

CITY of BIXBY

**SUBDIVISION
REGULATIONS**

Ordinance No. 854
Adopted September 9, 2002

THE SUBDIVISION REGULATIONS

BIXBY, OKLAHOMA

This is the publication of the Subdivision Regulations as adopted by Ordinance No. 854 on September 9, 2002. This document will be codified by the City as amendments are adopted by the City Council. Additional copies of this Regulation may be obtained for a reasonable fee at the office of the City Planner. Supplements to this Regulation will also be available for a reasonable fee at the office of the City Planner.

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CHAPTER 1. GENERAL PROVISIONS

1.1 TITLE AND CODIFICATION.

This regulation and all amendments thereto, shall be known and may be cited as the "Bixby Subdivision Regulations", and shall be separately codified by the City Attorney.

1.2 JURISDICTION.

These subdivision regulations shall apply to all subdivisions of land located within the jurisdictional area of the City as established by law now in effect or as may be amended from time to time.

1.3 PURPOSES.

These regulations are adopted for the following purposes:

- I. To provide for the physical development of the City of Bixby in accordance with the Comprehensive Land Use Plan and the Major Street and Highway Plan, Engineering Standards, Stormwater Design Criteria;
2. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City of Bixby, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
3. To secure and provide for the proper arrangement of streets or other highways in relation to the existing or planned streets or highways or to the Comprehensive Land Use Plan or plans of the area; for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, parking lots, parks, playgrounds, light and air; and for the avoidance of congestion of populations;
4. To establish a subdivision process that is as expeditious, efficient and cost effective as possible, while providing for public health, safety and general welfare.

1.4 SCOPE.

These subdivision regulations shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the 26th day of August 2002. Provided that if such land is re-platted, the re-plat will comply with this regulation. Nor is it intended by these regulation to repeal, abrogate, annul, or in any way impair or interfere with

existing provisions of other laws or ordinances except those specifically repealed, or with private restriction placed upon property by deed, covenants, or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this regulation poses a greater restriction than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this regulation shall control.

1.5 DEFINITIONS.

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future. Words in the plural number include the singular, and words in the singular number will include plural. The word "shall" is always mandatory; the word "may" is always directory.

ACCEPTANCE BY THE CITY: Acceptance by the City shall mean acceptance by the City Council in a public meeting.

ALL WEATHER MATERIAL: A hard surface, dust-free material capable, during ordinary use, of withstanding without substantial deterioration, and normal weather conditions. Gravel, rock, or screenings done without the use of a petroleum or cement binder does not meet the definition of an all-weather dust free material.

BLOCK: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or greenstrips, rural land or drainage channels, or a combination thereof.

BUFFER: An area of land or open area used to provide a physical separation between, and enhance the compatibility of, different types of land use. Such areas may be devoted to landscaping and fencing.

BUILDING LINE OR SETBACK LINE: A line or lines designating the area outside of which buildings may not be erected. The horizontal distance, from the point measured, from the right-of-way of an abutting street or the boundary line of an abutting zoning district nearest to the building wall.

CITY: The City of Bixby, Oklahoma.

CITY COUNCIL: The governing and approval body for the City of Bixby consisting of a Five (5) member council, which shall consist of one Council member elected from each of the five (5) wards of the City in which resides all powers provided by the City Charter subject to the state constitution and state law.

CITY (OFFICER): The word "City" followed by the name of any officer means any officer or designee of such officer employed by the City of Bixby to fulfill any of the duties of the office named.

COMPREHENSIVE LAND USE PLAN: A general development plan based upon the present and the projected future needs of the city as currently adopted or as may be hereafter adopted by the City Council. The Comprehensive Land Use Plan may also be referred to as the Master Plan or the Plan, and constitutes a plan which indicates the general locations recommended for the various functional classes of works, places, and structures, and for the general physical development of the City of Bixby; such designation includes the entire body of such documents, or any unit or part thereof as may be separately adopted including amendments to such plan or parts thereof.

CONTRACTOR: A person, firm or corporation having entered into a contractual agreement with the City, engaged in any aspect of the construction of improvements, including but not limited to street paving.

CONSTRUCTION: Any activity at the proposed subdivision which includes, but not limited to, earthwork, digging, trenching, backfilling, clearing and grubbing, street work, and/or utility installation.

CONSTRUCTION PLANS: The detailed construction or engineering drawings for all public improvements within the proposed subdivision complying with the requirements of these regulations and fully illustrating the design features of the subdivision.

COUNTY CLERK: The Clerk of the county in which the land is located, unless the context indicates otherwise.

CUL-DE-SAC: A minor street having one end open to traffic and being terminated at the other end by a vehicular turn-around.

DEVELOPER: The owner or agent of the owner of the land having rights to subdivide and order the construction of improvements.

DRIVEWAY ENTRANCES: The ingress and egress for the property adjacent to a street, and being located between the street pavement and the street right-of-way line.

EASEMENT: A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

ENGINEER: A registered, professional engineer in good standing with the State of Oklahoma Board of Registration for Professional Engineers and Land Surveyors.

ENGINEERING DESIGN STANDARDS: The standard drawings and written technical requirements concerning public improvements as adopted by separate ordinance by the City of Bixby.

FINAL PLAT: The map, drawing, or chart complying with the requirements of these regulations on which an owner's plan of subdivision is presented to the Planning Commission and to the City Council for approval, and which, if approved, will be submitted to the County Clerk for recording.

FLOODPLAIN: land area susceptible to being inundated by water from any source including storm, river, ponds, streams, drainage ditches, and other causes.

FLOODWAY: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOD HAZARD AREA: The area which is subject to inundation by the regulatory flood. This includes areas of shallow flooding, which occurs where a clearly defined channel does not exist, and where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. This also includes man-made sumps in the streets as well as areas, which although not presently in a flood area, may be flooded in the future by increased runoff due to urbanization. The flood hazard also exists in diminishing degree with increasing elevation on higher adjacent lands. The flood hazard area shall be determined from the Flood Insurance Rate Map as provided by the Federal Emergency Agency.

HEALTH DEPARTMENT: As to land located within Tulsa County, the cooperative Health Department of the cities located within Tulsa County and of Tulsa County; as to land located within Wagoner County, the Wagoner County Health Department.

HIGHWAYS: See Streets and Alleys.

IMPROVEMENTS: Grading, street surfacing, construction of curbs and gutters, sidewalks, culverts, bridges, water distribution systems, wastewater systems, stormwater systems, other utilities, and other features required to support the development:

LIMITS OF NO ACCESS: Areas as defined by the City on the plat in which no access is allowed.

LINE OF SIGHT TRIANGLE: An area of land located adjacent to the intersection of two (2) or more streets, which area of land is bounded by a line measured from the center of a connecting street and extended along the curb line of a corner lot for a distance of 75 feet, to an end point to form one boundary of the triangle; and bounded by a line measured from the center of the second connecting street and extended along the second curb line of the corner lot for a distance of 75 feet to an end point to form the second boundary of the triangle; and bounded by a straight line connecting the two (2) end points of the last two (2) boundaries. This triangle has been determined for regulatory purposes to be sufficient for the drivers of two (2) vehicles traveling at 25

miles per hour or less and approaching an uncontrolled intersection on separate, interconnecting, level and dry streets to view each other and take appropriate actions safely; this triangle has also been determined for regulatory purposes to be sufficient for pedestrian traffic which may be augmented by toys such as roller skates, skateboards, sleds, and similar devices.

LOT: A parcel or portion of land in a subdivision or plat of land, separated by other parcels or portions by description as on a subdivision plat or record of survey map or by metes and bounds, for the purpose of sale or lease to or separate use of another.

LOT, CORNER: A lot which has at least two (2) adjacent sides abutting for their full lengths on a street; provided, that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot. This shall be the same as a backing lot.

LOT, REVERSE FRONTAGE: A double frontage lot, which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor or collector street.

LOT SPLIT: A transfer or agreement or negotiation to transfer any tract of land of two and one-half (2 1/2) acres or less where such tract of land was not shown of record in the office of the County Clerk and does not comprise an entire lot of record. The lot split must meet minimum requirements for bulk and area in the particular zoning district.

MASTER PLAN: The Comprehensive Plan for the City of Bixby, Oklahoma.

OFFICIAL MAP: The map established by the City Council showing the streets and highways heretofore laid out, adopted and established by law and any amendments or additions thereto adopted by the City Council resulting from the approval of subdivision plats and the subsequent filing of such plats.

OPEN SPACE – PUBLIC: Land which may be dedicated to or reserved for or acquisition for general use by the public, including parks, recreation areas, school, sites, community and public building sites and other similar lands. Open space - public specifically does not include floodway drainage courses, public lakes and ponds or any area within the fully urbanized floodway, but may include other areas in the 100 year fully urbanized floodplain.

OWNER: Any individual, firm, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this regulation.

PARKING, OFF-STREET: An area, enclosed or unenclosed, together with a driveway permitting ingress and egress of an automobile of standard size to a street or alley, affording access thereto.

PLANNING COMMISSION: The Planning Commission of the City of Bixby.

PLAT, PRELIMINARY: A drawing or chart indicating the proposed layout of the subdivision complying with the requirements of these regulations to be submitted to the Planning Commission and City Council for its consideration.

PRELIMINARY ENGINEERING PLANS: Preliminary drawings (plan view) illustrating the locations of water distribution system, wastewater system, stormwater system, streets and other proposed improvements

PRIVATELY FINANANCED PUBLIC IMPROVEMENTS (PFPI): Shall mean the construction, reconstruction, replacement or alteration of any street, alley, curb, gutter, ditch, drainage way, channel, detention facility, storm sewer or other similar public works thereto, including sedimentation and erosion control measures, street and sidewalk cuts, sanitary sewers and water mains, located or to be located upon land owned in fee simple by the City of Bixby or upon easements or right-of-ways owned or controlled by or to be dedicated to the City of Bixby.

ROADWAY: That portion of any street so designated for vehicular traffic; and, where curbs are normally placed, means that portion of the street between the curbs.

SERVICE ROADS: A minor street auxiliary to and located parallel to a major street for service to abutting properties and adjacent areas and for control of access and including frontage roads or streets.

STREETS AND ALLEYS: A way for vehicular traffic, regardless of how designated. Where curbs are laid, the word "street" shall refer to that portion of the roadway between the curbs. Streets may be further designated as specified by the Official Map.

STOP WORK ORDER: A written order to the contractor or to the owner to stop work, and stating therein the nature of the reason for the issuance of such an order. Such orders may only be signed by the Building Official, or the City Manager or designate.

STORMWATER DRAINAGE CRITERIA: All stormwater drainage improvements, facilities, structures, and/or conveyance systems, both private and public, shall be designed in accordance with the Stormwater Drainage Criteria adopted by separate ordinance by the City of Bixby.

SUBDIVIDER: Shall mean the owner, developer or designated agents of property to be divided into lots.

SUBDIVISION:

1. The division of a parcel of land shown as a unit or contiguous units on the last proceeding tax roll into five (5) or more lots or parcels, any one of which contains 2.5 acres or less, for the purpose of transfer of ownership or building development;
2. If a new public street is involved, any division of a parcel of land; or,
3. The improvement of one or more parcels of land for residential, commercial, office, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets (except internal private streets); the division or allocation of land as open spaces for common use by owners, occupiers or lease holders, or as easements for the extension and maintenance of public utilities or facilities;
4. Provided that a division of land which may be ordered or approved by a court or effected by testamentary or interstate provisions, or a division of land for agricultural purposes into lots or parcels, or the exchange of parcels of land between owners of adjacent property to resolve common boundary disputes, where new lots are not thereby created and where neither of the lots resulting are reduced below the minimum size of a lot required by law shall not be deemed a subdivision. The term includes re-subdivision, and when appropriate in context, shall relate to the process of subdividing land or to the land so subdivided.

SURVEYOR: A registered land surveyor in good Standing with the State of Oklahoma Board of Registration for Professional Engineers and Land Surveyors.

ZONING CODE: The Zoning Code of the City of Bixby and any amendments thereto.

1.6 APPLICATION OF THIS REGULATION

Except as provided in this regulation, no person shall subdivide any tract of land, which is located within the City nor shall any person create a lot split for any tract of which is located within the City, except in conformity with the provisions of this regulation.

1.7 ENFORCEMENT

1. **RECORDING OF THE PLAT:** No plat of any subdivision shall be entitled to be recorded in the County Clerk's office or to otherwise to have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid, and the City Council may institute legal proceedings to have the plat stricken from the records.

