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ARTICLE I: TITLE AND PURPOSE

This Ordinance shall be known, referred to, and cited as the Subdivision Regulations of the City of Batesville, Mississippi.

The purpose of this ordinance is to:

1. Establish the procedures and standards for filing and approving Preliminary and Final Plats.
2. Provide for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities.
3. Establish minimum standards for physical improvements in new subdivisions, which include, but are not limited to, streets and utilities.
4. Provide adequate open spaces for traffic, utilities, fire fighting apparatus, recreation, and for distribution of population and traffic all of which are to improve the health, safety, and general welfare of the community.
5. Provide that the City may increase or decrease the requirements of these regulations in certain cases or under certain conditions.

ARTICLE II: DEFINITIONS

For this purpose, certain words and terms are herewith defined; words used in the present tense include the future, the singular includes the plural and the plural includes the singular, the word "shall" is mandatory and not directory.

1. **ADMINISTRATIVE REQUIREMENTS:** Fees, bonds, insurance, and other requirements and documents associated with a Subdivision.
2. **ALLEY:** A public or private street providing a secondary means of access to a property or structure abutting it.
3. **ATTORNEY:** The designated attorney for the City.
4. **BOND:** A financial guarantee which secures installation of improvements or costs thereof in the event a Subdivider defaults on required public improvements and warrants the improvements over a specified period of time.
5. **BUILDING SET BACK LINE:** A line on a plat designating where a building or structure may be erected.
6. **CITY:** City of Batesville, Mississippi.
7. **COMPREHENSIVE PLAN:** Plan adopted by the MBA indicating goals for the City and the general locations recommended for the streets, parks, public buildings, land uses, zoning districts, and other public improvements.
8. **CONSTRUCTION PLANS:** Plans signed and sealed by a licensed professional engineer in the State of Mississippi. The term is further defined as follows:
 - a. **Preliminary:** Plans submitted for Preliminary Plat approval and construction plan

- approval.
 - b. Approved: Plans that have been approved by the Engineer.
 - c. As-Built: Plans that are certified by a licensed professional surveyor or licensed professional engineer in the State of Mississippi that represent the completed project.
9. DEVELOPMENT CONTRACT: Contract between the Subdivider and the City.
10. EASEMENT: Portion(s) of land authorized by a property owner for the occupancy and/or use by another entity formalized in a legal, binding agreement. The term is further defined as follows:
- a. Utility: An easement reserving space for utilities.
 - b. Access: An easement for the means of vehicular or pedestrian access to abutting property.
 - c. Drainage: An easement reserving space for conveyance of storm water.
11. ENGINEER: The designated City Engineer by the MBA.
12. FINAL ACCEPTANCE: Full completion of a project including all required improvements, all Administrative Requirements, and successful completion of the Warranty Period.
13. GRADING PERMIT: A permit issued by the City regulating site clearing, grubbing, grading, and all associated storm water impacts, including but not limited to, erosion prevention, sediment control, drainage ways, and drainage infrastructure.
14. INITIAL ACCEPTANCE: Initial completion of a project including all required improvements and all Administrative Requirements, thus allowing a plat to be recorded and then building permits to be issued.
15. LOT: A parcel of land that is deemed by the City able to be built upon. This includes, but is not limited to, having physical features amenable to structure erection, necessary utility connections, and access to roadways.
16. MAYOR AND BOARD OF ALDERMEN: The elected officials of the City serving in the role of Mayor or Aldermen herein referred to as MBA.
17. NOTICE TO PROCEED: A formal notice issued by the City signifying that all necessary Administrative Requirements have been fulfilled and the construction plans have been approved.
18. PLANNING COMMISSION: The City Planning Commission appointed by the MBA.
19. PLAT: A drawing showing the property lines, street right-of-way, easements or other notable information of a lot or group of lots suitable to be used as a legal document to illustrate such lot or lots. The term is further defined as follows:
- a. Sketch Plat: An informal submission of a draft plat used by City staff for advisement to a Subdivider prior to filing a Preliminary Plat.
 - b. Preliminary Plat: A plat conforming to the requirements specified herein and formally submitted to the City for review and to be presented to the Planning Commission for approval.
 - c. Final Plat: A plat conforming to the requirements specified herein and suitable for recording in the Office of the Chancery Clerk of Panola County, Mississippi located in Batesville, Mississippi.
 - d. Replat: A plat that is revised and/or re-recorded.

20. **PRELIMINARY PLAT SUBMITTAL:** A formal submittal to the City of the required information for a proposed subdivision. The submittal includes the information as outlined in Article IV-E, Data for Preliminary Plat Submittal.
21. **PUBLIC IMPROVEMENTS:** Any study, design, modification, or construction of infrastructure to include, but not limited to, streets, utilities, landscaping, and signage required by the City in association with a subdivision.
22. **REVERSE FRONTAGE LOTS:** Lots which face on and are served by one street and which back up to another street.
23. **RIGHT-OF-WAY:** Land acquired for or devoted to a street or other public improvements and owned by the City or other regulatory agency.
24. **STREET:** A way for vehicular and/or pedestrian traffic that is accepted for the public use whether designated as a street, highway, thoroughfare, arterial, road, avenue, boulevard, lane, place or however otherwise designated. Streets are further defined as follows:
 - a. **Urban Arterial Street:** A street having the primary functions of accommodating relatively large volumes of vehicular traffic and serving to connect areas of principal traffic generation .
 - b. **Collector Street:** A street having the primary function of collecting and distributing traffic between local streets or areas and the major street and highway network.
 - c. **Local Street:** A local street having a primary function of providing service and access to abutting land and not designated for high volumes of traffic but having sufficient width to serve occasional parking and traffic flow.
 - d. **Cul-de-sac:** A permanent dead-end street culminated by a turnaround and not intended to be extended in the future.
25. **SUBDIVIDER:** Any person, individual, firm, partnership, association, corporation, trust, or any other group or combination acting as a unit, who undertakes the subdivision of land as defined herein.
26. **SUBDIVISION:** The division of land into two or more lots, any of which has an area of five (5) acres or less, or into lots of any size where one or more of the lots does not border on a street or will require public improvements.
27. **SUBDIVISION DESIGN STANDARDS:** Requirements and regulations not specifically included in this ordinance but referenced as a separate document. These standards specify the minimum design standards that are to be adhered to by a Subdivider. These standards are to be established by the Engineer and approved by the Planning Commission. These standards are subject to revision as deemed necessary by the Engineer and as approved by the Planning Commission.
28. **SUBDIVISION REGULATIONS:** The specifications and requirements of subdividing land listed herein and as adopted as an Ordinance by the MBA.
29. **WARRANTY PERIOD:** Time from Initial Acceptance to the Final Acceptance of a Subdivision. During this time, any and all improvements made by the Subdivider are under warranty and are to be repaired or replaced by the resources of the Subdivider.

