

ORDINANCE # 423

AN ORDINANCE AMENDING CHAPTER 24 OF THE LE SUEUR CITY CODE REGULATING THE SUBDIVISION OF LAND. THE CITY OF LE SUEUR DOES ORDAIN: SECTION 1, CHAPTER 24 OF THE CODE OF THE CITY OF LE SUEUR IS AMENDED TO READ:

Article I. In General

SECTION 24 - 1 TITLE

THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS "LE SUEUR SUBDIVISION ORDINANCE REGULATIONS."

SECTION 24 - 2 INTENT AND PURPOSE

The process of dividing raw land into separate parcels for other uses including residential, industrial, and commercial sites, is one of the most important factors in the growth of any community. Once the land has been subdivided and the streets, homes, and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is, therefore, in the interest of the general public, the developer, and the future landowners that subdivisions be conceived, designed and developed in accordance with the highest possible standards of excellence.

All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- (1) Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- (2) Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
- (3) Place the cost of improvements against those benefiting from the construction project.
- (4) Secure the rights of the public with respect to public land and waters.
- (5) Improve land records by establishing standards for surveys and plats.
- (6) Protect the environmentally sensitive areas in the City.

SECTION 24 - 3 RULES AND DEFINITIONS

- (a) RULES

- (1) Words used in the present tense include the past and future tense; the singular includes the plural and the plural includes the singular; the word “shall” is mandatory, and the words “should” and “may” are permissive.
- (2) In the event of conflicting provisions in the text of these regulations, the more restrictive shall apply.

(b) DEFINITIONS

For the purpose of this Chapter, certain terms and words are hereby defined as follows:

- (1) Alley - A narrow public right-of-way, which normally affords a secondary means of vehicular access to abutting property.
- (2) Attorney - The attorney employed by the City unless otherwise stated.
- (3) Block - The enclosed area within the perimeter of roads, property lines, or boundaries of the subdivision.
- (4) Boulevard - The portion of the street right-of-way between the curb line and the property line.
- (5) Cluster Development - A subdivision development planned and constructed so as to group housing units into patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Chapter and Chapter 27 of this code.
- (6) City - The City of Le Sueur.
- (7) Comprehensive Plan - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development of the City and its surroundings and includes any unit or part of such plan, which is separately adopted, and any amendment to such plan or parts thereof.
- (8) Concept Plan or Sketch Plan - A generalized plan of a proposed subdivision indicating lot layout, streets, park areas, and water and sewer systems presented to the City officials at the pre-application meeting.
- (9) Contour Map - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
- (10) Copy - A print or reproduction made from a tracing.
- (11) County - Le Sueur County, Minnesota.

- (12) Development - The act of building structures and installing site improvements.
- (13) Drainage Course - A water course or indenture for the drainage of surface water.
- (14) Easement - A granting of land by an owner for a specific use by persons other than the owner.
- (15) Engineer - The registered engineer or consulting firm hired or employed by the City unless otherwise stated.
- (16) Final Plat - The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval, and if approved, will be submitted to the County Recorder.
- (17) Governing Body - Le Sueur City Council.
- (18) Key Map - A map drawn to a comparatively small scale, which defines and shows the area proposed to be platted and the areas surrounding it to a given distance.
- (19) Lots
 - (i) Lot - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
 - (ii) Lot, Butt - A lot located on the end of a block excluding the two (2) corner lots.
 - (iii) Lot, Corner - A lot located at the intersection of two streets, having two (2) adjacent sides abutting streets; and the interior angle of the intersections do not exceed one hundred and thirty-five (135) degrees.
 - (iv) Lot - Double Frontage - A lot which has a front lot line abutting on one street and a back or rear lot line abutting another parallel street.
 - (v) Lot, Through - Any lot other than a corner lot which abuts more than one (1) street.
 - (vi) Lot, Depth - The mean horizontal distance between the front lot line and the rear lot line.
 - (vii) Lot, Line - The property line bounding a lot. Except where any portion of a lot extends into the right-of-way or the proposed public right-of-way, the line of such right-of-way shall be the lot line.
 - (viii) Lot, Width - The horizontal distance between the side lot lines of the lot, measured parallel to the front line of the lot at the setback line.

