

## CHAPTER 10 SUBDIVISIONS/PLATS

### Section 1000 - General Provisions

**1000.01 Title.** This Chapter shall be known as the Subdivision Code of the City. References to the Subdivision ordinance shall refer to this Chapter.

**1000.02 Purpose.** Pursuant to the authority contained in Minnesota Statutes, Section 462.358, this Chapter is adopted for the following purposes:

- A. To provide for the orderly, economic and safe development of land and urban services and facilities.
- B. To promote the public health, safety, morals and general welfare of the residents of the City.
- C. To assure equitable handling of all subdivision plats by providing uniform procedures.

**1000.03 Jurisdiction.** These regulations governing plats and subdivision of land shall apply to the area within the corporate limits of the City.

**1000.04 Compliance.** After adoption of this Code, no lot in a Subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless a subdivision plat has been approved and recorded and the unit improvements required by the Council relative to subdivision have been constructed or guaranteed as provided in this Chapter.

**1000.05 Required Approvals of Subdivision Plats.** Before any plat shall have any validity, it shall have been approved by the City Planning Commission and the Council and recorded in the office of the Registrar of Deeds of Todd County.

**1000.06 Conflict.** This Chapter shall not be construed to annul or interfere with any other official regulations or subsequent ordinances of the City provided, however that when there is a difference between minimum standards or dimensions in this Chapter and those contained in other official regulations or subsequent ordinances of the City, the highest standards shall apply.

**1000.07 Definitions and Interpretation.** For the purpose of this Chapter, unless otherwise stated or clearly implied by context, the word "shall" is mandatory, words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular, and gender references shall be deemed to apply to both male and female or the neuter. In addition, the following terms shall be defined as follows:

**Subd. 1 Grade.** Grade shall mean the rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet or horizontal distance measured at the center line of a street.

**Subd. 2 Alley.** Alley shall mean a public right-of-way which affords a secondary means of access to abutting property.

**Subd. 3 Block.** Block shall mean an area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

**Subd. 4 Building.** Building shall mean any structure having a roof which may provide shelter or enclosure of persons, or animals. When the structure is divided by partition walls without openings, each portion of the buildings so separated shall be deemed a separate building.

**Subd. 5 Building Setback Line.** Building Setback Line shall mean the minimum horizontal distance and the street right-of-way as prescribed in the zoning chapter.

**Subd. 6 Commission.** Commission shall mean the Planning and Zoning Commission of Eagle Bend.

**Subd. 7 Comprehensive Plan.** Comprehensive Plan shall mean the general plan for land use, transportation, and community facilities - prepared and maintained by the Planning and Zoning Commission of the City.

**Subd. 8 Cross-Walk.** Cross-Walk shall mean the right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk, or however otherwise designated.

**Subd. 9 Cul De Sac.** Cul De Sac shall mean a comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn around.

**Subd. 10 Easement.** Easement shall mean an authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

**Subd. 11 Engineer.** Engineer shall mean the Eagle Bend City Engineer.

**Subd. 12 Final Plat.** Final Plat shall mean a drawing in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this Chapter to be presented to the Planning and Zoning Commission for approval and which if adopted, may be duly filed with the Todd County Registrar of Deeds.

**Subd. 13 Lot.** Lot shall mean a parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by its description for the purpose of sale, lease, or separation thereof.

**Subd. 14 Lot Depth.** Lot Depth shall mean the main horizontal distance between the front lot line and the rear lot line.

**Subd. 15 Preliminary Plat.** Preliminary Plat shall mean a drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision.

**Subd. 16 Lot of Record.** Lot of Record shall mean a platted lot or metes and bounds parcel which has been recorded in the office of the Todd County Registrar of Deeds prior to adoption of this Code.

**Subd. 17 Lot Width.** Lot Width shall mean the horizontal distance between the side lines of a lot measured parallel to the front line of the lot and the setback line.

**Subd. 18 Official Map.** Official Map shall mean the map established by the Council in accordance with State Statutes showing streets, highways, and parks, both existing and proposed.