ARTICLE III: JURISDICTION

A. JURISDICTION

1. It shall be unlawful for any person being the owner, agent, or person having control of any land within the City to subdivide or lay out such land in lots unless by a plat, in accordance with the regulations contained herein. No lots shall be sold, nor any plat recorded, until the plat has been approved as herein provided.
2. It shall be unlawful for the commencement of construction of improvements on any land as governed by these regulations without obtaining the necessary permits and approvals from the City.
3. It shall be unlawful for the construction or modification of any public improvements not conforming to these regulations or as approved by the City or Engineer.

ARTICLE IV: PROCEDURE

A. GENERAL PROCEDURE

1. Whenever any subdivision of land is proposed, before any recording of plats, and before any construction may begin on the land, the Subdivider shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:
 - a. Sketch Plat
 - b. Preliminary Plat
 - c. Construction Plans
 - d. Notice to Proceed
 - e. Initial Acceptance
 - f. Final Acceptance
2. No plat or replat subdividing land into lots or modifying easements or right-of-way shall be filed or recorded until approved by the MBA. No lot shall be sold from such plat or replat until the plat is filed for record in the Office of the Chancery Clerk of Panola County, Mississippi located in Batesville, Mississippi.

B. SUBDIVISION PROCEDURE

The Subdivider shall submit a Sketch, Preliminary, and Final Plat in accordance with the Subdivision Regulations. Upon approval of the Preliminary Plat by the Planning Commission, the Subdivider shall, as an agenda item at the regularly held MBA meetings, request approval of the Preliminary Plat and Development Contract from the MBA. Upon approval of the Preliminary Plat from the MBA, the Subdivider shall submit construction plans to the City for review. Upon approval of these plans by the City and fulfillment of all Administrative Requirements, a Notice to Proceed will be issued. Once construction is complete and all requirements of the Subdivision Regulations have been fulfilled, the Subdivider, as an agenda item at the regularly held MBA meeting, may request approval of the Final Plat from the MBA.

C. SKETCH PLAT PROCEDURE

1. The purpose of the Sketch Plat is to provide the Subdivider an opportunity to consult early and informally with City staff before submission of a formal application to the Planning

Commission. The intent of this procedure is to assist the Subdivider in preparing a plan which will meet the objectives of the Comprehensive Plan, the requirements of the Planning Commission and of other public agencies, the necessary improvements and uses of the subdivision, and any other potential challenges involved in the proposed subdivision.

2. The Subdivider shall submit to the City a Sketch Plat showing the boundaries of the proposed subdivision, its relationship to surrounding properties, natural features and the proposed street and lot pattern. With the Sketch Plat, conceptual utility, grading and drainage, and site plans shall be submitted. This step does not require a filing fee. Upon review of the Sketch Plat, City staff shall notify the Subdivider through consultation and/or writing that the Sketch Plat as submitted meets or does not meet the objectives of these regulations and the reason therefore. City staff will also recommend any further revisions to the proposed project in order to meet the goals of the City. Comments provided by City staff are advisory in nature only and the project will be subject to review by the Planning Commission.
3. The submission of a Sketch Plat shall be the first day of the month that is not a Saturday, Sunday or City holiday in which City offices are closed. Comments will be provided to the Subdivider within two weeks of submission.

D. PRELIMINARY PLAT APPLICATION PROCEDURE

1. No items will be heard by the Planning Commission unless an item has been placed on the agenda.
2. Sixteen (16) paper copies and one (1) electronic copy of the Preliminary Plat Submittal conforming to the requirements of Article IV-E. DATA FOR PRELIMINARY PLAT shall be submitted to the City. The copies of the Preliminary Plat Submittal shall be accompanied by an application form and a filing fee as specified by the MBA. Complete applications for preliminary plat approval of Subdivision must be filed no later than the first day of the month that is not a Saturday, Sunday or City holiday in which City offices are closed in order to be on the agenda of the next regularly scheduled meeting of the Planning Commission.
3. If the Planning Commission, after the recommendation of the Engineer and City staff, finds that the preliminary plat satisfies the requirements of the Subdivision Regulations and conforms to the conditions of the Planning Commission, it may approve said Preliminary Plat. The Subdivider or authorized agent must be present at the Planning Commission meeting scheduled to hear the submitted application.
4. If the Planning Commission finds that the Preliminary Plat Submittal does not satisfy the requirements of the Subdivision Regulations or does not conform to the conditions of the Planning Commission, it shall specify the objections found to such submittal and may either disapprove the preliminary plat , approve the preliminary plat conditional upon specific changes being made to the preliminary plat submittal prior to its submission to the City for construction plan approval, or table the request for preliminary plat approval by the Subdivider in order for the plans to be revised or for more information to be provided for review and evaluation by the Engineer and the City. In a situation where request for preliminary plat approval is tabled, the applicant will have until the second Monday of the month to resubmit complete revised plans or other requested information to the City in order to be placed on the next regularly held Planning Commission meeting. A new application or associated fees is not required in association with a resubmission from an application being tabled.