- (20) Metes and Bounds Description - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by describing lines or portions thereof.
- (21) Minimum Subdivision Design Standards - The guides, principles and specifications for the preparation of subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.
- (22) Minor Subdivision - A subdivision of small size situated in a locality where conditions are well defined that may be exempt from the strict regulations of this Chapter in accordance with Section 24 - 10 (c) of this Chapter.
- (23) 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 or to commence and maintain proceedings to subdivide the same under these regulations.
- (24) Pedestrian Way - A public right-of-way across or within a block intended to be used by pedestrians.
- (25) Person - Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.
- (26) Planned Unit Development (PUD) - A residential or commercial development whereby buildings are grouped or clustered in and around common open space areas in accordance with a pre-arranged site plan, and where the common open space is owned by the homeowners and maintained by a homeowners association.
- (27) Plat - The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes Chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Minnesota Statutes Chapters 462.358, and 505.
- (28) Preliminary Approval - Official action taken by a municipality on an application to create a subdivision which establishes the rights and obligations set forth in Minnesota Statutes Chapter 462.358 and the applicable provisions of this Chapter.
- (29) Preliminary Plat - The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their consideration.
- (30) Protective Covenants - Contracts entered into between private parties and constituting a restriction on the use of private property within a subdivision for the benefit of the

property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

- (31) Right-of-Way - Public land used or to be used as a street or highway, including alleys and boulevards.
- (32) Sketch Plan - A sketch of a proposed subdivision showing the information specified in Section 24 - 5 (b) of this Chapter.
- (33) Streets
 - (i) Street - A public way for vehicular traffic, whether designed as a street, highway, thoroughfare, arterial parkway, through-way road, avenue, lane, place, or however otherwise designated.
 - (ii) Collector Street - A street which carries traffic from local streets to arterials.
 - (iii) Cul-de-sac - A street turn-around with only one (1) outlet.
 - (iv) Service Street - Marginal access street, or a minor street, which is parallel or perpendicular and adjacent to a thoroughfare providing access to abutting properties, and provides protection from through traffic.
 - (v) Local Street - A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
 - (vi) Arterial Street - A street or highway with access restrictions designed to carry large volumes of traffic between various sections of the City and beyond.
 - (vii) Private Street - A street serving as vehicular access to one (1) or more parcels of land which is not dedicated to the public but is owned by one (1) or more private parties.
- (34) Street Width - For the purpose of this Chapter, the shortest distance between the lines delineating the right-of-way.
- (35) Subdivider - Any person commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.
- (36) Subdivision - "Subdivision" is the division of a parcel of land into two or more lots or parcels, any of which resultant parcels is less than two and one-half (2 1/2) acres in area, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term includes re-subdivision, and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

- (37) Surveyor - A person duly registered as a land surveyor by the State of Minnesota.
- (38) Tracing - A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.
- (39) Zoning Ordinance - Chapter 27 of the Le Sueur City Code.

SECTION 24 - 4 SCOPE AND LEGAL AUTHORITY

(a) SCOPE

The rules and regulations governing plats and subdivision of land contained herein shall apply within the City and to land located within two (2) miles of its boundaries. Except in the case of re-subdivision, this Chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the Office of the Le Sueur County Recorder prior to the effective date of this Chapter, nor is it intended by this Chapter to repeal, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Chapter, or with restrictive covenants running with the land. Where this Chapter imposes a greater restriction upon the land than is imposed or required by existing provisions of Federal, State or Municipal Laws, Statutes, Ordinances, or Regulations, then provisions of this Chapter shall control.

(b) AMENDMENTS

The provisions of this Chapter may be amended by the Le Sueur City Council at any time at its discretion.

(c) RESTRICTIONS ON FILING AND RECORDING CONVEYANCES

No conveyance of land in which the land conveyed is described by metes and bounds or by reference to an unapproved registered land survey or to an unapproved plat made after this Chapter becomes effective, shall be made or recorded unless the parcel described in the conveyance:

- (i) was a separate parcel of record at the date of adoption of this Chapter, or
- (ii) was the subject of a written agreement to convey property, and was entered into prior to such time, or
- (iii) was a separate parcel of not less than two and one-half (2 1/2) acres in area and one hundred fifty (150) feet in width as of January 1, 1966, or
- (iv) was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on the effective date of this Chapter,

(v) such parcel complies with all requirements of this Chapter.

(d) PLATTING

Except as specifically set forth in these regulations, any subdivision creating parcels, tracts, or lots after the adoption of these regulations shall be platted in accordance with Minnesota Statutes Chapter 505, as it may be amended from time to time.

(e) PUBLIC IMPROVEMENT

Where a parcel of land is being subdivided and a plat is required, no public improvements shall be installed, undertaken or constructed unless the Final Plat is approved and no such services (i.e. electric, sewer & water, streets, etc.) shall be provided until approval of the Final Plat is granted and such plat has been duly recorded.

Article II. Administration

SECTION 24 - 5 ADMINISTRATION OF THIS CHAPTER

(a) PLAT PRESENTATION PROCEDURES

Except as set forth in Section 24 - 4 (d) and 24 - 10 (c) of this Chapter, no real property within the jurisdiction of this Chapter shall be subdivided and offered for sale or a plat recorded until a Preliminary Plat and a Final Plat of the proposed subdivision have been reviewed by City Staff and the Planning Commission and until the Final Plat has been approved by the City Council. Planned Unit Developments (PUD's) shall be presented in the same manner as other plats for review by City Staff and the Planning Commission with the approval of the City Council.

