

City Code Chapter 26

Subdivisions

Article 1. General Conditions, §§ 26-1--26-29

Article 2. Preliminary Plat, §§ 26-30--26-39

Article 3. Final Plat, §§ 26-40--26-49

Article 4. Park Land Dedication, §§ 26-50--26-59

Article 1. General Conditions

Sec. 26-1. Purpose and Jurisdiction.

The City Council, being aware of the responsibility which it has for the adoption of ordinances, rules and regulations designed for the protection of health, safety, and general welfare of this community, deems it necessary to provide regulations for the platting and subdividing of property which will prevent as far as possible:

- (1) The use of land which is not feasible for this purpose,
- (2) The location of streets where such location does not fit the overall pattern of the City, and
- (3) The general design of the proposed building lots in any platted area which might prevent compliance with the Building Code, Zoning Code, or other regulations of the City in the future; and which will make all subdivision of property conform as nearly as possible with a future overall plan.

All subdivisions hereafter planned within the City shall comply fully with the provisions of this Chapter. This action is being taken pursuant to the authority contained in Minnesota Statutes, Section 462.358, as amended, which regulations the City Council deems necessary. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-2. Conformance with Existing Codes and Regulations.

The provisions of this Chapter are in addition to and not in replacement of the provisions of the existing Building Code and Zoning Code. Any provisions of the Building Code and Zoning Code relating to platting shall remain in full force and effect except as they may be contradictory to the provisions of this Chapter. No subdivision will be approved that causes an existing use or structure to become nonconforming, and no subdivision of a parcel with existing nonconforming uses or structures will be approved, unless nonconformities are removed or permitted by variance or nonconforming use permit. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)(Ord. No. 725, 2-8-05)

Sec. 26-3. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Chapter.

- (1) *Alley*. A public right-of-way which affords a secondary means of access to abutting property.

- (2) **Block.** An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundary or boundaries of the subdivision, or a combination of these with a stream or water body.
- (3) **Boulevard.** The portion of the street right-of-way between the curb line and the property line.
- (4) **Building Line.** A line which designates the area within which a principal structure may be erected upon a lot.
- (5) **Butt Lot.** A lot at the end of a block and located between two corner lots.
- (6) **Comprehensive Plan.** An overall plan prepared by the City 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 amendment to such plan or parts thereof.
- (7) **Easement.** A grant or dedication by an owner of land for the specific use by persons other than the owner.
- (8) **Final Plat.** The final map, drawing, or chart on which the subdivider's plan of subdivision is presented for approval and which, when approved, may be submitted to the County for recording.
- (9) **Lot.** A parcel of land delineated upon and thereafter described by reference to a plat, registered land survey, or auditor's subdivision, or any similar recorded dedication document.
- (10) **Minimum Subdivision Design Standards.** The guides, principles, and specifications stated in this Chapter for the preparation of subdivision plans and plats.
- (11) **Owner.** An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
- (12) **Pedestrian Way.** 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 and with required supporting data.
- (13) **Planning Commission.** The Planning Commission of the City.
- (14) **Preliminary Plat.** The proposed plat map, drawing, or chart indicating the proposed layout of the subdivision or consolidation to be submitted to the Planning Commission and City Council for their consideration as to compliance with the Comprehensive Plan and these regulations, along with required supporting data.
- (15) **Protective Covenants.** Contracts entered into between private parties that shall constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners.
- (16) **Reserve strips.** Narrow strips of land usually withheld from the street right-of-way to form a barrier between certain property and the public street or thoroughfare.

(17) **Right-of-way.** The area dedicated to the public within which is located the street, walks, and utilities.

(18) **Street.** Any category of public right-of-way, for motor vehicle traffic, the width of which conforms to the standards set forth in Sections 26-7 through 26-12 of this Chapter and includes the following classes:

A. *Collector Street.* A street which carries traffic from minor streets to thoroughfares or from thoroughfare to thoroughfare. It includes the principal entrance streets of a residential development and the streets for circulation within the development.

B. *Cul-de-sac.* A minor street with only one outlet and having a turn-around.

C. *Service Street or Marginal Access Street.* A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

D. *Minor Street.* A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

E. *Private Street.* A privately owned street serving two or more lots.

F. *Street Width.* The shortest distance between the lines delineating the right-of-way of a street.

G. *Thoroughfare.* A street primarily designed to carry large volumes of traffic and provide for vehicular movement between and among large areas.