**Subd. 19 Planned Unit Development.** Planned Unit Development shall mean a development which consists of two or more principal structures or uses on a single parcel of land.

**Subd. 20 Right-of-Way.** Right-of-Way shall mean land dedicated and publicly owned for use as a street, alley or crosswalk.

**Subd. 21 Street.** Street shall mean a public right-of-way which affords a primary means of access to abutting property.

**Subd. 22 Street, Collector.** Street, Collector shall mean a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

**Subd. 23 Street, Major.** Street, Major shall mean a street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

**Subd. 24 Street, Minor.** Street, Minor shall mean a street intended to serve primarily as an access to abutting properties.

**Subd. 25 Street, Pavement.** Street, Pavement shall mean the wearing surface of a street.

**Subd. 26 Street, Width.** Street, Width shall mean the width of right-of-way measured at right angles to the center line of the street.

**Subd. 27 Subdivider.** Subdivider shall mean any person, firm, corporation, partnership, or association who shall lay out any subdivision or part thereof as defined in this Section, either for himself or herself or others.

**Subd. 28 Subdivision.** Subdivision shall mean the division or redivision of a lot, tract, or parcel of land, regardless of how it is to be used, into two or more lots either by plat or by metes and bounds description; or, the division or redivision of land involving dedication of a new park, playground, street or other public right-of-way facility; or, the vacation, realignment or any other change in existing streets, alleys, easements, recreation areas, water or other public improvements or facilities, provided, however the following classes shall be exempt.

A. The division of land for agricultural purposes into parcels greater than five acres where no new streets, roads, or other right-of-ways are involved.

B. The division of a lot of record for the purpose of attachment to contiguous lots provided no residual plot is left.

**Subd. 29 Surveyor.** Surveyor shall mean the City Surveyor of Eagle Bend or his or her authorized representative.

### Section 1005 - Platting Procedures

**1005.01 Application for Plat Approval.** Whenever any subdivision of land is proposed to be made, and before any contract for sale of, or any offer to sell any lots in a subdivision or any part thereof is made, and before any permit for the erection of a structure in a proposed subdivision shall be granted, the subdivider or his or her duly authorized agent shall apply in writing for approval of the proposed subdivision in accordance with the following procedures:

**Subd. 1 Sketch Plan.** The subdivider shall submit three copies of the sketch plan of the proposed subdivision and any protective covenants to the Clerk-Treasurer/Administrator. Submission of the sketch plan shall not constitute a formal filing of a preliminary plat. No fee shall be required of the subdivider for the submission of the sketch plan. The sketch plan shall include the following:

1. Location Map
2. Sketch plan of street and lot layout (on topographic map if possible)
3. Conformity with comprehensive plan
4. Conformity with official map
5. Conformity with zoning.



**Subd. 2 Plan Review.** The Clerk-Treasurer/Administrator shall refer two copies of the sketch plan to the Planning Commission and one copy to the surveyor. If the proposed subdivision fronts upon or has access to a state or federal trunk highway, the Clerk-Treasurer/Administrator shall require an extra copy and shall refer this copy to the District Engineer of the Minnesota Highway Department for review as required by state law. The surveyor shall within 30 days submit reports to the Commission expressing recommendation for approval, disapproval or revisions.

**Subd. 3 Meeting.** The subdivider, or a duly authorized representative, shall attend the Commission meeting at which time the proposal is scheduled for consideration to discuss the requirements which pertain to his or her subdivision or resubdivision.

**Subd. 4 Commission Report.** The Commission shall determine whether the sketch plan conforms to design standards set forth in this Chapter and conforms to the comprehensive plan. The Planning Commission shall make specific recommendations and comments about this sketch plan to be incorporated by the applicant in the next submission to the Commission.

### **1005.02 Preliminary Plat.**

**Subd. 1 Preliminary Plat Submission.** Within six (6) months of the Planning Commission's consideration of a sketch plan, the subdivider shall submit to the Clerk-Treasurer/Administrator ten copies of a preliminary plat of the proposed subdivision. The Preliminary Plat shall be submitted two (2) weeks prior to the next regular scheduled Commission meeting and shall be accompanied by a fee as set from time to time in the fee schedule adopted by the Council. Failure to act within the above time limit shall invalidate an approved sketch plan and require that it be resubmitted.

