

CHAPTER 9 - PERMIT, BONDING AND ACCEPTANCE REQUIREMENTS AND CRITERIA

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CHAPTER 9 PERMIT, BONDING AND ACCEPTANCE REQUIREMENTS AND CRITERIA

9.1 PERMIT APPLICATION REQUIREMENTS AND PROCEDURES

9.1.1 Overview

A permit shall be required for any construction or installation within the public right-of-way or for any substantial modification of existing construction or use of the right-of-way. Application for such permits shall be made at the Department of Public Works and Development, Engineering Division, 10730 E. Briarwood Ave, Suite 100, Centennial, CO 80112.

After applying for the permit, the application will be reviewed by the appointed County Staff. Upon completion of review the applicant will be notified by Arapahoe County of the status of the permit.

Upon approval of the permit, the permit holder must call for a County inspection by notifying the Engineering Inspections Section at 720-874-6500 at least 48 hours prior to commencing work, or monetary and/or Stop Work Order penalties may apply (See Section 9.3.1.1 for information on Stop Work Orders). If an inspection is scheduled with the Engineering Division Inspections Section, and for some reason the work is not performed as scheduled, the permit holder shall call and cancel the inspection as soon as possible. Failure to cancel the inspection may result in a rescheduling fee of \$50.00 levied against the Permit Holder, or revocation of the permit.

Permit Applications shall only be accepted at the Arapahoe County Public Works and Development Building, Engineering Division during normal business hours (8 a.m. to 4:30 P.M.).

9.1.2 Permit Types

The six operational permits that are issued by Arapahoe County are as follows:

1. **Street Cut and Right-of-Way Use Permit**, which governs the following:
 - a. Construction, removal, repair or maintenance of utilities and other facilities in the public right-of-way.
 - b. Maintenance of facilities which do not necessitate a cut but will cause a disruption in vehicle or pedestrian traffic operations and therefore require a traffic control plan approval by Arapahoe County.
 - c. Construction or Modifications of access points from private property to County roadways.
 - d. Road Closures for any purpose including but not limited to block parties, races or other community events. A road closure request form attachment shall accompany the permit application (For Road Closures that are anticipated to exceed 10 days, Board of County Commissioners Approval shall be required).
 - e. Access from Public Right-of-Way to private property or utility easements.
2. **Public Improvement Construction Permit**, used for permitting any construction required by an improvement agreement with Arapahoe County. In general, required improvements are described in the Engineering Cost Estimate, "Exhibit A" attached to the Subdivision Improvement Agreement (SIA) or Intergovernmental Agreement (IGA), as described in Chapter 12.
3. **Grading, Erosion and Sediment Control (GESC) Permit**, which governs the movement of any earth, either excavation (cut), embankment (fill) or land disturbance of any type on both public and private property. The requirements

for this permit include prior approval and an acceptable Erosion Control and Sedimentation Report and Plan that meets the minimum standards within the “Arapahoe County Grading, Erosion and Sediment Control Manual” (GESC). Contact the Arapahoe County Public Works and Development Department, Engineering Division for current Administrative Procedures relating to the GESC Permit.

4. **Oversize/Overweight Vehicle Permit**, which governs the use of Arapahoe County Roadways where vehicle by which exceeds size or weight limitations as established by the State of Colorado or by Arapahoe County.
5. **Traffic Signing, Striping and Signalization Permit**, which governs the placement, removal or modification of any traffic signs, striping or signals maintained by Arapahoe County.
6. **Floodplain Development Permit**, which governs any construction grading, excavation or installation of facilities within any floodplain area. In the event there is no defined floodplain the applicant will be required to submit documentation defining the floodplain boundaries based on direction from County Staff.

Samples of these six permit applications and the road closure request form are included in these standards in Chapter 13, “FORMS”.

9.1.3 Special Circumstances

The following section describes special circumstances relating to permitting of construction in Arapahoe County.

9.1.3.1 Emergency Repairs

Emergency repairs shall require a “Street Cut and ROW Use Permit”, however, a delay of up to 72 hours (3 business days excluding weekends and holidays) is granted to submit the permit for the Emergency Cut. Permit applications for emergency cuts, which have not been applied for within 72 hours of the cut, shall be subject to a penalty. All provisions of Bonding and Insurance as defined in Section 9.5 shall apply to agencies performing the emergency cut.