H. *Alley.* A minor way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.

(19) **Subdivider.** A person commencing proceedings under these regulations to effect a subdivision of land either for personal benefit or for the benefit of another.

(20) **Subdivision.** The division of a parcel of land for the purpose of transfer of ownership or building development into two or more lots or parcels any of which resultant parcels is less than five acres in area or has a frontage of 300 feet or less on a public right-of-way; or, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to consolidation. For purposes of this Chapter, subdivision also means the division of any land within a single tax parcel, including the division of lots or parcels that have been combined for tax purposes. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)(Ord. No. 713, 2/24/04)

Sec. 26-4. Enforcement.

Unless approved as a final plat:

(1) No subdivision shall be recorded with the County or have any validity.

(2) Building permits shall not be issued for any structure on a lot in any unrecorded subdivision.

(3) The City shall not permit any public improvements to be installed unless the preliminary plat is approved and no services shall be provided until the final plat has been recorded. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-5. Violation a Misdemeanor.

Any firm, person, or corporation who violates, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of these regulations or who sells or offers for sale or lease any lot or block of land before all the requirements of this Chapter have been complied with shall be punished as provided in Chapter 1 of this Code. Each day that a violation is permitted to exist shall constitute a separate offense. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-6. Land Division.

Where the division of a parcel of land into one or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision as defined by this Chapter, a certified survey and description of such land division shall be filed with the City for forwarding to the Planning Commission and Director of Public Works. No building permit shall be issued until the description has been approved by the City Council. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-7. Conformity with Comprehensive Plan.

The proposed subdivision shall conform to the Comprehensive Plan of the City. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988)

Sec. 26-8. Street Plan.

The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan, to these regulations, and to Chapter 25, Article 2 of this Code.

(1) *Continuation of Existing Streets.* The arrangement of streets in a new subdivision shall make provision for the appropriate continuation of existing streets in adjoining areas.

(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 appropriate locations. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-9. Pedestrian Ways.

In blocks over nine hundred feet long, paved and fenced pedestrian crosswalks through the blocks at least ten feet wide may be required in locations deemed necessary to public health, convenience and necessity. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-10. Easements.

(1) **Utilities.** Easements at least ten feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. The easements shall have continuity of alignment from block to block and easements for pole-line anchors shall be provided where necessary at deflection points. Easements may be required along property lines from utility easements on rear lot lines to rights-of-way so as to provide for street lights.

(2) **Drainage.** Easements shall be provided along each side of the center line of any water course or drainage channel to provide proper maintenance and protection and to provide for storm water run-off and installation and maintenance of storm sewers. This requirement shall apply whether or not the easement is shown in the Comprehensive Plan

(3) **Dedication.** Easements shall be dedicated for the required use. (Code 1966; Ord. No.274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-11. Blocks.

(1) **Factors Governing Dimensions.** Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by the Zoning Code and to provide for convenient access, circulation control, and safety of street traffic.

(2) **Length.** Block lengths shall not exceed 1800 feet nor be less than 500 feet.

(3) **Arrangement.** A block shall be so designed as to provide two tiers of lots unless it adjoins a railroad, major thoroughfare, river, or park where it may have a single tier of lots. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-12. Lots.

(1) **Location.** All lots shall abut by their full frontage on a publicly dedicated street.

(2) **Size.** The lot dimensions in a subdivision shall not be less than the minimum dimensions required to secure the minimum lot area specified in the Zoning Code for the district within which the land is located.

(3) **Butt Lots.** Butt lots shall be platted at least five feet wider than the average width of interior lots in the block; their use shall be avoided when possible.

(4) **Side Lot Lines.** Side lines of lots shall be substantially at right angles to the street line.

(5) **Natural Features.** In the subdividing of any land, 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) **Access to Thoroughfares.** If a proposed plat is adjacent to a limited access highway, other major highway, or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads.

(7) **Through or Double Frontage Lots.** Such lots shall be discouraged. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-13. Soil Tests.

The City Council may require soil tests prior to the approval of the final plat. When ordered by the City, the tests shall be drilled at the expense of the owner or developer and the information disclosed shall be furnished to the City together with a copy of the proposed plat showing the location of each test hole, the information as to the various types of soil encountered and their depths, the level of the ground water and a seepage test, and such additional information as requested. The number of test holes to be drilled and their location on the property to be platted will be as directed by the City. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-14. Public Sites and Open Space.