The Preliminary Plat shall include:

1. Location map
2. Sit map (including land within 300 feet of boundary)
3. Existing and proposed streets
4. Existing and proposed utilities
5. Names of adjacent property owners
6. Topography (two foot contour interval)
7. Location of significant natural features
8. Areas subject to flooding and wetlands.
9. Any easements or buildings on the tract to be platted
10. Location of existing and proposed parks, schools sites and other public areas
11. Existing and proposed zoning changes
12. Preliminary plat map (at a scale no smaller than 100 feet to the inch)
13. Name of subdivision
14. Location of section, township, etc.
15. Names and addresses of owners and subdivider
16. Names of surveyor and engineer

17. Names of adjoining subdivisions
18. Rate plat prepared
19. North arrow
20. Scale
21. Block and lot numbers
22. Names, locations and widths of adjacent streets (existing)
23. Names, location and widths of streets proposed by the subdivision (no duplication of existing streets unless the proposed street is an extension of an existing street).
24. Location and width of alley, crosswalks or pedestrian ways, and easements
25. Lot layout with dimensions and building setback lines
26. Parcels or land to be dedicated or reserved for public access
27. Utilities (water lines, storm drains, sanitary sewers, fire hydrants, etc.)
28. Sidewalks
29. Street trees
30. Street lighting and signs
31. Proposed restrictive covenants.

**Subd. 2 Agenda.** The Clerk-Treasurer/Administrator shall notify the secretary of the Planning Commission so the proposal can be placed on the agenda of the next meeting of the Planning Commission.

**Subd. 3 Plat Proposal Distribution.** The Clerk-Treasurer/Administrator shall submit copies of the Preliminary Plat to: The City Engineer, the utility companies, the District Engineer of the Minnesota Highway Department if the plat borders a federal, state or state aid highway; the county engineer if the subdivision requires curb cuts or access points on a county road and two copies to the Planning Commission.

**Subd. 4 Preliminary Commission Review.** The Planning Commission shall study the practicability of the Preliminary Plat taking into consideration the requirements of the City and the best use of the land being subdivided. Attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as unsubdivided, and the requirements of the Community Development Plan of the City, the official map, the zoning map and the Todd County land use plan and zoning map.

**Subd. 5 Public Hearing.** A public hearing date shall be set to be held within 45 days of the filing date. The required legal publications shall be made and notices shall be sent to all property owners within 350 feet of the exterior boundary of the propose plat. A Planning Commission meeting may serve as a public hearing provided the legal requirements pertaining to the same are met.

**Subd. 6 Council Review and Action.** At the Public Hearing, the subdivider and all interested persons shall have the opportunity to be heard upon completion of the hearing, the Commission shall prepare and submit a report along with a copy of the Preliminary

plat to the Council. Upon receipt of the Commission's reports, the Council shall review the report and Preliminary Plat. The Council may hold another hearing or hearings, or take action to approve, disapprove, or specify conditions for approval of the plat.

**Subd. 7 Second Commission Review.** Upon completion of their review, the above-mentioned offices or agencies shall submit their comments on the proposed subdivision to the Planning Commission at its next scheduled meeting. The Planning Commission shall review the proposed subdivision as well as the comments from the other agencies and its engineers.

### **1005.03 Final Plat.**

#### **Subd. 1 Submission.**

A. Unless an extension of time is requested by the subdivider and granted by the Commission, the owner or subdivider shall file a Final Plat within six months after the approval of the preliminary plat with the Planning Commission.

**Subd. 2 Plat Conformity.** The Final Plat shall conform to all Minnesota platting regulations and shall be correctly surveyed. The Planning Commission shall state whether a Final Plat conforms to the Preliminary Plat approved by the Commission, with the recommended changes, if changes were required.

**Subd. 3 Plat Distribution.** Upon receipt of the Final Plat, the Clerk-Treasurer/Administrator shall refer two copies to the Planning Commission, one copy to the City Engineer, and other copies to other agencies as the Planning Commission may desire. Each person or agency above, shall submit a report on the Final Plat to the Clerk-Treasurer/Administrator within 15 days of receipt of the Final Plat.

