, through its attorney or other official designated by the county council, may enjoin by action for injunction any transfer or sale of, or agreement to sell any land in violation of *Subsection 1-112.104* of these regulations.
- B. Erection of Unlawful Buildings.** Where any building or structure is erected or is being erected on any lot in violation of the road or easement frontage requirements of *Subsection 1- 112.109* of these regulations, the county building official or the county attorney or other official designated by the county council may bring an action to enjoin such erection or cause the building or structure to be vacated or removed.
- C. Enforcement of Bonds.** Where a bond is accepted in place of completion of subdivision improvements and utilities as provided in Article III of these regulations.

1-113 Adoption of Regulations and Amendments. In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivision regulations are hereby adopted this 1st day of June 2023 and immediately shall be in full force and effect. Pursuant to the Tennessee Code Annotated, §13-3-403, a public hearing was held on these regulations on **June 1, 2023**, at 7:00 p.m., Adams City Hall in Adams, Tennessee, notice of which was given by publication in Robertson County Connection, on May 23, 2023.

1-114 Repeal of Previous Regulations. Upon these regulations' adoption and effective date, the Subdivision Regulations of Robertson County, Tennessee, cease to be used.

ARTICLE II PROCEDURES FOR PLAT APPROVAL

Section

- 2-101 General Procedure
- 2-102 Preliminary Plat (Major Subdivisions Only)
- 2-103 Final Subdivision Plat (Minor and Major Subdivisions)
- 2-104 Signing and Recording of Subdivision Plat

2-101 General Procedure

2-101.1 Plat Approval Requirements. Before any contract is executed for the sale of any parcel of land which is proposed to be subdivided, and before any permit for the erection of any structure in a proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure the Planning Commission's approval of the proposed subdivision per the procedures of this article.

2-101.2 Classification of Subdivisions. The Planning Commission shall classify each subdivision proposal as major or minor, as defined herein.

2-101.201 Review Procedure. The subdivider shall follow the procedure described below to secure plat approval.

A. Minor Subdivision

1. Preapplication conference with the Zoning Administrator, including submittal of a scale drawing or survey of the proposed subdivision for discussion and review.
2. Securing approvals from other public agencies and affected utility districts or companies.
3. Submittal of a final plat, prepared, per the specifications in *Section 5-104*, herein, for approval by the Planning Commission.

B. Major Subdivision

1. Preapplication conference on the subdivision with City staff, generally discussing the proposed subdivided area, including submittal of a scale drawing or survey of the proposed subdivision for discussion and review.
2. Submittal of a preliminary plat, prepared by *Section 5-102*, herein for Planning Commission approval.
3. Securing approval from other public agencies.
4. Submittal of the final subdivision plat, prepared per *Section 5-104*, herein for Planning Commission approval.

2-101.3 Official Submission Date. For both major and minor subdivisions, the date of the regular meeting of the Planning Commission at which the public hearing on the final subdivision plat, including any adjourned date thereof, is closed shall constitute the official submittal date of

the plat at which the statutory period required in the Tennessee Code Annotated, §13-3-404, for formal approval or disapproval of the plat, shall commence.

2-101.4 Policy on Flood Prone Areas. In determining the appropriateness of land subdivision at any site containing a flood-prone area, the Planning Commission shall consider the policy and purpose outlined in *Sections 1-104* of these Regulations and, additionally:

1. The danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses.
2. The danger that intended uses or improvements may be swept onto other lands or downstream to injuring others.
3. The adequacy of proposed water supply, sanitation, and drainage systems and the ability of these systems to function under flood conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner.
5. The importance of the services provided by the proposed facility to the community at large.
6. The requirements of the subdivision for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
8. The compatibility of the proposed uses with existing development or development anticipated in the foreseeable future.
9. The relationship of the proposed subdivision to the land development plan and the floodplain management program for the area.
10. The safety of access to the property for emergency vehicles in times of flood
11. The expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site.
12. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges; and
13. The effect of the proposed subdivision upon the City's participation in the National Flood Insurance Program.

The Planning Commission shall not approve any subdivision, or part thereof, if proposed levees, fills, structures, or other features within the subdivision will, individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one-hundred-year flood level) shall be determined from the latest approved flood study for the jurisdictional area and any subsequent revisions. The developer will formulate specific engineering studies in areas where flood data are not currently available if deemed necessary by the Planning Commission. In any instance in which the Planning Commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood-prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area. In approving plans for the subdivision of land containing flood-prone areas, the Planning Commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these Regulations, will be maintained in a manner as prescribed by any zoning ordinance. The Planning Commission shall also ensure that development within any floodway

fringe area (within the one-hundred-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Article IV of these Regulations. The Planning Commission shall disapprove the subdivision of any land containing a flood-prone area when the commission determines that subdivision plans are inconsistent with the policy stated in this section.

2-101.5 Special Provisions Governing Unit Ownership (Condominium) Subdivisions

2-101.501 General Provisions.

- A. Intent.** This section is intended to augment the general legislation of the Tennessee Code Annotated, §66-27-101 through §66-27-123, entitled "*Horizontal Property Act*," by providing supplemental rules and Regulations for the implementation of the act, as specifically authorized in §66-27-121 of the Tennessee Code Annotated
- B. Applicability.** Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by the Tennessee Code Annotated §66-27-101 through §66-27-123, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provisions for sale or transfer of real property is subject to the provisions of these Regulations.

2-101.502 Submission of Plat Required. Before the sale or transfer of any property incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the Planning Commission a subdivision plat of such property in the manner prescribed by this article; such plat, if approved, shall be filed with the county register in the manner prescribed by this article.

2-101.503 Determination of Subdivision Type. During the plat review process, the Planning Commission shall classify condominium subdivisions as horizontal condominiums or vertical condominiums as defined in Article VI of these Regulations.

2-101.504 Procedure. An applicant seeking approval of a condominium subdivision shall proceed through the normal procedure for subdivision approval, as outlined in this article.

2-101.505 Contents of Plans and Documents. The plats, plans, and documents submitted by an applicant seeking approval of condominium subdivision shall conform with the specifications outlined in Article V of these Regulations.

2-102 Preliminary Plat (Major Subdivisions Only)

2-102.1 Application Procedure and Requirements. The applicant shall file with the Planning Commission a preliminary plat. The preliminary plat shall be prepared per *Section 5-102*. The applicant's failure to satisfy this section's requirements with full and correct information shall be cause for disapproval of a preliminary plat. Applications shall be presented

at the office of the Zoning Administrator in accordance with the City's adopted Planning Commission Submittal & Review Calendar.

2-102.2 Pre-Application Conference. A pre-application conference shall be conducted on the preliminary plat, construction plans, and any exhibits submitted conforming to these Regulations. This review shall include City staff, the applicant and their representatives, and any other appropriate governmental representative. The review shall be held on a date prior to the regularly scheduled Planning Commission meeting at which the plat will be reviewed. Findings from the pre-application conference shall be presented to the Planning Commission.

2-102.3 Notice of Hearing. A Planning Commission shall hold a hearing as required by *Chapters 3 and 4 of Title 13 of the Tennessee Code Annotated* on each plat brought before it.

2-102.4 Preliminary Approval. The Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat within sixty (60) days after the date of the regular meeting of the Planning Commission at which the hearing on preliminary approval, including adjourned date thereof, is closed. A Certificate of Preliminary Approval shall be signed by the Secretary of the Planning Commission. The applicant may proceed to apply for final subdivision plat approval in the manner prescribed by *Section 2-104* of these Regulations. After the Planning Commission approves, conditionally approves, or disapproves the preliminary plat, one copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval. If a preliminary plat is disapproved, the Planning Commission shall state specific reasons for disapproval, which shall be entered into the meeting minutes. Before the Planning Commission approves a preliminary plat showing land for any public use, the Planning Commission shall obtain approval for the land reservation from the Planning Commission or an appropriate governmental agency.

2-102.5 Public Improvements. The Planning Commission may require that all public improvements be installed and dedicated before the signing of the final subdivision plat by the Secretary of the Planning Commission. If the Planning Commission only requires that some public improvements be installed and dedicated before the signing of the final subdivision plat, an adequate performance surety shall be approved. The amount of such surety shall be established by the Planning Commission based upon the recommendation of the appropriate governmental representative plus an additional twenty (20) percent to cover inflation shall be added. The subdivider's responsible for furnishing these estimates to the Planning Commission. The applicant shall submit such surety at the time of application for final subdivision plat approval. The Planning Commission shall require the applicant to indicate on the plat all public ways and improvements to be dedicated; all districts for water, fire, and utility improvements that shall be required to be established or extended; and any other special requirements deemed necessary by the Planning Commission for the subdivision plat to conform to the major street or road plan and the land development plan for the jurisdictional area.

2-102.6 Effective Period of Preliminary Approval. The approval of a preliminary plat shall be effective for three (3) years, under TN Code § 13-4-310 (2021), at the end of which time final approval of the subdivision plat must have been obtained from the Planning Commission. However, the plat need not have been signed and filed with the county register. Before the

expiration of the preliminary approval and upon proper request by the developer, the approval may be extended for one (1) additional year if the commission deems such to be advisable based upon progress made in developing the subdivision. Any plat not receiving final approval within the period set forth herein shall be null and void, and the developer shall be required to submit a new plat for approval subject to any zoning provisions and the subdivision Regulations currently in effect.

2-102.7 Zoning Regulations. Every plat shall conform to any existing zoning Regulations and subdivision Regulations applicable at the time of proposed final approval. Any plat which has received preliminary approval shall be exempt from any subsequent amendments to such zoning ordinance or these Regulations rendering the plat nonconforming as to bulk, use, or development standards, provided, that final approval is obtained within the effective period of preliminary approval outlined in *Subsection 2-103.6*, herein.

2-103 Final Subdivision Plat (Minor and Major Subdivision)

2-103.1 Application Procedure and Requirements. A subdivider shall file a final plat with the Planning Commission. The plat shall be prepared per *Section 5-104* and:

1. Include the entire subdivision, or section thereof, for which final approval is sought.
2. Be accompanied by a minimum of six (6) copies of the final subdivision plat, plus one PDF of the same, as described herein.
3. Comply substantially with the preliminary plat, where such a plat is required.
4. Be presented at the office of the Zoning Administrator in accordance with the adopted Planning Commission Submittal & Review Calendar.
5. Be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The subdivision plat shall be marked with a notation indicating the formal offers of dedication as shown in Article V of these Regulations.)
6. Be accompanied by a performance surety, if required, in a form satisfactory to legal counsel and in an amount adequate to complete the required improvements. It shall include provisions that the principal of the surety shall comply with all the terms of the resolution of final subdivision plat approval, as determined by the Planning Commission, including, but without limitations, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the Planning Commission free and clear of all liens and encumbrances on the premise(s).
7. Be accompanied by a written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any utility districts as required by the Planning Commission upon preliminary plat approval; and
8. If the final plat contains open space or recreational facilities, or if any portion of the site is in common ownership, the following documentation shall be submitted for approval by the Planning Commission:
 - A. Plans for improvement and maintenance of the open space or facilities.

- B. Articles of incorporation and bylaws of the co-owner's association or other legal entity (where open space or facilities are to be deeded to a co-owner's association by a similar organization acting on behalf of the joint owners of the said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions about every property within the subdivision; and
- C. Declaration of covenants and restrictions about open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer.

2-103.2 Endorsement of Notations. The notations and certifications required by *Subsection 5-104.3* of these Regulations to appear upon the final plat shall be endorsed by appropriate officials and other persons before application for final subdivision plat approval, except that the certificate of Planning Commission approval shall be signed at the time specified in *Section 2-105*, of these Regulations.

2-103.3 Sectionalizing Major Subdivision Plats. Before granting final approval of a major subdivision plat, the Planning Commission may permit the plat to be divided into two (2) or more sections. It may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision. The Planning Commission may require that a performance surety is in such amount as is commensurate with the section(s) of the plat to be filed and may defer the remaining required performance surety principal amount until the remaining sections of the plat are offered for filing. The developer also may file irrevocable offers to dedicate public ways and improvements in the section offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Planning Commission, shall be granted concurrently with final approval of the plat. Such authorized sections must contain at least ten (10) percent of the total lots in the proposed plat unless the Planning Commission grants a specific waiver of this requirement.

2-103.4 Hearing and Decision on Final Plat. The Planning Commission shall hold a hearing on each final plat, as the Tennessee Code Annotated §13-4-304 requires. Within sixty (60) days after submission of the plat, the Planning Commission shall approve, modify, or disapprove the final subdivision plat by resolution, which shall outline in detail any conditions to which the approval is subject or reasons for disapproval. In no event shall the period stipulated by the Planning Commission for the completion of required improvements exceed one (1) year from the date of final resolution. Failure of the Planning Commission to act upon a plat within the prescribed time shall be deemed approval of the plat. In such an event, a certificate of approval entitling the subdivider to proceed as specified in *Subsection 2-104.4* and *Section 2-105* of these Regulations shall be issued, upon demand, by the Secretary of the Planning Commission. The applicant, however, may agree to an extension of the time for the Planning Commission review. One (1) copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon.

2-103.5 Vested Rights (Pursuant to the Tennessee Code Annotated, §13-4-310 (2021))

1. **General.** A vested property right shall be established concerning any property upon the approval, by the local government in which the property is situated of a signed preliminary

development plan or a signed final development plan where no preliminary development plan is required by ordinance or regulation or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed.

In no circumstance shall anything other than a signed preliminary plat (or final plat, if preliminary was not required) establish a developer's vested rights in the City of Adams.

During the vesting period, the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the date of approval of a building permit shall remain the development standards applicable to that property or building during the vesting period.

- A. Unless the local government grants an extension, the vesting period applicable to an approved construction project for which a building permit has been issued shall begin on the date of issuance of the building permit by the local government and shall remain in effect for the period authorized by the approved building permit, including any approved renewal obtained by the applicant before the expiration or termination of the permit to be renewed; provided, that the applicant pursues with reasonable diligence site preparation, if applicable, and construction.
- B. The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan, provided that the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period. The vesting period shall be extended an additional two (2) years to commence construction from the expiration date of the three years. During the two years, the applicant shall commence construction and maintain any necessary permits to remain vested.
- C. If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified the completion of the development or project, provided the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the local government grants an extension under an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten years.
- D. In the case of developments that proceed in two (2) or more sections or phases as described in the development plan, a separate vesting period shall apply to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development, provided that the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the preliminary development plan for the first section or phase unless the local government grants an extension according to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen years.

- E. In no circumstance shall anything other than a signed preliminary plat (or final plat, if preliminary was not required) establish a developer's vested rights in the City of Adams.
- F. During the vesting period, the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, shall remain the development standards applicable to the property described in such preliminary development plan or permit, except such rights shall terminate upon a written determination by the local government under the following circumstances:
 - 1. When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided that the applicant is given ninety (90) days from the date of notification to cure the violation; provided further that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional period to cure the violation.
 - 2. When the applicant violates any of the terms and conditions specified in the local ordinance or resolution; provided the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the community, grant, in writing, an additional period to cure the violation.
 - 3. Upon a finding by the local government that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or
 - 4. Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action, or other governance, regardless of nomenclature, that is required to be enforced by the local government and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.
- G. A written determination by the local government of the occurrence of any of the circumstances provided above shall cause the vested property rights to terminate; however, a local government may choose to allow a property right to remain vested despite such a determined occurrence when a written determination is made that such continuation is in the best interest of the community.
- H. A local government shall not require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a development plan or the issuance of a building permit.
- I. A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments to it or under the terms and conditions of any building permit that has been issued concerning the property.

2. Exceptions to Vested Rights. A vested development standard shall not preclude local government enforcement of any development standard when:

1. The local government obtains the written consent of the applicant or owner.
2. The local government determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety, or welfare of the community and the threat cannot be mitigated within a reasonable period, as specified in writing by the local government, by the applicant using vested property rights.
3. Upon the written determination by the local government of the existence of a natural or man-made hazard on or near the subject property not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period, as specified in writing by the local government, by the applicant using vested property rights.
4. A development standard is required by federal or state law, rule, regulation, policy, corrective action, order, or other type of governance that is required to be enforced by local governments, regardless of nomenclature; or
5. A local government is undertaking an action initiated or measure instituted to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order, or another type of governance, regardless of nomenclature.
6. A vested property right does not preclude, change, amend, alter, or impair the authority of a local government to exercise its eminent domain powers as provided by law.
7. This section shall not preclude, change, amend, alter, or impair the authority of a local government to exercise its zoning authority, except a vested property right, once established as provided for in this section, precludes the effect of any zoning action by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit.
8. If the local government enacts a moratorium on development or construction, the vesting period authorized under this section shall be tolled during the moratorium period.

3. Relationship of Amended Plans to Vested Rights.

- A. The local government must approve an amendment to an approved development plan by the developer to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the local government that the amendment:
 1. Alters the proposed use.
 2. Increases the overall area of development.
 3. Alters the size of any nonresidential structures included in the development plan.
 4. Increases the density of the development to affect traffic, noise, or other environmental impacts; or
 5. Increases any local government expenditure necessary to implement or sustain the proposed use.
- B. If the local government denies an amendment based upon such a written finding, the applicant may either proceed under the initial approved plan with the associated vested

property right or allow the vested property right to terminate and submit a new application under this section. A vested property right shall not terminate if the local government determines, in writing, that it is in the community's best interest to allow the development to proceed under the amended plan without terminating the vested property right.

2-104 Signing and Recording of Subdivision Plat

2-104.1 Signing of Plat

1. When a surety is required, the Secretary of the Planning Commission shall endorse approval on the plat after the surety has been approved by the Planning Commission and after all the conditions of approval of the plat have been satisfied.
2. When the installation of improvements is required, the Planning Commission Secretary shall endorse approval on the plat after all conditions of the approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed satisfactorily to the Planning Commission as shown on certifications by the appropriate governmental representative(s) that necessary land dedications and improvements have been accomplished.
3. When the conditions of this section are satisfied, the Secretary shall sign the permanent reproducible original of the subdivision plat.

2-104.2 Recording of Plat. It shall be the responsibility of the Zoning Administrator, or their designee, to file a plat with the county register's office within ninety (90) days of the date of signature. Simultaneously, with the filing of the plat, the Zoning Administrator or their designee shall record the agreement of dedication together with such legal documents as shall be required to be recorded by legal counsel.

ARTICLE III
ASSURANCE FOR COMPLETION AND
MAINTENANCE OF IMPROVEMENTS

Section

- 3-101 Improvements and Performance Surety
- 3-102 Inspection of Improvements
- 3-103 Maintenance of Improvements
- 3-104 Deferral or Waiver of Required Improvements
- 3-105 Escrow Deposits for Lot Improvements
- 3-106 Issuance of Building Permits & Certificates of Occupancy

3-101 Improvements and Performance Surety

3-101.1 Completion of Improvements. Before the Secretary of the Planning Commission signs the final subdivision plat specified in *Subsection 2-105.1* of these regulations, all applicants shall complete, per the Planning Commission's decision and to the satisfaction of the appropriate governmental representative, all public way, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the Planning Commission, and shall dedicate such improvements to the appropriate governing body free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

3-101.2 Surety Instrument. The required surety instrument shall be an Irrevocable Letter of Credit (herein, *the surety or the surety instrument*), issued by a bank within 50 miles of the City of Adams, made payable to the City of Adams. The Planning Commission, at its discretion, may waive the requirement that the applicant complete and dedicate all public improvements before the signing of the final subdivision plat by providing that, as an alternative, the applicant posts the surety at the time of submission for final subdivision approval in an amount estimated by the Planning Commission as sufficient to guarantee to the Adams Planning Commission that satisfactory construction, installation, and dedication of the incomplete portion of required improvements. The surety shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as required by these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission in the resolution approving the final subdivision plat incorporated in the surety instrument and shall be at most two (2) years from the date of final approval. Such surety shall be approved by the Planning Commission as to the amount, plus twenty (20) percent per year to cover inflation and any conditions imposed by the Planning Commission. Upon proof of difficulty, the Planning Commission may extend the completion date outlined in such surety instrument for a maximum period of one (1) additional year. All requests for extensions of surety instruments shall be submitted to the Planning Commission in writing sixty (60) days before the instrument expires.

3-101.3 Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and maintain them to a reasonable standard for a period specified by the Planning Commission. Before constructing

any temporary facility or improvement, the applicant shall file a suitable surety instrument with the Planning Commission, ensuring that the temporary facilities will be properly constructed, maintained, and removed.

3-101.4 Costs of Improvements. The applicant shall make all required improvements at his expense. Any provisions for reimbursement by the Adams City Council or any utility agency shall be stipulated clearly in the requirements of any surety instrument.

3-101.5 Governmental Units. Governmental units to which these provisions apply may file, instead of said contract or surety, a certified resolution or ordinance from officers or agencies authorized to act on their behalf agreeing to comply with the provisions of this article.

3-101.6 Failure to Complete Improvements. Applicants are required to post sureties to ensure completion of improvements within six months of approval of the final plat. If no surety instrument is posted, the improvements must be completed within six (6) months of the date the plat was approved by the Planning Commission. Failure to complete the improvements shall result in an expired approval of the plat. In those cases, in which a surety instrument has been posted and required improvements have not been installed within the terms of such surety instrument, the Planning Commission thereupon may declare the surety instrument to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the surety instrument is declared to be in default.

3-101.7 Acceptance of Dedication Offers. Acceptance of formal offers of dedication of public ways, easements, and parks shall be by legal action of the Adams City Council. Such action shall be a resolution the Planning Commission recommends to the governing body. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government of any public way, easement, or other ground shown on the plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

3-101.8 Surety Instrument Renewal Procedure. A developer posting a surety instrument for infrastructure improvements will be required to read and sign a Surety Instrument Policy Form, which certifies that the developer has read and understands the requirements contained in the form, including the deadlines established for renewal on the form.

3-102 Inspection of Improvements.

3-102.1 General Procedure. The Planning Commission may require inspection of required improvements during construction to ensure their satisfactory installation and completion; the developer and his contractor will be notified of the required inspections during the required preconstruction conference and shall be responsible for reimbursing the City for the inspector's time. If the appropriate governmental representative finds upon inspection that any required improvements have yet to be constructed following the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever a surety instrument covers the cost of improvements, the

applicant and the issuing institution shall be liable severally and jointly for completing said improvements according to specifications.

3-102.2 Release or Reduction of Surety Instrument.

3-102.201 Certificate of Satisfactory Completion. The Planning Commission shall not recommend dedication of required public improvements, nor shall the Planning Commission release nor reduce a surety instrument until the appropriate governmental representative submits a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative (through submission of a detailed "as built" survey of the subdivision (*including all utilities*) indicating location, dimensions, construction materials, and any other information required by the City of Adams) that the layout and the line and grade of all public improvements are per the approved construction plans for the subdivision. Upon such approval and recommendation, the governing body may accept the dedicated improvements following the procedures outlined in *Subsections 1-112.107 and 3-101.7* of these regulations.

3-102.202 Reduction of Surety Instrument. A surety instrument may be reduced upon actual dedication and acceptance of public improvements and only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a surety instrument be reduced below twenty-five (25) percent of the principal amount plus twenty (20) percent per year before final acceptance of all items covered under the surety instrument.

3-103 Maintenance of Improvements. The applicant shall be required to maintain all improvements, including all lot improvements, until the City of Adams accepts the all-public improvements. The applicant will be required to file a maintenance surety instrument equal to twenty (20) percent of the cost of the improvements with the Planning Commission before the offer of dedication determined by the appropriate governmental representative and in a form satisfactory to Adams City Attorney to assure the sufficient condition of the required improvements, including all lot improvements, for a period of one year after the date of acceptance of the public improvements by the Planning Commission and the County Commission.

3-104 Deferral or Waiver of Required Improvements. The Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities. Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons, the developer shall either pay his share of the costs of the future improvements to the Planning Commission before signing of the final subdivision plat by the appropriate governmental representative(s) or post a surety instrument or other surety instrument ensuring completion of said improvements upon demand of the Planning Commission.

3-105 Escrow Deposits for Lot Improvements.

3-105.1 Acceptance of Escrow Funds. If specific lot improvements required by these regulations are not possible for seasonal reasons, the enforcing officer can still issue a Certificate of Occupancy. However, a cash escrow deposit must be made, the amount of which will be determined by the appropriate governmental representative to cover the cost of the improvements. This only applies if there is no danger to the health, safety, or general welfare. The surety instrument covering the lot improvements will remain in full force and effect.

3-105.2 Procedures on Escrow Fund. Developers must complete the required improvements within nine months of receiving a Certificate of Occupancy. If not done correctly, they have two weeks to fix the issue. If not resolved, the Planning Commission may install improvements at a cost not exceeding the escrow deposit. A notarized statement from the purchaser(s) is required before obtaining the Certificate of Occupancy, authorizing the enforcing officer to cause improvements to be installed, if necessary, after nine months.

3-106 Issuance of Building Permits and Certificates of Occupancy. Where a surety instrument has been required for a subdivision, or any section of a subdivision, approval of Water and Sewer system plans by the Tennessee Department of Environment and Conservation (*TDEC*) before any building permits are issued is required. No Certificate of Occupancy for any building in the subdivision or section thereof shall be issued before the completion and dedication of the water and sewer systems to the appropriate governmental unit. Public improvements must be sufficient for vehicular access and emergency services before a building permit can be issued. Asphalt binder and requisite maintenance funds must also be in place, and all required improvements must be completed before final building permits are granted.

**ARTICLE IV
REQUIREMENTS FOR IMPROVEMENTS,
RESERVATIONS, AND DESIGN**

Section

- 4-101 General Requirements
- 4-102 Lot Requirements
- 4-103 Public Ways
- 4-104 Road Construction Specifications
- 4-105 Drainage and Storm Sewers
- 4-106 Water Facilities
- 4-107 Individual Disposal System Requirements & Sewage Facilities
- 4-108 Pedestrian Ways
- 4-109 Utility Easements
- 4-110 Public Uses
- 4-111 Preservation of Natural Features and Amenities
- 4-112 Non-Residential Subdivisions

4-101 General Requirements.

4-101.1 Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to:

1. All applicable provisions of state or federal law, regulations, or policy.
2. Any zoning ordinance, building and housing codes, and all other applicable laws or policies of the City of Adams.
3. The adopted general plan and major road or streets (public way) plan.
4. The rules of the county health department and the Tennessee Department of Health and Environment.
5. The rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a nonlocal highway; and

Plat approval may be withheld if a subdivision does not conform with the above rules, or the provisions outlined in *Sections 1-104* of these regulations.

4-101.2 Self-Imposed Restrictions. If the owner places restrictions on any of the lands contained in the subdivision greater than those required by any zoning ordinance or these regulations, such limitations or reference to it shall be recorded with the county register on a separate form, along with the final subdivision plat in the office of the county register.

4-101.3 Monuments. Permanent monuments of non-degradable material shall be placed in all subdivisions. All monuments will conform to the appropriate type of monument. Placement

of the monuments shall be to the accuracy of a Category I, Survey, as defined by the Tennessee Board of Examiners for Land Surveyors in the current Standards of Practice, and a statement to this effect shall be signed and sealed by a professional land surveyor licensed to practice land surveying in the State of Tennessee.

1. Control Monuments - A minimum of two (2) control monuments shall be placed in all major subdivisions (as defined by these regulations). At the discretion of the Planning Commission, control monuments will generally not be required within minor subdivisions (as defined by these regulations) when the subdivision occurs along existing streets. However, the Planning Commission shall retain the right to require control monuments within minor subdivisions where flooding or other extraordinary conditions exist. All control monuments shall be placed in areas least likely to be disturbed, preferably at the beginning or end of curves along the street right-of-way and shall be visible with at least one other control monument within the subdivision. Control monuments shall be placed only after all street construction is complete and curbs have been backfilled or drainage ditches cut and stabilized. The recorded plat shall contain horizontal and vertical data for each control monument. The horizontal data shall be tied to a coordinate system, preferably the Tennessee Coordinate System of 1983, as defined in the Tennessee Code Annotated, §66-6-101. However, at the discretion of the enforcing officer, local coordinates will be acceptable when it is not practical to use the Tennessee Coordinate System. In either case, each control monument will be tied by bearings expressed to the nearest second of arc distances expressed to the nearest hundredth of a foot, to a minimum of two (2) property corners within the subdivision, and the nearest established street right-of-way corner. The vertical datum for the subdivision shall be relative to the mean sea level, and the datum used (. e., NGVD29, NAVD88) shall be noted and shown on the recorded plat. The following types of monuments, which will be acceptable, can be used as a control monument.

A. Concrete Monument - Shall be at least four (4) inches in diameter and eighteen (18) inches in length unless some impregnable material is encountered. The monument shall have a metal cap with the Land Surveyor's name and license number, or company name embedded in the cap and bear a permanent mark. The monument must be steel reinforced to facilitate detection by a magnetic locator.

B. Bar Monuments - Shall be at least five-eighths (5/8) inch in diameter and at least twenty-four (24) inches in length unless some impregnable material is encountered. Each bar shall have a permanent metal cap with a minimum diameter of two and one half (2 1/2) inches with the land Surveyor's name and license number or company name embedded in the cap (*See Appendices, Drawing 14, Iron Bar Monument Detail*) and bear a permanent mark for the precise survey point. When impregnable material is encountered, the iron bar monument may be shortened to a minimum of twelve (12) inches. Concrete is poured with a three (3) inch radius around the bar and at twelve (12) inches depth. When the depth of the soil is less than twelve (12) inches, a new location for the control monument must be established. All monuments shall be set flush with the ground.

2. Lot Corners - Metal corners shall mark all external property corners, internal lot corners, and right-of-way points. These corners shall be at least 1/2 inch in diameter and eighteen

(18) inches in length. All new corners shall have a cap of noncorrosive material, and the cap shall bear the surveyor's registration number or company name.

3. **Witness Corner** - Lot corners that are inaccessible for any reason shall have a witness corner. The witness corner should be set along one of the property lines leaving said lot corner to be monumented and shall be sufficient distance from the actual lot corner so there can be no misinterpretation of its location. The witness corner and its tie to the existing corner shall be shown and identified on the recorded plat. A witness corner shall be no less than one-half (1/2) inch in diameter, eighteen (18) inches in length, and shall have a cap of non-corrosive material, and the cap shall bear the surveyor's registration number of the company name.