Where a proposed park, playground, school site, or other public site as shown on the Comprehensive Plan is embraced in part or in whole by the boundary of a proposed subdivision and such public sites are not dedicated, the public ground shall be reserved and no action taken towards approval of the preliminary or final plat for a period not to exceed ninety days to allow the opportunity to consider and take action towards acquisition of the public ground or park by purchase or other causes. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-15. Underground Utilities.

(1) *New Lines.* All new electric distribution lines (excluding main line feeders and high voltage transmission lines) telephone service lines and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground. The subdivider is responsible for complying with the requirements of this Section and may be required to submit to the Planning Commission a written instrument from the utilities showing that the necessary arrangements with the utility for the installation of the facilities will be made.

(2) After study and recommendation by the Planning Commission, the requirements in Section 26-15 (1) may be waived by the City Council upon a finding of either one of the following:

- A. The placing of electric and telephone utilities underground would not be compatible with the proposed development.
- B. Unusual topography, soil, or other physical conditions make underground installation unfeasible from an engineering viewpoint or the cost is impractical. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-16. Registered Land Surveys; Conveyance by Metes and Bounds.

(1) All registered land surveys shall be filed subject to the same procedure as required for the filing of a preliminary plat. The standards and requirements set forth in this Chapter shall apply to all registered land surveys.

(2) Unless the City Council shall approve the registered land survey in accordance with this Chapter, building permits for the tracts shall be withheld, tracts set aside for street purpose shall not be accepted, and no public money shall be spent towards installing utilities or improvements.

(3) No registered land survey shall have final approval without the deeding of streets to the City in a recordable form. Conveyance by metes and bounds shall be permitted only under Minnesota Statutes. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-17. Planned Developments.

(1) The City Council may grant a variance from the strict application of this Chapter in the case of planned residential developments and planned commercial developments. The purpose of the variance is to provide the flexibility needed for new land planning and land development trends and techniques.

(2) The action of the City Council shall be based upon a review and recommendations from the Planning Commission and a finding that the proposed development is fully consistent with the purpose and intent of this Chapter.

(3) For purposes of this Section, “planned unit development” shall be considered any development which conforms to the Zoning Code. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-18. Minor Subdivisions.

(1) The City Council may exempt the subdivider from complying with some of the requirements of this Chapter in the case of a subdivision of small size and of minor importance which is situated in a locality where conditions are well defined. All applications shall comply with the hearing and publication requirements of Section 26-31 (5) and notice shall be mailed to owners of abutting properties.

(2) In the case of a request to divide a lot which is a part of a recorded plat where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with this Chapter or the Zoning Code, the division may be approved by the City Council after submission of a survey by a registered land surveyor showing the original lot and the proposed division.

(3) In the case of a request to divide a lot containing an existing two family dwelling to allow separate ownership of each unit, the City Manager may approve the application if all of the conditions of this Subsection are satisfied. This application shall be exempt from the hearing and notice requirements of Section 26-31 (5).

A. The applicant must submit a survey by a registered land surveyor showing the original lot, the proposed division, and the location of all buildings on the lot.

B. The original lot shall have the required minimum lot dimensions of 85 feet wide at building setback line and 12,500 square feet in area.

C. The property and structure must be able to be split into two lots which are substantially equal in size and regular in shape and topography.

D. The lot division does not create a new building site.

E. The structure must meet current Minnesota State Building Code standards including but not limited to unit separation requirements.

F. Separate utility services must be provided and the additional lot must not require any additional public improvements to be constructed.

G. Deed restrictions shall be reviewed by the City Attorney and recorded with the property, specifying that if one unit is burned or destroyed it shall be reconstructed in a uniform appearance and that if both units are burned or destroyed, a double dwelling may be rebuilt if such a structure meets all the Zoning Code regulations and conditions of the time of the request to rebuild. (Code 1966; Ord. No. 274, 2-9-71; Ord. No. 518, 1-24-84; Code of 1988; Ord. No. 586, 9-8-92; Code of 2001)

(4) In the case of a request to subdivide a single tax parcel into lots that were previously approved by the City in a plat, where all of the lots meet the current requirements of City Code, the subdivision may be approved by the City Council by resolution without a public hearing.

Sec. 26-19. Variances.

The City Council may grant a deviation from the terms of this Chapter where the subdivider can show an exceptional and undue hardship on the enjoyment of a substantial property right provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-20. Application.

(1) Application for any deviation from the provisions of this Chapter shall be made in writing by the subdivider at the time that the preliminary plat is filed for consideration.