2. SALE OF LAND IN SUBDIVISION: No owner or agent of the owner of any land located within any actual or proposed subdivision shall offer, transfer, sell, agree to sell any land by reference to, exhibit of, by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein; unless such agreement to sell is expressly made contingent upon the proper filing of the plat in question in advance of closing. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel 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 the provisions of this regulation.
3. CONSTRUCTION OF IMPROVEMENTS.
 - a. Upon approval of the Preliminary Plat by the City Council the subdivider of any land located within the City can proceed with the submission of all documents and fees for compliance with the PFPI, Stormwater Design Criteria, Earth Change and all other pertinent ordinances necessary for obtaining construction permits. Upon staff approval, and Council's approval on Earth Change Permits a permit(s) shall be issued allowing the subdivider to proceed with any construction work on such proposed subdivision.
 1. Permits can be issued based upon individual scopes of work for each improvement (i.e. complete sanitary sewers, water distribution system, storm sewers, earthwork and detention facility) however the final plat cannot be filed of record until the final plat has been submitted and approval by the City Council and :
 - a. all improvements are complete and accepted or approved by the City Council and/or;
 - b. security has been provided and approved by the City staff for all of the improvements.
 2. If the subdivider wishes to file the final plat prior to the completion and acceptance or approval of all construction improvements – the final plat must have been approved by the City Council; and the security for all improvements must be submitted and approved by the City staff.
 - b. The Building Official shall not issue building permits for any structure on a lot in a subdivision for which a final plat has not been approved and recorded in the manner prescribed herein, and for which all proposed public improvements have not been accepted by the City Council.
 - c. The city staff shall not sell or authorize to be installed any taps to public water or sewer systems on any lot of a subdivision for which a plat has not been approved and recorded in the manner prescribed herein, and for which all improvements have not been constructed. Provided that all public improvements must be constructed, dedicated, and accepted by the City prior to the sale or authorization.

4. **PUBLIC SERVICES:** The City will withhold all public services of whatsoever nature other than police and fire protection, but including the maintenance of streets and the furnishing of water or sewer facilities from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted in the manner prescribed herein. It is further the policy of the City to require the owner to comply with the general principles of design and requirements for subdivisions as set forth herein.
5. **REVISION OF PLAT AFTER APPROVAL:** No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the City Council, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission and to the City Council and receives approval for the changes.

1.8 MONUMENTATION

Brass caps for horizontal and vertical control, set in concrete and stamped with elevation, located in a minimum of two locations; 3/4 inch diameter iron pin on boundary at perimeter angle points; 5/8 inch diameter iron pin for lot corners; and PK nails at points of curvature in streets along centerline and reference stations. The monuments and locations shall be approved by the City Engineer.

1.9 HEADINGS

Headings are provided for reference purposes and are not to be used as interpretive guides.

1.10 MINIMUM STANDARDS DESIGN CRITERIA

In enacting various provisions of the Bixby Subdivision Regulations, and in promulgating any rules or regulations which may be made necessary in order to carry out the purpose of this regulation, the City of Bixby sets forth certain minimum standards for construction which may not be violated in the construction of any public improvements. By setting forth these minimum design standards, neither the City as an entity nor any of its staff makes any representations, warranties or assurances that these minimum designs are sufficient. Any subdivider within the City Limits of Bixby must rely upon his own design professionals to design facilities, whether Public or private, which are capable of providing services required of such public or private facilities: and which are adequate under all reasonably foreseeable circumstances for the purposes intended. When the City staff examines proposals or construction plans for conformity with these regulations, such review by City staff is to determine whether or not the minimum standards will be met. The approval of these plans does not represent, warrant, or assure any person that the designs are adequate for the purposes intended. Neither the enactment of this regulation nor review of improvements to be constructed or proposed under this regulation shall in any manner create liability for the City of Bixby, to the subdivider, nor to any person affected by the activities of such subdivider.

CHAPTER 2. PROCEDURE

2.1 COMPLIANCE

In planning, platting, and developing a subdivision, the subdivider shall comply with the design standards, the minimum requirements set forth in this regulation, City ordinances, and State of Oklahoma statutes.

2.2 PREAPPLICATION PROCEEDINGS

Not less than ten (10) days before submitting the preliminary plat to the City Planner's Office, the subdivider or his Engineer shall consult with the Planning Department while the plat is in sketch form, to ascertain the location of proposed highways, arterial streets, collector streets, parks, playgrounds, school sites, other community facilities, and drainage courses in order to acquaint the subdivider with the City's requirements. The plat sketch shall be in sufficient detail to allow the general features and layout of the subdivision to be examined to the extent necessary for preparation of the preliminary plat.

2.3 TECHNICAL ADVISORY COMMITTEE

The Technical Advisory Committee (TAC) shall be responsible for coordinating review and comments, and making recommendations to the Planning Commission on all subdivision plats.

The City staff shall, at the appropriate time, schedule TAC meetings to present each proposed subdivision for review by TAC.

2.4 PRELIMINARY PLAT

1. **FILING REQUIREMENT:** The subdivider shall prepare a preliminary plat of the proposed subdivision. The subdivider shall file with the City Planner's office a written application upon designated forms for the tentative approval of the preliminary plat.
2. **PLAT COPIES:** The preliminary plat shall be submitted in the form of five (5) black line or blue line prints and one (1) half size 11x17 reproducible of the proposed subdivision, which have been prepared by a Surveyor or Engineer. The preliminary plat shall show all the features needed to enable the Planning Commission to determine whether or not the proposed subdivision layout is satisfactory from the standpoint of public interest. The preliminary plat size shall not be less than 22 inches by 34 inches and folded to 8 1/2 inches by 11 inches.
3. **PRELIMINARY ENGINEERING PLANS:** Five (5) copies of a preliminary engineering plan(s) prepared by an Engineer illustrating the locations of the

water distribution system, the wastewater system, stormwater system, streets and other proposed improvements. The plans shall be submitted simultaneously with the preliminary plat map.

4. FEES: Upon filing application the owner shall pay all fees to the City as defined herein and as established by ordinance.
5. TENTATIVE APPROVAL: After receipt of the recommendations of the staff, other agencies and utility companies, the Planning Commission may tentatively approve the preliminary plat with any modifications or conditions, noting all such modifications on the plat. Upon rejection, or on approval subject to modifications or conditions, the Planning Commission will require the subdivider to submit a revised preliminary plat. Tentative approval of the preliminary plat shall be deemed to be an approval only of design features of the tract; the City Engineer or other officials having justification to modify engineering and construction details, may require modifications as necessary for the protection of the public interest.
6. PLANNING COMMISSION ACTION TAKEN:
 - a. The preliminary plat shall be reviewed by the Planning Commission for conformity with the Comprehensive Land Use Plan of the City of Bixby, and for compliance with the standards, requirements, and principles hereinafter prescribed; and, shall be reviewed by the Planning Commission staff for compliance with all applicable additional requirements of all governmental authorities and agencies, and with all applicable regulations of public utilities. The Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications, continued to a certain date, or disapproved with written notice to the subdivider.
 - b. Upon approval or approval subject to modifications, the Planning commission may require the owner to submit a revised preliminary plat. The approval of the preliminary plat by the Planning Commission shall not constitute final acceptance of the subdivision by the Planning Commission. Preliminary approval shall confer upon the subdivider the right for a one (1) year period from the date of approval that the general terms and conditions under which the preliminary approval was granted will not be changed. Preliminary approval as granted will not be changed unless the City Engineer or other city official having proper justification to modify engineering and construction details requires modification as necessary for the protection of the public interest.
 - c. Once the Preliminary Plat is approved (with all corrections and/or modifications reviewed and approved), the Planning Commission shall make recommendations to the City Council.

7. **PLANNED UNIT DEVELOPMENT:** On commercial Planned Unit Developments (PUD) the preliminary plat shall be a part of the Planned Unit Development documents submitted to the City for consideration.
8. **PHASED DEVELOPMENTS:** The preliminary plat representing the entire proposed development (all phases) must be submitted with the preliminary plat submission for review and approval. Actual phased construction and final platting may be part of the construction plans and final plat reviews.

2.5 FINAL CONSTRUCTION PLANS

1. Before any construction can begin, Four (4) copies of the final proposed construction plans prepared by a licensed Engineer, registered in the State of Oklahoma shall be submitted along with all other documents required by these regulations, to the City for review and approval. The plans shall reflect any corrections from the preliminary plat review. These construction plans shall include the final information (plans, profiles, details, etc.) concerning hydrology, hydraulics, topography, water distribution systems, wastewater systems, grading (existing and proposed), stormwater drainage, systems, and paving which comply with the requirements of these regulations.
2. The City will review the submitted information returning the plans and documents to the subdivider as required for correction. The subdivider shall revise all plans and documents as required and re-submit to the City for review.
3. Upon approval of the construction plans and other documents by the City staff a permit will be issued for construction.
4. **FEES:** The subdivider shall also pay all fees required by these regulations & City ordinances prior to the issuance of any construction permits.
5. **PFPI:** Along with the final construction plans, the subdivider shall submit all required security and documents required.

2.6 FINAL PLAT

1. **REQUIRED CHANGES:** The final plat shall have incorporated all modifications or conditions required by the Planning Commission and/or City Council, and otherwise shall conform to the preliminary-plat and to the requirements of these regulations. The final plat may be submitted in stages constituting only that portion of the approved preliminary plat, which the subdivider proposes to record and develop at that time, provided that such portion conforms with all the requirements of this regulation.

2. **LETTERS OF RELEASE:** Letters of release from the utility companies, Corporation Commission or other agencies must accompany the filing of the final plat.
3. **COPIES:** The final plat shall be submitted in the form of five (5) black line or blue line prints and one (1) half size 11x17 reproducible of the final subdivision prepared by a Surveyor or Engineer. The final plat shall show all features needed to enable the Planning Commission to determine whether or not the final layout of the subdivision is satisfactory from the standpoint of public interest. The final plat size shall not be less than 22 inches by 34 inches and folded to 8 1/2 inches by 11 inches.
4. **APPROVAL BY THE CITY COUNCIL:** The City Council shall provide for an adequate hearing after receiving a written report from the City Planner, which report is in conformity with the actions taken by the Planning Commission. The City Council shall notify the subdivider of any conditions which may be imposed and shall approve, or disapprove the final plat and shall notify the subdivider of the action taken. The approval of the City Council or refusal to approve shall take place within thirty (30) days from and after the date the plat was submitted to the City Council for final approval, unless the owner agrees in writing to an extension of this time period. The explanation for refusal of any plat submitted or of regulations violated shall be stated upon the record of the City Council.
5. **FINAL CHECKING:** After City Council approval of the final plat, the subdivider shall meet all the required conditions as set out by the City Council; and the subdivider shall submit documentation to the staff for review to insure that all required conditions have been satisfied. The final plat shall be a print on cronaflex mylar or similar durable material, 24 inches wide by 36 inches long. Plats consisting of more than one sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets. The final plat submission shall comply with the current State of Oklahoma statutes. The subdivider shall submit two (2) mylar copies and eight (8) black line or blue line paper prints to be signed by the subdivider and the Surveyor and stamped and signed by the Mayor or Vice-Mayor.
6. **TIME LIMITS:** City Council approval of a final plat shall be valid for a period of one (1) year from the date of the City Council action, and may be renewed annually thereafter by the City staff, based upon whether or not there have been changes in the design standards, specifications, or needs of the City during the interim. Should the City staff deny a renewal request, an appeal of the denial may be made to the City Council.
7. **RECORDING OF FINAL PLAT:** The approved final plat shall remain with the City Planning office until the completion of and acceptance or approval by the City Council on all improvements or all security requirements have been submitted and approved. After acceptance the Plat will be released for filing /

recording by the subdivider. The subdivider shall return a copy of the recorded plat with copies as defined herein.

No building permits shall be issued until after acceptance by the City on all improvement and the subdivider has supplied the City with three (3) certified copies, one (1) mylar and two (2) black line or blue line paper, of the final plat, each showing proof of being filed and recorded in the Office of the County Clerk.

8. **BOND/ESCROW FOR CONSTRUCTION:** Prior to the issuance of any development or construction permits, the subdivider shall meet performance bonds requirements, escrow arrangements, letters of credit, or other equivalent instrument of surety acceptable to the City in an amount equal to 100% the cost of the construction of all public improvements. Such instruments shall be subject to the condition that the improvements must be completed within one (1) year after posting of said bond/escrow. In the event all or any portion of the improvements are not completed, the City, at its discretion may proceed with the work and hold the subdivider and the bonding company jointly and separately liable for the costs thereof, or pursue such other remedies as may be available.

9. **"AS-BUILT" PLANS.** Plans for each development within the jurisdiction of the City of Bixby shall be provided to the City by the subdivider showing all improvements within the subdivision as actually constructed. Three (3) copies of these plans shall be supplied; one (1) on mylar, one on black line or blue line print paper and one (1) computer disk copy with Auto Cad format. The subdivider shall submit to the City of all such as-built plans within 60 days after acceptance of public improvements. After a period of 60 days, if the subdivider has not submitted the required "as-built" documents, the City shall halt the issuance of all building permits and/or halt all construction.

CHAPTER 3.

SUBDIVISION DESIGN STANDARDS

3.1 MASTER PLAN AND OFFICIAL MAPS

The proposed subdivision shall conform with the Comprehensive Master plan and all official maps of the City.

3.2 GENERAL DESIGN STANDARDS

1. **STREETS:** The arrangement, character, extent, width, grade, names, and location of all streets shall conform to the master plan and shall be considered in their relations to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Comprehensive Land Use Plan, the arrangement and other design standards of the street shall conform to the provisions found in this regulation.
2. **NAMING STREETS:** The arrangement for Streets and new subdivisions shall make provisions for the continuation of the existing and adjoining areas, and street names shall not duplicate or closely approximate existing street names except where the new streets are extensions of existing streets. All streets shall be platted in such a manner that all resulting lots will conform to the Zoning Code of the City. House numbers shall be assigned in accordance with the house numbering system now in effect in the City. All north and south thoroughfares shall be designated "Avenue". All east and west thoroughfares shall be designated "Street". Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be placed in accordance with the Engineering Design Standards of the City. City may withhold building permits until street signs are in place.
3. **ABUTTING UNSUBDIVIDED LAND:** Where adjoining areas are not subdivided, the proposed streets shall be constructed to the boundary of the proposed subdivision with provisions made for a temporary right-of-way and the construction of a turn around of a size acceptable to the City Engineer. Permanent barricades shall be installed at dead-end streets. Alignments, grades, drainage, and other appropriate design criteria of all streets within and bordering new subdivisions shall be governed by these regulations, where applicable, and by the Engineering Design Standards of the City.
4. **ABUTTING HIGHWAY:** Where a subdivision abuts or contains an existing highway, the Planning Commission may require grade separation, access roads, and/or service lanes to afford separation of through and local traffic.

