

# CHAPTER 701.11

## FOSSTON SUBDIVISION ORDINANCE

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## SECTION I. IN GENERAL

### Subdivision 1. Purpose and Interpretation.

This section is intended to safeguard the best interest of the City and to assist the sub-divider in coordinating development plans with the goals of the City of Fosston. Each new subdivision becomes a permanent unit in the basic physical structure of the community. Haphazard and piecemeal planning of subdivisions, without correlation to a plan, will result in a disconnected patchwork of plats with poor traffic circulation and expensive provision of utilities. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of the City shall comply with the regulations set forth in this section, pursuant to Minnesota Statutes, Chapters 429, 462 and 505. In their interpretation and application, the provisions of this section are minimum requirements adopted for the protection of the public health, safety and general welfare of all residents.

### Subdivision 2. Limits of Regulations and Scope.

- A. General. The rules and regulations governing plats and subdivisions of land contained in this section apply within the City limits of Fosston.
- B. Scope of Application of Ordinance. The subdivision of any tract of land shall comply with this section, including the re-subdivision or replatting of land or lots.

*Exception:* The division of a lot of record into two (2) parcels where each resulting parcel is greater than five (5) acres and where no new streets or other rights of way are created shall not be considered a subdivision and thus shall not need to comply with the platting procedure. However, a lot of record or any parcel split there from can only be divided once in any five (5) year period and this exception shall not apply if the land to be divided is already platted. In addition, any land zoned *commercial, industrial or multi-family* is not included in this exception and thus shall always conform to the subdivision requirements set forth herein. A *certificate of survey* shall be required of all unplatted land splits fitting this exception. Each parcel so created shall have access as required by Section III, Subd. 4 –Design Standards of this Chapter.

- C. Prior subdivisions. Except in the case of a re-subdivision, this section shall not apply to any lot or lots forming a part of subdivision plats recorded in the office of the County Recorder of Polk County prior to the effective date of this section, nor is it intended by this section to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those in conflict with these regulations, or with private restrictions placed upon property by deed, covenant or other private agreements which are equal to or more restrictive than covenants running with the land to which the City is a party.

### Subdivision 3. Platting Land Divisions.

All subdivisions that create two or more parcels shall be platted, except as provided otherwise in this Chapter and as noted in the following subdivisions.

### Subdivision 4. Registered Land Surveys.

All registered land surveys in the City shall be subject to the same procedure as required for the filing of a plat. All surveys shall be done by a registered land surveyor. Tracts or easements to be used for public roads and utilities shall be deeded to the city free and clear of taxes, assessments and liens of whatever nature. Unless the council has approved the land

subdivision in accordance with the standards set forth in this title, the city shall not issue building permits for buildings on such nonapproved tracts. The council may refuse to accept and/or to improve, repair, or maintain tracts for streets, roadways, and/or easements unless so approved under this title. Unless the governing body shall approve, a registered land survey shall not be used to divide a parcel of land into tracts for the purpose of transfer of ownership or building development, if any of the tracts do not have minimum lot area or required frontage on a dedicated public street.

#### **Subdivision 5. Minor Subdivisions.**

- A. In the case of a subdivision of small size and of minor importance, situated in a locality where conditions are well defined, the City may exempt the sub-divider from complying with some of the requirements of this Ordinance. A minor subdivision must meet all of the following criteria:
1. Does not create more than three new lots;
  2. Does not require the dedication of rights of way or construction of new streets;
  3. Does not require the creation of any public utility easements other than the standard required easements of platted lots;
  4. Does not create any public improvements other than sidewalks;
  5. Does not landlock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
  6. Does not fall within the corridors of any planned or proposed street as shown upon the official map or approved area plans; and
  7. Does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy.

#### **Subdivision 6. Simple Lot Divisions.**

The Zoning Administrator and City Engineer may administratively approve the division of a lot which is part of a recorded plat where the division is to permit the adding of a parcel to an abutting lot or to create two (2) lots provided the following are met.

1. The parcel is part of a recorded plat;
  2. Any existing structure meets the setback requirements of the Zoning Ordinance;
  3. The newly created parcels meet the land area and lot width requirements of the Zoning Ordinance;
  4. Each parcel has frontage on and access to a public street;
  5. No street dedication nor utility easement is necessary; and
  6. Each parcel is serviced with separate and independent utilities.
- A. Procedure. An application form, along with three copies of a site sketch and the appropriate fee, as determined by the City Council, must be submitted to the Zoning Administrator. The Zoning Administrator may require the applicant to submit a survey showing the proposed lots to be created.
- B. The Zoning Administrator may require such revisions as are necessary to meet code requirements.

#### **Subdivision 7. Conveyance by Metes and Bounds.**

No conveyance of land within the city shall be filed for record in the office of the Polk County recorder, if the land is described in the conveyance by metes and bounds, or by reference to an unapproved registered land survey made after April 21, 1961, or by reference to an

unapproved plat made after December 27, 1982. The foregoing provision does not apply to a conveyance if the land described:

1. Was a separate parcel of record on December 27, 1982 or
2. Was the subject of a written agreement to convey entered into prior to December 27, 1982, or
3. Is being conveyed to the City of Fosston, or
4. Is being conveyed to establish public right of way and said purpose is so stated in the conveyance, or
5. Was a conforming lot of record prior to the adoption date hereof, or
6. Is determined by the Planning Commission to be a lot correction line such that no new unit or lot units are created.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this title, the planning commission may recommend the council to waive such requirement by the adoption of a resolution to that effect; whereupon a conveyance to do so may be recorded together with a recordable copy of the adopted council resolution.

