

City of Cuyuna, Minnesota

ORDINANCE NO. 904

SUBDIVISION

June 12, 1985

CITY OF CUYUNA
SUBDIVISION ORDINANCE No. 904
June 12, 1985

TABLE OF CONTENTS

ARTICLE I – GENERAL PROVISIONS	3
SECTION 1 – TITLE.....	3
SECTION 2 – PURPOSE	3
SECTION 3 – JURISDICTION	3
SECTION 4 – COMPLIANCE.....	3
SECTION 6 – CONFLICT	4
ARTICLE II – DEFINITIONS	4
ARTICLE III – PLATTING PROCEDURES	7
SECTION I – PLAN PREP-APPLICATION MEETING	7
SECTION 2 – PRELIMINARY PLAT.....	8
SECTION 3 – FINAL PLAT.....	10
ARTICLE IV – DEVELOPMENT STANDARDS	11
SECTION 1 – STREET.....	11
SECTION 2 – STREET ARRANGEMENT	11
SECTION 3 – BLOCKS	11
SECTION 4 – STREET ALIGNMENT.....	11
SECTION 6 – SERVICE STANDARDS	12
SECTION 7 – PROHIBITED PLANS	12
SECTION 8 – STREET DESIGN AND IMPROVEMENT	12
SECTION 10 – STREET GRADES	13
SECTION 11 – UTILITIES	13
SECTION 12 – SANITARY SEWER	13
SECTION 13 – STORM SEWER	14
SECTION 14 – ELECTRICAL	14
SECTION 15 – STREET LIGHTING	14
SECTION 16 – GAS	14
SECTION 18 – EASEMENT	15
SECTION 19 – LOTS	15
ARTICLE V – OPEN SPACE AND NATURAL FEATURES.....	15
SECTION 1 – IDENTIFIED PARK AREAS	15
SECTION 2 – PARK SITES	16
SECTION 3 – REQUIRED LAND FOR PARKS.....	16
SECTION 4 – DEDICATION DURING FIRST PLAT	16
ARTICLE VI – REQUIRED IMPROVEMENTS.....	16
SECTION 2 – CONSTRUCTION PLANS.....	16
SECTION 3 – CONTRACT FOR INSTALLATION OF IMPROVEMENTS	17
SECTION 4 – FINANCIAL GUARANTEE.....	17
SECTION 5 – ESCROW DEPOSIT	17
SECTION 7 – COMPLETED IMPROVEMENTS	17
SECTION 8 – INSPECTION OF IMPROVEMENTS	18
SECTION 9 – MODIFICATION OF THE DESIGN IMPROVEMENTS	18
SECTION L0 – PROPER INSTALLATION OF IMPROVEMENTS	18

ARTICLE VII – SMALL SUBDIVISION 18
ARTICLE VIII – ADMINISTRATION ENFORCEMENT 19
SECTION 1 – ADMINISTRATION 19
SECTION 3 – VARIANCE..... 19
SECTION 4 – AMENDMENTS..... 19
SECTION 5 – FEES 20
SECTION 6 – VIOLATIONS AND PENALTIES 20
ARTICLE IX – VALIDITY..... 20
ARTICLE X – EFFECTIVE DATE 20

SUBDIVISION ORDINANCE
No. 904

An ordinance establishing rules and regulations for the subdivision and platting of lands, defining certain terms, providing for the preparation of plats and the installation of streets and other improvements, establishing procedures for the approval and recording of plats, providing for amendments of this ordinances and prescribing penalties for violations.

NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF CUYUNA.

ARTICLE I – GENERAL PROVISIONS

Section 1 – Title

This ordinance shall be known as the Subdivision Ordinance of the City of Cuyuna.

Section 2 – Purpose

Pursuant to the authority contained in Minnesota Statutes, Section 462.358, this ordinance is adopted for the following purposes:

1. To provide for the orderly, economic and safe development of land and urban services and facilities.
2. To promote the public health, safety, morals and general welfare of the residents of the City.
3. To assure equitable handling of all subdivision plats by providing uniform procedures.

Section 3 – Jurisdiction

These regulations governing plats and subdivision of land shall apply to the area within the corporate limits of the City of Cuyuna.