5. **ABUTTING RAILROAD OR LIMITED ACCESS RIGHT-OF-WAY:** Where a subdivision abuts on or contains a railroad right-of-way or limited access right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
6. **HALF STREETS PROHIBITED:** Whenever a half street is adjacent to a tract to be subdivided, the opposite half of the street shall be platted within said tract. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, and where the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided.
7. **LIMITS OF ACCESS:** Commercial and industrial developments shall have access to arterial or collector streets but may be prohibited by the City access to minor residential streets.
8. **ACCESS TO STREETS:** The subdivider shall provide access to public streets, including necessary crossings of ditches and creeks, in a standard method approved by the City Engineer.
9. **HARDSHIP TO ADJOINING PROPERTY:** The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
10. **PRIVATE STREETS:** Private streets shall not be approved except when required by state law, or in connection with a Planned Unit Development having appropriate controls.
11. **STREET INTERVAL:** In general, provisions should be made for a collector street at intervals not exceeding one half (1/2) mile.
12. **CURBS, GUTTERS, AND DRAINAGE:** Curbs, gutters, drainage and drainage structures shall be provided in accordance with the Engineering Design Standards of the City. Such construction shall be subject to inspection and approval of the City Engineer or his designee.
13. **LIGHTING:** Lights shall be provided at each street intersection within or abutting the subdivision in accordance with the Engineering Design Standards of the City.
14. **SIDEWALKS:** If the proposed subdivision affronts both sides, concrete sidewalks shall be constructed along both sides of every arterial street, collector street, or minor street shown on the plat in accordance with applicable Engineering Design Standards of the City; provided that concrete sidewalks shall

be constructed only on the one side of frontage roads opposite the highway; provided further that sidewalks shall not be required on the interior of industrial subdivisions, unless the Planning Commission and/or the City Council determines that there is a need for such sidewalks for pedestrian movement to a residential subdivision or to a school site. After final acceptance by the City of the sidewalks, the maintenance thereof shall become the responsibility of the abutting property owners.

15. **FLOOD PRONE OR HAZARD AREAS:** Subdivisions proposed to be located within a Hazard Area of a 100 year 1% flood zone with a designation as an A Zone, as defined by the current Flood Insurance Rate Map as published and amended by the FEMA shall not be approved. Subdivisions adjacent to or containing a hazard flood zoned areas as determined by the current FIRM Map within the platted area shall only be approved after review by a Registered Engineer licensed to do business in the State of Oklahoma, with detailed information outlining any adverse affect on the flood basin in which the proposed subdivision is located. Building lots shall not be platted within a 100 year 1% flood zone. Re-development and infill of lots in an existing subdivision shall be done only in accordance with the provisions of Chapter 8 Drainage, Floodplain Management of the Bixby Zoning Code. Re-development not delineated by Chapter 8 of the Zoning code must approve by an Ordinance adopted by the City Council. All development is subject to an earth change or flood permit.
16. **BUFFER FROM HIGHWAYS AND ARTERIALS:** In platting land abutting federal or state highways, or arterial streets, every effort shall be made to reduce the adverse impact of heavy or high speed traffic on such lands, especially where used for residential purposes; to minimize interference with through traffic operations; and to reduce risk of vehicular and pedestrian accidents.
17. **COLLECTOR STREETS:** Collector streets shall be so located as to provide for smooth traffic flow from local streets to arterials.
18. **BLOCKS:** Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth, except on reverse frontages, boundaries of the proposed subdivision, or as required to separate residential from other types of development or through traffic.
 - a. Each lot shall be provided with access to a public street or highway to assure convenient ingress and egress, and to provide adequately for the layout of utilities, garbage and waste removal, fire and police protection, other services, and to protect and further the public health and safety.
 - b. For the purpose of assuring traffic safety and efficient traffic operations on the thoroughfare system and the county highway system, non-access provisions shall be made to the satisfaction of the City along all collector and arterial

streets. A description of such limits of no access provisions shall be affixed to the final plat.

- c. The number of intersecting streets along arterial streets and highways shall be held to a minimum. Blocks along such arterials and highways shall generally not be less than 1,200 feet in length.
19. **STREET OFFSETS:** Street centerline offsets of less than 125 feet for minor streets shall be avoided.
20. **CUL-DE-SAC STREETS:** Cul-de-sacs shall be limited to 300 feet, and shall be provided at the closed end with a turn around having an outside right of way radius of a least 50 feet and a paved radius of not less than 40 feet. Longer cul-de-sacs design may be approved on the consent of the City Staff including City Engineer, Fire Marshal, Police Chief, Public Works Director, and City Planner.
21. **MINOR STREETS:** Minor streets shall be so laid out that their use by through traffic will be discouraged.
22. **INTERSECTIONS** The intersections of more than two (2) streets at one point shall be avoided, except where it is impractical to secure a proper street system otherwise. Streets shall be designed to intersect at right angles as permitted by topography or other limiting factors. Property line corners at intersections shall be clipped by an angle of 45 degrees at a distance of at least 25 feet at minor streets or 30 feet at major streets and highways.
23. **OIL AND GAS EXTRACTION SITES - RESIDENTIAL SUBDIVISIONS:** Existing operative and/or inoperative wells: shall be indicated on the face of the plat; all abandoned, inactive wells shall be properly plugged; residences shall be Set back 200 feet or more from any existing well unless said well is plugged, or unless the Board of Adjustment has reduced the setback requirement; and, access shall be provided and so indicated on the face of the plat for all unplugged wells for the purpose of maintenance and rework.

3.3 EASEMENTS

1. **UTILITY EASEMENTS:** Easements of a minimum width of 17.5 feet shall be provided around the perimeter of the subdivision. Easements of a minimum width of 11 feet shall be provided on each side of all rear lot lines and along certain interior lot lines, or width as specified by utility companies.
2. **DRAINAGE EASEMENTS:** Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the contours of the 100 year flow for such water course (whether or not it is a part of the regulatory flood), and such further width or construction or both, as will be adequate for the purpose.

3. LOCATION OF EASEMENTS: Where practical, easements for all utilities including poles or underground conduits for electrical and communication lines shall be provided along rear and side lot lines. Such lines shall be placed underground, unless the topography or the geological conditions make underground utilities impossible.

3.4 LOTS

1. DIMENSIONS: Lot dimensions in areas and in frontage shall not be less than the requirements under the Zoning Code or Planned Unit Development requirement.
2. ACCESS: All lots shall abut on a publicly dedicated street, or on a private street if the City Council specifically approves the creation of such private streets under the provisions of a Planned Unit Development.
3. SIDE LOT LINES: Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
4. CORNER LOTS: Corner lots shall exceed minimum requirements of the Zoning Code in order to provide appropriate building setback from and orientation to both abutting streets. Lots abutting on a pedestrian walkway shall be treated as a corner lot.
5. UNINHABITABLE LOTS: Lots subject to flooding and lots deemed by the Planning Commission to be uninhabitable shall not be platted for residential occupancy nor for other uses as may increase danger to health, life or property or aggravate the flood; such land within the plat shall be set aside for such uses as are consistent with other regulations; provided that all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than be allowed to remain as unusable parcels.
6. DEPTH OF LOT: Excessive depth in relation to width shall be avoided; depth to width ration of 1 to 1 or 2 to 1 will normally be considered appropriate.
7. YARD REQUIREMENTS: Residential lots shall have sufficient width at the building setback lines to permit compliance with side yard or distance requirements under the applicable Zoning Code for building of practicable width.
8. DOUBLE FRONTAGE: Double frontage lots shall be avoided except where necessary to provide separation of residential development from through traffic or to overcome disadvantages of terrain and orientation.
9. PRIVATE WATER AND/OR WASTEWATER FACILITIES: Where public Sanitary Sewer facilitates and/or water facilities are not accessible, the lot size

shall conform to the requirements of the Oklahoma Department of Environmental Quality. Regarding private water and/or wastewater facilities the Engineering Design Standards shall set the requirements.

3.5 EXCEPTIONS

1. ADDITIONAL IMPROVEMENTS REQUIRED - RE SUBDIVISIONS:

Whenever a large lot residential estate subdivision is planned within an "RE" single family residential zoning district, then the following standards or requirements may be allowed by the City where applicable for the improvements required elsewhere in this regulation, or may be required in addition to other requirements of this regulation.

- a. **RIGHT-OF-WAY WIDTH:** A-minimum right-of-way of 60 feet will be required of all minor streets within such subdivision unless Curb and gutter is installed, then the right-of-way will be 50 feet.
- b. **STREET PAVING WIDTH:** A minimum of 26 feet of paving will be required of all minor streets within such subdivision.
- c. **STREET CONSTRUCTION:** Curbs and gutters may be required. A minimum of 6 1/2 inches of asphaltic concrete; or 6 inches of Portland Cement will be required; and the streets will other- wise comply with the remaining Engineering Design Standards of the City.
- d. **STORM DRAINAGE:** Storm water runoff will be provided for by adequately designed storm sewers. Borrow ditches, if approved by the City, may be allowed in accordance with the Stormwater Design Criteria or Engineering Design Standard of the City, provided that they are sodded, and further provided that when the design velocity of water in the ditches exceeds allowable limits of soil erodability, then the ditch will be lined with concrete or other acceptable devices to prevent erosion. Where private drives cross drainage ditches, a 15- inch minimum diameter culvert pipe with standard headwalls or end sections will be required. The size of pipe shall be determined by the Engineer and shown on the construction plans. The pipes will be installed at the time of each actual lot construction.

2. UNDUE HARDSHIP:

- a. **STANDARDS TO DETERMINE HARDSHIP:** In any particular case where the subdivider can show in writing that by reason of exceptional topographic or other physical conditions, none of which are self-imposed, literal compliance with any requirement of this regulation would cause exceptional and undue hardship, the City Council may modify such requirement to the extreme necessary so as to relieve such difficulty or hardship; provided that such relief may be granted only without resulting detriment to the public interest and without impairing the intent and purpose of this regulation or the Comprehensive Land Use Plan and the Zoning Code. Modifications may be granted by the City Council only after

receiving written recommendations from the Planning Commission and staff.

- b. WRITTEN APPLICATION: Where unusual or exceptional factors or conditions exist, the City Council may modify any of the provisions of the Subdivision Regulations except those providing for the time of installation of improvements or requirement of improvement performance bonds and maintenance bonds. Any subdivider applying for a modification shall set forth in writing the reasons for the requested modification and the extent of the modification requested. The Planning Commission and staff shall review the petition for a hardship exception and shall make recommendations, including suggested modifications, to the City Council. The City Council shall hear the petition, review the Planning Commission and staff recommendations and grant such relief as may be proper. If granted, such modifications shall be added and attached to all copies of the construction plans and/or the final plat.

CHAPTER 4.

CONTENTS OF PRELIMINARY PLAT

4.1 FORM

The preliminary plat shall be clearly and legibly drawn by a Surveyor or Engineer. The size of the map shall not be less than 24 by 36 inches and shall be drawn on a scale of one inch equals 100 feet; provided that if the property to be subdivided is less than two (2) acres, the scale may be one inch equals 50 feet, and if said property exceeds one hundred acres, the scale may be one inch equals 200 feet.

4.2 PLAT MAP CONTENTS

The preliminary plat shall contain the following information.

1. DESCRIPTION.

- a. Proposed name of the subdivision. The name shall not be duplicated, or be the same in spelling or alike in pronunciation with any other recorded subdivision.
- b. Legal description according to the real estate records maintained by the County Clerk's Office.
- c. Names of adjacent subdivisions.
- d. Names and addresses of the owner, the owner's Surveyor, and the owner's Engineer.
- e. Location by section, township, range, city, county and state; and, a location map at a minimum scale of one inch equals 2,000 feet showing the proposed subdivision within the section along with all major platted subdivisions within the section.
- f. Names and locations of streets adjoining the proposed subdivision, and the nearest existing highways, streets and alleys in adjoining subdivisions and tracts which are involved in producing the most advantageous development of the entire neighborhood.
- g. The scale actually used.
- h. Important features such as existing permanent buildings; large trees and water courses; railway lines; oil and gas lines or wells as shown on the records of the Oklahoma Corporation Commission (including active or inactive, plugged, unplugged or abandoned gas or oil wells and dry holes which remain unplugged), existing utilities including sewer, water mains, culverts and other underground structures within the tract or immediately adjacent, showing pipe sizes and grades indicated; contours at intervals of 2 feet which are referenced to USGS data; and any other relevant feature necessary for a full and complete understanding of the proposed subdivision.

