

6.0 Purpose

A performance bond shall be posted by the subdivider to guarantee to the Town that in event that he shall fail to install the required public improvements and utilities which were an integral part of his approved final plan, the Town may install such required public improvements and utilities at the expense of the subdivider.

1. Bond Requirements

The required bond shall be so worked as to insure the completion of the improvements, to the extent required by these Regulations or which may be required by the Planning and Zoning Commission, including: the construction of all roads and pavements; all side-walks and curbs and the installation of a storm drainage system; all sanitary sewage facilities; water courses and bridges; the installation of trees, the grading of lots, the seeding of lawns, provision for adequate rear yard drainage, the installation of all curb cuts and driveways, and the setting of all monuments.

The applicant shall within one year of the date of approval of the Final Plat by the Commission, file with the Town Clerk a surety bond in favor of the Town of East Hartford executed by a surety company authorized to enter into such bonds under the laws of the State of Connecticut which shall be in such amount and in such form and contain such conditions as the Commission may require. The bond shall not be released until the Commission, upon written statement by the Town Engineer and the Director of Public Works, shall have determined that all of the bond conditions have been fully satisfied. No building permit shall be issued for more than one single family house on the approved subdivision until the bond is accepted. No Certificate of Occupancy for said single family house shall be issued until said bond is accepted and the binder coat is laid on the sub- division road.

Should a subdivision be approved in sections, the above requirements may be applied by section, rather than to the subdivision as a whole at the option of the subdivider unless specifically required by the Commission.

2. Term of Performance Bond Extension

The term of a performance bond may be extended by the Commission upon approval of a petition from the developer to the Commission requesting an extension subject to agreement of such extension by the surety company.

3. Maintenance Bond

Prior to the release of a performance bond the subdivider shall present a maintenance bond equal to 10% of the value of the public and private improvements required by the approved sub- division plans and the subdivision regulations to guarantee life and growth of a period of one year of all trees and shrubbery required to a planted by the original performance bond and to provide funds for the repair and or completion of any improvements for a one year period from the date streets in said sub- division are accepted by the East Hartford Town Council.

4. "As Built" Drawing and Release of Bond

Application for the release of the performance bond, (insuring the proper installation of required improvements), upon completion of all required improvements, must include "As Built" drawings if any changes from the approved plans have been made. two copies of the above "as built" shall be submitted to and approved by the Director of Public Works and the Town Engineer, showing the location of said improvements, as constructed, in both plan and profile. In addition, a revised grading plan, denoting any change made in the direction of surface water runoff which resulted from a change in the approved grading plan, shall be submitted to and approved by the Commission prior to the release of the bond. The "as built" drawings and revised grading plan shall be signed by a land surveyor licensed in the State of Connecticut.

5. Warrantee Deed

A Warrantee Deed, acceptable to the Corporation Counsel, conveying streets, drainage right-of-way easements, and reserved strips for future streets, to the Town of East Hartford must be filed with the Commission before acceptance of streets is recommended to the Town Council. After acceptance by the Town Council, the deed must be filed in the Town Clerk's Office by the developers.

6. Bond Instructions

- a. The bond form obtainable from the Commission Office is the only one acceptable to the Commission of the Town of East Hartford.
- b. The amount of the bond to be that sum which the Commission shall require.
- c. Power of Attorney of person signing on behalf of the surety company must be attached to the bond if not already on file with the Commission.
- d. If the person acting as attorney for the surety company is not licensed resident agent of the State of Connecticut, then a licensed Connecticut resident agent of the company shall countersign this bond.
- e. The signatures of two witnesses are required on the bond.
- f. If the subdivision applicant is a corporation, then the corporate seal must be shown in addition to the seal of the bonding company.
- g. The bond must show the bond number and the name of the bonding company's local agent.
- h. The Town of East Hartford requires a completion date of five (5) years.
- i. The Commission will consider application for an extension of time to complete

improvements when good cause for delays is shown and the extension is agreed to by the surety company.

j. Performance bonds shall not be released until the 'As Built' drawings, as required in Section 6.4, and all improvements have been approved by the Commission and the road has been accepted by the Town Council. No road completed after October 31 shall be accepted prior to April 1 of the succeeding year.

7. Cash Bond

The Commission may, as its discretion, require the posting by the developer of a cash bond in lieu of any or all of the provisions of this Section. Interest on such bond shall accrue to the developer, but in no event shall be payable thereto until performance has been completed in accordance with all of the provisions of the Regulations. The Commission shall determine the amount of such bond.