5. The Planning Commission may attach additional conditions not specified in this ordinance or reject a subdivision if it has been determined that the proposed subdivision is not in keeping with the general character of the development in the area; and that in the best interest of the public, the site is not suitable for the proposed development.
6. The Subdivider may appeal the Planning Commission's decision to the MBA. A notice of appeal must be filed with the City within ten (10) calendar days after the Planning Commission's decision. Upon receipt of a notice of appeal, a date will be set for the appeal to be heard by the MBA. No requests for appeal will be made from the MBA without being on the MBA meeting agenda.
7. One (1) copy of the proposed plat and findings of the Planning Commission shall be given to the Subdivider, together with a certificate of approval or disapproval of the Planning Commission. This will be delivered by the United States Postal Service. Approval of the Preliminary Plat by the Planning Commission does not constitute a final acceptance or approval of the proposed subdivision.
8. Upon Preliminary Plat approval by the Planning Commission and upon request by the Subdivider, the project will be placed on the next regularly held MBA meeting for approval. The minutes from the Planning Commission meeting, the Development Contract, and the Preliminary Plat Submittal will be presented to the MBA for approval.
9. Preliminary Plat approval by the Planning Commission is valid for one (1) year. If the MBA has not approved the Preliminary Plat within one (1) year of the Planning Commission approving the Preliminary Plat, the Preliminary Plat approval will be invalidated by the City without further notice given to the Subdivider. Upon the invalidation of a Preliminary Plat, the Subdivider must resubmit to the Planning Commission for approval.
10. If a Notice to Proceed has not been issued by the Engineer within two (2) years from the date of the Preliminary Plat approval by the MBA, the Preliminary Plat approval will be invalidated by the City without further notice given to the Subdivider. Upon the invalidation of a Preliminary Plat, the Subdivider must resubmit to the Planning Commission for approval.

E. DATA FOR PRELIMINARY PLAT SUBMITTAL

1. The Preliminary Plat shall be submitted on 18 inch by 24 inch paper. All other construction plans shall be submitted on 24 inch by 36 inch paper.
2. Preliminary Plat shall be at an appropriate and legible scale. The Preliminary Plat and accompanying documents shall show at a minimum the following:
 - a. The proposed lot lines, lot numbers, and lot layout complete with appropriate dimensions and acreage.
 - b. Minimum building set-back lines.
 - c. The location and street names of all existing and proposed streets or alleys in the subdivision including dimensions of right-of-way
 - d. The location, width, and purpose of all easements
 - e. Sites reserved for parks, public spaces, and storm water detention or retention.
 - f. Areas which are subject to 100-year water surface elevations and FEMA Map reference.
 - g. The proposed use of all land in the subdivision including any reserved areas and the acreage.

- h. The title under which the proposed subdivision is to be recorded, and the name and State of Mississippi registration number of the licensed professional engineer and/or registered land surveyor, and the name and contact information of the Subdivider.
 - i. Location map showing relationship of the subdivision site to the area including township, range, section, and parts of sections.
 - j. The names, boundaries, and zoning classifications of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
 - k. North arrow, graphic scale, and date.
3. The Site Plan shall show the following:
 - a. The location of existing property lines, streets, buildings, water courses, utilities, and other existing features within the acreage to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.
 - b. General proposed improvements.
 - c. Items proposed for demolition or modification.
 - d. The acreage of the land to be subdivided.
 - e. Location map showing relationship of the subdivision site to the area including township, range, section, and parts of sections.
 - f. The names, boundaries, and zoning classifications of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
 - g. North arrow, graphic scale, and date.
4. The Grading and Drainage Plan shall show the following:
 - a. Existing topography (shown by contour lines at intervals of not greater than two feet) for the entire site and should extend a minimum of 100 feet beyond the property boundary.
 - b. Proposed topography (shown by contour lines at intervals of not greater than two feet).
 - c. Areas which are subject to water surface elevations at a 100-year storm event.
 - d. The acreage with the drainage areas identified.
 - e. Existing and proposed conceptual drainage structures.
 - f. Flow entering and exiting the site.
 - g. Existing utilities.
 - h. North arrow, graphic scale, and date.
5. The Tree Protection/Landscape Plan:
 - a. Existing topography (shown by contour lines at intervals of not greater than two feet) for the entire subject site and should extend a minimum of 100 feet beyond the property boundary.
 - b. All trees ten inches (10") in diameter or greater indexed with species. The extent of tree identification and protection may be discussed at the Sketch Plat stage in the subdivision development process. Large tracts of land may not be required to identify all ten inches (10") in diameter or greater trees.
 - c. Trees to be saved and trees to be removed.
 - d. Tree protection fencing.
 - e. Required landscaping and irrigation system.
 - f. North arrow, graphic scale, and date.
6. The Utility Plan shall show the following:
 - a. Existing and proposed utilities.
 - b. Service connections.
 - c. North arrow, graphic scale, and date.

F. ADMINISTRATIVE REQUIREMENTS

1. Development Contract

The Development Contract will be prepared by the City. Two (2) original copies will be provided to the Subdivider for execution. One (1) original executed contract is to be returned to the City.

2. Performance Bond:

- a. For the purpose of ensuring the prompt payment and performance of all of the Subdivider's obligations pursuant to the Subdivision Regulations, the developer shall provide a Performance Bond properly assigned to the City.
- b. The Performance Bond shall be conditional to secure the approval of construction of the required improvements listed in the Subdivision Regulations and as approved by the MBA in a satisfactory manner and within the specified time of construction. No such bond shall be accepted unless it is enforceable by or payable to the City in a sum at least equal to the amount specified below and in a form with surety and conditions approved by the Attorney.
- c. The Performance Bond amount shall be approved by the Engineer. The minimum bondable amount shall be two-thousand five-hundred dollars (\$ 2,500) and shall be calculated by the following:
 1. 50% of the cost of the water system improvements
 2. 25% of the cost for the sanitary sewer improvements
 3. 25% of the cost for the roadway and traffic/transportation improvements
 4. 25% of the cost of the storm water drainage system improvements (excluding earthwork operations)
 5. 50% of the cost of all other improvements, public or private, as required by this ordinance, the Planning Commission, or the MBA
- d. Acceptable forms of bonds include a surety bond from a company licensed to do business in the State of Mississippi; cashier's check from banks located in the State of Mississippi, or irrevocable letters of credit from banks located in the State of Mississippi.
- e. The Performance Bond shall remain in force throughout the period of construction and the Warranty Period. The Performance Bond will not be released until Final Acceptance is granted.
- f. If the Subdivider fails to replace or repair construction or material failures or defects identified by the City within ninety (90) days of the date of written notice, payment to the City shall be made under the Performance Bond for the estimated costs, as determined by the Engineer, for the replacement or repairs of failures or for the actual costs after completion of the replacement or repairs. The City, at its discretion, will decide to receive payment before or after the repairs or replacement. All collection expenses, court costs, and attorney's fees incurred by the City in connection with collection under the Performance Bond shall be paid by the Subdivider and/or charged under the Performance Bond.
- g. In the event that a situation arises during construction associated with the project that is deemed an emergency by the City, the City may perform repairs or other construction in order to resolve the situation. The cost of the repairs or construction

will be billed to the Subdivider and paid in full prior to the City granting Initial Acceptance. If the Subdivider refuses payment, payment to the City shall be made under the Performance Bond for the billable amount.

