

**COUNCIL OF THE TOWN OF LEONARDTOWN**  
**Ordinance No. 125**

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**Date Introduced on First Reading:**     June 12, 2006

**Amendments Adopted:**             —

**Date Adopted on Second Reading:**   July 10, 2006

**Date Effective:**                    August 1, 2006

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1   **AN ORDINANCE** concerning

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3                   **Public Works Agreements and Development Security and Guarantees**

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5   **FOR** the purpose of requiring certain persons to enter into public works agreements  
6       prior to the recording of a final subdivision plat under certain circumstances;  
7       altering the type of financial security that must be provided to the Town by  
8       developers in connection with the installation of public improvements in new  
9       subdivisions; providing for certain guarantees with respect to public  
10       improvements installed by developers in new subdivisions; and all matters  
11       generally relating to the installation of public improvements by developers in  
12       new subdivisions in the Town of Leonardtown.

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14   **BY** repealing and reenacting, with amendments  
15       Code of the Town of Leonardtown  
16       Chapter 131, Subdivision Regulations  
17       Sections 131-11.E and 131-15.B

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19   **SECTION I. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF**  
20   **LEONARDTOWN** that Sections 131-11.E and 131-15.B of the Code of the Town of  
21   Leonardtown, Chapter 131, Subdivision Regulations, be and they hereby are  
22   repealed and reenacted, with amendments, to read as follows:.

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24                                   Chapter 131-SUBDIVISION REGULATIONS

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26   **§ 131-11. Final Plats.**

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28   E.     The following shall be required for the purpose of AND AS A PRECONDITION  
29       TO THE SIGNING OF THE RECORD PLAT BY THE PLANNING  
30       COMMISSION ((recording of the final subdivision plats)).

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32       (1)    An approved plat, with eight copies to be submitted to the Planning and

- 33 Zoning Commission for recording.  
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- 35 (2) A street layout and their relationship to the nearest town road shall be  
36 submitted (one copy) for use of law enforcement and fire protection  
37 agencies.  
38
- 39 (3) Surety bonds GUARANTEEING PERFORMANCE OF THE PUBLIC  
40 WORKS AGREEMENT AND to cover the cost of construction of roads,  
41 street signs and sewerage and water shall be submitted, TOGETHER  
42 WITH SURETY BONDS TO COVER THE PAYMENT OF ALL LABOR  
43 AND MATERIALS ASSOCIATED WITH SUCH CONSTRUCTION.  
44
- 45 (a) The length of EACH PERFORMANCE AND PAYMENT bond will  
46 normally be a maximum of three years.  
47
- 48 (b) All PAYMENT AND PERFORMANCE bonds must contain an  
49 escalator clause to cover the yearly increase in the costs of  
50 construction.  
51
- 52 (c) A schedule of proposed construction must accompany each  
53 bond.  
54
- 55 (d) After review of plans and specifications for the proposed  
56 facilities, the amount of ((the)) EACH bond shall be based on  
57 the town estimate, plus a ten-percent contingency charge.  
58
- 59 [1] A bond to cover the cost of construction of roads and  
60 street signs shall be submitted to the town.  
61
- 62 [2] A bond to cover the cost of construction of sewerage and  
63 water facilities shall be submitted to the town.  
64
- 65 (e) Any assurance other than a surety bond given by the developer  
66 to ensure construction of the facilities must be approved by the  
67 Leonardtown Town Commissioners.  
68
- 69 (F) BEFORE THE PAYMENT BOND IS RELEASED, THE  
70 DEVELOPER SHALL CERTIFY IN WRITING THAT, IN  
71 ACCORDANCE WITH CONTRACTUAL ARRANGEMENTS,  
72 CONTRACTORS, SUBCONTRACTORS, AND SUPPLIERS  
73 HAVE BEEN PAID.  
74
- 75 (4) (A) A PUBLIC WORKS AGREEMENT WILL BE ENTERED INTO