Section 4 – Compliance

After adoption of this ordinance, no lot shall be sold, no permit shall be issued to alter or erect any building upon land in the City of Cuyuna unless a subdivision plat has been approved and recorded and the unit improvements required by the City Council relative to subdivision have been constructed or guaranteed as provided herein, except as provided for under Article V.

Section 5 – Required Approvals of Subdivision Plats

Before any plat shall have any validity, it shall have been approved by the Planning Commission for recommendation to the City Council approved by the City Council, signed by the Mayor, and recorded in the office of the Crow Wing County Recorder, all as provided in this ordinance.

Section 6 – Conflict

It is not intended by this ordinance to annul or interfere with any other official regulations or ordinances of the City provided, however, that when there is a difference between minimum standards or dimensions herein and those contained in other official regulations or ordinances of the City, the highest standards shall apply.

ARTICLE II – DEFINITIONS

For the purpose of this ordinance certain words used herein are defined. The word “shall” is mandatory – words used in the present tense shall include the future; and the singular number shall include the plural, and the plural the singular.

Grade: The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet or horizontal distance measured at the center line of a Street.

Alley: A public right-of-way which affords a secondary means of access to abutting property.

Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

Building: Any fabric or edifice designed to stand more or less permanently. A Structure erected by man composed of stone, wood, brick, metal or other proper substance, and enclosing a space within its walls usually but not necessarily covered by a roof.

Building Setback Line: The minimum horizontal distance from the street right-of-way to any building, as prescribed in the zoning ordinance.

Commission: Planning Agency of the City of Cuyuna, Minnesota.

Comprehensive Plan: The general plan for land use, transportation, and community facilities - prepared and maintained by the Planning Agency of the City of Cuyuna.

Cross-Walk: The right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk, or however otherwise designated.

Cul-De-Sac: A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn around; that turn around minimum right of way being not less than a 60 foot radius.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer: The Cuyuna City Engineer.

Final Plat: A drawing in final form, showing a proposed subdivision containing all information and detail required by State Statutes and by this ordinance to be presented to the planning and zoning commission for approval, and which if adopted, may be duly filed with the Crow Wing County Recorder.

Lot: A parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditors plat, as a lot within a recorded plat, or by other means and separated from other parcels or portions by said description for the purpose of sale, lease or separation thereof.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot of Record: A platted lot or metes and bounds parcel which has been recorded in the office of the Crow Wing County Recorder prior to adoption of this ordinance.

Lot Width: The horizontal distance between the side lines of a lot measured parallel to the front line of the lot at the building setback line.

Official Map: The map established by the City Council in accordance with State Statutes showing streets, highways, and parks, both existing and proposed.

Planned Unit Development: A development which consists of two or more principal structures or uses on a single lot.

Preliminary Plat: A drawing marked "preliminary plat" showing the salient features of a proposed subdivision.

Right-of-Way: Land dedicated for, or publicly owned for use as a street, alley or crosswalk.

Street: A public right-of-way which affords a primary means of access to abutting property.

Street, Collector: A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

Street, Major: A Street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between other heavy traffic generating areas.

Street, Minor: A street intended to serve primarily as an access to abutting properties.

Street, Pavement: The wearing surface of a street.

Street, Width: The width of right-of-way measured at right angles to the center line of the Street.

Subdivider: Any person, firm, corporation, partnership, or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Subdivision of Land and Subdivide: The division of a tract of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new road is involved, any division of a parcel of land; provided that the following shall not be deemed a subdivision:

1. The division of a tract of land into parcels or lots of five (5) acres or more with a minimum width of three hundred feet (300) having 300 feet (300) of frontage on an existing road.
2. One (1) division of land which is individually assessed for tax purposes into two (2) lots or parcels in any twelve month period of time provided said parcels meet the minimum lot area and lot width requirements of the City of Cuyuna Zoning Ordinance, and that four (4) copies of a plat of survey and resulting legal descriptions prepared by a Registered Land Surveyor are submitted to and approved by the City Planning Commission and City Council before any transfers of interest, occur. The Planning Commission shall refer one copy each to the City Council, the City Engineer and the City Surveyor.
3. Transfers of small parcels in case of encroachments, road right-of-ways, or utility easements.
4. Transfers to improve land use, if the affected property will still meet the requirements of the Cuyuna Zoning Ordinance and no residual tract is left unattended.
5. Transfers of interest in land by Will or pursuant to Court Order.

