Pender County
Planning and Community Development

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Subdivision Final Plat Submission
(Major and Minor Subdivision)

Applications will be considered for Staff review only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. _____ **Signed Application**
2. _____ **Payment**
   $250 +10 per lot for the first 100 lots/units, $5 per lot thereafter
3. _____ **Paper Plan Sets**
   Four (4) 24 x 36, One (1) mylar
4. _____ **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
5. _____ **AutoCAD Submission**
   AutoCAD drawing of the subdivision be e-mailed to the GIS Division for the purpose of adding the subdivision to our GIS data. The AutoCAD drawing file shall be in model space and spatially referenced. The entities in the AutoCAD drawing should be placed on the following layers: Entity Layer Name Parcel line work (Right-of-Way, lot lines, subdivision boundaries) Parcel Street centerlines CL Easements (including fire lanes) Esmt Text Text All line work shall have a line type of CONTINUOUS, color 7, a width of 0, an elevation of 0, and should not have duplicate line work over one another. All line work shall be lines and arcs, and shall not be PLINES.

   The final AutoCAD drawing files and questions should be addressed to:
   Pender County GIS Division Attn: Josh Norwood email: jnorwood@pendercountync.gov
   Phone: (910) 259-0129 PO Box 1519 Burgaw, NC 28425.
6. _____ **Supplemental Documentation**
   HOA Articles of Incorporation _____
   HOA Covenants and Restrictions _____
   Open Space Deeds _____
   NCDOT Basic Letter _____
   Engineer/Surveyor Certifications for Improvements (*found in Appendix D)* _____
   Private Roadway Certification (if applicable) *(found in Appendix D)* _____
   Defects Guarantee *(found in Appendix D)* _____

<u>If improvements are not complete</u>:

Financial Instrument *(found in Appendix D)* _____
Performance Guarantee for Improvements *(found in Appendix D)* _____

7. _____ **Water**

State Acceptance of Water Certifications _____
Pender County Utilities Water Approval _____
OR
Verification from the Environmental Health Department regarding:
Well Permits _____

8. _____ **Wastewater**

State Acceptance of Wastewater System _____
OR
Verification from the Environmental Health Department Regarding:
Improvement Permits, Soil Suitability Analysis or Engineered Option Permits _____

9. _____ **Recreation Units** (In accordance with Section 7.6.2)

10. _____ **Plat Submission**

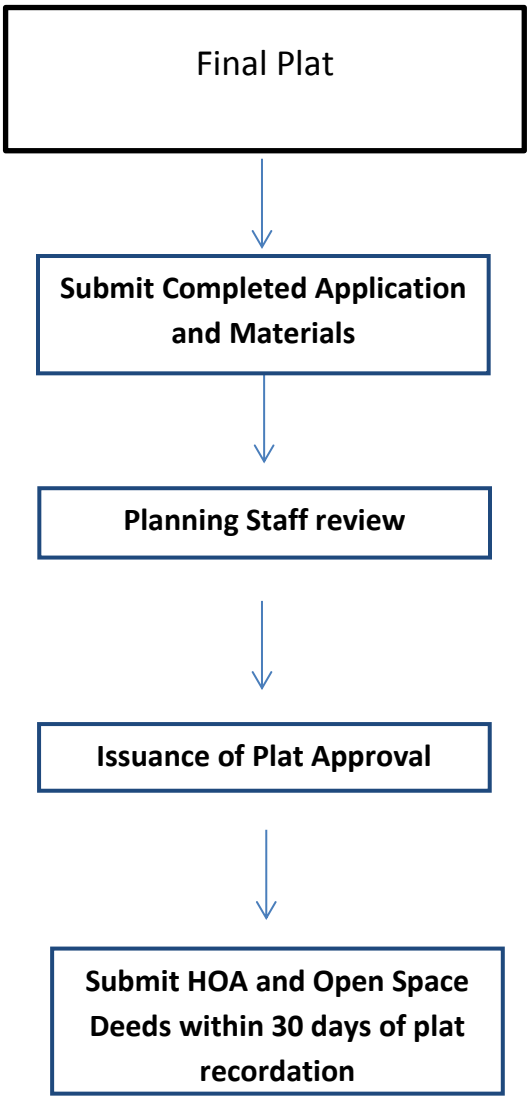
All conditions of the preliminary plat approval must have been met before any final plat will be considered for review. Confirmation of compliance with all provisions of the Preliminary Plat. (See Final Plat Checklist)

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant _____ Date_____

Printed Name _____

Staff Initials: _____
Date: _____


Final Plat
Submit Completed Application and Materials
Planning Staff review
Issuance of Plat Approval
Submit HOA and Open Space Deeds within 30 days of plat recordation

Specific requirements can be found in Section 6.5 of the Pender County Unified Development Ordinance