- h. All improvements will be guaranteed by the Subdivider after Initial Acceptance by the City, subject to normal wear and tear. The Performance Bond shall remain in effect for a minimum of one (1) year from the date of Initial Acceptance. The City may require extension of this time as the Engineer deems necessary.
- i. The Performance Bond will be released by the City when the Subdivider completes all requirements of the Subdivision Regulations and Final Acceptance is granted.

3. Insurance:

- a. General liability insurance in a minimum amount of \$500,000 is required. The City may require more than the minimum amount as determined necessary by the City due to the nature of the project.
- b. A general contractor as designated by the Subdivider, may carry this insurance as a substitute for the Subdivider. The Subdivider must provide a letter designating the authorized general contractor.
- c. A certificate of insurance must be submitted to the City for review and approval by the Attorney.
- d. The certificate of insurance shall remain in effect throughout the period of construction, the Warranty Period, and until Final Acceptance is granted.

4. Licensed Contractors:

- a. All contractors performing work in association with a Subdivision shall have the appropriate license issued by the State of Mississippi.
- b. A listing of all contractors to perform work in association with a Subdivision shall be listed along with proof of licensure submitted to the City.

5. Federal, State, or Local Permits:

All permits required from other agencies shall be obtained and copies provided to the City.

G. CONSTRUCTION PLAN REVIEW PROCEDURE

- 1. Construction plans will not be reviewed until the Development Contract has been executed.
- 2. Construction Plan review:
 - a. Three (3) complete sets of construction plans shall be submitted to the City signed and sealed by all applicable State of Mississippi licensed professionals.
 - b. After the City and Engineer review the construction plans, redline markups of the construction plans and formal typed comments will be sent to the Subdivider.
 - c. One (1) complete set of revised construction plans shall be submitted to the City for review and comment along with the redline markup plans. If comments remain or additional comments are generated, the same process specified above shall be followed.

3. Approval:

Once all comments and red line markups are addressed to the satisfaction of the City, four (4) complete sets of construction plans shall be submitted to the City. These plans will be marked approved by the City and two (2) sets will be returned to the Subdivider.

4. Notice to Proceed:

- a. Construction may not occur until the issuance of this document.
- b. Once all administrative requirements and construction plans are approved, a Notice to Proceed will be issued specifying that construction of the Subdivision may begin.
- c. The date of issuance of the Notice to Proceed sets the start date for the time of construction.

H. DATA FOR CONSTRUCTION PLAN SUBMITTAL

1. Types of plans required, but not limited to, are:

- a. Title Sheet
- b. Preliminary Plat
- c. Site Plan
- d. Grading and Drainage Plan
- e. Utility Plan
- f. Roadway Plan and Profile
- g. Erosion Control Plan
- h. Tree Protection Plan
- i. Landscape Plan
- j. Traffic Control Plan
- k. Details

2. See Subdivision Design Standards for additional information and requirements.

I. CONSTRUCTION PERIOD

1. Time of Construction:

A subdivision is to be completed within two (2) years from the issuance of a Notice to Proceed. If a Subdivision has not received Initial Acceptance in two (2) years from the date of the issuance of the Notice to Proceed, the Subdivider shall report to the MBA the status of the project and the estimated time of completion. The City may complete the necessary elements of the project, construct remaining items within the project, or clean and repair the project site with payment as specified with the Performance Bond.

2. Care of Area During Construction:

- a. The Subdivider shall be responsible for cleaning up all material and debris subject to be scattered by the wind or water each day and prevent such material from scattering through a subdivision, to adjoining property, or into street right-of-way. The premises shall be kept in a clear and un-littered manner.
- b. All streets are to remain clear of mud, dirt, and debris during construction. Streets shall remain open to traffic at all times unless previously approved by the Engineer. Streets shall not be used for storing or staging of equipment or materials.

3. Erosion Prevention and Sediment Control:

- a. Construction activity shall be done in such a manner as to provide for the most effective erosion prevention and sediment control. All erosion prevention and sediment control practices shall conform to the requirements of the Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES) and the Mississippi Department of Environmental Quality (MDEQ) requirements.
- b. Enforcement.
 1. In the event that erosion prevention and sediment control measures are not installed, maintained, or functional; the requirements of the Mississippi Department of Environmental Quality are not followed; sediment is found to be leaving the site; or the site is not found to be appropriately stabilized by the Engineer, a notice of violation will be issued.
 2. The notice of violation will generally state the issues that are found out of compliance and specify the time in which they are to be corrected.
 3. If the issues are not corrected in the time period specified to the satisfaction of the Engineer, Article X: PENALTY of these regulations shall be adhered to.

4. Revisions to Construction Plans:

During the course of construction, on-site conditions may differ from the approved plans or the plans may not adequately address various issues. If this occurs it is the Subdivider's responsibility to notify the City of any discrepancies or omissions in the construction plans. The City will determine if the discrepancy or omission can be resolved in the field or if revised construction plans need to be submitted by the engineer of record. If revisions are determined to be needed, two (2) copies of the revision are to be submitted to the City for review and approval.