2. EXISTING CONDITIONS

- a. Boundaries of the subdivision indicated by heavy line and the approximate acreage.
- b. Locations, width and names of existing or platted streets, railroad right-of-way, easements, parks, permanent buildings, section and corporation lines.
- c. Zoning district boundary lines, proposed from yard setback lines, and line of sight triangles for corner lots.
- d. The location and widths of all existing and proposed easements.
- e. Floodway, regulatory flood boundaries, regulatory flood elevation and lowest habitable floor elevation.
- f. Existing finish contours in 1-foot intervals.

3. DRAFTING OF PLAT

- a. Date of preparation, scale of map, and north point.
- b. Location and principal dimensions for all proposed streets, alleys, easements, lot lines, and areas to be reserved for public use.
- c. Proposed streets, drainage channels, reserve areas, wooded areas, power transmission lines and poles, and any other significant items should be shown. The map shall show layouts, names, widths and sizes.

4.3 OTHER INFORMATION

1. WATER DISTRIBUTION SYSTEM: Source of water supply.
3. WASTEWATER SYSTEM: Provisions for sewage disposal.
4. STORM WATER SYSTEM: Provisions for drainage and detention.

4.4 PRELIMINARY ENGINEERING PLANS

A preliminary engineering plan prepared by an Engineer illustrating the locations of the water distribution system, the wastewater system, stormwater system, streets and other proposed improvements. The plans shall be submitted simultaneously with the preliminary plat map. Additional data may be required to verify proposed engineering for the subdivision versus existing conditions.

4.5 APPROVAL

No hearings or review shall be scheduled until both the preliminary construction plans and the preliminary plat, have been submitted, reviewed and approved by the City staff.

5.1 FORM

The final plat shall be clearly and legibly prepared in accordance with the Engineering Design Standards, by a Surveyor or Engineer. The size of the map shall be drawn to the scale of one inch equals 100 feet, unless the City Engineer or Public Works Director authorizes a different scale in writing.

5.2 MAP CONTENTS**1. DESCRIPTION**

- a. The map contents for a final plat shall include all information required to be contained in a map for a preliminary plat under these regulations.
- b. Name of subdivision and the name and number of any subdivision of which this tract now subdivided was once a part.
- c. Names, widths, and location of streets adjoining the plat or paralleling the exterior boundaries of the plat.
- d. Number of lots and the acreage platted.
- e. **SETBACK LINES:** Building setback lines as fixed by the Zoning Code or the official street plan and any other setback line or street lines established by public authority, and those stipulated in the deed restrictions.
- f. **PROPERTY OFFERED FOR DEDICATION:** The accurate outline of all property which is offered for dedication for public use, 'and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated. All lands dedicated to the public other than streets or roads shall be marked "dedicated to the public".

2. EXISTING CONDITIONS

- a. **BOUNDARY LINES:** All plat boundary lines with lengths of courses to hundredths of a foot and bearing to seconds. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed within an error of closure not to exceed 1 to 10,000.
- b. **BEARING DISTANCES:** Bearings and distances to nearest established section comers, other established survey lines or other official monuments, which monuments shall be located or accurately described in the plat.
- d. **LAYOUT:** The exact layout including:

1. Street and alley lines, including their names, bearings, angles of intersection and widths including widths along the line of any intersecting street;
2. The length of all arcs, radii, point of curvature, and tangent bearings;
3. All easements and right-of-ways, when provided for or owned by public services (with limitation of the easement rights definitely stated on the plat) including the volume and page number where separate instruments are filed.
4. Limits of No Access required by the City.

3. PROPOSALS FOR NEW CONSTRUCTION

- a. All easements, and right-of-ways provided for public services or utilities, including any limitations of such easements; street and alley lines, including names, bearings, angle of intersection and widths. Easements shall be dimensioned from lot corners.
- b. All reserve areas provided for detention facilities and/or drainage ways, swimming pools, clubhouses, golf courses, landscape areas, gazebos, entry elements, and/or any other features to be shared common areas within the subdivision.
- c. All lot and block lines shall have accurate dimensions in hundredths of a foot and with bearings or angles to the nearest second.
- d. Any areas to be dedicated or temporarily reserved for public use, to required plat accuracy, with the purpose indicated.
- e. Building setback lines with dimensions.
- f. In case the subdivision is traversed by water course, channel, stream, or creek, the prior or present location of such water course, channel, stream, or creek and the boundary of the regulatory flood or the 100-year flood shall be shown on the plat. Any changes to the 100-year flood boundary as a result of the proposed improvements shall also be shown on the plat.
- g. Accurate location of all monuments shall be show on the plat.

5.3 OTHER INFORMATION

1. COVENANTS: Protective and restrictive covenants including use restrictions shall be shown on or with the plat.
2. LOTS AND BLOCKS: Lots shall be in numerical order. In tracts containing more than one block, the blocks shall be likewise numbered in numerical order. In the case of a re-subdivision of any lot or block, such re-subdivision shall include the original subdivision designation in the description.
3. PLANNING COMMISSION AND CITY COUNCIL APPROVAL: Construction plans for the improvements shall be certified by the owner's Engineer and shall be submitted to the office of the City Engineer. The Planning Commission shall advise the City Council when the plat meets all applicable requirements and

forward same to the City Council, whose final approval and certificate of compliance shall be affixed to the final plat. Prior to certifying that the plat meets all applicable requirements, the City Council may request affidavits, certificates, acknowledgments, agreements, or endorsements from any agency, including the City Manager, as to engineering requirements and specifications, the Tulsa City-County Health Department as to public health regulations, the Oklahoma State Department of Environmental Quality as to regulations concerning public water and sanitary sewer facilities, the Oklahoma State Department of Transportation as to coordination with existing planned state and federal highways (if applicable).

4. SURVEYOR'S CERTIFICATE: Affidavit and certificate by the owner's Surveyor in the following form: ***"As surveyor for the Owner licensed in the State of Oklahoma hereby certify that I have fully complied with requirements of the City of Bixby's subdivision regulations and the subdivision laws of the State of Oklahoma governing surveying, dividing and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; and, that the plat represents the survey made by me."***

5. OWNER'S CERTIFICATE: A certificate by the owner of the land in substantially the following form: ***"As owner I hereby certify that I have caused the land described in this plat to be surveyed, divided, mapped, dedicated and access rights reserved as represented on the plat"***. Dedication of the streets, easements, and other public areas shall be made as a part of this certificate. This certificate shall be executed in the same manner as a real estate conveyance is executed.

6. ACKNOWLEDGMENT REQUIRED FOR MINIMUM IMPROVEMENTS: The Owner shall acknowledge the several improvement requirements as set forth herein by notation on the final plat, which shall be worded substantially as follows: ***"All streets shall be graded, base material applied and surface paved in accordance with the Engineering Design Standards of the City of Bixby, to include curbs and gutters, street name signs in place, 'visual screens established, utilities and street lights installed, drainage structures constructed in accordance with the approved plans on file in the office of the City Engineer by the owner, at his expense, and in compliance with the Engineering Design Standards of the City of Bixby."*** Interior sidewalks shall be constructed at the time of actual building construction. The streets, water distribution system, wastewater system, and storm drainage system shall be maintained in good repair by the developer for a period of two (2) years, after the City Council's acceptance of the construction.

7. WATER SUPPLY: Source of water supply shall be indicated in the Deed of Dedication.

8. SEWAGE DISPOSAL: Provisions for sewage disposal shall be indicated in the Deed of Dedication.
9. LEGEND: Legend and abbreviations used on the plat.

5.4 APPROVAL

No hearings or review shall be scheduled until the final plat, have been submitted, reviewed and approved by the City staff.

CHAPTER 6.

CONSTRUCTION PLANS

6.1 GENERAL

Upon completion and approval of the Preliminary Plat by the City Council, the divider can submit detailed construction plans of all proposed improvements to the City staff for review and approval. The construction plans shall comply with the requirements of the Subdivision Regulations, Engineering Design Standards, Stormwater Design Criteria, and PFPI requirements.

6.2 CONSTRUCTION PLANS.

1. PROPOSED PLANS: The detailed construction plans for all proposed improvements and other engineering data for water, sewer, grading and drainage as prepared and certified by an Engineer shall be submitted to the City Engineer's Office. The engineering plans shall consist of, but not limited to, plans, profiles, details, material schedules, calculations, standard details for all proposed improvements. Water valves and utility crossings shall be shown on the paving plans. No City staff review shall be scheduled until complete proposed construction plans have been submitted.
2. MONUMENTS: Accurate location and material of all monuments shall be shown on the construction plans.
3. BENCH MARKS: Location and elevation based on USGS data shall be shown.
4. DRAWING OF IMPROVEMENTS: Construction drawings for all public or common improvements constructed or to be constructed in the subdivision.
5. TOPOGRAPHIC SURVEY: Date, method, and source of topographic survey shall be shown on the plans.

6.3 PFPI REQUIRMENTS

Before any permit(s) can be issued and/or any construction can begin the applicant must comply with the requirements for Private Financed Public Improvements. Refer to Chapter 7 for further requirements.

6.4 PLAN SUBMITTAL

The subdivider of the proposed subdivision shall submit four (4) complete sets of construction plans and specifications for all improvements regarding streets, drainage and storm sewers, water lines, sanitary sewer system, sidewalks and pedestrian ways,

in accordance with the Subdivision Regulations, Stormwater Design Criteria, Engineering Design Standards, and PFPI requirements to the City for their approval.

6.5 APPROVAL

If the plans and specifications for the proposed improvements meet or exceed the applicable requirements of the City, the City shall show their approval by affixing the stamp with signatures of the City Engineer and Public Works Director with the date of approval on the plans and specifications. One set of the approved plans and specifications shall be returned to the subdivider along with a permit to construct, which shall serve as notice to commence work on the project

Drawings revised after final construction plan approval shall be submitted and approved the City staff before any changes are constructed.

6.6 DENIAL

If the plans and specifications for the proposed improvements do not meet the applicable requirements of the City, the City shall so notify the subdivider's Engineer of the changes required.

6.7 CONFERENCE

A pre-work conference shall be scheduled before work is started on each phase of construction that has a separate contractor. The subdivider shall submit a schedule or updated schedule for each construction phase of development.

CHAPTER 7. CONSTRUCTION OF PRIVATELY FINANCED PUBLIC IMPROVEMENTS

7.1 DEFINITIONS

1. Applicant: shall mean any person, firm, corporation, or political subdivision (as defined herein) desiring to construct, reconstruct, replace or alter any street, alley, curb, gutter, ditch, drainage way, channel, detention facility, storm sewer or other similar public improvement or appurtenances thereto, except street and sidewalk cuts, sanitary sewers and water mains, located or to be located on real property owned in fee simple by the City of Bixby or upon easement or rights-of-way owned or otherwise controlled by the City of Bixby.
2. Director of Public Works: as referred to herein, shall be as defined in the City Charter for the City of Bixby, Oklahoma.
3. Contractor: shall mean the person, firm, or corporation engaged in any aspect of the construction of public improvements.
4. Developer: shall mean the owner, or agent of the owner, of the land having the right to order the construction of public improvements.
5. Developer's Contract: shall mean the agreement between the developer and the City of Bixby providing for the developer's assurances that the developer will deposit with the City Clerk one of the documents set forth in Section 1.03 below, prior to a contractor commencing work on a public improvement.
6. Escrow Account: shall mean an irrevocable account opened by the developer with a federally insured financial institution that sets aside the full cost of all public improvements set forth in the applicant's written application. Funds from this account are to be remitted to the contractor for work performed on the public improvement that is set forth in the urban engineering contract.
7. Indemnity Agreement: shall mean a collateral contract or assurance by which a political subdivision engages to secure the City of Bixby from any and all liability for costs associated with any construction contract entered into for construction of, or improvement to, Public Improvements as defined herein.
8. Irrevocable Letter of Credit: shall mean a credit agreement whereby a federally insured institution agrees to pay the contractor in the event the developer defaults upon his financial obligation owing the contractor for the construction of public improvements.

9. Political Subdivision: shall mean a municipality, school district, county, or public trust with a city, town, school district or county as its sole beneficiary or beneficiaries, and all their institutions, instrumentalities or agencies.
10. Public Improvements: shall mean the construction, reconstruction, replacement or alteration of any street, alley, curb, gutter, ditch, drainage way, channel, detention facility, storm sewer, wastewater systems, water distribution system, or other similar public works thereto, including sedimentation and erosion control measures, located or to be located upon land owned in fee simple by the City of Bixby or upon easements or rights-of-way owned or controlled by or to be dedicated to the City of Bixby.
11. Urban Engineering Contract: shall mean a contract between the City of Bixby and a consulting engineer employed by the developer for the design of privately financed public improvements. It shall contain the project plans, profiles and specifications approved by the Director of Public Works, which are in accordance with the specifications generally applicable to City of Bixby public improvement contracts at the time the permit is issued.

7.2 PERMIT REQUIRED

Any applicant desiring to construct, reconstruct, replace or alter any street, alley, curb, gutter, ditch, drainage way, channel, detention facility, storm sewer, wastewater system, water distribution system, or other similar public improvement or appurtenances thereto, located or to be located upon real property owned in fee simple by the City of Bixby, or upon easements or rights-of-way owned or otherwise controlled by or to be dedicated to the City of Bixby, shall first obtain a permit from the Director of Public Works authorizing such work.