Final Plat Specific Requirements

A. Submission Requirements and General Provisions

1) A final plat will not be accepted for review that is incomplete or for which has not been submitted the documents necessary for verification of the conditions of Preliminary Plat approval.
2) The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.
3) The completed final plat must be submitted within 2 years of approval of the preliminary plat or within 2 years of approval of a previously recorded final plat.
4) The final plat must conform to the preliminary plat and specifically to all conditions of approval of the preliminary plat. The Administrator may approve minor variations from the approved preliminary plat layout including minor lot line adjustments. Major changes such as; a reduction in individual lot acreage, an increase in total lot number or density, significant roadway changes or any other major alterations will require re-submittal of Preliminary Plat.
5) All conditions of preliminary plat approval must have been met before any final plat will be considered for review.-A final plat will not be scheduled for review which is incomplete or does not have the required documents submitted with it.
6) Plat Submission – the final plat must be submitted in digital format to the Administrator. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it. A copy on mylar suitable for recording shall be submitted for signing upon review & approval of the final map. The final plat shall be reviewed, approved and signed by the Administrator.
7) Upon approval of the final plat by the Administrator, the Subdivider shall record the final plat with the County Register, as provided for by that office, within ninety (90) days after the approval. Otherwise the approval of the final plat shall be considered void.
8) Upon initial approval of the final plat parcel layout the Administrator shall immediately notify the Tax Assessor so that parcel identifiers can be issued.
9) Minimum Number of Lots Required on a Final Plat – the minimum lots included on the final plat shall be as follows:
    a) Up to 10 lots – 100%
    b) 10 or more lots- minimum increments of 15 lots thereafter
10) The final plat, approved covenants, restrictions and homeowners' association documents must be recorded in the Register of Deeds within 60 days after approval by the Administrator and prior to any sale of lots in the development.
11) The final plat must be prepared by a licensed surveyor.

B. Additional Materials or Permits

1) All lots shown on the final plat other than open space or other specially approved lots shall meet any one of the following approved wastewater methods as follows:

a) On-Site or Off-Site Wastewater Disposal System (i, ii, or iii, as applicable)

i.) Improvement Permits for each lot to be served by an on or off-site waste water system, and the system has received an "Improvement Permit" from the Environmental Health Department

ii.) Engineered Option Permits for each lot: provided to the Environmental Health Department

iii.) Independent Soil Suitability Analysis: The soil suitability analysis as required by this Ordinance and submitted with the preliminary plat shows that each lot contains that is "suitable" for septic waste disposal.

b) Community Wastewater Systems

i.) Engineered Certification of Installation

ii.) Certifications of State Acceptance by the appropriate State Agency

Specific requirements can be found in Section 6.5 of the Pender County Unified Development Ordinance

iii.) If applicable, Certification that the system will be owned by a Public or Community Wastewater system as defined in this Ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this Ordinance.

c) Lots not meeting *a., or b.,* of this paragraph shall be labeled with a bold note as follows: "THE PARCELS SO NOTED CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE."

2) Water: All lots shown on the final plat other than open space or other specially approved lots shall meet the following approved Community water system acceptance water methods as follows:

a.) Community Water System

i.) Engineered Certifications of Installation

ii.) Acceptance of System by the appropriate State Agency

b.) Private Water Certifications (Well) from Environmental Health

3) All improvements for the subdivision including but not limited to; recreation areas, infrastructure, roadways and street signs of the proposed in the development must have been constructed and certifications of completion to standards specified provided or their construction guaranteed by a Performance Guarantee referenced in Appendix D.

4) Roadways

a.) Public Roadways

i.) All public streets must have been constructed, inspected and approved in writing or via signature on the plat by the NCDOT District Engineer or a Performance Guarantee provided , or all of the following;

ii.) Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,

iii.) Performance Guarantee for the cost of all improvements not certified as complete.

b.) Private Roadways (i. or ii and iii)

i.) Certification by a licensed engineer of the completion of construction of all private streets and other required improvements, or all of the following:

ii.) Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,

iii.) Certification by a professional land surveyor of installation of all required monuments and markers.

C. Supplemental Documentation

1) One copy of Articles of Incorporation of Homeowner's Association and related documents for any development that contains private streets or other non-public facilities, including drainage systems outside public street right of-ways, water systems and sewer systems and open space.
2) One copy of the restrictive covenants to be recorded on the property.
3) If all required improvements are not complete a Performance Guarantee utilizing the form from Appendix D must be provided for all improvements
4) If and when all required improvements are complete the Defect Guarantee utilizing the form from Appendix D must be provided for all improvements.
5) Deeds for all open space parcels transferring ownership to a Homeowners Association. A recorded copy of this document must be submitted to the Administrator within 30 calendar days of recording of the final plat or the subdivision may be in violation of this Ordinance (see Section 7.3, Homeowners Association Requirements).

Specific requirements can be found in Section 6.5 of the Pender County Unified Development Ordinance

6) Improvement Certification, form found in Appendix D
7) Street Certification (if private), form found in Appendix D

B. Certificates Required on Final Plat

The following Certificates can be found in Appendix D.

1) Certificate of Ownership, Dedication and Jurisdiction
2) Certificate of Approval Subdivision Public Road Construction by NCDOT District Engineer as applicable
3) Certification from the Pender County Addressing Coordinator or appropriate designee
4) Certification from Environmental Health
5) Surveyor Certificate I
6) Surveyor Certificate II
7) Surveyor Certificate III
8) Parcel Identifier Certificate
9) Certificate of Registration by Register of Deeds (unsigned)
10) Certificate of Final Plat Approval

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Subdivision

Major Subdivision

Proposed subdivisions consisting of eleven (11) lots or more are classified as Major Subdivisions and are required to follow the Master Development Plan review process found in Figure 2 and 3 at the end of Section 3.4. All major subdivisions shall include a preliminary and final plat. Upon approval of the Master Development Plan by the Planning Board, the applicant may proceed with the preparation of the preliminary plat.

Pre-application Conference

Applicants proposing a major subdivision site plan shall request a pre-application conference with the Administrator prior to submitting the documents for review.

1) The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of all adopted Land Use Plans and Unified Development Ordinance and to obtain advice on the preparation of the preliminary plan.
2) If applicable, the applicant shall provide a copy of the approved Master Development Plan for discussion at the pre-application conference.