4-101.4 Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of any staff assistant serving the Planning Commission and other governmental representatives any, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as will not involve such a danger. Where protection against flood damage is necessary, in the opinion of the Planning Commission, flood-damage protection techniques may include, as deemed appropriate by the Planning Commission:

1. The imposition of any surety and deed restrictions enforceable by the Planning Commission to regulate the future type and design of uses within the flood-prone areas.
2. Flood protection measures are designed not to increase, individually or collectively, flood flows, height, duration, or damages so as not to infringe upon the regulatory floodway.
3. Installation of flood warning systems.
4. The use of fill, dikes, levees, and other protective measures.
5. The use of floodproofing measures, which may include:
 - a. anchorage to resist flotation and lateral movement.
 - b. installation of watertight doors, bulkheads, shutters, or other similar closure methods.
 - c. reinforcement of walls to resist water pressures.
 - d. use paints, membranes, or mortars to reduce seepage through walls.
 - e. addition of mass or weight to structures to resist flotation.
 - f. installation of pumps to lower water levels in structures.
 - g. construction of water supply and waste treatment systems to prevent the entrance of or contamination of flood waters.
 - h. Install pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
 - i. Building design and construction to resist rupture or collapse caused by the water pressure of floating debris.
 - j. installation of valves or controls on sanitary and storm drains, which permit the drains to be closed to prevent backup of sewage and stormwater into buildings or structures.
 - k. location and installation of all electrical equipment, circuits, and appliances to protect them from inundation by the regulatory flood.

1. location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.

The acceptability of any flood protection methods formulated by the subdivider, or his agent, shall be determined by the Planning Commission, which shall be guided by the policies outlined in *Section 1-104* and *Subsection 2-101.4* of these regulations. All such flood protection measures shall be designed not to increase, individually or collectively, flood flows, heights, duration, or damages so as not to infringe upon the regulatory floodway.

4-101.5 Subdivision Name. The Planning Commission shall have the authority to designate the name of the subdivision, which shall be determined at preliminary plat approval. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations.

4-102 Lot Requirements

4-102.1 Lot Arrangement

4-102.101 General. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions, in securing building permits to build on all lots in compliance with any zoning ordinance and state and county public health department regulations and in providing driveway access to buildings on such lots from an approved public way.

4-102.102 Solar Access. A reasonably feasible lot arrangement shall be such that building sites will afford maximum utilization of energy conservation measures, such as providing for solar access purposes.

4-102.103 Lots Subject to Flood. Where a lot in any flood-prone area must be improved to provide a building site free from flooding, such improvements shall be made outside the floodway by elevation or fill to at least the regulatory flood protection elevation (one-hundred-year flood) for a distance extending at least twenty-five (25) feet beyond the limits of intended structures and, additionally, extending a sufficient distance to include areas for subsurface sewage disposal if the lot is not to be connected to a public sanitary sewer system. Any fill shall be protected against erosion by riprap, vegetative cover, or other methods deemed acceptable by the Planning Commission. In nonresidential building sites outside a floodway but subject to flooding, the use of structural floodproofing methods specified in *Subsection 4-101.4* of these regulations as an alternative to landfill may be approved by the Planning Commission, as provided in *Subsection 2-101.4*, of these regulations.

4-102.104 Lots Located on Steep Slopes. Due to the potential threat to health and safety posed by development located on lands with slopes over fifteen (15) percent, the following regulations shall apply.

A. Site Development Plan Required. A building permit shall be issued for a building or any lot with slopes fifteen (15) percent or over once the Planning Commission approves a site plan meeting the following requirements. Said site plan shall show:

1. The exact size, shape, and location of the lot.
2. The proposed location of all buildings, driveways, drainage ways, and utilities.
3. Proposed contours at vertical intervals of no more than five (5) feet.
4. The extent of natural tree covers and vegetation.
5. The location of any onsite soil absorption sewage disposal systems.
6. The type and location of erosion control methodology.
7. The surveyor's or engineer's stamp that prepared the plan.
8. A registered civil or geotechnical engineer must certify the stability of the structures and slope and comply with sound construction methods for areas with steep slopes and landslide problems.

B. Site Development Standards. The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's certification required in *Subsection 4-102.104, a, (viii)*, above, shall address these standards.

1. Natural vegetation shall be preserved to the maximum extent possible.
2. Natural drainage ways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques.
3. Development densities shall be limited to one (1) dwelling unit per two (2) acres of land.
4. Operations that increase loads, reduce slope support, and cause slope instability shall be prohibited to the maximum extent possible, permitting reasonable site development. These include filling, irrigation systems, accessory buildings, and onsite soil absorption sewage disposal systems.
5. Where sanitary sewers are unavailable, any onsite sewage disposal system shall be shown on the site plan and located to avoid slide-prone areas. Said system shall be approved by the county health department before the Planning Commission's review, taking into account these requirements.
6. Erosion control measures shall be utilized to prevent all soil material from leaving the site. Additionally, soil from excavation on the site shall not be disposed of as fill on a potential slide area.
7. No construction that would cut the slope's top shall be permitted. This shall also apply to subdivision roads constructed in compliance with these regulations.

4-102.2 Lot Dimensions. Lot dimensions shall comply with the minimum standards of any zoning district of the City of Adams. Where lots are more than double the minimum area required by any zoning ordinance, the Planning Commission may require that such lots be arranged to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with any zoning ordinance and these regulations. Generally, side lot lines shall be at right angles to street lines or radial to curving street lines. The minimum lot frontage on a public way shall be fifty (50) feet except for the cul-

de-sac radius, which shall be thirty (30) feet. The dimensions of the corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback requirements from both public way rights-of-way. The depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in any zoning ordinance.

4-102.3 Building Setback Lines. In the case of electric transmission lines where easement widths are not established, a minimum building setback line from the center of the transmission line shall be established as follows:

<u>Line Voltage</u>		<u>Building Setback</u>	
7.2	KV	15	feet
13	KV	25	feet
46	KV	37 ½	feet
69	KV	50	feet
161	KV	75	feet

4-102.4 Double Frontage Lots, Flag Lots, and Access to Lots

4-102.401 Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to separate residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

4-102.402 Access from Arterial or Collector Public Ways. The Planning Commission may require that lots shall not derive access exclusively from arterial or collector public ways. Where driveway access from such public ways may be necessary for several adjoining lots, the Planning Commission may require a combined access drive to possible traffic hazards serving the lots. Driveways shall be designed and arranged to avoid requiring vehicles to back onto arterial or collector public ways.

4-102.403 Flag Lots. Flag lots are prohibited in the City of Adams.

4-102.5 Soil Preservation, Grading, Erosion Control, and Seeding

4-102.501 Soil Preservation and Final Grading. A Certificate of Occupancy shall be issued once final grading has been completed following the approved construction plan. The lot is pre-covered with soil having an average depth of at least six (6) inches and containing no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil. Still, it shall be redistributed to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between any sidewalks and curbs and be stabilized by seeding or planting.

4-102.502 *Lot Drainage.* To prevent flooding, all lots must be designed with positive drainage away from buildings and coordinated with the general storm drainage pattern for the area, including subsurface drainage. The Planning Commission has the authority to establish minimum elevations for all floors, patios, and building equipment. The Commission also has summary review powers over any evidence of the stormwater presence in overland or channel conditions and the right to set floodplain elevation requirements. The subdivision developer is responsible for intercepting all artesian ground waters and carrying them away to primary drainage conduits along swaled ditches or underground pipes on property line easements. If evidence of artesian water is present, the developer must perform this work after all roads and utilities are accepted. Sinkholes or natural channels that may serve as a means of underground movement must be protected by a structure approved by the Planning Commission or an alternative means of stormwater relief approved by the Commission. Regardless of the location of property lines, the location and elevation of future construction must be designated to allow for the worst possible conditions.

4-102.503 *Erosion and Sediment Control.* There shall be a minimization of changes in the rate of natural erosion and sedimentation that result from the development process. An Erosion and Sediment Prevention and Control (ESPC) plan shall be presented with the construction plans submitted in conformance with *Section 5-103* of these regulations. Such plans shall incorporate the following principles:

- A. Clearing and grading shall be integrated with layout design.
- B. Clearing shall be minimized, and existing vegetation shall be preserved to the maximum feasible degree.
- C. Grading shall be strictly limited to those areas involved in current construction activities.
- D. Disturbed areas shall be protected and stabilized as soon as possible.
- E. Structural and vegetative measures to control the velocity and volume of runoff shall be required.
- F. Sediment basins and traps shall be required as necessary.
- G. Adequate maintenance of all planting and structures measures shall be assured.

4-102.6 *Debris and Waste.* No cuts, trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or public way at the time of the issuance of a Certificate of Occupancy for the lot, at the time of expiration of performance bond, or dedication of public improvements. Any such debris shall be immediately removed, at the developer's expense.

4-102.7 *Fencing.* Each subdivider or developer shall be required to furnish and install all fences wherever the Planning Commission determines that a hazardous condition exists. Such fences shall be constructed according to standards established by the Planning Commission, as appropriate, and shall be noted on the final plat as to the height and required materials. Once such fence improvements have been installed, a Certificate of Occupancy shall be issued for any affected lot.

4-102.8 *Water Bodies and Watercourses.* If a tract being subdivided contains a water body or portion thereof, lot lines shall be drawn to distribute the entire ownership of the water

body among the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for the safe maintenance of the water body is so placed that it will not become a governmental responsibility. At most ten (10) percent of the minimum area of a lot required under any zoning ordinance may be satisfied by land underwater or a watercourse separates a buildable area of a lot from the public way by which it has access, provisions shall be made for the installation of a culvert or other structure approved by the Planning Commission. No Certificate of Occupancy shall be issued for a structure on such a lot until the installation is completed and approved by the Planning Commission and the appropriate governmental representative.

4-103 Public Ways

4-103.1 General Requirements

4-103.101 Frontage on Improved Public Ways. A subdivision shall be approved if the subdivided area meets the access requirements outlined in *1-112.107* of these regulations. If any new street construction or improvements are involved, such shall be approved and, where public, dedicated as provided in *Articles II and III* of these regulations. Any public way must be suitably improved to the standards required by this article or be bonded by a performance Letter of Credit under these regulations, with the roadway and right-of-way widths required by this article or the major street or road plan.

4-103.102 Grading and Improvement Plan. Public ways shall be graded and improved to conform to the standards required by this section. They shall be approved for design and specification by the appropriate governmental representative per the specifications required herein. Each surface shall be applied to the base of any proposed public way after the approval of the final plat of the subdivision or the final approval of any section in question.

4-103.103 Improvements in Floodable Areas. The finished elevation of proposed public ways subject to flood shall be at most one foot below the regulatory flood protection elevation. The Planning Commission may require profiles and elevations of public ways to determine compliance with this requirement. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by riprap, vegetative cover, or other methods deemed acceptable by the Planning Commission.

4-103.104 Private Streets. Where the ownership, control, and maintenance of any street is proposed to remain private, such streets shall be constructed to the design and construction standards for public ways as herein provided. All such private improvements shall be maintained by the developer/owner or by every parcel, lot action, or other similar group approved by the Planning Commission. A permanent access easement over such streets shall be provided for every parcel or lot to gain access to that place. The legal documents establishing ownership and maintenance of the easement shall be submitted with the final plat for review and approval and recorded with the final plat.

4-103.105 *Topography and Arrangement of Public Ways.*

- A. All public ways shall be arranged to obtain as many of the building sites as possible at or above the grades of the public ways. Grades of public ways shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted. Specific design standards are contained in *Subsection 4-103.2* of these regulations.
- B. Public ways running in an east-west direction and lots on a north-south axis are encouraged for energy conservation of developments.
- C. All public ways shall be appropriately integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the major street or road plan or the land development plan.
- D. All public ways shall be related appropriately to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; population densities; and to existing and proposed land use patterns.
- E. Minor public ways shall be laid out to conform as much as possible to the topography; to discourage use through traffic; to permit efficient drainage and utility systems; and to require the minimum ways necessary to provide convenient and safe access to the property.
- F. The use of curvilinear streets, cul-de-sacs, or "U"-shaped streets shall be encouraged where such use will result in a more desirable layout.
- G. Proposed public ways shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the subdivision design with the existing layout or the most advantageous future development of adjacent tracts.
- H. In business and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading, and maneuvering areas, and walks and parking areas to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

4-103.106 *Blocks.*

- A. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block may be permitted in blocks adjacent to major public ways, railroads, or waterways.
- B. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - 1. Provision of adequate building sites suitable to the unique needs of the type of use contemplated.
 - 2. Any zoning requirements as to lot sizes and dimensions.
 - 3. Needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
 - 4. Limitations and opportunities of topography.
- C. Block lengths in residential areas shall be at most sixteen hundred (1,600) feet and be at least two hundred (200) feet, except as the Planning Commission deems necessary to

secure efficient use of land or desired features of the public way pattern. Wherever practicable, blocks along arterial or collector routes shall be at least one thousand (1,000) feet long.

- D. Blocks designed for industrial or commercial uses shall be of such length and width as may be deemed suitable by the Planning Commission.
- E. In any long block, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and pedestrian traffic.
- F. A pedestrian walkway, not less than ten (10) feet wide, may be required by the Planning Commission through the approximate center of any block more than eight hundred (800) feet long, where deemed essential to provide circulation or access to a school, playground, shopping center, transportation facility, or other community facilities.

4-103.107 Access to Arterials and Collectors. Where a subdivision borders on or contains an existing or proposed arterial or collector route, the Planning Commission may require that access to such public way be limited by:

- A. The subdivision of lots to back on the arterial or collector route and front on a minor parallel route.
- B. A series of a cul-de-sac, "U" shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way, with the rear lines of their terminal lots backing onto the arterial or collector route; or
- C. A marginal access or service public way, separated from the arterial or collector route by a planting or grass strip and having access at suitable points.
- D. The number of residential or local public ways entering on arterial or collector routes shall be minimal.

4-103.108 Reserve Strips. The creation of reserve strips adjacent to a proposed public way in such a manner as to deny access from the adjoining property to such a public way shall generally not be permitted. However, in extraordinary circumstances, the Planning Commission may allow the creation of a reserve strip to enable a more appropriate pattern of lots or public ways. Where such is created, the Planning Commission must agree that any future depositions of the action to this effect shall be entered on the final plat or approved as an auxiliary instrument attached to it.

4-104 Arrangement of Continuing and Dead-End Public Ways

4-104.1 Arrangement of Continuing Public Ways. The arrangement of public ways shall provide for the continuation of major public ways between adjacent properties when such continuation is necessary for convenient movement of traffic, adequate fire protection, efficient provisions of utilities, and when such continuation is per the major street or road plan. If the adjacent property is undeveloped and the public way must be a dead-end public way temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary T-, or L-shaped turnabout shall be provided on all temporary dead-end public ways as required in the following turnabout standards, with a notation on the subdivision plat that land outside the standard public way right-of-way shall revert to abutting property owners whenever the public way is continued. The area of the temporary cul-de-sac outside the standard lane widths may be

constructed without the asphalt concrete wearing surface if the roadway is to be extended and the cul-de-sac abandoned within three (3) years of the approval of the final plat and a bond posted by the developer for the construction of a permanent cul-de-sac. If the roadway is not extended within three (3) years, the cul-de-sac must be paved according to the City of Adams standards, or the bond will be utilized to perform this work.

4-104.2 Dead-End Public Ways. Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall typically not be nearer to the such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. For greater convenience to traffic and more effective police and fire protection, permanent dead-end public ways shall generally be limited in length following the design standards of these regulations. A cul-de-sac turnabout shall be provided at the end of a dead-end public way per the design standards of these regulations.

4-104.3 Design Standards.

4-103.301 Purpose. To provide public ways of suitable location, width, and improvement to accommodate prospective traffic and afford adequate access to police, firefighting, sanitation, and road-maintenance equipment, and to coordinate public ways to compose a convenient and safe system and avoid undue hardships to adjoining properties, the public way design standards outlined in this section are hereby required. (Public way classification shall be as indicated on the land development plan or major street or road plan; otherwise, the public way shall be classified by the Planning Commission according to the definitions in *Article VI* of these regulations.)

4-103.302 General Design. The general design of all public ways shall conform to the standards in the tables entitled "General Design Standards for Public Ways," which follow hereafter.

GENERAL DESIGN STANDARDS FOR PUBLIC WAYS

Improvement	Residential Public Way	Non-Residential Public Way
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Minimum Right-of-Way Width (in Feet)

Minor	50	60
Collector	60	60 or (See Below) *
Arterial	80-150*	

Minimum Width of Roadway or Paved Area (in Feet), not Including Parking Requirements

	<u>Ditch Section</u>	<u>Curb & Gutter</u>	<u>Ditch Section</u>	<u>Curb & Gutter</u>
Minor	22	22	30	36
Collector	24	28	30	36
Arterial	(See Below) *			See Below) *

Maximum Percentage Grade

Minor	10	6
Collector	7	6
Arterial	6	5

Pavement Crown. The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side 2/5ths of an inch per foot.

Minimum Center Line Radius of Curve (in Feet) **

Minor	100	200
Collector	300	300
Arterial	500	500

* *As determined by the appropriate governmental representative.*

***Applies where a deflection angle of 15 degrees or more in pavement alignment occurs.*

Improvement	Public Way	Non-Residential Public Way
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Minimum Length of Vertical Curves

Minor	100 feet, but not less than 20 feet for each algebraic difference in grade.
Collector	100 feet, but not less than 20 feet for each algebraic difference in grade.
Arterial	300 feet, but not less than 50 feet for each algebraic difference in grade.

Improvement	Public Way	Non-Residential Public Way
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Minimum Length of Tangents Between Reverse Curves (in Feet)

Minor	100	200
Collector	100	200
Arterial	300	400

Minimum Sight Distance (in Feet) *

Minor	200	250
Collector	240	250
Arterial	300	400
Intersection	Across Corners 75 feet back, 75 feet back	Across Corners

Minimum Turnaround on Cul-de-sacs on Minor Public Ways (in Feet)

Right-of-way Diameter	100	160
Pavement Diameter	80	140

Length of Cul-de-sac

Permanent	1,000 Feet
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Temporary 1,000 Feet

Minimum Radius (in Feet) of Return at Intersections

At Right-of-way	35	40
At Pavement	30	50

* The sight distance is measured from a point 4 1/2 feet above the center line of the roadway surface to an end 4 inches above the center line of the roadway surface.

4-103.303 Intersections.

- A. Public ways shall be laid out to intersect as nearly as possible at right angles. The proposed intersection of two (2) new public ways at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique public way should be curved, approaching an intersection at approximately right angles for at least one hundred (100) feet. Only up to two (2) public ways shall intersect at any point unless the Planning Commission specifically approves.
- B. Proposed new intersections along one side of an existing public way shall coincide, wherever practicable, with any current intersections on the opposite side of such a public way. Jogs within public ways having center-line offsets of less than one hundred fifty (150) feet shall only be permitted where the intersected public ways have separated dual drives without median breaks at either intersection. Their alignment shall be continuous where public ways intersect arterial or collector routes. Intersections of arterial or collector public ways shall be at least eight hundred (800) feet apart.
- C. The minimum curb radius at the intersection of two (2) minor public ways shall be thirty-five (35) feet and minimum curb radius at an intersection involving a collector public way shall be forty (40) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off per standard engineering practice to permit safe vehicular movement.
- D. Where a public way intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate site distance.
- E. Intersection shall be designed with a flat grade wherever practical; in hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not more significant than a two (2) percent grade for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting public way.
- F. The cross-slope on all public ways, including intersections, shall be three (3) percent or less.

4-103.304 Excess Right-of-Way. A slope easement over the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be less than three to one (3:1). Where solid rock is encountered; slopes shall be one-half to one (1/2:1).

4-103.305 Railroads and Limited Access Highways. Railroad right-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- A. In residential areas, a buffer strip at least twenty-five (25) feet in depth in addition to the customarily required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening; the placement of structures hereon is prohibited."
- B. In commercial or industrial areas, the nearest public way extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance to ensure suitable commercial or industrial depth.
- C. Public ways parallel to a railroad, when intersecting a public way that crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for the future separation of grades using appropriate approach gradients.

4-103.306 Bridges. Bridges of primary benefit to the subdivider, as determined by the Planning Commission, shall be constructed at the complete expense of the subdivider without reimbursement from the Planning Commission. The sharing of costs for the construction of bridges not of primary benefit to the subdivider, as determined by the Planning Commission, shall be fixed by a special agreement between the Planning Commission and the subdivider. The cost shall be charged to the subdivider pro rata as to the percentage of his development so served.

4-104.4 Right-of-Way Width Dedication on Existing Public Ways. Where a subdivision adjoins an existing narrow public way or where the major street or road plan or any zoning setback provisions indicate plans for realignment or widening of a public way that would require the use of some of the land in the subdivision, the subdivider shall be required to dedicate, at his expense, areas for widening or realigning such public way as set forth below:

- 1. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing public way; or
- 2. When the subdivision is located on only one side of an existing public way, one-half (1/2) of the required right-of-way, measured from the center line of the existing pavement, shall be provided.

4-104.5 Public Way Surfacing and Improvements. After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required, and shall surface or cause to be surfaced public ways to the widths prescribed in these regulations. No public way shall be surfaced until preliminary approval of the subdivision plat has been obtained. Surfacing shall be of such character as is suitable for the expected traffic. Types and methods of paving shall be according to the specifications of the Planning Commission, but in no event shall such construction be below the construction specifications outlined in *Appendix B* of these regulations. As required, adequate provisions shall be made for culverts or other drains and bridges. All public ways pavements, shoulders, drainage improvements and structures, any curb

turnabouts, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

4-105 Road Construction Specifications. The road construction specifications are included in these regulations as *Appendix B* and are adopted as a part hereof. These specifications shall be the minimum standards for any subdivision within the jurisdictional area.

4-106 Drainage and Storm Sewers

4-106.1 General Requirements. The Planning Commission shall only approve the plat of a subdivision that makes adequate provisions for stormwater or floodwater run-off channels or basins. The stormwater drainage system shall be separate and independent from any sanitary sewer system.

4-106.2 Nature of Stormwater Facilities

4-106.201 Location. The subdivider may be required by the Planning Commission to transport by pipe or open ditch any spring or surface water that may exist before or as a result of the subdivision. Such drainage facilities shall be located in the public way right-of-way, where feasible, or perpetual unobstructed easements of appropriate width. They shall be constructed following the construction specifications contained in these regulations.

4-106.202 Accessibility to Public Storm Sewers

- A. Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwater, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted to assure compliance. The enforcing officer shall complete the inspection of facilities.
- B. If a connection to a public storm sewer will eventually be provided, as determined by the Planning Commission, the subdivider shall make arrangements for future stormwater disposal by a public system when the plat receives final approval. Provisions for such connection shall be incorporated in the performance bond required for the final subdivision plat.

4-106.203 Accommodation of Upstream Drainage Areas. Necessary facilities shall be sized based on the construction specifications and assuming maximum potential watershed development conditions permitted by any zoning ordinance. In each case, a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

4-106.204 Effect on Downstream Drainage Areas. A subdivision shall be approved if adequate drainage is provided to an appropriate drainage watercourse or facility. The Planning Commission also shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the

additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the adequate improvement of such drainage facilities in such sum as the Planning Commission shall determine.

4-106.205 Areas of Poor Drainage. Whenever a plat is submitted for an area that is subject to flooding, the Planning Commission may approve the such subdivision, provided that the applicant fills the affected floodway fringe area of the said subdivision to place public way elevations at no more than twelve (12) inches below the regulatory flood elevation and first-floor elevations (including basements) at no less than one (1) foot above the regulatory flood elevation. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of a width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or set therein. The boundaries of the floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the Planning Commission based upon the review specified in *Subsection 2-103.2* of these regulations and the submission of flood data in construction plans as defined in *Section 5-103*, of these regulations.

4-106.206 Floodplain Areas. The Planning Commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area or essential to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. Any subdivision which contains flood-prone land shall be subject to the special provisions outlined in *Subsections 2-101.4; 4-101.4; Section 4-104; and Subsection 4-105.2* of these regulations. The regulatory floodway shall be preserved from any destruction or damage from clearing, grading, or dumping of earth, waste material, or stumps.

4-106.3 Dedication of Drainage Easements

4-106.301 General Requirements. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainage ways are utilized, they shall be designed for the twenty-five (25) year frequency flood.

4-106.302 Drainage Easements.

- A. Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a public way right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the preliminary and final plats. Drainage easements shall be carried from the public way to a natural watercourse or other drainage facilities.
- B. When a new drainage system is to be constructed to carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

- C. The applicant shall dedicate when required by the Planning Commission, either in fee or by drainage or conservation easement, the land on both sides of an existing watercourse to a distance to be determined by the Planning Commission.
- D. Along watercourses, low-lying lands within any floodway, as determined by the Planning Commission according to *Section 2-103* of these regulations, whether or not included in dedicated areas, shall be preserved and retained in their natural state as drainage ways.

4-106.303 *Ditching, Concrete Ditch Paving, Curbs, Culverts, and Storm Drains.*

The design and construction details of drainage facilities shall be per the provisions of these regulations. The appropriate governmental representative shall approve all such facilities' design and construction details. Residential subdivisions shall install curbs and storm drainage. All subdivisions developed with curbed streets shall also install catch basins and concrete pipe storm sewers. These facilities are to be designed in compliance with the provisions outlined in *Appendix B* of these regulations and approved by the City's consulting engineer.

4-107 Water Facilities

4-107.1 General Requirements.

1. The developer shall take the necessary action to extend a water supply system capable of providing domestic water use and fire protection.
2. Where a public water main is within reasonable access of the subdivision, as determined by the Planning Commission, the subdivider shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the Planning Commission, the Tennessee Department of Health and Environment and these regulations.
3. Where required for fire protection, water mains shall be at least six (6) inches in diameter; where water mains are not to be utilized for fire protection, the Planning Commission may approve smaller lines, as necessary, to meet potable water demand.
4. All water systems, whether public or private, located in a flood-prone area shall be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwater into the water supply system and discharges from the system into floodwaters.
5. Valves shall be required at all intersections with other water mains and the end of water mains that will be extended in the future. Valves shall be spaced along the water main at maximum intervals of two thousand (2,000) feet.

4-107.2 Fire Hydrants. Fire hydrants shall be required in all subdivisions; they shall be located no more than one thousand (1,000) feet apart and be within five hundred (500) feet of any residential, commercial, or industrial lot. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant. To eliminate future public way butting or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of a public way shown on the subdivision plat unless otherwise approved by the Planning Commission.

4-108 Individual Disposal System Requirements & Sewage Facilities

4-108.1 General Requirements. The applicant shall install sanitary sewer facilities as prescribed by the Tennessee Department of Health and Environment regulations and any other applicable standards and specifications. All plans shall be designed and approved per any relevant government agency or appropriate unit's rules, regulations, specifications, and standards.

4-108.2 Mandatory Connection to Public Sewer System Where Available

1. When public sanitary sewers are within reasonable access of the subdivision, as determined by the Planning Commission, the subdivider shall provide sanitary sewer facilities to each lot and connect the facilities to the public system. The subdivider shall provide sewers that meet standards in Tennessee Department of Health and Environment regulations.
2. All sanitary sewer facilities in a flood hazard area shall be floodproofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwater into the sewer system and discharges from the system into floodwaters.

4-108.3 Design Criteria for Sanitary Sewers. Sanitary sewer systems shall be designed for the ultimate tributary population based on appropriate plans and zoning regulations. The minimum size of a public sewer line shall be eight (8) inches in diameter, with individual lot service lines a minimum of four (4) inches. Sanitary sewers shall be located within a public street right-of-way unless topography dictates otherwise. Public utility easements shall be provided across private property to access lines and manholes. Such easements shall be of adequate width for service purposes but in no case less than twenty (20) feet.

4-108.301 General. These design criteria are not intended to cover extraordinary situations. Deviations can be allowed and may be required when justified by the Planning Commission.

4-108.302 Design Factors. Sanitary sewer systems shall be designed for the ultimate tributary population. Due consideration may be given to any current zoning regulations and approved planning reports, where applicable. Sewer capacities shall be adequate to accommodate the anticipated maximum hourly quantity of sewage and industrial wastes and a sufficient allowance for infiltration and other extraneous flow. The unit design flows presented after that should be sufficient in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria in the "Sewer Design Flows" table below.

These design factors shall apply to three hundred (300) acres or less watersheds. Design factors for watersheds larger than three hundred (300) acres and smaller than one thousand (1,000) acres shall be computed based on a linear decrease from the applicable design factor for an area of three hundred (300) acres to a design factor of 0.01 c.f.s. Per acre for an area of one thousand (1,000) acres unless otherwise directed by the appropriate governmental representative. Design factors for watersheds larger than one thousand (1,000) acres shall

be 0.01 c.f.s. Per acre, unless otherwise required. All sanitary sewer materials shall be A.S.T.M. and A.W.W.A. approved.