**Subd. 4 Construction Plans.** Any construction plans for required improvements shall be submitted to the City Engineer for his or her estimate of construction costs. A copy of the estimated construction costs shall be submitted to the City Attorney for preparation of the agreement required for the installation of improvements.

**Subd. 5 Financial Arrangements.** Prior to the final approval of the Final Plat, the financial arrangements for required improvements under the required improvement's section of this Section shall be complied with.

**Subd. 6 Approval.** Upon completion of the requirements above and notation to the effect upon the Final Plat, the plat shall be deemed to have final approval and shall be signed by the chairperson of the Planning Commission and the appropriate city officials as required by Minnesota statutes. The Final Plat shall then be filed with the Todd County Registrar of Deeds by the applicant. A final Plat not filed within 90 days of approval by the City Planning Commission shall become null and void, unless the particular circumstances of the applicant warrant the Commission to grant an extension which shall not exceed 180 days.

**Subd. 7 Changes.** No changes, erasures, modifications or revisions shall be made in any Final Plat after approval by the Planning Commission and endorsed in writing on the plat, unless the plat is resubmitted to the Commission for any approved modifications. In the event that any Final Plat is recorded without complying with its requirement, the Final Plat shall become null and void and the Commission shall institute proceedings to have the plat stricken from the records of the county.

## **Section 1010 - Development Standards**

### **1010.01 Streets.**

**Subd. 1 General.** Streets shall be of sufficient width, suitably located and adequately constructed to conform with the comprehensive plan. The streets shall be considered in their relationship to topographic features, drainage, and the relationship to the proposed land uses to be served by such streets. The street alignment shall cause no undue hardship to adjoining properties and shall be coordinated so as to comprise a convenient system.

#### **Subd. 2 Arrangement.**

A. Principal Streets. Streets in the subdivision shall provide for the continuation of principal streets or adjoining subdivisions and for the proper projection of principal streets into adjoining properties which are not yet subdivided in order to make possible necessary community services.

B. Minor Streets. Minor streets shall be arranged so their use by through traffic will be discouraged.

**Subd. 3 Alignment.** Street jogs with center line offset less than 150 feet shall be avoided. All streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.

**Subd. 4 Dead End Streets.** The creation of dead end or loop residential streets will be encouraged wherever the Planning Commission finds this type of street development will not interfere with normal traffic circulation in the area.

**Subd. 5 Design and Improvement.** All streets shall be graded; and in areas served with water and sewer, the street shall be improved by surfacing with concrete or plant mix bituminous and shall be provided with concrete curbs and gutters. The grading and improvements shall be approved as to the design specifications by the engineer. In areas not served by water and sewer, curbs and gutters may not be required; and streets may be of a suitable compacted gravel surface as approved by the engineer.

**Subd. 6 Widths.**

- A. Minimum right-of-way dimensions for all streets shall be 66 feet.
- B. Greater widths may be required depending upon anticipated traffic volumes, planned function of the street and character of planned abutting land.

**Subd. 7 Grades.** Streets shall be graded as follows:

- |                       |               |     |               |     |
|-----------------------|---------------|-----|---------------|-----|
| A. Arterial and Major | Maximum Grade | 6%  | Minimum Grade | .5% |
| B. Collector          | Maximum Grade | 8%  | Minimum Grade | .5% |
| C. Minor and Access   | Maximum Grade | 10% | Minimum Grade | .5% |

**1010.02 Blocks.** Blocks shall not be less than 500 feet nor more than 1,200 feet in length. No block width shall be less than twice the normal lot depth, unless it abuts a railroad right-of-way, a limited access highway, or a major or arterial street, a river or a park.

**1010.03 Service Standards.**

**Subd. 1 Right-of-Ways.** Where a subdivision borders on or contains a railroad right-of-way, a limited access highway right-of-way, existing or planned, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance appropriate for the use of the intervening land (Park purposes in R zones or C or I use the appropriate districts).