Review

A. Completed plats, application, fees and other required data must be submitted 45 days before a scheduled Planning Board meeting.
B. When required submission material is submitted as noted above, it shall be placed on the next scheduled Planning Board agenda, if applicable.
C. The Administrator will forward the Major Subdivision application and site plan to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and or plans of their particular state agency, county department or utility authority
D. Major subdivision plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents and Section 6.5, Final Plat Contents.
E. The preliminary plat must be submitted in digital format to the Administrator within the time frame indicated above. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it.
F. The plat will be reviewed for compliance with this Ordinance.
G. Due to the subdivision of land for residential purposes a portion of land must be dedicated to open space by means of providing recreational area to the residents or payments in lieu of dedication to the County. Open space requirements may be referenced in Section 7.6, Open Space.
H. Planning Board will take action on the plat submission within 65 days after completed submission.
I. Planning Board Master Development Plan approval shall be valid for two years. If all conditions of preliminary plat are met and a phase of the final plat is recorded, the preliminary plat status shall remain valid perpetually for all remaining phases.
J. Preliminary plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accord with the approved plat, conditions attached to the approval, and submittal of required permits.

K. All conditions of preliminary plat approval must be completed and submitted within two (2) years of the approval date.

L. If a preliminary plat is not approved, the reasons for disapproval must be specified and provided to the developer in writing. Disapproval of a preliminary plat may be appealed to the Pender County Board of Commissioners.

M. A preliminary plat will not be scheduled for review that is incomplete or does not have the required documents submitted with it.

Minor Subdivision

Proposed subdivisions of ten (10) lots or less, except family and three lot divisions are classified as a minor subdivision and shall follow the preliminary plat review process. Proposed minor subdivisions located in PD, Planned Development district must follow the Master Development Plan review process which requires Planning Board approval.

Pre-application Conference

Applicants who are proposing a residential site development plan shall request a pre-application conference with the Administrator prior to submitting the documents for review.

1) The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of any adopted Land Use Plans and Unified Development Ordinance and to obtain advice on the preparation of the preliminary plat.
2) If applicable, the applicant shall provide a copy of the approved Master Development Plan for discussion at the pre-application conference.

Review

A. Application form must be completed and fee paid at the time of submission.

B. Minor subdivision plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents and Section 6.5, Final Plat Contents.

C. The Administrator will forward the Minor Subdivision application and site plan to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and/or plans of their particular state agency, county department or utility authority within five (5) business days.

D. For projects in the PD zoning district, the administrator may request that the site plan be presented to the Planning Board for its review.
   1) The Planning Board may make recommendations to the Administrator concerning the site plan.
   2) The Administrator shall incorporate such recommendations into the review of the site plan.

E. When required submission material is submitted, the Administrator shall review and provide comments or approval to the applicant within fifteen (15) working days.

F. The plat will be reviewed for compliance with this Ordinance.

G. Plat approval constitutes approval of the layout and authorizes the developer to proceed with construction of the subdivision and improvements in accord with the approved plat and any conditions attached to the approval.

H. If a plat is not approved, the reasons for disapproval must be specified and provided to the applicants in writing. Disapproval of a plat may be appealed to the Pender County Zoning Board of Adjustment.

I. Approval of the preliminary plat shall be valid for two (2) years of the approval date unless building permits have been obtained for construction.

APPLICATION FOR FINAL PLAT SUBDIVISION

THIS SECTION FOR OFFICE USE			
Application No.	**SUB**	**Date**	
Application Fee	**$**	**Invoice Number**	
Master Plan Hearing Date		**Preliminary Plat Hearing Date**	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:		**Owner's Name:**	
Applicant's Address:		**Owner's Address:**	
City, State, & Zip		**City, State, & Zip**	
Phone Number:		**Phone Number:**	
Email Address:		**Email Address:**	

Legal relationship of applicant to landowner:

SECTION 2: PROJECT INFORMATION

Preliminary Plat	☐ **Residential** *RP, PD, RM, MH District*	☐ **Mixed Use** *PD*	
Subdivision Type	☐ Major (11 lots or more)	☐ Minor (10 lots or less)	☐ Other

Property Identification Number (PIN):		**Total property acreage:**	
Zoning Classification:		**Acreage to be disturbed:**	
Water Provider:		**Wastewater Provider:**	
Number of Lots:		**Phase:**	

Additional Information:

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	
Applicant's Printed Name:		**Date:**	
Owner's Signature		**Date:**	
Owner's Printed Name:		**Date:**	

NOTICE TO APPLICANT

1. Applicant or agent authorized in writing must attend the public hearing.
2. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
3. All fees are non-refundable
4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Office Use Only

☐	**Subdivision Fees:** *$250 + $10/lot-unit for the first 100 lots/units; $5.00/lot-unit thereafter (Major Subdivision)* *$100 + $10/lot-unit thereafter (Minor Subdivision)*	**Total Fee Calculation: $**

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	**Cash :** ☐ **$_____**	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____

Application received by:		Date:
Application completeness approved by:		Date:
Date scheduled for public hearing:		

APPENDIX D TYPICAL FORMS AND SURVEYOR NOTES

PERFORMANCE GUARANTEE REQUIREMENTS

Guarantee Required Prior to Signing Final Plat

Prior to signing the Final Plat for recordation by the Administrator, items A or B in this Section must be complete. Upon default, meaning failure on the part of the Subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall if requested by Pender County, pay all or any portion of the bond or escrow fund to the County up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, Pender County, in its discretion, may expend such portion of said funds, as it deems necessary to complete all or any portion of the required improvements.