Sewer Design Flows	
Building Type	Flow
One- and Two-Family Dwellings	0.02 cubic feet per second (c.f.s. per acre)
Apartments	
One and Two Story	0.02 c.f.s. per acre
Three through Six Story	0.03 c.f.s. per acre
Commercial	
Small Stores, Offices, Misc. Business.	0.02 c.f.s. per acre
Shopping Centers	0.02 c.f.s. per acre
Industrial	As initially determined by the appropriate governmental representative

4-108.4 Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, lot areas shall not be less than the minimums specified in *Subsection 4-102.2* of these regulations; all pertinent soil absorption tests shall be made as directed by the county environmentalist and the results submitted to the County Health Department for approval. The individual disposal system shall also be approved by the Robertson County Environmentalist, including the size of the septic tank and the size of the tile fields or other secondary treatment devices. Fields shall be located on the lot it is intended to serve. The Planning Commission may prohibit installing sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics or constitute a public nuisance. To this effect, any alternative subsurface disposal system to be placed on any individually platted lot, as certified by the Staff of the Tennessee Department of Environment and Conservation, shall be separately specified per the affected lot. A recommendation for the suitability and acceptability of the subject lot being serviced by such an alternative system about adjoining lots and properties shall be made by the Planning Commission for the approval or certifying state agency. The Planning Commission may require that the subdivider note on the face of the plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

4-109 Pedestrian Ways

4-109.1 Sidewalks and Bicycle Paths. Sidewalks and bicycle paths, where required by the Planning Commission, shall be included within the dedicated no-pavement right-of-way of all public ways as indicated in the following table and shall be improved as required by *Subsection 4-103.4* of these regulations. Concrete curbs are necessary for all public ways to construct sidewalks. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

4-109.2 Pedestrian Accesses. To facilitate pedestrian access from the public way to schools, parks, playgrounds, or other nearby public ways, the Planning Commission may require perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

Sidewalk Design		
Class of Street	Residential Public Way	Non-Residential Public Way
Minor	Four ft. wide	Six ft. wide
Collector	Five ft. wide	
Arterial	Six ft. wide	

4-110 Utility Easements

- A. Easements down rear lot lines or additionally across lots, if deemed necessary by the Planning Commission, shall be provided for utilities (private or public). Such easements shall be at least twenty (20) feet wide. The subdivider shall take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development.
- B. Where topographical or other conditions are to make the inclusion of utilities within rear lot lines impractical, perpetual unobstructed easements at least twenty (20) feet in width shall be provided alongside lot lines with adequate access to public ways or rear lot lines. Easements shall be indicated on the plat.
- C. Temporary construction easements exceeding the width of permanent easements may be required as necessary until the completion of any one project.

4-111 Public Uses

4-111.1 Plat to Provide for Public Uses. Whenever a tract to be subdivided includes a school, recreation use, a portion of a significant public way, or other public use, as indicated on the land development plan and major street or road plan, or any part thereof, such tract shall be suitably incorporated by the developer into his plat when first presented for review by the Planning Commission. After proper determination of its necessity by the Planning Commission and the appropriate governmental representative(s) involved in the acquisition and use of the such site, and after a decision has been made to acquire the site by the public agency, the developer shall suitably incorporate the area into the plat before final approval by the Planning Commission and recording of the plat.

4-111.2 Referral to the Governmental Agency Concerned. The Planning Commission shall refer any plat presented in the following *Subsection 4-110.1* to the governmental agency concerned with acquiring the land. The Planning Commission may propose alternate areas for such an acquisition and shall allow the appropriate governmental agency thirty (30) days for a reply. Among the places the Planning Commission may propose for public acquisition when the Commission deems it appropriate and consistent with the policies and purposes outlined in these regulations is any land within a floodway or floodway fringe determined according to the procedure outlined herein. If affirmative, the acquiring agency's recommendation shall include

a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

4-111.3 Notice to Property Owner. Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and designate any areas proposed to be acquired by any governmental agency on all plats. Upon such designation by the Planning Commission, any reserved portion of any floodway or floodway fringe shall not be altered from its natural state by the development in any manner whatsoever except upon written approval of the Planning Commission.

4-111.4 Duration of Land Reservation. The acquisition of land reserved by a governmental agency on the final plat shall be initiated within twenty-four (24) months of notification, in writing, from the owner that he intends to develop the land. Such a letter of intent shall accompany a plat of the proposed development and a tentative construction schedule. Failure on the part of the governmental agency to initiate acquisition within the prescribed twenty-four (24) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development per these regulations.

4-112 Preservation of Natural Features and Amenities. Existing features that would add value to residential development or the area as a whole, such as trees, watercourses and falls, historical spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision, as required by the Planning Commission. Land grade changes shall be unaffected, and any natural features shall be removed or relocated once the Planning Commission has approved a preliminary subdivision plat.

4-113 Non-Residential Subdivisions

4-113.1 General. If a proposed subdivision includes land zoned for a commercial or industrial purpose, the layout of the subdivision concerning such land shall make such provisions as the Planning Commission may require. A nonresidential subdivision shall be subject to all the requirements of these regulations and additional standards set forth by the Planning Commission. It shall conform to the proposed land development plan, major street or road plan, and any zoning ordinance. A nonresidential subdivision shall also be subject to all the requirements of site plan approval in any zoning ordinance. Site plan approval may proceed simultaneously at the discretion of the Planning Commission.

4-113.2 Standards. In addition to the principles and standards in the regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other services in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in areas and dimensions to the types of nonresidential development anticipated.
2. Public way rights-of-way and pavements shall be adequate to accommodate the anticipated type and traffic volume.

3. The governing body may impose special requirements concerning any public way, curb, gutter, sidewalk design, and construction specifications.
4. Special requirements may be imposed by the governing body concerning the installation of public utilities, including water, sewer, and stormwater drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or possibly residential development and requirements for permanently landscaped buffer strips, when necessary; and
6. Public ways carrying nonresidential traffic, especially trucks, typically shall not be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE V SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

Section

- 5-101 Preliminary Plat
- 5-102 Construction Plans
- 5-103 Final Subdivision Plat
- 5-104 Form of Dedication Offer
- 5-105 Form of Surety Instrument

5-101 Preliminary Plat

5-101.1 General Design. The preliminary plat shall be prepared by a licensed land surveyor of the State of Tennessee at a scale of no smaller than one (1) inch equals one hundred (100) feet. The plat shall be prepared in a manner that can be permanently reproduced. If multiple pages are required, a cover sheet showing match lines and numbered in sequence.

With expert assistance, the subdivider shall prepare a report on any proposed subdivision containing or abutting a flood-prone area. Such report shall estimate the discharge of the regulatory flood, determine the specific flooding threat at the site of the proposed subdivision, and indicate whether the Subdivision is located in a floodway or floodway fringe area by:

1. Calculate water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
2. Computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one (1) foot at any point; and
3. Unless otherwise established, computation of increase in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood storage attributable to encroachments on the floodplain of any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

5-101.2 Features.

The preliminary plat shall show the following:

1. The subject property's name, record information (Deed and Tax map and Parcel ID), address, and current zoning classification.
2. The name, record information, address, and current zoning classification of all adjoining property owners, or the name with the associated lot numbers and current zoning classification of any adjoining development.
3. Include all land the applicant proposes to be subdivided and immediately adjacent, extending two hundred (200) feet from that place or directly opposite it, extending two hundred (200) feet from the public way frontage of such opposite land.

4. The lot pattern of surrounding development shall be shown within that area located within two hundred (200) feet of the proposed development.
5. The location and dimensions of all boundary lines, including proposed lots, comply with the Minimum Standards of Practice for Land Surveyors set forth by the Board of Licensure.
6. The monumentation of the existing boundary and the proposed lots and rights-of-way.
7. The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, railroads, buildings, cemeteries, drainage ditches and structures, sinkholes, and other topographic features deemed necessary by the Planning Commission and its staff.
8. Easements for perpetual access to any cemetery on the subject property shall be shown along with bearings and distances of its course.
9. The location and width of all streets rights-of-way, existing, and proposed.
10. The location of minimum building setbacks and easements on the interior of all lots.
11. The location of any offsite easements may be required to serve the development.
12. The location of existing and proposed utilities and any easements associated with such facilities and fire hydrants per the City of Adams Subdivision Regulations.
13. The location of sections or phases, if applicable.
14. The flood boundaries' approximate limits shall be shaded for clarity if applicable. A note citing the current FIRM Panel No. and effective date, with a statement as to whether or not the subject property is affected by a Flood Boundary.
15. Any notes required by the planning staff, or the Planning Commission shall be shown.
16. The current owner's name, address, and contact information. If the developer differs from the property owner, the developer's name, address, and contact information shall also be shown.
17. The name, address, and contact information of the Licensed Surveyor responsible for preparing the plat shall be shown. The surveyor shall sign and seal the documents and place the proper certificate of accuracy as directed by The Minimum Standards of Practice dictates.
18. The plat's date and all revision dates shall be shown.
19. Magnetic, Deed, Plat, or True North shall be shown, along with a graphic scale and written scale.
20. The plat shall be titled 'Preliminary Plat of' followed by the name of the subdivision with section or phase numbers, if applicable.
21. All new street names shall be shown, with the previous approval of the names obtained from E-911 by the owner/developer and the land surveyor.
22. The current zoning classification shall be shown.
23. A vicinity map shall be shown at a scale sufficient to readily determine the location of the proposed development with the surrounding area, generally within a half (1/2) mile radius of the project.
24. Contours at a vertical interval no greater than five (5) feet shall be shown. Such contours can be derived from a field run survey or other electronic means, such as TDOT LiDAR, USCGS quadrangle maps, etc., along with a note on the source utilized.
25. For any lot not served by public sanitary sewer, the areas to be utilized for the subsurface sewage disposal system (SSDS) shall be shown on each lot, along with any notes associated with such systems as directed by the Tennessee Department of Environment and Conservation.

26. A legend of all abbreviations, symbols, and line types.
27. Area of the total development either in acres or square footage, the area of the proposed right-of-way in acres or square footage, the acreage or square footage of any area to be set aside as a park or open space and the acreage and square footage of each lot.
28. If applicable any area to be set aside as a park or other recreation area and open space shall be delineated by note and shaded.
29. All proposed lots and rights-of-way layouts shall comply with the Standard Design specifications outlined in the City of Adams Subdivision Regulations.
30. The civil district, county name, and state.
31. A form of endorsement of the Planning Commission's approval of the preliminary plat, which shall read as follows:

Approved by the City of Adams Municipal Planning Commission, with such exceptions or conditions as noted in the Commission's minutes on (Date of Meeting).

Secretary, Planning Commission/ Date

5-102 Construction Plans

5-102.1 General. Construction plans shall be prepared for all required improvements as specified by *Subsection 2-103.1, (4)*. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall, if possible, be the same size as the preliminary plat. The planning office and the Highway Department may require digital copies of the construction plans. These plans shall comply with the specifications in *Chapter 4* of these regulations. Construction plans approval must precede actual construction, and the Planning Commission shall consider the final plat once the required plans have been approved.

5-102.2 Features. The construction plans shall show the following:

1. Title, name, address, and signature of professional engineer or surveyor, and date, including any revision dates.
2. Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or street, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
3. The Planning Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred-foot stations be shown at five (5) points as follows: on a line at right angles to the center line of the street and said elevation points should be the center line of the street, each property line, and points twenty- five (25) feet inside each property line.
4. Plans and profiles indicating the locations and typical cross-sections of street pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins; the location of street trees, street lighting standards, and street signs; The location, size, and invert elevations of existing and proposed sanitary sewers, stormwater

drains, water mains, and fire hydrants, showing connection to any existing or proposed utility system. And the exact location and size of all water, gas, or other underground utilities or structures.

5. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, and features noted on the land development plan or major street plan at the point of connection to proposed facilities and utilities within the subdivision. The water elevations of adjoining lakes or streams and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plan if the subdivision borders a lake, river, or stream; the distance and bearings of a meander line are established at least twenty (20) feet from the ordinary high-water mark of such waterways.
6. In addition to the other requirements of this section, the developer shall prepare for any portion of a subdivision containing a flood-prone area, or an area known to be subject to flooding, the following information necessary for the Planning Commission to determine the suitability of the particular site for the proposed development:
 - A. Five (5) copies of the plans drawn to scale showing the nature, location, dimensions, and elevation of any part of the subdivision within a flood-prone area; existing or proposed structures or building sites, fill, storage of materials, and flood proofing measures, as specified in *Subsection 4-101.4*, of these regulations; and the relationship of the above to the location of the stream channel, floodway, floodway fringe, the regulatory flood elevation, and the regulatory flood protection elevation;
 - B. A typical valley cross-section showing the channel of the stream, the elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information, if required by the Planning Commission.
 - C. Surface-view plans to show elevations and contours of the ground; pertinent structures, fill, or elevations of streets, and water supply, sanitary facilities, soil types, and other pertinent information, as required by the Planning Commission; and
 - D. Specifications for building construction and materials, floodproofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities.
7. Contours at the same vertical interval as on the preliminary plat. (See *Subsection 5-103.2, Item 15*, of these preliminary plat contour specifications regulations.
8. In addition to the other requirements of this section, construction plans for condominium subdivisions shall contain "as built" drawings of all underground utilities, regardless of proposed ownership, and the construction design of all public facilities proposed for dedication to the Governing Body.
9. A notation of construction plans approval as follows:

These construction plans have been reviewed by me and are approved except for the modifications I indicated on the plans.

Designated Building Official/Date

Owner/Date

These construction plans are approved by the City of Adams Municipal Planning Commission with such exceptions or modifications indicated in the minutes of the Commission.

Secretary of the Planning Commission/Date

5-103 Final Subdivision Plat

5-103.1 General. The final plat shall be prepared by a licensed land surveyor of the State of Tennessee at a scale of no smaller than one (1) inch equals one hundred (100) feet. The plat shall be prepared in a manner that can be permanently reproduced. If multiple pages are required, a cover sheet showing match lines and numbered in sequence. When more than one (1) sheet is required, an index sheet of the same size shall be filed, showing the entire subdivision with the sheets numbered in sequence. When the final plat is presented for signatures, a digital copy shall be provided at the specifications required by the Robertson County Assessor of Property Office. Construction plans of these regulations, if required as described in *Section 5-105*, must have been approved before the Planning Commission approved the final subdivision plat.

5-103.2 Features. The final plat shall include the following:

1. All the preliminary plat requirements, as specified in 5-102.2.
2. The property's location to be subdivided concerning surrounding property(s) and public ways.
3. The names of all adjoining property owners of record or the names of adjoining developments.
4. The names of adjoining public ways.
5. All land the applicant proposes to be subdivided and immediately adjacent, extending two hundred (200) feet from that place or directly opposite it, extending two hundred (200) feet from the public way frontage of such opposite land.
6. The lot pattern of surrounding development shall be shown within that area located within two hundred (200) feet of the proposed development.
7. The location of all public ways, easements, water bodies, large streams or rivers, railroads, parks, and cemeteries.
8. Flood map reference number and date; the limits of floodway and floodway fringe areas and the regulatory flood elevation and regulatory flood protection elevation, as determined by the Planning Commission.
9. The location and width of all easements, rights-of-way for public ways, and the building setback lines on all lots.
10. The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one-hundredth of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth of a square foot.
11. The location, area, and dimensions, to the accuracy outlined in Item 8 above, of all property to be set aside for park or playground use or other public or private reservation, with a

- designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
12. The final plat of a condominium subdivision or Planned Unit Development shall contain, in addition to the other information required by this section:
 - A. An "as built" building location and boundary survey to "American Land Title Association" or other similar standards, showing complete and accurate dimensions and angles of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and locations relative to those boundaries of the building(s) which constitute the condominium subdivision.
 - B. some datum plane or other suitable vertical location reference. In meeting these requirements, it is only necessary that the upper and lower limits of each level of each condominium unit be identified specifically concerning the vertical reference (e.g., an appropriate permanent monument or other acceptable reference datum or fixed known point). Elaborate exterior elevations and architectural detail are not necessary to satisfy this requirement; and
 - C. copies of deed covenants, the charter and By-Laws of any Homeowners' Association established, and certain information that the Planning Commission may require to protect future condominium owners' rights or the general public.
 13. The subdivided landowner (s) name and address.
 14. The name and address of the subdivider if other than the owner.
 15. The name and stamp of the land surveyor or other person preparing the plat.
 16. The plat date, approximate true north point, scale, and title of the subdivision.
 17. Sufficient data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. This shall include the radius, central angle, and tangent distance for the center line of the curved public ways and curved property lines that are not the boundary of curved public ways. The location of all monuments and pins shall be indicated on the plat.
 18. The names of all public ways.
 19. The zoning classification of all lots and an indication of uses other than residential proposed by the subdivider.
 20. The total acreage within the subdivision.
 21. Lot numbers, where required.
 22. The line size and location of water and sewer facilities.
 23. The location of all fire hydrants.
 24. The diameter and width of all driveway culverts.
 25. For any lot where a public sewer or water system is not available, the following shall be shown:
 - A. areas to be used for sewage disposal; and
 - B. water wells (existing and proposed).
 26. Applicable certifications in the form reproduced in this section shall appear upon the final plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plat approval, except that the form for endorsement of the Planning Commission's approval for recording shall appear unsigned at the time of application for approval.
 27. State Department of Environment and Conservation, public water and sewer design layout and approval stamps, if applicable; also, actual design plans for filing in the appropriate governmental representative's office.

28. Commitment notes may be printed or stamped on the final plat reflecting the location and dimension of easements, or the extent of other agreements or factual data, in place of drafted illustration, when applicable, and as approved by the Planning Commission.

5-104 Plat Certificates

- A. Certification showing that the applicant is the landowner; that he dedicates streets, rights-of-way, and any site for public use; and that he consents to the subdivision plan:

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described herein as evidenced in Book Number __, Page __, Robertson County Register's Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers of irrevocable dedication for all public roads, utilities, and other facilities have been filed, as required by the City of Adams Municipal Planning Commission Subdivision Regulations.

Owner & Date

Owner Title (if acting for a partnership or corporation)

- B. Certification by a licensed surveyor or registered engineer to ensure the accuracy of the survey and plat and the placement of monuments:

CERTIFICATE OF ACCURACY

I (we) hereby certify that the plan shown and described herein is a true and correct survey to the accuracy required by the City of Adams Municipal Planning Commission and that the monuments have been, or will be placed, as shown hereon, to the specifications in these regulations.

*Registered Licensed Surveyor
Signature, Number, & Date*

- C. Certification by appropriate regional representative(s) that sewage disposal and water systems have been installed as required by local and state law regulations:

CERTIFICATE OF APPROVAL OF WATER SYSTEM

I hereby certify that the water system(s) outlined or indicated on the final subdivision plat entitled _____ has/have been installed per the current local and state government requirements, or a surety of instrument has been filed to guarantee the installation of said system(s).

*Name, Title, Agency, or Authorized Approving
Agent & Date*

CERTIFICATE OF APPROVAL OF SEWAGE SYSTEM

I hereby certify that the sewage disposal system(s) installed or proposed for final installation in the subdivision, entitled _____, have been installed in accordance with current local and state government requirements or a surety instrument has been filed which will guarantee the installation of such system(s).

*Name, Title, Agency, or Authorized
Approving Agent & Date*

- D. Certification by appropriate regional representative that the subdivider has complied with one of the following alternatives:
1. Installation of all street improvements per the requirements of these regulations; or
 2. in place of compliance with subdivision improvement requirements, certification shall be made on the final plat that the subdivider has posted a surety instrument in an amount approved by the appropriate regional representative to ensure the completion of all required improvements.

CERTIFICATE OF APPROVAL OR SURETYING OF STREETS

I hereby certify: (1) that all designated streets on this final subdivision plat have been installed acceptably and according to the specifications of the City of Adams Municipal Subdivision Regulations, or 2) that a surety instrument has been posted with the City of Adams Planning Commission to assure completion of all required improvements in case of default.

*Appropriate Governmental
Representative & Date*

- E. For a subdivision containing common open space or facilities, certification of the dedication of common areas per procedures established in these regulations:

CERTIFICATION OF COMMON AREA DEDICATION

In recording this plat, (Owner) has designated certain areas of land shown hereon as common area(s) intended for use by the homeowners of (Name of Subdivision) for recreation and related activities. The above-described areas are not dedicated hereby for use by the general PUBLIC. Still, they are dedicated to the common use and enjoyment of the homeowners in (Name of Subdivision), as more fully provided in Chapter _____, "Declaration of Covenants and Restrictions," applicable to the (Name of Subdivision) and recorded with this plat. Said Chapter _____ is hereby incorporated and made a part of this plat.

Owner Signature & Date

- F. Certification of the City of Adams Planning Commission approves the plat recording.

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the City of Adams Municipal Planning Commission Subdivision Regulations except for any variances as are noted in the minutes of the City of Adams Recorder's Office, and that it has been approved for recording in Robertson County Register of Deeds Office.

City of Adams Planning Commission
Secretary & Date

- G. **Notation of Possible Flooding:** A notation shall be made on the plat that development or modification of the land within any floodway delineated on the plat shall be done in such a manner that any structure shall be protected against flood damage to at least the regulatory flood protection elevation, which elevation shall be stated in the notation. Any additional restrictions imposed by the Planning Commission upon development within flood-prone areas also shall be indicated on the plat. The Flood Insurance Rate Map Panel Number & Date shall be printed on the plat.
- H. **Notation of Health Restrictions:** Any modifications or limitations the state or county health department may impose shall be indicated on the plat.
- I. **Notation of Private Restrictions:** Private restrictions and trusteeships and their periods of existence shall be indicated. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat or, if the restrictions and trusteeships are of record, the plat note shall state where they are recorded.
- 5-105 Form of Dedication Offer.** The form of the offer of irrevocable dedication, required by *Subsection 2-104.1, Item 8*, of these regulations, shall be as Form Number 4 in *Appendix A* or a form approved by the City Attorney. Copies of this form may be obtained at the Adams City Hall.
- 5-106 Form of Surety Instrument.** The form of the surety instrument, required by *Section 2-104.1, Item 7*, and *Chapter 3* of these regulations, shall be as *Form Number 5* reproduced in *Appendix A* and or in a form approved by the City Attorney. Copies of these forms may be obtained at the Adams City Hall.

ARTICLE VI DEFINITIONS

Section

6-101 Usage

6-102 Words & Terms Defined

6-101 Usage

- A. For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
- C. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

6-101 Words and Terms Defined

Alley -- A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant -- The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premise(s).

Architect -- An architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

Arterial Street or Road -- A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of three thousand (3,000).

Block -- A tract of land bounded by public ways or by a public parks, cemeteries, railroad rights-of-way, or shorelines or waterways or a combination of such.

Bond -- An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts.

Building -- Any structure built for the support shelter, or enclosure of persons, animals, chattels, or movable property of any kind; the term includes a mobile home.

Capital Improvements Program -- A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Collector Street or Road -- A major public way intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s), and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000).

Common Elements -- Any portion of a condominium which is held in common by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

General Common Elements -- Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.

Limited Common Elements -- Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Condominium -- A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code, which provides the mechanics and facilities for formal filing and recoordination of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision -- The subdivision of property through the establishment of a condominium or horizontal property regime.

Horizontal Condominium Subdivision -- A subdivision where each unit occupies some ground space.

Vertical Condominium Subdivision -- A subdivision of a multi-story building in which one (1) or more units do not occupy ground space.

Condominium Unit -- A space conveyed by separate title and located within a condominium structure.

Construction Plan -- The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission.

Contractor -- An individual, firm, or corporation with whom an owner or authorized agent has

executed a work agreement.

County Environmentalist -- An agent designated to administer local and/or state health regulations.

Cul-de-sac -- A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead end, turn-around, or turn-about.

Design Specifications -- Written descriptions of the technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Developer -- The owner of land proposed to be subdivided or his authorized representative.

Dwelling Unit -- A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

Easement -- Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

Enforcing Officer -- The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

Engineer -- An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

Equal Degree of Encroachment -- The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow -- A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to the agreement of the planning commission.

External Subdivision Boundary -- All points along the periphery of a subdivision.

Final Subdivision Plat -- The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the planning commission for approval and which, if approved by the commission, is recorded with the county register of deeds.

Flood -- A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency -- The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map -- An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood Prone Area -- The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred years (i.e., that has a one (1) percent chance of being flooded in any year).

Floodplain -- A land area adjoining a river, stream watercourse, bay, or lake which is likely to be flooded. It is composed of a floodway and floodway fringe.

Floodplain Management Program -- The overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, zoning ordinance regulations, and these subdivision regulations.

Flood Profile -- A graph showing the water surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Floodproofing -- Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands; water facilities, sanitary facilities, and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway -- The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one foot above natural flood levels.

Floodway Encroachment Limits -- The lines marking the limits of floodways on official federal, state, and local floodplain maps.

Floodway Fringe -- The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage -- That side of a lot abutting a public way ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

General Plan -- The official statement of the planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set

forth in Sections 13-3-301, 13-3-302, and 13-4-102, Tennessee Code.

Governmental Agency -- Any public body other than the governing body.

Governing Body -- The chief legislative body of any government.

Governmental Representative -- An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade -- The slope of a public way specified in percentage terms.

Highway, Limited Access -- A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the trafficway, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Horizontal Property Act -- "The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 2, Tennessee Code.

Individual Sewage Disposal System -- A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary -- All points within a subdivision which do not constitute external boundaries.

Joint Ownership -- Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

Jurisdictional Area -- Planning boundary(s) established in keeping with Sections 13-3-102, 13-3-201, and 13-3-301, Tennessee Code.

Land Development Plan -- An element of the general plan which sets out a plan or scheme of future land usage.

Land Surveyor -- A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code, to practice in Tennessee.

Legal Counsel -- The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Letter of Credit -- A document from a bank or other financial institution guaranteeing that a specific payment will be made in a business transaction.

Lot -- A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the

purpose, whether immediate or future, or transfer of ownership, or for building development.

Lot, Corner -- A lot situated at the intersection of two (2) public ways.

Lot Improvement -- Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Major Street or Road -- A public way which is classified as a collector or arterial public way according to these regulations or by the major street or road plan for the jurisdictional area.

Major Street or Road Plan -- The plan adopted by the planning commission, pursuant to Section 13-3-402 and 13-4-302, Tennessee Code, showing, among other things, "the general location, character, and extent of public ways...(and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

Major Subdivision -- All subdivisions not classified as minor subdivisions including but not limited to subdivisions of five (5) or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood prone area.

Minor Street or Road -- A public way which is not classified as an arterial or collector.

Minor Subdivision -- Any subdivision containing less than five (5) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations.

National Flood Insurance Program -- A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide a flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations. The program regulations are found at 24 Code, of Federal Regulations, Chapter X, Subchapter B.

Offsite -- Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred-Year Flood -- A flood having an average frequency of occurrence of once in 100 years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Owner -- Any person, group of persons, firm or firms corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property.

Performance Bond -- See "**Bond**".

Perimeter Street -- Any existing street to which the parcel of land to be subdivided abuts on only one side.

Planning Commission -- A public planning body established pursuant to Title 13, Chapters 2 or 5, Tennessee Code, to execute a partial or full planning program within authorized area limits.

Preliminary Plat -- The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the planning commission for approval.

Premise(s) -- A tract of land together with any buildings or structures which may be thereon.

Public Improvement -- Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Way -- Any publicly owned street, alley, sidewalk, or lane right-of-way which provides for movement of pedestrians or vehicles.

Reach -- A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area where flood or natural obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings typically would constitute a reach.

Regulatory Flood -- The one hundred-year flood.

Regulatory Flood Protection Elevation -- The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

Resubdivision -- A change in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

Right-of-Way -- A strip of land occupied or intended to be occupied by a public way crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way", for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Sale or Lease -- Any immediate or future transfer of ownership, including contract of sale or

transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership -- Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Setback -- The distance between a building wall and the nearest public way right-of-way.

Special Flood Hazard Map -- The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Staff Assistant to the Planning Commission -- The person(s) employed by the local governing body to assist the planning commission in planning and land use regulation activities.

Start of Construction -- For purposes of subdivision control any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Structure -- Anything constructed above or below ground.

Subdivider -- Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision -- "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided. (See Sections 13-3-401 and 13-4-301, Tennessee Code.)

Subdivision Agent -- Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Temporary Improvement -- Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Twenty-Five Year Flood -- A flood having an average frequency of occurrence of once in twenty-five (25) years.

Water Surface Elevation -- The heights in relation to mean-sea-level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also, the level of natural flows or collectors or water which may be expected to be found above or below surface.

Zoning Ordinance or Resolution -- A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code, for the purpose of regulating by district, land development or use for a designated area.

Appendix A:
Subdivision Developer Agreement

THIS DEVELOPMENT AGREEMENT is made and entered into on this day of _____, 20____, by and between the CITY OF ADAMS, TENNESSEE, a city established under the laws of the State of Tennessee, with its office and principal place of business in the City of Adams, Tennessee, (hereinafter called the "CITY"), and the DEVELOPER (hereinafter called the "DEVELOPER") named on the Addendum to this Agreement attached hereto and by this reference made a part hereof (hereinafter called the "ADDENDUM").

WITNESSETH:

WHEREAS, the DEVELOPER desires to develop the property described on the ADDENDUM (hereinafter called the "PROJECT"); and

WHEREAS, the plat of the PROJECT has preliminary approval of the Adams Municipal Planning Commission (hereinafter called the Planning Commission) on the _____ day _____ of _____, 20____, pursuant to §13-4-301, et seq., of the Tennessee Code Annotated, and the Subdivision Regulations of the City of Adams, Tennessee, (the Subdivision Regulations); and,

WHEREAS, the DEVELOPER is the owner of the PROJECT and has authority to engage in such development; and,

WHEREAS, the DEVELOPER desires to develop and improve said PROJECT; and,

WHEREAS, in order to provide for the health, safety and welfare of future residents of the PROJECT, it will be necessary for certain improvements to the CITY'S utility systems and public infrastructure to be constructed within and to serve the PROJECT. Said public infrastructure shall include, but not be limited to, roads, bridges, sidewalks, storm water conveyance and detention systems, street signs, markings signals and the like; and

WHEREAS, in order for said improvements to be fully integrated with the utility systems and public infrastructure of the CITY and to function in a satisfactory manner, the DEVELOPER has agreed to construct in accordance with the Subdivision Regulations and other rules, regulations and ordinances of the CITY public improvements in said project and extend utilities to the project at his own cost; and,

WHEREAS, the CITY is willing to accept the dedication of the streets, utilities and other improvements subject to the applicant's compliance with all requirements in this agreement and applicable existing laws of the County of Robertson County and the State of Tennessee.

NOW, THEREFORE, in consideration of the premises and mutual covenants of the parties herein contained, it is agreed and understood as follows:

I. GENERAL CONDITIONS

A. Construction Costs

The DEVELOPER shall pay for all material and labor necessary to install and complete the roads, sidewalks, sewers and other facilities in accordance with this agreement.

