



## **PUBLIC WORKS DEPARTMENT**

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## **STANDARD OPERATING PROCEDURE**

**Date:** September 9, 2022  
**To:** All Public Works Staff  
**From:** Public Works Director  
**Re:** SOP 100-33: Public Works Procedures for Processing Assurance Agreements - Rev.1

### Purpose

It is the requirement of the Public Works Department to receive, process and approve Assurance Agreements and Substitute Assurance Agreements and identify the procedure for release of assurances as defined in STC 18.69.070.

### References with hyperlinks

- [Sahuarita Town Code Chapter 18.69](#)
- [Final Plat Checklist](#)
- [Third Party Trust Assurances Agreement Form](#)
- [Letter of Credit Assurances Agreement Form](#)
- [Full Release of Assurances Checklist](#)
- [Full Release of Assurances Form](#)
- [PIA Closeout Checklist](#)
- [Third Party Trust Substitute Assurances Form](#)
- [Performance Bond - EXAMPLE](#)
- [Partial Release of Assurances Checklist](#)
- [Partial Release of Assurances Form](#)
- [Final Sidewalk Inspection - Request Form](#)

### Background

Private development within our community is continuous and ongoing. These projects include residential subdivisions, commercial centers, and retail businesses, all of which are required to be built per Town zoning and building standards. Assurances are posted with the Town guaranteeing the construction.

### Policy

Applicants and Town staff must use the appropriate assurance template(s) approved by the Town of Sahuarita Department of Law. Changes to the approved template(s) will not be acceptable unless approved by the Department of Law.

### Procedure

Assurances are required to be in place before any construction begins and remain in place until the development is completed/closed and all construction/improvements have been completed and accepted by the Town.



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### **1.0 Assurance Agreement**

An assurance agreement is required with a Final Plat per STC 18.69.060(I). State law supports this requirement. If an existing assurance agreement is in place, the applicant shall coordinate with staff on the required process. A typical process is as follows:

- A property owner submits a Final Plat application to the Planning and Zoning Division. A complete application package for a Final Plat includes a draft assurance agreement unless otherwise determined by the Town of Sahuarita, such as in cases in which all improvements have already been completed.
- In the case of an Assurance Agreement secured by a bond or letter of credit, the applicant shall submit a request to the Town to place a bond by providing a request in writing along with the cost estimate for the improvements. The amount of the bond and/or letter of credit is the total estimated cost of the improvements plus at least 15%.
- Assurance agreement templates can be found on the Planning and Zoning webpage or can be requested from Planning and Zoning staff.
- Planning and Zoning staff will route the proposed assurance agreement to the Public Works Department and the Department of Law for technical and legal review. Any comments or requests for corrections to the assurance agreement will be provided to the applicant with the plat review comments.
- The assurance agreement must be acceptable to the Town before the final plat will be scheduled for Town Council approval.
- Once all Town comments have been addressed, the applicant shall submit a signed assurance agreement with all required exhibits for execution by the Town.
- Town Council approval of the assurance agreement will occur concurrently with approval of the final plat.
- The Town Clerk will transmit the approved assurance agreement along with the final plat to the Pima County Recorder's office for recording.
- After recording, the applicant may request the recording sequence number from staff. The Town retains the originals.

### **2.0 Substitute Assurance Agreement**

A substitute assurance agreement may be requested for a portion of lots affected by an existing assurance agreement or may completely replace an existing assurance agreement. The most common reason for a request of a substitute assurance agreement is a change in ownership of some or all lots within a subdivision.



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- A property owner submits a written request along with fees to the Public Works Director to review a Substitute Assurance Agreement. The Public Works Department, the Planning and Building Department, and the Department of Law review the request for completion and adherence. Written comments and/or recommendations shall be forwarded to the Public Works Director within 10 working days.
  - If corrections to the requested Substitute Assurance Agreement are required, the Public Works Department shall provide a list of required corrections to the property owner.
  - The property owner is responsible for making the corrections and submitting a revised written request to the Public Works Department.
  - The revised request shall be forwarded to the Planning and Building Department and the Department of Law for re-review.
- The Public Works Director shall forward a written recommendation to the Town attorney for a final decision and signature.
- The fully executed Substitute Assurance Agreement with all required exhibits shall be taken to the town clerk for recording. The Town retains the original.

#### **3.0 Full Release of Assurances**

- A property owner submits a request for Full Release of Assurances to the Public Works Department.
- Public Works Department staff will route the proposed Full Release of Assurances to the Planning & Building Department/Fire Marshal for review. The Planning & Building Department/Fire Marshal and Public Works Department will review the project for completion of all required items in the Development Agreement, Tentative Plat, Development Plan, Assurance Agreement, Final Release checklist items, and Private Improvement Agreement. Construction costs are verified, and a fee reconciliation letter is sent to the Engineer of Record.
- If items are incomplete, the Public Works Department will provide the applicant with a correspondence indicating the missing items. The Engineer of Record will be copied on this correspondence.
- If all items are complete, the Full Release package, and recommendation memo will be sent to the Town Engineer for approval.
- As-built Improvement Plans are filed by Public Works.
- Following the Public Works Department approval, the Full Release package will be provided to the Town Clerk for recording . Copies of the recorded documents will be provided to Planning & Building, Town Engineer, and Town Clerk.



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- The Full Release/Closeout documents will be filed by the Public Works Department.
- Public Works will notify the applicant of the recording.

#### **4.0 Partial Release of Assurances**

- A property owner submits a request for Partial Release of Assurances to the Public Works Department. A complete request includes the following:
  - Substantial completion letter from the Engineer of Record
  - Completed Partial Release Form from the Engineer of Record or the applicant
  - Inspection and recording fees
  - Discharge authorization from PDEQ, Sahuarita Wastewater, or Pima County Wastewater Management approval
  - Percent release memo and checklist
- Planning & Zoning, Building Safety, and Public Works Divisions are notified with the first request for partial release for each subdivision and provided with an opportunity to comment. Department comments or concurrence are added to the file.
- Public Works staff inspects the requested lots. The Development Plan, Tentative Plat, Final Plat, and/or Development Agreement(s) are reviewed for assurance items.
- If all issues are addressed, a memo recommending approval is provided to the Town Engineer.
- If approved by the Town Engineer, the approved partial release form is signed and notarized, and a copy is filed. Signed documents are scanned and emailed to Public Works and the Engineer or Record.
- Notarized partial release form and Engineer of Record letter are sent to Town Clerk for recording.