(b) PRE-APPLICATION MEETING

Prior to the preparation of a Preliminary Plat, the subdivider or owner shall meet with the appropriate City Officials, as determined by the City, in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time and at subsequent informal meetings, such as with the Planning Commission, the subdivider shall submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal, as well as other utilities locations. The sketch plan can be presented in simple form, but must show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, or to the neighboring subdivision and developments, and to the natural resources and topography of the site.

(c) PRELIMINARY PLAT

(1) After the pre-application meeting, the subdivider shall submit eighteen (18) copies of the Preliminary Plat to the Zoning Administrator at least fourteen (14) days prior to the

Planning Commission meeting at which such Plat is to be considered. The subdivider shall include a written application and statement along with the Preliminary Plat describing the proposed subdivision. The written statement shall include the anticipated development of the existing natural features and vegetation, and any other information required by this Chapter.

- (2) The Zoning Administrator shall submit one (1) copy of the Preliminary Plat to each Planning Commission Member, the City Engineer, the Utility Superintendent, the Street Superintendent, and any other appropriate City officials. One (1) copy shall also be submitted to the County Engineer if the plat abuts a County road and one (1) copy to the State Department of Transportation if the plat abuts a State Highway, for review and comment as required by Minnesota Statutes Chapter 505.03.
- (3) The City Engineer and Zoning Administrator and other appropriate City officials shall review the Preliminary Plat and shall transmit a report of their findings and recommendations together with any supporting material to the Planning Commission prior to the meeting at which such Plat is to be considered. The subdivider shall be required to pay all cost for extra outside consulting services that the City Staff, Planning Commission, and City Council deem necessary for determining the adequacy of the plan.
- (4) Within thirty (30) days after the plat has been filed and after reports and certifications have been received as requested, the Planning Commission shall hold a public hearing on the Preliminary Plat. Notice of the time and place thereof shall be published once in the official newspaper at least ten (10) days before the day of the hearing. Within thirty (30) days after the conclusion of the public hearing, the Planning Commission shall make its report to the City Council.
- (5) The Planning Commission shall forward to the City Council a favorable, conditional, or unfavorable report and said report shall contain a statement of findings and recommendations.
- (6) The preliminary application shall be approved or disapproved by the City Council within one hundred twenty (120) days following the filing with the City an application complying with this Chapter, unless an extension of the review period has been agreed to by the applicant. If the City fails to preliminarily approve or disapprove an application within the review period and/or extensions thereof, the application shall be deemed approved, and upon demand, the City shall execute a certificate to that effect. If the City Council disapproves the Preliminary Plat, the grounds for any such disapproval shall be set forth in the minutes of the City Council meeting and reported to the owner and/or subdivider.
- (7) During the intervening time between approval of the Preliminary Plat and the Final Plat, the subdivider must submit acceptable engineering plans for all required improvements.

- (8) In the case of all subdivisions, the Planning Commission shall recommend denial of and/or the City Council may deny approval of a Preliminary or Final Plat if it makes any of the following findings:
- (i) The proposed subdivision, including the design, is in conflict with any adopted component of the Policy Plan, Comprehensive Plan, and/or Zoning Ordinance of the City of Le Sueur.
 - (ii) The physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;
 - (iii) The site is not physically suitable for the proposed density of development;
 - (iv) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
 - (v) The design of the subdivision or the type of improvements are likely to cause serious public health damage;
 - (vi) The design of the subdivision or the type of improvements will conflict with easements of record.

(d) FINAL PLAT

- (1) The subdivider shall engage a registered land surveyor to prepare a Final Plat which shall meet all the requirements of Minnesota Statutes Chapter 505.
- (2) The subdivider may request approval of such portion of the Preliminary Plat which the subdivider proposes to develop at one time by filing a Final Plat limited to such portion with the City Clerk. The entire area of the Preliminary Plat shall be platted in final form within a period of five (5) years from the date of Preliminary Plat approval, or that portion of the Preliminary Plat not so finally platted shall become null and void and disapproved.
- (3) The subdivider shall submit eighteen (18) copies of the Final Plat to the Zoning Administrator at least three weeks before the Planning Commission meeting at which such Plat is to be considered. The subdivider shall submit the Final Plat within one (1) year of Preliminary Plat approval, otherwise, such approval shall become null and void unless Section 24 - 5 (d) - (2) of this Chapter applies.
- (4) The Final Plat shall incorporate all changes required by the City, County Engineer and State Department of Transportation, but in all other respects, it shall conform to the Preliminary Plat as approved.

- (5) The Zoning Administrator shall transmit one (1) copy each of the Final Plat to the Planning Commission, City Engineer, City Attorney, and other appropriate City officials.
- (6) The City staff shall review the Final Plat and shall transmit reports of their recommendations to the Planning Commission prior to the meeting at which such Plat is to be considered.
- (7) The Planning Commission shall review the Final Plat and consider the reports of City Staff, the City Engineer, City Attorney, and other appropriate municipal departments and employees. The Planning Commission shall then submit its recommendations to the Zoning Administrator, who shall within thirty (30) days after the subdivider's request for approval, forward such recommendations to the City Council.
- (8) The City Council shall approve or disapprove the Final Plat within thirty (30) days after receiving the recommendations of the Planning Commission. The City Clerk shall notify the subdivider of the Council's action.