76 BETWEEN THE DEVELOPER AND THE TOWN  
 77 GUARANTEEING THAT THE PUBLIC IMPROVEMENTS WILL  
 78 BE INSTALLED IN ACCORDANCE WITH THE PLANS,  
 79 SPECIFICATIONS AND SCHEDULES APPROVED BY THE  
 80 PLANNING COMMISSION PRIOR TO FINAL PLAT  
 81 APPROVAL. THE PUBLIC WORKS AGREEMENT SHALL  
 82 INCLUDE A GUARANTEE OF ALL WORK AND MATERIALS  
 83 INSTALLED BY THE DEVELOPER PURSUANT TO THE  
 84 AGREEMENT FOR A PERIOD OF TWO YEARS, AND SHALL  
 85 PROVIDE FOR A MAINTENANCE BOND .FOR A PERIOD OF  
 86 TWO YEARS AFTER THE TOWN'S ACCEPTANCE OF  
 87 PUBLIC IMPROVEMENTS.  
 88

89 (B) THE PUBLIC WORKS AGREEMENT SHALL CONTAIN  
 90 PROVISIONS BY WHICH THE DEVELOPER AGREES THAT  
 91 THE SECURITY MAY BE APPLIED BY THE TOWN TO  
 92 COMPLETE THE IMPROVEMENTS AS AGREED AND FOR A  
 93 MAINTENANCE PERIOD OF TWO YEARS, AFTER  
 94 COMPLETION OF CONSTRUCTION OF SUCH  
 95 IMPROVEMENTS FOR THE PURPOSE OF:

96  
 97 [1] GUARANTEEING AND SECURING THE CORRECTION  
 98 OF ANY DEFECT IN MATERIAL OR WORKMANSHIP  
 99 FURNISHED FOR SUCH IMPROVEMENTS LATENT IN  
 100 CHARACTER AND NOT DISCERNABLE AT THE TIME  
 101 OF FINAL INSPECTION OR ACCEPTANCE BY THE  
 102 TOWN.  
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104 [2] GUARANTEEING AGAINST ANY DAMAGE TO SUCH  
 105 IMPROVEMENTS BY REASON OF THE SETTLING OF  
 106 THE GROUND, BASE OR FOUNDATION THEREOF.  
 107 THE AGREEMENT SHALL ALSO PROVIDE THAT THE  
 108 SECURITY MAY BE APPLIED BY THE TOWN FOR  
 109 ANY AMOUNTS INCURRED CORRECTING SUCH  
 110 DEFECTS.  
 111

112 **§ 131-15 Improvements.**  
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114 B. The streets and other ways ((shall)) TO be improved and graded by the  
 115 developer, and all water, sewer and other utility mains, manholes, piping or  
 116 other facilities AND PUBLIC IMPROVEMENTS ((shall)) TO be installed BY  
 117 THE DEVELOPER ((as a condition precedent to the approval of the final plat))  
 118 SHALL NOT BE UNDERTAKEN UNTIL THE DEVELOPER HAS PROVIDED

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THE PERFORMANCE AND PAYMENT SECURITY AS PROVIDED BY SECTION 131-11.E. ((The Commission may give tentative approval of the plat previous to such improvements and installations, but any such approval shall be revocable and shall not be entered on the plat.))

**SECTION II: AND BE IT FURTHER ORDAINED**, that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Council after veto by the Mayor.

**SEAL:**

**COMMISSIONERS OF THE TOWN OF LEONARDTOWN**

Walter Wise  
Walter Wise, Vice President

Thomas R. Collier  
Thomas R. Collier, Councilmember

Robert Combs  
Robert Combs, Councilmember

J. Maguire Mattingly III  
J. Maguire Mattingly, III, Councilmember

Leslie E. Roberts  
Leslie E. Roberts, Councilmember

**ATTEST:**

Laschelle E. Miller  
Laschelle E. Miller, Town Administrator

Date July 10, 2006

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This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this 12<sup>th</sup> day of July, 2006.

Laschelle E. Miller  
Laschelle E. Miller, Town Administrator

In accordance with Section 210 of the Charter of the City of Town of Leonardtown, I hereby [(Approve) or (Disapprove)] approve this Ordinance this 12<sup>th</sup> day of July, 2006.

J. Harry Norris, III  
J. Harry Norris, III, Mayor

**Key:**

- CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
- ((Double Parenthesis)) indicate matter deleted from existing law.
- Underlining indicates amendments to bill.
- ~~Strike-Out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.