

CHAPTER 12

SUBDIVISION REGULATIONS (PLATTING)

SECTION 12.01. PURPOSE.

This Chapter is adopted for the purpose of: (1) establishing standard procedures, requirements and conditions for the subdividing of land; (2) securing satisfactory conformity of such subdivision to City plans, City Code provisions and regulations, adopted or under preparation; (3) authorizing the Planning Commission to act under this Chapter as advisory to the Council; and (4) assuring that new subdivisions will contribute toward an attractive, orderly, stable, safe and wholesome community.

SECTION 12.02. SUBDIVISION APPROVAL REQUIRED.

No land shall be subdivided without complying with the provisions of this Chapter.

Subd. 1. Administrative Approval. The City Manager or his designated representative may authorize subdivision upon finding (1) the division will not result in more than two parcels; (2) if a lot which is part of a plat recorded in the office of the County Recorder of Hennepin County is proposed to be divided, such subdivision will not cause any structure on the lot to be in violation of the Zoning Chapter or any other provision of the City Code; (3) the resulting parcels generally conform to the shape and area of existing or anticipated land subdivisions in the surrounding areas; and, (4) the owners of land, contiguous to the parcel being divided, file no written objections within ten days following written notification to them or otherwise indicate in writing that they have no objections.

Subd. 2. Council Action. If the proposed subdivision is not authorized under Subdivision 1 of this Section, the subdivider may proceed to obtain approval by the Council as hereinafter provided. All subdivisions created by Council action shall be effected by a plat made in accordance with Minnesota Statutes, 1990, Chapter 505.

SECTION 12.03. DEFINITIONS.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given in this Section.

Subd. 1. "Boulevard" - The portion of the street right-of-way between the curb line or surfaced roadway and the property line.

Subd. 2. "Butt Lot" - A lot at the end of a block and located between two corner lots.

Subd. 3. "Block" - 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 river or lake or outlet.

Subd. 4. "Easement" - A grant by an owner of land for the specific use of said land by the public generally or to a person or persons.

Subd. 5. "Final Plat" - The final map, drawing or chart or survey on which the subdivider's plan of subdivision is presented to the Council for final approval.

Subd. 6. "Lot" - A parcel or portion of land in a subdivision separated from other parcels or portions by a description.

Subd. 7. "Lot-Double Frontage" - A lot on which opposite ends both abut on streets.

Subd. 8. "Minimum Subdivision Design Standards" - 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.

Subd. 9. "Owner" - Any person having a sufficient proprietary interest in the land sought to be subdivided to

commence and maintain proceedings to subdivide the same under these regulations.

Subd. 10. "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 other designated.

Subd. 11. "Preliminary Approval" - Official action taken by the Council on an application to create a subdivision which establishes the rights and obligations set forth in Minnesota Statutes, 1990, Section 462.358 and this chapter. Unless otherwise specified in this chapter, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Subd. 12. "Protective Covenants" - Contracts entered into between private parties which constitute a restriction on the use of all private property within the platted area and which provide mutual protection against undesirable aspect of development which would tend to impair stability of values. The City does not provide for enforcement of such protective covenants.

Subd. 13. "Right-of-Way" - The width between property lines of a road, street, pedestrian way or easement.

Subd. 14. "Setback" - The minimum horizontal distance between building walls and street right-of-way, side and rear lot lines.

Subd. 15. "Street" - A public thoroughfare for vehicular and pedestrian traffic.

Subd. 16. "Subdivider" - Any person commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Source: City Code
Effective Date: 9-17-82

Subd. 17. "Subdivision" - The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys, for residential, commercial, industrial, or other use or any combination thereof. As used in this section the term "subdivision" does not include separations (1) creating cemetery lots or (2) resulting from court orders or the adjustment of a lot line by the relocation of a common boundary. The term includes resubdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided.

Source: Ordinance No. 3-88
Effective Date: 2-18-88

Subd. 18. "Comprehensive Guide Plan" - (City Guide Plan) indicates the general locations recommended for various functions, 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.