A. All requirements of this Ordinance are complete including the following:
    1) All improvements required by this Ordinance and required as a condition of approval, must be constructed and/or installed.
    2) All improvements required by this Ordinance and required as a condition of approval must be certified by a licensed surveyor and/or engineer that their construction and installation is complete in accordance with the standards of this Ordinance.
    3) All public streets and related drainage are certified to be complete and in accordance with NCDOT requirements by the NCDOT District Engineer.
    4) A Defects Guarantee for the required improvements has been submitted and approved in accordance with this Ordinance.
B. Documents guaranteeing the completion of all required improvements have been submitted and approved including the following:
    1) A Performance Guarantee Agreement for Improvements in favor of Pender County on an approved format in this Ordinance or in a format approved by the Pender County Attorney shall be submitted and approved.
    2) An Irrevocable Letter of Credit, Performance Bond, or Escrow Agreement in favor of Pender County or in a format approved by the Pender County Attorney shall be submitted and approved to cover the cost of the incomplete and uncertified improvements. The amount of the Guarantee will be at least equal to the cost of construction of the improvements as shown on a Construction Cost Estimate prepared, signed, and sealed by a licensed engineer.
    3) Release of Guarantee Security
    4) The County may release a portion of any security posted as the improvements are completed once said improvements are inspected and approved and that their construction and installation is complete in accordance with the standards of this Ordinance.

Type Guarantee Required

- The Guarantee shall provide for 125% of the estimated cost of completion in one of the following forms:
    1) Filing an irrevocable letter of credit from a federally insured lending institution specifying the limit of credit dedicated to the subject subdivision which will be extended to the County upon request.
    2) Depositing or placing in escrow, a certified check or cash, conditioned upon satisfactory completion of the final plat requirements and improvements.
    3) Filing a performance or surety bond from a licensed surety or bonding company assuring completion of the improvements.

Release of Guarantee Requirements

A. The Administrator shall release the Performance Guarantee when all requirements of this Ordinance have been met, construction and installation of all required and proposed improvements have been completed and certified and a Defects Guarantee has been submitted and approved. Certification must include the following:
    1) Certification from a Professional Land Surveyor that all monuments and markers required by this Ordinance and NCGS 39-32.1-4 have been installed.
    2) Certification from the District Engineer that public streets have been constructed to NCDOT Secondary Road Standards.
    3) Certification from a Registered Engineer that construction of private streets and all other required and proposed improvements have been completed specifically in compliance with the provisions of this Ordinance.
    4) Certification of completion and performance of the Drainage System by a Registered Engineer or Land Surveyor.
    5) Certification by the Administrator or his designee that the improvements required have been installed and such approval is issued to the Subdivider in writing and entered into the record file.
    6) Performance Guarantees shall require construction and installation of improvements within one year after the date of issuance of a permit or approval of construction plans if no permit is required.
    7) The applicant may request up to two (2) extensions up to six months of the time limit for compliance if circumstances beyond the control of the applicant warrant an extension. The request for an extension shall be in writing and accompanied by a schedule for completion of remaining work. Approval of such request shall be at the Administrator‘s sole discretion.

Required Improvements

A. Monuments and Markers
    1) Control monuments shall be set at the points of curvature (“PC” and “PT”) or at the “PI” of all street centerline curves (one monument per curve if installed at the “PI” and two if installed at the points of curvature). However, no more than two street centerline curve control monuments will be required within a 1,000 feet lineal section of any street. A standard steel 60 penny nail or a standard “PK” or “MAG” nail shall be placed at these points where control monuments are not located. “PK” and “MAG” nails shall be at least 2.5 inches long.
    2) Centerline control monuments will not be required on cul-de-sacs 500 feet or less in length when nails specified above are located at required monument control points.
    3) A control monument shall be placed at all street centerline intersections.
    4) Monuments set in the street pavement shall have monument access boxes set on top of a brick, block, other masonry, or rock footing.
    5) When any portion of the development is in a Special Flood Hazard Area, as defined in this Ordinance, as amended, and set out in the FEMA Flood Insurance Rate Maps (FIRM), one (1) permanent monument in each subdivision is required to have its elevation recorded on the final plat.
    6) A steel or iron pipe or the equivalent of not less than one-half (1/2) inch in diameter and at least thirty (30) inches in length, where possible, shall be set at all property and lot corners, except those located by monuments. A property marker shall also be set in street right-of- way lines at the point of curvature and point of tangency.
    7) Control Corners, as described and required in NCGS 39-32.1-4, shall be installed.

GRANTOR/GRANTEE CERTIFICATE

The following statement shall appear on the plan and be signed by the Grantor(s) and Grantee(s) prior to approval:

The Grantor(s) and Grantee(s) certify that the Grantee(s) is within three (3) degrees of collateral kinship to the Grantor(s), and that the purpose of this waiver is not to circumvent the provisions of the Pender County Unified Development Ordinance, and that none of the lots shall be conveyed to non-family members for a period of not less than five (5) years.

_____ _____

Grantor Grantee

Commentary: "Siblings are related to each other in the second degree and uncle and niece are related to each other in the third degree"

CERTIFICATE OF DISCLOSURE: PRIVATE ROADS

I (we) the developers of _____ subdivision located in the unincorporated area of Pender County understand that the roads in said subdivision are designated private. I understand that ownership and maintenance of the roads will be the responsibility of the developer until such time that the developer designates the responsibility to the property owners' association. Responsibilities must be accepted by the homeowners association as specified in the homeowner covenants for said subdivision. The private roads in said subdivision are to be constructed in accordance with this UDO and all applicable County Codes which includes the design, installation, inspection, and approval by a licensed Professional Engineer (PE) recognized in the State of North Carolina prior to final plat approval for all or a portion of the subdivision. If all or a portion of the road infrastructure system within the subdivision is bonded through a surety, performance bond, or cash escrow, no bond shall be released until all road construction improvements are complete and certified by the Professional Engineer.

It shall be disclosed to the prospective buyer of a lot or lots within the subdivision that road maintenance shall run through the property owners association in perpetuity after acceptance from the developer until such time that the roads are re-platted as publically designated roads and taken over for maintenance through the North Carolina Department of Transportation (NCDOT).

