

§ 151.09 REQUIRED BASIC IMPROVEMENTS.

(A) *General provisions.*

(1) Before a final plat is delivered by the city to the subdivider, the subdivider of the land covered by the plat shall pay all applicable fees and execute and submit to the City Council a developer's agreement which shall be binding on his or her or their heirs, personal representatives and assigns, a part of which agreement shall be set forth that the subdivider will cause no private construction to be made on the lands within the plat, nor shall the subdivider file or cause to be filed any application for building permits for such construction until all improvements required under this chapter have been made or arranged for in the manner and, conforming to the requirements as set forth herein.

(2) Prior to the delivery of the approved final plat, the subdivider shall deposit with the City Treasurer an amount equal to a minimum of 150% of the City Engineer's estimated cost of the required improvements within the plat, either in a cash escrow fund performance and indemnity bond, or letter of credit. The surety involved in the financial guarantees shall be approved by the City. The cash escrow letter of credit or performance and indemnity bond shall be conditioned upon:

(a) The making and installing of all of the improvements required by the terms and conditions set forth by the city within one year.

(b) Satisfactory completion of the work and payment therefore, which work was undertaken by the subdivider in accordance with the developer's agreement referred to above.

(c) The payment by the subdivider to the city of all expenses incurred by the city, which expenses shall include but not be limited to expenses for engineering, fiscal, legal, construction and administration. In instances where a cash escrow is submitted in lieu of a letter of credit or performance and indemnity bond, there shall be a cash escrow agreement which shall provide that in the event the required improvements are not completed within one year, all amounts held under the cash escrow agreement shall be automatically turned over and delivered to the city and applied by the city to the cost of completing the required improvements. If the funds available within the cash escrow agreement are not sufficient to complete the required improvements, the necessary additional cost to the city shall be assessed against the subdivision. Any balance remaining in the cash escrow fund after the improvements have been made and all expenses therefor have been paid, shall be returned to the subdivider. In instances where a letter of credit is used in lieu of a cash escrow or performance and indemnity bond, the letter of credit shall be in a form satisfactory to the city and the terms thereof shall substantially comply with the procedure as set forth for a cash escrow fund. In instances where a performance and indemnity bond is used in lieu of a cash escrow or letter of credit, the bond shall be in a form acceptable to the city and shall comply with all requirements as set forth in Minnesota Statutes as amended, which statutes relate to surety bonds.

(3) No final plat shall be approved by the Council without first receiving a report signed by the City Engineer and the City Attorney certifying that the improvements described therein together with the agreements and documents required under this section, meet the requirements of the city. The City Treasurer shall also certify that all fees required to be paid to the city in connection with the plat have been paid.

(4) The city shall, where appropriate, require of a subdivider submission of a warranty/maintenance bond in the amount equal to the original cost of the improvements, which shall be in force for one year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the improvements.

(5) Reproducible as built drawings as required by the City Engineer shall be furnished to the city by the subdivider of all required improvements. The as built drawings shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

(6) All of the required improvements to be installed under the provisions of this chapter shall be approved by and subject to the inspection of the City Engineer. All of the city's expenses incurred as the result of the requirement improvements shall be paid either directly, indirectly or by reimbursement to the city by the subdivider.

(B) *Monuments.*

(1) Official monuments, as designated and adopted by the LeSueur County Surveyor's Office and approved by the LeSueur County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.

(2) Pipes or steel rods shall be placed at each lot and at each intersection of street center lines. All United States, state, county or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.

(3) To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall be required. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in Chapter 150, as maybe amended.

(C) *Street improvements.*

(1) The full width of the right-of-way shall be graded, in accordance with the provisions for construction as outlined in § 151.07, Design Standards.

(2) All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.

(3) All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the City Council. The portion of the right-of-way outside the area surfaced shall be sodded or rippaped by the developer if deemed necessary.

(4) Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the City Council.

(5) The grade and drainage requirements for each plat shall be approved by the City Engineer at the expense of the applicant. Every plat presented for final signature shall be accompanied by a certificate of the City Engineer that the grade and drainage requirements have been met. In an area not having municipal storm sewer trunk the applicant shall be responsible, before platting, to provide for a storm water disposal plan, without damage to properties outside the platted area, and said storm water disposal plan, shall be submitted to the City Engineer, who shall report to the City Council on the

feasability of the plan presented. No plat shall be approved before on adequate storm water disposal plan is presented and approved by the City Engineer and City Council. The use or dry wells for the purpose of storm water disposal is prohibited.

(6) Trees and boulevard sodding shall be planted in conformance with the standards and specifications as required by the City Council.

(7) Street signs of the design approved by the City Council shall be installed at each street intersection.

(8) Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.

(9) Street lighting fixtures as may be required by the City Council shall be installed.

(D) *Sanitary sewer and water distribution improvements.*

(1) Sanitary sewers and water facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer.

(2) Where city sewer and water facilities are not available for extension into proposed subdivision, the Council may permit the use of individual water and sewer systems in accordance with all appropriate state and local regulations.

(E) *Public utilities.*

(1) All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground; unless the Council specifically shall find, after study and recommendation by the Planning Commission, that:

(a) The placing of utilities underground would not be compatible with the development planned;

(b) Topographical, soil or any other conditions make the underground -installation unreasonable or impractical.

(2) All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. The Planning Commission may recommend, and the City Council require, that the type of overhead pole used be of a quality and durability aesthetically in conformance with the nature of the residential development.

(3) Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services.

(4) All drainage, and other underground utility installations which traverse privately owned property shall be protected by easements.

(5) The subdivider is responsible for complying with the requirements of this section, and shall submit to the Planning Commission a written record from the utilities showing that the necessary arrangements with the utility involved for the installation of said facilities have been made.

(F) *Election by city to install improvements.* In accordance with city policy, it is the subdivider's responsibility to install all required improvements except that the city reserves the right to elect to install all or any part of the improvements required under the provisions of this chapter in lieu of requiring the subdivider to install such improvements, pursuant to M.S. Chapter 429, as it may be amended from time to time.

(G) *Railroad crossings.* No street dedications will be accepted which require a crossing of a railroad unless sufficient land as determined by the City Council is dedicated to insure a safe view.

(H) *Storm sewer charges.* Subdividers shall pay to the city a storm sewer improvement charge in accordance with a rate schedule adopted by resolution of the City Council. The charge shall be paid in cash before the final plat is signed unless otherwise provided in the Development Agreement. The charge shall be based upon the number of square feet in the plat. The developer shall be given a dollar credit for oversizing and other improvements on the plat which are only necessary to service property outside the plat.

(Ord. passed - -)