The City shall approve the Final Plat within sixty (60) days of the subdivider's request for approval if the applicant has complied with all conditions and requirements of this Chapter and all conditions and requirements upon which the Preliminary Plat was approved, either through performance or agreements assuring proper compliance with the City's requirements. If the City fails to certify final approval within the time frame, and if the applicant has complied with all conditions or requirements, the Final Plat shall be deemed approved and upon demand, the City shall execute a certificate to that effect.

- (9) Upon approval of the Final Plat by the City, the subdivider shall record such Final Plat with the Le Sueur County Recorder within sixty (60) days after approval. Otherwise the approval of the Final Plat shall be considered void. The subdivider shall, within thirty (30) days of recording, furnish the City Clerk with a reproducible print (i.e. a photo-mylar or an original) of the Final Plat showing evidence of the recording.

(e) EFFECT OF SUBDIVISION APPROVAL

For one (1) year following preliminary approval and for three (3) years following final approval, unless the subdivider and the City agree otherwise, no amendment to the City's Comprehensive Plan or Zoning Ordinance shall apply to or affect the use, development, density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, the City may extend the period by agreement with the subdivider. This may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application, or the subdivider will suffer substantial financial damage as a consequence of the requirement to submit a new application. In connection with a subdivision involving planned and staged development, the City may by resolution or agreement, grant the rights referred to herein for periods of time longer than three (3) years which it determines to be reasonable and appropriate.

(f) DISCLOSURE BY SELLER; PURCHASER'S ACTION FOR DAMAGES

A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which this Chapter applies shall attach to the instrument of conveyance either:

- (1) a recordable certification by the City Clerk that this Chapter does not apply, or that the subdivision has been approved by the City, or that the provisions of this Chapter have been waived by resolution of the City because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of this Chapter, or
- (2) a statement which names and identifies the location of the appropriate City offices and advises the grantee that municipal subdivision and zoning regulations may restrict the use of or prohibit the development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability, or waiver from the municipality.

In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this Section shall be grounds for damages. If the buyer establishes a right to damages, a district court hearing the matter may in its discretion also award to the buyer an amount sufficient to pay all or any part of the costs incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five per centum of the purchase price of the land.

SECTION 24 - 6 DATA FOR PRELIMINARY AND FINAL PLATS

(a) DATA FOR PRELIMINARY PLAT - Data required to be included or provided with the Preliminary Plat is as follows:

- (1) Identification and Description
 - (i) Proposed name of subdivision and street names, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in Le Sueur County.
 - (ii) Location by section, township, range, and by legal description.
 - (iii) Names and addresses of the record owner and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plat.
 - (iv) Graphic scale not less than one (1) inch to one hundred (100) feet.
 - (v) Show North direction point on plan.

- (vi) Key map including area within one (1) mile radius of plat.
 - (vii) Date plat prepared or drafted.
 - (viii) A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and Opinion of Title by the subdivider's attorney.
- (2) Existing Conditions in Proposed Tract
- (i) Boundary line of proposed subdivision, clearly indicated to a close degree of accuracy.
 - (ii) Existing zoning classifications for land within and abutting the subdivision including flood plain and shoreland districts, if applicable.
 - (iii) A general statement of the approximate acreage and dimensions of the lots.
 - (iv) Location, right-of way widths, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements, sections and corporate lines within the plat.
 - (v) Boundary lines of adjoining non-subdivided or subdivided land or lands, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
 - (vi) Topographic data, including contours at vertical intervals of two (2) feet, water courses, marshes, rock outcrops, power transmission poles and lines, and other significant features may also be required to be shown.
 - (vii) An analysis of the soils. The City may require soil borings if deemed necessary by the Planning Commission or City Council.
 - (viii) If applicable, limits of the flood plain, floodway and flood fringe areas.
 - (ix) Existing zoning and land use in the area within three hundred (300) feet of the boundaries of the tract.
 - (x) Plans for water supply, sewage disposal, and drainage. Location and size of existing sewers, water mains, culverts or other underground facilities within the Preliminary Plat area. Such data as existing grades, invert elevations, and location of catch basins, manholes, hydrants and street pavement width and type, shall also be shown.

(3) Subdivision Design Features

- (i) Layout and width of proposed streets and utility easements, pedestrian ways showing street names, lot dimensions, parks, and other public areas. The street layout shall include all contiguous land owned or controlled by the subdivider.
- (ii) Proposed use of all parcels, and if zoning change is contemplated, proposed zoning amendment.
- (iii) Preliminary street grades and drainage plan.
- (iv) Layout, numbers, and preliminary dimensions of lots and blocks.
- (v) When lots are located on a curve, the width of the lot at the building setback line.