An emergency cut shall be defined as a roadway excavation required to restore an essential service which has been disrupted or failed, or where delay of a repair would require further damage to the public right-of-way. An essential service is defined as electric, telephone, gas, water, sanitary sewer, storm sewer or other service needed to ensure the health and safety of the public.

9.1.3.2 Minor Adjustments to Existing Facilities by County Order

The work of installing range boxes, survey monuments, adjusting manhole rings and service boxes, or any similar work undertaken solely for the convenience of and at the order of Arapahoe County shall require a permit, however, the permit will be issued on a “no fee” basis if the permit is obtained prior to commencing with work.

9.1.3.3 Utility Repairs and Maintenance Operations

All utilities shall obtain a street cut permit or construction permit (as applicable) prior to beginning work in Arapahoe County right-of-way, except as allowed under Section 9.1.3.1. **The practice of utilities using their own work order or job order to proceed with work in the right-of-**

way, in lieu of obtaining County Permits is expressly prohibited. After obtaining a permit, the utility shall notify the Engineering Division – Inspections Section at least 48 hours, but not more than 96 hours prior to commencing work.

9.1.3.4 Permit Transference

The permit, the privileges granted herein and the obligations of the applicant created thereby shall be binding upon successors and assigns of the applicant.

9.1.4 Extensions to Permits

If the applicant fails to complete installation of the facility covered by the permit within the period specified in the permit, said permit shall be deemed null and void and all privileges and fees will be forfeited, unless an extension of time is obtained from the Engineering Division Manager or his designated representative.

9.2 GENERAL SPECIFICATIONS

Work done under a permit shall result in a repair being made to the street or other County Property involved. Said repair shall cause the street or other property to be returned to a condition equal to or better than original, within the limits of careful, diligent workmanship, good planning and quality materials. Said repair shall be accomplished in the least possible time and with the least disturbance to the normal functioning property.

9.3 PERMIT CONDITIONS

This section describes the requirements for plans and other information necessary for approval of a permit application.

9.3.1 Duration of Permits

The Public Improvements Permit shall be effective for a maximum of one (1) year from the date of Construction Plan Approval. For consideration of an extension the applicant shall make an extension request not less than 20 working days prior to expiration of the permit.

Unless otherwise provided in the special provisions, a Street Cut and Right-of-Way Use Permit shall be in effect for one-hundred and twenty (120) days from the date of issuance unless sooner revoked by the Director, Public Works and Development, or his designated representative for failure to abide by the terms and conditions of the permit, or by operation of the law, or at the time the utility for which the permit is issued ceases operation. For consideration of an extension the applicant shall make an extension request not less than 15 working days prior to expiration of the permit.

The Oversize/Overweight Moving Permit shall be effective for a maximum of 30 days from the date of permit issuance. If an annual Oversize/Overweight moving permit has been issued, then the permit shall be in effect for a period of 1-year, with each individual oversize/overweight move being approved on a permit form.

The Traffic Signing, Striping and Signalization Permit shall remain effective for a maximum of ten (10) days unless a written variance request is approved by the County to allow for more time. For Signalization Installations the permit shall be effective for a period of thirty (30) days from date of issuance.

The Floodplain Development Permit is issued by the Arapahoe County Stormwater Management Group and shall meet all requirements and time restrictions set forth by the Stormwater Manager. Time restrictions are generally based on scope of project.

9.3.2 Permitted Areas

Any permit issued shall pertain only to excavating or constructing within the County right-of-way or County drainage easements and is in no way to be considered a permit to enter any private property adjacent to such right-of-way or easement, or to alter or disturb any facilities or installations existing within the right-of-way which may have been installed and are owned by others.

9.3.3 Inter-Jurisdiction Permit Limitations

Permits are issued subject to the approval of City, State, or other governmental agencies having either joint jurisdiction over the section of right-of-way or jurisdiction to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to determine the necessity of and to obtain any such easements and approvals, which may be required.