**Subd. 2 Streets.** When a subdivision abuts or contains an existing or proposed arterial or major street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatments as may be necessary for adequate protection of residential properties and to attend separation of through and local traffic.

**1010.04 Prohibited Plans.**

**Subd. 1.** Half streets and partial streets are prohibited.

**Subd. 2.** Private streets, unless part of an approved planned unit development, in which case the streets shall conform to the approved design criteria of the city.

**Subd. 3.** Reverse strips controlling access to streets.

**Subd. 4.** Intersection with more than four corners.

**1010.05 Utilities.**

**Subd. 1 Water Utilities.**

- A. Where connection with a Public Water System is feasible, that system shall be utilized and service shall be provided to each lot. House service shall be of a type approved by the engineer.
- B. All water mains, materials and design shall be approved by the engineer. Over-sized mains may be required with the additional costs to be borne by the benefitted properties.
- C. Fire hydrants of a type approved by the engineer shall be installed in accordance with adopted standards.

**Subd. 2 Sanitary Sewer.**

- A. Where connection with Sanitary Sewer trench lines is feasible, that system shall be utilized and service be provided to each lot. House service for Sanitary Sewer shall be approved by the engineer.
- B. All Sanitary Sewer lines, materials and design shall be approved by the engineer. Over size sewer lines may be required with the additional cost to be borne by the benefitted parties.
- C. When main trunk lines are not accessible, internal trunk sewers, together with all necessary laterals extending from the mains to three (3) feet beyond the curb or curb line shall be installed and capped for future connection.
- D. All installations shall be approved by the engineer.

**Subd. 3 Storm Sewer.**

- A. All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates in the developed property. All such systems shall be in conformity to the drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water.
- B. When a use of existing storm sewer system is feasible that system shall be utilized.
- C. The drainage system shall be designed large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside of the subdivision. The drainage shall be based on conditions of total potential developed

and permitted by the Zoning Regulations in the watershed. Over-sized storm sewer lines may be required with the additional costs to be borne by the benefitted properties.

**Subd. 4 Electrical.**

A. Electrical utilities whenever feasible, shall be installed underground and completed prior to street surfacing.

B. When overhead power poles are used, the poles shall be placed in a rear lot easement and positioned so as to provide individual service to each lot.

**Subd. 5 Street Lighting.** Street lighting shall be in conformance with street lighting plans. Light standards and fixtures shall be installed after the approval of the engineer.

**Subd. 6 Gas.** Natural gas lines shall be installed by the appropriate gas company and completed before street surfacing.

**Subd. 7 Telephone.**

A. Telephone facilities, when feasible shall be installed underground prior to street surfacing.

B. When overhead lines are used, the pole shall be placed in a rear easement and positioned so as to provide individual service to each lot.

**Subd. 8 Easements.**

A. Utility easements of at least twenty (20) feet wide shall be provided where necessary. The easements shall have continuity of alignment from block to block; and at deflection points, easement for pole-line anchors shall be provided where necessary. Easements may be required along property lines form utility easements on rear lot lines and right-of-way.

B. Where a subdivision is transversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way substantially with the lines of such water course, together with such further width or construction or both, as will be adequate for stormwater runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

C. Easements shall be dedicated for the required use.

**1010.06 Lots.**

**Subd. 1 Lot Lines.** Where possible, site lot lines shall be at right angles to straight street lines or radical to curved street lines, unless a variance from this rule shall give a better street or lot plan.

**Subd. 2 Parallel Street.** Lots with frontage on two (2) parallel streets shall be permitted only under unusual circumstances.

**Subd. 3 Remnants.** Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable out lot, unless the owner can show future plans for such remnants.

**Subd. 4 Additional Lot Size.** Lots abutting upon a water course, drainway, channel, stream or water hole shall have additional depth or width, to assure that home sites are not subject to flooding.

**Subd. 5 Subdividing.** In subdividing of any land, regard shall be shown for all natural features, which if preserved will add attractiveness to the proposed development.

**Section 1015 - Conveyance by Metes and Bounds**

**1015.01 Prohibition.** No conveyance of land to which these regulations are applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after the enactment of this Code.