5. Inspections and Testing:

- a. Inspections are to be performed by the City during construction and at varying stages of project completion as they pertain to infrastructure improvements. The Subdivider shall keep the City abreast of the progress made during construction and provide the City with adequate notice for when inspections will be requested.
- b. See Subdivision Design Standards for additional information and testing requirements.
- c. The City will make written inspection reports during the period of construction.
- d. When all of the required improvements have been constructed, the Subdivider shall contact the City for an Initial Acceptance inspection. The City shall inspect the subdivision and make a written report with a punch list. A copy of the written report with a punch list will be provided to the Subdivider.
- e. Once the Subdivider has completed the items detailed in the written report and punch list in full, the Subdivider shall contact the City to request a reinspection.
- f. Any items needing completion or correction as detailed in the written report and punch list must be resolved by the Subdivider to the satisfaction of the City.

J. AS-BUILT PLANS

1. As-Built Plans are to be tied to state plane coordinates. The types of as-built plans required are as follows:
 - a. Grading and Drainage Plan

- b. Roadway Plan and Profiles
 - c. Utility Plans
2. Two (2) paper copies of the As-Built Plans signed and sealed by a licensed engineer in the State of Mississippi shall be provided to the City for review and approval.
 3. Three (3) paper copies and one (1) electronic copy of the As-Built Plans signed and sealed by a licensed engineer in the State of Mississippi shall be provided after approval by the City.
 4. See Subdivision Design Standards for additional information and requirements.

K. PROCEDURE FOR INITIAL ACCEPTANCE

1. Construction is to be completed and all items on the inspection written report and punch list are to be completed to the satisfaction of the City.
2. As-built plans signed and sealed by a licensed engineer in the State of Mississippi are to be submitted to the City for review and approval.
3. The Performance Bond and Insurance Administrative Requirements are to be updated and resubmitted to the City as necessary to confirm validation for the warranty period.
4. The subdivision name and street names are to be submitted to the City for review and approval.
5. Once these items have been completed to the satisfaction of the City, the City will issue a certificate of Initial Acceptance. The date on the certificate of Initial Acceptance is the start date of the Warranty Period.

L. FINAL PLAT APPROVAL PROCEDURE

1. When the Final Plat conforms to the approved Preliminary Plat, the requirements of the Subdivision Regulations have been accomplished, and Initial Acceptance has been granted, the Final Plat complete with all signatures shall be presented to the MBA for approval.
2. An application form supplied by the City, a filing fee to be fixed by the MBA by separate ordinance, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted to the City.
 - a. The application must be made no later than two weeks prior to the next regularly scheduled meeting of the MBA to be on the meeting agenda.
 - b. The Subdivider or authorized agent must be present at the meeting scheduled to hear the submitted application.
3. After Final Plat approval is obtained from the MBA and all conditions have been satisfied, two (2) mylar original plats shall be submitted to the City for recording which shall contain the necessary signatures, certificates, and seals as specified in the Subdivision Regulations along with any agreements, bonds, recording fees, and an attorney's certificate of title certifying title to the land subdivided valid as of the hour and day of recording. The City will file the plat for recording with the Office of the Chancery Clerk of Panola County, Mississippi located in Batesville, Mississippi.

4. A reproducible mylar and electronic copy tied to state plane coordinates of the recorded plat shall be provided to the City for its official records.
5. The Final Plat of any subdivision shall not be recorded unless all improvements have been completed, Initial Acceptance granted, and the MBA approves the Final Plat.

M. DATA FOR FINAL PLAT

1. The Final Plat shall be at an appropriate and legible scale from an accurate survey and on one or more sheets whose dimensions shall be 18 inches by 24 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on other sheets. The Final Plat and the accompanying documentation shall show the following:
 - a. The boundary lines of the area being subdivided with accurate distances and angles, showing all relationship of the subdivision to section, township, and range.
 - b. All proposed streets and alleys with the widths and the names of all streets.
 - c. The accurate outline of any portions of the property intended to be dedicated or granted for public use with a statement of dedication thereon.
 - d. The lines of all adjoining property and the line of adjoining streets or alleys with the widths and the names of all streets within 100 feet of the proposed subdivision.
 - e. All lot lines together with an identification of all lots which shall be numbered consecutively.
 - f. The location of all building setback lines and easements.
 - g. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100th of a foot.
 - h. The radii, arcs or chords, points of tangency, and central angles for curvilinear streets and radii for rounded corners.
 - i. The location of all survey monuments and their descriptions.
 - j. The name of the subdivision, a graphic scale of the plat, a north arrow oriented toward the top of the page, the date, and the name of the owner or owners or Subdivider.
 - k. Location map showing relationship of subdivision site to area including township, range, section, and parts of sections.
 - l. The seal of the State of Mississippi registered engineer or land surveyor attesting the accuracy of the Final Plat.
 - m. Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of undue length as to make their lettering on the plat impractical and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
 - n. Statement to the effect that installing driveway culverts, where needed, is the responsibility of the individual lot owner, not the responsibility of the Subdivider or the City.
 - o. Proper certificates for owner, State of Mississippi notary public, State of Mississippi registered engineer or land surveyor, Planning Commission, MBA, and Office of the Chancery Clerk of Panola County, Mississippi located in Batesville, Mississippi.
 - p. The following certification of the engineer or surveyor of record for the proposed subdivision shall be included on all final plats: "I hereby certify that all dimensions, angles, bearings, and areas shown on the plat are correct, and that the exterior boundaries and interior lot dimensions have an error of closure to no less than 1 in 10,000 feet.

N. WARRANTY PERIOD

1. The Warranty Period begins at the date of Initial Acceptance.
2. The Warranty Period lasts for a period of one (1) year unless otherwise specified by the Engineer.
3. All Administrative Requirements shall remain in effect during the Warranty Period.
4. An inspection will be performed by the City towards the end of the Warranty Period. All items listed in the inspection written report and punch list shall be completed to the satisfaction of the City prior to the issuance of Final Acceptance.
5. The Warranty Period may be extended for a period of one (1) year at the discretion of the Engineer based upon the types of repairs performed as a result of completing the items listed on the inspection written report and punch list.