6. Any tract designated by a conveyance or a metes and bounds survey made by a Registered Land Surveyor prior to the date of this Ordinance. The Cuyuna City Council shall require proof of survey in the form of a certificate or plat of survey certified by a Registered Land Surveyor.

The City of Cuyuna shall in no instance be considered a subdividor of land in any of its operations within the meaning of this definition.

Surveyor: The City of Cuyuna Surveyor, or his authorized representative.

ARTICLE III – PLATTING PROCEDURES

Whenever any subdivision or land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividor or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures:

Section I – Plan Prep-Application Meeting

- 1.1 The subdividor shall submit the following to the City Clerk at least fifteen (15) days before the next regularly scheduled meeting.
 - a. Three (3) copies of the Preliminary Plat and any protective covenants.
- 1.2 The Clerk shall refer two (2) copies of the Preliminary Plat to the Planning Commission and one (1) copy to the City Engineer. If the proposed subdivision fronts upon or has access to a state or federal trunk highway, the Clerk shall require an extra copy and shall refer this copy to the District Engineer of the Minnesota Highway Department for review as required by state law.
- 1.3 The City Engineer shall at the next regularly scheduled meeting submit reports to the Commission expressing recommendation for approval, disapproval or revisions. Submission of such sketch plan shall not constitute a formal filing of a Preliminary Plat.
- 1.4 The subdividor, or a duly authorized representative, shall attend the Commission meeting at which time the proposal is scheduled for consideration to discuss the requirements which pertain to his subdivision or resubdivision and what improvements the Planning Commission will require prior to granting its approval for recommending such subdivision, resubdivision, or plat to the City Council.

- 1.5 The Commission shall determine whether such plan conforms to design standards set forth in this ordinance and conforms to the comprehensive plan. The Planning Commission shall make specific recommendations and comments about this sketch plan to be incorporated by the applicant in the submission of the preliminary plat to the Commission

Data required for sketch plan at pre-application:

- I. Location map.
 2. Sketch plan of street and lot layout (on topography map if possible).
 3. Conformity with zoning.
- 1.6 No fee shall be required of the subdividor for the submission of the sketch plan.

Section 2 – Preliminary Plat

- 2.1 Within six (6) months of the Planning Commissions consideration of a sketch plan, the subdividor shall submit to the City Clerk eleven (11) copies of a Preliminary Plat of the proposed subdivision. The Preliminary Plat shall be submitted two (2) weeks prior to the next regular scheduled Commission meeting and shall be accompanied by a fee of One Hundred Dollars (\$100.00) plus Two Dollars (\$2.00) for each lot. Failure to act within the above time limit shall invalidate an approved sketch plan and require that it be resubmitted.
- 2.2 The City Clerk shall notify the secretary of the Planning Commission so the proposal can be placed on the agenda of the next meeting of the Planning Commission.
- 2.3 The City Clerk shall submit one (1) copy of the Preliminary Plat to the City Engineer, one (1) copy to the City Surveyor, one (1) copy to each utility company, one (1) copy to the District Engineer of the Minnesota Highway Department if the plat borders a federal, state or state aid highway, one (1) copy to the County Engineer if the subdivision requires curb Cuts or access points on a county road, and four (4) copies to the Planning Commission.
- 2.4 The Planning Commission shall study the practicability of the Preliminary Plat taking into consideration the requirements of the City and the best use of the land being subdivided. Attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as unsubdivided, and the requirements of the Community Development Plan of the City of Cuyuna,

the official map, the zoning map and the Crow Wing County land use plan and zoning map.

2.5 A public hearing date shall be set to be held within 45 days of the filing date. The required legal publications shall be made and notices shall be sent to all property owners within 300 feet (300) of the exterior boundary of the proposed plat. A Planning Commission meeting may serve as a public hearing provided the legal requirements pertaining to the same are met.