Subd. 19. "Planned Unit Development" - (P.U.D.) as described in Chapter 11.

Subd. 20. Repealed.

Source: Ordinance No. 14-2000
Effective Date: 4-27-00

SECTION 12.04. PRELIMINARY APPROVAL PROCEDURE.

Before subdividing any tract of land, the subdivider shall submit an application for, which shall include a preliminary plat

of, the subdivision in the following manner:

Subd. 1. Review. The application shall be submitted to the City Planner who shall review it to ascertain if it complies with the regulations as herein set forth. If the City Planner finds the application to be in conformance with the regulations, the application shall be referred to the Planning Commission.

Subd. 2. Filing. Copies of the application shall be filed with the City Planner. The required filing fee shall be paid and any necessary requests for variances from the provisions of this Chapter shall be filed before the application shall be considered officially filed.

Subd. 3. Filing Fee. The fee to be paid for filing an application shall be determined by resolution of the Council.

Subd. 4. Hearing. Within forty-five (45) days from the date of filing of the application, the City Planner shall set a public hearing for the next regular meeting of the Planning Commission, at which all interested persons shall be given an opportunity to be heard. The Planning Commission shall conduct the hearing and report upon findings and make recommendations to the Council. Notice of said hearing shall be published in the official newspaper at least ten (10) days prior to the hearing and mailed to owners whose properties lie within three hundred fifty (350) feet of the subject property.

Subd. 5. Council Action.

A. The Council shall preliminarily approve or disapprove a subdivision application within one hundred twenty (120) days following delivery of an application completed in compliance with this Chapter by the applicant to the City unless an extension of the review period has been agreed to by the applicant.

B. If preliminary approval is not given by the Council, the reasons for such action shall be recorded in the proceedings of the Council. If preliminary approval is given, such approval shall not constitute final acceptance of the subdivision but the general acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features. The Council may require such revisions in the application, preliminary plat, and final plat as it deems necessary for the health, safety, general welfare and convenience of the City.

Source: City Code
Effective Date: 9-17-82

C. No plan will be approved for a subdivision (1) which covers an area subject to soil erosion or periodic flooding or which has poor drainage unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area safe for occupancy and provide adequate street and lot drainage; (2) unless there has been compliance with Section 11.55 of the Code; or (3) if the Council makes any of the following findings:

1. That the proposed subdivision is in conflict with applicable general and specific plans, including but not limited to the City's Comprehensive Guide Plan and zoning regulations.
2. That the design or improvement of the proposed subdivision is in conflict with applicable development plans.
3. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, and retention, are such that the site is not suitable for the type of development or use contemplated.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.

6. That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.
7. That the design of the subdivision or the type of improvements will conflict with easements on record or to easements established by judgment of a court.

Source: Ordinance No. 17-90
Effective Date: 5-18-90

SECTION 12.05. DATA FOR PRELIMINARY PLAT.

The preliminary plat shall be clearly and legibly drawn at a scale approved by the City Planner but not less than 1" = 100'. The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:

Subd. 1. Identification and Description.

- A. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the County.
- B. Legal description of the property according to the records in the office of the County Recorder.
- C. Name and addresses of the owner, owner's agent, subdivider, surveyor and designer of the plat.
- D. Graphic scale, north point and date of preparation.

Subd. 2. Existing Conditions.

- A. Boundary line survey of proposed subdivision clearly indicated.
- B. Existing zoning classifications.
- C. Total acreage.
- D. Show the location, widths, and names of proposed streets or other public ways, parks and other public lands, easements, and section and corporate lines within the preliminary plat and to a distance one hundred (100) feet beyond the boundary line.
- E. Location and site both public and private of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred (100) feet beyond. Such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants shall also be shown.
- F. Boundary lines of adjoining unsubdivided or subdivided land within one hundred (100) feet.
- G. Topographic data, including contours at vertical intervals of not more than two (2) feet. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown, including slopes in excess of 10% and erodible soil conditions.
- H. Copy of all proposed private covenants.
- I. Soil borings and percolation tests may be required by the City Engineer.