(2) The application shall fully state all facts relied upon by the petitioner and shall be supplemented with maps, plans, or other additional data which may aid in the analysis of the proposed project.

(3) The plans for such development shall include covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

(4) Any deviation granted shall be recorded in resolution form and entered in the minutes of the City Council setting forth the reasons which justified the action. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Secs. 26-21--26-29. Reserved.

Article 2. Preliminary Plat

Sec. 26-30. Sketch Plan.

- (1) Applicants for a subdivision are invited to prepare a proposed subdivision sketch plan for review by the Planning Commission and City. In order to be most useful, the sketch plan should contain:
- A. Site location on a County half-section map showing major street, school location, commercial centers, and other significant developments.
 - B. Tract boundaries map at one inch equals one hundred feet or larger.
 - C. North point and scale.
 - D. Streets within and adjacent to the tract.
 - E. Topography and physical features.
 - F. Proposed general street design.
 - G. Proposed lot size and orientation.

(2) The sketch plan will be considered as the basis for discussion between the applicant and the Planning Commission. Submission of the sketch plan shall not constitute formal filing of a preliminary plat. The Planning Commission will unofficially advise the applicant of the extent to which the proposed subdivision conforms with the City's requirements along with possible modifications. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-31. Filing.

(1) Before dividing any tract of land into two or more lots or parcels or consolidating lots into a lesser number, an owner or subdivider shall file with the City the information specified in this Section unless a variance is authorized.

- A. Sixteen copies of the preliminary plat.
- B. The fee for processing subdivisions shall be established by resolution.
- C. The subdivider shall fill out a platting application form.
- D. An abstractor's certificate showing the names of all property owners within 350 feet of the property being platted.

(2) The plat and application shall be referred to the following for an examination and report:

- A. Planning Commission.
- B. Director of Public Works.
- C. County Engineer if the plat abuts a County road.
- D. State Highway District Engineer if the plat abuts a State highway.
- E. School District.

(3) The Planning Commission shall have the preliminary plat on its agenda at its next regular meeting following referral.

(4) The Planning Commission shall report to the City Council on or before the second regular meeting of the Planning Commission following acceptance for filing unless a delay is requested in writing by the applicant prior to action by the Planning Commission. In such a case, the Planning Commission may grant or deny the request for delay as it shall determine.

(5) The City Council shall set a public hearing on the preliminary plat as soon as practicable but within at least fifty days. The City Council shall conduct the hearing. The City shall cause notice of the hearing to be published in the official newspaper at least ten days prior to the hearing. Also, the City shall provide mailed notice to each property owner within 350 feet of the property being platted. The notices shall be mailed to the last known address of the property owners at least ten days before the hearing.

(6) The City Council shall act on the preliminary plat within ninety days of the date on which it was filed with formal request for approval. If the report of the Planning Commission has not been received in time to meet this requirement, the City Council may act on the preliminary plat without such a report.

(7) If the preliminary plat is not approved, the reasons for this action shall be recorded in the proceedings and transmitted to the applicant.

(8) Should the applicant desire to amend the preliminary plat as approved, the applicant 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 City Council, of such scope as to constitute a new plat, then it shall be refiled.

(9) The approval of a preliminary plat by the City Council shall remain in effect for a period of twelve months from the date of Council approval or eighteen months from the date of last recorded final plat which is a part of this approved preliminary plat. (Code 1966; Ord. No. 295, 3-14-72; Ord. No. 389, 4-26-77; Ord. No. 518, 1-24-84; Ord. No. 539, 2-25-86; Code of 1988; Code of 2001)

Sec. 26-32. Data Necessary for Preliminary Plat.

The preliminary plat of the proposed subdivision shall contain or have attached the information required by this Section.

(1) ***Identification and Description:***

- A. Proposed name of the subdivision.
- B. Legal description of the property.
- C. Names and addresses of the owner, person, subdivider, surveyor, engineer, and designer of the plat.
- D. Graphic scale not less than one inch to one hundred feet.
- E. North point.
- F. Date of preparation and any revisions.

(2) ***Existing Conditions:***

- A. Boundary line survey including measured distances and angles which shall be tied to the nearest one-fourth corner or section corner.
- B. Existing zoning classifications for land in and abutting the subdivision.
- C. Total acreage of plat and square feet of lots.
- D. Location, right-of-way width and names of existing or platted streets, other public ways, easements, and structures within the preliminary plat and adjacent thereto shall also be indicated.
- E. Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred feet beyond.

