

**TOWN OF MONTREAT SUBDIVISION ORDINANCE**

**APPENDIX E – ADMINISTRATIVE FORMS**

|    |   |           |
|----|---|-----------|
| 1) | Certificate of Improvements                       | <b>37</b> |
| 2) | Certificate of Completion and Warranty            | <b>38</b> |
| 3) | Certificate of Dedication and Maintenance         | <b>40</b> |
| 4) | Improvements Guarantee Agreement                  | <b>42</b> |
| 5) | Performance Bond                                  | <b>45</b> |
| 6) | Certificate of Approval of Water Supply System    | <b>47</b> |
| 7) | Certificate of Approval of Sewage Disposal System | <b>48</b> |
| 8) | Certificate of Approval of Septic System          | <b>49</b> |
| 9) | Certificate of Approval of Town Streets           | <b>50</b> |

**1) CERTIFICATE OF IMPROVEMENTS**

The following improvements have been completed by \_\_\_\_\_ (name of Subdivider) in \_\_\_\_\_ Subdivision.

List of Completed Improvements:

Said improvements have been inspected by my office, have been built according to the standards set forth in the Montreat Subdivision Ordinance and are constructed as prescribed in the approved Preliminary Plan. To my knowledge, said improvements (contain no defects) (contain only the following minor defects) and should be approved.

List any known defects:

\_\_\_\_\_  
Building Inspector, Town of Montreat

\_\_\_\_\_  
Date

All said improvements are approved according to the requirements of this Ordinance.

\_\_\_\_\_  
Letta Jean Taylor, Mayor

\_\_\_\_\_  
Date

**2) CERTIFICATE OF COMPLETION AND WARRANTY**

The undersigned certifies that s/he is an officer of the \_\_\_\_\_ Corporation, and that s/he has been authorized to execute this Certificate pursuant to authority granted by Resolution of the Board of Directors of \_\_\_\_\_ Corporation, a copy of which Resolution is attached hereto.

\_\_\_\_\_ Corporation, through the undersigned, hereby certifies that the following improvements required under the authority of the Town of Montreat Subdivision Ordinance have been installed as specified by the approved Preliminary Plan for \_\_\_\_\_ Subdivision and that said improvements are in compliance with the minimum standards specified by the Ordinance and by the Planning and Zoning Commission for the construction of said improvements.

List of Completed Improvements:

\_\_\_\_\_ Corporation, through the undersigned, further certifies that it knows of no defects from any cause and will fully warrant said improvements to be free from defects in material and workmanship for a period of one (1) year from this date. In the event defects are discovered in any of said improvements during said period, \_\_\_\_\_ Corporation will replace and/or repair the defective improvements at its own expense.

\_\_\_\_\_ [SEAL]  
(Corporation)

By: \_\_\_\_\_  
(Printed Name)

Attest: \_\_\_\_\_  
(Printed Name)

Date: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOME

I, \_\_\_\_\_, Notary Public of Buncombe County, North Carolina certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that s/he is \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by \_\_\_\_\_ as its Secretary.

Witness my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

[Note: This Certificate may be appropriately modified for execution by a Subdivider who is not incorporated.]

**3) CERTIFICATE OF DEDICATION AND MAINTENANCE**

The undersigned certifies that s/he is an officer of the \_\_\_\_\_ Corporation, and that s/he has been authorized to execute this Certificate pursuant to authority granted by Resolution of the Board of Directors of \_\_\_\_\_ Corporation, a copy of which Resolution is attached hereto.

\_\_\_\_\_ Corporation, through the undersigned, hereby certifies that app property and improvements described on the Final Plat for \_\_\_\_\_ Subdivision are owned by \_\_\_\_\_ and are free of any encumbrances or liens except as follows:

List any encumbrance(s) or lien(s):

\_\_\_\_\_ Corporation, through the undersigned, freely offers for dedication all required rights-of-way, easements, streets, utilities, open space and other improvements to public or private use as noted on said Final Plat and freely establishes minimum building setback lines as required by the Town of Montreat Zoning Ordinance.

\_\_\_\_\_ [SEAL]  
(Corporation)

By: \_\_\_\_\_  
(Printed Name)

Attest: \_\_\_\_\_  
(Printed Name)

Date: \_\_\_\_\_

[CONTINUED ON FOLLOWING PAGE]

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOME

I, \_\_\_\_\_, Notary Public of Buncombe County, North Carolina certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that s/he is \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by \_\_\_\_\_ as its Secretary.

Witness my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

[Note: This Certificate may be appropriately modified for execution by a Subdivider who is not incorporated.]

#### 4) IMPROVEMENTS GUAANTEE AGREEMENT

STAET OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between \_\_\_\_\_, herein after known as "Subdivider," and the Town of Montreat Board of Commissioners, hereinafter known as "the Board."

#### WITNESSETH:

**WHEREAS**, the Subdivider is attempting to secure from the Town of Montreat approval of a Final Plat of a proposed Subdivision to be known as the \_\_\_\_\_ Subdivision and to be located within the jurisdiction of the Town of Montreat, North Carolina; and,

**WHEREAS**, a Town Ordinance entitled "Subdivision Ordinance for the Town of Montreat," as adopted by the Board on the 11<sup>th</sup> day of December, 1980, and as subsequently amended, required the completion of certain improvements prior to Final Plat approval; and,

**WHEREAS**, said Ordinance allows the Board, at its discretion, to permit the Subdivider to post a surety bond with the Town of Montreat through the Board to guarantee the completion of said required improvements; and,

**WHEREAS**, the Town of Montreat desires to approve said Final Plat and in lieu of requiring completion of all improvements prior to said approval, will accept from the Subdivider the filing of a surety performance bond with \_\_\_\_\_ Company to guarantee completion of said improvements.