Any owner, subdivider, or agent thereof, who conveys a lot or parcel in violation of the provisions of this section, shall be subject to strict enforcement of all penalties and enforcement measures available to the city under Section III., Subd. 10 of this Ordinance.

**Subdivision 8. Land Suitability.**

No land shall be subdivided which is deemed unsuitable for its intended use by the City Council for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earth slides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community. However the City Council may approve the preliminary and final plats if the sub-divider improves the land consistent with the standards of this and other applicable ordinances in order to make the area, in the opinion of the City Council, suitable for its intended use. Should the City Council determine that only part of a proposed subdivision can be safely developed, it shall limit development to that part and require that the specifications for development be consistent with its determination.

**Subdivision 9. Conformance to Zoning Regulations.**

Final approval of any plat or registered land surveys under the provisions of this Ordinance shall not relieve the developer or property owner of any obligation to meet all requirements contained in Chapter 701.10 of the City Code (Zoning Ordinance). Any provision which is more restrictive, shall apply.

**Subdivision 10. Conditions for Recording and Transferring Property.**

No plat of any subdivision shall be entitled to record in the Polk County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance. Pursuant to Minnesota statutes chapter 272, the County Auditor will not transfer any conveyance that subdivides a lot unless said conveyance is accompanied by a certificate signed by the Zoning Administrator and stamped with the City seal indicating that the subdivision regulations set forth above do not apply to the subdivision or that there has been full compliance with said regulations.

**Subdivision 11. Variances.**

The Planning Commission may recommend a variance from the provisions of this chapter when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Council shall prescribe only conditions it deems necessary to or desirable for the public interest. In making its findings, as required in this subsection, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Commission finds:

- A. That there are special circumstances or conditions affecting such property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which property is situated.

Applications for any such variance shall be submitted in writing by the sub-divider at the time when the preliminary plat is filed for consideration by the Planning Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.

**Subdivision 12. Effective date.**

This Ordinance shall repeal the previous Chapter 701.11 (Fosston Subdivision Ordinance) and shall take effect and be in force on and after July 14, 2008.

**Subdivision 13. Enforcement.**

Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Recorder's office or have any validity, and the Building Official or Zoning Administrator shall not issue building/land use permits for any structure on a lot in any proposed subdivision. The Council shall not permit any public improvements to be installed unless the preliminary plat is approved and shall not permit any connection of services until approval of the final plat and recording of same.

**Subdivision 14. Definitions.**

For purposes of this section, the following terms, phrases, words and their derivations have the following meanings:

"Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

"Boulevard" means the portion of the street right-of-way between the curb line and the property line.

"Butt lot" means a lot at the end of a block and located between two corner lots.

"Block" means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a stream or water body.

"Comprehensive Plan" means the comprehensive plan prepared by the Planning Commission indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the city and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

"Easement" means a grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, watermains, electric lines, telephone lines, storm sewers, or storm drainage ways and gas lines.

"Final Plat" means the final map, drawing or chart on which the sub-dividers plan of subdivision is presented for approval and which, if approved, will be submitted to the county register of deeds. The plat must conform to the requirements of law.

"Lot" means a parcel or portion of land designated by metes and bounds, a registered land survey, auditor's plats or other means and separated from other parcels or portions by such description for the purpose of sale, lease or separate use thereof.

"Lot improvement" means any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

"Minimum subdivision design standards" means the guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

"Minor subdivision" is a subdivision that meets all of the following criteria:

- A. Does not require the dedication of rights of way or construction of new streets;
- B. Does not require the creation of any public utility easements other than the standard required easements of platted lots;
- C. Does not create any public improvements other than sidewalks;
- D. Does not landlock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- E. Does not fall within the corridors of any planned or proposed street as shown upon the official map or approved area plans; and
- F. Does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy.

"Official monument" means a marker established by the original Federal Land Survey for use as a reference point in surveying and subdividing land.

"Owner" means any person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceeding to subdivide the same under these regulations.

"Pedestrian way" means the right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, cross-walk or however otherwise designated.

"Percentage of grade" on street centerline, means the distance vertically from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

"Planning Commission" means the Planning Commission of the City of Fosston.

"Preliminary plat" means the preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the planning commission and city council for their consideration as compliance with the comprehensive development plan and these regulations along with required supporting data.

"Protective Covenants" means contracts entered into between private parties constituting a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

"Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

"Setback line, building" means a line within a lot which establishes the minimum distance between the property lines and the nearest portion of an enclosed structure.

"Streets and alleys" refer to public ways and have the following meanings:

- A. "Street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, and place or however otherwise designated.
- B. "Collector street" means a street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within such a development.
- C. "Cul-de-sac" means a minor street with only one outlet and having a turnaround.
- D. "Marginal access street" means a minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- E. "Minor street" means a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
- F. "Street width" means the shortest distance between the lines delineating the right-of-way of a street.
- G. "Thoroughfare" means a street which heavy volumes of fast moving vehicles are provided for, having considerable continuity, and used primarily as traffic arteries for intercommunication between large areas.
- H. "Alley" means a minor way which is used primarily for vehicular access to the back or the side of properties abutting on a street.

I. "Private street" means a way for vehicular traffic which is not owned and maintained by the City.

J. "Half street" means a public right-of-way having only half the required width as specified in *Section III, Subdivision 4. Design Standards*.

"*Sub-divider*" means any person commencing proceedings under the terms of this section to effect a subdivision of land hereunder for him or for another.