O. PROCEDURE FOR FINAL ACCEPTANCE

Towards the end of the Warranty Period, the Subdivider shall contact the City for a final inspection. Once any items needing completion or correction as detailed in the written report and punch list are resolved to the satisfaction of the City, Final Acceptance may be granted through the issuance of a notice from the City. Once Final Acceptance is granted, the Performance Bond and Insurance Administrative Requirements shall be released and the Development Contract will expire.

P. RELATION TO PLANNED UNIT DEVELOPMENT (PUD)

Any portion of a tract zoned as a PUD District may be submitted for approval as a Subdivision, provided that the PUD District zoning regulations governing the approval of a PUD are met. In submitting any PUD subdivision for approval, the prior action of the Planning Commission and the appropriate legislative body in granting the zoning application shall be sufficient preliminary plat approval within the meaning of Article IV: PROCEDURE. However, all requirements in Article IV shall be adhered to.

The basic purpose of a PUD is to allow flexibility in the development of planned communities. A PUD is intended to facilitate total density control as an alternative to regulation of individual lot size, harmonious development of mixed land uses, creative alternatives to traditional standards for minimum improvements, and development of attractive and functional common areas for recreational and other purposes. Within the general limitations of the Comprehensive Plan, the intent of these regulations and the public interest, convenience, safety and welfare, the Planning Commission may consider this purpose and may waive or modify any requirements of Article V: MINIMUM IMPROVEMENTS AND REQUIREMENTS of these regulations.

Q. GRADING PERMITS

A grading permit issued by the City is required for all land disturbing activity on lots, unsubdivided parcels of land, or for Subdivisions in which the total land area is one (1) acre in size or greater, excluding activities explicitly for agricultural purposes. If land disturbing activity is governed by a Subdivision, a separate grading permit is not required unless the Subdivider wishes to begin land disturbing activities prior to a Notice to Proceed being issued.

1. PROCEDURE:

- a. Two (2) paper copies and one (1) electronic copy of a grading plan submittal conforming to the requirements of Article IV-Q.2 DATA REQUIRED shall be submitted to the City. The copies of the grading plan submittal shall be accompanied by an application form and a filing fee as specified by the MBA. Complete applications for a grading permit must be filed no later than the first day of the month that is not a Saturday, Sunday or City holiday in which City offices are closed in order to be on the agenda of the next regularly scheduled meeting of the Planning Commission.
- b. It is at the discretion of the City whether an application for a grading permit is to go before the Planning Commission for approval or to be approved administratively by the City.
- c. The work proposed in the grading plan submittal may warrant the need for providing Administrative Requirements. The City will make this determination at the time the determination is made whether an application for a grading permit is to go before the Planning Commission for approval or to be approved administratively by the City

2. DATA REQUIRED:

- a. All applicable local, state, and federal agency permits and approvals are required prior to the City issuing a grading permit (examples of agencies include Mississippi Department of Environmental Quality, United States Army Corp of Engineers, Mississippi Department of Transportation, utility organizations, etc).
- b. Grading and Drainage Plan, see section E. DATA FOR PRELIMINARY PLAT SUBMITTAL.
- c. Tree Protection Plan, see section E. DATA FOR PRELIMINARY PLAT SUBMITTAL.
- d. Erosion Control Plan, see section H. DATA FOR CONSTRUCTION PLAN SUBMITTAL.

ARTICLE V: MINIMUM IMPROVEMENTS AND REQUIREMENTS

A. GENERAL REQUIREMENTS

In consideration of the acceptance by the City and the assumption of the responsibility of maintaining public infrastructure constructed therein, the Subdivider shall provide all resources to design and construct all improvements made within or associated with the subdivision of land in accordance with the Subdivision Regulations.

These expenses shall include, but are not limited to the following:

1. Cost of boundary survey, preliminary, and final plat.
2. Dedication and improvement or payment-in-lieu of street right of way.
3. Dedication of easements required by the City.
4. Cost of establishing grades.
5. Cost for construction of sanitary wastewater transport facilities from the development.
6. Cost for construction of water transport facilities to the development.
7. Cost for construction of all other utilities associated with the project.
8. Cost for construction of curb and gutter, storm water sewer, detention or retention facilities,

and all other elements associated with storm water runoff.

9. Cost of roadway construction.
10. Cost of traffic signals, traffic signs, and street signs.
11. Cost of preparing all construction plans and specifications.

B. AUTHORITY TO PROCEED WITH INSTALLATION OF IMPROVEMENTS

1. The issuance of a Notice to Proceed shall constitute authority for the Subdivider to proceed with the construction of the Subdivision.
2. All public improvements must be inspected during the course of construction of the Subdivision. A schedule of inspections must be coordinated with the City.

C. STREETS

1. The arrangement of streets in all Subdivisions shall make provisions for the continuation of the principal existing streets in the adjoining areas of their proper projection. Streets should be stubbed accordingly to allow for connectivity for future development of adjacent land.
2. All proposed street names shall avoid duplication of other street names in the City unless the proposed street is obviously intended as an extension of another existing or proposed street, in which case the streets shall bear the same name.
3. The arrangement of streets and lots shall give due regard to topography and other physical features of the property.
4. The right-of-way widths and location of urban arterial and collector streets shall conform to the right-of-way widths and locations of such streets designated by the Comprehensive Plan. However, the Planning Commission may consider any other proposed street a urban arterial or collector street and require comparable right-of-way widths. Whether a street is improved or a payment-in-lieu of improvements is made for a proposed development may be discussed at the Sketch Plat stage of the subdivision development process.
5. To assure a connectivity and ease of movement, streets within a subdivision should be extended to the adjoining property, which would be continued at the time the adjoining property is developed. Temporary turnarounds shall be provided at the termination of such streets.
6. Mid-block walkways or crosswalks may be required where deemed essential to improve pedestrian circulation, or access to schools, shopping centers, parks, playgrounds or other community facilities.
7. Sidewalks will be installed along streets as required by the Planning Commission.

D. EASEMENTS

1. Easements of at least five feet in width shall be dedicated on each side of all rear lot lines, at least five feet on each side lot line, and at least 10 feet on all lot lines adjoining a street, for poles, wires, conduits, storm and sanitary sewers, gas, water, or other utilities. Easements with greater widths may be required as deemed necessary by the Engineer.
2. Whenever any stream, ditch, open channel or other surface drainage course is located within an area being subdivided, the Subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, maintaining, or

protecting the stream or drainage course serving as a storm water buffer zone. The adequacy of the easement shall be determined by the Engineer.