B. Posting Financial Surety

At the time of execution of this agreement, the DEVELOPER shall give the CITY an Irrevocable Letter-of-Credit, on a bank licensed to do business in Tennessee and insured by the FDIC irrevocable without conditions and callable upon a bank doing business within 50 miles of the City of Adams, Tennessee, in the amount of _____Dollars and/___for improvements, including roads, sidewalks, drainage, water, sewer and other improvements specified by the plans and plats of the development approved by the CITY and the Planning Commission. This Letter-of- Credit shall secure performance of all obligations of the DEVELOPER under this agreement pursuant to Planning Commission approved plans and filings. The Letter-of-Credit shall meet all requirements established in Article III (ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS) of the Subdivision Regulations and secure full compliance with all terms and conditions of this agreement, including payment of all amounts payable by the DEVELOPER of DEVELOPER'S obligations hereunder, and its obligations under the warranty and indemnification provisions, hereof. The Letter-of-Credit may be called for failure to comply with the provisions of this agreement in whole or in part according to the terms of the Letter-of-Credit. The Letter-of-Credit will not be released, except and until there has been full compliance with this agreement and upon certification of a licensed engineer that the development has been completed in full compliance with the approved plat and construction plans.

C. Inspection

The CITY shall have a continuous right to inspect the work and facilities to assure that the facilities are constructed in accordance with the Subdivision Regulations and Planning Commission approved construction plans.

D. Right of Entry

The CITY shall have the right, in case a Letter-of-Credit is called for noncompliance, to enter upon any property of the DEVELOPER and take all necessary actions to complete the work and obligations not completed.

E. Acceptance of Facilities

Upon notice by the CITY of acceptance of all or part of the facilities, then those facilities

specified in the acceptance shall become the property of the CITY free from all claims by any person or entity without the necessity of any further writing, agreement, or deed. The parties intend that this agreement shall operate as a conveyance of the facilities when the facilities are accepted. The DEVELOPER further agrees that any facilities placed within a public or platted right-of-way or dedicated public easement are irrevocably dedicated to the public use without any right of reimbursement or compensation of any kind.

F. Failure to Install

In the event the DEVELOPER fails to install the facilities in accordance with the terms of this agreement, the CITY may, in its sole discretion, elect to accept all or a portion of the facilities installed. Should the CITY choose to accept all or a portion of these facilities, the CITY shall become the sole owner of these facilities. The CITY may give notice of acceptance by writing delivered to the DEVELOPER or recorded in the Register's Office, of Robertson County, Tennessee. No further writing or deed shall be required. The CITY'S election to accept such facilities shall not be construed as an assumption of any obligation related to these facilities such as the obligation to maintain the facilities or to pay for any part of the cost of installing the facilities.

G. Fees Not Refundable

If the DEVELOPER fails to install the facilities in accordance with the terms of this Agreement, no portion of the review fees or other amounts paid to the CITY shall be refundable to the DEVELOPER.

H. Liability Insurance

The DEVELOPER shall purchase an Owner's and Contractor's Liability Policy and Public Liability Insurance Policy in the amount of one million dollars (\$1,000,000.00) and name the CITY (and its agents/representatives) as an additional insured party. DEVELOPER further agrees to hold and name the CITY (and its agents/representatives) harmless from the claim of any person and further agrees to defend any action brought in any court against the CITY (and its agents/representatives) and to pay any judgments rendered against the CITY (and its agents/representatives).

I. Legal Expense in Case of Default

In the event the DEVELOPER or its sureties breach this agreement, they shall bear all costs of the CITY'S reasonable expenses, including attorney's fees and other expenses incurred in enforcing this agreement or completing this agreement whether incurred by negotiation, litigation or otherwise.

J. County Ordinances, Rules and Regulations

All currently existing CITY ordinances, rules and regulations and the Subdivision Regulations adopted by the Planning Commission are made a part of this agreement. In the event of a conflict between the terms of this agreement and a CITY ordinance, the Ordinance shall prevail. In the event of a conflict between the terms of this agreement and the Subdivision Regulations, the Subdivision Regulations shall prevail. All work done under this agreement is to be performed in accordance with plans, and specifications approved by the County and made a part, hereof.

K. Agreement not Assignable

No third party shall obtain any benefits or rights under this agreement, nor shall the rights or duties be assigned by either party.

L. Revocation and Interpretation

This agreement shall bind DEVELOPER when executed by DEVELOPER and may not be revoked by DEVELOPER without permission of the CITY, even if the agreement has not been executed by the CITY or does not bind CITY, for other reasons. This agreement shall be interpreted in accordance with Tennessee law and may only be enforced in the Chancery Court or Circuit Court or Court of competent jurisdiction of Robertson County, Tennessee, and Tennessee appellate courts.

M. No Oral Agreement

This agreement may not be orally amended and supersedes all prior negotiations, commitments or understandings. Any written modification to this agreement must be approved by the CITY OF ADAMS CITY COUNCIL.

N. Separability

If any portion of this agreement is held to be unenforceable, the COUNTY shall have the right to determine whether the remainder of the agreement shall remain in effect or whether the agreement shall be void and all rights of the DEVELOPER pursuant to this agreement terminated.

O. Transferability

The DEVELOPER and/or Owner agrees that he will not transfer the property on which this proposed subdivision is to be located without first providing the CITY with notice of when the transfer is to occur and who the proposed transferee is, along with appropriate address and telephone numbers. If it is the transferee's intention to develop this subdivision in accordance with the agreement, the DEVELOPER agrees to provide the CITY an Assumption Agreement

whereby the transferee agrees to perform the improvements required under this agreement and to provide the security needed to assure such performance. Said agreement will be subject to the approval of the CITY Attorney. The DEVELOPER and/or Owner understands that if he transfers said property without providing the notice of transfer and Assumption Agreement as required herein, he will be in breach of this agreement and in violation of the subdivision regulations. The DEVELOPER further agrees that he shall remain liable under the terms of this agreement though a subsequent sale of all or part of said property occurs, unless an Assumption Agreement and accompanying surety instrument are entered into between the new owners and the CITY.

P. Covenants, Conditions and Restrictions to Be Filed

The DEVELOPER will submit a Declaration of Covenants, Conditions and Restrictions to be filed, referenced upon the face of and recorded with the final plat. The Declaration of Covenants, Conditions and Restrictions shall contain all provisions required by the Zoning Ordinances, of the CITY and shall include provisions for a Homeowners' Association to maintain all detention or retention ponds, common drainage ditches and any and all common areas. The Declaration of Covenants, Conditions and Restrictions shall also contain provisions for assessments of property for maintenance of common areas and provisions for enforcement of the assessments by liens, removal of voting rights, and enforcement at law and equity. The Declaration of Covenants, Conditions and Restrictions shall make adequate and sufficient provisions for the maintenance of any detention ponds or drainage areas to include an amortizing of maintenance costs to be provided to the Homeowners' Association by the DEVELOPER at the time of the establishment of the Homeowners' Association. The Declaration of Covenants, Conditions and Restrictions shall run with the land and must be approved by the PLANNING COMMISSION, prior to recordation, as a part of the final plat.

Q. Time Period for Construction

In consideration of the promise by the CITY to accept for maintenance the streets, utilities and other infrastructure covered by this agreement, the DEVELOPER agrees to be bound to complete within two (2) years, all improvements shown on the plat and plans and all things required by this agreement. The DEVELOPER further agrees that if due to unforeseen circumstances, he is unable to complete all work included in this agreement within the time specified above, but desires to complete said agreement to the satisfaction of the CITY, he will submit a written request for extension of the agreement period to the CITY at least sixty (60) days prior to the expiration of the existing agreement period, specifying the reason for his failure to complete the work as agreed and a prospective date for such completion. The DEVELOPER further agrees that if the letter-of-credit executed to secure the value of the work to be performed under this agreement is determined at the time an extension is sought to be inadequate due to rising costs to secure the cost of said improvements he will provide the additional security to bring the surety instrument amount in line with current cost projections as made by the CITY. The CITY agrees that it will not unreasonably withhold approval of extensions where the DEVELOPER has complied with the requirements of notice to the CITY and provided the required additional security, if any is needed. The DEVELOPER understands

that his failure to follow this extension procedure constitutes a breach of this agreement and places him in violation of the Subdivision Regulations. The DEVELOPER further understands that should he fail to complete any part of the work outlined in this agreement in a good and workmanlike manner the CITY shall reserve the right to withhold and withdraw all building permits and/or sewer service within the subdivision until all items of this Agreement have been fulfilled by the DEVELOPER.

II. DESIGN AND APPROVAL

A. Contents of Plans

The DEVELOPER shall cause to be prepared and submitted to the CITY, plans (the "Plans") describing in reasonable detail all utility systems, all storm water management systems, and all street system improvements necessary to provide adequate services to the Project (hereinafter called the "IMPROVEMENTS"). The plans shall include all information required by Section 5-103 (Construction Plans) of the Subdivision Regulations and any other details as requested by the CITY. It is recognized that the IMPROVEMENTS may be constructed in phases as the Project is developed. The DEVELOPER shall submit the Plans as provided herein for each phase and execute a separate DEVELOPMENT AGREEMENT for each phase.

B. Preparation of Plans

The Plans shall be prepared by an engineer licensed by the State of Tennessee to design said infrastructure improvements and shall bear the seal, signature and license number of the engineer preparing the Plans.

C. Design Criteria

The design of water and sewer improvements shall follow the State of Tennessee design criteria and sound engineering judgment. Storm water management and road improvements shall be designed according to the Subdivision Regulations, all other applicable federal, state and local specifications and ordinances and sound engineering judgment. In all cases, the specifications and design details for the Improvements shall be those of the CITY and those as approved by the State of Tennessee Department of Environment and Conservation. In the event of a disagreement as to compliance with or interpretation of the Plans and the CITY'S specifications, the decision of the CITY shall be final and binding on the DEVELOPER. Three (3) sets of prints of the Plans shall be submitted by the DEVELOPER to the CITY. The CITY agrees to review the drawings and plans so submitted in a timely manner. DEVELOPER agrees to make all revisions to the Plans as required by the CITY. Following review and approval of the Plans or following review and approval of revised Plans if revisions have been required, the DEVELOPER must then submit the Plans, as approved by the Adams Municipal Planning Commission, to the Tennessee Department of Environment and Conservation for approval. The CITY will require a copy of the State approval letter for sewer and water, along with three (3) copies of the State approved (stamped) Plans before the DEVELOPER may

commence work.

III. CONTRACTOR

The improvements shall be installed in accordance with the Plans, approved as provided above, by a CONTRACTOR licensed by the State of Tennessee, as a utility CONTRACTOR and acceptable to the CITY. Prior to the beginning of construction, the DEVELOPER shall submit to CITY the DEVELOPER'S choice of CONTRACTOR(S), and the CITY will, upon verification of license and work performance, either approve or disapprove DEVELOPER'S CONTRACTOR. Approval or disapproval shall be at the total and absolute discretion of the CITY. If approval is withheld, the DEVELOPER must choose another CONTRACTOR and the process of approval shall begin again and shall continue until the CITY approves a CONTRACTOR. After the CITY has approved the CONTRACTOR, the DEVELOPER shall convene a pre-construction meeting at the COUNTY offices at a time mutually acceptable to the parties. This meeting is required before construction may begin.

IV. COMMENCEMENT OF CONSTRUCTION

Construction of Improvements may not begin until the following events have occurred:

- A. The Plans are approved by the PLANNING COMMISSION, and all necessary facets of platting and construction plan approval, through the Planning Commission, have been completed.
- B. The Tennessee Department of Environment and Conservation has approved the applicable portions of the Plans and has confirmed its approval to the CITY and/or DEVELOPER in writing.
- C. If required, the review fee described in ORDINANCE _____, hereof, has been paid in full.
- D. The CITY shall receive copies of any applicable approvals and/or permits involving stream crossings, crossing of power transmission lines, crossing of railways and similar facilities.
- E. The CITY has received three (3) copies of the State-Approved Water and Sewer Plans.
- F. The CITY has approved the DEVELOPER'S choice of a contractor.
- G. The CITY shall have received an appropriately executed Development Agreement accompanied by the Surety Instrument described in Paragraph B, of Section I, hereof.
- H. The preconstruction conference described in Section III, hereof, has been held.

- I. The DEVELOPER shall give the CITY notice of commencement of construction, in writing at least five (5) days prior to commencement.

V. **CONSTRUCTION**

A. Utilities

DEVELOPER agrees to pay the cost of a State approved water and sewage system complete with necessary stations and force mains and with manholes, outside the boundary of the subdivision as approved by the CITY. The DEVELOPER further agrees to pay the cost of any required sewer system and collection system for each lot within the subdivision as approved by the CITY upon the subdivision plans and specifications. The DEVELOPER further agrees to pay the cost of all engineering, inspection and laboratory testing costs incidental to the sewer service in or to the subdivision. The DEVELOPER shall be responsible for the cost of any and all relocation, adjustment, modification, installation and/or removal of utilities brought about as a result of the development of the project, both on and off site. As a part of constructing the Improvements, the DEVELOPER shall install, in accordance with the Plans and Tennessee Department Environment and Conservation specifications, all water service taps, fire lines, sewer service, and all facilities, equipment and accessories relating, thereto, necessary to provide utility service to the Project.

B. Storm Water Management Systems

The DEVELOPER shall be responsible for all storm water management work, including ditch paving, bank protection, and fencing adjacent to open ditches made necessary by the development of this subdivision.

1. The DEVELOPER shall provide and deliver the formal written opinion of a licensed professional engineer certifying that he has reviewed the entire watershed wherein the subdivision is located and that upon full development at the greatest allowable use density under existing zoning of all land within that watershed, the proposed subdivision will not increase, alter or affect the flow of surface waters, nor contribute to same, so as to damage, flood or adversely affect any property. Further, the DEVELOPER agrees to hold harmless and defend the PLANNING COMMISSION and its agents from any claim, cause of action or liability, alleged and/or proven, to have arisen directly or indirectly from alteration to the surface water by reason of the DEVELOPER'S design, construction, installation or the development itself, in whole or part.
2. To properly manage storm water runoff during the construction process the DEVELOPER shall provide necessary erosion control in accordance with the storm water management plan for the development as approved by the Tennessee Department Environment and Conservation in conformance with their published design standards and specifications. All freshly excavated and embankment areas not covered with

satisfactory vegetation shall be fertilized, mulched and seeded and/or sodded as required by the Tennessee Department Environment and Conservation to prevent erosion. In the event the Tennessee Department Environment and Conservation determines that necessary erosion control is not being provided by the DEVELOPER, the proper governing authority shall officially notify the DEVELOPER of the problem. If the DEVELOPER has not begun to provide satisfactory erosion control within fifteen (15) days after the notice, then the proper governing authority shall make the necessary improvements to eliminate the erosion problems, documenting all expenses incurred performing the work. Prior to releasing any securities covering this subdivision, all expenses incurred by the governing authority shall be paid in full by the DEVELOPER.

3. Any and all unenclosed water courses lying partially or wholly within the bounds of this subdivision shall be constructed to adequate cross section to provide design flow without threat of erosion or flooding of any property within this subdivision, or of any adjoining property.
4. All storm water management structures necessitated by the infrastructure plans for this development that affect any watercourse lying partially or wholly within this subdivision are to be provided by the DEVELOPER.
5. It is understood and agreed that the CITY OF ADAMS in its proprietary function is not and could not be expected to oversee, supervise, and/or direct the construction of all drainage improvements, and the excavation incident thereto. Neither is the CITY OF ADAMS vested with the original design responsibility nor the means to formally survey elevations or the locations of CITY improvements at every stage of the construction process. The CITY OF ADAMS is vested with the right of periodic inspections, stop work order and final approval as a measure of secondary or subsequent enforcement. The DEVELOPER has and shall retain the responsibility to properly anticipate, survey, design and construct the subdivision storm water improvements and give full assurance that same shall not adversely affect the flow or quality of surface water from or upon any property. In providing, plan and design review, the CITY OF ADAMS does not and shall not relieve or accept any liability from the DEVELOPER.
6. Where effective storm water quality or quantity management requires the design and construction of an on-site detention facility, the DEVELOPER shall execute a Storm Water Detention Maintenance Agreement as provided by the CITY OF ADAMS. The Storm Water Detention Maintenance Agreement shall be recorded by the DEVELOPER before the development plan is approved. Reference shall be made to the recorded Storm Water Detention Maintenance Agreement on the final plat and/or on the Grading and Drainage Plan for the development.

D. Street Construction

The DEVELOPER, hereby, agrees to construct and improve the streets shown on the Plans to comply with the construction standards of the CITY and to the satisfaction and approval of the CITY OF ADAMS by grading, draining, subgrade preparation, base preparation, curb and gutter, signage, striping, signalization, sidewalk installation, and paving with the required amount of material the full required width. The DEVELOPER further agrees to pay the cost of all engineering, inspection and laboratory cost incidental to the construction of subdivision streets including but not limited to material, density testing and any other testing required by the CITY OF ADAMS. The DEVELOPER further agrees to the following conditions and standards:

1. It is agreed and understood that all grading within the street right-of-way and public easements shall be completed before the utilities are installed.
2. It is further agreed and understood that construction routes will be designated within subdivisions and that the policy for acceptance of these streets will differ from streets not so classified.
3. The DEVELOPER further agrees to furnish and install an asphalt base and a final asphalt surface course (wearing surface) in accordance with the Subdivision Regulations.
4. The DEVELOPER further agrees that prior to installation of the final asphalt surface course, and during the time when the asphalt base course is used as a travel surface all utility manholes, valve boxes and drainage inlets will be provided with asphalt collars so as to assure that the metal edges are not directly exposed to vehicle tires.
5. The DEVELOPER further agrees to make all necessary adjustments to manholes, valve boxes and drainage inlets to meet finished surface grade so that such items are in proper elevation relative to the grade of the final asphalt topping and no portion of such structures are left projecting above the final paving. It is further agreed and understood that the DEVELOPER will repair subsurface or base material, as required, in areas recommended by CITY, prior to application of final surface. Further, it is agreed and understood that if it is not necessary to change the existing grade or disturb the pavement of an existing street or road, the DEVELOPER shall only be required to construct drainage, grade and gravel to match the existing pavement and construct sidewalks and curb and gutter as required. If the existing grade is changed, the DEVELOPER shall be required to grade, gravel and pave the full width of said street.
6. The final surface shall be placed at a time specified by the CITY OF ADAMS. This determination shall be made based in large measure upon use of streets by construction traffic. The DEVELOPER may request to install final surface if building activity is seventy-five (75) percent complete or otherwise specifically approved by the CITY OF ADAMS MUNICIPAL PLANNING COMMISSION.
7. The DEVELOPER further agrees to install permanent street signposts and markers at all intersections in said subdivision. The plans and specifications for said street signpost and

lettering may be obtained from the CITY. Location of street signs to be installed will be at the direction of the CITY OF ADAMS. The CITY OF ADAMS shall approve any requested variance from standard street sign type. Such signs shall have been installed prior to issuance of any permits for construction of buildings within the development.

E. Site Grading

1. The DEVELOPER, hereby, agrees to construct all site grading as shown on the Development plans to comply with the approved drawings, including the approved TENNESSEE DEPARTMENT ENVIRONMENT AND CONSERVATION Erosion Control Plan for the development and to comply with the Subdivision Regulations and other rules, regulations and ordinances of the CITY OF ADAMS.
2. The DEVELOPER hereby agrees to provide and place compacted fill in compliance with an approved geotechnical report for the Development. Said geotechnical report shall be submitted to the ROBERTSON COUNTY HIGHWAY DEPARTMENT AND PLANNING COMMISSION for review and approval and shall become a part of the infrastructure construction documents for the Development. Where footings will bear on compacted fill material, the approved geotechnical report shall include the following:
 - a) Specifications for the preparation of the site prior to placing compacted fill material.
 - b) Specifications for material to be used as compacted fill.
 - c) Test methods to be used to determine the maximum dry density and optimum moisture content of the material to be utilized as compacted fill.
 - d) Maximum allowable thickness of each lift of compacted fill material.
 - e) Number and frequency of field tests required to determine compliance with Item d.
 - f) Field test method for determining the in-place dry density of the bearing capacity of the compacted fill.
 - g) Minimum acceptable in-place dry density expressed as a percentage of the maximum dry density determined in accordance with Item c.
3. The DEVELOPER, hereby, agrees to retain the services of a geotechnical engineering firm to monitor the placing of compacted fill material in areas where footings will bear on compacted fill material and provide a written geotechnical report to the CITY OF ADAMS upon completion of the placement of the compacted fill.
4. The DEVELOPER, hereby, agrees that the geotechnical information shall be submitted to the CITY OF ADAMS prior to the DEVELOPER receiving any permit for construction of footings on compacted fill material.

VI. OFF-SITE IMPROVEMENTS (UTILITIES)

The DEVELOPER shall construct any and all off-site facilities that may be required to serve the Project, not including any additions, improvements and upgrades. Unless specifically noted in the Plans and made a part of this agreement, the CITY shall not be required to reimburse the DEVELOPER for construction of off-site Improvements if additional customers should later use the off-site facilities financed by the DEVELOPER.

VII. INSPECTION AND COMPLIANCE

After construction begins, the CITY shall provide on-site construction inspection as the CITY deems necessary to ensure that all work is performed and completed in accordance with the Plans and the CITY OF ADAMS specifications. In the event of a disagreement as to compliance with or interpretation of the Plans and the CITY OF ADAMS specifications, the decision of the CITY shall be final and binding on the DEVELOPER. If the DEVELOPER fails to construct in accordance with the approved Plans or to comply with the CITY OF ADAMS specifications, the ADAMS PLANNING COMMISSION may issue a stop-work order and DEVELOPER hereby agrees to be bound by such order.

VIII. TESTING

The DEVELOPER agrees to pay the cost of all engineering, inspection and laboratory cost incidental to construction of the streets, sidewalks, sewers, compacted fill material and other facilities included within this agreement. Such testing includes, but is not limited to, material, density testing and other testing requirements of the City of Adams.

IX. SCRAP REMOVAL

The DEVELOPER agrees that he will haul all scrap building materials, debris, rubbish, and other degradable materials to an authorized landfill and not bury such materials within the limits of the subdivision.

X. ACCEPTANCE (ROADS AND UTILITIES)

At such time as the infrastructure has been constructed and installed, in accordance with the Plans and specifications, required testing has been accomplished and the test results found satisfactory, and all clean-up has been done to the satisfaction of an authorized representative of the CITY OF ADAMS, the DEVELOPER may request acceptance of such infrastructure by the CITY OF ADAMS. Formal acceptance shall follow the procedure established in the Subdivision Regulations. Prior to acceptance of the project by the CITY OF ADAMS, the DEVELOPER shall deliver to the CITY OF ADAMS a certificate stating that all subcontractors and material suppliers furnishing labor and/or material for the improvements required under this agreement have been paid in full.

The DEVELOPER agrees he shall have no claim, direct or implied, in the title of ownership of the improvements specified in this agreement when the approved phases are completed and

thereafter accepted by the CITY. The CITY OF ADAMS, upon final approval and acceptance, will take full title to the improvements and will provide maintenance thereafter, except that the DEVELOPER will be responsible for construction failures and defects in the subdivision for a time period specified in the acceptance agreement. During this period, it shall remain the responsibility of the DEVELOPER to correct and cure these defects and failures.

XI. WARRANTY

The DEVELOPER warrants that all installed facilities are free from defects in design, materials or workmanship for a period specified in the acceptance agreement. The period of said warranty shall begin on the date of written acceptance of the infrastructure by the CITY OF ADAMS. Further, the DEVELOPER shall immediately repair, at its own costs, all defects of any type whatsoever which occur within the warranty period. THE CITY OF ADAMS shall have the right to make repairs or have others make the repairs at the expense of the DEVELOPER, if the CITY deems it necessary. The DEVELOPER shall pay for all work, labor, materials and all other expenses of the facilities in a timely manner and this shall include any amounts that exceed the letter-of-credit. If the DEVELOPER does not pay in a timely manner, the DEVELOPER hereby authorizes the CITY OF ADAMS to call payable its letter-of-credit, without any formal or further action, and to make the payments that are due for the facilities whether the debts are secured by a valid lien.

The Developer further agrees to execute a maintenance surety (Surety Instrument) with good security to be approved by the CITY OF ADAMS in the amount of twenty (20) percent of the construction cost of the facilities being offered for dedication. Within the time period specified in the acceptance agreement an inspection will be made by the CITY OF ADAMS to determine and list any defects or failures of improvements within the subdivision. All failures or defects, if any, shall be repaired within thirty (30) days following notice by the CITY OF ADAMS to proceed. Following such repairs, the maintenance agreement and surety instrument may be cancelled by the CITY OF ADAMS.

XII. EASEMENTS

The DEVELOPER shall obtain and dedicate to the CITY OF ADAMS, or cause to be dedicated to the CITY OF ADAMS, by dedication on the plat in a form acceptable to the CITY, permanent easements of such widths as required by the CITY OF ADAMS and noted on the Plans. The DEVELOPER or the Owner further agrees that he will grant the necessary easement and rights-of-way across his properties without expense to the CITY OF ADAMS and waive any claim for damages.

XIII. AS-BUILT DRAWINGS AND POST-COMPLETION ITEMS

The DEVELOPER agrees to furnish to the CITY OF ADAMS as-built plans, on a reproducible, stable media of the CITY'S choice, of the sanitary sewer, storm water management, water mains and service system and streets within the subdivision before the CITY shall accept

infrastructure within the subdivision. No surety instrument held by the CITY OF ADAMS will be reduced below twenty (20) percent of the surety instrument amount until such as-built plans have been provided.

XIV. FEES

Review fees established by the CITY OF ADAMS shall be paid prior to any review of the Plans. No construction or grading of any sort shall be begun prior to approval of such plans.

XV. INDEMNITY

The DEVELOPER shall indemnify and hold the CITY OF ADAMS harmless from all loss, costs, expenses, liability, money damages, penalties or claims arising out of any work covered by this agreement, including any attorney fees incurred by the CITY OF ADAMS in connection therewith. Inspection of the Improvements by an authorized representative of the CITY shall not constitute a waiver by the CITY OF ADAMS of any of the DEVELOPER'S obligations hereunder nor shall such inspection constitute acceptance of any defect in material or workmanship.

XVI. REMEDIES

In the event of a default in the performance by either party of its obligation hereunder, the other party, in addition to any and all remedies set forth herein, shall be entitled to all remedies provided by law or in equity, including the remedy of specific performance or injunction.

XVII. BINDING EFFECT

The covenants and agreements herein contained shall bind and endure to the benefit of the parties hereto, their respective heirs, personal representatives, successors and assigns, as appropriate.

XVIII. ATTORNEY'S FEES AND OTHER COSTS

The DEVELOPER shall pay all costs and expenses, including the CITY OF ADAMS attorneys' fees, of any legal proceedings brought by the CITY OF ADAMS against the DEVELOPER seeking remedies for the DEVELOPER'S failure to perform any of its obligations hereunder, whether or not any proceedings are prosecuted to judgment.

XIX. ENTIRE AGREEMENT

This document contains the entire agreement between the parties, and there are no collateral understandings or agreements between them, and no variations or alterations of the terms of this agreement shall be binding upon either of the parties, unless the same be reduced to writing and made an amendment to this agreement.

XX. HEADINGS

Paragraph titles and headings contained herein are inserted for convenience only and shall not be deemed a part of the Agreement and in no way shall define, limit, extend or describe the scope or intent of any provision hereof.

XXI. NOTICES

Any notice or other communication required to be given hereunder shall be in writing and delivered personally or sent by United States Certified Mail, return receipt requested, or sent by Federal Express Delivery Service, addressed to the CITY OF ADAMS PLANNING COMMISSION, 7617 US HWY 41, ADAMS, TN 37010 and addressed to the DEVELOPER at the address set forth on the Addendum, or such other address as either party may hereafter give the other.

XXII. TRAFFIC CONTROL

The DEVELOPER, hereby, agrees to prepare a traffic control/detour plan where required and shall submit said plan to the CITY OF ADAMS for review and approval. All traffic control and safety devices, including signs, lane markings, and barriers necessitated by construction activity undertaken pursuant to this agreement shall be installed and maintained by the DEVELOPER. All traffic control devices shall meet the standards and be installed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the United States Department of Transportation.

XXIII. TEMPORARY FACILITIES

The DEVELOPER shall provide all temporary facilities, including but not limited to utilities and roadways, that are determined by the CITY OF ADAMS to be required in connection with and/or as a result of interruption of service or access that occurs in connection with construction activity covered by this agreement. Such temporary services shall in all regards and at all points in time be adequate to assure emergency access and adequate fire flows.

**APPENDIX B:
IRREVOCABLE LETTER OF CREDIT**

1. DATE OF ISSUE _____
2. CREDIT NO. OF ISSUING BANK _____
3. CREDIT NO. OF ADVISING BANK _____
4. ADVISING BANK _____
5. ACCOUNTTEE _____
6. BENEFICIARY, MAIL TO _____
7. LATEST PERFORMANCE DATE _____
8. LATEST DATE FOR NEGOTIATION _____
9. MAXIMUM AMOUNT _____

10. We hereby issue this documentary letter of credit in your (the beneficiary's) favor which is available against your drafts at _____ drawn on _____
_____ Bank, Credit No. _____" Accompanied by the following document:

A certificate of default signed under oath by the Chairman of the City of Adams Municipal Planning Commission and the Mayor of the City of Adams, certifying that the accountee has not complied with the terms of the agreement between the planning commission and the accountee and the amount of approximate damage to the local government, which amount shall be identical to the face amount of the accompanying draft.

11. **SPECIAL CONDITIONS**

We hereby engage with the bona-fide holders of all drafts or documents presented under and in compliance with the terms of this letter of credit that such drafts or documents will be duly honored upon presentation to us. The amount of each drawing must be endorsed on the reverse of this letter of credit by the negotiating bank. The advising bank is requested to provide this letter of credit without engagement of their part.

Bank

Authorized Bank Signature(s)

**Appendix C:
Street Construction and Drainage Specifications**

SECTION I GENERAL

- A. JURISDICTION. These rules and regulations governing the construction of roads and streets shall apply within the corporate limits of Adams, Tennessee.
- B. PURPOSE. The purpose of these specifications is to establish standards of design and construction, including construction procedures and quality of materials, that are adequate to assure the safety, convenience, and welfare of the people within the planning jurisdiction.
- C. DEFINITIONS.

Local Government - The city or county government having jurisdiction within the area where a development is located.

Local Government Engineer - That individual designated by the local government to receive and review plans submitted in conformance with the provisions of this section.

Engineer - An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code annotated.

Enforcing Officer - That individual designated by the chief executive officer of the local government to enforce these provisions.