(4) Other Information

- (i) Where a subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a sketch plan of the remainder of the property to show the possible relationships between the proposed subdivision and the future subdivision.
- (ii) Potential land areas for re-subdivision or land areas of excessively deep or wide (over two hundred feet) lots shall be indicated on the plat for their intended use.
- (iii) A plan for soil erosion and sediment control both during construction and after development has been completed.
- (iv) Any necessary site drainage, sewer & water, traffic studies or traffic impact statements, or other relevant information as required by the Zoning Administrator, Planning Commission, and City Council.
- (v) Such other information as may be requested by the City staff, Planning Commission, or City Council.

(b) DATA AND REQUIREMENTS FOR FINAL PLAT

Data required to be included or provided with the Final Plat is as follows:

- (1) The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with Minnesota Statutes Chapter 505 and this Chapter.
- (2) Data as required by the City Engineer, i.e., accurate angular and linear dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements, and other important features.

- (3) Identification and description data as required for the Preliminary Plat.
- (4) Boundaries of the property; lines of all proposed streets and alleys, with their width, and other areas intended for public use.
- (5) Lines of adjoining streets and alleys, with their width and names.
- (6) All lot lines and easements, with figures showing their dimensions.
- (7) An identification system for all lots and blocks.
- (8) Certification by a registered land surveyor that the Plat represents a survey made by him and that monuments and markers thereon exist as located and all dimensional and geodetic details are correct.
- (9) Notarized certification by owner, and by any mortgage holder of record, of adoption of the Plat, and the dedication of streets and other public areas.
- (10) Certification showing that all taxes currently due and special assessments have been paid.
- (11) Title Opinion by a practicing attorney-at-law shall show, based upon an examination of an abstract, Torrens certificate or the records of the Le Sueur County Recorder for the lands included within the plat, that the title is in the name of the owner or subdivider and any encumbrances or liens on the property.

The date of continuation of the abstract examined or the date of the examination of the registered property, abstract, Torrens certificate or records shall be within thirty (30) days prior to the date the Final Plat is submitted to the City for approval. The owner or subdivider shown in the Title Opinion shall be the owner of record of the platted lands on the date of recording of the plat with the Le Sueur County Recorder.

- (12) Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the City for sufficient easements to accommodate utility services in such form as shall be approved by the City Utility Superintendent and City Attorney.

(c) CERTIFICATIONS

The Final Plat shall include the required certifications by the City and County officials. This shall include a signature by the Chairman of the Planning Commission indicating that the plat has been reviewed by the Planning Commission.

- (1) Form for approval of County officials concerned with the recording of the plat.

(i) No delinquent taxes and transfer entered this _____ day of _____, 20____.

(Name) Le Sueur County Auditor

(ii) Document Number _____. I hereby certify this instrument was filed in the Office of the County Recorder for record on this _____ day of _____, 20____, at _____ o'clock a.m./p.m., and was duly recorded in Book _____ of _____ on page _____.

(Name) County Recorder
Le Sueur County

(2) Form of approval of City Officials.

(i) I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.
Dated this _____ day of _____, 20____.

(Name) Le Sueur City Attorney

(ii) Checked and approved as to compliance with Minnesota Statutes Chapter 505.
Dated this _____ day of _____, 20____.

(Name) Le Sueur City Engineer

(iii) Checked and approved as in compliance with the Le Sueur Zoning Ordinance and Subdivision Ordinances.

City Zoning Administrator

(iv) Approved by Le Sueur City Council on this _____ day of _____, 20____.

Mayor, City of Le Sueur

Attest:

City Clerk

SECTION 24 - 7 SUBDIVISION DESIGN STANDARDS

(a) CONFORMITY WITH THE COMPREHENSIVE PLAN

The proposed subdivision shall conform to the Comprehensive Plan and Policy Statement adopted by the City.

(b) STREETS AND THOROUGHFARES

(1) General Street Design

- (i) The design of all streets shall be considered in relation to public safety, existing and planned streets, efficient circulation of traffic, topographical conditions, run-off of storm water, proposed use of the land to be served by such streets, and the Comprehensive Plan of the community.
- (ii) When a new subdivision adjoins unsubdivided land that is susceptible to being divided, the arrangement of streets shall allow for their appropriate continuation into adjoining areas. Such streets shall be carried to the boundaries of the unsubdivided land.
- (iii) Where the parcel is subdivided into larger tracts than for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.

(2) Street Names - Street names shall not duplicate the names of other streets.

(3) Street Width and Grades - The following standards for street width and grades shall be followed by subdivider:

<u>Type of Highway of Street</u>	<u>Minimum Width</u>	<u>Maximum Grade</u>	<u>Minimum Grade</u>
Type Highway and Arterials	80-120 ft.	5%	.5%
Collectors	60 ft.	8%	.5%
Local Streets	60 ft.	10%	.5%
Frontage Roads	60 ft.	10%	.5%
Cul-de-sacs Radius	40 ft.	10%	.5%
Turn-around Diameters	80 ft.	10%	.5%

(4) Street Intersections - Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two (2) streets be less than sixty (60) degrees. Intersections having more than four (4) corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated to the City.