**1015.02 Exceptions.** The foregoing provision shall not apply to a conveyance if the land described:

- A. Was a separate parcel of record at the time of enactment of this Code.
- B. Was the subject of a written agreement to convey entered into prior to the date of the enactment of this Code.
- C. Is a single parcel of land of not less than five (5) acres and having a width of not less than 300 feet.

**1015.03 Limit to Exceptions.** Only one division of land in which the tract is described by metes and bounds shall be permitted. Any further division of the remaining land must be by plat duly approved and recorded in accordance with laws and regulations in such case made and provided.



**Section 1020 - Park, Open Space and Natural Features**

**1020.01 Identified Park Areas.** Where a proposed park, playground or open space is identified on the Community Development Plan and that area is located in whole or in part in a subdivision, the Planning Commission shall require that such area or areas be shown on plats in accordance with the requirements specified in this Section. Such area or areas shall be dedicated to the City by the subdivider if the Council approves such dedication.

**1020.02 Suitable Park Sites.** The Planning Commission shall require that plats show sites of a nature that would be suitable for park, playground or other recreational development. The Planning Commission may require the developer satisfactorily grade any such recreation areas shown on the plat.

**1020.03 Required Land for Public Use.** In all new subdivisions, eight percent (8%) of the gross area shall be dedicated for public recreation space, school sites, or other public use with such percentage being in addition to property reserved for streets, alleys, easements or other public ways. If a subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider shall be required to pay a fee as set in the fee schedule adopted from time to time by the Council, per lot created or 10 percent of the land value prior to its subdivision.

**1020.04 Dedication During First Plat.** If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys or easements other than these leading directly to such sites shall be dedicated at the time of platting of the first addition.

**Section 1025 - Required Improvements**

**1025.01 General.** Prior to the Final Plat approval, the subdivider shall agree to provide the required improvements at his or her own expense in conformity with the construction plan approved by the City Engineer and in conformity with the requirements of this Chapter.

**1025.02 Payment of Improvements.** The required improvements which are listed in this Section are to be furnished and installed at the sole expense of the subdivider and at no expense to the City unless otherwise stated.

**1025.03 Construction Plans.** The construction plans for the required improvements, together with the subdivider's cost estimated of the necessary construction materials, shall be submitted to the City Engineer for his or her estimate of the total cost of the improvements. Upon the Engineer's approval, the plans shall be the basis of the cost portion of the contract required by the next subsection of this Chapter.

**1025.04 Contract for Installation of Improvements.** Before installation of any required improvements and prior to approval of the final Plat, the subdivider shall enter into a contract written with the City that shall require the subdivider to furnish and construct the improvements at his or her sole expense in accordance with plans, specifications and normal contract conditions approved by the Council. The contract shall include provisions for supervision of construction details by the City Engineer. The contract shall require the subdivider to make an escrow deposit or furnish a performance bond as specified in this Section.

**1025.05 Financial Guarantee.** The Planning Commission may require one or more of the following financial guarantees to assure completion of minimum necessary required improvements.

**Subd. 1 Escrow Deposit.** An amount equal to 125 percent of the City Engineer's cost estimate and the costs of inspection of the improvements to be provided and/or installed by the subdivider per his or her contract shall be deposited with the Clerk-Treasurer/Administrator by the Subdivider. The City shall be entitled to reimbursement from the escrow deposit for costs and expenses incurred by the City for inspection and for the completion of the work not approved by the City Engineer and for any damages sustained by the breach of the contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.

**Subd. 2 Performance Bond.** The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with a corporate surety in a penal sum equal to 125 percent of the City Engineer's estimated cost for the required improvements to be provided and/or installed by the subdivider. The performance bond shall be approved by the City Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements.

**1025.06 Completed Improvements.** If improvements have been completed within the subdivision prior to Final Plat approval or execution of the contract for required improvements, they shall be accepted as equivalent improvements in compliance with the requirements of this Chapter only if the City Engineer certifies that he or she is satisfied with existing improvements.

**1025.07 Inspection of Improvements.** The subdivider shall notify the City Engineer at least ten days prior to construction of the required improvements and at such time pay the inspection fee.