#### IT IS THEREFORE AGREED AS FOLLOWS:

1. The Subdivider will, on or before the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ complete as required the following improvements in the \_\_\_\_\_ Subdivision;
2. The Subdivider shall file with the Town of Montreat through the Board a surety performance bond securing and guaranteeing completion of said improvements by the required date; and
3. When the surety performance bond is filed and other requirements of said Ordinance are met, then the Town of Montreat will approve the Final Plat of the \_\_\_\_\_ Subdivision.

**IN WITNESS WHEREOF**, the Town of Montreat Board of Commissioners has, by appropriate Board action, caused this Agreement to be executed by the Mayor or other authorized member and attested by the Town Clerk, as the \_\_\_\_\_ Company has, by appropriate action of its Board of Directors, caused this Agreement to be executed by its President and attested by its Secretary under corporate seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Corporation, through the undersigned, freely offers for dedication all required rights-of-way, easements, streets, utilities, open space and other improvements to public or private use as noted on said Final Plat and freely establishes minimum building setback lines as required by the Town of Montreat Zoning Ordinance.

TOWN OF MONTREAT BOARD  
OF COMMISSIONERS

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Town Clerk

Date: \_\_\_\_\_

(NAME OF CORPORATION)

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

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STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, \_\_\_\_\_, Notary Public of Buncombe County, North Carolina certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that s/he is \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by \_\_\_\_\_ as its Secretary.

Witness my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

[Note: This Certificate may be appropriately modified for execution by a Subdivider who is not incorporated.]

**5) PERFORMANCE BOND**

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

**KNOW BY THESE PRESENTS THAT** we, \_\_\_\_\_, as Principal, and \_\_\_\_\_, as Surety, are held and firmly bound unto the Town of Montreat, a political subdivision of the State of North Carolina, and a body politic and corporate, in the sum of \$ \_\_\_\_\_, lawful money of the United States of America, for the payment of which, well and truly to be made, we, and each of us, bind ourselves and each of us, our successors and assigns, jointly and severally, by these presents.

**THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:**

**WHEREAS**, the Principal has submitted a Final Plat of the Subdivision known as the \_\_\_\_\_ Subdivision, located in the jurisdiction of the Town of Montreat, which approval is a condition precedent to the right of said Principal to have said Final Plat registered in the Office of the Registrar of Deeds for Buncombe County; and,

**WHEREAS**, the Town of Montreat is unable, pursuant to Town Ordinance, to approve said plat of said Subdivision for registration until all required improvements are completed or until a guarantee of completion of said required improvements is filed with the Town of Montreat through its Board of Commissioners; and,

**WHEREAS**, the Town of Montreat Board of Commissioners and the Principal have this date entered into an Agreement by which the Town of Montreat will approve the Principal’s Final Plat for the \_\_\_\_\_ Subdivision prior to the completion of required improvements, and the Principal has agreed to file a surety bond in the amount of \$ \_\_\_\_\_ securing to the Town of Montreat, the actual completion of said required improvements on or before the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, which Agreement is attached hereto as Exhibit “A” and made a part thereof, and,

**WHEREAS**, the improvements required and agreed to be completed are set forth in said Exhibit “A.”

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

**IN WITNESS WHEREOF**, the said Principal and Surety have hereunto set their hands and seals on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(NAME OF PRINCIPAL)

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

(NAME OF SURETY)

By: \_\_\_\_\_  
Attorney-in-Fact  
(Power of Attorney attached)

Attest: \_\_\_\_\_  
(Print Name)

Date: \_\_\_\_\_

**6) CERTIFICATE OF APPROVAL OF WATER SUPPLY SYSTEM**

I hereby certify that the water supply system proposed for installation and specified on the Preliminary Plan for \_\_\_\_\_ Subdivision meets all pertinent state and local requirements and is hereby approved.

\_\_\_\_\_  
Town Administrator, Town of Montreat

\_\_\_\_\_  
Date

**7) CERTIFICATE OF APPROVAL OF SEWAGE DISPOSAL SYSTEM**

I hereby certify that the sewage disposal system proposed for installation and specified on the Preliminary Plan for \_\_\_\_\_ Subdivision meets all pertinent state and local requirements and is hereby approved.

\_\_\_\_\_  
(Appropriate Official),  
Metropolitan Sewerage District

\_\_\_\_\_  
Date

**8) CERTIFICATE OF APPROVAL OF SEPTIC SYSTEM**

I hereby certify that that the septic system proposed for installation and specified on the Preliminary Plan for \_\_\_\_\_ Subdivision meets all pertinent state and local requirements and is hereby approved.

\_\_\_\_\_  
(Appropriate Official),  
Buncombe County Health Department

\_\_\_\_\_  
Date

**9) CERTIFICATE OF APPROVAL OF STREETS**

I hereby certify that the streets plans for \_\_\_\_\_ Subdivision are in conformance with the standards of the Town of Montreat Street Department and the Subdivision Ordinance.

\_\_\_\_\_  
(Engineering Consultant),  
(Name of Firm)

\_\_\_\_\_  
Date