"*Subdivision*" means the division of a parcel of land into two or more lots or parcels, any of which resultant parcel is less than five acres in area or 300 feet in width, for the purpose of transfer of ownership or building or development or, if a new street is involved, any division of a parcel of land: the term includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

## SECTION II. PROCEDURES FOR PLAT APPROVAL

The procedure for plat approval is set forth in this section.

### **Subdivision 1. Sketch Plan.**

Prior to the submission of a preliminary plat to the city, the sub-divider or owner shall meet with the Zoning Administrator to review all applicable ordinances, regulations, and plans in the area to be subdivided. At this time, the sub-divider shall submit four (4) copies of a general sketch plan of the proposed subdivision, together with a drainage and storm water plan. The sketch plan can be represented in a simple form, but should include notation of any zoning changes, variances, wetlands, or permits which would be required, and shall show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivision and development, and to the topography of the site. The purpose of this meeting is to expedite and facilitate the approval of the preliminary plat when submitted. The Zoning Administrator, within fifteen (15) working days of the meeting, shall report back, in writing, to the sub-divider with the subdivision information and any issues raised by the administrative review by the Zoning Administrator, City Engineer, and others as the planning commission may direct. To be most useful, a sketch plan shall contain the following information:

1. Site location map showing streets, school locations, commercial centers and other significant developments.
2. Tract boundaries.
3. North arrow and scale.
4. Streets within and adjacent to tract.
5. Topography and physical features.
6. Proposed general street design.
7. Proposed lot size and orientation.

*Submission of such sketch plan shall not constitute formal filing of a preliminary plat.*

### **Subdivision 2. Preliminary Plats.**

Before dividing any tract of land into two or more lots or parcels, an owner or sub-divider shall, unless a variance is authorized, file with the Zoning Administrator:

1. Ten (10) copies of the preliminary plat.
2. A base cash fee plus a per lot fee as noted in the fee schedule for Fosston and as amended from time to time. The fee shall be used to defray costs to the city, such as administration, mapping, engineering review, legal review, publication of notices, public hearings to be held, etc., incurred by the city in connection with consideration of the proposed subdivision.
3. Each final plat submitted except the first as a part of the approved preliminary plat, shall require an additional fee as found in the fee schedule for the City of Fosston.
4. The fee for a minor subdivision shall be found in the Fosston fee schedule.
5. If the sub-divider requests or the Council requires that any existing special assessments which have been levied against the premises described in the subdivision be divided and allocated to the respective lots in the subdivision plat, the City Clerk shall estimate the clerical cost of preparing the revised assessment

roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the council of such estimated cost, the same shall be paid to the City Clerk in addition to the fees mentioned in item 2 above to cover the cost of preparing and filing of such revised assessment.

6. The sub-divider shall fill out a subdivision application available at the office of the Zoning Administrator.
7. The Planning Commission shall consider the preliminary plat officially filed after the Zoning Administrator has examined it and advised the Planning Commission that it is in proper form.
8. On the same date that the Zoning Administrator places the preliminary plat on file, the Zoning Administrator shall:
  - a. Set a date for a public hearing on the preliminary plat, subject to paragraph 9 below. The Zoning Administrator shall mail a notice of the hearing to all property owners of record within 350 feet of the proposed subdivision boundaries at least ten (10) days prior to the hearing. In addition, notice of the hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. The Planning Commission shall hold the public hearing at one of its regular meeting dates.
  - b. Refer one copy of the preliminary plat to the Public Utility Department for examination and report and one copy to the City Engineer for his examination and report, one copy to the Polk County Wetlands Coordinator for his examination and report, and one copy to the school district. Copies of the report of the City Engineer and Public Utility shall be given to the Planning Commission prior to the public hearing.
9. The Planning Commission shall make its report to the Council within 60 days except in cases where the applicant requests additional time to adjust or correct the plats.
10. The Council shall act on the preliminary plat within 60 days of the date on which it was received from the Planning Commission.
11. If the preliminary plat is not approved by the Council the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved such approval **shall not** constitute final acceptance of the subdivision.
12. Should the sub-divider desire to amend the preliminary plat as approved, he may resubmit the amended plan which shall follow the same procedure except for the hearing and fee, unless the amendment is, in the opinion of the Planning Commission, of such scope as to constitute a new plat, in which case it shall be re-filed.

### **Subdivision 3. Final Plat.**

- A. The owner or sub-divider shall file eight (8) copies of the final plat with the Planning Commission no later than six months after the date of approval of the preliminary plat by the Council; otherwise, the preliminary plat will be considered void unless an extension is requested in writing by the sub-divider and for good cause granted by the Council.

- B. The final plat will have incorporated all changes or modifications approved in the preliminary plat; in all other respects, it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the sub-divider proposed to record and develop at the time, provided that such portion conforms to all the requirements of this section.
- C. A development plan for the necessary improvements, if there are any, including a cost breakdown, shall be submitted by the sub-divider to the zoning administrator, and then forwarded to the city public services director and to the city engineer for review. The City shall thereupon prepare a proposed developer's agreement.
- D. The Planning Commission shall consider the final plat officially filed after the Zoning Administrator has examined it and advised the Planning Commission that it is in proper form.
- E. On the same date that the final plat is placed on file, the Zoning Administrator shall refer two copies of the final plat to the Planning Commission, three copies to the City Engineer and one copy each to the telephone, gas, electric and other utility companies. The procedure and timing for processing the final plat shall be the same as for the preliminary plat except that no public hearing is required in processing the final plat.
- F. If the final plat is approved by the Council, the sub-divider shall record it with the County Recorder within six months after the date of approval; and if not so filed, the approval of the final plat shall be void and of no effect.
- G. The sub-divider shall be responsible for any costs incurred pertaining to the verification of the final plat materials and shall furnish the Zoning Administrator the following:
  - 1. A Mylar original.
  - 2. Three (3) copies of the final plat showing evidence of the final recording.
  - 3. One reduced size copy of the final plat with a scale no greater than one inch equals two hundred feet (1" = 200').
  - 4. AutoCAD DWG or DXF file on disk.