Subd. 3. Subdivision Design Features.

- A. Layout of proposed streets, including proposed roads according to City thoroughfare plans showing right-of-way widths and proposed names of streets. The name of any street thoroughfare used in the City or its environs shall not be used unless the proposed street is an extension of an already named street.
- B. Location of widths or proposed trails, fire lanes, 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. Schematic storm sewer, sanitary sewer, and water layouts, illustrating invert and top of cover elevations, proposed gradients, direction of flow, and drainage areas. Center line gradient of proposed streets.
- D. Layout, numbers and preliminary dimensions of lots and blocks, and building setback lines.
- E. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
- F. Whenever a lot proposed for subdivision is intended for future subdivision, a tentative plan for the future subdivision of the entire tract shall be submitted to the Planning Commission.

Subd. 4. Other Information.

- A. Statement of the proposed use of lots stating type of building with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards or congestion of population.
- B. Source of water supply.
- C. Provisions for sewage disposal, drainage and flood control.
- D. Proposed protective covenants or deed restrictions.
- E. Location of proposed street lights, and easements, and the utilities of electricity, gas, telephone and Cable T.V. All such utilities are to be underground.
- F. A general landscaping plan showing plantings, berms, fences, lighting, parking layout, sidewalks and trails.

Source: City Code
Effective Date: 9-17-82

(Sections 12.06 through 12.19, inclusive, reserved for future expansion.)

SECTION 12.20. PROCEDURE FOR FINAL APPROVAL.

Approval by the Council of the final plat shall be subject to and conditioned upon the prior performance (except where such performance may be subsequent to such approval or specifically provided hereinafter) by the subdivider or owner of all conditions imposed in connection with the preliminary approval, the following provisions and requirements, and all applicable rules and regulations of other governmental units having jurisdiction.

Subd. 1. Data for Final Plat.

- A. **General.** A final plat in recordable form shall be prepared by a qualified person who is registered as a land surveyor in the State of Minnesota and shall conform to all State and County requirements and the requirements of this Chapter.

B. Information to be shown.

1. Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use, and other important features. All dimensions including lot lines shall be shown in feet and hundredths of feet.
2. An identification system for all lots and blocks.
3. True angles and distances to the nearest established official monuments (not less than three) which shall be accurately described in the plat.
4. Municipal or section lines accurately tied to the lines of the subdivision by distances and angles.
5. Name and right-of-way width of each street or other rights-of-way.
6. Accurate outlines and legal description of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision with the purposes indicated therein.
7. Certification by a registered surveyor.
8. Execution of all owners of any interest in the land and any holders of a mortgage thereon of the certificate required by Minnesota Statutes, and which certificate shall include a dedication of the utility easements and any other public areas in such form as shall be approved by the City Attorney.
9. Form of approval of Council as follows:

Approved by the City Council of the City of Eden
Prairie, Hennepin County, Minnesota, this _____
day of _____, 20_____.

Mayor

City Manager

10. Form for approval by County authorities as required.

Subd. 2. Filing.

- A. The owner or subdivider shall file eighteen (18) copies of a final plat covering all or a portion not later than six (6) months after the date of preliminary approval; otherwise, the preliminary approval will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Council. The owner or subdivider shall also submit to the City Engineer at the same time an up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the applicant.
- B. The final plat shall incorporate all changes or modifications required by the Council; in all other respects it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at that time provided that such portion conforms with all the requirements of these regulations.

Subd. 3. Subsequent to approval by the Council and before execution by the City of the final plat (if the final plat is in such form as to require execution by the City) and delivery thereof or delivery of a certified copy of any resolution of the Council approving a final plat, the subdivider shall, if he has not previously done so, submit to the City Engineer two (2) copies of a development plan (1" = 100' scale) showing existing and proposed contours, proposed streets and lot arrangements and size, minimum floor elevations on each lot, preliminary alignment and grades for sanitary sewer, water main and storm sewer, 100-year flood plain contours, ponding areas, tributary areas to catch basins, arrows showing direction of storm water flow on all lots, location of walks, trails and any property to be deeded to the City and containing such other information and in such form as shall be required by the City Engineer.