9.3.4 Restoration

Granting of a permit is conditioned upon replacement or restoration of the road and right-of-way to a satisfactory condition by the applicant. Satisfactory condition shall be deemed a repair made in conformance to Chapters 8 and 9 of these Standards.

9.3.5 Owner/Developer Responsibility

The owner/developer of the site adjacent to the area, for which the permitted work is being completed, agrees to be responsible for maintenance of landscaped areas between the property line and the adjacent public roadway.

9.3.6 Utility Relocation Responsibility

The applicant shall be responsible for relocating or adjusting any utility facilities located within the road right-of-way as required to accommodate the road approach or other facility applied for. Construction of the utility, road approach or other facility by the applicant, his/her agent, or contractor, may be denied if the Director, Public Works and Development, or his/her representative believe that satisfactory arrangements for said relocation or adjustment has not been made with the owner of the affected utility facility. Unless specifically stated by agreement or contract, all cost of the utility relocation shall be the responsibility of the developer/owner.

9.3.7 Plan Requirements

Permit applicants shall be notified within seventy-two (72) hours of submitting their permit application if Construction Plans will be required. When Construction Plans and Specifications are required, they shall be submitted in accordance with the requirements of Chapter 2 of these Standards prior to issuance of any permit. For maintenance projects involving minor street cuts, the applicant shall submit a request in the form of the Street Cut and Right-of-Way Use Permit with a sketch plan showing type, size and location of the proposed installation or repair and a traffic control plan compliant with the Manual on Uniform Traffic Control Devices (MUTCD).

9.3.8 Fees, Insurance and Bonding

Applicant must pay all required fees, obtain all necessary plan approvals and provide insurance and bonding, as required in Section 9.5 prior to approval of the permit application. A current fee schedule is available by contacting Arapahoe County Public Works and Development, Engineering Division at (720) 874-6500.

9.3.9 Repairs of Damage Caused by Construction

Repairs of damage caused to existing facilities as a result of work carried out by a valid permit shall be the responsibility of the permittee.

9.3.10 Failure to Abide by Terms and Conditions

Failure of the applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit and may result in removal of the utilities, approaches or other facilities by the County at the applicant's expense.

9.3.11 Stop Work Orders

Failure to obtain adequate permits and/or failure to comply with approved plans and County Standards could result in a Stop Work Order until the adequate permits have been issued and/or the improvements have been reconstructed to comply with all plans and County Standards. No further permits will be issued until the repairs have been completed or the County has been reimbursed for expenses required to complete the repairs.

9.3.12 Permittee Qualifications

Permits to perform work on Arapahoe County Public Improvements shall be issued only to a person (or authorized agent representative) who meets the requirements in Section 9.5, "Bonds and Insurance".

9.4 REFUNDS

No refunds shall be issued on any permit fee.

9.5 BONDS AND INSURANCE

9.5.1 A non-cancelable permit bond in the amount of \$20,000, or the estimated cost of public improvements currently permitted or under warranty, payable to the Board of County Commissioners, Arapahoe County, shall be required in the name of the permittee prior to issuance of any permit. This bond shall assure that the permittee will comply with all County Standards and Specifications and shall assure recovery by the County of any expense incurred, within a period of 365 days (1 year), following the expiration date of a permit, to the amount of said bond, due to failure of the permittee to comply with the provisions of these Standards or to otherwise cause expense to the County as a result of work performed. Bonding is not required in the following cases:

1. The proposed work is included in the scope of an approved, current Development Agreement (SIA, TSEA, IGA, etc.) for which collateral has previously been established.
2. The proposed work is to be performed by a Local Improvement District, Metropolitan District or other entity for which a valid letter of responsibility is in place.
3. The proposed work is performed for Arapahoe County and the contractor has provided the County with a performance/payment bond.

9.5.2 Failure to Obtain Bond

Any permit determined to be without adequate bond as required, shall be subject to immediate revocation by the County. Contractors performing work without such bond shall be denied all future permits in Arapahoe County until such bonding requirements are met.

9.5.3 Eligibility for Letter of Responsibility

Municipalities, quasi-governmental agencies, special districts, mutual companies, electric, gas and communications utilities may provide a Letter of Responsibility in lieu of posting the required bond. Subject Letter of Responsibility shall be in the format of Figure 9.1.

