

GAINES CHARTER TOWNSHIP
INFRASTRUCTURE / PARTIAL COMPLETION AGREEMENTS

Sec. 22-136. Building Permits

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(b) This subsection can be utilized if the developer or landowner desires to commence construction on a building in a development before all of the infrastructure (which includes, but is not necessarily limited to, roads, public water, public sewer, utilities and similar improvements, which shall be referred to in this Section as “Infrastructure”) has been fully completed for the development or part of the development involved. If the Infrastructure is not fully completed for the development or part of a development and the developer or landowner desires to obtain one or more building permits for buildings prior to such Infrastructure completion, then the Township Board of Trustees has the authority (at the Township Board of Trustees’ sole and absolute discretion) to authorize the issuance of one or more building permits by the Township for a building or buildings before the Infrastructure for the development or the portion or phase of the development involved is fully completed. However, no such approval shall be granted by the Township Board of Trustees unless all of the following conditions and requirements are met:

- (1) The Township Board of Trustees may attach reasonable conditions to any such interim building construction approval.
- (2) The landowner and the Township shall enter into a written agreement before any building permit is issued by the Township for any building involved

with such terms, conditions, and requirements as are required by the Township.

- (3) The developer or landowner shall post an irrevocable letter of credit (or other financial security acceptable to and approved by the Township) with the Township (involving a financial institution, and in an amount, form and wording acceptable to the Township) to cover the costs of completing the Infrastructure involved or alternately to remove the portions of the buildings being built if the Infrastructure involved is not fully completed by the deadline set by the Township. Such security shall be in an amount equal to the estimate by the Township for the costs and expenses of completing such Infrastructure or alternately removing the portions of the building or buildings built, plus 15% for administrative and other costs.
- (4) No certificate of occupancy shall be issued for any building until the infrastructure for the entire development has been fully completed or the infrastructure for the portion of the development involving the building is completed (with the Township to determine which is applicable).
- (5) The developer shall reimburse the Township for any and all additional costs and expenses attributable to both the negotiation and drafting of the agreement specified above and also arising out of the delay in completing the infrastructure. That includes any inspections and related matters attributable to the delayed Infrastructure completion.
- (6) The developer and landowner proceed at their own risk with regard to any delays or matters associated with continuing work on the infrastructure

while a building related thereto is being built or if the building has to be removed later.

- (7) If there is a significant violation of the Gaines Charter Township Zoning Ordinance or code while the delayed Infrastructure is being installed, then the Township may place a stop work order on the construction of the building or buildings subject to the above-mentioned agreement and no further work or construction shall occur on such building or buildings until the applicable Infrastructure has been fully installed and completed.
- (8) For purposes of this Section, Infrastructure shall not be considered fully complete unless and until all construction on the infrastructure has been completed, the infrastructure has been inspected by the Township, and the Township has approved the infrastructure.