Subd. 4. Recording. If the final plat is approved by the Council, the subdivider shall record it with the County Recorder or Registrar of Titles as provided by law.

Source: City Code
Effective Date: 9-17-82

Subd. 5. Subsequent to approval by the Council and before execution by the City of the final plat (if the final plat is in such form as to require execution by the City) and delivery thereof or delivery of a certified copy of any resolution of the Council approving a final plat, the subdivider shall, if he has not previously done so, pay to the City fees for first three (3) years' street lighting (public streets), engineering review and street signs.

Source: Ordinance No. 73-84
Effective Date: 4-5-84

Subd. 6. See Section 12.50 for additional requirements subsequent to approval by the Council and before execution by the City of the final plat or other appropriate forms of City approval.

Source: City Code
Effective Date: 9-17-82

(Sections 12.21 through 12.29, inclusive, reserved for future expansion.)

SECTION 12.30. MINIMUM SUBDIVISION DESIGN STANDARDS.

Subd. 1. The proposed subdivision shall conform to the City Plan.

Source: City Code
Effective Date: 9-17-82

Subd. 2. The arrangements of all streets shall conform to the City Plan and provide a continuation of existing and planned streets within and outside of the proposed subdivision, provide for a reasonable circulation of traffic and shall be appropriately located in relation to topography, run-off of storm water and to proposed uses of the land to be served. Where adjoining areas are not subdivided, the arrangement of streets shall make provision for the proper projection of streets into adjoining areas.

Source: Ordinance No. 73-84
Effective Date: 4-5-84

Subd. 3. Streets.

A. Street widths and pavement widths shall conform to the following table of minimum dimensions:

Road Type	Average Daily Traffic (Vehicles)	Design Speed (MPH)	Right-of-Way (Feet)	Roadway Width Back-Back (Feet)

Residential Minor (1)	500	30	50	28
Residential Collector	3,000	35	60	32
Industrial (4)		35	70	38
M.S.A. Commercial (4)	10,000	40	80 (2)	48
M.S.A. (No Parking) (4)	10,000	40	80 (2)	34
M.S.A. Parkways (4)	10,000	40	100-120	2028 (3)

(1) Maximum length of cul-de-sac is 500 feet,
Right-of-way radius 50 feet,
Roadway radius 39 feet to back curb.

(2) At major intersections increase to 120 feet.

(3) Four lane divided with 18 foot median.

(4) Final design dependent upon traffic volume and soil factors.

- B. **Deflections** (Horizontal Alignment). When connecting street lines deflect from each other at any one point, the design requirements of the Minnesota Department of Transportation Road Design Manual, latest revision, shall apply.
- C. **Grades.** All centerline gradients shall be at least 0.5 percent and shall not exceed 8.0 percent.
- D. **Vertical Curves.** Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall conform to the requirements of the Minnesota Department of Transportation Road Design Manual, latest revision.
- E. **Street Jogs.** Street jogs shall have a centerline offset of one hundred fifty (150) feet or more when applied to minor streets or service streets; in all other cases, they shall be avoided.
- F. **Minor Streets.** Minor streets shall be so aligned that their use by through traffic will be discouraged.
- G. **Cul-de-sacs.** Maximum length cul-de-sac streets shall be five hundred (500) feet measured along the centerline from the intersection of origin to end of right-of-way, unless the plan for the overall area will necessitate the extension of said street and appropriate reservation of right-of-way is provided for. Cul-de-sacs should be avoided whenever reasonably possible.
- H. **Service Streets.** Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the Council may require a street approximately parallel to and on each side of such right-of-way for adequate protection of properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- I. **Half Streets.** Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and except where the Council finds it

will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract prior to the granting of access.

- J. **Reserve Strips.** Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.
- K. Unless otherwise approved by the Council, private streets shall not be approved nor shall public improvements be installed for any private street except that private streets may be permitted in approved Planned Unit Developments.
- L. **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.