9.5.4 Substitution for Bond

Arapahoe County shall not accept cash deposits, certified checks or similar security in lieu of a bond. Bonds and Letters of Responsibility shall be filed in the office of the Engineering Division Manager.

9.5.5 Insurance

The applicant shall obtain and carry a liability and property damage insurance policy or policies, for the period of time required to complete installation of facilities and improvements authorized by the permit. Completion of installation of facilities and improvements includes repair and restoration of the road or other facilities affected by construction. Coverage shall be provided against any claim, demand, suit or action for property damage, personal injury or death resulting from any activities of the applicant, its officers, employees, agents or contractors in connection with the construction, installation, repair or removal of said facilities authorized by the permit. The said policy or policies shall include as named insured: Arapahoe County Board of County Commissioners, Arapahoe County Officers, agents and employees except as to claims against the applicant, for personal injury to any members of the Board or it's officers, agents and employees, or damage to any of it's or their property. Said insurance shall provide coverage of Property Damage, Public Liability Insurance and Bodily Injury Insurance in an amount of not less than Four Hundred Thousand (\$400,000) Dollars each, or such other maximum amount as may be specified in the Colorado Governmental Immunity Act, and protecting the County against any and all claims for damages to persons or property resulting from construction and/or installation of any required improvements pursuant to this requirement. The policy will provide that the County shall be notified at least thirty (30) days in advance of any reduction in coverage, termination or cancellation of the policies. Such notice shall be sent to the Engineering Division Manager by Certified Mail, Return Receipt Requested. Contractor agrees that any subcontractors engaged by or for the permitted contractor, to construct the required improvements shall maintain public liability coverage in limits not less than those mentioned above. Failure to comply with Insurance Requirements shall result in suspension and/or revocation of permits.

Figure 9.1

Board of County Commissioners
5334 S. Prince Street
Littleton, CO 80166

LETTER OF RESPONSIBILITY

THIS IS TO CERTIFY THAT _____

In lieu of posting the required bond(s), the applicant agrees to the following:

1. All work shall be done in accordance with the “Arapahoe County Infrastructure Design and Construction Standards”, “Arapahoe County Stormwater Management Manual” and the “Arapahoe County Land Development Code” and shall meet or exceed design and construction criteria as described therein.
2. That all planned construction activity, excavation or road cuts, in any unincorporated Arapahoe County Roadway, Highway or other Right-of-Way, for any purposes, except for emergency repairs, will not be made without having secured approval of the proper construction permit(s) and Arapahoe County Construction Plan Approval (if warranted by the Engineering Division).
3. Permits shall be sought by this agency for all emergency cuts performed in any unincorporated Arapahoe County roadway, highway or other right-of-way within 72 hours (3 business days excluding weekends and holidays).
4. That any road cut made by the above will be backfilled and compacted in accordance with the current requirements of Arapahoe County, and the surface, landscaping and surrounding area restored to a condition equal to or better than that condition which existed prior to commencing the work.
5. The responsibility for the maintenance of the facility, landscaping and roadway patches shall remain with the above for:
 - a. A period of one (1) year after the expiration of the permit.
6. That this “Letter of Responsibility” is revocable and shall be renewed in a two (2) year cycle. Based on the satisfactory performance of the terms outlined herein, a renewal of this agreement shall be made.
7. That in the event repairs are not made or maintained, to the satisfaction of the Director, Public Works and Development, the Department of Public Works and Development shall notify the permittee in writing of the deficiency and secondly after fifteen (15) working days the necessary repairs may be made by the County at the expense of the above named organization.