- (5) Tangents - A tangent of at least one hundred (100) feet shall be introduced between reverse curves on collector streets and fifty (50) feet on lesser streets.
- (6) Deflections - When connecting street lines deflect from each other at one point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of no less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, one hundred (100) feet for all other streets.
- (7) Street Jogs - Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.
- (8) Local Streets - Local streets shall be laid out so as not to encourage through traffic.
- (9) Cul-de-sac - The maximum length of a street terminating in a cul-de-sac shall be seven hundred (700) feet measured from the centerline of the street of origin to the end of the right-of-way. Each cul-de-sac shall be provided with a turn-around having a minimum outside roadway diameter of one hundred (100) feet and a minimum street property line diameter of one hundred twenty (120) feet. There will be a maximum of four (4) driveway entrances in the cul-de-sac.
- (10) Access to Arterial Streets - In the case where a proposed plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access arterials shall be at intervals of not less than 1/4 mile and through existing and established crossroads where possible. The City Council may require the developer to provide local service drives along the right-of-way of such facilities, or they may require that lot rear yards back on the arterials, in which case vehicular and pedestrian access between the lots and arterial shall be prohibited.
- (11) Half Streets - Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. Half streets shall not be developed or maintained.
- (12) Private Streets - Private streets shall be prohibited and not maintained.
- (13) Corners - Curb lines at street intersections shall be rounded at a radius of not less than fifteen (15) feet.
- (14) Alleys - Alleys, where permitted by the City, shall be at least a minimum of fifteen (15) feet wide in residential areas and at least twenty-four (24) feet wide in commercial areas. The City may require alleys in commercial areas where adequate off-street loading space is not available. Dead-end alleys, alley intersections and sharp changes in alignment shall be prohibited.

- (15) Pedestrian Walkways - The Planning Commission and/or Council may require the provision of pedestrian ways in proximity to public service areas such as parks, schools, shopping facilities, or in other appropriate locations as need exists or as required by City Officials, Planning Commission, and/or the City Council. The design of the pedestrian walkways shall be considered in their relation to existing and planned pedestrian walkways, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, and to the proposed uses of the area to be served. Pedestrian right-of-ways shall be a minimum of at least ten (10) feet wide.
- (16) Hardship to Owners of Adjoining Property - The street arrangements shall not be such as to hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(c) BLOCKS

- (1) The length of blocks shall not exceed one thousand two hundred (1200) feet nor be less than three hundred (300) feet. Pedestrian ways at least ten (10) feet wide at their approximate centers may be required for blocks over eight hundred (800) feet long.
- (2) Blocks intended for commercial and industrial use must be designed as such, and the block must be of sufficient size to provide for adequate off-street parking, loading, and such other requirements of the City.
- (3) The width of a block shall normally be sufficient to allow two (2) tiers of lots of appropriate length.

(d) LOTS

- (1) Size - For areas served by municipal sewer and water systems, the lot dimensions shall be such as to comply with the minimum lot areas specified in the Zoning Ordinance.
- (2) Side Lot Lines - Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
- (3) Drainage - Lots shall be graded so as to provide drainage away from building locations.
- (4) Natural Features - In subdividing any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety, and stability to the proposed development.
- (5) Lot Remnants - All remnants of lots below the minimum lot size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as un-usable parcels unless the owner can show plans for future use of such remnant.

- (6) Double Frontage Lots - Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lot rear yards back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the rear yard back lot line.

(e) EASEMENTS

- (1) Utilities - Easements shall be a minimum of twenty (20) feet wide when centered on rear or side property lot lines and fifteen (15) feet when adjacent properties aren't available for utility easements. The City Engineer or Utility Superintendent may request greater requirements if the situation warrants the need. Easements for storm or sanitary sewers shall be a minimum of at least twenty (20) feet wide, unless otherwise directed by the City Engineer or Utility Superintendent. Easements shall have continuity of alignment from block to block. Temporary construction easements may from time to time be required where installation depths are greater than twelve (12) feet. Utility easements shall be kept free of any vegetation, structures and other objects that will interfere with the free movement of utility service vehicles. If easements are obstructed the City reserves the right to remove any or all obstructions at the cost of the effected property owner, any or all costs may be assessed back to the effected property owners. The City is not responsible for any removal costs and/or destruction of any items obstructing the easement right-of-ways.
- (2) Water Courses - When a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the construction as may be determined to be necessary by the City Engineer or Street Superintendent.

(f) TREE REMOVAL AND CONSERVATION OF VEGETATION

The standards related to tree removal contained in Chapter 25 of the City Code and the Zoning Ordinance shall be applicable to all proposed subdivisions.

