

6.00 REQUIRED IMPROVEMENTS & FINANCIAL ARRANGEMENTS

6.01 IMPROVEMENTS REQUIRED

The following improvements and financial arrangements shall be required in all subdivisions:

- A. Prior to the approval of a plat by the governing body, the subdivider must have agreed, in the manner set forth below, to install, in conformity with approved construction plans and applicable standards and ordinances, the following improvements on the site:
1. Survey Monuments. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature must be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county, and other official bench marks, monuments or triangulation stations in or adjacent to the property must be preserved in precise position unless a relocation is approved by the controlling agency.
 2. Grading. The full width of the right-of-way of each street and alley dedicated in the plat must be graded according to the approved grading plan.
 3. Pavement. All streets and alleys must be improved with concrete or bituminous surface.
 4. Curb and Gutter. Concrete curb and gutter must be installed along both sides of all streets and alleys that are of an urban design.
 5. Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds two (2) dwelling units per acre or in commercial areas.
 6. Water Mains. The subdivider is required to install water mains in the platted area and connect them to the public water system in accordance with city specifications.
 7. Sanitary Sewer. The subdivider is required to install sanitary sewer lines in the platted areas and connect to the public system in accordance with city specifications.
 8. Drainage Facilities. Drainage facilities and easements must be installed that will adequately provide for the drainage of surface water. A storm sewer may be required. Storm water convenience systems shall provide ten year

protection for streets, with emergency overflow provided. All dwellings and businesses shall have a minimum of 100 year protection plus 3 feet or 1 foot of freeboard, if emergency overflow is provided. Drainage way easements or land dedication may be required when the easements or land is needed for flood planning managements, property drainage, prevention of erosion, pedestrian access to water bodies or other public purpose.

9. Parks and Trails. Designated neighborhood or community parks and trails must be graded and improved as requested by the park dedication policy.
10. Miscellaneous Facilities. Special tree planting, street name signs, lighting, traffic control signs, oversized utility trunk lines, pedestrian ways and other improvements may be required to mitigate the impact of a proposed subdivision.

6.02 PAYMENT FOR INSTALLATION OF IMPROVEMENTS

- A. The required improvements are to be furnished and installed at the sole expense of the subdivider. If any improvements installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, to be assessed against the benefiting properties. The subdivider will be required to pay for the portion of the whole cost of the improvement that will represent the benefit to the property within the subdivision.

6.03 DEVELOPER'S AGREEMENT PROVIDING FOR THE INSTALLATION OF IMPROVEMENTS

- A. Prior to the installation of any required improvements and prior to approval of the final plat, the subdivider must enter into a written contract with the community that requires the subdivider to furnish and construct the improvements at their sole cost and in accordance with plans and specifications in accordance with any conditions of approval.
- B. Prior to final plat, no subdivider is permitted to start work on development of any lot in a subdivision without special approval of the City Council.

6.04 FINANCIAL GUARANTEE

- A. The contract provided for in Section 6.03.A. above requires the subdivider to make an escrow deposit. The escrow deposit must conform to the requirements of this regulation.

- B. Escrow Deposit/letter of credit. An escrow deposit/letter of credit must be made with the City Administrator in a sum equal to 125% of the total cost as estimated by the engineer of all the improvements to be furnished and installed by the subdivider pursuant to the contract, that have not been completed prior to approval of the plat. The total costs shall include expenses of inspection by the City as well as administrative, legal and engineering costs incurred by the City. The City shall be entitled to reimburse itself out of the deposit for any cost and expense incurred by the City for completion of the work in case of default of the subdivider under the contract and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the remaining balance in the deposit must be refunded to the subdivider.

6.05 CONSTRUCTION PLANS AND INSPECTION

- A. Construction plans for the required improvements conforming in all respects with the standards and ordinances of the community must be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota and the plans of construction items must be submitted to the engineer for approval and for an estimate of the total costs of the required improvements. Upon approval of the plans approved by the engineer plus two (2) as built prints and an electronic disc record in a format readable by the City's CAD software must be furnished to the city to be filed as a public record.

- B. All required improvements on the site that are to be installed under the provisions of this regulation must be inspected during the course of construction by the City Engineer at the subdivider's expense and acceptance by the city is subject to the Engineer's certificate of compliance with the contract.

6.06 IMPROVEMENTS COMPLETED PRIOR TO APPROVAL OF THE PLAT

- A. Improvements within a subdivision which have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements may be accepted as equivalent improvements in compliance with these requirements only if the City Engineer will certify that the existing improvements conform to applicable standards.

6.07 TRUNK FACILITIES

- A. Where larger size water main, sanitary sewer, storm drain or similar facilities is required to serve areas outside the subdivision, a larger facility must be constructed. The additional cost is to be borne by the benefiting properties and assessments are to be determined by the City Council in a proceeding conducted under Minnesota Statutes, Chapter 429.

6.08 ALTERNATE INSTALLATION AND INCOMPLETE IMPROVEMENTS

- A. The governing body may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the subdivider or pursuant to the provisions of Minnesota Statutes, Chapter 429.
- B. The City Council may also elect to commence assessment proceedings, utilize funds of cash escrow agreement, or otherwise to finance and install improvements, if the improvements are required in order to provide greater assurance of public health, assure reliability of water supply, provide for economy of installation, provide more effective fire fighting through hydrants and otherwise protect the public health, safety, convenience and general welfare.

(Adopted: June 1997. Amended: February 2023.)