Subscribed to this ____ day of _____ 200_

Attest: _____ By: _____

Signature of Authorized Agent

Name

Title

NOTE: This document is to be filed in the Office of the Director, Public Works and Development

9.6 ROAD CLOSURE

- 9.6.1** Preferably only one side of a roadway shall be blocked at any given time. When alternatives to road closure are not possible or when maintaining open roads would pose a safety threat, a street closure request may be submitted (See Chapter 15 – Forms). Any plan for traffic control during construction that indicates a complete closure must show detour routes, and must be approved by the Engineering Division Manager or his authorized representative at least one week prior to issuance of the permit.
- 9.6.2** Road Closures exceeding ten (10) days shall require Board of County Commissioner Approval and must be submitted a minimum of twenty-one (21) days prior to the proposed road closure.
- 9.6.3** The Engineering Division shall notify the appropriate school district, fire protection district, the County Sheriff's Office and the Colorado State Patrol Office concerning the exact location of street barricades and dates traffic will be impeded.
- 9.6.4** The contractor shall maintain barricades, in accordance with the approved traffic control plan and MUTCD.

9.7 STOP WORK ORDER

Any person, corporation, quasi-governmental agency, special district, mutual company, electric, gas or communication utility corporation, who without first having obtained a permit and/or who having made a cut in public right-of-way which has settled, failed or which has not been replaced in conformance with established County Standards, shall be subject to a "Stop Work Order" issued by the County, whereupon that person, corporation or utility shall, except for emergency repair work, discontinue all work within public right-of-way within Arapahoe County until such time as the required repair has been satisfactorily completed. No further permits will be issued until the repair has been made, or the County has been reimbursed for their expenses. Arapahoe County may, on its own initiative, make required repairs and bill the responsible contractor. Minimum charge shall be \$300.00 administrative charge, plus costs for labor, materials and equipment on a portal-to-portal basis.

9.8 UTILITY INSTALLATIONS

9.8.1 Underground Within Roadway

All utility lines shall be installed a minimum of the depths shown in detail SP-22 in Appendix A from the proposed roadway finished grade. This requirement is applicable throughout the County right-of-way, in roadway sections, including curb, gutter, sidewalk or other public improvements. Exceptions may be granted by the Director, Public Works and Development, or his representative where warranted. All utilities crossing into County right-of-way shall be as near to perpendicular as feasible. Storm Sewer systems are excluded from these requirements, all storm sewer design shall conform with the requirements of the Arapahoe County Storm Water Manual.

9.8.2 Underground Outside of Roadway

Utility lines subject to freeze/thaw damage (sanitary sewer and water) shall be installed at a minimum depth of the depths shown in detail SP-22 in Appendix A when located outside of the roadway. Utility lines not subject to freeze/thaw damage may be installed at a minimum depth of 36 inches when outside of the roadway section. Exceptions may be granted by the Director, Public Works and Development, or his representative where warranted. Storm sewer depths shall conform to the Arapahoe County Storm Water Manual.

9.8.3 Overhead

A minimum ground clearance of 18'-0", from finished grade, shall be provided where overhead utility lines cross public roads and streets. The clearance shall be measured at the lowest point (sag point) where the line crosses the traveled portion of the roadway.

9.8.4 Potholing Locates

Exploratory test holes made to determine location of existing utilities in an intersection or crossing and to be cored shall be charged a fee as set forth in the fee schedule. A maximum of five (5) test holes, at a maximum diameter of 10", per intersection or crossing may be permitted by a single fee. It is the responsibility and at the cost of the permittee to locate all utilities including County owned public improvements (storm sewer, traffic signal inter-connects, traffic loop detectors, etc.).

9.8.5 Utility Clearances

Water and sanitary utility clearances from storm sewer (outer wall of pipe) shall meet the minimum requirements set forth in the Arapahoe County Storm Water Manual. All other Utility clearances from storm sewer shall maintain a minimum of 18-inch separation (Horizontal and vertical) and/or conform to the requirements of other individual districts which ever is more restrictive.

9.8.6 See Appendix E for utility locate pothole repair procedure policy.

9.9 APPLICABILITY

The requirements of this chapter shall apply to any person, corporation, municipality, quasi municipal agency, mutual company, electric, gas, cable television or telecommunication utility, who for any reason cuts, disturbs or otherwise defaces any county road for the purpose of installing or repairing, or for any reason pertaining to the presence of, an underground utility or structure.

9.10 FORMS

The various application forms required to perform work in County right-of-way can be found in Chapter 13 – Forms.

9.11 FEES

9.11.1 Fee Schedule

Fees shall be assessed for permits and inspection at the time of issuance of the permit in accordance with the schedule in force. A copy of this fee schedule may be obtained free of charge from the Arapahoe County Public Works and Development Department.