Subd. 4. Intersections. The angle formed by the intersection of streets shall be ninety (90) degrees with a fifty (50) foot minimum tangent from the radius return. Intersections of more than four corners shall be prohibited. Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Roadways of driveway street intersections shall be rounded by a radius of not less than three (3) feet. Corners at the entrances to the turnaround portions of cul-de-sacs shall be rounded by a radius of not less than fifteen (15) feet.

Subd. 5. Curb and gutter may be included as part of the required street surface improvements and shall thus be designed for installation along both sides of all roadways in accordance with the standards of the City Engineer.

Subd. 6. Sidewalks and Trails. Sidewalks and/or trails may be required. The design thereof shall conform to the requirements of the City Engineer.

Subd. 7. Water Supply. When public supply is available, extensions of the 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 Engineer. Private water supply systems shall be constructed and maintained according to State laws and City Code provisions.

Subd. 8. Sewage Disposal. When public systems are available, extensions of the sanitary sewer system shall be designed so as to provide sewer service to each lot. The design of said extensions shall be in accordance with the standards of the City Engineer.

Subd. 9. Drainage. A complete and adequate drainage system design shall be required for the subdivision and shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems, as required by the City Engineer. Such system or systems shall be designed and installed in conformity with all applicable standards of the City at the developer's expense.

Subd. 10. Easements.

- A. **Provided for Utilities:** Easements at least ten (10) feet wide, centered on front, rear and side lot lines and abutting (10' wide) street right-of-way shall be provided for utilities and shall be dedicated by appropriate language. They shall have continuity of alignment from block to block.
- B. **Provided for Drainage:** Easements shall be provided along each side of the centerline of any water course or drainage channel whether or not shown in the City Plan to a width sufficient to provide proper maintenance and protection and to provide for storm run-off and installation and maintenance of storm sewers. Said easements shall in no event be less than fifty (50) feet on either side of the centerline of any water course or drainage channel and they shall be dedicated to the City in such manner that the City may require.

Subd. 11. Street Names. Names of new streets shall not duplicate or sound similar to existing or platted street names.

Subd. 12. Lots.

- A. **Locations.** All lots shall have frontage on a publicly dedicated street or street that has received legal status as such except that lots in Planned Unit Developments may have frontage on a private street or access road.
- B. **Size.** The lot dimensions in subdivisions shall not be less than the minimum dimensions required to secure the minimum lot area specified in Chapter 11.
- C. **Butt Lots.** Butt lots shall be platted at least five (5) feet wider than the average width of interior lots in the block.
- D. **Corner Lots.** Corner lots shall be platted at least fifteen (15) feet wider than the minimum width required by Chapter 11.
- E. **Side Lot Lines.** Side lines of lots shall be substantially at right angles to the street line.
- F. **Water Courses.** Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width, as required, to assure house sites that are not subject to the flooding.
- G. **Natural Features.** In the subdividing of any land, regard shall be shown for all natural features, such as trees, water courses, steep slopes, erodible soils, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.
- H. **Lot Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots or a plan shown as to future use rather than allowed to remain as unusable parcels.

Source: City Code
Effective Date: 9-17-82

(Sections 12.31 through 12.39, inclusive, reserved for future expansion.)

SECTION 12.40. PARKS, PLAYGROUNDS AND PUBLIC OPEN SPACES.

Subd. 1. The owner of land being subdivided shall dedicate to the public for public use as parks, playgrounds or public open space a reasonable portion of the land up to 10% thereof, as determined by the City to be in the public interest and necessary for such uses.

Source: Ordinance No. 3-88
Effective Date: 2-18-88

Subd. 2. At the City's option, the subdivider shall contribute an equivalent amount in cash in lieu of all or a portion of the land which the City may require such owner to dedicate pursuant to Subdivision 1 hereof in accordance with the schedule to be set by resolution of the Council.

Subd. 3. Whenever the term "dedicate" is used in this Section or in Section 12.41, it shall mean a dedication of land in connection with a plat for the purposes required or, at the option of the City, a deed or other instrument of conveyance conveying the land to the City. A dedication of land shall be such as shall vest good and marketable title of the land in the City, free and clear of any mortgage, lien, encumbrance or assessment, subject to such easements or minor imperfections of title as may be acceptable to the City.