2.6 At the public hearing, the subdividor and all interested persons shall have the opportunity to be heard. Upon completion of the hearing, the Commission shall prepare and submit a report along with a copy of the Preliminary P1st to the City Council. Upon receipt of the Commission's report, the City Council shall review the report and Preliminary Plat. The Council may hold another hearing or hearings, or take action to approve, disapprove, or specify conditions for approval of the plat.

2.7 Preliminary Plat requirements:

1. Location map.
2. Site map (including land within 300 feet of boundary).
3. Existing and proposed streets.
4. Existing and proposed utilities.
5. Names of adjacent property owners.
6. Topography (two feet contour interval, if deemed necessary).
7. Location of significant natural features.
8. Areas subject to flooding and wetlands.
9. Any easements or buildings on the tract to be platted.
10. Location of existing and proposed parks, school sites and other public areas.
11. Existing and proposed zoning changes.
12. Name of subdivision.
13. Location of section, township, range, etc.
14. Names and addresses of owners and subdividor.
15. Names of surveyor and engineer.
16. Date plat prepared.
17. North arrow.
18. Scale (no smaller than 1 inch=100 feet).
19. Block and lot numbers.
20. Names, locations and widths of adjacent streets (existing).
21. Names, location and widths of streets proposed by the subdivision (no duplication of existing streets unless the proposed street is an extension of an existing street).
22. Location and width of alley, crosswalks, or pedestrian ways, and easements.

23. Lot layout with dimensions and building setback lines.
24. Parcels or land to be dedicated or reserved for public purpose.
25. Utilities (water lines, storm drains, sanitary sewers, fire hydrants, etc.).
26. Proposed and existing sidewalks.
27. Street trees.
28. Street lighting and signs.
29. Proposed restrictive covenants.

Section 3 – Final Plat

- 3.1 Unless an extension of time is requested by the subdividor and granted by the Commission, the subdividor shall have one (1) year following approval of the Preliminary Plat to submit to the zoning coordinator seven (7) paper prints of the Final Plat, together with an up-to-date abstract of title or a certificate of title, and an opinion of title by the subdividor's attorney.
- 3.2 The Final Plat shall conform to all Minnesota platting regulations and shall be correctly surveyed. The Planning Commission shall state whether a Final Plat conforms to the Preliminary Plat approved by the Commission, with the recommended changes, if changes are required.
- 3.3 Upon receipt of the Final Plat, the City Clerk shall refer two (2) copies to the Planning Commission, one (1) copy to the City Surveyor, one (1) copy to the City Engineer, one (1) copy to the City Attorney, and other copies to other agencies as the Planning Commission may desire. Each person or agency above shall submit a report of the Final Plat to the City Clerk within 15 days of receipt of the Final Plat. All such reports required shall be paid for by the subdividor.
- 3.4 Any construction plans for required improvements shall be submitted to the City Engineer for his estimate of construction costs. A copy of the estimated construction costs shall be submitted to the City Attorney for the preparation of the agreement required for the installation of improvements.
- 3.5 Prior to the final approval of the Final Plat, the financial arrangements for required improvements under the required improvement section of this ordinance shall be complied with.
- 3.6 Upon completion of the requirements above, the Final Plat shall be deemed to have final approval, and a letter so stating shall be signed by the Chairman of the Planning Commission and forwarded to the City Council recommending approval. Upon acceptance by the City Council, the plat shall be signed by the Mayor and Clerk. The Final Plat shall then be filed with the Crow Wing County Recorder by the subdividor. A Final

Plat not filed within 180 days of approval by the City Council shall become null and void, unless the particular circumstances of the applicant warrant the Council to grant an extension which shall not exceed one (1) year.

- 3.7 No changes, erasures, modifications or revisions shall be made in any Final Plat after approval by the Planning Commission and endorsed in writing on the plat, unless the plat is resubmitted to the Commission for any approved modifications. In the event that any Final Plat is recorded without complying with this requirement, the Final Plat shall become null and void and the Commission shall institute proceedings to have the plat stricken from the records of the County.