7.3 APPLICATION

Any applicant seeking a permit under this chapter shall make written application to the Director of Public Works which application shall contain the name and address of the applicant and a description of the nature, location, estimated total cost and the number of calendar days required for completion of the work. In addition, the applicant shall provide the name and address of the developer and a signed and executed developer's contract between the developer and the City. The application shall be signed by the applicant or his agent or officer.

7.4 DEVELOPER'S CONTRACT AND SECURITY

The developer shall sign and execute a developer's contract providing assurances that, prior to the contractor's commencing work on a public improvement, the developer shall deposit with the City Clerk one of the following for each contractor commencing work on a public improvement:

- A. A copy of a performance and payment bond, in the form set forth as "Exhibit A" herein, naming the contractor as the obligee thereof, executed by a surety acceptable to the City and authorized to do business in the state of Oklahoma, in a sum equal to one hundred percent (100%) of the estimated cost of the work to be done by the contractor and any subcontractors to be hired by the contractor, together with a letter from the contractor confirming that the contractor has received the original bond;
- B. A copy of an escrow account, in the form set forth as "Exhibit B" herein, executed by the developer, contractor and a federally insured financial institution acceptable to the City, providing for the escrow of a sum equal to one hundred percent (100%) of the estimated cost of the work to be done by the contractor and any subcontractors to be hired by the contractor, together with a letter from the financial institution confirming that such sum has actually been placed in escrow; or
- C. A copy of an irrevocable letter of credit, in the form set forth as "Exhibit C" herein, in favor of the contractor in an amount equal to one hundred percent (100%) of the estimated cost of the work to be done by the contractor and any subcontractors to be hired by the contractor, together with a letter from the contractor confirming that the contractor has received the letter of credit; and
- D. When the developer is a political subdivision as defined herein and the public improvement applied for is a fully funded public improvement, the Director of the Public Works Department may authorize the developer to provide an indemnity agreement, in the form set forth as "Exhibit D," executed by the developer, together with a letter from the contractor, confirming that the contractor has received a copy of the indemnity agreement and agrees to hold the City of Bixby harmless from all payments due for services performed by the contractor for the developer. If the Director of the Public Works Department refuses to allow a developer which is a political subdivision to provide an indemnity agreement as its financial assurance, the developer may file a written protest with the Clerk of the City Council within ten (10) days of the date of denial of the indemnity agreement by the Public Works Director.

7.5 CONTRACTOR'S BOND AND INSURANCE

The contractor shall obtain and maintain during the duration of the permit or extensions thereof, the bonds and insurance coverage of the types and amounts specified herein.

1. Performance Bond: The contractor shall file with the City Clerk a performance bond, in form acceptable to the City and executed by a surety acceptable to the City and authorized to do business in the state of Oklahoma, in a sum equal to one hundred percent (100%) of the estimated cost of the work and naming the City as the obligee thereof.

2. Statutory Labor and Material Payment Bond: The contractor shall also file with the City Clerk a statutory labor and material payment bond, executed by a surety acceptable to the City and authorized to do business in the state of Oklahoma, in a sum equal to one hundred percent (100%) of the estimated cost of the work and naming the state of Oklahoma and the City of Bixby as the obligee thereof.
3. Maintenance Bond: The contractor shall also file with the City Clerk a maintenance bond, in form acceptable to the City and executed by a surety acceptable to the City and authorized to do business in the state of Oklahoma, in a sum equal to one hundred percent (100%) of the estimated cost of the work, naming the City as the obligee thereof, and guaranteeing all work and materials incorporated in the improvements by the permittee for a period of two (2) years from and after the final acceptance and approval thereof by the City.
4. Workmen's Compensation Insurance: As prescribed by the laws of the state of Oklahoma, the contractor shall provide and require the subcontractor to similarly provide workmen's compensation insurance for all employees, unless such employees are covered by the protection afforded by the permittee's insurance coverage.
5. Public Liability Insurance: The contractor shall procure and maintain during the duration of the permit or any extension thereof contractor's public liability insurance in an amount not less than One Hundred Thousand Dollars (\$100,000.00) for injuries (including accidental death) sustained by any one (1) person in a single accident or occurrence, and in an amount not less than One Million Dollars (\$1,000,000.00) for injuries sustained by two (2) or more persons in a single accident or occurrence and Contractor's Property Damage Insurance in an amount not less than One Hundred Thousand Dollars (\$100,000.00).
6. Owner's Protection Liability Insurance: The contractor shall also furnish an owner's protective liability policy in the amount specified in Subsection E, above, with the City of Bixby as the named insured, issued by the same insurance company as the contractor's liability carrier, protecting the City of Bixby against any and all actions, claims, judgments or demands arising out of or on account of injuries of whatever kind and character sustained by any person or persons on account of the construction of such work as may be performed by the contractor pursuant to the permit issued by the Director of Public Works.
7. Insurance Certificates: The contractor shall furnish the City, prior to issuance of the permit, an original and duplicate certificates of insurance which shall indicate the types of insurance carried and the amounts thereof. The contractor shall also provide the City with two (2) copies of the policy of insurance issued by the contractor's insurance carrier.
8. Notice of Cancellation: All insurance policies and certificates shall contain clauses stating that the policies cannot be canceled by the insurer without the

insurer's giving the City ten (10) days' prior written notice of cancellation. Cancellation of a required insurance policy shall automatically revoke the permit and all work by the permittee shall thereupon immediately terminate.

7.6 CONSTRUCTION OF PUBLIC IMPROVEMENTS

1. All public improvements constructed under authority of the permit issued by the City pursuant to the provisions of this chapter shall be constructed in strict accordance with the project plans, profiles and specifications approved by the Director of Public Works, and in accordance with the specifications generally applicable to City of Bixby public improvement construction contracts at the time the permit is issued. These project plans, profiles and specifications shall be contained in the Urban Engineering Agreement between the City of Bixby and the consulting engineer to the developer. When work not specified in the urban engineering contract is necessary, whether as a result of plan deficiencies or of encountering unforeseen site conditions, the developer or his agent shall submit proposed changes to the urban engineering contract for review by the Director of Public Works; and, if the Director of Public Works approves the changes, they shall be submitted to the City Council for their approval. Whereupon, the developer shall instruct the contractor to construct the improvements in accordance with modified urban engineering contract approved by the Director of Public Works and the City Council.
2. In no event shall a contractor commence work until the developer has filed the required financial assurances set forth herein with the City Clerk to cover one hundred percent (100%) of the construction costs of public improvements. It is the duty of the contractor, prior to beginning work on a public improvement, to satisfy itself that the necessary financial assurance for payment is in place; otherwise, the contractor performs the work at his own risk.

7.7 ACCEPTANCE

It shall be the duty of the Director of Public Works to determine when the work or any portion of the work on an authorized public improvement is completed and to recommend its acceptance to the City Council. No work or any portion of the work shall be considered finally accepted until it is completed and formally accepted by the City Council after the final inspection is made by the Director of Public Works. Failure or neglect on the part of the Director of Public Works, or any other agent or employee of the City, to condemn or reject inferior work or material shall not be construed to imply acceptance of any such work or materials if such inferior work or material may become evident at any time prior to final acceptance of the City or prior to the expiration of the maintenance bond thereon.

7.8 PERMIT PROCEDURE

1. A permit shall be issued to the applicant authorizing the construction of the proposed public improvements only after:
 - A. Approval of the application;
 - B. Approval, within the preceding two years, by the Director of Public Works and the City Council of the plans, profiles and specifications contained in the urban engineering contract;
 - C. Approval of the required contractor's bonds, insurance policies and certificates;
 - D. Approval of the developer's contract;
 - E. The filing of the developer's financial assurance with the City Clerk; and;
 - F. The tendering of the permit fee required herein.

2. The permit shall state the name of the person, firm or corporation to whom it is issued, the name of the developer for whom the project is being constructed, a description of the improvements authorized, the location of the improvements authorized, the length of time in calendar days the permit shall remain in effect, and that its issuance and validity are conditioned upon the acceptance of and compliance with the provisions of this chapter. At all times during the duration of the permit, a copy of the permit shall be posted in a conspicuous public place on or near the location of the work.

7.9 PERMIT FEES

Before any permit shall be issued, the applicant shall pay to the City of Bixby a fee of One Hundred Dollars (\$100.00) for each application permit reviewed and issued.

7.10 DURATION AND REVOCATION OF PERMITS

Permits shall be issued for a specified number of calendar days and shall automatically terminate at the expiration of the time shown upon the face of the permit, unless the work has been completed and accepted by the City prior to that time. Should the permittee for good cause shown fail to complete the improvement within the time specified, the permittee may apply in writing to the Director of Public Works for an extension of the permit for such additional time as may be reasonably necessary to complete the work. Any application for an extension of time in which to complete the work authorized by the original permit shall be accompanied by properly executed documents issued by the surety and/or financial institution who issued the performance, statutory payment, and maintenance bonds and the developer's payment bond, letter of credit or escrow account required for issuance of the original permit, affirmatively indicating the surety's and/or the financial institution's acceptance of an extension of time for the completion of the work by the permittee.

7.11 REMEDIES

Should the applicant or its surety and/or financial institution fail or refuse to complete the improvements authorized pursuant to a permit or an extension thereof issued under the provisions of this chapter, or fail to repair or replace any defective materials or work incorporated in the improvements during the period of the maintenance bond covering the same, the City may at its election immediately institute legal proceedings against the permittee and its surety and/or financial institution to recover the estimated cost of completing, repairing or replacing such improvements. In the alternative, the City may complete, repair or replace the improvements and then institute legal proceedings to recover the cost thereof from the permittee and its surety and/or financial institution.

EXHIBIT A
DEVELOPER PERFORMANCE AND PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, _____, as Principal, and the undersigned Surety, a corporation organized and existing under and by virtue of the laws of the state of _____, and duly authorized to transact business in the state of Oklahoma as Surety, are held and firmly bound to _____ as Obligee, in the sum of \$_____ lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That

WHEREAS, the Obligee entered into a certain contract with Principal for the furnishing of labor, plant, materials and equipment and the construction of _____
_____ in accordance with the plans, schedules, drawings, specifications and addenda provided for in said contract; a copy of which may be attached hereto, and which is hereby referred to and made a part hereof;

WHEREAS, the written contract between the Principal and the Obligee permits the parties to make alterations, changes and extensions of the type of work to be performed thereunder;

NOW, THEREFORE, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of said contract, and if the Principal shall well and truly pay all indebtedness incurred for all labor, third party services, subcontractor services, materials furnished, rentals of equipment, machinery or tools, repairs to or parts for machinery or equipment used in the performance of the above contract and alterations, changes and extensions thereof that may be granted by the Principal, with or without notice to Surety, and fuels consumed in the operation of such machinery or equipment used in the performance of the above contract; and if said Principal shall hold harmless and indemnify Obligee and its Surety upon its performance and payment bond against all loss, cost and expense by reason of failure of the Principal to faithfully and promptly perform the said contract or to promptly pay all persons furnishing the items set forth above; then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that this bond is executed on the following conditions and provisions:

EXHIBIT A (continued)
DEVELOPER PERFORMANCE AND PAYMENT BOND

The Principal and Surety hereby jointly agree with the Obligeo that any claimant, as hereinafter defined, who has not been paid may sue on this bond for the use of such claimant in the name of the Obligeo; provided, however, the claimant shall have given written notice by registered mail to the Principal, Surety and Obligeo within ninety (90) days after the completion of the work contracted for between the Obligeo and the Principal as described above and the acceptance of such work by the said Principal. A suit or action brought by any claimant, other than the Obligeo, must be commenced within one year following the date on which the Principal ceased work on the contract with the Obligeo.

For the purpose of this paragraph, a claimant is defined as one having a direct contact with the Obligeo or with a subcontractor of the Obligeo for labor, third party services, material, rental of equipment, machinery or tools, repairs to or parts for machinery or equipment used in the performance of the above contract or fuel for the operation of machinery or equipment used in the performance of the above contract.

IN WITNESS WHEREOF, the seal and signature of the said Principal is hereto affixed and the corporate seal and name of the said Surety is hereto affixed and attested by its duly authorized attorney-in-fact at

_____, this _____ day of _____, A.D. _____.

PRINCIPAL

By: _____

Its: _____

(SEAL)

ATTEST:

SURETY

By: _____

Its: _____

(SEAL)

ATTEST:

EXHIBIT B
ESCROW ACCOUNT AGREEMENT

THE AGREEMENT made and entered into this _____ day of _____, A.D. _____, between _____, hereinafter called "Owner," _____, hereinafter called "Contractor," and _____, hereinafter called "Escrow Agent."

WITNESSETH:

WHEREAS, Owner and Contractor have heretofore entered into a construction contract, pursuant to which Contractor has agreed to perform certain works as more particularly described in said contract dated _____, a copy of which is attached hereto and made a part hereof, and the terms and conditions of which include the obligation of Owner to give adequate assurance of payment for the work to be performed by Contractor as and when due and payable, in accordance with Article _____ of _____ said contract; and

WHEREAS, under applicable ordinances and rules and regulations of the City of Bixby governing the construction of privately financed public improvements, Contractor is obligated to furnish financial assurances guaranteeing completion of the entire work without regard to the source of funds with which to pay the Contractor for said work; and

WHEREAS, the parties desire to execute an escrow agreement in lieu of furnishing a payment bond as permitted in said contract:

NOW, THEREFORE, it is hereby agreed as follows:

1. **Escrow Fund.** The Escrow Agent hereby accepts and acknowledges receipt of the sum of \$ _____, hereinafter referred to as the "Escrow Fund" which shall be held by said Escrow Agent subject to the instructions hereinafter set forth for the period of time not to exceed _____ months from the date of this agreement, or until completion of the construction provided for in the above-described construction contract between Owner and Contractor, whichever first occurs.