Subd. 4. The City may determine the location and configuration of any land dedicated, taking into consideration its

suitability for its intended purposes and how it will best serve the public and future needs of the community for such purposes.

Subd. 5. Land dedicated for the holding of storm or drainage water, power line easements or which is unusable or of limited use may, at the option of the City, not be deemed accepted by the City for purposes of owner's compliance with Subdivisions 1 and 2 hereof or Section 12.41.

Subd. 6. Where the owner provides for public use neighborhood park amenities such as, but not limited to, tennis courts, ballfields, open space or other recreational facilities, the City may reduce the amount of land to be dedicated or the cash contribution in lieu of such dedication by an amount equivalent to the cost of the facilities provided.

Subd. 7. Cash contributions required by Subdivision 2 hereof may be made prior to or concurrent with approval of the final plat or at the subdivider's option concurrent with issuance of a permit for building upon lots or parcels within the subdivision provided, however, if subdivider elects to make the cash contributions concurrent with issuance of a permit, the amount to be paid at such time or times shall be the amount then provided by City Code provisions or resolution.

Subd. 8. Prior to the dedication, transfer or conveyance of any real property or interest therein to the City as provided herein, subdivider shall deliver to the City an opinion addressed to the City by an attorney and in a form acceptable to the City as to the condition of the title of such property or in lieu of a title opinion a title insurance policy insuring the condition of the title of the property or interest therein in the City. The condition of the title of any real property or any interest therein to be dedicated, transferred or conveyed as may be provided herein by subdivider to City shall vest in City good and marketable title, therein free and clear of any mortgages, liens, encumbrances, or assessments.

Subd. 9. Immediately upon filing of the final plat or other appropriate division documents, subdivider shall file for recording all deeds for conveyance of property to be deeded to the City other than that formally dedicated on a final plat.

Source: City Code
Effective Date: 9-17-82

Subd. 10. All improvements including grading, seeding, planting, landscaping, equipping, and constructing of any structure to or upon any of the property or other lands to be conveyed or dedicated to the City or for which an easement is to be given to the City for park or other recreational purposes shall be completed by subdivider and acceptable to the Director of Parks and Recreation and shall be free and clear of any lien, claim, change, or encumbrance including any for work, labor, or services rendered in connection therewith or material or equipment supplies therefor. Subdivider shall warrant and guarantee the improvements against any defect in materials or workmanship for a period of two (2) years following completion and acceptance thereof. In the event of any defect in materials or workmanship within said two-year period, the warranty and guarantee shall be for a period of three (3) years following said completion and acceptance. Defects in materials or workmanship shall be determined by the Director of Parks and Recreation. Acceptance of improvements by the Director of Parks and Recreation may be subject to such conditions as he may impose at the time of acceptance. Subdivider through his engineer shall provide for competent daily inspection during the construction of all improvements. Prior to final plat approval or issuance of any building permit if no final plat is required, subdivider shall submit a bond or letter of credit which guarantees completion of all improvements within the times provided, upon the conditions, and in accordance with the terms of this Subdivision including but not limited to a guarantee against defects in materials and workmanship for a period of two (2) years following completion and the extension of the period to three (3) years in the event of any defect during said two-year period. The amount of the bond or letter of credit shall be 125% of the estimated construction cost of said improvements subject to reduction thereof to an amount equal to 25% of the cost of the improvements after acceptance thereof by the Director of Parks and Recreation. The bond or letter of credit shall be in such form and contain such other provisions and terms as may be required by the Director of Parks and Recreation. The subdivider's registered engineer shall make and submit for approval to the Director of Parks and Recreation a written estimate of the costs of the improvements.

Source: Ordinance No. 73-84
Effective Date: 4-5-84

SECTION 12.41. MINI-PARKS.