REQUIRED CERTIFICATES (FINAL PLAT)

The following certificates shall appear on the final plat signed and sealed prior to approval:

Certificate of Ownership, Dedication, and Jurisdiction

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described here on and that I (we) hereby adopt this plan of subdivision with my (our) own free consent and dedicate all streets, alleys, walks, parks, and other areas to public or private use as noted. Further, I (we) certify that the land as shown here on is located within the subdivision jurisdiction of Pender County.

Owner: _____Date: _____

Owner: _____Date: _____

Surveyor Certificate I

I, _____, certify that this plat was (drawn by me or drawn under my supervision) from (an actual survey made by me or made under my supervision) (deed description in Book _____, Page_____,) or (other); that the boundaries not surveyed are clearly indicated as drawn from the information found in Book___, Page___; that the ratio of precision as calculated is 1:____; that the plat was prepared in accordance with G.S.47-30 as amended.

Witness my original signature, registration number and seal this day of _____A.D. _____.

Signature:_____ (Seal)

Registration Number:_____

Surveyor Certificate II

The subdivision shown on this plat (does/does not) contain Special Flood Hazard Areas and (is/is not) located in a Floodway as delineated by the Federal Emergency Management Agency.

The subdivision shown on this plat (does/does not) contain Areas of Environmental Concern as delineated by the North Carolina Coastal Resources Commission.

Witness my original signature, registration number and seal this day of _____A.D. _____.

Signature: _____ (Seal)

Registration Number: _____

Surveyor Certificate III

One of the following must be stated:

1. This plat is of a survey that creates a subdivision of land within the subdivision area of a county or municipality that has an ordinance that regulates parcels of land.
2. This plat is a survey that is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land and is therefore not subject to regulation by a subdivision ordinance.
3. This plat is of an existing parcel or parcels of land and does not create a new street or change in existing streets as defined in the Unified Development Ordinance and is exempt from the definition of subdivision contained in said Unified Development Ordinance.
4. This plat is a survey of an existing building or other structure, or a natural feature and is therefore not subject to regulation by an ordinance.
5. This plat and survey is a control survey and is therefore not subject to regulation by the Pender County Unified Development Ordinance.
6. This plat is a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision and is therefore not subject to subdivision regulation.

Witness my original signature, registration number and seal this day of _____A.D. _____.

Signature: _____ (Seal)

Registration Number:

Reviewed and Approved by the Addressing Coordinator

Addressing Coordinator: _____ Date: _____

Reviewed and Approved by the Environmental Health Supervisor

Environmental Health: _____ Date: _____

Reviewed and Approved by Pender County Utilities

Pender County Utilities: _____ Date: _____

Engineer/Surveyor Private Street Certification, Major Subdivisions

(Example Form)

(Letterhead)

Date

Pender County
Planning and Community Development
PO BOX 1519
Burgaw, NC 28425

Re: Private Street & Street Drainage Construction Plans for (Name and Section of Subdivision)

This will provide certification that the construction plans, prepared by me or under my supervision for streets and street drainage in the above referenced development comply with the following requirements:

1. The plans comply with the requirements for submission to the North Carolina Department of Transportation (NCDOT) for approval of construction plans for secondary roads.
2. The plans for construction of the streets and access comply with Minimum Design and Construction Criteria for Subdivision Roads, contained in the NCDOT Subdivision Roads Minimum Construction Standards.
3. The plans provide for street drainage in compliance with the NCDOT Subdivision Roads Minimum Construction Standards and NCDOT Guidelines for Drainage Studies and Hydraulic Design.
4. The street and street drainage construction plans meet the requirements of the Pender County Unified Development Ordinance.

This certification is provided this _____ day of _____, 20 _____, to comply with the provisions of The Pender County Unified Development Ordinance.

Surveyor Signature _____ and/or Engineer Signature _____

(Seal) (Seal)

Surveyor Name _____ and/or Engineer Name _____

Engineer/Surveyor Improvement Certification, Major Subdivisions

(Example Form)

(Letterhead)

Date

Pender County
Planning and Community Development
PO BOX 1519
Burgaw, NC 28425

Re: Installation of Required Improvements for (Name and Section of Subdivision)

This will provide certification that the following improvements have been installed to the specifications noted for the above referenced subdivision and section:

1. The streets in this development are private, however, I have observed the construction of said streets and certify that their construction is complete and meets NCDOT Subdivision Roads Minimum Construction Standards and drainage facility requirements. Said streets have been designed and constructed in accordance with Minimum Design and Construction Criteria for Subdivision Roads, contained in the NCDOT Subdivision Roads Minimum Construction Standards and NCDOT Guidelines for Drainage Studies and Hydraulic Design.
2. Drainage facilities, in addition to the street drainage, have been installed for the remainder of the development to accommodate a ten year, one hour storm event, without flooding or substantial ponding of water on any lots in the development or any area of the development to be used for building construction. Drainage easements of at least 20 feet in width have been reserved astride these facilities where they are located on private property.
3. Concrete control monuments, or other markers as required in the Pender County Unified Development Ordinance, have been set at the points of curvature (PC and PT) or at the point of intersection (PI) of all street centerline curves. All control corners comply with the requirements of Article 5A of GS 39.
4. Steel or iron pipes, not less than one half inch in diameter and at least thirty inches long (property markers), have been installed at all property and lot corners, except those located by concrete monument.
5. Street name signs have been installed at all street intersections in accordance with the specifications and requirements of the Pender County Emergency Management Office.
6. Road signs have been installed in accordance with NCDOT Standards.
7. This development or a portion thereof is located in a FEMA designated Special Flood Hazard Area and a permanent concrete monument located _____ has been installed and its elevation is shown on the final plat of _____ Section _____ *OR* This development does not contain any FEMA designated Special Flood Hazard Areas and elevation monuments have not been installed.
8. The Homeowner' s Association documents for this development have been recorded in Book ___ Page ___ and the plat for this Section has been recorded at Slide _____ , Sheet _ and all open space, common area, and facilities shown on the plat have been transferred to the Homeowner's Association.
9. Additional statements verifying the construction of community or public water or sewer systems will be required as appropriate.