*Failure to furnish such copies shall be grounds for the city's refusal to issue building/land use permits for lots within said final plat.*

**Subdivision 4. Minor Subdivisions.**

If the Zoning Administrator finds that the plat fits the description of a Minor Subdivision, the following process shall be followed:

- A. The applicant shall submit two (2) copies of a *sketch plan* to the Zoning Administrator. The *sketch plan* does not need to be completed by a registered land surveyor, but should include the following information.
  - 1. The name, address and other pertinent information about the property owner, the Applicant, or preparer of the *sketch plan*;
  - 2. North arrow and preparation date;
  - 3. The general location, areas, and dimension of nay lots to be platted by the proposed subdivision;

4. The general location, width, and dimensions of any highway, streets, and other existing or proposed to be reserved or dedicated for public use on or abutting the area of land proposed to be subdivided;
  5. The location, width, and character of all existing utility easements on or abutting the area of land proposed to be subdivided;
- B. The Zoning Administrator shall prepare a report that reviews the sketch plan and its consistency with the Comprehensive Plan, the requirements of the Zoning Ordinance for the zoning district that the property lies within, and all other applicable requirements of this Ordinance.
  - C. Following the approval of the Zoning Administrator of the *sketch plan*, the applicant shall submit a Minor Subdivision application and five (5) copies of a *Final Plat* to the Zoning Administrator. Requirements for minor subdivision final plats are the same as all other plats and are found in *Section III. Plat Requirements, Subdivision 3. Final Plat Requirements*.
  - D. The application and Final Plat are then reviewed by the Zoning Administrator, City Engineer, Public Works Department and City attorney for their review. Upon this review, comments or revisions to the final plat are then faxed or mailed to the applicant.
  - E. Once revisions have been completed, the applicant submits three (3) copies of the final plat and one 11" x 17" copy of the final plat. The final plat is then referred to the City Council for their approval.
  - F. Prior to City Council approval, the applicant may be asked to review and accept a Development Contract prepared by City Staff. This shall address the installation of public improvements and shall be approved by the City Council at the same time of Final Plat approval.
  - G. After City Council approval, the Mayor and City Clerk/Administrator will sign the mylar copies of the Final Plat. The applicant then takes the Plat to the County offices for recording.
  - H. Once the plat is recorded by the County, the applicant provides proof of recording to the City by providing a mylar copy of the Final Plat with all required signatures. Then the applicant can apply for a building or land use permit.

**Subdivision 5. Absence of Utilities.**

In areas which cannot reasonably be served by public water and sanitary sewer, and such service cannot be expected within a five year period, no residential lot shall be developed for residential purposes unless it contains at least one acre of land area regardless of the lot area requirements of prevailing zoning regulations. Where public water and sanitary sewer is not available and individual wells and disposal systems are to be utilized, the subdivider may be required to submit the results of tests to ascertain subsurface soil, rock and ground water conditions. In areas without public water and sanitary sewer where lots are platted less than one acre in area, building/land use permits may be issued only for alternating lots with building/land use permits for intervening lots withheld pending the availability of public water and sanitary sewer. If ground conditions are such that areas outside the subdivision will not be endangered by water pollution, building/land use permits may be issued for lots less than one acre in size provided public water service is available.

### SECTION III. PLAT REQUIREMENTS

#### Subdivision 1. Preliminary Plat Requirements.

- A. Size. The preliminary plat shall be clearly and legibly drawn. All subdivision maps shall be drawn at a scale not smaller than a scale of one inch equals 100 feet (1" = 100'), unless otherwise required by the Council.
- B. Information Required. The preliminary plat of the proposed subdivision shall contain the following information:
  1. Identification and Description.
    - a. Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation of the name of any plat previously recorded in Polk County.
    - b. Location of the property by section, township and range.
    - c. Names and addresses of the owner, sub-divider, surveyor and designer of the plat.
    - d. North arrow and scale and date of preparation.
  2. Existing Conditions.
    - a. Boundary line of proposed subdivision clearly indicated.
    - b. Existing zoning classification.
    - c. Total approximate acreage.
    - d. Location, widths and names of all existing or previously platted streets or other public ways, showing the type, width and condition of improvements, railroad and utility right-of-ways, parks and other public open space, permanent buildings and structures, easements and section and corporate lines within the proposed subdivision and within a distance of 350 feet beyond the proposed subdivision.
    - e. If the proposed subdivision is a rearrangement or replat of any former plat or portion thereof, the lot and block arrangement of the original plat, along with its original name, shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.
    - f. Location and size of existing sewers, water mains, storm sewer mains, culverts or other underground facilities within the proposed subdivision and to a distance of 100 feet beyond the proposed subdivision. Such data as grades, invert elevations and locations of catch basin, manholes and hydrants shall also be shown.
    - g. Boundary lines of unplatted lands within three hundred fifty feet (350'), identified by record owner's name, shall be indicated.
    - h. A complete topographic map, at a scale of no greater than one inch equals one hundred feet (1"=100'), with contour intervals not greater than two feet

(2'), showing water courses, wetlands, wooded areas, rock outcrops, power transmission poles and lines and other significant features. United States Geographic Survey data shall be used for all topographic mapping. At least one print of the preliminary plat shall be superimposed on a copy of the topographic map. *(In the case of a subdivision where no new street is involved, the required topographic map may be waived if it is deemed unnecessary by the City Engineer and the Planning Commission.)*

- i. Wetlands from the national wetlands inventory and professionally delineated wetlands on the subject property.
- j. Total acreage of the preliminary plat and acreages of any wetlands therein.
- k. Existing drainage patterns both within the plat and current drainage patterns showing runoff and runoff from the platted land.
- l. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system.