3. Easements shall not overlap or be combined for multiple purposes.

E. BLOCKS

All new blocks created by a subdivision of land shall take into consideration the following:

1. All blocks shall be sufficiently wide to allow two tiers of lots of appropriate depth under the applicable zoning regulations, unless another length or width is approved by the Planning Commission because of special topographical or traffic considerations.
2. No block shall be less than 250 feet nor more than 1,500 feet in length except as the Planning Commission considers necessary to secure efficient use of land or desired features of street patterns.

F. LOTS

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and to the character of surrounding development.
2. The minimum lot area and lot width, measured at the building lines, shall conform to the requirements of the zoning ordinance for the applicable zoning district.
3. No lot shall have a depth in excess of four times its width, however this requirement may be waived by the Planning Commission if the Subdivider can demonstrate this requirement is not appropriate for the type of development and use contemplated.
4. All side lot lines shall be at right angles to straight street lines and radial to curved street lines except where a variation will provide a better street and lot layout as approved by the Planning Commission.
5. Corner lots shall have a width sufficient to permit the establishment of front building setback lines along streets without reducing the buildable width below that required of the average sized lot in the subdivision.
6. Reverse frontage lots shall be prohibited except where essential, as determined by the Planning Commission, to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography. In such cases, additional depth including a planting screen reservation of a minimum of twenty (20) feet in width, and across which there shall be no right of access, shall be provided along the line of lots abutting such uses. A statement dissolving the right of access of lots to the major street shall be included on the Final Plat.
7. Minimum property line radii at street intersections shall not be less than 25 feet. Additional radii length may be required at larger intersections.

G. PUBLIC SITES, FACILITIES AND OPEN SPACES

1. Adequate park, school, and recreational space shall be provided at convenient locations throughout the Subdivision and conform to the Comprehensive Plan. The amount, type, and locations of such areas will depend on the size and type of development and shall be developed in accordance with the location, space, and size requirements presented in

Comprehensive Plan.

2. Where park, playground, or areas for other public recreational uses should be provided in the subdivision in accordance with the Comprehensive Plan, the Planning Commission may require such area to be dedicated to the proper public agency.
3. All land to be reserved for dedication to the local government or acquisition for public use purposes shall have prior approval of the appropriate governmental agency and shall be shown on the plat "Reserved for Park and/or Recreation and/or Public Use Purposes."
4. Subdivisions shall be connected to the public water system. All costs for materials and labor for the connection to the public water system shall be the responsibility of the Subdivider.
5. Subdivisions shall be connected to the public sanitary sewer system. All costs for materials and labor for the connection to the sanitary sewer system shall be the responsibility of the Subdivider.

H. GENERAL SUITABILITY

1. The Planning Commission may reject a Subdivision if it has been determined that the proposed Subdivision is not in keeping with the general character of the area; and that in the best interest of the public, the site is not suitable for the proposed Subdivision.
2. Where deed restrictions or covenants are proposed, they shall be included with the plat and made a part of such plat; provided however, that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the Subdivider because of a violation thereon of the terms of the restrictions or covenants.
3. Land which is shown as being located within the 100-year flood zone as delineated by the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), or known to be in an area subject to 100-year water surface elevations shall not be platted for residential or any other use which may result in danger to health, life or property or increased flood heights; unless the Subdivider submits to the Planning Commission that the area can be protected from inundation by means without undue interference either with the flow of any water course or with any necessary impounding basin, which evidence shall be verified by the Engineer. The elevation and extent of flooding in each drainage area shall be confirmed by the Engineer and shall be indicated on both the Preliminary and Final Plats.

I. SUBDIVISION AND STREET NAMES

The proposed name of the subdivision and street names shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or streets in the City.

ARTICLE VI: ALTERATIONS OF RECORDED PLATS

A. ERRORS

Errors on recorded subdivision plats may be corrected by the Subdivider by making a written request to the Planning Commission to have such correction made. The Planning Commission may then direct that the correction be made directly on the existing recorded plat, or they may direct that a complete new plat be filed as in Paragraph B below.

B. ALTERATION OF PLATS

Any alteration of plats shall follow state statutes and current MBA policy. Any request of an alteration of a plat is to go before the Planning Commission and the MBA.

C. VACATION OF PLATS

Any vacation of plats shall follow state statutes and current MBA policy. Any request of a vacation of a plat is to go before the Planning Commission and the MBA.

ARTICLE VII: EXCEPTIONS

1. Whenever the tract to be subdivided is of such unusual size or shape, or in the interest of the preservation of existing trees and other natural beauty, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Ordinance would result in real difficulties or substantial hardship or injustice, the MBA, after report by the Planning Commission, may vary or modify such requirements so that the Subdivider may develop his property in a reasonable manner, but so that at the same time the public welfare and interests of the City are protected and the general intent and spirit of the Subdivision Regulations are preserved.
2. The general procedure may be deviated from by a variance from the Planning Commission and upon recommendation for approval by the Planning Commission, approval by the MBA. Consideration for a variance is intended for situations where large tracts of family owned land are to be deeded to other direct members of the family in order to establish a residence. Each request will be considered independently.

ARTICLE VIII: VALIDITY

If any article, paragraph, sentence, clause, or phrase of the Subdivision Regulations is, for any reason, held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of the Subdivision Regulations.

ARTICLE IX: CHANGES AND AMENDMENTS

Any regulations or provisions of the Subdivision Regulations may be changed and amended from time to time by the MBA in accordance with applicable state statutes.

ARTICLE X: PENALTY

It shall be illegal to sell, or offer to sell, any lot, tract, or property which does not conform to the requirements and regulations of the Subdivision Regulations. In the case of any violation of the Subdivision Regulations, the MBA, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful acts.

