

**4.4 Final Plats**

**4.4.1 Final Plat Application Procedures**

The subdivider shall submit an application for final plat approval to the administrator as set out below:

- A. Six (6) copies of an application and checklist for final plat approval shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which first consideration is desired. This application may be made concurrently with the application for approval of construction plans.
- B. Six (6) copies of the proposed final plat shall be submitted with the application.
- C. The applicant shall pay the fee required for filing final plats when the application is submitted.
- D. The applicant shall execute a performance agreement and furnish a bond, approved by the town council, for projects with improvements to be dedicated to the Town, or approved by Loudoun County for projects with improvements to be dedicated to the County, in accordance with the provisions of Section 7.10 of this ordinance, before final plat approval by the planning commission. (Amended 1/21/99)

**4.4.2 Final Plat Review Procedures**

- A. The administrator shall review the application and the application shall be declared complete or incomplete within ten (10) working days from the date of submission. The applicant shall be notified in writing as to the status of the application and, if declared incomplete, shall be provided with the reasons for not accepting the application. Additional copies of the application and/or plat may be requested by the administrator for review purposes. Upon the administrator's determination that the application is complete, the final plat shall be deemed to be officially submitted, and the date of this determination shall be deemed the filing date for this application.
- B. The administrator shall review the application and final plat and shall forward the plat for review to other officials or agencies, as deemed necessary by the administrator. The administrator shall report in writing corrections or additions deemed necessary by him and other officials or agencies interested in the application to the planning commission and the applicant prior to the planning commission's first consideration of the application.

#### 4.4.3 Final Plat Action

- A. The planning commission shall approve or disapprove the final plat within sixty (60) days from the date it was deemed an official submission.
- B. The administrator shall return to the applicant one (1) copy each of the approved application and final plat within ten (10) working days of approval.
- C. The administrator shall return to the applicant one copy each of an application and final plat which has been disapproved by the planning commission noted with the reasons for the disapproval and non-conformance with this ordinance. The applicant may satisfy the reasons for disapproval and non-conformance by making a new submission to the town in conformance with the provisions of this ordinance.

#### 4.4.4 Final Plat Recordation Required

The applicant shall record the approved final plat with the Clerk of the Circuit Court of Loudoun County within six (6) months of the date of final approval by the planning commission and shall furnish one copy of the recording receipt to the administrator. The applicant shall also furnish the administrator with three prints and one reproducible copy of the executed final plat. In addition, one plat shall be filed with the Commissioner of the Revenue for Loudoun County within thirty (30) days of recordation of said plat. If the applicant fails to record the final plat and provide copies as required, final approval shall be withdrawn by the town, and the final plat shall be marked void; provided, however, in any case where construction of facilities to be dedicated to public use has commenced pursuant to an approved plan or permit with surety approved by the town council, or where the developer has furnished surety to the town council in accordance with Section 7.10, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the town council, whichever is greater.

#### 4.4.5 Validity of Recorded Plats; Extensions; Modifications

- A. A recorded final plat shall be valid for a period of five (5) years from the date of approval or for such longer period as the planning commission shall, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.
- B. If a developer records a final plat which may be a section of a subdivision shown on an approved preliminary plat, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, subject to the terms and conditions of § 15.2-2241.5, Code of Virginia, 1950 (as amended) and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. (Amended 5/14/98)
- C. Upon application and payment of the required fee by the subdivider or developer,

filed prior to expiration of a recorded plat, the commission may grant one or more extensions of such approval for additional periods as the commission may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, and the laws, ordinances and regulations in effect at the time of the request for an extension.

- D. Minor modifications to recorded plats may be approved during the period of validity of such plats by the Planning Commission on application and payment of the required fee by the subdivider, provided that such approval shall not extend the period of validity of such plats.

#### 4.4.6 Final Plat Submission Requirements

- A. The final plat shall be prepared in substantial conformity with the preliminary plat, including any changes or additions required by the planning commission as a condition of preliminary plat approval.
- B. The final plat may include all or any part of the area covered by the preliminary plat.
- C. The final plat shall be drawn legibly and accurately in black ink upon a scale-stable polyester film base sheet 18" x 24" in size, including a margin of 1/2" outside the ruled border lines; to a scale of 1"=50' for any subdivision with lots of 1/4 acre or less; 1"=100' for any subdivision with lots larger than 1/4 acre. The planning commission, at its discretion, may permit other suitable scales for plats of dedication or other special plats.
- D. The final plat shall contain the following information:
  - (1) For subdivisions shown on more than one sheet: the sheet number, the total number of sheets, and the subdivision name shown on each sheet, and matchlines indicating clearly where the several sheets join.
  - (2) The name of the subdivision, town, county, state, owner and subdivider, and the names of any holders of easements or liens affecting the property; the scale of the drawing; the name, signature and seal of the engineer or land surveyor, duly licensed by the Commonwealth of Virginia, who prepared the plat; date plat was drawn and all revision dates.
  - (3) An inset vicinity map at a scale of 1"=1000' showing the location of the proposed subdivision, adjoining roads and their names and numbers, town, subdivision and other landmarks.

- (4) A certificate signed by an engineer or surveyor, duly licensed by the Commonwealth of Virginia, setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title.
- (5) A boundary survey, with an error of closure within the limit of one in ten thousand (10,000) referring to the Virginia Coordinate System or the current boundary survey of the Town.
- (6) The location of all survey monuments and benchmarks, including a minimum of two benchmarks.
- (7) The accurate location and dimensions of all lot and street lines and the centerlines of all streets, both within and adjoining the subdivision, along with the names and right-of-way widths of all streets.
- (8) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.
- (9) Zoning Requirements, including the applicable zoning district and lot requirements.
- (10) All dimensions, shown in feet and decimals of a foot to the closest one-hundredth (1/100) of a foot, and all bearings in degrees, minutes, and seconds, to the nearest ten (10) seconds.
- (11) The data for all curves in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord and chord bearing.
- (12) Total area within the final plat to the nearest one-thousandth (1/1000) of an acre.
- (13) All covenants and restrictions that will run with the land noted on the plat by recitation or reference.
- (14) Names of adjoining recorded subdivisions and owner's name of adjoining unplatted land.
- (15) Identification of all private accessways, including the required public service and emergency vehicle access easements over such streets.

- (16) Where private accessways are provided, a statement on the plat and in the deeds recorded for such subdivision acknowledging that access to this property is private and maintenance of the private streets, including snow removal, is not a public responsibility, but is the responsibility of the owners abutting the private streets.
- (17) A correct description of the property being subdivided and a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the undersigned by the owners or trustees of the property, duly acknowledged in accordance with § 15.2-2264, Code of Virginia, 1950 (as amended). (Amended 5/14/98)
- E. The plat shall be accompanied by an unexecuted copy of the deed of dedication to be presented for recordation, which shall contain a correct description of the land subdivided, the owners' consent statement, all protective or restrictive covenants, and language to guarantee that recordation of the deed shall operate to transfer in fee simple to the appropriate governmental body those portions of the property set apart for streets, easements, or other public use and to create a public right-of-passage over the same.
- F. In cases where easements are provided for facilities not intended to be owned and maintained by the town or other public entity, the instrument creating the proposed easements shall be submitted.
- G. In cases where land or facilities are to be dedicated to and held in perpetuity by a homeowner's association, copies of all homeowner's association documents shall be submitted.
- H. The plat shall conform in all other respects to the requirements of § 15.2-2240 through 15.2-2279, inclusive, Code of Virginia, 1950 (as amended).