3. Subdivision Design Features.

- a. Layout of proposed streets, showing right-of-way widths and proposed street names. If the proposed street is an extension of an existing named street, that name shall be used. In all other cases, the name of the street shall be consistent with the County and City street naming system as determined by E911 requirements.
- b. Location and widths of proposed pedestrian ways and utility easements.
- c. Typical cross-sections of proposed improvements upon streets, together with an indication as to the method of disposing of the proposed storm water runoff.
- d. Approximate centerline gradients of proposed streets.
- e. Locations, size and approximate gradient of proposed sewer lines, water mains, storm water drainage system and service connections and such other supporting data as may be required by the City Engineer or the Zoning Administrator.
- f. Show a storm water retention plan. This plan shall be engineered so that the plat shall retain the storm water runoff of a 100-year rain event if said plat is not served by storm sewer or some other city maintained storm water drainage system. If the plat is served by some city maintained storm water drainage system, it shall retain the storm water of a 5-year rain event.
- g. Layout, numbers and preliminary dimensions of lots and blocks.
- h. Minimum front and side street building setback lines, indicating dimensions, as required by the zoning ordinance.

- i. Areas, other than streets, pedestrian ways and utility easements intended to be dedicated or preserved for public use, including the size of such areas in acres.
- j. Any additional information required by the Zoning Administrator, the Planning Commission, or city staff members called upon to render opinions on any part of the proposed preliminary plat.

4. Other Information.

- a. Statement of the proposed use of lots, stating the type of residential buildings, with the number of proposed dwelling units; the type of business or industry so as to reveal the effect of the development on traffic, fire hazards or congestion of population.
- b. Proposed restrictive covenants and a copy of any restrictive covenants pertaining to adjacent properties.
- c. If any zoning changes are necessary for property within the proposed preliminary plat, a rezoning application shall be filed and considered concurrently by the City with the proposed preliminary plat.
- d. Where the sub-divider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the sub-divider submit a *preliminary plan* for the remainder of the property so as to show the possible relationships between the proposed subdivision and any future subdivisions. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- e. Potential re-subdivision and use of excessively deep (over 200 feet) lots must be indicated in a satisfactory manner.

**Subdivision 2. Qualification Governing Approval of Preliminary Plat.**

- A. Conditional Report. If a proposed subdivision fails to meet the requirements set forth in this section, the Planning Commission may submit a conditional report to the council, listing those items in which the proposed subdivision is deficient. The Council may then, at its discretion, require that the sub-divider make any and all necessary changes in the preliminary plat in order to bring it into compliance with the requirements of this section.
- B. Tentative Approval. The approval of a preliminary plat by the Planning Commission and Council shall only constitute acceptance of the design as a basis for the preparation of the final plat by the owners or sub-dividers.
- C. Other Approvals. Subsequent approval of the engineering proposals pertaining to water supply, storm drainage, sewage disposal, sidewalks, trails, gas and electric service, grading, gradients and roadway widths and the surfacing of streets will be required by the Council and by other public officials having jurisdiction in said matters, prior to the approval of the final plat by the City. The sub-divider shall also present evidence that the proposed plat has been submitted to the utility companies responsible for the provision of natural gas, electric power, and telephone services.

- D. Flood prone areas. No plat will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the sub-divider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy and provide adequate street and lot drainage.
  
- E. Minnesota Trunk Highway Development. New development proposed along Minnesota Trunk highways shall require a permit from the Minnesota Department of Transportation (MnDOT) for access. MnDOT's Access Management Policy shall be adhered to when possible.
  
- F. Sewer and Water. No plat will be accepted that cannot be adequately served with sanitary sewers and the public water supply.
  
- G. Adherence to Other Ordinances and Plans. No preliminary plat will be approved if it does not comply with all of the following city ordinances or plans (if adopted):
  - 1. Comprehensive Plan.
  - 2. Capital Improvement Plan.
  - 3. Roadway Plan.
  - 4. Park and Recreation Plan.
  - 5. Wetland Management Plan and ordinance.
  - 6. Zoning ordinance and map.
  - 7. Official map if available.
  - 8. Any other such plans as may be adopted by the City, County or State that would pertain to a new subdivision.

**Subdivision 3. Final Plat Requirements.**

The final plat shall be prepared in accordance with MN Statute, section 505. The plat may consist of more than one sheet, numbered progressively and containing the following information:

- A. The name of the subdivision, in large print at the top of the plat, together with the location of the subdivision by section, township and range, city and county.
  
- B. Graphic scale and north point.
  
- C. An accurate map of the proposed subdivision at a scale no greater than one inch equals two hundred feet (1"= 200'), which shall show the following information and meet the requirements of Minnesota statutes, section 505.02:
  - 1. The boundary of the proposed plat shall be surveyed. All angle and curve points on the plat boundary lines shall be monumented. In situations that would make it impossible to set a plat monument, a meander or witness monument shall be set and so noted on the plat.
  - 2. The accurate location of all monuments and a bench mark.
  - 3. Accurate angular and linear dimensions for all lines, angles, and curvatures used to describe the boundaries, streets, alleys, pathways, trails, easements, areas to be reserved for public use, and other important features within the proposed subdivision. All interior monuments shall be set within one year of recording or prior to issuance of any building/land use permits.
  - 4. All lots and blocks numbered in numerical order.