ARTICLE IV – DEVELOPMENT STANDARDS

The Planning Commission is empowered to require any of the following improvements it deems necessary in a particular subdivision, resubdivision, or plat, and only such improvements specifically required by the Planning Commission and/or City Council need be made by any subdividor. All the requirements of this article are to be taken as improvement specifications, and not as mandatory improvements, unless otherwise required by the Planning Commission.

Section 1 – Street

Streets shall be of sufficient width, suitably located and adequately constructed to conform with the comprehensive plan. The streets will be considered in their relationship to topographic features, drainage, and the relationship to the proposed land uses to be served by such streets. The street alignment shall cause no undue hardship to adjoining properties and shall be coordinated so as to comprise a convenient system.

Section 2 – Street Arrangement

- 2.1 Streets in the subdivision shall provide for the continuation of principal streets or adjoining subdivisions and for the proper projection of principal streets into adjoining properties which are not yet subdivided in order to make possible necessary community services.
- 2.2 Minor streets shall be arranged so their use by through traffic will be discouraged.

Section 3 – Blocks

Blocks shall, not be less than 200 feet nor more than 1200 feet in length; the Planning Commission may require specific sizes within these limits.

Section 4 – Street Alignment

- 4.1 Street jogs with center line offset less than 150 feet should be avoided.
- 4.2 All streets shall join each other so that the street is approximately at right angles to the street it joins, and not less than 70 degrees.

Section 5 – Dead End Streets

The creation of dead end or loop residential streets will be encouraged wherever the Planning Commission finds this type of street development will not interfere with normal traffic circulation in the area, and shall have a cul-de-sac right-of-way of at least 65 feet.

Section 6 – Service Standards

- 6.1 Where a subdivision borders on or contains a railroad right-of-way, a limited access highway right-of-way, existing or planned, the Planning Commission may require a Street approximately parallel to and on each side of such right-of-way, at a distance appropriate for the use of the intervening land (Park purposes in R zones or C or I use in the appropriate districts).
- 6.2 When a subdivision abuts or contains an existing or proposed arterial or major street, the Planning Commission may require marginal access streets reserve frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatments as may be necessary for adequate protection of residential properties and to attend separation of through and local traffic.

Section 7 – Prohibited Plans

- 7.1 Half streets and partial streets are prohibited.
- 7.2 Private streets, unless part of an approved planned unit development, in which case the streets shall conform to the approved design criteria of the City.
- 7.3 Intersection with more than four corners.

Section 8 – Street Design and Improvement

All streets shall be graded; and in areas served with water and sewer, the street shall be improved by surfacing with concrete or plant mix bituminous and shall be provided with concrete curbs and gutters. The grading and improvements shall be approved as to the design specifications by the engineer. In areas not served by water and sewer, curbs and gutters may not be required; and streets may be of a suitable compacted gravel surface as approved by the engineer.

Section 9 – Street Widths

- 9.1 Minimum right-of-way dimensions for all streets shall e 66 feet.
- 9.2 Greater widths may be required depending upon anticipated traffic volumes, planned function of the street and character of planned abutting land.

Section 10 – Street Grades

Arterials and Major	Maximum Grade 6%	Minimum Grade .5%
Collector	Maximum Grade 8%	Minimum Grade .5%
Minor and Access	Maximum Grade 10%	Minimum Grade .5%

All streets shall have such grade necessary to provide adequate drainage, as a minimum standard.

Section 11 – Utilities

- 11.1 Water utilities.
- 11.2 Where connection with a Public Water System is feasible, that system shall be utilized and service shall be provided to each lot. Mouse service shall be a type approved by the engineer.
- 11.3 All water mains, materials and design shall be approved by the engineer. Over-sized mains may be required with the additional costs to be borne by the benefited properties.
- 11.4 Fire hydrants of a type approved by the engineer shall be installed in accordance with adopted standards.