Standard Specifications - Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation, Bureau of Highways, Nashville, Tennessee, March 1, 1981, and subsequent revisions and additions.

A.A.S.H.T.O. - American Association of State Highway and Transportation Officials.

A.S.T.M. - American Society for Testing Materials.

Basic Regulations - The basic subdivision regulations of the City of Adams, to which this material is attached as an appendix.

- D. APPROVALS. All construction plans shall be prepared and submitted to the local government engineer. The content and submission procedure shall be as set forth in SECTION II, PLANNING.
- E. ACCEPTANCE. Acceptance for public maintenance of any facilities or improvements located within any subdivision may only be accomplished by formal action of the governing body in the manner established in Subsection 3-101.7, Basic Regulations. Any approval of plans, etc., submitted in conformance with these provisions, shall not in any manner

bind or presuppose acceptance of these facilities by the governing body.

- F. RESPONSIBILITY FOR COMPLIANCE. In all matters involving enforcement of, or compliance with, the provisions contained herein, the subdivider (as defined in Basic Regulations, Section 6-102) is considered as the party legally responsible for performance; and the use of engineers, contractors, or other agents shall in no way diminish or absolve the subdivider of this basic responsibility.

SECTION II PLANNING

- A. PLAN PREPARATION. All construction plans for improvements within land subdivisions shall be prepared by engineers registered to practice within the State of Tennessee. The plans shall bear the stamp and signature of the individual responsible for their preparation.
- B. CONTENT. The information set forth in Section 5-105, Basic Regulations, shall be required upon each and every plan submitted hereunder. In any instance where special conditions may warrant, additional data may be required.
- C. SUBMISSION, REVIEW, AND APPROVAL. When the plans are complete, with all required data entered thereon, they shall be submitted to the local Planning Commission's consulting engineer and County Highway Department for review and comment prior to formal presentation before the planning commission. If the local Planning Commission's consulting engineer or County Highway Department finds that the plans are in order and all required information is presented, he shall forward the plans to the planning commission for review and approval. Should any disagreement between the local government engineer and the subdivider (or his engineer) arise as to the nature of, or requirement for, any particular improvement or facility, the plans may be forwarded to the planning commission for arbitration of the dispute.

Action by the planning commission may come in the form of unconditional approval of the plans as submitted, conditional approval, or disapproval. Should the commission's action come in the form of conditional approval, the applicant may modify and resubmit the plans to the Planning Commission's consulting engineer and County Highway Department for further review. Should the local government engineer find that the conditions established by the commission have been met, he may certify in which instance the plans shall be considered approved. Should the commission act to conditionally approve the plans and no subsequent action is pursued by the subdivider (or his engineer) for a period of six (6) months following the date on which action was taken by the planning commission, the plans shall become null, and void and any subsequent action shall require submission of new plans.

- D. ACTION UPON APPROVAL. Once the plans and preliminary subdivision plat have received approval as set forth above, a preconstruction meeting shall be set involving the County department heads, local government engineer, developer, developers engineer and all contractors performing work for the developer. No construction or excavation may begin until this meeting has taken place.

**SECTION III:
MATERIALS SPECIFICATION AND CONSTRUCTION PROCEDURES**

A. PRELIMINARY WORK

1. Location and Protection of Underground Utilities

Prior to beginning excavation or grading, the subdivider shall determine, insofar as possible, the actual locations of all underground utilities in the vicinity of his operations and shall clearly mark them so that they can be avoided by equipment operators. Where such utility lines or services appear to lie in the path of construction, they shall be uncovered in advance to determine their exact location and depth and to avoid damage due to excavation or grading operations. Existing facilities shall be protected during construction or removed and replaced in equal condition, as necessary.

Should any existing utility line or service be damaged during or as a result of the subdivider's operations, the subdivider shall take such emergency measures as may be necessary to minimize damage and shall immediately notify the utility agency involved. The subdivider shall then repair the damage to the satisfaction of the utility agency or shall pay the utility agency for making the repairs. In all cases the damaged structure shall be in as good or better condition as before the damage occurred.

2. Surveying and Staking. The subdivider shall be responsible for his own surveys and establish his own grades unless otherwise directed by the enforcing officer.
3. Removal of Obstructions. The subdivider shall be responsible for the removal, safeguarding, and replacement of fences, walls, structures, culverts, street signs, billboards, shrubs, mailboxes, or other obstructions which must be moved to facilitate construction. Such obstructions shall be restored to at least their original condition.
4. Clearing and Grubbing. The subdivider shall be responsible for cutting, removing, and disposing of all trees, brush, stumps, roots, and weeds within the construction area. Disposal shall be by means of chippers, landfills, or other approved methods not in conflict with state or local ordinances. Care shall be taken to avoid unnecessary cutting or damage to trees not in the construction area. The subdivider shall be responsible for loss or damage to trees outside the permanent easement or rights-of-way.
5. Traffic Control and Safety. The subdivider shall provide and maintain access to and from all properties along the line of his work. The subdivider shall also provide temporary bypasses and bridges where necessary to route traffic and shall maintain them in a safe and usable condition whenever, in the opinion of the enforcing officer, detouring of traffic to parallel routes cannot be done without hardship or excessive increase in travel by the public. Where single-lane bypasses are provided the subdivider shall furnish signalmen to control traffic operations and minimize delays. The subdivider shall provide, erect, and maintain adequate barricades, warning signs, and lights at all excavations, closures, detours, points of danger, and uncompleted pavement.

B. ROADWAY CONSTRUCTION

1. Stripping, Stockpiling, and Placing Topsoil. All topsoil shall be stripped within the street right-of-way and from any other area designated by the enforcing officer. Topsoil shall be stored in stockpiles. All organic matter within the right-of-way shall be stripped and disposed of unless directed otherwise by the enforcing officer. A three (3) or four (4) inch layer of topsoil shall be placed where seeding is required or where required by the enforcing officer. After the stockpiled topsoil has been placed as specified above, the area where the topsoil was stockpiled shall be neatly graded and dressed.
2. Excavation. Excavation shall conform to limits indicated on the plans. Excavation materials shall be removed in such manner that the slopes can be neatly trimmed. Excavation shall not be made below grade except where rock or stone masonry is encountered or undercutting of unstable materials is required. Materials removed below grade shall be replaced with approved materials thoroughly compacted. Where borrow materials are required to complete embankments or fills the subdivider shall be responsible for providing them. Rock excavation shall be removed to a minimum depth of twelve (12) inches below the subgrade and backfilled with approved materials which shall be thoroughly compacted. Where a spring or seepage water is encountered that is not provided for on drainage plans it shall be reported to the enforcing officer.
3. Fills and Embankments. Embankment and fill materials shall be free from frost, stumps, trees, roots, sod, or muck. Only materials from excavation or borrow pits, or other materials approved by the enforcing officer shall be used. Materials shall not be placed on frozen ground. Where excavated materials are used in fill construction and the materials consist of earth and various grades of rock, the fills shall be carefully constructed with the larger or hard rock on the bottom followed by the smaller or soft rock and finally the earth fill to provide a well-compacted and void-free embankment.

All depressions or holes below the natural ground surface, whether caused by grubbing, rock removal, undercutting, or otherwise, shall be filled with suitable materials and compacted to ground surface before fill construction is started. The backfilling around a structure shall have been completed and thoroughly compacted to ground surface before any embankment materials are placed thereon. Embankments shall be so constructed that adequate surface drainage will be provided at all times.

Fill areas shall be compacted by a sheep's foot roller, to a density of not less than ninety-five (95) percent of optimum density and within three (3) percent of optimum moisture content per ASTM D 698, and each lift of fill materials shall be rolled until the roller "walk out". The finished grade shall be test rolled with a truck to be selected by the enforcing officer. Any areas found to be soft or "pumping" shall be cut out and replaced with suitable materials in lifts, each lift shall be compacted until the excavation has been brought back to finish grade.

Fill materials shall be placed in eight (8) inch lifts, maximum thickness. Where

excavated materials consist mainly of rock too large to be placed in the normal eight (8) inch thickness without crushing or further breaking down the pieces, such materials shall be placed in the fill in layers not exceeding three (3) feet in depth. No rock larger than eighteen (18) inches in dimension shall be placed in fill. Care shall be taken to fill all voids between large rock and to assure that fill materials are compacted such that settling is minimized. Compaction of the top six (6) inches of cuts or fills shall be accomplished with pneumatic-tire rollers.

The backfill around structures shall be of crushed stone or earth meeting the approval of the enforcing officer; and the fill shall be placed and compacted in eight (8) inch lifts and brought up evenly on all sides of the structure.

4. Undercutting. This work shall consist of the removal and disposal of unsatisfactory materials below grade in cut sections or areas upon which embankments are to be placed. It shall also include undercutting for pipes and box culverts where required. Known areas to be undercut shall be designated on the materials approved by the enforcing officer. The backfill materials shall be placed in eight (8) inch lifts and compacted as specified for fill construction. Disposal of unsatisfactory materials shall be approved by the enforcing officer.
5. Subgrade Construction and Preparation. The subgrade shall be prepared in reasonably close conformity with the lines and grades as shown on the plans. Grading of subgrade shall be performed in such manner as to provide ready drainage of water. Ditches and drains shall be maintained to provide proper drainage during construction. Hauling over finished subgrade shall be limited to that which is essential for construction purposes, and all ruts or rough places that develop in a completed subgrade shall be smoothed and recompact. Soft areas shall be removed and replaced with crushed stone or as directed by the enforcing officer. The subgrade shall be checked and approved by the enforcing officer for adherence to the plans before any base materials are placed.
6. Shoulders and Slopes. All shoulders and slopes shall be trimmed and shaped to conform with the cross sections shown on the plans and as specified in Section C-5, below. Rock cuts shall be sealed of all loose fragments, projecting points, etc., so as to leave a clean and neat appearance. Shoulders shall be completed where required as shown on the plans and shall be double bituminous surface treated, with care being taken to protect the surface and edges of pavement. Shoulder materials shall be placed in uniform layers and compacted by overlapped rolling of both base course and pavement. The finished shoulder shall be firm against the pavement.

C. BASE AND PAVING

1. Base Stone. The base course of stone shall be a pug mill mix of Type A, Grading D, mineral aggregate conforming to placed and compacted in layers or lifts upon the prepared subgrade to a finish thickness as described and shown on the plans. No single layer or lift shall exceed four (4) inches in depth.

The base course shall be a pugmill mix of mineral aggregate conforming to the technical

specifications set forth in Section 303, Standard Specifications. The aggregate base shall not be spread on a subgrade that is frozen or that contains frost. The base shall be placed and spread in uniform layers or lifts without segregation of size; each layer shall be compacted to a thickness no greater than four (4) inches. The stone shall be mixed with graders or other equipment until a uniform mixture is obtained. Each layer shall be compacted by rolling with alternate blading until a smooth, even, and uniformly compacted finish is obtained.

The base stone shall be graded and rolled while it is still moist from the pugmill mix. If the enforcing officer determines that the mix is too dry, water shall be added with a distributor tank truck while the stone is being graded and rolled. Compaction shall be uniform for the entire width of the roadway until a density of eighty (80) percent of the solid volume has been achieved. Placement and compaction of each layer shall be approved by the enforcing officer before materials for the next successive layer are placed.

No pavement shall be placed until the stone base has been approved by the enforcing officer.

2. Prime Coat. After the base stone has been prepared as outlined above, a bituminous prime coat shall be applied uniformly over the surface of the base by the use of an approved bituminous distributor. The prime coat shall be applied at the rate of the three-tenths (3/10) gallon per square yard, using Grade RC-70 or RC-250, or refined tar Grade RT-2, RT-3, or emulsified asphalt, Grade AE-P. If, after the bituminous materials have been applied, they fail to penetrate before the time that the roadway is to be used by traffic, dry cover materials shall be spread at a rate established by the enforcing officer, (between eight (8) and twelve (12) pounds per square yard) to prevent damage to the primed surface. An excess of cover materials shall be avoided. No succeeding stage of construction shall be placed upon the prime coat until it has properly cured. Aggregate for cover materials shall be Size No. 78 or 8. In addition to these general requirements, unless, otherwise, stipulated, all materials and methods of installation shall conform to the technical specifications set forth in Section 402, Standard Specifications, Tack Coat

A tack coat shall be applied to old or existing pavement surface or to a previously prepared base or surface to provide bond for an overlaid course. The tack coat shall be applied at the rate of one-tenth (1/10) gallon per square yard using materials and methods of installation set forth in Section 403, Standard Specifications.

3. Binder Course. Upon completion of the application of the prime coat, or tack coat, an asphaltic binder course (hot mix) shall be applied. The wearing surface shall be the thickness shown on the detail sheet for that class street. All materials and methods of installation shall conform to the technical specifications set forth in Section 411, Standard Specifications for asphaltic concrete. The binder course shall be constructed of "B" Grade modified materials described in the Standard Specifications. The asphalt mix design shall be submitted to the City of Adams for review and approval prior to the placement of any asphalt. All materials used shall be virgin materials.

Appendix C: Street Construction & Drainage Specifications

4. Wearing Surface. Upon completion of the Binder Course and when approved by the Robertson County Highway Department (a minimum of seventy (70) percent of the lots are completed), an asphaltic concrete surface (hot mix) shall be applied. The wearing surface shall be the thickness shown on the detail sheet for that class street. All materials and methods of installation shall conform to the technical specifications set forth in Section 411, Standard Specifications for asphaltic concrete surface. The wearing surface shall be constructed of E materials described in Section 903, Standard Specifications. The asphalt mix design shall be submitted to the Robertson County Highway Department for review and approval prior to the placement of any asphalt. All materials used shall be virgin materials.
5. Shoulders. Shoulder construction shall be completed by bleeding, moistening as necessary, and by thoroughly compacting. The shoulders shall be the width and thickness shown on the typical section as required herein and covered with the typical section as required herein and covered with a double bituminous surface treatment. The surface shall be prepared as directed in advance of the surface construction. Upon completion of the prime coat, a double bituminous surface treatment shall be applied with the first course being at a rate of between 0.38 and 0.42 gallons per square yard. If the width of application is wider than the distributor, each width of spread shall not be less than one-half (1/2) the surface to be treated. Areas inaccessible to the distributor shall be treated either with hand sprays or pouring pots. Immediately after each application of bituminous materials has been made, it shall be covered uniformly with Size No. 6, mineral aggregate. The aggregate shall be spread at a rate of between thirty (30) and forty (40) pounds per square yard. This first application shall be allowed to cure for a length of time to be determined by the enforcing officer before the second application is begun.

The second application of bituminous materials shall be applied in the same manner as the first application, at a uniform rate between 0.30 and 0.35 gallons per square yard. Mineral aggregate, Size No. 7, shall then be spread in the same manner as for the first spread at a rate between twenty (20) and twenty-five (25) pounds per square yard.

Immediately after each spread of cover aggregate, uniform coverage shall be achieved by hand brooming. Additional aggregate shall be placed by hand on thin or bare areas.

Immediately after spreading and brooming the cover aggregate, the entire surface shall be rolled, beginning at the edges and progressing to the edge of the pavement. Rolling shall begin within thirty (30) minutes after the aggregate has been spread. The same rolling and curing procedures required in making the first application shall be repeated in making the second application.

In addition to these general requirements, unless otherwise stipulated, all materials and methods of installation shall conform to the technical specifications set forth in Section 404, Standard Specifications.

D. DRAINAGE SYSTEM DESIGN

1. Ditching and Channelization. This work shall consist of the construction of ditches adjacent to roadway shoulders and feeding to and from culverts under or adjacent to the roadway. All drainage ditches shall be graded in their entirety during the time the roadways are being graded; such grading shall be completed prior to final inspection of the roadways.
2. Stabilization of Ditches & Concrete Ditch Paving.

Concrete ditch paving shall consist of the construction of paved ditches on a prepared subgrade. The subgrade shall be shaped and compacted to a firm even surface. All soft materials shall be removed and replaced with acceptable materials and shall be compacted as directed by the enforcing officer.

Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be back-filled immediately after the concrete has set and the forms have been removed. The back-filled materials shall be thoroughly compacted and a two (2) foot strip of sod placed along the edges of the concrete ditch. Expansion joints shall be located as directed by the enforcing officer

All open ditches shall be stabilized in accordance with the following requirements:

Size of Nearest Culvert (Upstream)	Sod Required	Concrete Lined	To Be Determined by Engineer
15"	Grades 1.00%-3.00%	Grades 3.00%-12.00%	Grades Exceeding 12.00%
18" thru 24"	Grades 1.00%-1.50%	Grades 1.50%-7.00%	Grades Exceeding 7.00%
30" thru 36"	Grades 1.00%-1.50%	Grades 1.00%-4.00%	Grades Exceeding 4.00%
42" thru 72"	Grades	Grades 2.50% or Less	Grades Exceeding 2.50%

Note: Any waiver to the above requirements shall be approved by the City of Adams and the Planning Commissions consulting engineer.

3. Culverts and Storm Drains. This work shall consist of the construction of pipe culverts and storm sewers as shown on the plans. All culverts and storm sewers under County roads shall be reinforced concrete pipe.

Driveway culverts shall be a minimum diameter of fifteen (15) inches and a minimum length of twenty (20) feet; cross drains shall be a minimum diameter of eighteen (18) inches.

Reinforced concrete pipes shall conform to minimum standards for Class III, Reinforced Pipes, A.S.T.M. C76. Any corrugated metal pipes placed in areas outside the roadway shall conform to Section 915.02 or 915.04, Standard Specifications and to gage as follows:

For pipes smaller than forty-eight (48) inches in diameter, a minimum cover of one (1) foot, exclusive of base and paving, is required from top of pipes to finished subgrade. A minimum cover of two (2) feet is required for pipes forty-eight (48) inches in diameter and larger. All pipes shall be built on straight line and grade and shall be laid with the spigot end pointing in the direction of the flow, with the ends fitted and matched to provide tight joints and smooth uniform invert.

Pipes shall be bedded on a six (6) inch thickness of Class B materials and backfilled to a depth of thirty (30) percent of the diameter of the pipes. Recesses shall be dug into the bedding materials to accommodate the bell. Class B bedding shall be Size No. 7, as shown in Chart No. 903.23, Standard Specifications. Culverts and storm drains in existing and proposed roadways shall be backfilled with crushed stone to the depth of the cut.

4. Headwalls. Concrete headwalls shall be constructed at both ends of cross drains as shown and detailed on the standard drawings included herein.
5. Catch Basins. This work shall consist of constructing catch basins complete within inlets, outlets, and inverts. Tops and inlets shall be constructed to conform to the roadway grade so that drainage can easily be caught, and no ponding created. Catch basins shall be constructed as shown and detailed on the standard drawings contained herein.
6. Box Culverts and Bridges. The design of box culverts and bridges shall be designed to the latest TDOT Standards and approved before construction is permitted.
7. Roadside Ditches. Roadside ditches, in conventional sections, shall be built to a grade that will permit good drainage, and in no case shall the slope of the ditch be less than one (1) percent (a fall of 1.00 foot in 100 feet). All drainage ditches shall be stabilized to prevent erosion as indicated in these specifications.
8. Changes in Water Channels. Where the subdivider re-channels water through a subdivision he will be responsible for replacing cross drains under public streets, as directed by the enforcing officer. This work shall be done at the expense of the subdivider.
9. Curb or Curb Gutter (Formed). Concrete curbs and gutter shall conform to the standard drawings as detailed herein. Concrete for curbs and gutter shall be Class A, at 3,500 psi.

Curb and gutter shall be constructed to the lines and grades shown on the plans, or as designated by the enforcing officer. The final subgrade for curb and gutter shall be carefully graded and compacted to an even density and shall be smooth and true to grade. Curb and gutter shall be constructed with materials and methods which conform to the technical specifications set forth in Section 702, Standard Specifications.

Concrete driveway ramps shall be required on all curbed and gutter streets. The ramps shall extend a minimum of five (5) feet behind the curb. Materials for the remaining portion of the driveway shall be determined by the subdivider. Driveway ramp construction shall conform to detailed standard drawings included herein.

Any driveway ramp to be placed after the initial laying of curb shall require a permit and shall be installed in accordance with the standard drawings included herein.

Any ramp not conforming to the foregoing requirements shall be removed and replaced by the subdivider at his expense and shall be enforced under the provision of the maintenance bond.

E. FINAL DRESSING, SEEDING, AND SODDING

1. Final Dressing. This work shall consist of dressing all slopes and areas to within reasonably close conformity to the lines and grades indicated on the plans, or as directed by the enforcing officer. Final dressing shall be performed by hand or machine to produce a uniform finish to all parts of the roadway including embankments, ditches, etc. Rock cuts shall be cleaned of all loose fragments; side slopes shall be laid back to a three to one (3:1) slope and seeded as described in these specifications. The entire right-of-way shall be cleaned of all weeds and brush and all structures both old and new shall be cleared of all brush, rubbish, sediment, or other objectionable materials.
2. Seeding. In all areas damaged or disturbed by the construction operation where established ground cover was present before beginning of construction, the subdivider shall be responsible for restoring the ground cover after completion of construction, unless noted otherwise on drawings. All areas seeded shall be graded smooth prior to seeding and the subdivider shall be responsible for maintenance of the smooth finished grade until grass is established.

After designated areas have been carefully hand graded, soil shall be prepared for fertilizing and seeding. Fertilizer shall be a standard commercial fertilizer Grade 15-15-15, or equivalent, and shall be applied at a rate of not less than ten (10) pounds per one thousand (1,000) square feet. The fertilizer shall be lightly harrowed, raked, or otherwise incorporated into the soil for a depth of approximately one half (1/2) inch. The subdivider shall be responsible for any regrading or reseeding required to produce an acceptable grass cover. Rutting and washing shall be restored by reseeding and strawing; in areas of extreme erosion sodding may be required.

The seed shall be as follows:

Name	Percent by Weight
Lespedeza	20
Sericea Lespedeza	15
Kentucky 31 Fescue	40
English Rye	15
White Dutch Clover	5
Weeping Love Grass	5
Kentucky 31 Fescue	55
Redtop	15
English Rye	20
White Dutch Clover	5
Weeping Love Grass	5

The seed shall be sown uniformly at the rate of one and one-half (1 1/2) pounds per one thousand (1,000) square feet.

3. **Sodding.** Sodding shall consist of furnishing and placing sod at all locations shown on the plans, or as directed by the enforcing officer. Work shall include the furnishing and placing of new sod, consisting of live, dense, well-rooted growth of permanent grasses free from Johnson grass and other obnoxious grasses or weeds, well suited for the soil on which it is placed. All sod shall be cleanly cut in strips having a uniform thickness of not less than two and one-half (2 1/2) inches. Sod shall be set when the soil is moist and favorable to growth. No setting shall be done between October 1 and April 1, without permission of the enforcing officer. The area to be sodded shall be brought to the lines and grades shown on the plans, or as directed by the enforcing officer.

The surface of the ground to be sodded shall be loosened to a depth of not less than one (1) inch with a rake or other device. If necessary, it shall be sprinkled until saturated for a minimum depth of one (1) inch and kept moist until the sod is placed. Immediately before placing the sod, fertilizer and lime shall be applied uniformly to the prepared surface of the ground. Fertilizer shall be applied at the rate of eight pounds of Grade 15-15-15, or equivalent, per one thousand (1,000) square feet.

Sod shall be placed as soon as practical after removal from the point of origin, it shall be kept in a moist condition during the interim. Sod shall be carefully placed by hand on the prepared ground surface with the edges in close contact and, as far as possible, in a position to break joints. Each strip of sod laid shall be fitted into place and tamped. Immediately after placing, the sod shall be thoroughly wetted and rolled with an approved roller. On slopes of two to one (2:1) or steeper, pinning or pegging may be required to hold the sod in place.

The sod shall be watered as directed by the enforcing officer for a period of two (2) weeks. The subdivider shall not permit any equipment or materials to be placed on any planted area and shall erect suitable barricades and guards to prevent equipment, labor, or the public

from traveling on or over any area planted with sod.

4. Street and Traffic Signs. Street signs and traffic signs shall be installed as required by the appropriate governmental body. The installation of these signs shall be coordinated with the Robertson County Highway Department.
5. Road Construction and Testing Requirements. Testing of the subgrade crushed stone base and asphaltic concrete installed shall be performed according to the latest procedures of the City of Adams. The City must be contacted at least forty-eight (48) hours prior to construction of each of the following phases of construction: earthwork, placing of crushed stone base, placing of asphalt, and bedding and backfilling of culverts. All testing must be performed by a laboratory which is approved by the Tennessee Department of Transportation at the time the road is constructed. The developer shall pay all costs associated with testing requirements. The selection of test points may be determined by the City of Adams, at their discretion.
6. Striping. All roadways constructed shall be striped with centerline striping in accordance with the latest edition of the Manual of Uniform Traffic Control Devices Standard Drawings. The purpose of this section is to include drawings of details for construction. These drawings are to be used in conjunction with the specifications.

Details concerning the construction of sewer and service lines shall be referenced to the specifications for collector sewers, service lines, and house connections for appropriate utility.

Any special construction problems or conditions not covered by these specifications or drawings, shall be submitted to the City of Adams Planning Commission for approval.

**Appendix D:
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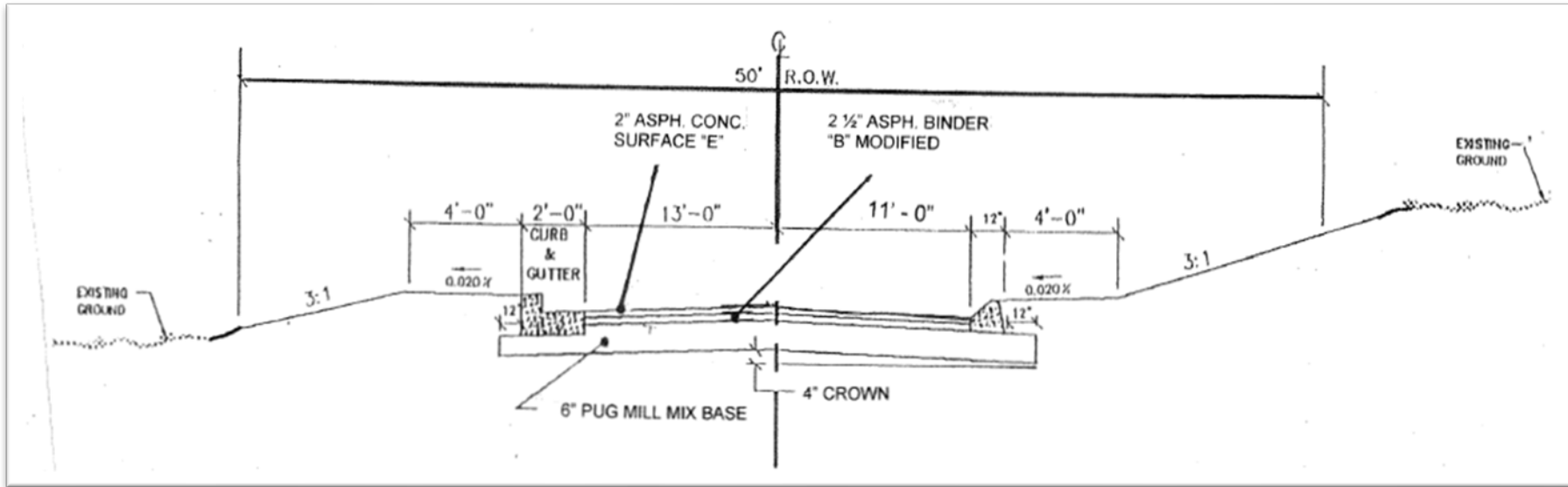
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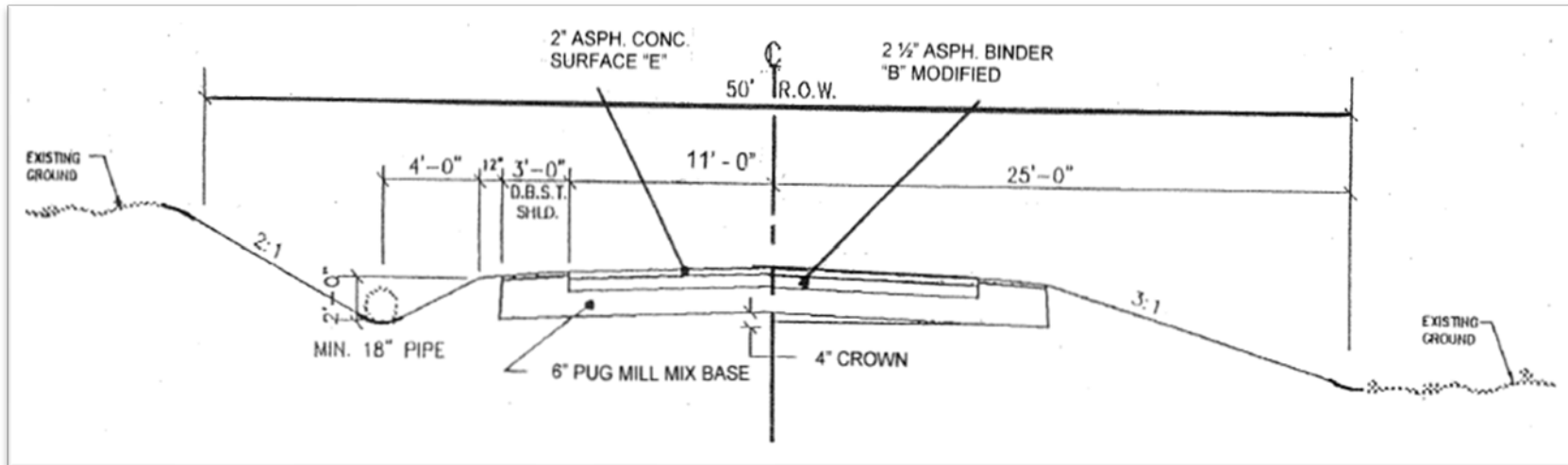
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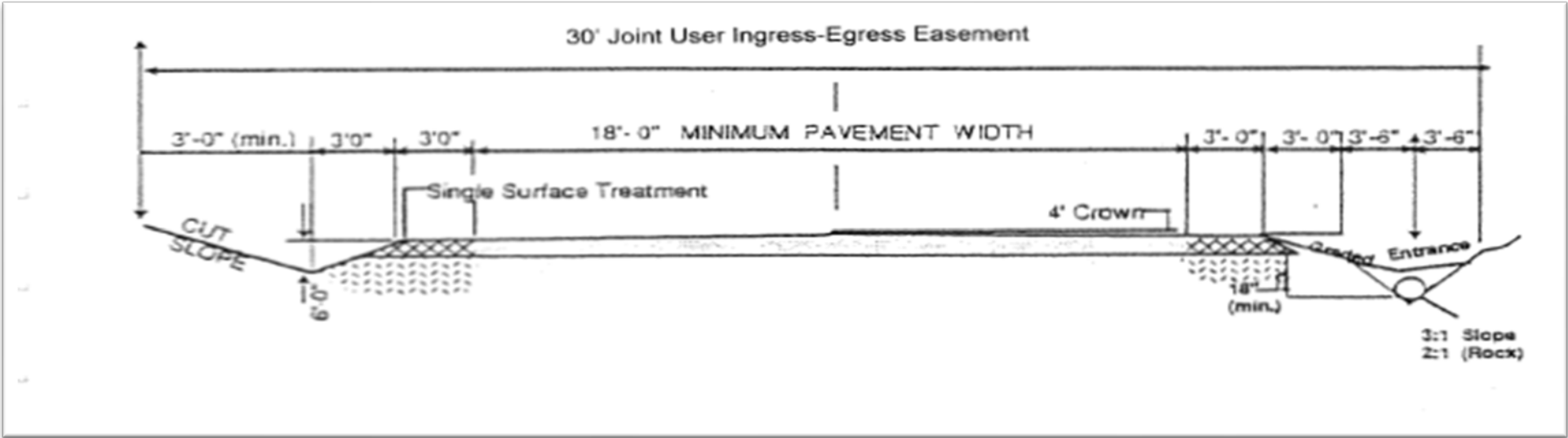
**ROAD SECTION FOR MINOR RESIDENTIAL STREETS:
CURB & GUTTER SECTION (*NOT TO SCALE*)**