**1025.08 Modification of the Design Improvements.** If unforeseen conditions arise that make it necessary to modify the location or design of such required improvements, the City Engineer may, upon approval of the Planning Commission, authorize modification, provided these modifications are within the spirit and intent of the original approved requirements.

**1025.09 Proper Installation of Improvements.** If the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the City Engineer shall report these findings to the Council and to the Planning Commission. The Clerk-Treasurer/Administrator shall then notify the subdivider, and if necessary, the bonding company, and take all necessary steps to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the Subdivider is in default on a previously approved plat.

### **Section 1030 - Small Subdivisions**

**1030.01 Regulation Applicability.** For purposes of conveying title or securing building permits, this chapter and its platting procedures and design features shall not apply to the division of one or more lots platted into lots and blocks and designated in a subdivision plat on file and of record in the office of the County Registrar of Deeds, into one or more separately described tracts, nor shall this Chapter apply to the consolidation of two or more such platted lots or parts thereof into one or more tracts, upon compliance with the following conditions:

- A. The owners or owner of such platted lot or lots to be so divided shall file with the Clerk-Treasurer/Administrator a proposed survey plat to be the registered land survey of the lot or lots to be divided or consolidated; the plat or survey shall show the dimensions of the lot as measured upon the recorded plat, and also the proposed division thereof, a written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation shall be filed with such plat or survey;
- B. The separately described tract of land to be conveyed or designated for building permit purposes by reason of the division or consolidation as described upon the proposed plat, shall not be less than the minimum dimensions required to secure the minimum lot areas specified in the Zoning Ordinance;
- C. As a result of the division or consolidation as authorized in this Section, no remaining part of an original subdivision lot shall become a separately described lot upon the proposed plat with a size less than the minimum dimensions required to secure the minimum lot area specified in the Zoning Ordinance.

### **Section 1035 - Administration and Enforcement**

#### **1035.01 Administration.**

**Subd. 1 Planning Commission.** The Planning Commission shall administer the provisions of this Chapter.

**Subd. 2 Appeals.** All appeals applying to the terms of this Chapter shall be made to the Council acting as the Board of Adjustment and Appeals.

**1035.02 Building Permits.** No building permit shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this Chapter have been fully complied with.

**1035.03 Variance.**

**Subd. 1 Application.** Application for a variance shall be made in writing by the subdivider when the preliminary plat is filed. The plans for variance shall include such covenants and other such provisions necessary to guarantee the full achievement of the Plan.

**Subd. 2 Commission Recommendation.** The Planning Commission may recommend a variation to the Council from strict compliance with the Section when extraordinary and unnecessary hardships are imposed on the property owner. Such variations shall not deter from the Public Welfare, nullify the intent and purpose of the Community Development Plan, or the Zoning Ordinance.

**Subd. 3 Appeal.** If the Commission refuses to recommend a variation, the subdivider may petition the Board of Adjustment and Appeals for a review of the decision for application of variation.

**1035.04 Amendments.** Amendments shall be initiated by the Planning Commission and shall be recommendations to the Council. The Planning Commission shall hold at least one Public Hearing when a subdivision amendment is to be considered. Following the hearing, the Planning Commission shall report its findings and recommendations to the Council. The Council shall hold such Public Hearings upon the amendment or any part thereof in such form it deems advisable.

**1035.05 Fees.** The Council shall determine the fee and collection procedure for subdividing.

**1035.06 Violations and Penalties.**

**Subd. 1 Misdemeanor.** Any person who violates any of the terms or provisions of this Chapter shall be charged with a misdemeanor, punishable upon conviction by a fine of not more than seven hundred dollars (\$700) or imprisonment not exceeding 90 days. Each violation and each day of violation shall be deemed as a separate offense.

**Subd. 2 Prevention.** In the event of a violation or a threatened violation of this Chapter, the Council, or any member of the Council, in addition of other remedies, may seek to institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation, or threatened violation, and it shall be the duty of the City Attorney to institute such action.

