

**ORDINANCE NO. 2022-20**  
**TO AMEND THE REQUIREMENTS OF STREETS IN SUBDIVISIONS**  
**IN THE CITY OF CULLMAN, ALABAMA,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS IT FOLLOWS:**

**SECTION I. Purpose.**

The purpose of this Ordinance is to modify, amend or delete portions of Ordinance No. 2021-24, of and concerning the requirements of public street dedication and acceptance by the City of Cullman into the City's public street and thoroughfare system.

**SECTION II.** Section IX, Dedication of Streets, of Ordinance No. 2021-24 of the City of Cullman, Alabama, is hereby deleted in its entirety and replaced with the following:

The Owner/Developer seeking to dedicate a road(s) for the benefit of the public to the City of Cullman streets and thoroughfares system shall follow this Section of the Ordinance, in accordance with Chapter 48 "Streets, Sidewalks, and other Public Places" Section 48-107 of the City of Cullman Code of Ordinances, and the Subdivision Regulations Section 6.03, or as amended hereinafter.

- A. Following the completion of the road work, roads shall be inspected to show that the improvements are free from defective workmanship or material and free from sinkholes or other settling in the following order.
  1. Owner/Developer shall first request a preliminary inspection of the fully completed work, which shall be done by either the Street Department or Engineering Department, who shall make the determination, in writing, if the work may be deemed as satisfactory work as described above in order to proceed.
  2. The Owner/Developer shall then post with the City Clerk a Maintenance Bond in an amount equal to ten percent of the total street and utility improvement cost for the road(s). The bond will guarantee the City (or County, if applicable) that the road(s) has been installed free from defects caused by faulty material or workmanship, and that the road(s) will remain in acceptable condition for a period of at least one year. If at the end of the one-year period, the road(s) is found to have settled or be otherwise unacceptable because of faulty workmanship or material, the defective road(s) must be repaired at the cost of the Owner/Developer considering the amount of the Maintenance Bond and any and all costs in excess thereof, and upon failure or refusal to do so within ninety (90) days after demand is made by the City Council, then the City (or County, if applicable) may make repairs as reasonably necessary and recover the costs thereof.
  3. At the end of the one-year period, the Owner/Developer shall thereafter request a primary final inspection to be done by the Street Department and the Engineering Department.
    - i. If the City finds the work to be in satisfactory condition, the City shall issue a Letter of Satisfactory Completion to the Owner/Developer and Building Department for the records of the City.
    - ii. If the Owner/Developer fails to request the inspection for a Letter of Satisfactory Completion, then the City may require the Owner/Developer to renew the bond, begin the process of dedication anew or proceed with this Ordinance.
  4. If a road is a part of a multiple phase development, the maintenance bond must remain on file with the City Clerk, and said bond shall be kept renewed as needed and in good-standing by the Owner/Developer, until completion of all subsequent phases of the subdivision are built and when the entire road system is constructed to the standards of the City.

5. The Owner/Developer, upon receipt of the Letter of Satisfactory Completion, shall then issue a Letter of Dedication to the City, dedicating the road(s) as a part of the City's street and thoroughfare system.
  - i. The Owner/Developer shall be responsible to provide a legal description of the entire road(s), describing each road in a multiple phase development individually, being dedicated to the City.
  - ii. All roads from a multiple phase development must be submitted once, as a collective whole, upon completion for dedication to the City, unless the City finds it in the interest of the public welfare to accept any road(s) of a multiple phase development separately.
6. The City Council may then accept the road writing through a Resolution.

**SECTION III. Severability Clause.**

Each and every provision of this Ordinance are hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

**SECTION IV. Effective Date.**

This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 27<sup>th</sup> day of June, 2022.

ATTEST:

\_\_\_\_\_  
President of the City Council

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR this the 27<sup>th</sup> day of June, 2022.

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Mayor