- F. Boundary lines of adjoining land within one hundred feet including all contiguous land owned or controlled by the subdivider.
- G. Topographic data extending a minimum of one hundred feet of plat or center line of street including contours at vertical intervals of not more than two feet except where the horizontal contour interval is one hundred feet or more, a one foot vertical interval shall be shown.
- H. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines and other significant features shall also be shown. U.S.G.S. datum shall be used for all topographic mapping.
- I. Soil tests if requested.

(3) *Subdivision Design Features:*

- A. Layout of proposed street system on a County section map.
- B. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street already in use the City or its environs shall not be used unless the proposed street is an extension of an already named street, in which event the name shall be used.
- C. Locations and widths of proposed alleys, pedestrian ways, and utility easements.
- D. Layout, numbers, and preliminary dimensions of lots and blocks.
- E. Minimum front and side street building setback lines. (Attention is directed to the front and side yard requirements as contained in the City's Zoning Code.)
- F. Location of proposed sanitary sewer lines and water mains.
- G. Existing and proposed grades, surface water drainage, including rear lot lines, house benches, and drainage easements along with the gradients of proposed streets.
- H. Areas, other than streets, alleys, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use including the size of such area or areas in acres.

(4) *Other Information:*

- A. Such other information as may be requested by the City.
- B. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a preliminary plan for the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-33. Qualifications Governing Approval of Preliminary Plat.

- (1) The Planning Commission may return a conditional recommendation. The City Council may require revisions as it deems necessary for the health, safety, general welfare, order and convenience of the City.
- (2) The approval of a preliminary plat indicates that the subdivider may proceed toward fulfilling the necessary steps for approval of the final plat in accordance with the terms of approval.
- (3) 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. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Secs. 26-34--26-39. Reserved.

Article 3. Final Plat

Sec. 26-40. Filing.

(1) The owner or subdivider shall file the requested number of copies of the final plat not later than a date as provided in Section 26-31 (9), otherwise the preliminary plat and final plat will be considered void unless an extension is granted by the City Council. The subdivider shall request the extension for good cause in writing. The final plat shall conform to the preliminary plat as approved except that it may include only a portion of the approved preliminary plat.

(2) The final plat shall be provided to the Planning Commission and Director of Public Works for examination and review.

(3) The approval of the final plat shall be void unless:

A. The subdivider shall record the final plat with the County within 120 days of approval of the final plat, and,

B. The City shall be furnished with a tracing of the final plat which shows proof of filing with the County within ten days of its recording with the County . (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Sec. 26-41. Data Necessary for Final Plat.

(1) *Land Surveyor.* The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall conform to all State and County requirements and the requirements of this Chapter.

(2) *Information to be Shown:*

A. Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alleys, easements, and areas to be reserved for public use. Dimension of lot lines shall be shown in feet and hundredths; no ditto marks will be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot at the building setback line shall also be indicated.

B. A numbered identification system for all lots and blocks.

C. A boundary line survey including the measured distances and angles and the true distance and bearing between a known point on the boundary and the nearest official monument which shall be accurately described on the plat.

D. City, County, and/or section lines accurately tied to the lines of the subdivision by distances and angles.

E. Radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.

F. Name and location of the subdivision.

G. Accurate location of all monuments.

H. Graphic scale and north point.

I. Names of all streets.

J. Location of water bodies and dedication of flowage rights.

K. Form of approval. (Code 1966; Ord. No. 274, 2-9-71; Code of 1988; Code of 2001)

Secs. 26-42--26-49. Reserved.

Article 4. Park Land Dedication

Sec. 26-50. Land Required.

(1) ***Dedication to City.*** The owners of land being subdivided shall dedicate to the City a reasonable portion of the land for use as public parks, playgrounds, trails or open space.

- A. In all residential subdivisions it shall be presumed that a reasonable amount of land has been dedicated for parks and playgrounds if the subdivider dedicates at least ten percent of the total land in the proposed subdivision. The City shall determine whether a cash payment in lieu of land dedication is appropriate.
- B. In all commercial and industrial subdivisions, it shall be presumed that a reasonable amount of land has been dedicated to serve the needs of the resident and working population for parks and playgrounds if the subdivider dedicates at least ten percent (10%) of the land in the subdivision for parks, recreation and usable open space. The City shall determine whether a cash payment in lieu of land dedication is appropriate.
- C. The dedication of a portion of land for parks or playgrounds, or the payment of cash in lieu thereof, provided for above shall be presumed to be reasonable. However, upon the request of the applicant, the recommendation of Parks, Recreation, and Environmental Commission, or at the discretion of the Council, the City may either increase or decrease such dedication or payment upon a determination by the Council that such dedication or payment is unreasonable or insufficient given the specific characteristics of the proposed subdivision and its intended use.