**Subd. 3 Mandamus Proceedings.** Any tax payer or citizen of Eagle Bend, Minnesota may institute mandamus proceedings in district court to compel specific performance by the proper officials or official of any duty required by the Code.

**1035.07 Separability.** Should a court of competent jurisdiction declare any part of this Chapter to be invalid, such decision shall not affect the validity of the remainder of the Chapter.

**Attachment A- Subdivision Checklist**  
(read down columns)

## Pre-Application Meeting:

- |                                                                                                       |                                                                                                     |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Location Map                                                                 | <input type="checkbox"/> Existing and Proposed Zoning Changes (if any)                              |
| <input type="checkbox"/> Sketch Plan of Street and Lot Layout (on a Topographic Map if possible)      | <input type="checkbox"/> Preliminary Plat Map (at a scale no smaller than 100 feet to the inch)     |
| <input type="checkbox"/> Conformity with Comprehensive Plan                                           | <input type="checkbox"/> Names of Subdivision (no duplication)                                      |
| <input type="checkbox"/> Conformity with Official Map                                                 | <input type="checkbox"/> Location of Section, Township, etc.                                        |
| <input type="checkbox"/> Conformity with Zoning                                                       | <input type="checkbox"/> Names and Addresses of Owner and Subdivider                                |
| Preliminary Plat Review                                                                               | <input type="checkbox"/> Name of the Engineer or name of the Surveyor                               |
| <input type="checkbox"/> Location Map (if not included above)                                         | <input type="checkbox"/> Names of Adjoining Subdivisions                                            |
| <input type="checkbox"/> Site Map (including land within 350 feet of boundary)                        | <input type="checkbox"/> Date Plat Prepared                                                         |
| <input type="checkbox"/> Existing and Proposed Streets                                                | <input type="checkbox"/> North Arrow                                                                |
| <input type="checkbox"/> Existing and Proposed Utilities                                              | <input type="checkbox"/> Block and Lot Numbers                                                      |
| <input type="checkbox"/> Names of Adjacent Property Owners                                            | <input type="checkbox"/> Names, Locations, and Widths of Adjacent Streets (existing)                |
| <input type="checkbox"/> Topography (2 foot contour intervals)                                        | <input type="checkbox"/> Names, Location, and Widths of Streets proposed by the Subdivision         |
| <input type="checkbox"/> Location of Significant Natural Features                                     |                                                                                                     |
| <input type="checkbox"/> Areas Subject to Flooding and Wetlands                                       |                                                                                                     |
| <input type="checkbox"/> Any easements or buildings on the tract of land to be platted                |                                                                                                     |
| <input type="checkbox"/> Location of Existing and Proposed Parks, (no duplication of existing streets |                                                                                                     |
| <input type="checkbox"/> School Sites, and other Public Areas                                         | unless the proposed street is an extension of an existing street)                                   |
| <input type="checkbox"/> Location and width of Alleys                                                 | <input type="checkbox"/> Parcels of land to be dedicated or reserved for public access              |
| <input type="checkbox"/> Crosswalks, or Pedestrian ways and Easements.                                | <input type="checkbox"/> Utilities (Water lines, storm drains sanitary sewers, fire hydrants, etc.) |
| <input type="checkbox"/> Lot Layout with dimensions and building setback lines                        | <input type="checkbox"/> Proposed Restrictive Covenants                                             |
| <input type="checkbox"/> Sidewalk                                                                     |                                                                                                     |
| <input type="checkbox"/> Street Trees                                                                 |                                                                                                     |
| <input type="checkbox"/> Street lighting and Signs                                                    |                                                                                                     |

In addition to the above checklist, it is normally the responsibility of the community's engineer to make certain that the boundary line survey of the proposed subdivision closes with an error not to exceed one foot in 7,500 feet. The engineer must also check street and utility profiles and data to insure that they meet community standards for grades, service capacity limitations, materials, etc.

The final plat must be prepared in accordance with the provisions of Chapter 505 of the MN. Statutes. It is usually the responsibility of the Engineer and Planning Staff to determine whether or not the final plat is in substantial agreement with the preliminary plat, the provisions of Chapter 505, and the requirements of all other appropriate community regulations and ordinances.