Subd. 1. "Mini-Park" is a specialized park, playground or open space which serves a concentrated population or specific group of persons such as those residing in the immediate neighborhood and may be located in or adjacent to apartment complex developments, townhouse developments and single family developments that are not in close proximity to a neighborhood park. The land area may but shall not necessarily be limited to one (1) to five (5) acres in size.

Subd. 2. The Council recognizes that it is essential to the health, safety and welfare of the residents of the City that mini-parks be provided to serve the immediate neighborhoods. The preservation of those open spaces within specific neighborhoods, especially in areas of high density, is essential to maintaining a healthful and desirable environment for the residents of the City.

Subd. 3. An owner requesting subdivision of land for construction and maintenance thereon of fifty (50) or more residential units may be required to dedicate a reasonable portion of such land to the City for public use as a mini-park in addition to the dedication of land or the contribution of cash in lieu thereof pursuant to Section 12.40. A reasonable portion of such land shall consist of that portion which the City will need for mini-park purposes as a result of the approval of the subdivision and, unless otherwise determined by the City upon a showing by the subdivider, shall consist of a minimum of one acre for each fifty (50) residential units and a proportionate part of an acre for any additional residential units less than fifty (50) provided, however, no dedication of land for a mini-park shall be required if the total number of residential units to be constructed on the land shall be less than fifty (50). When an owner dedicates land to the City for a mini-park, the land encompassed in the mini-park shall be included in the total land utilized in the calculation of densities pursuant to Chapter 11.

Subd. 4. The City may determine the location and configuration of any land dedicated to the City for a mini-park.

Subd. 5. The owner shall develop any mini-park dedicated in accordance with City specifications, shall preserve existing trees whenever possible and shall make use of natural resources such as large boulders in the development.

Source: City Code
Effective Date: 9-17-84

(Sections 12.42 through 12.49, inclusive, reserved for future expansion.)

SECTION 12.50. REQUIRED IMPROVEMENTS ON THE SITE.

Subd. 1. All sanitary sewer, water main and storm sewer facilities, streets, concrete curb, gutters, sidewalks, sodding, drainage swales and other public utilities (improvements) shall be made and constructed on or within the subdivided lands or where otherwise required and dedicated to the City and shall be designed in compliance with City standards by a registered professional engineer. Plans and specifications shall be submitted to the City Engineer for approval prior to construction. All of the improvements shall be completed by the subdivider and acceptable to the City Engineer and shall be free and clear of any lien, claim, charge or encumbrance, including any for work, labor or services rendered in connection therewith or material or equipment supplied therefor. Subdivider shall warrant and guarantee the improvements against any defect in materials or workmanship for a period of two (2) years following completion and acceptance thereof. In the event of the existence of any defect in materials or workmanship with said two-year period, the warranty and guarantee shall be for a period of three (3) years following said completion and acceptance. Defects in material or workmanship shall be determined by the City Engineer. Acceptance of improvements by the City Engineer may be subject to such reasonable conditions as he may impose at the time of acceptance. Subdivider through his engineer shall provide for competent daily inspection during the construction of all improvements. Asbuilt drawings with service and valve ties on reproducible mylar shall be delivered to the City Engineer within sixty (60) days of completion of the improvements together with a written certification from a registered engineer that all improvements

have been completed, inspected and tested in accordance with City-approved plans and specifications.

Source: Ordinance No. 73-84
Effective Date: 4-5-84

Subd. 2. Subdivider shall remove all soil and debris from and clean all streets within the lands subdivided at least every two (2) months (or within one (1) week from the date of any request by City) during the period commencing May 1 and ending October 31 of each year until such time as such streets and improvements are accepted for ownership and maintenance by the City. In the event there are or will be constructed on the property two (2) or more streets and if permanent street signs have not been installed, subdivider shall install temporary street signs in accordance with recommendations of the Public Safety Services Area/Inspections Division prior to the issuance of any permit to build upon the property.