2. **Disposition of Escrow Fund.** Said funds shall be held by said Escrow Agent in an account and apart from any other funds of either the Owner or Contractor and with or without interest accruing thereon, at the option of Escrow Agent. Escrow Agent shall, from time to time, disburse from said Escrow Fund to Contractor the amounts of periodic estimates, less any retainage, certified by _____

EXHIBIT B (continued)
ESCROW ACCOUNT AGREEMENT

_____, Consulting Engineers, as being due and payable to Contractor, pursuant to the terms of payment provisions of said contract between Owner and Contractor. Upon receipt of a certificate from said Consulting Engineers duly signed by any one of the individuals designated below, and opposite their sample signature, the Escrow Agent shall promptly pay out of said Escrow Fund to Contractor the amount shown in said certificate to be due.

Upon receipt of a verified copy of the acceptance of the construction work under the above-described contract by the City of Bixby, any funds remaining undistributed shall be redelivered and distributed to Owner. If the term of this escrow as above set forth has expired and such certificate of completion has not been received, Escrow Agent shall continue to hold said fund subject to receipt of such certificate of acceptance, and shall be entitled to additional compensation for acting as Escrow Agent. In the event during the term of this Escrow Agreement the funds so deposited are placed at interest, the interest accruing thereon shall be held and become a part of the Escrow Fund.

3. **Escrow Agent's Liability.** The Escrow Agent shall be liable as a depository only and shall not be responsible for the sufficiency or accuracy of the form, execution or validity of any documents delivered to it hereunder, nor shall it be liable in any respect on account of the identity, authority or rights of the persons executing or delivering or purporting to execute or deliver any such documents. As a further part of the consideration for the acceptance of this Escrow, the Escrow Agent shall not be liable for any acts or omissions made or done in good faith nor for any claims, demands or losses, nor for any damages made or suffered by any party to this Escrow, excepting such as may arise through or be caused by its willful or gross negligence. It may rely upon any paper, document, or any writing believed to be authentic in making any delivery of money hereunder.

4. **Escrow Fee.** An Escrow Fee has been separately agreed upon by the Owner and the Escrow Agent as compensation for its services hereunder, but it is agreed that a reasonable additional compensation shall be paid to it for any unusual or extraordinary services it may be required to render, or in the event the period of time during which it is obligated as Escrow Agent is extended beyond the term above set forth, and shall have the right to reimburse itself out of any funds in its possession for costs, expenses and its compensation, and shall have a lien on any money or other property held by it under this Escrow Agreement to cover same.

5. **Construction of Documents.** It is further agreed and understood by the parties hereto that the Escrow Agent will not be called upon to construe any contract or instrument involved herein and shall be required to act in respect to the disposition of the Escrow Fund only in the manner contained in the instructions herein set forth.

EXHIBIT B (continued)
ESCROW ACCOUNT AGREEMENT

6. **Nature of Agreement.** It is further understood and agreed by the parties that these instructions supersede and control over any other contract with reference to this Escrow Deposit insofar as the Escrow Agent is concerned and the said Escrow Agent may rely absolutely hereon to the exclusion of any and all other agreements between the Owner and Contractor.

OWNER

By: _____

Title:

CONTRACTOR

By: _____

Title:

ACCEPTED on this _____ day of _____, A.D. _____.

ESCROW AGENT

By: _____

Title:

THE FOLLOWING PERSONS ARE AUTHORIZED TO EXECUTE
CERTIFICATES ON BEHALF OF _____,
CONSULTING ENGINEERS:

(Name) _____ (Signature) _____

(Name) _____ (Signature) _____

EXHIBIT C
IRREVOCABLE COMMERCIAL LETTER OF CREDIT

DATE _____

TO _____
(Name of Contractor)

(Address)

(City, State and Zip Code)

Gentlemen:

We hereby establish our irrevocable letter of credit in your favor for the account of _____ (name of owner) to an aggregate amount of \$ _____. Said funds are available to you by our draft(s) at sight drawn on us and presented for payment on or before the _____ day of _____, A.D. _____, when accompanied by the following specified documents:

Signed invoice of your Company for the amount due, to which shall be attached periodical, partial, or final estimates of amounts due under the contract between you and the above owner, dated _____, and bearing the approval of _____, Consulting Engineers, to the effect that said sums are due and payable and that the work or materials represented therein and thereon have been furnished by you.

All drafts must be marked: _____

Drawn under _____

issuing Bank Letter of Credit No. _____.

We hereby agree with the drawers, endorsers and bona fide holders of drafts drawn under and in compliance with the terms of this letter of credit that such drafts will be honored upon due presentation to the drawee.

This letter of credit is subject to the Uniform Practice for Documentary Credits (ICC Publication No. 400), 1983 Revision.

EXHIBIT C (continued)
IRREVOCABLE COMMERCIAL LETTER OF CREDIT

(Name of Bank)

By: _____
(Title)

**EXHIBIT D
INDEMNITY AGREEMENT**

This Agreement is made this _____ day of _____, A.D. _____, by and between ("Developer") and The City of Bixby, Oklahoma, a municipal corporation ("City").

RECITALS:

A. Developer is currently undertaking a development which development will include certain public improvements to city-owned lands, easements or rights-of-way.

B. Developer and City are parties to a Developer's Contract under PFPI No. _____, requiring Developer to post certain financial assurances with the City Clerk's Office pursuant to City of Bixby Ordinances, ensuring payment to the contractor for services performed in connection with the public improvements.

C. Developer has provided City with a letter from the contractor, with appropriate signatures and acknowledgments, confirming that the contractor has received a copy of the proposed indemnity agreement, accepts the terms and conditions of the same, and agrees to hold the City of Bixby harmless from all payments due for services performed by the contractor for the developer.

NOW, THEREFORE, Developer represents to City that adequate funds have been reserved for the payment of contractors performing construction in connection with PFPI No. _____ as called for under the development plans submitted to the City. Developer hereby agrees to indemnify and hold City harmless from any and all liability for costs associated with any construction contract entered into for construction of or improvement of any public improvement set forth in PFPI No. _____. The City agrees to accept Developer's indemnification in lieu of posting a surety bond, letter of credit or other financial assurance.

Dated this _____ day of _____, A.D. _____.

(Developer)

ATTEST:

By: _____

(Seal) Title _____

**EXHIBIT D (continued)
INDEMNITY AGREEMENT**

Contractor's Hold Harmless Agreement received: Yes _____ No _____

Developer's Indemnity Agreement is:

APPROVED _____

DENIED _____

on this _____ day of _____, A.D. _____.

Director of Public Works

APPROVED AS TO FORM:

City Attorney

CHAPTER 8 LOT SPLITS, EXCEPTIONS, AND CHANGE OF LIMITS OF ACCESS

8.1 LOT SPLITS

1. PROCEDURE: The following procedure shall be followed in processing lot splits:
 - a. APPLICATION FORM AND DRAWING: A lot split application shall be filed with the City staff and the appropriate fee paid in accordance with the following requirements:
 1. Where the application is to be reviewed by the City staff alone, two (2) copies of a scaled drawing shall accompany the application.
 2. Where review will include other agencies or companies in addition to the City staff, one (1) copy of a reproducible scaled drawing 11" x 17" shall accompany the application.
 3. The drawing itself shall include all existing and proposed lot lines, all existing buildings and improvements and their distances from lot lines, adjacent streets and street widths, existing access limitations, north arrow and a scale.
 4. In all cases where drawings are attached to separate sheets, the subdivider is encouraged to limit their sizes to 8 1/2 inches by 14 inches.
 - b. CITY STAFF REVIEW: In its review of lot splits, the City staff shall:
 1. Distribute copies of the application form and drawing to appropriate officials, agencies or departments;
 2. Field check area being split;
 3. Review the application for conformance with: the Comprehensive Land Use Plan, Zoning Code and including Planned Unit Development, Board of Adjustment actions, and the Subdivision Regulations;
 4. Prepare recommendations including comments of officials, agencies or departments contacted.
 - c. LOT SPLITS REQUIRING CITY STAFF REVIEW ONLY: Where review by the City staff reveals that a split meets all approved guidelines and all proposed lots are adequately served by utilities either by easement or in public street, the City Planner shall approve the lot split and affix the appropriate seal.

- d. **LOT SPLITS REQUIRING FULL REVIEW:** For those lot splits that involve acquiring easements or in the staff's opinion, require review by additional companies or agencies, but do not involve a waiver of the Zoning Code or Subdivision Regulations, the following will be followed:
1. Copy of the application and drawing shall be sent to the utility companies and/or appropriate City departments.
 2. After each company or agency to which the application was referred has notified the City staff of all requirements, the staff shall in turn notify the subdivider.
 3. If the lot split is on a tract that is utilizing or will utilize a private sewage disposal system, a copy of the lot split application form and drawing shall be given to the subdivider, who in turn shall deliver it in person to the Oklahoma Department of Environmental Quality. When the result of their assessment is known, the Oklahoma Department of Environmental Quality shall notify the staff of their approval or disapproval.
 4. When approvals from all utility companies, City Departments or agencies, who are involved, are received, the staff shall recommend approval of the lot split and the Planning Commission shall consider the approval at the next Planning Commission meeting.
- e. **LOT SPLITS REQUIRING WAIVERS:** For those lot splits that involve a waiver of a subdivision regulation, the procedure shall be as follows:
1. A cut-off date shall be observed, such date to coincide with those for subdivision plats.
 2. A copy of the lot split shall be sent to the utility companies and/or the appropriate City departments and delivered to the Oklahoma Department of Environmental Quality, if required. The Planning Commission staff shall indicate on the application the date of the Technical Advisory Committee meeting at which the application shall be reviewed and that it is a request for waiver of conditions.
 3. The City staff shall present the application at a regular Technical Advisory Committee meeting where the lot split may be reviewed by the total membership of that Committee, including all utility companies, Oklahoma Department of Environmental Quality and the City Engineer.
 4. The recommendation of the Technical Advisory Committee shall be compiled with the Planning Commission staff recommendation and the application shall be heard at the next Planning Commission meeting.
 5. The Planning Commission shall review the requested lot split and either approve or disapprove the request waiver, If approved, the lot split approval may be subjected to the approval of the Board of Adjustment if a waiver of a zoning requirement is involved. If the

application is disapproved the applicant may appeal the decision of the Planning Commission to the City Council.

2. **CERTIFICATE OF APPROVAL:** Approval shall be shown by certificate on the instrument of transfer as required by State Statute. The certification shall be signed by an officer of the Planning Commission. The subdivider may then file the instrument with the County Clerk, the approval being an official document that will be contained in the abstract of the property being split.
3. **APPROVAL GUIDELINES.** Approval or disapproval of lot splits shall be based upon the following guidelines:
 - a. **LOTS:**
 1. Lot dimensions shall conform to existing zoning regulations, In the event that the tract to be split does not lie within the force and effect of an existing zoning ordinance, it is deemed desirable that single-family residential lots be a minimum of 65 feet in width and 6,900 square feet in area.
 2. Comer lots should have such extra width and area beyond the minimum requirements for other lots as may be necessary to permit appropriate setbacks on both streets while insuring that adequate buildable space remains.
 - b. **EASEMENTS AND UTILITIES:** Where a lot split will result in a lot having inadequate access to utility easements, dedication of easements shall be required in accordance with the requirements of the applicable utility company or companies and/or City departments.
 - c. **ACCESS AND STREETS:**
 1. Where a tract to be split is controlled by non-access provisions, no lot shall be approved where such provisions will preclude access for said lot.
 2. The splitting of land shall provide each lot with access to a public street or highway, so that the convenience of the lot owner or user is assured, as well as the layout of utilities, garbage and waste removal, fire protection and public health and safety be adequately provided for.
 3. Where land to be split contains, within its boundaries, areas designated for Street right-of-way on the Bixby Major Street and Highway Plan, the split shall not be approved where right-of-ways fail to conform to said plan, except, upon funding that:
 - a. All utilities are in place and additional right-of-way is not required for utility placement;

- b. the public has, by virtue of statutory easements or suitable roadway dedication, right-of-way sufficient to allow the placement of pavement or a width necessary to meet the standards of the Street Plan for the particular street involved; and,
 - c. development made possible by the split itself will not measurably increase the burden of traffic on an adjacent street to such an extent that it would adversely affect the health, safety, and welfare of the public; or upon finding that:
 - d. existing structures lie in the right-of-way proposed by the Street Plan.
- d. SEWAGE DISPOSAL:
- 1. Where a tract to be split abuts a public sanitary sewer, no split should create a lot, which is cut off from sanitary sewer unless the approval of the City is obtained.
 - 2. Where sewers are reasonably accessible, the regulations for subdivisions shall apply.
 - 3. A public water supply serving each lot is required.