(2) ***Suitability of Land.*** The City may determine the location and configuration of any land dedicated, taking into consideration the suitability of the land for its intended purpose and future needs of the community for park, playground, trail, or open space property.

(3) ***Exemption.*** This Article shall apply to all new residential, commercial and industrial developments, and lot combination or redivisions meant to facilitate such development. It shall not apply to lot combination or redivisions that do not increase the number of single-family residential lots, conversion of apartments to condominiums, or internal leasehold improvements.

(4) ***Contribution in Lieu of Land.*** At the City's option, the subdivider shall contribute an amount in cash in lieu of all or a portion of the land required under Section 26-50 (1). The contribution amount shall be determined prior to the City granting final approval. The amount of any cash in lieu contribution shall be based on the average fair market value of the land that would otherwise be required to be dedicated. For the purposes of this section, "fair market value" means the value of land as determined by the City annually based on tax valuation or other relevant data, and set forth in the City's fee schedule. If the applicant disputes the amount of the proposed cash in lieu contribution, the applicant, at the applicant's expense, may obtain an independent appraisal of the property. The appraisal must be made by a certified real property appraiser who is licensed in the State of Minnesota and holds a MAI membership designation from the Appraisal Institute, or equivalent certification. If the City disputes the appraisal, the City may, at the applicant's expense, obtain an appraisal of the property by an appraiser that meets the requirements of this paragraph. In that event, the fair market value of the land shall be determined by averaging the two appraisals.

(5) **Land Title.** Prior to the dedication of the required property, the subdivider shall provide the City with an acceptable title opinion or title insurance policy addressed to the City that insures the title and the City's proposed interest in the property. In any dedication of land, the subdivider must transfer good and marketable title to the City, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the City. If this land is not formally dedicated to the City with the final plat, the subdivider shall record all deeds for conveyance of the property to the City at the same time as the final plat or other appropriate division documents are filed.

(6) **Land Acceptability.** At the City's option, the following properties shall not be accepted for purposes of the owner's compliance with Section 26-50 (1) and (4):

- A. Land dedicated or obtained as easements for stormwater retention, drainage, roadway, and other utility purposes;
- B. Land that is unusable or of limited use; and
- C. Land that is protected wetlands or floodplain areas.

(7) **Cash Contributions.**

- A. Cash contributions for single-family residential development will be due and payable at the time of final plat approval. Cash contributions will be based on the number of new lots created.
- B. Cash contributions for multi-family residential, commercial and industrial development will be due and payable at the time of building permit issuance. For multi-family residential, commercial and industrial development, the applicant will execute a document in a form satisfactory to the City Attorney that acknowledges the obligation to pay these fees at the time building permits are secured. Such documents shall be in recordable form and any fee charged in connection with the filing thereof shall be paid by the applicant. Cash contributions for multi-family residential developments will be based on the number of units in the complex. Cash contributions for commercial and industrial development will be based on the area of the subdivision.

(8) **Park Fund.** Any cash contribution received pursuant to this Article shall be placed in a separate fund and used only for park, playground, trail, or open space purposes.

(9) **Resubdivisions and Minor Subdivisions.** In the case of subdivision of land that have previously been subdivided and for which land has been dedicated for parks or playgrounds, or cash payments in lieu of such dedication have been made, the Council shall make reasonable adjustments to recognize such previous dedication or payment. (Ord. No. 558; 12-8-87; Code of 1988; Code of 2001 Ord. No. 739)

Secs. 26-52--26-59. Reserved.

Editor's Notes
City Code
Chapter 26-Subdivision

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered “(1)” followed by “(2)”, etc.

The next division of a Section is numbered with an “A” followed by “B”, etc.

As with all other parts of the codification, the language in this Chapter has been simplified and made general neutral.

Plat Articles. Information has been reorganized to provide a separate article for a preliminary plat and a final plat. In the existing Code, these materials were part of the general text.

Margaret A. Egan
Finance Director/City Clerk

April 4, 2000