Subd. 3. Within twenty (20) days of installation of utilities and street curbs in any portion of the land subdivided (if said time occurs between May 1 and October 31 of any year), subdivider shall sod (secured with a minimum of two (2) stakes per roll of sod) that part of the property lying between said curb and a line eighteen (18) inches measured perpendicular with the curb or in lieu of said sod place a fiber blanket with seed approved by the City (secured with stakes a maximum of six (6) feet apart). Either sod or fiber must be placed upon a minimum of four (4) inches of topsoil. The topsoil shall be level with the top of the curb at the curb line and rise 1/2" for each foot from the curb line. Subdivider shall maintain the sod, fiber blanket, topsoil, and grade until such time as the streets and improvements in the land subdivided are accepted for ownership and maintenance by the City. Subdivider shall also sod all drainage swales serving each 1.5 acres a minimum distance of six (6) feet on either side of the center of the swale.

Subd. 4. Subsequent to approval by the Council and before execution by the City of the final plat or other appropriate forms of City approval, subdivider shall:

A. Execute and deliver to the City an agreement whereby subdivider shall undertake performance of the obligations imposed by this Chapter and containing such other terms and provisions and in such form as shall be acceptable to City.

Source: City Code
Effective Date: 9-17-82

B. Submit a bond, letter of credit or cash deposit ("security") which guarantees completion of all improvements within the times specified by the City Engineer and in accordance with the terms of Section 12.50, Subdivisions 1 through 4. The amount of the security shall be 125% of the estimated construction cost of said improvement subject to reduction thereof to an amount equal to 25% of the cost of the improvements after acceptance thereof by the City Engineer and receipt of asbuilt drawings. The security shall be in such form and contain such other provisions and terms as may be required by the City Engineer. The subdivider's registered engineer shall make and submit for approval to the City Engineer a written estimate of the costs of the improvements.

Subd. 5. With the approval of the Council and in lieu of the obligations imposed by Subdivisions 1 through 4 above, subdivider may submit a 100% petition signed by all owners of the land to be subdivided requesting the City to install some or all of the improvements. Upon approval by the Council, the City may cause said improvements to be made and special assessments for all costs of said improvements to be levied on the land except any land which is or shall be dedicated to the public. Such special assessment shall be payable over a term of five (5) years unless otherwise authorized by the Council. Prior to the award of any contract by the City for the construction of any improvement, subdivider shall have entered into a contract for rough grading of streets included in the improvement to a finished subgrade elevation. Subdivider's obligation with respect to the rough grading work shall be secured by a bond, letter of credit or such deposit which shall guarantee completion and payment for all labor and materials expended in connection with the rough grading. The amount of the security shall be 125% of the cost of such rough grading and shall be in such form and contain such further terms as may be required by the City Engineer.

Source: Ordinance No. 73-84

Effective Date: 4-5-84

(Sections 12.51 through 12.59, inclusive, reserved for future expansion.)

SECTION 12.60. MODIFICATIONS, EXCEPTIONS AND VARIANCES.

Subd. 1. Complete Neighborhood. The Council, upon receiving a report from the Planning Commission, may grant a variance from these regulations in case of a subdivision large enough to constitute a more or less self-contained neighborhood provided the Council received adequate safeguards to assure development according to a plan. Said plan shall not be in conflict with the major street plan and shall in the opinion of the Council provide adequate public open space and be a desirable community development.

Subd. 2. Minor Subdivisions. In the case of a subdivision of small size and of minor importance situated in a locality where conditions are well defined, the Council may exempt the subdivider from complying with the requirements stipulated in this Chapter.

Subd. 3. Variances. The Council may grant a variance from the requirements of this Chapter where a subdivision is approved in conjunction with a Planned Unit Development pursuant to Chapter 11 or in any case where the subdivider can show that because of exceptional topography or other special conditions the strict compliance with these regulations could cause an undue hardship provided such a relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations.

SECTION 12.61. BUILDING PERMITS.

No building permit shall be issued for the construction of any building, structure or improvement on any land required to be subdivided until all requirements of this Chapter have been satisfactorily addressed.

Source: City Code
Effective Date: 9-17-82

(Sections 12.62 through 12.98, inclusive, reserved for future expansion.)

SECTION 12.99. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 9-17-82