8.2 CHANGE OF LIMITS OF NO ACCESS

- 1. When land has been platted under this regulation, or under other applicable law, and the owner of all land affected by the proposal wishes to add limits of no access on the plat, or wishes to remove or otherwise alter limits of no access on the plat, such action shall not require replatting, nor shall it require vacation of the old plat. The owner shall prepare an application specifying the legal description of all land affected by the change, certifying that the owner of the equitable title in the land desires the change, identify the plat by name and plat number as filed in the appropriate county, and specifying proposed changes in detail. Such application shall include a sketch site plan showing the requested modifications, all existing curb cuts, buildings, drives, parking areas, and other relevant items, and also including all proposed curb cuts.
- 2. The applicant shall pay to the City an application fee and shall file the application with the Planning Department, forwarded to the City Engineer's office for review by both departments. The review shall include an evaluation of whether the Proposed changes would increase problems with the public traffic flow, utility easements and the implementation of various plans adopted by the City, or would create problems with flow of traffic on private streets owned by persons other than the applicant.
- 3. The application shall then be submitted with a staff recommendation to the Planning Commission for hearing and City Council approval. In the event the City Council approves the application, the Mayor or Vice Mayor shall affix their signature to the application. The applicant shall record the instrument with the appropriate County Clerk. Effective as of the date of such filing, the area of limits

of no access previously existing and which were sought to be removed, shall be held expressly vacated by this action, and any new limits of no access shall be binding upon all parties to whom constructive notice is given. In the event the Planning Commission rejects the application, the Planning Commission shall so indicate on the original of the application form, which shall be filed in the City records.

CHAPTER 9. IMPROVEMENT STANDARDS

Engineering design standards have been adopted to implement the technical provisions of this regulation which relate to construction of utilities, streets and public facilities. Owners of land to be subdivided shall be aware of the following general standards.

9.1 GENERAL DRAWING PREPARATION

1. The size of all drawings shall be a multiple of 8 1/2 inches by 11 inches, with a maximum of 22 inches by 34 inches. All drawings shall be sealed by a Registered Professional Engineer or a Registered Land Surveyor of the State of Oklahoma.
2. Drawing material shall be high quality vellum or stable base film, such as mylar.
3. The scale shall not be less than 1 inch equals 100 feet on a plan sheet; and 1 inch equals 50 feet horizontal and 1 inch equals 5 feet vertical on plan and profile sheets. Larger scales may be required where conditions warrant.
4. Bench marks shall be on USGS datum, shown and described on the plans.
5. Lettering shall be a minimum height of 0.12 inches.
6. All line work shall be of sufficient density to reproduce clearly. Any work that does not reproduce clearly and legibly shall be cause for rejection of the project drawing.
7. All project drawing packages shall include a cover sheet which shall serve to introduce the project. Information contained on the cover sheet shall include the project title, project location with location map, project owner's name, address, telephone number and contact person if not the owner, project engineer's name, address and telephone number, drawing index and legend. The cover sheet shall not be used for a plan sheet.
8. On all drawings, a titleblock shall be shown which shall include the project title, owner's and engineer's name, drawing description, page number and date.
9. The drawings shall show all obstructions, both existing and proposed, above and below ground, and located both vertically and horizontally.
10. All improvements shall be able to be located at the project site from dimensions shown on the drawings based on established physical objects. This includes section lines and section corners. No improvements shall be scaled off of the

drawings to be located at the project site, or need for the designer to physically locate the improvements at the project site. The drawings shall be completely self explanatory.

11. The vertical control shall be based on USGS datum, and bench marks shall be shown on each plan view drawing.
12. No improvements shall be installed without dedication of the right-of-way or appropriate easement, and all such right-of-way or easement shall be shown on the drawings.

9.2 STREET AND PAVEMENT DESIGN CRITERIA

1. The centerline of the pavement shall be the centerline of the right-of-way. Intersections shall be as close as possible to right angles.
2. The minimum right-of-way (ROW) and pavement width shall be as follows:

Description	ROW Width (feet)	Pavement Width (feet)
Arterial Street		
Primary	120	88*
Secondary	100	56**
Collector Street		
Commercial	80	42***
Industrial	80	42***
Office	60	36***
Residential	60	36
Minor Street		
High Density Residential	60	36
Low Density Residential	50	26
Frontage Road	40	26
Industrial Service Road	80	36
Alley	20	

* 6 lanes ~ 12 feet/lane plus 2 shoulders at 8 feet each.
 ** 4 lanes ~ 12 feet/lane plus 2 shoulders at 4 feet each.
 *** If parking is allowed, add 2 lanes at 8 feet for each lane.

3. The maximum grade shall be as follows:

Description	Grade
Arterial Street	
Primary	4%
Secondary	5%
Collector Street	
Commercial and Industrial	5%
Residential	7%
Minor Street	8%

4. The minimum grade on all streets shall be 0.5%.
5. The maximum cross slope on all streets shall be 3/8 inch per foot.
6. Inverted crowns on streets shall not be permitted.
7. The minimum horizontal centerline radius shall be as follows:

Description	Radius (feet)
Arterial Street	
Primary	600
Secondary	400
Collector Street	
Commercial	350
Residential	150
Minor Street	100

8. The minimum radius on returns at residential intersections shall be 25 feet. At intersections of a residential and arterial street, the minimum radius on returns shall be 30 feet. The minimum radius on the returns for industrial districts shall be 40 feet.
9. The design speed shall be 25 mph on all residential streets and 35 mph on all collector streets.
10. Curbing is required on all street types, with the exception of residential streets where open drainage ditches under "RE" zoning are allowed by the City.
11. Soil tests shall be required for all areas to be paved, all submitted to the City Engineer for approval. If the soil tests indicate that the soil has a plasticity index (PI) of 10 or greater, the subgrade shall be modified in accordance with the geotechnical report as required to comply with the Engineering Design Standards

and approved by the City Engineer. If the soil tests indicate the soil is granular and unstable, the method of stabilization shall be approved by the City Engineer.

12. The streets that serve industrial or commercial areas shall have a minimum pavement thickness of 8 1/2 inches of asphaltic concrete or 8 inches of portland cement concrete.
13. The streets that serve residential areas shall have a minimum pavement thickness of 6 1/2 inches of asphaltic concrete or 6 inches of portland cement concrete.

9.3 WATERWORKS AND SANITARY SEWERAGE DESIGN

1. All base maps shall be referenced to existing land lines (section corners, etc.). Property lines, right-of-way, easements, and other items as needed, shall be located and dimensioned.
2. No sanitary sewer or water lines shall be installed without dedication of right-of-way or appropriate easements. These easements should be submitted for review prior to filing. Restricted water or sanitary sewer easements shall be filed by the City Engineer. Utility easements may also be filed by the City Engineer.
3. Drawings shall show all obstructions existing and proposed, above and below ground. These shall be located vertically and horizontally. The Engineer shall be responsible for contacting ALL utilities to obtain locations of their facilities. This also applies to various affected pipeline companies.
4. Drawings shall show existing and proposed elevations.
5. The Engineer shall be responsible for coordinating the crossing of all existing street with the City Engineer's office and securing approval for crossings, and for method of construction (bore, tunnel or open cut).
6. If a water main is within 2.0 feet vertically or 10.0 feet horizontally of a sanitary sewer, Oklahoma State Department of Environmental Quality requirements shall govern.
7. All plans will be reviewed for their effects on existing and future development and how future development will affect City operated facilities.
8. Wastewater and water improvements minimum design shall be based upon the latest criteria of Oklahoma State Department of Environmental Quality and as defined herein, whichever is more stringent.

9.4 WATER SUPPLY

1. **ACCESSIBLE PUBLIC WATER:** Where a publicly approved water supply is reasonably accessible, the subdivision and each lot within shall be provided with a connection.
2. **NONACCESSIBLE PUBLIC WATER SUPPLY:** Pending accessibility of a public water supply, the subdivider may be required to construct a private water supply system or attach to a rural water district in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are built. The water supply plans shall be subject to approval by the Oklahoma State Department of Environmental Quality and by the City. The water supply system shall be subject to inspection by the City during construction.
3. **FIRE HYDRANTS:** Fire hydrants shall be spaced not over 600 feet apart in residential areas, and not over 300 feet apart in commercial and industrial areas.
4. **LOOP SYSTEMS:** All water lines used for service shall be looped to provide circulation. In the event that the main line terminates at a location which will be extended in the future, a fire hydrant or blow off hydrant shall be constructed to provide temporary circulation. All lines in cul-de-sacs shall be looped with a minimum of 4-inch lines.
5. **GENERAL:** The City may accept for maintenance any water line constructed within the City or connected to its water system, after tests and inspections have been made.
6. **WATER MAINS DESIGN**
 - a. Water mains shall be on the south or east side of rights-of-ways 8 feet off property line, unless otherwise approved. Water mains not adjacent to streets shall be centered in a minimum 20-foot restricted water line easement.
 - b. Maximum permissible depth of cover is 8 feet unless approved by the City Engineer, and minimum cover is 3 feet, except at air relief valves where a minimum of 4.5 feet is required.
 - c. Existing grade above water mains and curb grade, or Centerline of street grade, shall be shown on profile.
 - d. All fire hydrants shall be located in accordance with City standards. Normally, fire hydrants will have a 4.5-foot bury, with extensions as needed. If 3.5 foot bury fire hydrants are necessary, they must be approved by the City Engineer.
 - e. All water pipe shall conform to the current American Water Works Association standards for ductile iron pipe, steel pipe, reinforced concrete pipe, or polyvinyl chloride pipe (PVC). PVC pipe shall be restricted from use adjacent to arterial streets.

- f. If PVC pipe is used, detectable mylar marking tape for location of water pipe shall be required. A note shall be placed on the plan sheet indicating the areas where the tape is required.
- g. On the cover sheet of all plans lots shall be designated, where structures will have a finished floor grade of approximately 700 feet Or less, requiring the installation of a pressure reducing valve. If no pressure reducing valves are required on the project, a note should so indicate.
- h. Cover over water mains at creek crossings shall be 4 foot minimum. Water lines shall be restrained joint pipe through the creek area.
- i. If conduits are planned to be installed for future long services, the plan sheet should be revised to show the location of the conduits.
- j. Restrained joints are required on all fittings required to be restrained by the City staff.

9.5 SANITARY SEWER SYSTEM

1. **ACCESSIBLE PUBLIC SANITARY SEWER SYSTEM:** Where a publicly approved sanitary sewer is reasonably accessible, the subdivision and each lot within shall be provided with a connection. All connections shall be subject to the approval of the City Engineer and be in accordance with the regulations of the Oklahoma State Department of Environmental Quality.
2. **PLANNED CONNECTION TO PUBLIC SEWERS** Where public sanitary sewer system is not reasonably accessible but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the Oklahoma State Department of Environmental Quality, the subdivider shall install sewers in conformity with such plans. Where immediate connection is not possible and until such connection with the sewer system can be made, the use of a private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with these regulations and requirements of the City Engineer and the Oklahoma State Department of Environmental Quality.
3. **NONACCESSIBLE PUBLIC SEWER**
 - a. Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the subdivider of unplatted land shall plan and install a complete sanitary sewer collection and disposal system in accordance with the requirements herein. Until such time sewers are accessible an individual disposal device may be installed for each lot of the subdivision, provided that no individual disposal device shall be permitted unless the lot has a minimum width of 100 feet and a lot area of not less than 22,500 square feet. The Oklahoma Department of Environmental Quality, with the concurring approval of the City Council, may modify these lot area requirements in relation to soil conditions and other pertinent facts and findings on any particular trust. Each such

individual device and system shall be constructed and maintained in accordance with the regulations and requirements of the Oklahoma Department of Environmental Quality.

- b. At such time when sewers become accessible, the City staff will inspect the installed sanitary sewer collection and disposal system to identify any deficiencies. The subdivider and/or lot owners of the subdivision shall be responsible to correct all deficiencies identified at their own expense and connect to the accessible sewers.

4. **GENERALLY:** The City may accept for maintenance any sewer line constructed within the City or connected to its sewage system, after tests and inspections have been made.

5. SANITARY SEWER DESIGN.

- a. Where possible, sewer mains will be located in an easement adjacent to the street right-of-way. Other sewer lines shall be located in the south or west half of back-to-back easements, 7.0 feet from the property line. Total back-to-back easement width is 22.0 feet minimum. Sewer shall be located 12.5 feet from property line in perimeter easements which are a minimum of 17.5 feet. Any location not standard shall be approved by the City Engineer. Side lot easements widths will be based upon other utilities in the easement and the location and depth of the sewer.
- b. Sewers terminating in a manhole shall project a minimum of 15.0 feet into property served. If all utilities are to be underground, this may be reduced in certain situations. Lampholes are not allowed.
- c. Alignment, size and grade of lines shall be subject to approval.
- d. Manhole spacing shall be 400 feet maximum unless approved by the City Engineer or Public Works Director. In order to accommodate cleaning, using power equipment, 500 feet spacing may be allowed when manholes are located in street right-of-way or parking lots. Adjustments in manhole spacing may be made to allow locations adjacent to the streets.
- e. Manholes shall be 4.0 feet deep. minimum or a special structure will be required. Rim elevation shall 1.0 feet, minimum, above 100 year flood or high water level, or sealed manhole lids may be installed. Exact manhole rim elevations shall be shown on profile plans and staked in the field, unless matching existing grade. All manholes shall match inverts in and out (NO SPLASH), or a drop manhole shall be constructed (minimum difference in inverts shall be 2.0 feet or as required for construction).
- f. Property or building lines opposite of sewer lines and centerline grades shall be shown on the profile plan.
- g. In-line Tees shall be installed for all platted lots and at any point where a sanitary sewer service connection is anticipated. Specify the tee size and station the tee from the downstream manhole on the plan and profile sheet.
- h. Maximum permissible depth for service connections to property is 16 feet.