9.11.2 Penalty Fees

Any person or corporation commencing any work without valid, prior written authorization shall be required to pay a penalty fee.

The GESC Permit shall require penalty fees for re-inspections and for reinstatement after issuance of a stop work order. The re-inspection penalty shall be assessed when a specific issue requires more than two inspections prior to conformance. The reinstatement penalty shall be assessed prior to commencing with work following issuance of a stop work order for any reason.

9.11.3 Fees for Non-Business Hour Inspections

Permit fees include such charges as necessary for administrative procedures and inspections (when warranted). Permit fees include the normal inspection fee provided that required inspections are performed during normal County business hours (8:00 am – 4:30 pm, Monday through Friday, holidays excluded) with proper notification to the County. Additional fees apply to all inspections required outside of the normal County business

hours. Contact Arapahoe County Engineering Inspections at 720 874-6500 for details on availability, procedures and requirements for non-business hour inspections.

9.11.4 No Fee Permits

For projects in which it is determined that no permit fees are required, the permittee shall not begin construction of any improvements or repairs until the County has issued the “No Fee Permit”. In the event the permittee begins construction prior to the issuance of a permit all applicable permit fees and penalties shall apply.

9.12 ACCEPTANCE

This section sets forth the procedures and requirements related to the acceptance of roadways in Arapahoe County. It is intended to maintain a uniform roadway development policy throughout the County and to provide a clear statement of the procedures for roadway acceptance.

9.12.1 Application of Acceptance Standards

9.12.1.1 The requirements contained herein shall apply to all new construction and all other work affecting County rights-of-way that are planned for or subject to present or anticipated public use within the jurisdictional boundaries of Arapahoe County. Lower standards shall not be used, except in limited circumstances when a variance or a waiver may be considered. The Board of County Commissioners must approve any variance or waiver.

9.12.1.1.1 Construction tolerances shall conform to the requirements of the Arapahoe County Construction Specification Tolerances included herein as Appendix D.

9.12.1.2 These Requirements may be enforced by work stoppage injunctions issued by the District Court pursuant to law; or suit may be filed by County Attorney on behalf of the Board of County Commissioners for damages resulting to County right-of-way due to non-compliance with these requirements.

9.12.2 General Acceptance Policies

9.12.2.1 Where road improvements are required for a subdivision, the initial capital cost shall be funded by the developer/owner. After acceptance of the roads for maintenance, the County shall then provide a normal level of maintenance as available funds, manpower and equipment permit. A normal level of maintenance includes street sweeping, snow plowing, repair and cleaning of drainage structures and general maintenance of the roadway in a condition deemed safe by the Director, Public Works and Development.

9.12.2.2 The County will maintain only those roads specifically accepted for maintenance by the Director, Public Works and Development.

9.12.2.3 Where new development impacts an existing roadway by accessing onto the road or increasing storm runoff onto or along the road, the developer(s) will be responsible for upgrading the roadway to the minimum standards required by these Design Standards. The construction of new roadways for the purpose of providing access to a development is the responsibility of the developer(s).

9.12.2.4 The following traffic control aspects shall apply to acceptance procedures:

9.12.2.4.1 Roadways shall not be opened to general public traffic until necessary traffic control devices have been installed. Before a new roadway is accepted by Arapahoe County, it shall be properly signed and striped according to the approved plans.

9.12.2.4.2 If during acceptance inspection of the new subdivision it becomes evident that additional signage is needed, the County shall inform the owner/developer in writing. These additional signs shall be the responsibility of the owner/developer to install such signs and to show them on a revised signing and striping plan.

9.12.3 Probationary Acceptance Process

Once public improvements (roadway and/or drainage) which are covered by a valid Arapahoe County permit are constructed to Arapahoe County Standards and Specifications, the owner/developer may send a letter to the Arapahoe County Public Works and Development Department requesting an inspection of the public improvements to be completed for the purposes of Probationary Acceptance.