**ROAD SECTION FOR MINOR RESIDENTIAL STREETS:
REQUIRED DITCH SECTION (*NOT TO SCALE*)**



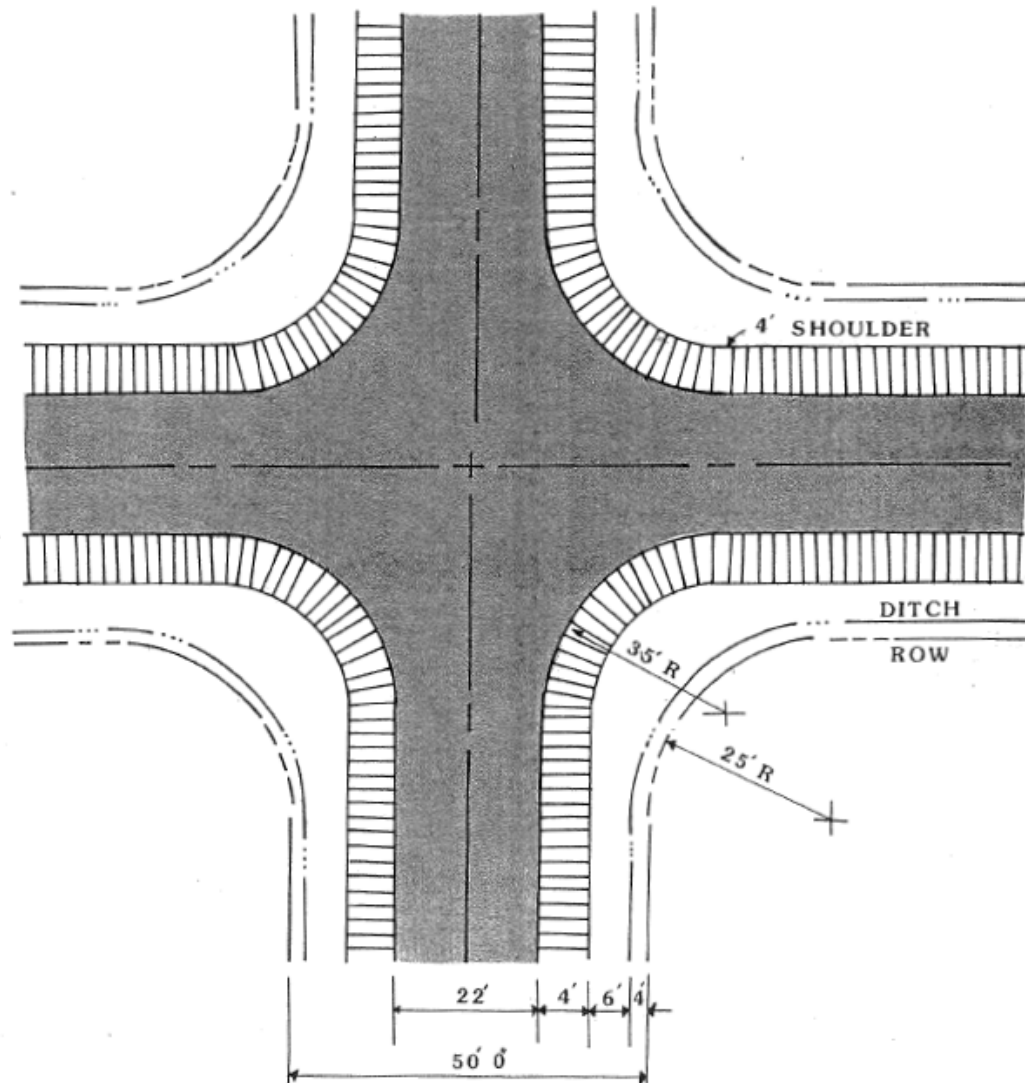
PRIVATE STREET (NOT TO SCALE)



PLAN FOR DITCHED LOCAL RESIDENTIAL STREETS

REQUIRED ROAD SECTION

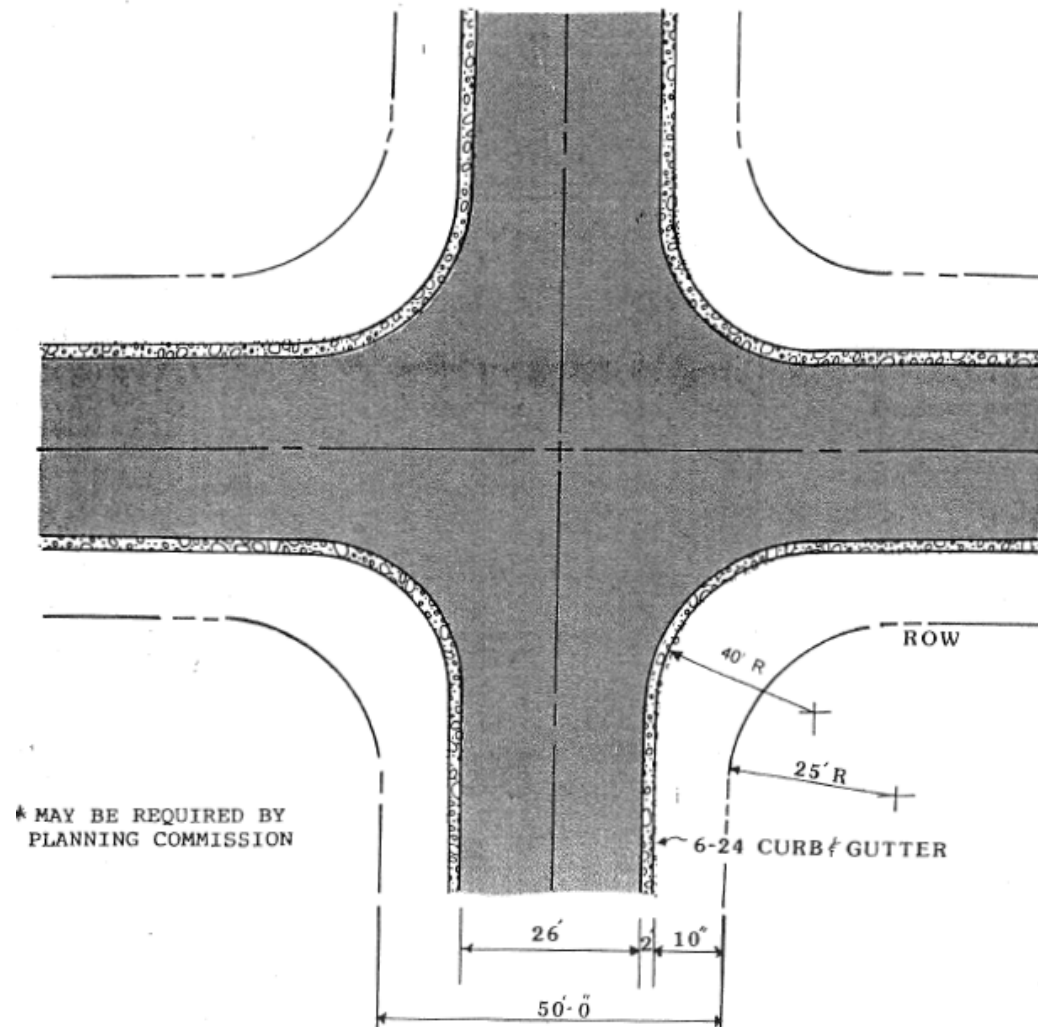
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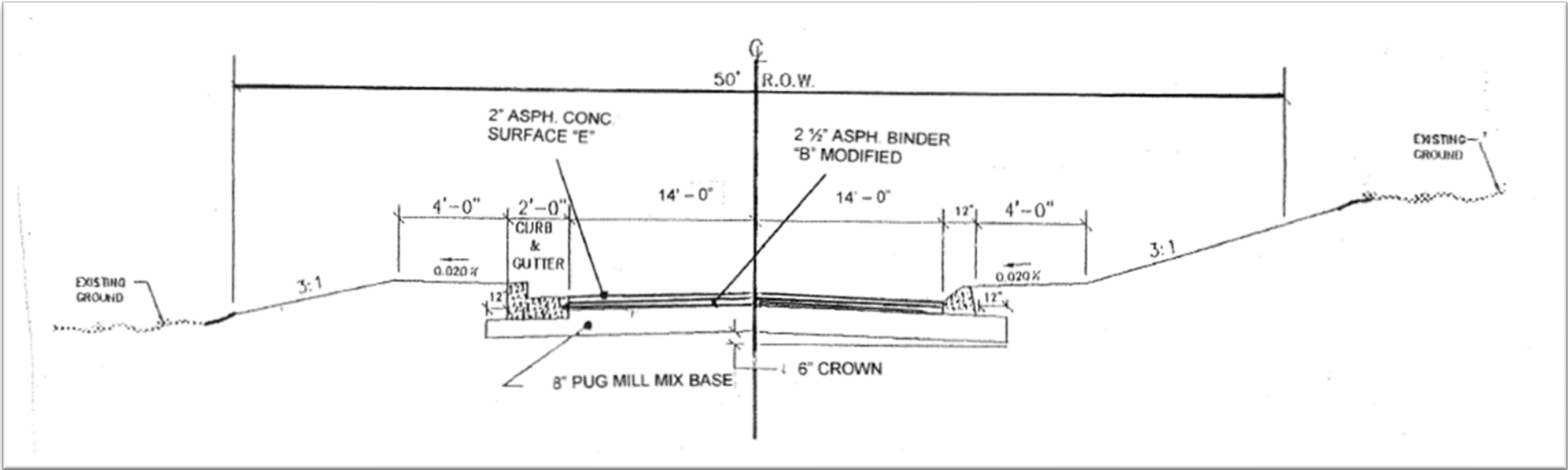
PLAN FOR CURBED LOCAL RESIDENTIAL STREETS

ALTERNATIVE ROAD SECTION*

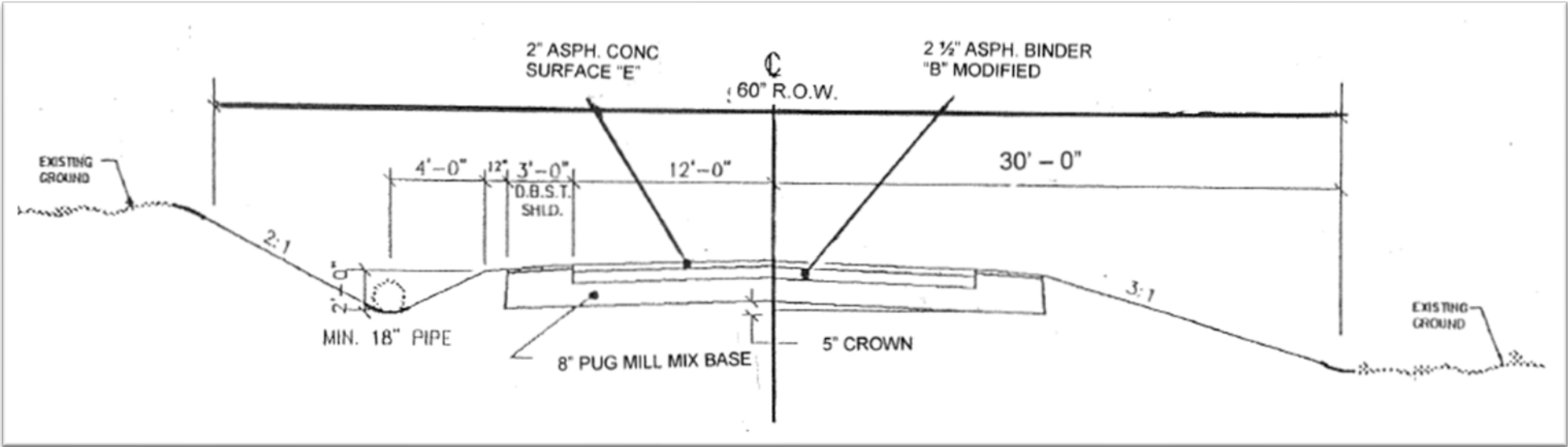
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Road Section for Collector Residential Streets (NOT TO SCALE)
REQUIRED CURB & GUTTER SECTION



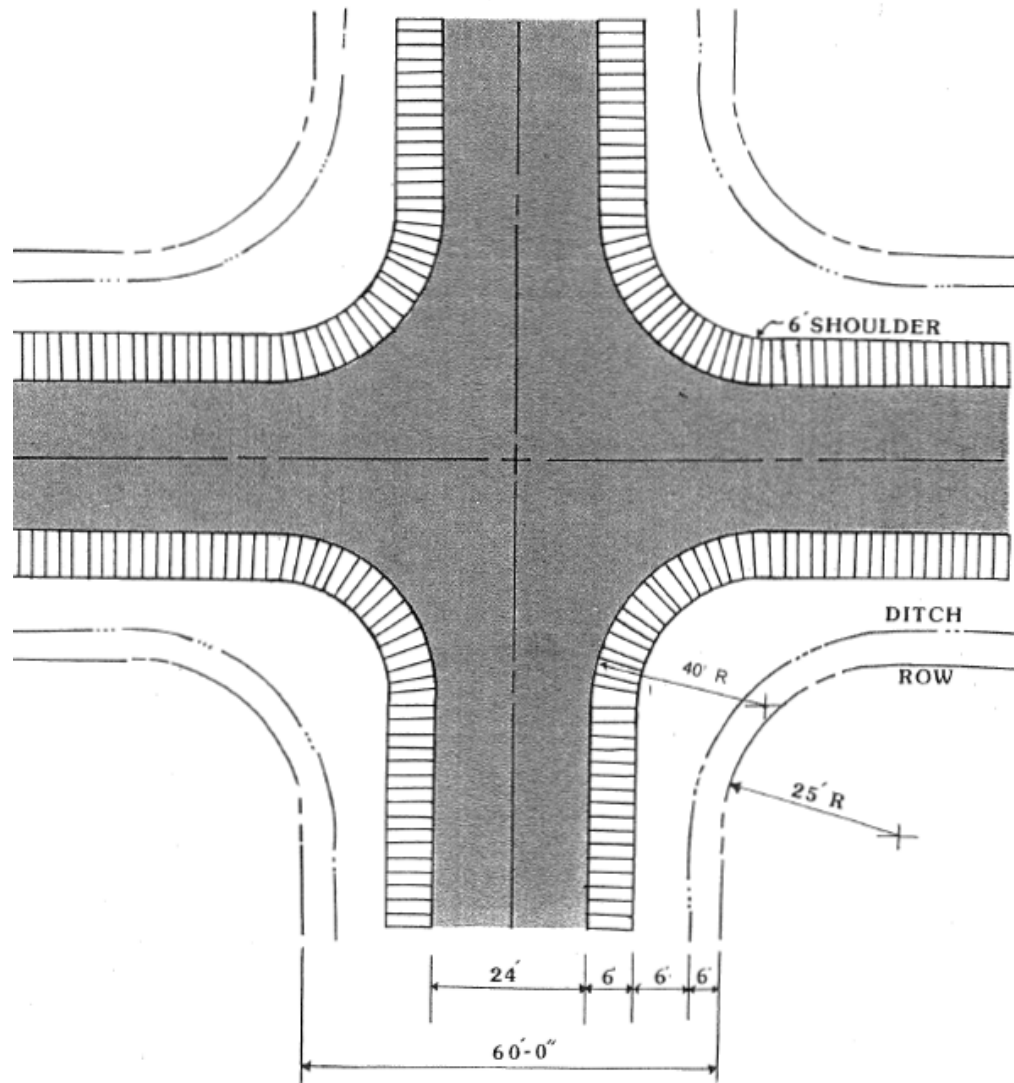
REQUIRED DITCH SECTION (NOT TO SCALE)



PLAN FOR DITCHED COLLECTOR STREETS

REQUIRED ROAD SECTION

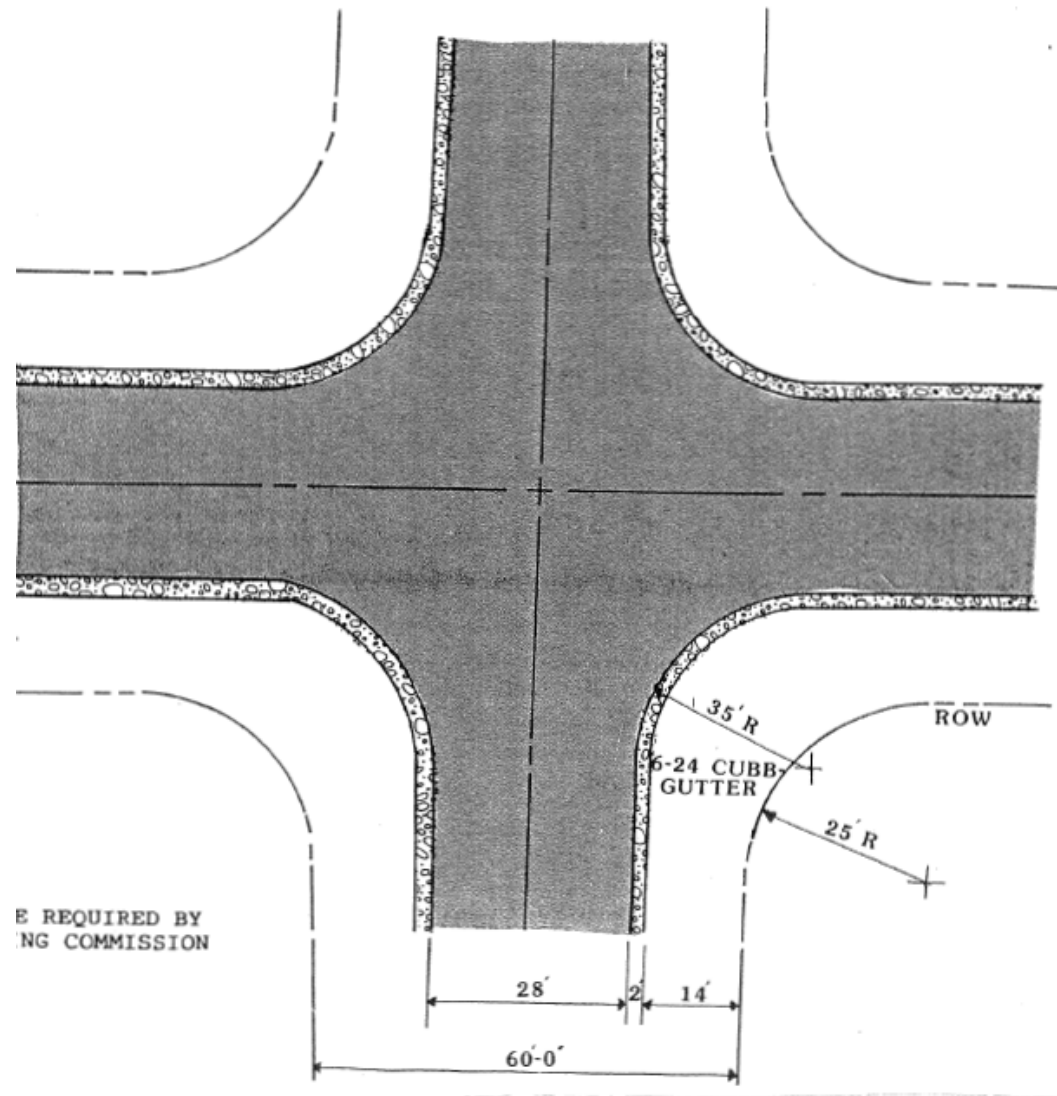
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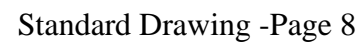
PLAN FOR CURBED COLLECTOR STREETS

ALTERNATIVE ROAD SECTION*

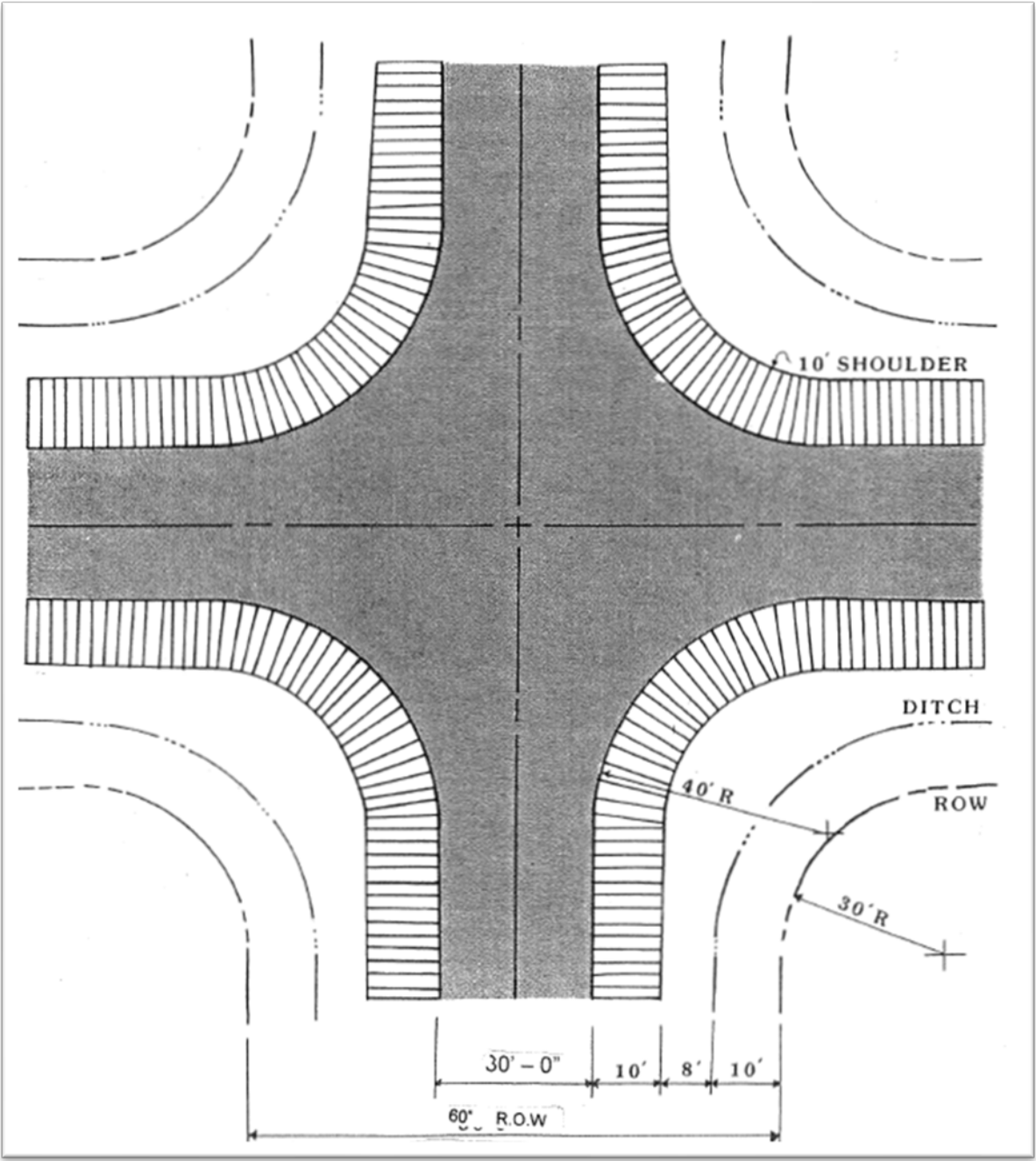
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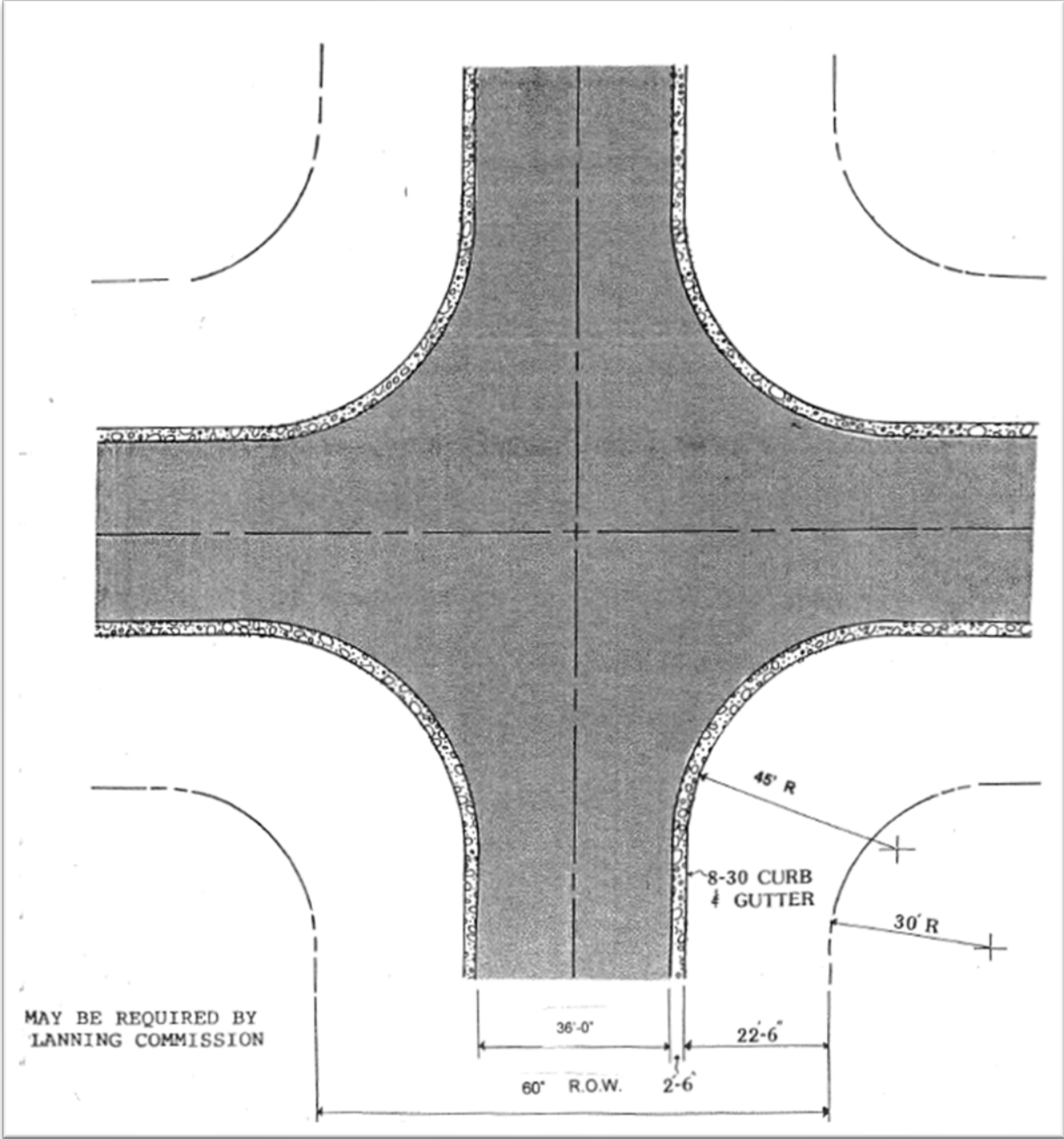
Required Curb & Gutter Section



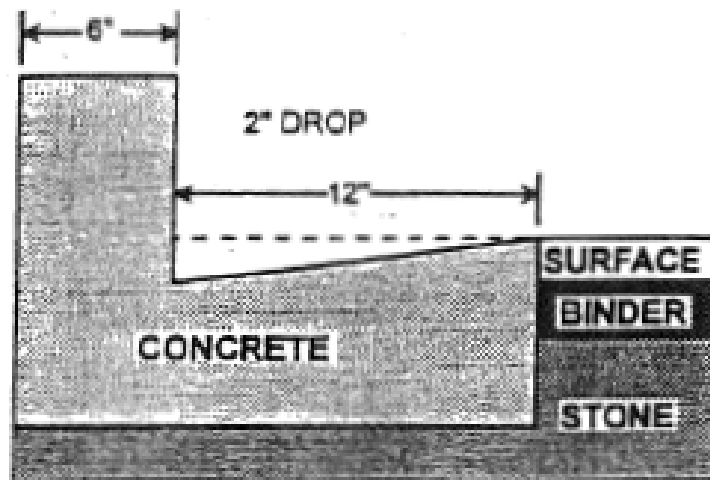
PLAN FOR DITCHED COMMERCIAL-INDUSTRIAL STREETS (NOT TO SCALE)
Required Road Section