5. All municipal, county, or section lines within or at the boundary of the proposed subdivision.
  6. Identification and accurate boundaries of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision.
  7. The names of all streets.
  8. If the subdivision is a re-platting or rearrangement of a legal subdivision, or any portion thereof, the original platting shall be shown by dotted lines.
  9. Designated wetlands or manmade ponds.
  10. Any sites reserved for other than residential and public use.
- D. Notarized certification by a registered land surveyor, that the plat represents a survey made by such surveyor, and that the monuments, lot corners, and survey points shown thereon exist as located and that all dimensions are correct, as required by Minnesota statutes section 505.03.
- E. Notarized certification by the owner(s) of record at the time of the approval of the plat, together with the dedication of streets and other public areas to the public, and if applicable, the dedication of common areas to a property owners' association, as required by Minnesota statutes section 505.03.
- F. If any part of said plat is to be dedicated for the use and control by a property owners' association, the agreement establishing the common interest community per Minnesota statutes section 515B must be recorded at the same time as the final plat.
- G. In the event the final plat was approved by the city, conditioned on certain recorded covenants to be applicable, such covenants shall be recorded at the same time as the final plat.
- H. Certification showing that all real estate taxes and special assessments currently due on the property to be subdivided have been paid in full.
- I. The plat must be on the Polk County coordinate system.
- J. Certification of an *independent* plat check by a registered land surveyor must be provided.
- K. Review of proof of title must be completed by the city attorney.
- L. A form for recording the approval of the council as follows:

Approved by the City of Fosston, Minnesota, this \_\_\_\_ day of \_\_\_\_\_. 20\_\_.

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Mayor

City Clerk/Administrator

**Subdivision 4. Design Standards.**

The Planning Commission and the Council, in their review of the preliminary plat, will consider the requirements of the community, the best use of the land being subdivided, the size and arrangement of the proposed lots, open space requirements, traffic flows, and how the subdivision may aid in extension of city utilities for sewage handling and fire protection into the proposed subdivision and beyond.

The proposed subdivision shall conform to the comprehensive plan, all official maps, and the zoning ordinance.

A. Street Plan. The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan and to this section, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to drainage patterns, to public convenience and safety and in their appropriate relationship to the proposed uses of the land and land to be served by such streets. Names of new streets shall not duplicate existing or platted streets.

1. Continuation of Existing Streets. The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets in adjoining areas. When new streets are extensions of existing streets or in alignment with the existing or platted street, the new streets shall be at the same or greater width than such existing streets, but in no case may a new street be less than the minimum width required by this Section. Streets which are an extension of existing streets or in alignment with the existing or platted street, shall have the same name as the existing street.

2. Future Projection of Streets. Where adjoining areas are not subdivided but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at the appropriate locations.

3. Widths. All right-of-way widths and roadway or pavement widths (face to face of curb) shall be not less than the following dimensions:

<u>Classification</u>	<u>Roadway Width</u>	<u>Right of Way</u>
Arterial and Collector	44-48 ft.	80 ft.
Local	36 ft.	70ft.
Pedestrian (sidewalks)	5 ft.	10 ft.
Cul de sac radius	50 ft.	60 ft.
Private streets within a plat	26 ft.	40 ft.

4. Grades. All centerline gradients shall be at least .4 percent wherever feasible and shall not exceed the following:

<u>Classification</u>	<u>Grade (Percent)</u>
Arterials	4%
Collector	7%
Local	8%
Minor Streets, Alleys	8%

5. Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum lengths of these curves shall conform to the standards specified in Chapter 3, 4.03 and 4.04 of the Minnesota Highway Road Design Manual as amended.
6. Street Jogs. Street jogs shall have a centerline offset of 150 feet or more when applied to minor streets or marginal access streets; in all other cases, they shall be avoided.
7. Minor Streets. Minor streets shall be so aligned as to discourage their use by through traffic.
8. Cul-de-sacs. The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of the right-of-way and terminated with a diameter of 120 feet (ROW).
9. Marginal access streets. Where a subdivision abuts or contains an existing or planned major thoroughfare, the council may require a street approximately parallel to and on either side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such marginal access streets shall be located at such a distance from the major thoroughfare right-of-way as to allow for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in the appropriate districts. Such distances shall also be determined with due regard for the requirements for approach grades and future grade separations.
10. Half streets. Half streets shall be prohibited, except where the council finds it will be practical to require the dedication of the other half of the street when the adjoining property is subdivided; in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder of said street shall be considered in this decision. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. No building/land use permits shall be issued for a building located on a lot fronting on a half street.
11. Reserve strips. Reserve strips controlling access to streets shall be prohibited.
12. Private streets. If accepted by the city, private easements may be allowed in lieu of public streets. In these cases, the easements shall be depicted on the plat and a maintenance agreement binding all lots served by said easement shall be approved by the city and recorded with the plat.
13. Hardship to owners of adjoining property avoided. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

B. Alleys.

1. Location Requirements. Either a public or private alley shall be provided in a block where commercially zoned property abuts a major or local thoroughfare.
2. Widths. All alley right-of-ways and pavement widths shall conform to the following minimum standards:

<u>Classification</u>	<u>Right-of-Way</u>	<u>Pavement</u>
Industrial/Commercial	24 feet	20 feet
Residential (two way)	20 feet	16 feet

3. Grades. All centerline gradients shall be at least .4 percent but not more than 8 percent.

C. Intersections.

1. Angle of intersection. Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by intersecting streets be less than 60 degrees when measured at the acute angle formed by the intersecting centerlines. An angle of 90 degrees is preferred.
2. Size of intersection. Intersections of more than four corners are prohibited.
3. Corner radii. Roadways of street intersections at the curb shall be rounded by a radius of not less than 15 feet in residential areas. In commercial areas, a radius of 25-50 feet is permitted. Roadways of alley-street intersections shall be rounded by a radius of not less than ten feet. Corners at the entrance to the turnaround portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.