This certification is provided this _____ day of _____ , 20 _____ , to comply with the provisions of The Pender County Unified Development Ordinance.

Surveyor Signature _____ and/or Engineer Signature _____

(Seal) (Seal)

Surveyor Name _____ and/or Engineer Name _____

STATE OF NORTH CAROLINA **COUNTY OF PENDER**

PERFORMANCE GUARANTEE AGREEMENT FOR IMPROVEMENTS

(Example Form)

THIS AGREEMENT MADE AND ENTERED INTO this _____ day of _____, 20____ by and between (Subdivider), hereinafter known as " the Subdivider", and Pender County, hereinafter known as " the County" (The designation Subdivider and County, as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine, or neuter as required by context).

WITNESSETH:

WHEREAS, the Subdivider is attempting to secure from the County approval of a Final Plat of a proposed subdivision to be known as the _____ Subdivision to be located in Pender County, North Carolina, and

WHEREAS, the Pender County Unified Development Ordinance requires the completion of certain improvements prior to Final Plat approval by the County; and

WHEREAS, said Ordinance also allows the County, at its discretion, to permit the Subdivider to post a Security Guaranty with the County to guarantee the completion of said required improvements; and

WHEREAS, the County desires to approve said Final Plat and, in lieu of requiring completion of all improvements prior to said approval, will accept from the Subdivider the filing of a (Surety Performance Bond with _____ Company as surety), (Letter of Credit from the _____ Bank) or (Cash Deposit and Escrow Agreement with _____ as Escrow Agent) to guarantee and secure completion of said improvements.

IT IS THEREFORE, AGREED AS FOLLOWS:

1. The Subdivider will, on or before the _____ day of _____ 20___, complete as required the following improvements in the _____ Subdivision:
2. The Subdivider shall file with the County of Pender through its Planning Director the Security Guaranty as noted above securing and guaranteeing completion of said improvements by the required date; and
3. When the Security Guaranty noted above is filed and other requirements of said Ordinance are met, then the County acting through its Planning Director will execute the Final Plat of the _____ Subdivision for recording.

Improvement	Cost to Complete

IN WITNESS WHEREOF, the County and the Subdivider have hereunto set their hands and seals, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

For Pender County:

_____ Date: _____

Planning Director

For Subdivider:

Name/Title: _____Date: _____

Signature: _____

IRREVOCABLE LETTER OF CREDIT

(Name of Bank)
(Address, include branch, if any)
(Date)
(*Example Form)*

Phone Number: _____ Contact Name: _____

Irrevocable Letter of Credit Number: _____

Pender County Board of Commissioners
805 South Walker Street
Burgaw, NC 28425

Commissioners,

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding $_____ for the account of _____ hereinafter known as "Customer". When presented for negotiation, drafts must be accompanied by the signed statement of the County Manager of Pender County that drawing is due to default or failure to perform by Customer, the following improvements in the _____ Subdivision on or before the _____day of_____, 20____:

(List here the required improvements)

The term of this irrevocable credit is through and including the _____ day of _____, 20 ____ or upon written notice from the Pender County Manager or Planning Director that the required improvements have been timely completed, whichever is earlier.

The Pender County Manager or Planning Director will notify us when either of the following occurs:

1. The required improvements have been timely completed and the credit may be released; or
2. The Customer has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked as follows:

_____
_____
_____

The amount of any draft drawn under this credit must be entered on the reverse side hereof, and acknowledged by the Pender County Manager and this letter of credit presented to the issuing bank along with a signed notice of failure to perform by the Customer with a list of the improvements that are incomplete.

This Letter of Credit shall be transferable and/or assignable. This Letter of Credit, except as otherwise expressly provided herein, is governed by the Uniform Commercial Code in force in the State of North Carolina on the date hereof,

Very truly yours,

By: _____ By: _____
Name of Bank Authorized Signature

STATE OF NORTH CAROLINA **COUNTY OF PENDER**

PERFORMANCE BOND

(*Example Form)*

KNOW ALL MEN BY THESE PRESENTS that we, _____(Name of Subdivision)_____ as Principal, and_____(Name of Bonding Company)_____ as Surety, a Corporation authorized to transact business in North Carolina, are (the Name of the Bonding Company) held and firmly bound unto the County of Pender, a political subdivision of the State of North Carolina, and a body politic and corporate, in the sum of $_____ , lawful money of the United States of America, for the payment of which, will and truly be made, we, and each of us, bind ourselves and each of us, our successors and assigns, jointly and severally, by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Principal has submitted a Final Plat of the subdivision known as_____ Subdivision, located in Pender County, North Carolina, for approval by Pender County, which approval is a condition precedent to the right of said Principal to have said final plat registered in the Office of the Register of Deeds for Pender County; and

WHEREAS, the Pender County Planning Director is unable, pursuant to County Ordinance, to sign said plat of said Subdivision for registration until all required improvements are completed or until a guarantee of completion of said required improvements is filed with the County of Pender through said County Planning Director; and

WHEREAS, the Principal does this date agree to complete the improvements listed in Exhibit A attached hereto as required by the Pender County Unified Development Ordinance on or before the_____ day of _____, 20_____ ;