- i. Design depth shall be based on service line stubout 1.5 feet below surface, 2.0% minimum grade and 1.5 foot drop into the sewer.
- j. All sewer pipe shall conform to the current specifications. All cuts in excess of 16 feet shall require special approval.
- k. Concrete encasement shall be required where the depth of cut from the ground elevations to the top of pipe is 4.0 feet or less. Concrete cradle may be required where centerline cut exceeds 16 feet.
- l. Cover over sewer at channel or creek crossings shall be 4.0 feet, minimum. Encased ductile iron pipe shall extend a minimum of 10.0 feet into both banks.

9.6 PLANTING, STREET LIGHTING AND STREET NAME SIGNS

- 1. **LANDSCAPE:** All landscaped strips, parkways and screening areas dedicated to the public shall be graded, seeded with Bermuda Grass and planted in an appropriate manner by the subdivider.
- 2. **LIGHTING:** Provisions shall be made by the subdivider for adequate lighting of public streets within the subdivision, in accordance with the Engineering Design Standards of the City.
- 3. **STREET SIGNS:** Street name signs shall be installed by the subdivider in accordance with the Engineering Design Standards of the City.
- 4. **ILLUMINATION:** Requirements of Average Maintained Horizontal Illumination.

Area Classification for Roadway and Walkway

	Commercial Footcandle	Residential Footcandle
Vehicular Roadways		
Highway	0.6	0.6
Arterial	2.0	1.0
Collector	1.2	0.6
Minor	0.9	0.4
Alley	0.6	0.2
Pedestrian Walkways		
Sidewalks	0.9	0.2
2 Pedestrian Ways	2.0	0.5

Note: The recommended illumination values shown are meaningful only when designed in conjunction with other elements. The most critical elements as described in this practice are as follows:

1. Illumination Depreciation
2. Quality
3. Uniformity
4. Luminaire Mounting Heights
5. Spacing
6. Transverse Location of Luminaires
7. Luminaire Selection
8. Traffic Conflict Areas
9. Border Areas
10. Transition Lighting
11. Alleys
12. Roadway Lighting Layouts

CHAPTER 10. STORM DRAINAGE, DETENTION AND EARTH CHANGE

10.1 STORM DRAINAGE

Every subdivision shall be provided with a storm water drainage system adequate to serve the area being platted. Such storm water drainage system shall be designed in accordance with these regulations, Engineering Design Criteria, the Stormwater Design Criteria and as required to ensure that property located downstream from and upstream from the subdivision shall not be injuriously affected by the construction, operation, or maintenance of such system.

10.2 DETENTION AND DRAINAGE FACILITY REQUIREMENTS

1. GENERAL REQUIREMENTS AND STANDARDS:
 - a. Developments shall be required by the City to have detention facilities if the location of the developmental site with respect to the watershed would cause increased flooding downstream without them.
 - b. All detention facilities, where required, shall be designed and constructed in such a manner that velocity and rate of discharge of water does not exceed that of the undeveloped state of that particular property under all flooding conditions.
 - c. If approved by the City, detention will not be required for a developmental site that has 100-year full urbanization drainageway capacity to the Arkansas River. However, a fee in-lieu of detention will be required in such cases.
 - d. All calculations for detention facilities shall be submitted for review and must be approved by the City Engineer, to include hydrographs, outflow structures and a time phase analysis through the facility. Refer to the Stormwater Design Criteria for more detailed requirements.
 - e. Flood hazard areas shall be identified at the preliminary plat stage when locating detention ponds in the development to illustrate how these areas will be managed during and after construction.
 - f. Flood hazard areas under post-development conditions shall be identified on as-built plans.
 - g. Filling or development, which diminishes flood storage capacity of any regulatory floodplain area, shall be compensated for.
 - h. All open ditch conveyance systems shall have concrete low flow channel bottom in accordance with Oklahoma Department of Transportation standards with the addition of 6x6 10/10 WWM.
2. OWNERSHIP, MAINTENANCE AND ACCEPTANCE:

- a. Detention facilities which shall be permanently maintained by the subdivider, or; the subdivider shall vest the ownership and maintenance of the detention facilities in the owners of the lots of the subdivision in shares proportional to respective lot areas.
- b. Detention facilities may be dedicated to and be maintained by the public if approved and accepted by ordinance by the City Council.
- c. In determining whether to accept the dedication of detention facilities, the City Council shall consider the size of such facility, suitability for multiple uses, design, pertinency, location, availability of adequate means of ingress and egress, and public welfare.
- d. Such facilities shall not be accepted by the City Council without certification from the City Engineer that the facility meets minimum design criteria established by the Stormwater Design Criteria and Engineering Design Standards.

10.3 EARTH CHANGE (separate ordinance)

1. An earth change permit shall be obtained prior to the commencement of any excavation, grading, re-grading, landfilling, berming, realignment or relocation of drainage routes or diking in accordance with applicable City Ordinances and Engineering Design Standards.
2. The City Engineer shall review all earth change permits and shall attach such conditions as he may determine necessary and reasonable.
3. The City Engineer shall report findings and recommendations to the City Council for approval or denial of the earth change permit.
4. For subdivisions, the application for an earth change permit shall be submitted at the same time as the grading plan.

CHAPTER 11 ENGINEERING, INSPECTIONS AND RELEASE OF BONDS

11.1 ENGINEERING

All plans for public improvements shall be designed and supervised by an Engineer.

11.2 INSPECTIONS

The City Engineer shall cause the project to be inspected as necessary while work is in progress. Inspectors shall notify the contractor of violations of the construction standards in writing; if the contractor fails to correct such violation, or continues to violate the construction standards, the City Engineer or designee shall have the authority to stop work on the project by issuing an order in writing and citing the violation. Neither the contractor nor the subdivider shall proceed with the work until the failure or fault cited in the stop work order has been corrected and until he is so notified in writing by the City Engineer to proceed.

11.3 RELEASE OF MAINTENANCE BOND

Prior to the end of the period covered by the maintenance bond, the City Engineer shall make an inspection of the project. The City Engineer shall notify the subdivider in writing of all defects that must be corrected and the corrections must be accepted by the City before the subdivider may be released from bond and the City accepts the project for the purpose of future maintenance. Normal wear is not a defect for the purposes of this section.

CHAPTER 12. ACCEPTANCE OF PUBLIC IMPROVEMENTS

12.1 MAINTENANCE BOND REQUIRED IN ADVANCE

No streets, stormwater system, water distribution system, wastewater system or other public improvements shall be accepted for ownership or maintenance by the City of Bixby until the contractor has furnished:

- a. Individual Maintenance bond(s) covering 100% of the construction costs of the improvement for a period of 2 year from the date of acceptance by the City.
- b. The bonds shall be in the format and language prescribed by the City.
- c. The bonds shall be from a surety company duly licensed to do business in the State of Oklahoma and;
- d. The bonds shall be from a company acceptable to the City of Bixby.

12.2 ACCEPTANCE BY CITY

1. The City shall not have any responsibility with respect to any improvements, notwithstanding the use of the same by the public, unless the improvements shall have been accepted by the City Council.
2. Upon completion of construction on all improvements:
 - a. The City staff shall:
 1. Perform a final inspection of those improvements for approval.
 2. Prepare a Final Punch List identifying any deficiencies, tests to be performed and/or items to be corrected.
 3. Upon the complete correction of all deficiencies staff will approve the construction improvements and submit to the City Council for consideration with recommends to approve.
 - b. The subdivider shall:
 1. Perform all tests and/or correct all deficiencies identified by City staff prior to consideration before the City Council.
3. When improvements have been constructed, completed, and approved by City staff in accordance with the requirements and specifications of the City, and the subdivider has submitted the required "as-built" documents to the City, the City Engineer shall submit to the City Council, within thirty (30) days, a recommendation to accept the improvements for maintenance by the City.

CHAPTER 13. SECURITY DEVICES AND FEES

13.1 BONDS, ESCROWS OR SECURITY DEVICES

Prior to the issuance of any construction permits the following security devices and bonds as required by these regulations shall be submitted and approved by the City staff.

1. Developers Contract and Method of Security
2. Contractor's Performance Bond
3. Contractor's Statutory Labor and Material Payment Bond
4. Maintenance Bond
5. Workmen's Compensation Insurance
6. Insurance Certificates

13.2 ADDITIONAL REQUIREMENTS

1. **HOLD PERMITS FOR "AS-BUILTS":** The subdivider shall submit to the City of all such as-built plans within 60 days after acceptance of public improvements. After a period of 60 days, if the subdivider has not submitted the required "as-built" documents acceptable to the City, the City shall halt the issuance of all building permits and/or halt all construction.
2. **CONSTRUCTION SECURITY DEVICES:** Security arrangement shall be subject to the condition that the improvements must be completed within one (1) year, with an option granted to the City to extend the time of performance for up to one (1) additional year after approval of the final plat. In the event all or any portion of the improvements are not completed, the City may proceed with the work and hold the subdivider and the company issuing security devices jointly and separately liable for the costs, or pursue such other remedies as may be available.
3. **PERFORMANCE SECURITIES:** All improvements will be complete within one (1) year, with an option granted to the City to extend the time of performance for one (1) additional year after starting construction; provided further that as an alternative, the subdivider may escrow the costs of the improvements with the City, or provide other approved equivalent irrevocable security assurances to guarantee performance. Provided further that the Public Works Director or his designee may agree in writing with the subdivider to delay construction of any sidewalk which is adjacent to a street which the City intends to widen, under which agreement the costs of construction must be escrowed with the City and the side-walk must be constructed within one year of the completion of the street widening project for the affected portion of the street; if the widening project is unduly delayed, the City may require the subdivider to begin the sidewalk

3. Privately Financed Public Improvements (PFPI) fees: Before any construction permit(s) shall be issued the following fees shall be paid to the City of Bixby:
 - a. Application Permit Fee: One Hundred Dollars (\$ 100.00) for each PFPI application permit reviewed and issued.
 - b. Construction Plans Review Fee: Fifty Dollars (\$ 50.00) for each sheet of engineering drawings for each PFPI improvements (not including title sheet and standard detail sheets).
 - c. Construction Inspection Fee: The City requires the subdivider to pay for the costs of construction inspection fees incurred by the City for the proposed development. The subdivider is required to submit Five Thousand Dollars (\$ 5,000.00) to the City to begin the construction inspection process. The subdivider will pay the total costs of inspections during construction. If the inspection costs is less than the original \$ 5,000.00, the remaining monies shall be returned to the subdivider after final acceptance of the development. If the inspections costs are more than the original \$ 5,000.00, the subdivider will be required to reimburse the City for those costs before final acceptance of the development.

4. EARTH CHANGE PERMIT FEES (by separate ordinance): Before any earth change permit(s) shall be issued the following fees shall be paid to the City of Bixby:

a. 1.0 acre or less	\$ 25.00
b. 1.01 acre to 10 acres	\$ 75.00
c. 10.01 acres or more	\$ 150.00

5. REQUEST FOR WAIVER OF PLATTING REQUIRMENTS (by separate ordinance):

a. Process and application with staff review only	\$ 25.00
b. Process and application requiring TAC review	\$ 50.00

6. REQUEST CHANGE OF ACCESS (by separate ordinance):
 In the event there is a request for a change in access on a recorded plat approved by the City Council the following is required to be paid to the City of Bixby.

a. Processing and application fee	\$ 50.00
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7. LOT SPLIT FEES:

a. Lot split which meets all Subdivision Regulations and Zoning Code as submitted.	\$15.00
b. Lot split which requires a waver of subdivision Regulations subject to action by the Board of	

- Adjustment on a Minor Variance, in accordance with the adopted policies of the Board of Adjustment. \$25.00
- d. Lot split which require a waiver of Subdivision Regulations other than a minor Variance and may be subject to action by Board of Adjustment, in accordance with he adopted policies of the Board Of Adjustment. \$50.00

- 8. FEE IN LIEU OF DETENTION (by separate ordinance):
In the event the City approves allowing the subdivider to paid the fee in lieu of providing detention facility(ies), the subdivider shall pay to the City of Bixby such fee as defined by the ordinance. The fee shall be paid prior to the recording or filing of any plat.

CHAPTER 14. STATE OF OKLAHOMA REQUIREMENTS FOR SUBDIVISIONS

1. All plans pertaining to distribution and treatment of public drinking water must be approved by the Oklahoma State Department of Environmental Quality.
2. All plans pertaining to the collection and treatment of public sewage plants must be approved by the Oklahoma State Department of Environmental Quality.
3. Those above mentioned plans that are part of Bixby's Water and Sewer system are reviewed by the City Engineer and forwarded to the Oklahoma State Department of Environmental Quality for approval. One set of approved plans are returned to the subdivider.
4. All plans for private potable drinking water systems shall be approved by the Oklahoma State Department of Environmental Quality via the City Engineer.
5. All plans for private sewage disposal systems shall be approved by the Oklahoma State Department of Environmental Quality via the City Engineer.
6. Solid waste, such as trees, brush, demolished structures, etc., must be properly disposed of in accordance with all Federal, State, and local laws and regulations.