- D. Water Supply. Extensions of the public water supply system shall be designed so as to provide public water service to each lot. The design of said extensions shall be in accordance with the standards of the city.

- E. Sewage Disposal. Extension of the public sanitary sewer system shall be designed so as to provide sewer service to each lot. The design of such extensions shall be in accordance with the applicable standards of the city, county and state.

- F. Drainage. A complete and adequate drainage system for the subdivision shall be designed and shall include a storm sewer system or a system of open ditches, culverts, pipes and catch basins. Such system or systems shall be designed in conformity with all applicable standards of the city.

G. Easements.

1. Utilities. Easements at least 20 feet wide (10' from each lot) centered on rear and other lot lines, shall be provided for utilities where necessary and shall be dedicated to the public by appropriate language in the plat. They shall have continuity of alignment from block to block and at deflection points, easements for pole-line anchors shall be provided where necessary. Easements shall be provided along property lines from utility easements on rear lots lines to right-of-way so as to provide for a street light interval not to exceed 500 feet.
2. Drainage. Easements shall be provided along each side of the centerline of any water course or drainage channel whether or not shown in the comprehensive plan, to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of storm sewers, and they shall be dedicated to the city by appropriate language in the plat.

H. Blocks.

1. Factors governing dimensions. Block length and width or acreage within bordering streets shall be such as to accommodate the size of residential lot required in the area by the zoning ordinance and to provide for convenient access, circulation control and safety of street traffic.
2. Length. Block lengths shall not exceed 1,300 feet and shall be determined by circulation and other needs.
3. Arrangements. A block shall be so designed as to provide two tiers of lots, unless it adjoins a major thoroughfare, where it may have a single tier of lots.

I. Lots.

1. Location. All lots shall abut by their full frontage on a publicly dedicated street or a street that has received legal status as such.
2. Size. The dimensions of lots in a subdivision shall not be less than the minimum dimensions specified under the appropriate district requirements in the city zoning ordinance.
3. Butt lots. Butt lots shall be platted at least five feet wider than the average width of interior lots in the block.
4. Side lot lines. Side lines of lots shall be substantially at right angles to the street line, whenever possible.
5. Natural features. In the subdivision of any land, due regard shall be shown for all natural features such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
6. Lot remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
7. Lots along thoroughfares. Except in those cases where there are extenuating circumstances, residential lots shall not front on major thoroughfares.

**Subdivision 5. Park Dedication, Open Space and Public Use.**

A. *Authority.* In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider and by the Planning Commission, upon review, to the dedication or reservation of suitable sites for schools, parks, playgrounds conservation area, or other public or semi-public recreational areas or open spaces. Areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan or Park Plan if one exists. Whenever the Comprehensive or Park Plan shows the proposed park or recreational area partially or completely within a proposed subdivision, the preliminary and final plats of said subdivision shall show the proposed site as reserved and the City shall have one year from the date of approval of the preliminary plat by the Planning Commission in which to purchase said land or to initiate condemnation proceedings with respect thereto.

When deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in larger scale neighborhood unit developments not anticipated in the Comprehensive Plan, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such a development for schools, parks, and other neighborhood purposes. When so desired, the Planning Commission may recommend, and the City Council rule, that as an alternative, the subdivider may at his option contribute an equivalent amount of cash. Payments received under such option shall be placed in a special park fund by the municipality and used only for the acquisition of land for parks and playgrounds in accordance with M.S. 462.358, subd. 2b.

#### **Subdivision 6. Required Improvements on the Site.**

Prior to the approval of a final plat by the Council, the sub-divider shall have agreed, in the manner set forth in this subsection, to install or pay for the installation in conformity with all applicable standards and provisions of this code, the following improvements on the site:

- A. Monuments. Monuments of a permanent character shall be placed in locations on the boundary of the subdivision and within it as required.
- B. Street and Alley Improvement.
  - 1. Grading. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded.
  - 2. Pavement. All streets and alleys shall have an adequate sub-base and shall be improved with an all-weather, permanent surface. If the streets and alleys are not paved, Class V gravel must be applied as approved by the City Engineer.
- C. Water Supply and Sewage Disposal. Water service and sanitary sewer mains and service connections stubbed into the property line shall be provided to serve all the lots in residential subdivisions and shall be connected to the existing city water and sewer system.
- D. Drainage. A system that will adequately take care of the water runoff within the subdivision shall be provided. If the City Council, upon the recommendation of the City Engineer, determines that it is feasible for the sub-divider to install storm sewers connected to the existing storm sewer system of the city within or adjacent to the subdivision, or an extension of the city system which will be extended to the boundary of the subdivision within 18 months of the filing of the final plat, the City shall install a storm sewer system to provide drainage. If a storm sewer system is installed and connections to the city system are not immediately available, the storm sewers shall be capped and temporary provisions made for drainage by other means. The cost of storm sewers shall be assessed against the benefiting properties including those which may lie outside the boundaries of the proposed subdivision.
- E. Street Signs. Street signs shall be installed in all new subdivisions by the City.
- F. Underground Electric Service and Phone Service. The City Council may require that all electric service and phone service installations be put underground except where extreme conditions prohibit and a variance from this requirement is recommended by the planning commission upon the advice of the utility companies.

