



# NOTICE



## Consultants, Builders and Developers

### Notice #2025-08-13

August 13, 2025

Topic: Right of Way Surety Release and Defect Process

Effective: Immediately

In accordance with City Code section 33-51, a right of way permit is required prior to undertaking any work in the City right of way. To protect public infrastructure and ensure proper installation of improvements, City Code Section 33-73 requires a performance surety to be provided prior to permit issuance. City Code Section 33-75 requires the City to return the surety after the improvements are “completed and approved.” Historically, the improvements have been deemed “completed” after passing a surety release inspection, at which time a portion of the surety is released, and the remainder is held for a defect period of 1 year. After the defect period, Staff reinspects the improvements and if all work remains satisfactory, the defect surety is returned to the applicant.

Staff has determined that a defect period is not required by City Code, and, moving forward, will not be required for smaller value projects and improvements. Projects with a right of way surety less than \$100,000 will be considered both complete and approved after passing the surety release inspection. The entire surety amount will be returned with no defect period. For projects currently in a defect period involving an initial right of way surety less than \$100,000, staff will review these cases individually to work towards closing out the project.

This update does not impact the current process for subdivision sureties or right of way sureties over \$100,000.

For More Information, Please Contact: Kim Dotson – [kdotson@vbgov.com](mailto:kdotson@vbgov.com) | (757) 385-4276

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