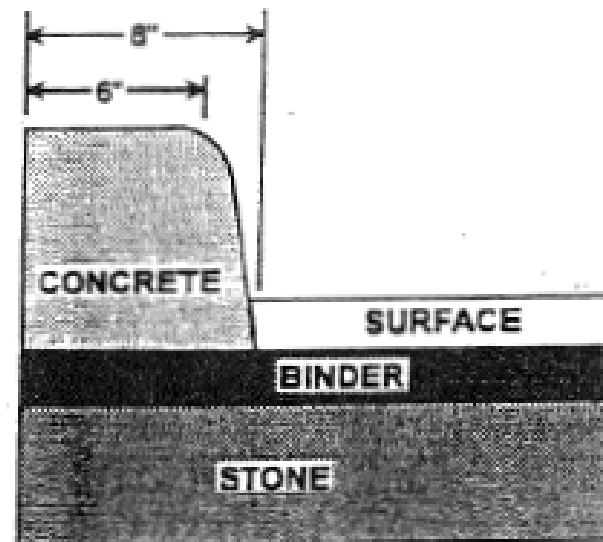
PLAN FOR DITCHED COMMERCIAL-INDUSTRIAL STREETS (NOT TO SCALE)
Alternative Road Section



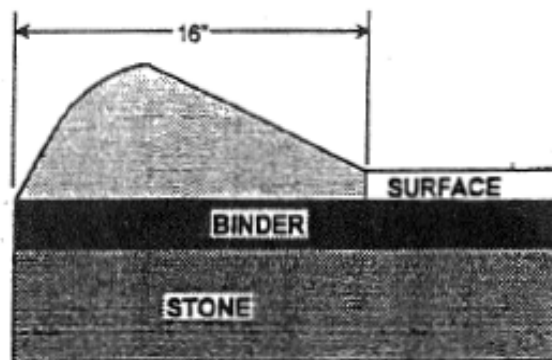
CURB DESIGN ALTERNATIVES



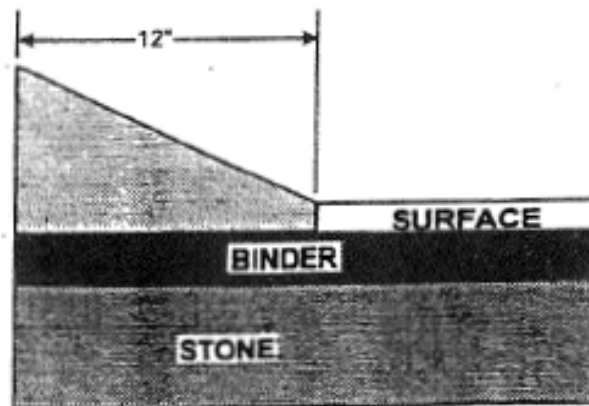
CONCRETE ONLY



CONCRETE ONLY

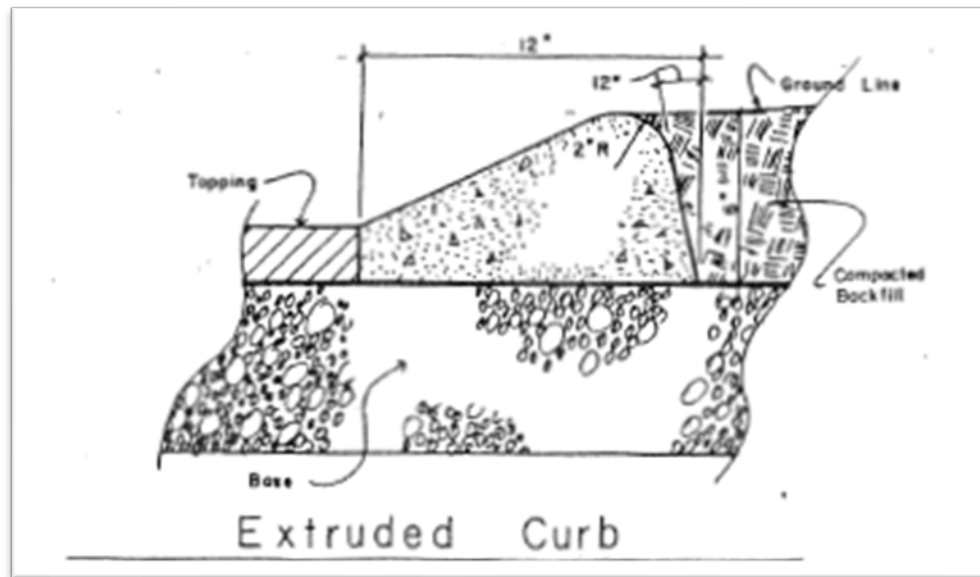
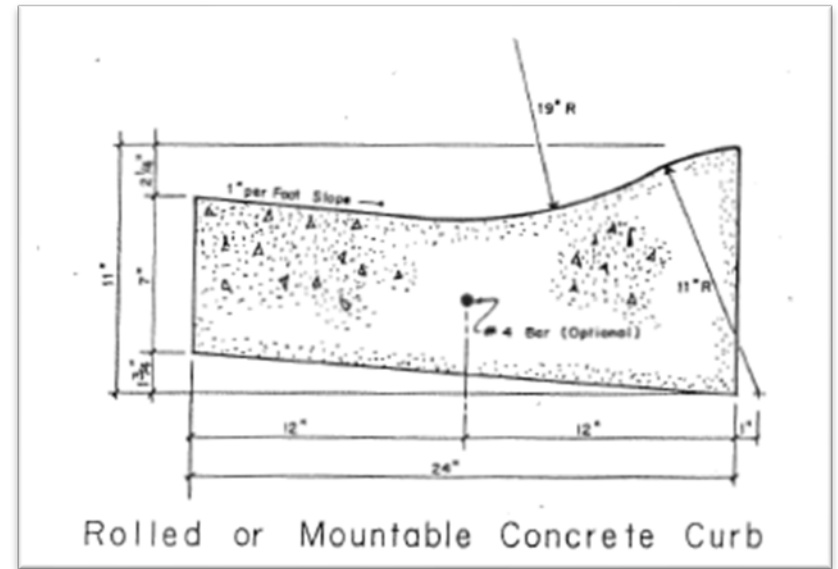
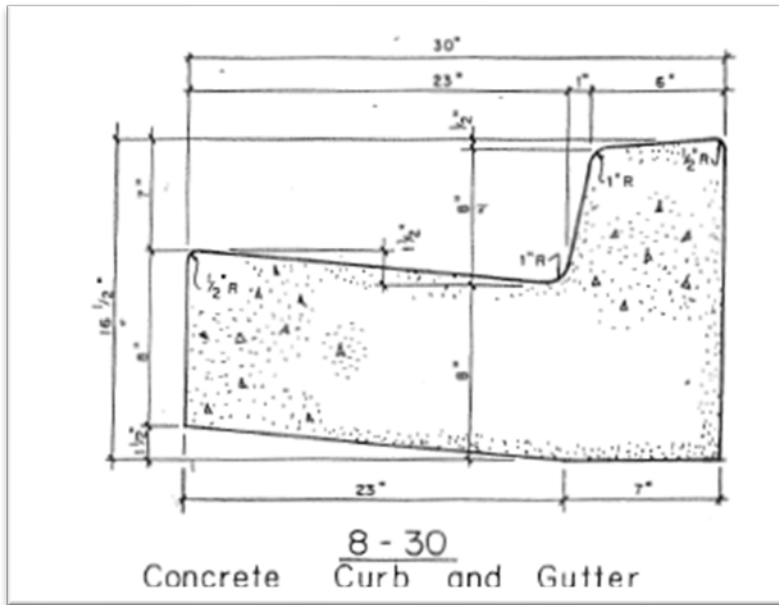


CONCRETE OR ASPHALT

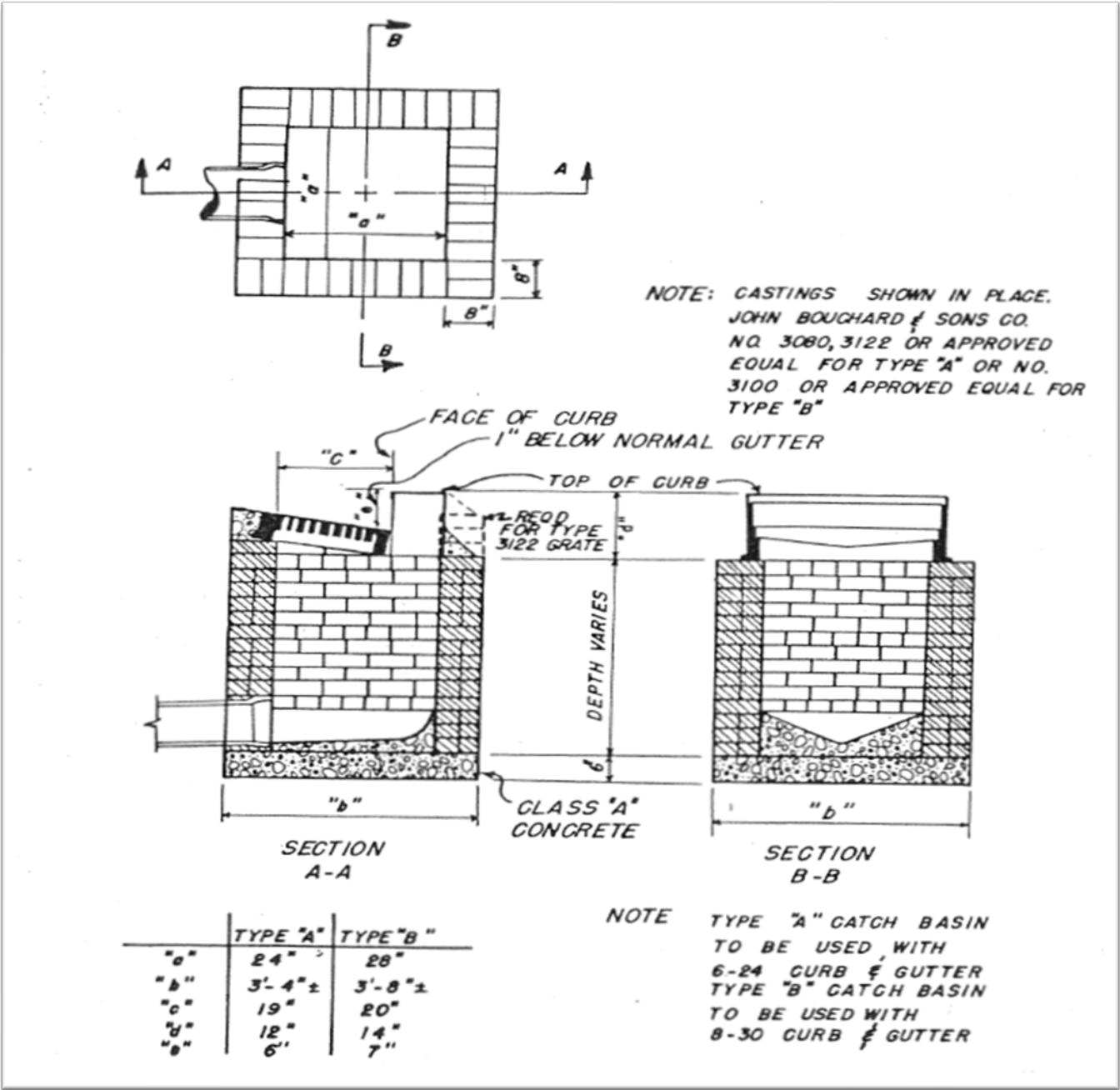


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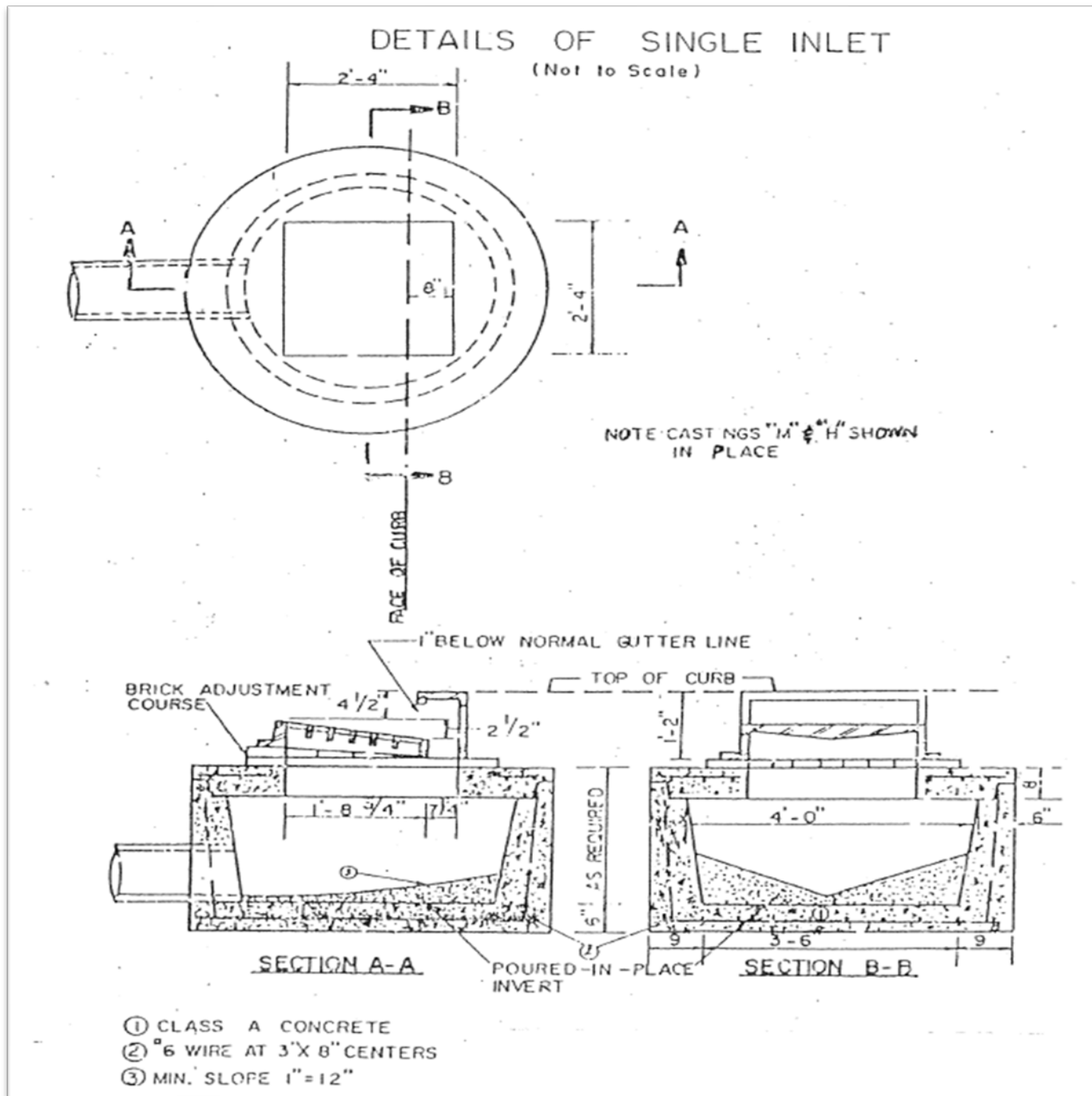
COMMERCIAL AND INDUSTRIAL STREETS (NOT TO SCALE)



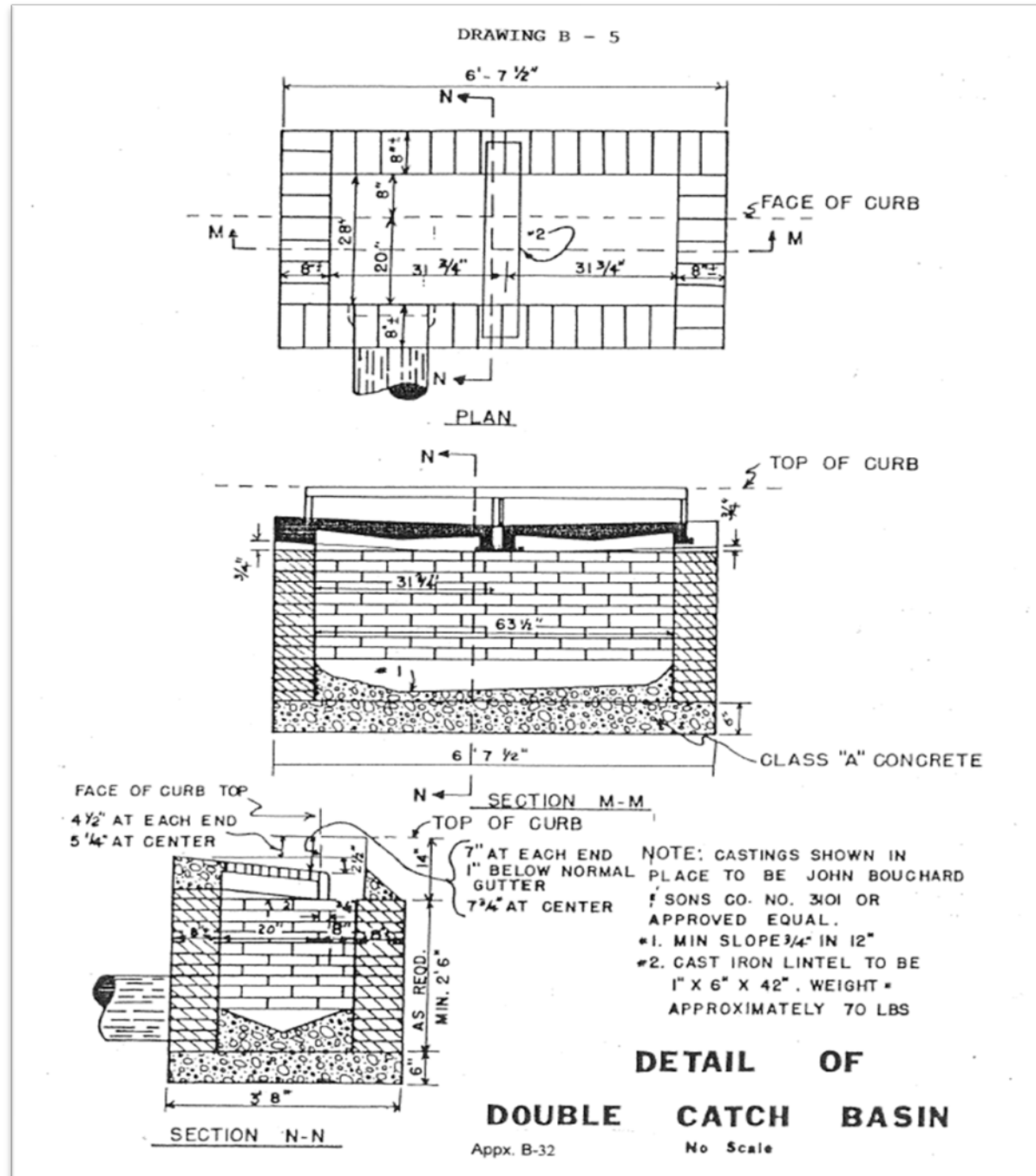
DETAIL OF CATCH BASIN (NOT TO SCALE)



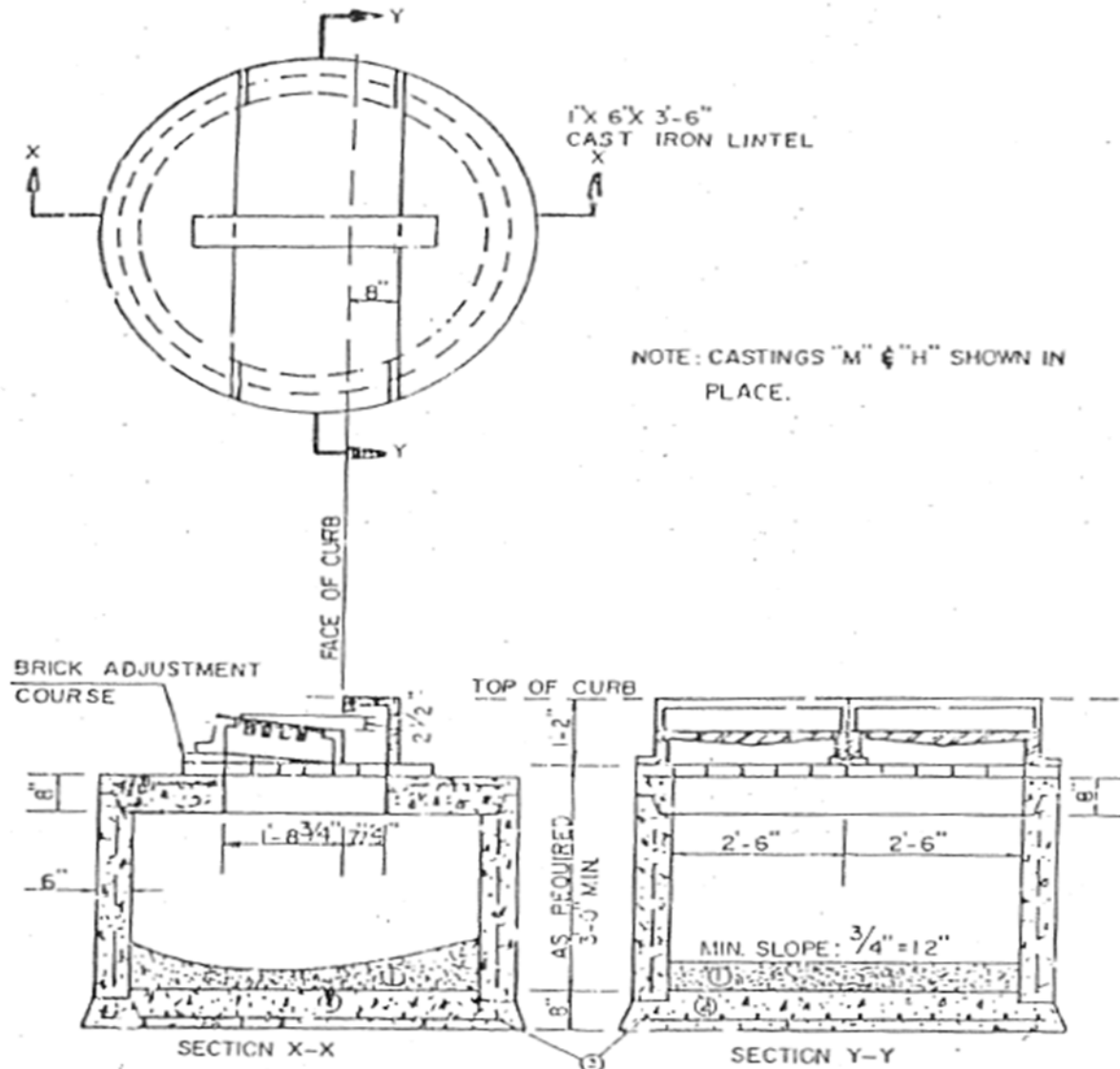
DETAILS OF SINGLE INLET (NOT TO SCALE)



DETAIL OF DOUBLE CATCH BASIN (NOT TO SCALE)

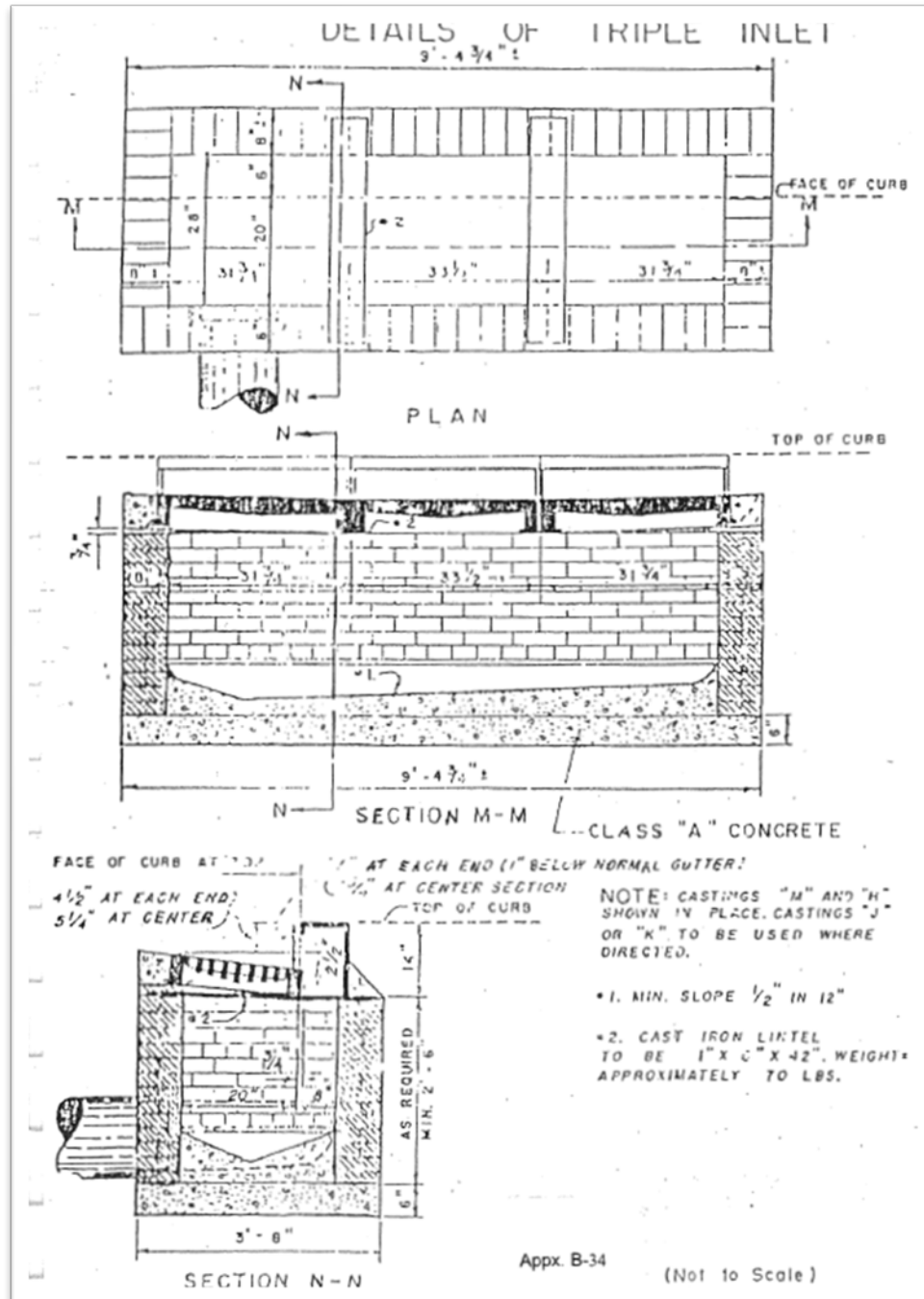


DETAIL OF DOUBLE INLET (NOT TO SCALE)