## **Subdivision 7. Development Agreement for Improvements.**

- A. Plans and Specifications. Prior to installation of any required improvements and prior to approval of the final plat, the sub-divider shall enter into a contract in writing with the City requiring the sub-divider to furnish and construct the improvements at his sole cost and in accordance with plans and specifications and usual contract conditions all approved by the Council, which shall include provisions for supervision of details of construction by the City Engineer and grant to the City Engineer authority to coordinate the work to be done under said contract by any subcontractors authorized to proceed there under and with any other work being done or contracted by the City in the vicinity. The agreement shall require the sub-divider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as specified in subsection B, the amount of the deposit and the penal amount of the bond to be equal to the city engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the City. On request of the sub-divider, the contract may provide for completion of part or all of the improvements covered thereby, prior to acceptance of the plat, and in such event, the amount of the deposit or bond shall be reduced in an amount equal to the estimated cost of the improvements to be furnished after the acceptance of the plat only. The time for completion of the work and the several parts thereof shall be determined by the Council upon recommendation of the City Engineer after consultation with the sub-divider and shall be reasonable in relation to the work to be done, the season of the year and proper coordination with construction activities in the subdivision. The provisions of this subsection shall be waived or amended as deemed appropriate by the City Council upon advice of the City Engineer on those improvements which the city has agreed to install under the provisions of Subdivision 8 of this Section.
- B. Financial Guarantee. The contract required by this Section shall require the sub-divider to make an escrow deposit or in lieu thereof, furnish a performance bond as follows.
1. Escrow Deposit. An escrow deposit shall be made with the City Clerk in an amount equal to the total cost, as estimated by the City Engineer including the cost of inspection by the City, of all the improvements to be furnished and installed by the sub-divider pursuant to the contract and which have not been completed prior to approval of the final plat. The City shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the City for completion of the work in case of default of the sub-divider under said contract, and for any damages sustained by the City on account of any breach thereof. Upon completion of the work and termination of any liability to the City of the sub-divider under this contract, the balance remaining in the deposit shall be refunded to the sub-divider.
  2. Performance Bond. In lieu of making the escrow deposit above described, the sub-divider may furnish the City with a public contractor's performance bond in the form prescribed by statute, with corporate surety, in a penal sum equal to the total cost, as estimated by the City Engineer including the cost of inspection by the City, of all of the improvements to be furnished and installed by the sub-divider pursuant to the contract and which have not been completed prior to approval of the final plat. The bond shall be approved by the City Attorney and filed with the City Clerk.

3. Construction Plans. Construction plans for the required improvements, conforming to all respects with the standards of the City Engineer and this code, shall be prepared at the sub-divider's expense by a professional engineer who is registered in the State of Minnesota and shall contain his seal. The plans, together with the quantities of construction items, shall be submitted to the City Engineer for his estimate of the total cost of the required improvements. Upon approval they shall become a part of the contract required in subsection A. The tracings of the plans approved by the City Engineer plus two prints shall be furnished to the City to be filed by the City Engineer as a record in the engineering department.
  4. Inspection. All required improvements on the site that are to be installed under the provisions of this section shall be inspected during the course of construction by the City Engineer at the sub-divider's expense, and acceptance shall be subject to the City Engineer's certificate of compliance with the contract.
- C. Improvements completed prior to approval of final plat. Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted and equivalent improvements in compliance with the requirements of this section if the City Engineer certifies that he has determined that the existing improvements conform to applicable City standards.

**Subdivision 8. Optional City Construction Permitted.**

- A. Petition. In lieu of doing the actual construction work on improvements required to be made by the sub-divider under this section, the sub-divider may petition the City to do the construction work required. The petition shall include a request that the benefited property be assessed for the cost of such improvements where appropriate. The petition shall be presented to the City by **September 1** for construction during the next season. The option shall apply to streets, alleys, curb and gutters, water and sanitary sewer facilities. In no event shall such construction result in a cost to be borne by the taxpayers of the City generally, except in those cases where part of the benefit of the construction is deemed by the City Council to extend beyond the properties contained in the proposed subdivision.
- B. Payment for installation of improvements. Improvements required by this subsection are to be furnished and installed at the sole expense of the sub-divider and at no expense to the City, unless otherwise stated. In the case of an improvement the cost of which would, by general policy of the Council, be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, the Council may make provisions for payment of a portion of the cost by the sub-divider and the remaining portion of the cost by the City, and provided further, that if any improvement installed within the subdivision, the Council may make provision for causing a portion of the cost of the same and in such case the sub-divider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

**Subdivision 9. Building and/or Land Use Permits.** No building or land use permits shall be issued for construction on any lot until the final plat has been recorded.

## **Subdivision 10. Violations**

- A. Sale of Lots from Unrecorded Plats. It shall be unlawful to sell, trade, or otherwise convey or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded in the office of the County Recorder of Polk County.
- B. Receiving or Recording Unapproved Plats. It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.
- C. Misrepresentation as to Construction, Supervision, or Inspection of Improvements. It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.
- D. Penalty. Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and each month during which compliance is delayed shall constitute a separate offense.