NOW THEREFORE, if the Principal shall fully comply with all the terms hereof, including the requirements of that Agreement attached hereto as Exhibit A, by which the Principal agrees to complete certain improvements on or before the _____ day of _____, 20____, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

It is hereby understood and agreed that in the event that any required improvements as included in the attached Agreement, Exhibit A, have not been installed as provided in said Agreement within the term of Performance Bond, Pender County may thereupon declare this bond to be in default and collect the amount of funds indicated in said Agreement for the cost of installation of said improvements. Upon receipt of the proceeds of this Bond, Pender County shall use such proceeds for completion of the installation of the required improvements to the extent that such funds will provide for completion and will refund to the Principal and Surety, as their interest may appear, any surplus not needed to complete said improvements.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

Principal: _____ Surety:_____

By: _____ (SEAL)
President

By: _____ (SEAL)
Attorney-in-fact (Power of Attorney attached)

Attest: _____

STATE OF NORTH CAROLINA **COUNTY OF PENDER**

ESCROW AGREEMENT

(Example Form)

THIS AGREEMENT entered into by and among Pender County acting through the Pender County Planning Director, hereinafter referred to as "County", _____, the developer of _____, hereinafter referred to as "Developer", and _____, hereinafter referred to as "Escrow Agent." (The designation County, Developer and Escrow Agent, as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context);

WITNESSETH:

WHEREAS, _____, the developer has applied for approval of a subdivision development in Pender County known as _____ under Pender County's Unified Development Ordinance, herein referred to as " Ordinance"; and

WHEREAS, the approved plat proposes improvements which have not been completed; and

WHEREAS, pursuant to the Ordinance, developers are required to provide performance guarantees that proposed improvements will be completed in accordance with the Ordinance and with plans submitted for the subdivision development; and

WHEREAS, the Developer wishes to tender cash deposits to comply with the Performance Guarantee Agreement.

Now, Therefore, the Developer tenders with this agreement the sum of ($_____) dollars to the Escrow Agent to assure compliance with the Performance Guarantee Agreement for the construction of the improvements listed in the Performance Guarantee for subdivision. The Escrow Agent will deposit those funds in an account and by their execution of this agreement, the parties hereto agree that such funds will only be disbursed upon the authorized signature the County, through the County Planning Director in accordance with the following escrow instructions:

1. The funds may be deposited in a federally insured institution at interest payable to the Developer.
2. Funds will be disbursed after improvements secured by the Performance Guarantee Agreement are completed.
3. Upon completion of the prescribed improvements, the Developer will submit a written request for disbursement to the County through the Planning Director, together with a certification satisfactory to the County from an engineer or other qualified person that the prescribed improvements have been completed in accordance with the Ordinance and approved plans.
4. Upon receipt of the request for disbursement the County Planning Director will determine if the prescribed improvements have been completed as required and proposed, and shall either inform the Developer of any deficiencies in order that they may be corrected, or authorize disbursement in the event they have been satisfactorily completed as prescribed.
5. Upon submission, execution and approval of the request for disbursement by the Developer and the County through the Planning Director, it shall be forwarded to the Escrow Agent who shall make disbursements in accordance with the approved request.
6. Upon completion of improvements and receipt of an approved Final Request and Authorization for release of escrow funds, the Escrow may be terminated.
7. In the event that Developer and/or his contractor does not complete the improvements provided for herein by the ____day of _____ 20_____, then County may, at its sole option give the Developer 30 days notice of its intent to declare the Agreement in default. If the Developer does not complete the improvements provided for herein within the 30 day period, or reach other satisfactory arrangements with the County, then the County may in its sole discretion declare this Agreement to be in default and may demand that the Escrow Agent forthwith pay all sums held by him and not previously released for _____ subdivision to the County. The County agrees

that it will use such sums so received to apply toward the completion of the improvements to the extent that said sums last, and will refund to Developer any surplus not needed to complete said improvements. Provided, that the County does not agree to complete the improvements using any of its own funds, nor does it obligate to ensure the completion of the improvements beyond the sums made available under this Agreement to pay for same.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

FOR: PENDER COUNTY

Planning Director Date

FOR: SUBDIVIDER

Print Name Title

Signature Date

FOR: ESCROW AGENT

Print Name Title

Signature Date

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____ , personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the ____ day of ____ , 20 ___ .

_____ My Commission Expires: _____

Notary Public

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____ , personally came before me this day and acknowledged that he is President of _____, a nonprofit corporation of the State of North Carolina and that authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him as its President. Witness my hand and official seal, this the ____ day of ___ , 20 _____ .

_____ _____My Commission Expires: _____

Notary Public

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____ , personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the ____ day of ____ , 20 ___ .

_____ My Commission Expires: _____

Notary Public

FOR RELEASE OF ESCROW FUNDS
REQUEST AND AUTHORIZATION FOR RELEASE OF ESCROW FUNDS
(Subdivision Name)
(*Example Form)*

Whereas, Pender County and _____ ("the Subdivider") have entered into an agreement to escrow funds to insure the completion of improvements in _____ (Subdivision Name) here after referred to as the "Subdivision"; and

Whereas, a certain phase of the improvements in the Subdivision have been completed and the parties, by their execution of this request and authorization, agree to the disbursement of escrowed funds as follows:

(Insert improvements completed and amount to be disbursed)

Now, therefore, the parties to the Escrow Agreement for the Subdivision hereby authorize the escrow agent to disburse the sum of _____ Dollars in accordance with the Escrow Agreement.