Any person, firm, association, corporation, or other entity who shall violate any of the terms or provisions of the City of Batesville Subdivision Regulations shall be guilty of misdemeanor and upon conviction thereof or entry of a plea of guilty or nolo contendere thereto shall be punished by a fine of \$500.00 for the first offense, a fine of \$750.00 for the second offense within one calendar year of the first offense, and a fine of \$1,000.00 for the third offense and subsequent offenses within one calendar year of the first offense, and for all offenses in the discretion of the Court, imprisonment for up to ninety (90) days. Each calendar day that any violation or failure to comply with the provisions of the City of Batesville Subdivision Regulations occurs shall constitute a separate offense and violation. Any person, firm, association, corporation, or other entity convicted of such violation or entering a plea of guilty or nolo contendere as set forth above, shall also pay all Court costs.

Any violation of the Subdivision Regulations shall be subject to the following penalties:

- a. An immediate stop work order issued by the City requiring any work being performed to cease immediately.
- b. Any other penalties as established by the MBA in other applicable City codes.

All penalties must be accounted for before the issuance of Initial Acceptance of the Subdivision by the City.

ARTICLE XI: CONFLICTS

These regulations are not intended to interfere with, or annul any other ordinance, rule or regulations, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulations, or other provision of law, whichever provisions are more restrictive shall control.

ARTICLE XII: REPEAL OF PRIOR ORDINANCE - EFFECTIVE DATE

The Subdivision Regulations adopted _____, 2008, by City of Batesville, Mississippi, recorded in Minute Book ____, Pages ____ through ____ and all amendments thereof, are repealed on the effective date of this Ordinance. However, all applications and matters which have commenced under the _____, Ordinance shall be completed with decisions rendered under regulations set forth in that Ordinance without the necessity of a new application therefore.

All notices, hearings, and matters to be performed, having been completed, this Ordinance shall take effect and be in force from and after the date of its final adoption.

ORDERED AND DONE this ____ day of _____, 2008.

Jerry Autrey, Mayor
City of Batesville, Mississippi

SAMPLE RESOLUTIONS AND CERTIFICATIONS FOR FINAL PLAT

OWNERS CERTIFICATE

The undersigned owner(s) of the property shown hereon hereby adopt(s) this plat as my (our) plan of the subdivision and dedicate(s) the streets and street right-of-way and easements as shown to public use forever.

Owner(s)

Date

NOTARY ' S CERTIFICATE

Personally appeared before me the undersigned authority in and for the said County and State, on the _____ day of _____, 20____, within my jurisdiction, the within named _____, who acknowledged that he/she is _____ of _____, a _____ (state) _____ (type of organization),who acknowledges that he/she executed the above and foregoing instrument in his/her capacity as such _____ on behalf of _____ (type of organization).

My commission expires

Notary Public

Date

CERTIFICATE OF SURVEY

I hereby certified that the plat is true and correct and was prepared from an actual survey of the property made by me under my supervision.

Surveyor

Certificate Number

Date

CITY ENGINEER’S RECOMMENDATION

I have examined this plat and find that it conforms to all conditions set forth of the preliminary plat as approved by the Mayor and Board of Alderman and thus recommend final approval.

City Engineer

CITY APPROVAL CERTIFICATE

I hereby certify that this is a true copy and that this plat was approved by the Mayor and Board of Alderman in session on the _____ day of _____, 20____.

Mayor, City of Batesville, Mississippi

Attest:

City Clerk, City of Batesville, Mississippi

CHANCERY CLERK’S CERTIFICATE

State of Mississippi
County of Panola

I hereby certify that the subdivision plat shown herein was filed for record in my office at _____ o’clock __ m., on the _____ day of _____, 20____ and was immediately entered upon the proper indexes and duly recorded in plat book _____, page _____.

Chancery Clerk

City of Batesville Development Contract No. _____

THIS AGREEMENT made and entered into this _____ day of _____, 20__, by and between:

THE PARTY OF THE FIRST PART know as _____ and THE PARTY OF THE SECOND PART know as CITY OF BATESVILLE, MISSISSIPPI

WHEREAS, The Party of the First Part is the Subdivider of the project known as: _____

WHEREAS, The Party of the First Part desires to improve and open said subdivision for public sale.

NOW, THEREFORE, in consideration of the Mayor and Board of Aldermen approval and mutual covenants and agreements of the parties herein contained, it is agreed and understood as follows:

1. Party of the First Part agrees to construct and maintain roads, curb and gutter, sidewalks, drainage systems, sanitary sewer systems, water systems, and any other required improvements on said property, including landscaping, common areas, open spaces, and park spaces according to City of Batesville Mayor and Board of Aldermen approval, City of Batesville Zoning Ordinance, the City of Batesville Subdivision Regulations, and the City of Batesville Subdivision Design Standards.
2. Party of the First Part further agrees that all work under this contract is to be performed in accordance with plans, grades, and specifications prepared by a State of Mississippi licensed engineer and approved by the Engineer and made a part thereof, and according to the City of Batesville Zoning Ordinance, the City of Batesville Subdivision Regulations, and the City of Batesville Subdivision Design Standards for all such work and during the course of construction under the supervision of and subject to the approval of the Engineer and/or designated inspectors.
3. Party of the First Part agrees to install and maintain all erosion control measures during the construction of the project according to the plans and specifications prepared by a State of Mississippi licensed engineer and approved by the Engineer and as approved by the State of Mississippi Department of Environmental Quality where applicable.
4. Party of the First Part agrees to provide all Administrative Requirements as specified in the City of Batesville Subdivision Regulations.
5. Party of the Second Part agrees to accept the project upon completion of all terms herein set forth and release the Performance Bond and Insurance Administrative Requirements upon the issuance of Final Acceptance of said project in accordance with the City of Batesville Subdivision Regulations. Satisfactory completion is to be certified by a State of Mississippi licensed engineer and approved by the Engineer.
6. Party of the First Part further agrees to complete as additional requirements of the Mayor and Board of Aldermen for this project:
 - a. INSERT ADDITIONAL REQUIREMENTS HERE

WITNESS the signatures of the Party of the First Part and the Party of the Second Part in the day and year first above written,

Party of the First Part

Mayor, City of Batesville, Mississippi
Party of the Second Part