(g) SOIL EROSION AND SEDIMENT CONTROL

The standards related to soil erosion and sediment control contained in the City Zoning Ordinance shall be applicable to all proposed subdivisions.

(h) PARKS, OPEN SPACE, AND PUBLIC USE

These requirements are set forth in the Zoning Ordinance.

SECTION 24 - 8 REQUIRED IMPROVEMENTS

(a) IMPROVEMENTS REQUIRED FOR ALL SUBDIVISIONS

The subdivider/developer shall be required to provide the following improvements for residential subdivisions unless the City Council elects to do so under special assessments:

- (1) Monuments - Steel monuments shall be placed within six (6) inches from final elevation at all lot corners, block corners, angle points, points of curves in streets, and at intermediate points as shown on the Final Plat and shall be set after the site improvements, such as streets, curb & gutter have been completed. Such installation shall be at the subdivider's responsibility and at his expense. All Federal, State, County, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
- (2) Streets
 - (i) Grading - Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the City Engineer. All street grading and gravel base construction shall be in accordance with specifications on file in the City Engineer's office. Grading shall be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.
 - (ii) Surfacing - Following the City Engineer's approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the City Engineer, and approved by the City Council.
- (3) Sidewalks and Driveways - Sidewalks shall be installed along all thoroughfares and collector streets and other streets except if determined by appropriate City Staff, Planning Commission, and City Council that their purpose is not required. Driveways shall be constructed from the curb and gutter to the property line or property side of sidewalks. In cases where driveways are constructed after curbing and sidewalk are in place, the sidewalk shall be reconstructed in accordance with driveway specifications to the width of the driveway.
- (4) Utilities
 - (i) Sanitary Sewer - Sanitary sewer facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the City Engineer and shall meet the requirements of the master plan for water main extensions of the municipality. All new construction shall be connected to the municipal water system.
 - (ii) Stormwater Facilities - Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City Engineer for the proper drainage of surface waters.

- (5) Specifications and Inspections - Unless otherwise stated, all required improvements shall conform to engineering standards and specifications as required by the City Council. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by, the City Engineer.

SECTION 24 - 9 PAYMENT FOR INSTALLATION OF IMPROVEMENTS

(a) GENERAL

The required improvements as listed in this Chapter are to be furnished and installed at the sole expense of the subdivider. However, if the cost of an improvement would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for the payment of a portion of the cost by the City. Further, if any improvement 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 improvements, representing the benefit to such lands, to be assessed against that property. In this situation, the subdivider will be required only to pay for such portion of the whole cost of such improvement as will represent the benefit to the property within that subdivision.

(b) AGREEMENT PROVIDING FOR THE INSTALLATION OF IMPROVEMENTS

- (1) Prior to the installation of any required improvements and prior to approval of the Final Plat, the subdivider shall enter into a contract in writing with the City requiring the subdivider to furnish and construct said improvements and pay costs for which he is found to be responsible in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the Engineer and shall grant to the Engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity.
- (2) No subdivider shall be permitted to start work on any other subdivision without special approval of the City Council if he has previously defaulted on a City contract entered into in accordance with this Section.

(c) FINANCIAL GUARANTEE

The contract provided for in Section 24 - 9 (b) of this Chapter may require in the City's sole discretion that the subdivider make an escrow deposit or, in lieu thereof furnish a bank letter of credit or performance bond, assuring the performance of the contract. In the event that an escrow deposit, a bank letter of credit or performance bond is required, the City shall be entitled to reimburse itself for any damages, costs, and expenses including reasonable attorneys fees incurred by the City resulting from the subdivider breaching the terms and conditions of the contract. If the subdivider defaults on the terms and conditions of the contract with the City, the City may also complete the project referred to in the contract and assess all costs incurred by the City, which shall include but not be limited to all costs incurred by the City as a

result of the subdivider's breach of the contract, against the real property being subdivided as a special assessment and collect it in the same manner as a special assessment levied by the City against real property in accordance with Minnesota Statutes Chapter 429.

(d) CONSTRUCTION PLANS AND INSPECTION

- (1) Construction plans and specifications for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota, and said plans and specifications shall contain his certificate. Such plans and specifications, together with the quantities of construction items shall be submitted to the City Engineer for his approval and for his estimate of the total costs of the required improvement. Upon approval, such plans and specifications shall become a part of the required contract. The tracings of the plans approved by the City Engineer, plus three (3) prints shall be furnished to the City and be filed as a public record.
- (2) All required improvements on the site that are to be installed under the provision of this Chapter shall be inspected during the course of construction by the City Engineer at the subdivider's expense and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the contract.

(e) IMPROVEMENTS COMPLETED PRIOR TO APPROVAL OF THE PLAT

Improvements within a subdivision which have been completed prior to application for preliminary or final approval of the plat, or the execution of the contract for installation of the required improvements, shall only be accepted as equivalent improvements if they are in compliance with and conform to applicable City standards, and only if the City Engineer shall certify that he is satisfied that the existing improvements conform to those applicable City standards.