IN WITNESS WHEREOF, the County and the Subdivider have hereunto set their hands and seals, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

TYPE REQUEST: Partial or Final

REQUEST FOR RELEASE OF ESCROW FUNDS:

FOR: SUBDIVIDER

_____

Print Name Title

_____

Signature Date

AUTHORIZATION FOR RELEASE OF ESCROW FUNDS:

FOR: PENDER COUNTY

_____

Planning Director Date

DEFECTS GUARANTEE FOR THE BENEFIT OF PENDER COUNTY

(*Example Form)*

THIS DEFECTS GUARANTEE, made and granted this _____ day of _____, 20___, by _____, hereinafter referred to as " Subdivider" ; and , hereafter referred to as " Guarantor," to PENDER COUNTY, a political subdivision of the State of North Carolina, hereinafter referred to as the " County" (The designation Guarantor and County, as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context);

WITNESSETH:

WHEREAS, the Subdivider has applied to Pender County for approval of a development known as _____; and

WHEREAS, the Subdivider has submitted a final plat for approval for said development and all improvements required by the Pender County Unified Development Ordinance are complete; and

WHEREAS, the County, has determined that pursuant to the Pender County Unified Development Ordinance a Defects Guarantee is required as a condition of approval of the development and such Guarantee would benefit the public welfare;

THEREFORE THE SUBDIVIDER AND GUARANTOR, as a condition of final plat approval, makes the following warranty:

1. Purpose of Agreement
   The purpose of this agreement is to provide a guarantee on all improvements required by the Pender County Unified Development Ordinance for _____.
2. Guaranty
   a. Subdivider hereby warrants that all utility taps, ramps, streets, pavement, sidewalks, drainage facilities, water and sewer lines, and/or other improvements, as required by the Pender County Unified Development Ordinance and proposed for the said development as presented and approved with the Preliminary Plat approved on the ____ day of____ , 20____ will be free of defects in design and construction for one (1) year from the date of issue of a signed acceptance of construction by the Pender County Planning Director.
   b. In the event the County notifies the Subdivider of a defect within one year from the date of acceptance of construction of all improvements, it is hereby understood and agreed that Subdivider will correct such defect(s) within 30 days of receipt of a written " Notice to Correct Defect" received from the County.
   c. The County Shall inspect any attempted repairs as soon as possible upon notification from the Subdivider that repairs have been completed, and shall not unreasonably delay or withhold approval of repairs.
3. Remedies
   It is understood and agreed that in the event the Subdivider fails to correct such defect within 30 days of receipt of written notice by the Subdivider as set forth herein, a violation of the Pender County Unified Development Ordinance will exist on the property and the Subdivider will be subject to Penalties for Violations as prescribed in the Legal Provisions of said Ordinance. In addition, it is understood and agreed that upon the 60th day after the " Notice to Correct Defect" is received by the Subdivider that approval of the development's final plat will terminate and such termination of approval will prohibit any additional sale of lots in the development. The Subdivider further agrees that any sale of a lot after the termination of approval of the plat for the Development will constitute a separate offence under the provisions of said Unified Development Ordinance and that upon any successful verdict from a Court of Competent Jurisdiction, the Subdivider must pay the cost, including reasonable

attorney fees, incurred by Pender County in obtaining such verdict. The remedies noted herein shall be in addition to any other remedy the County may have at law, including injunctive relief.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

FOR: SUBDIVIDER and/or PERSONAL GUARANTOR **

_____

Print Name Title

_____

Signature Date

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____ , personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the ____ day of ____ , 20 ___ .

_____ My Commission Expires: _____

Notary Public

(And For a Corporation)

_____

Company Name

_____

Print Name of Signer Title

_____

Signature of Signer Date

ATTEST:

_____

Secretary

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, _____, a Notary Public, certify that _____, personally came before me this day and acknowledged that he is Secretary of _____, a corporation of the State of North Carolina and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with the corporate seal, and attested by himself as its Secretary. Witness my hand and official seal, this the _____day of _____, 20____.

_____ My Commission Expires: _____

Notary Public

** If Subdivider is a corporation, a personal guarantee must also be provided by owner, developer, or other individual.

PRIVATE STREET STANDARDS, PENDER COUNTY - "Private Streets shall meet all construction and design standards as required for Secondary Roads for acceptance by NCDOT."

As Adopted By The Pender County Board Of Commissioners 3-15-04.

Engineer Certification - Low Impact Development Project

Example Form

(Letterhead)

Date:

Pender County
Planning and Community Development
PO Box 1519
Burgaw, NC 28425

Re: Low Impact Development Project Certification for: (Name and Section of Subdivision)

This will provide certification that the design plans, prepared by me or under my supervision, for stormwater management in the above referenced development comply with the following requirements:

- The LID Project complies with the requirements for stormwater management as set forth in 15A NCAC 02H.1005.
- The LID Project utilizes a combination of engineered, structural LID stormwater best management practices (BMPs) as defined in *Chapter 4: LID Stormwater BMPs* of North Carolina State University's *Low Impact Development: A Guidebook for North Carolina* and designed in accordance with 15A NCAC 02H .1008 to treat runoff from all surfaces generated by one and one-half inches of rainfall, or the difference in the stormwater runoff from all surfaces from the predevelopment and post-development conditions for a one-year, 24-hour storm, whichever is greater, in order to achieve average annual 85% Total Suspended Solids (TSS) removal for the developed area of a site.
- The LID Project utilizes a combination of engineered, structural LID stormwater best management practices (BMPs) as defined in *Chapter 4: LID Stormwater BMPs* of North Carolina State University's *Low Impact Development: A Guidebook for North Carolina* to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 1-year frequency, 24-hour duration storm event in order to achieve a storage volume discharge rate equal to or less than the predevelopment discharge rate for the 1-year, 24-hour storm event.

This certification is provided this ____ day of_____, 20___, to comply with the provisions of the Pender County Unified Development Ordinance.

_____(Engineer Signature)_____
Seal
_____(Engineer Name)_____