9.12.3.1 The letter shall fully describe the improvements for which the request is being made. It is the strict practice of Arapahoe County to accept all of the public improvements for a subdivision at the same time. If the owner/developer desires partial acceptance of subdivision public improvements, a request for such treatment should precede the acceptance request. The request should justify and define the partial acceptance schedule and explain the circumstances that require the policy change.

9.12.3.2 The letter shall designate a contact person for the owner/developer, an address and a telephone number.

9.12.3.3 The letter shall include a statement signed and stamped by a Registered Professional Engineer licensed in the State of Colorado. The Professional Engineer signature statement should read "I hereby state that to the best of my knowledge, information and belief, it is my professional opinion that the facilities shown on these drawings were constructed in substantial compliance with the approved Drainage Report and/or Construction Drawings and the Engineer's intent." The letter containing this substantial compliance statement shall be accompanied by independent test verification by a registered Professional Engineer. Such verification shall consist of acceptable destructive and non-destructive tests and an evaluation report based on those tests which substantiate compliance to the approved plans, and that the expected life of the roadway structure is at least 20 years, based on normal surface maintenance being provided by Arapahoe County.

9.12.3.4 If the Engineer cannot certify substantial compliance to the approved Construction Plans, a list of changes or exceptions to the plans shall be provided for consideration of acceptance by the Director, Public Works and Development. These must be documented by submitting record drawings with the list of changes or exceptions.

9.12.3.5 Included with the letter shall be the Record Drawings for the public improvements designated and constructed by the owner/developer pursuant

to the Subdivision Agreement, all testing documentation and a Monumentation Map. Refer to Chapter 7 for Record Drawing requirements.

- 9.12.3.6** The letter shall acknowledge the Terms of Maintenance Responsibility as described in this section.
- 9.12.3.6.1** The County will be responsible for snow plowing within the guidelines of the “Snow and Ice Control Plan”. The County will not plow any streets that have manholes, valve boxes or any other obstructions projecting above the pavement surface. The County will not be responsible for ice build up at inlets where the final lift of asphalt paving has been deferred and the asphalt surface does not drain into the gutter.
- 9.12.3.6.2** The County will accept responsibility for damage to curb and gutter as a result of snow plowing operations **PROVIDED** that they are notified of such damages in a timely manner (within 30 days), so that the County can check the circumstances. The County will not accept all curb and gutter damage, only that which can be directly attributed to its operations.
- 9.12.3.6.3** Traffic Control Devices, either temporary or permanent, as approved by the Board of County Commissioners, shall be installed before the County will accept the facilities.
- 9.12.3.6.4** The County will not be responsible for installation or maintenance of any barricades or warning signs required to protect the public because of phased roadway construction.
- 9.12.3.7** The letter shall acknowledge that the developer/owner has fulfilled the Subdivision Improvement Agreement requirements for Public Improvements including testing documentation showing the quality and structural integrity of the roadway improvements.
- 9.12.3.8** **Acceptance Inspection Scheduling**
Within ten (10) working days of receiving the request for acceptance, the Inspection Section shall provide written acknowledgement to the owner/developer that the request for Probationary Acceptance was received. The acknowledgement letter shall indicate a time and date for the Acceptance Inspection to be performed by the County. The owner/developer shall be responsible for assuring all the public improvements associated with the subdivision are in good repair, are clean and free from dirt and debris, and are generally in an acceptable condition for thorough visual inspection on the date indicated in the acknowledgement letter.
- 9.12.3.8.1** An acceptance inspection shall not be scheduled nor conducted if the collateral for public improvements, as specified in the Subdivision Improvement Agreement, is not valid and in force. The developer/owner shall be notified of any deficiency in collateral so corrective action can be taken.