SECTION 24 - 10 OTHER PROVISIONS

(a) MODIFICATIONS, EXCEPTIONS, AND VARIANCES

The City Council may grant a variance from any of the terms and conditions of this Chapter upon receiving a report from the Planning Commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical condition that strict compliance with this Chapter would cause undue hardship, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of this Chapter.

The Planning Commission may recommend variations from the requirements of this Chapter in specific cases which, if in the opinion of the Planning Commission it does not affect the Comprehensive Plan or the intent of this Chapter. Any modifications thus recommended shall be entered in the minutes of the Planning Commission in setting forth the reasons which justify the modifications. The City Council may approve variances from this Chapter in specific cases

which in its opinion meet the above requirements and do not adversely affect the purposes of this Chapter.

(b) PLANNED UNIT DEVELOPMENTS

Upon receiving a report from the Planning Commission, the City Council may grant a variance from any of the provisions of this Chapter in the case of a Planned Unit Development, provided that the City Council shall find that the proposed development is fully consistent with the purposes and intent of this Chapter. This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.

(c) WAIVER OF FORMAL SUBDIVISION PLATTING REQUIREMENTS

- (1) The subdivision of a lot which is a part of a recorded plat or parcel, where the division is to permit the transfer of land from one (1) neighbor to another, and the newly created property line or lines will not cause either lot or lots when transfer is completed to be in violation of the Zoning Ordinance shall be exempt from the terms and conditions of this Chapter, notwithstanding or contrary to any provisions of this Chapter.
- (2) In the case of a subdivision of unplatted land or a re-subdivision of platted land into five (5) parcels or less, situated in a locality where conditions are well defined, and the subdividing will not be detrimental to the public welfare or injurious to other property in the locality in which the property in question is located and newly created, and property lines will not cause any resulting lot to be in violation of this Chapter or the Zoning Ordinances, the applicant may petition the Planning Commission, to exempt the subdivider from complying with all or part of the regulations of this Chapter.

The applicant shall be required to submit a petition for waiver of the requirements of this Chapter upon forms furnished by the City.

- (i) The forms shall be accompanied by or contain the following information:
 - (A) An exhibit showing a dimensional certificate of survey drawn by a registered land surveyor identifying the original lot or subdivision with an overlay or separate plan showing the proposed lot or subdivision requested.
 - (B) An accurate dimensioned drawing of the present lot (or lots), arrangements shall include existing lot lines, structures, easements and encroachments, existing and proposed utilities, streets, and other relevant information as needed, as well as the relationship to adjacent lots and buildings.
 - (C) A legal description of the existing area and the proposed project area.
 - (D) Proof of property ownership.

- (ii) The petition for waiver and eighteen (18) copies of the certificate of survey must be submitted to the Zoning Administrator at least three (3) weeks prior to the regular scheduled meeting of the Planning Commission, and shall be accompanied by the required filing fee as determined by City Council.
- (iii) The Planning Commission shall thereafter make a recommendation to the City Council concerning the requests.
- (iv) The City Council, after review by the Planning Commission, shall then consider the application and the Planning Commission's recommendation, and proceed to act on a resolution approving or denying the request.

A certified copy of the City Council's resolution approving the petition for waiver accompanied by the exhibits required in the petition must be recorded by petitioner at the Office of the Le Sueur County Recorder and be done within ten (10) days after the Council's approval of the petition. If land, lots, or parcels are subdivided without following these guidelines, the transfer of any lands shall be deemed illegal and in violation of this Chapter.

SECTION 24 - 11 ENFORCEMENT

- (a) REMEDIES - The City may exercise any or all of the following remedies in enforcing this Chapter:
 - (1) The City may through Civil proceedings obtain a court order to enjoin any person from committing an act that is in violation of this Chapter.
 - (2) The City may deny the issuance of a building permit or other permits until such time as all provisions of this Chapter are complied with.
 - (3) The City may exercise any and all other remedies available to it in law or in equity against anyone who is in violation of this Chapter.
- (b) PENALTIES - Any person who violates any of the provisions of this Chapter, or who sells, leases, or offers for sale or lease any lot, block or tract of land herein regulated before all the requirements of this Chapter have been complied with, shall be guilty of a misdemeanor, and upon conviction thereof will be subject to a fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 24 - 12 MISCELLANEOUS

- (a) SEPARABILITY

The several provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

(b) BUILDING PERMITS

No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of this Chapter have been fully met.

(c) REPEAL

Any previous Ordinance or code provisions adopted by the City Council regulating the subdivision of land is hereby repealed.

(d) EFFECTIVE DATE

This Ordinance is effective from and after its passage and seven days after its publication.

Passed by the Le Sueur City Council this 8th day of June, 1992.

/s/ John K King
Mayor

ATTEST:

/s/ Kathleen M. Johannsen
City Clerk