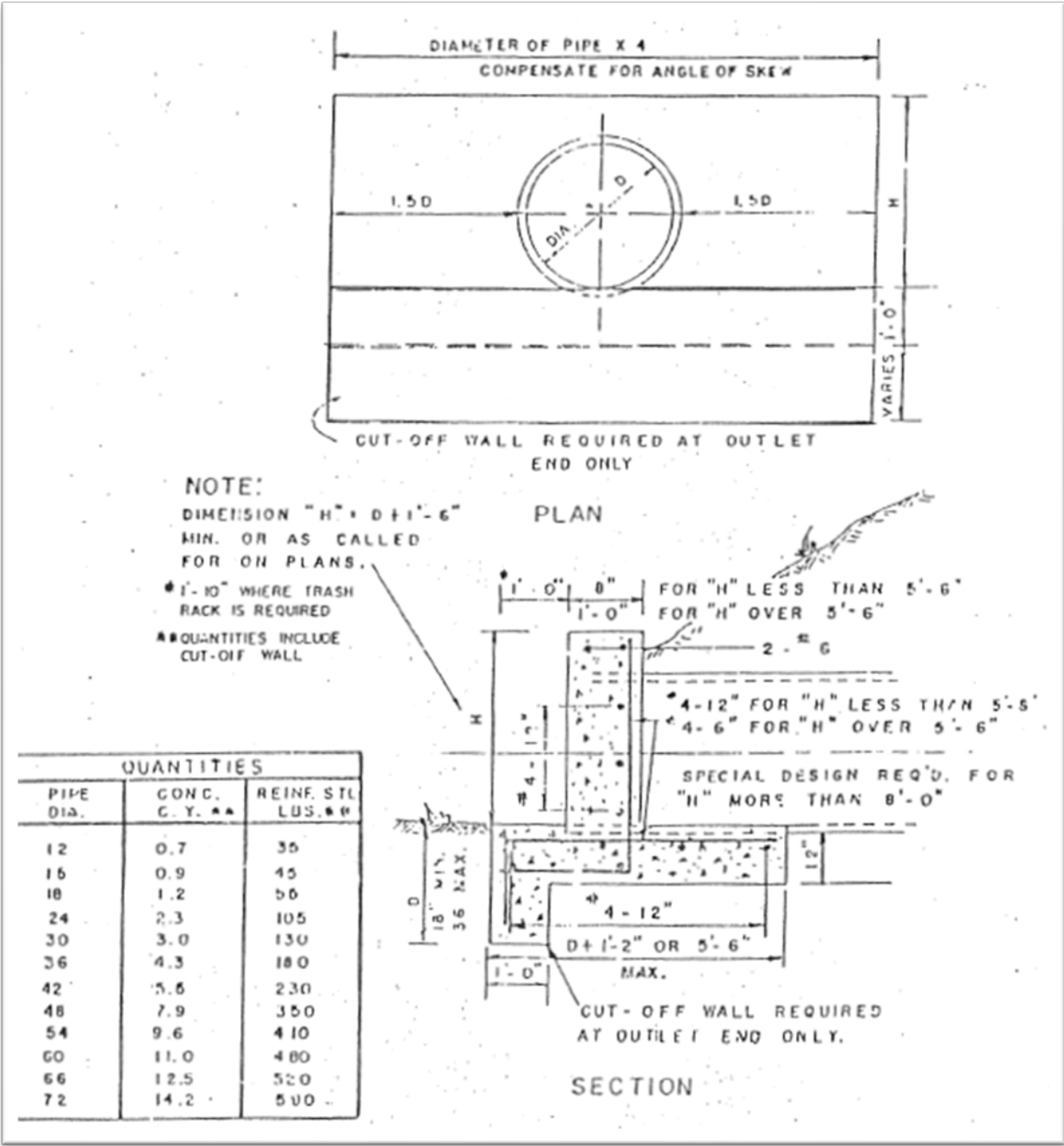


- ① POURED IN PLACE CONCRETE INVERTS
- ② CLASS "A" CONCRETE
- ③ "3 WIRE AT 3" X 8" CENTERS

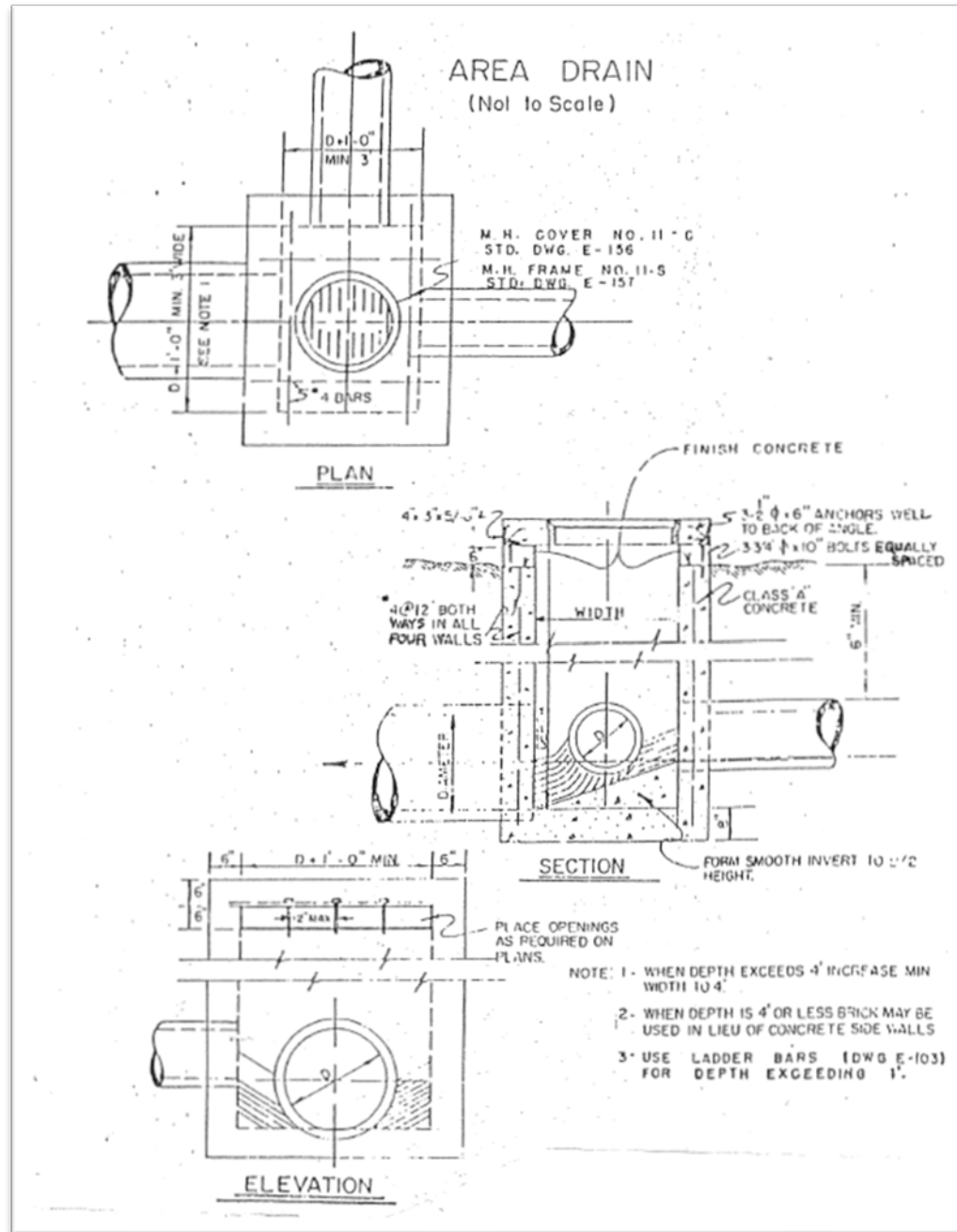
DETAIL OF TRIPLE INLET (NOT TO SCALE)



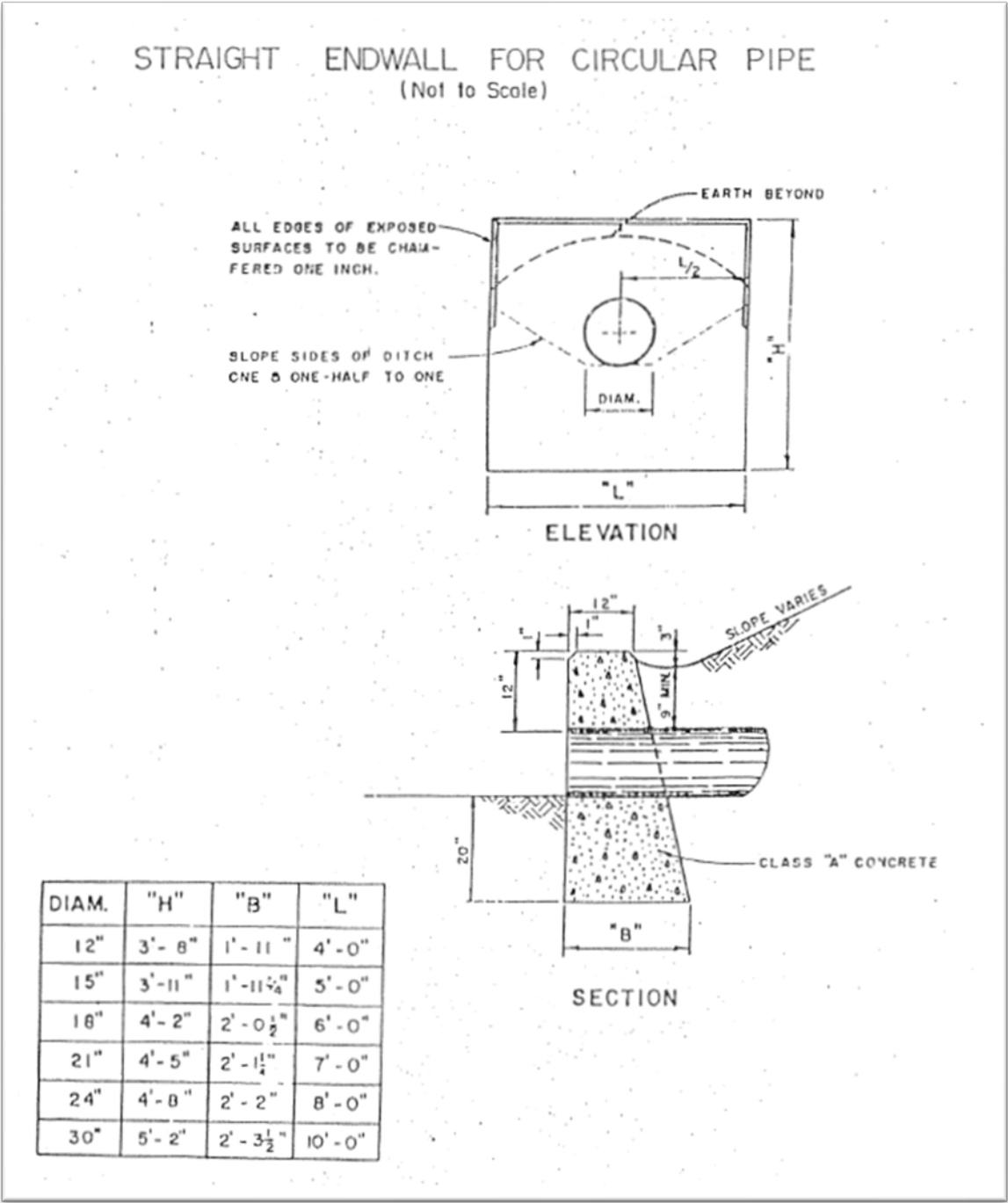
REINFORCED CONCRETE HEADWALL (NOT TO SCALE)



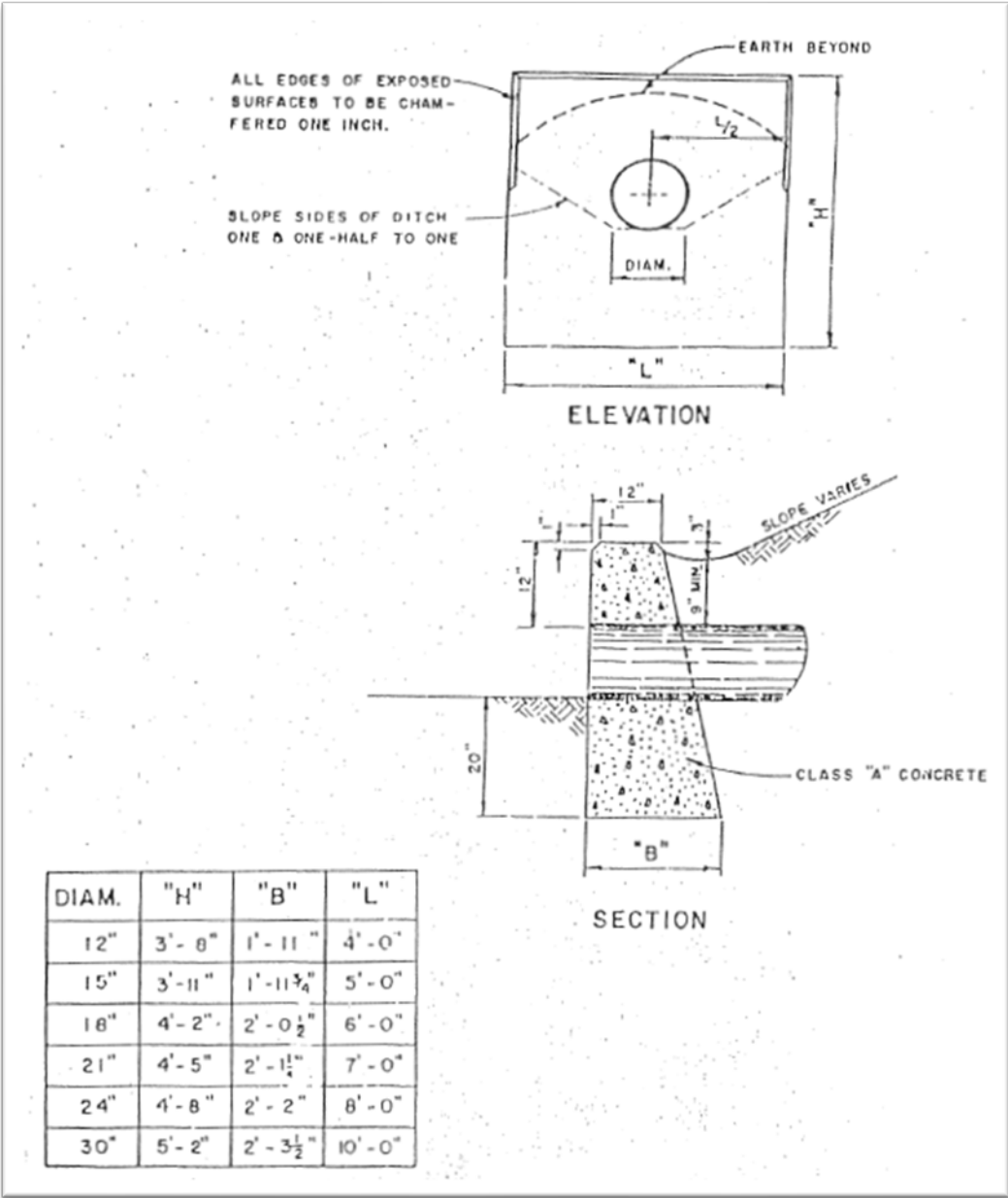
AREA DRAIN (NOT TO SCALE)



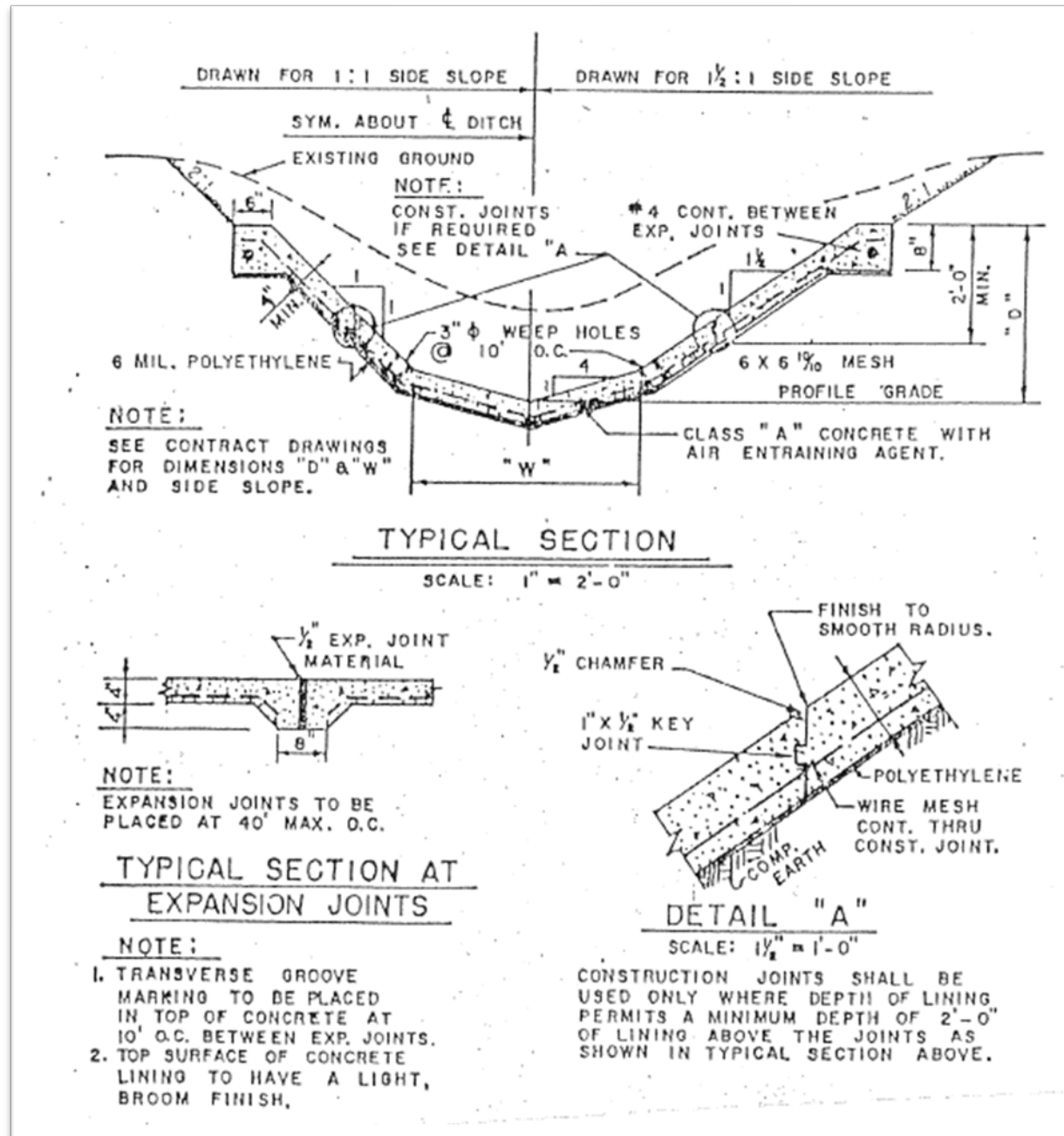
STRAIGHT ENDWALL FOR CIRCULAR PIPE (NOT TO SCALE)



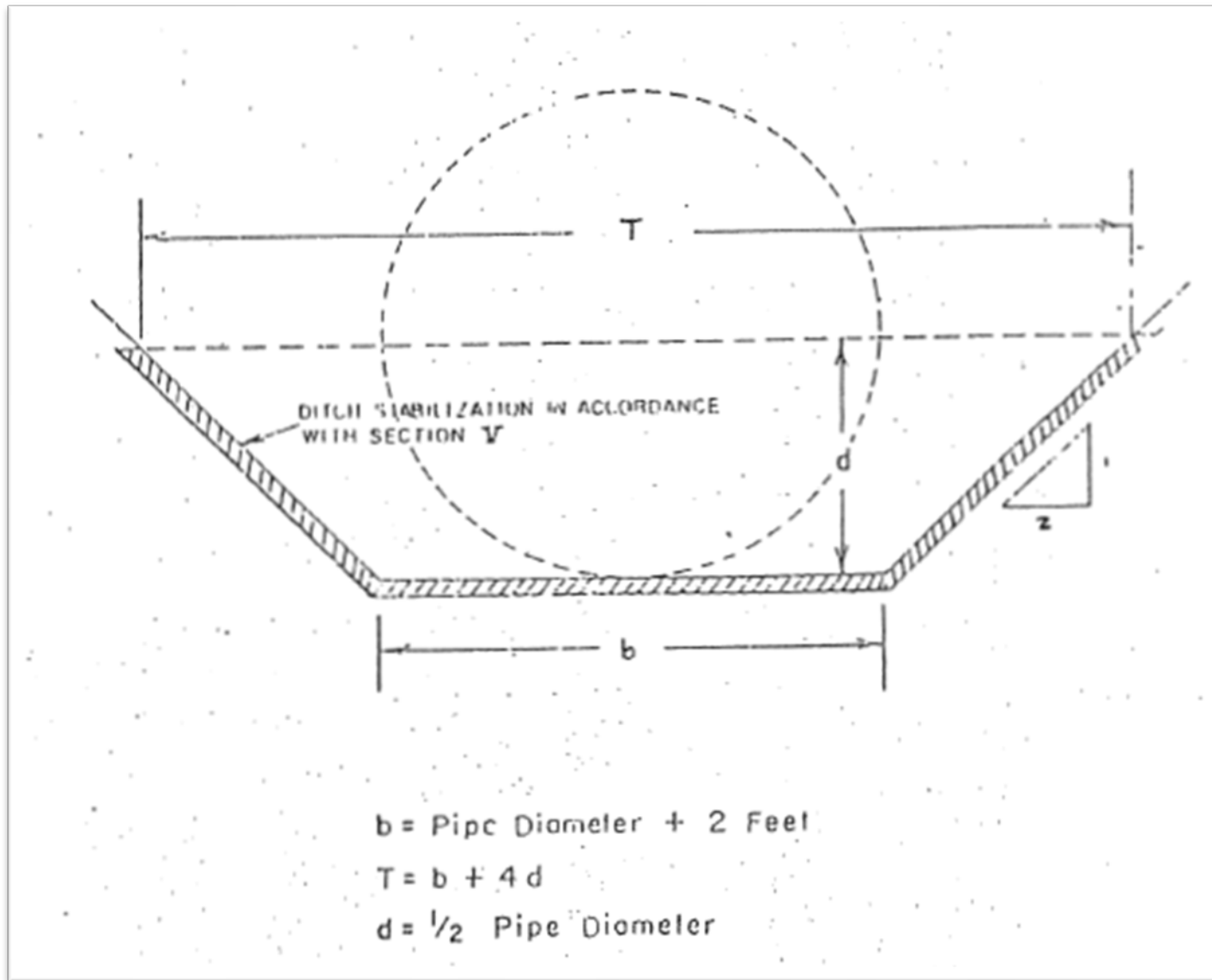
STRAIGHT ENDWALL FOR PIPE ARCH (NOT TO SCALE)



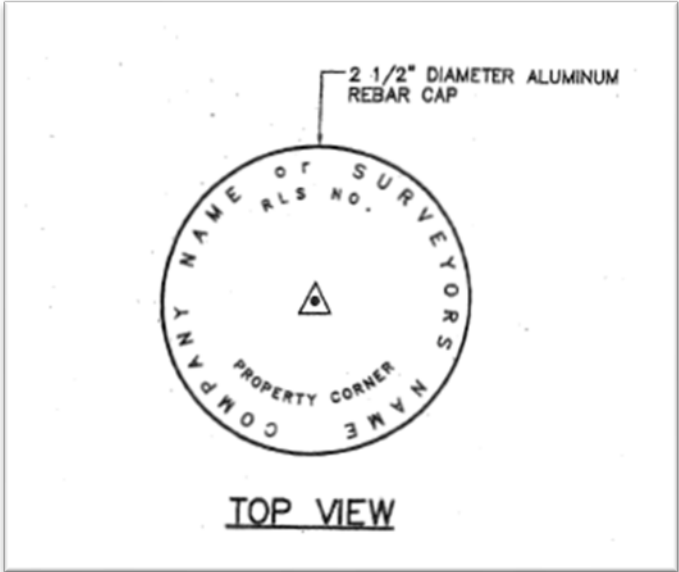
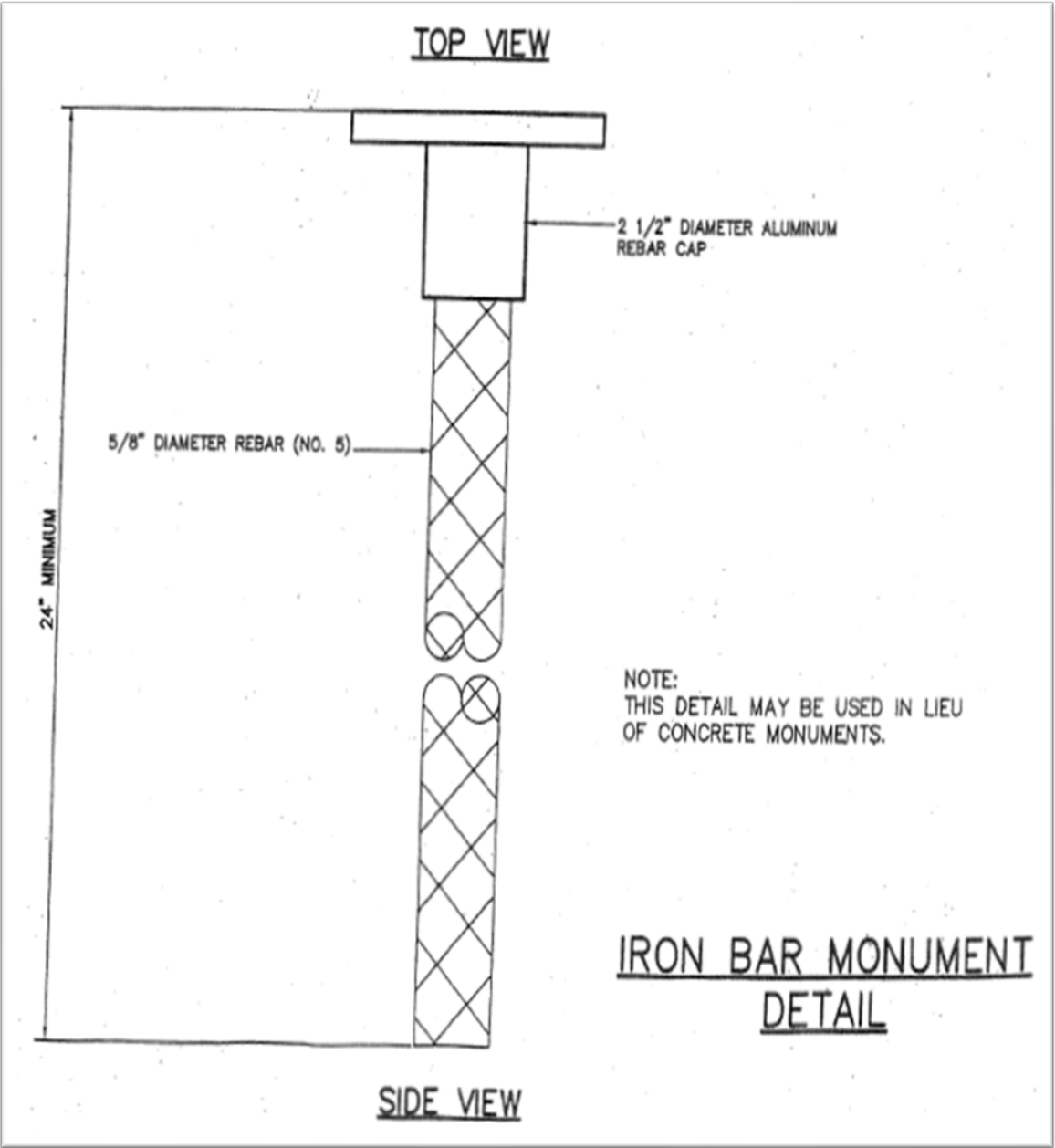
CONCRETE LINED DITCH (NOT TO SCALE)



TYPICAL STABILIZED DITCH SECTION (NOT TO SCALE)



IRON BAR MONUMENT DETAIL (NOT TO SCALE)



APPENDIX E:
OFFER OF IRREVOCABLE DEDICATION

AGREEMENT made this _____ day of _____, 20____, by and between _____, a _____, having its office and place of business at _____, hereinafter designated as "developer", and the City of Adams, Tennessee, hereinafter designated as the "local government".

WHEREAS, the Adams Municipal Planning Commission is in the process of approving a subdivision plat entitled, _____, dated _____, and made by _____; and

WHEREAS, said map designates certain public improvements consistent with _____ to be dedicated to the City of Adams, free and clear of all encumbrances and liens, pursuant to the requirements of the Adams Municipal Planning Commission and the local government; and

WHEREAS, the developer, simultaneously herewith, shall post a surety instrument or other surety instrument with the County for the construction, maintenance, and dedication of said improvements, if required; and

WHEREAS, the developer is desirous of offering for dedication the said improvements and land to the local government more particularly described in Schedule _____, attached, hereto;

WHEREAS, the developer has delivered deeds of conveyance to the City for the said land, and improvements as described herein;

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) lawful money of the United States paid by the local government to the developer and other good and valuable consideration, it is mutually AGREED as follows:

1. The developer herewith delivers to the local government deeds of conveyance for the premises described in Schedule _____, attached hereto, said delivery being a formal offer of dedication to the local government, until the acceptance or rejection of such offer of dedication by the local government.
2. The developer agrees that said formal offer of dedication is irrevocable and can be accepted by the local government at the time.
3. The developer agrees to complete the construction and maintenance of the land and improvements pursuant to the surety instrument and the requirements of the Adams Municipal Planning Commission and any ordinances, regulations, requirements, covenants, and agreements that may be imposed by the local government with respect thereto and, upon acceptance by the local government of the offer of dedication, shall within thirty (30) days after written notice from the local government of acceptance of the offer of dedication, furnish to the local government a sworn statement certifying that the premises are free and clear of all liens and encumbrances and

shall furnish to the local government a check for all necessary fees and taxes to record the deeds heretofore delivered.

_____, 20____
Date

Developer

(CITY SEAL)

ATTEST FOR THE CITY OF ADAMS, TENNESSEE BY:

Name and Title

Date

ACKNOWLEDGMENT: COPARTNERSHIP

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be one of the firm **described** in and who executed the foregoing instrument, and he/she, thereupon, acknowledged to me that he/she executed such instrument as and for the act and deed of said firm.

**CORPORATE
STATE OF TENNESSEE**

(COUNTY OF _____) SS: _____

On this _____ day of _____, 20____, before me personally appeared _____, to me known, who, being by me first duly sworn, did depose and said that he/she resides in _____; that he is the _____ of _____, the corporation described in and which executed the foregoing instrument; that he/she knows the corporate seal of said corporation; the corporate seal affixed by order and authority of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order and authority.

**INDIVIDUAL
STATE OF TENNESSEE**

(COUNTY OF _____) SS: _____

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be the individual described in and who executed the foregoing instrument; that he/she acknowledged to me that he/she executed the same.

Appendix F: SURETY INSTRUMENT RENEWAL POLICY

SUBDIVISION NAME: _____

NAME OF DEVELOPER: _____

DATE OF SURETY INSTRUMENT: _____

AMOUNT OF SURETY INSTRUMENT: _____

EXPIRATION DATE OF SURETY INSTRUMENT: _____

**DEADLINE FOR RECEIPT OF WRITTEN REQUEST FOR FINAL INSPECTION
OF COMPLETED IMPROVEMENTS* _____
(60 Days Prior to Expiration Date of Irrevocable Letter of Credit)**

*In order to allow adequate time for the process of final acceptance of the subdivision improvements by the Adams Municipal Planning Commission, it is necessary that the developer contact (in writing) the office of the City of Adams Planning Commission by this date indicating that he has completed the improvements and is ready for a final inspection of the improvements.

If written notice is not received by this date or if the improvements are not satisfactorily constructed by this date, the developer will be required to renew the Irrevocable Letter of Credit prior to the expiration date of the Irrevocable Letter of Credit.

If the developer chooses to renew the Irrevocable Letter of Credit but would like the Irrevocable Letter of Credit amount to be reduced due to partial completion of the improvements, notice of such request must, also, be received by this date.

NOTE: It is the sole responsibility of the developer to contact (in writing) the Adams Municipal Planning Commission to request a final inspection by this date.

It is also the sole responsibility of the developer to renew the Irrevocable Letter of Credit before the expiration date of the previous Irrevocable Letter of Credit if the request for final inspection of the completed improvements is not received by this date or if the improvements are not satisfactorily constructed.

A maintenance Irrevocable Letter of Credit will also be required for a period of one (1) year from the date that the Adams City Council accepts the subdivision improvements.

If at the end of the maintenance Irrevocable Letter of Credit period corrections to deficiencies are necessary, the developer will be required to correct the deficiencies, or the maintenance

Irrevocable Letter of Credit will be utilized to make these corrections.

CERTIFICATION

I, _____ hereby, certify that I have read all of the above requirements and fully understand them. I, _____ also, certify that I received on this date a signed and dated copy of this form.

SIGNATURE OF DEVELOPER

DATE