- 9.12.3.9 Changes to Acceptance Inspection Date**
Any changes to the inspection date requested by the owner/developer shall be received no less than 3 working days prior to a scheduled inspection. Notice may be written or verbal. The specified owner/developer shall contact the Chief Engineering Inspector, Arapahoe County (or his supervisor) in person or by phone if the notice is verbal.
- 9.12.3.10 Notification of Deficiencies**
Within 10 working days following an acceptance inspection, the County shall provide the owner/developer a written list of deficiencies for the subdivision public improvements. These deficiencies must be rectified by the owner/developer as a condition of the County granting Probationary Acceptance. The owner/developer shall obtain necessary permits prior to commencing remedial work. Such permits shall be issued on a “No Fee Basis” unless the repairs commence prior to issuance of permits at which time normal permit fees and all applicable penalties shall take effect.
- 9.12.3.11 Reinspections**
When the owner/developer completes the repairs according to the deficiency list previously provided, a reinspection may be scheduled by calling the Inspection Section, Public Works and Development. The County shall give reinspection priority over new acceptance inspections when and if a scheduling conflict arises.
- 9.12.3.12 Granting Probationary Acceptance**
The County Engineering Inspector shall grant or deny probationary acceptance based on reinspection for compliance to the written deficiency list previously provided to the owner/developer. If new deficiencies are found, either in quality or extent of construction, the owner shall be notified in writing that these new deficiencies shall be corrected as a condition of Final Acceptance. Probationary Acceptance will not be delayed by discovery of new deficiencies provided the deficiencies do not pose an immediate threat to public safety and welfare.
- The County shall issue written notice of either granting or withholding Probationary Acceptance within ten (10) working days of the acceptance reinspection. If acceptance is denied, cause(s) shall be explicitly disclosed. The Probationary Acceptance letter shall specify the date on which the owner/developer is eligible to request Final Acceptance. The Probationary Acceptance period will normally be a minimum of one calendar year. The time may be extended under unusual circumstances.
- 9.12.3.13 Denial of Probationary Acceptance**
A request for Probationary Acceptance of a Subdivision’s public improvements, for which such acceptance has been previously denied by Arapahoe County, shall be treated as a new request for acceptance.
- 9.12.3.14 Reduction in Collateral**
Upon receipt of the Probationary Acceptance Letter from Arapahoe County, the owner/developer is eligible to have the subdivision agreement collateral reduced to 10% of the original value provided the County does not have sufficient reasoning, as determined by County Engineering Staff, to withhold a greater amount due to known deficiencies or potential problem

areas. If probationary acceptance is for only part of the public improvements, the reduction in collateral shall correspond to the line item value of the accepted improvements. For probationary periods greater than one year, an additional 10% of the original collateral amount shall remain in force for each additional year, or fraction thereof, of probation.

9.12.4 Final Acceptance

Once subdivision public improvements have been completed and the designated warranty period as outlined in the Probationary Acceptance documents have been met, the owner/developer may request Final Acceptance.

9.12.4.1 The letter requesting Final Acceptance shall identify the public improvement by name and reference shall be made to the date of Probationary Acceptance.

9.12.4.2 A contact person, address and telephone number shall be listed.

9.12.4.3 The letter shall request a Final Acceptance inspection.

9.12.4.4 Upon receipt of the request, the County will issue a response within ten (10) working days, which will indicate a date and time for the final field inspection. The owner/developer is responsible for having the public improvement clean and free of debris at the time of the inspection. Failure to do so shall require a rescheduling of the inspection. The rescheduling will be treated as a new inspection not a reinspection.

9.12.4.4.1 An acceptance inspection shall not be scheduled nor conducted if the collateral for public improvements, as specified in the Subdivision Improvement Agreement, not valid and in force. The owner/developer shall be notified of any deficiency in collateral so corrective action can be taken.

9.12.4.5 During the field inspection a listing of items requiring remedial action (punch list) will be prepared. This list of items shall be issued to the applicant within ten (10) working days of completing the inspection.

9.12.4.6 The owner/developer shall then obtain necessary permits to perform corrective action prior to commencing work operations. Such permits shall be issued on a “no fee” basis unless the repairs commence prior to issuance of permits at which time normal permit fees and all applicable penalties shall take effect. These permits are required so that the County is aware of any and all work taking place in County rights-of-way.

9.12.4.7 Upon completion of all corrective work, the owner/developer shall request, in writing, a reinspection.

9.12.4.8 The County shall notify the applicant by phone or in writing when the reinspection will occur. The County will endeavor to notify the applicant 24 hours in advance.

9.12.4.9 Upon satisfactory completion of this final inspection, the County shall issue a Final Acceptance Letter within ten (10) working days of the reinspection.