Section 12 – Sanitary Sewer

- 12.1 Where connection with Sanitary Sewer system is feasible, that system shall be utilized and service shall be provided to each lot. House service for Sanitary Sewer shall be approved by the engineer.
- 12.2 All Sanitary Sewer lines, materials and design shall be approved by the engineer. Oversize sewer lines may be required with the additional cost to be borne by the benefited parties.
- 12.3 When main trunk lines are not accessible, internal trunk sewers, together with all necessary laterals extending from the mains to three (3) feet

beyond the curb or curb line shall be installed and capped for future connection.

12.4 All installations shall be approved by the engineer.

Section 13 – Storm Sewer

- 13.1 All surface and underground drainage systems shall be installed to adequately remove all surface drainage that accumulates in the developed property. All such systems shall be in conformity to the drainage plans and all installations shall provide a permanent solution for the removal of surface drainage water.
- 13.2 Where connection with an existing storm sewer system is feasible, that system shall be utilized.
- 13.3 The drainage system shall be designed large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside of the subdivision. The drainage shall be based on conditions of total potential development permitted by the zoning ordinance in the watershed. Over-sized storm sewer lines may be required with the additional costs to be borne by the benefited properties.

Section 14 – Electrical

- 14.1 Electrical utilities whenever feasible, shall be installed underground and completed prior to street surfacing.
- 14.2 When overhead power poles are used, the poles shall be placed in a rear lot easement or alley and positioned so as to provide individual service to each lot.

Section 15 – Street Lighting

Street lighting shall be in conformance with street lighting plans. Light standards and fixtures shall be installed after the approval of the engineer.

Section 16 – Gas

If natural gas service is to be provided, natural gas lines shall be installed and completed before street surfacing.

Section 17 – Telephone

- 17.1 Telephone facilities, when feasible, shall be installed underground prior to street surfacing.

- 17.2 When overhead lines are used, the pole shall be placed in a rear easement or alley and positioned so as to provide individual service to each lot.

Section 18 – Easement

- 18.1 Utility easements of at least twenty (20) feet wide shall be provided where necessary. The easements shall have continuity of alignment from block to block; and at deflection points, easement for pole-line anchors shall be provided where necessary. Easements may be required along property lines for utility purposes.
- 18.2 Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right—of—way substantially with the line of such water course, together with such further width or construction easement, or both, as will be adequate for stormwater runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.
- 18.3 Easements shall be dedicated for the required use.

Section 19 – Lots

- 19.1 Where possible, site lot lines shall be at right angles to straight street lines or radical to curved street lines, unless a variance from this rule shall give a better street or lot plan.
- 19.2 Lots with frontage on two (2) parallel streets shall be permitted only under unusual circumstances.
- 19.3 Lot remnants which are below the minimum lot size specified in the Zoning Ordinance must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot, unless the owner can show future plans for such remnants.
- 19.4 Lots abutting upon a water course, drainway, channel, stream or water hole shall have additional depth or width, to assure that home sites are not subject to flooding.
- 19.5 In subdividing of any land, regard shall be shown for all natural features, which if preserved will add attractiveness to the proposed development.

ARTICLE V – OPEN SPACE AND NATURAL FEATURES

Section 1 – Identified Park Areas

Where a proposed park, playground or open space is identified on the Community Development Plan and that area is located in whole or in part in a subdivision, the Planning Commission shall require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the City by the subdividor if the City Council approves such dedication.

Section 2 – Park Sites

The Planning Commission shall require that plat show sites of a nature that would be suitable for park, playground or other recreational development. The Planning Commission may require the developer satisfactorily grade any such recreation areas shown on the plat.

Section 3 – Required Land for Parks

In all new subdivisions, eight percent (8%) of the gross area shall be dedicated for public recreation space, school sites, or other public use with such percentage being in addition to property reserved for streets, alleys, easements or other public ways. If, in the opinion of the Planning Commission, a subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdividor shall be required to pay a fee of \$.01 per square foot of platted lots in said subdivision.

Section 4 – Dedication During First Plat

If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys or easements other than those leading directly to such sites shall be dedicated at the time of platting of the first addition.

ARTICLE VI – REQUIRED IMPROVEMENTS

Prior to Final Plat approval, the subdividor shall agree to provide the required improvements at his own expense in conformity with the construction plan approved by the City Engineer and in conformity with the requirements of this ordinance.

Section 1 – Payments of Improvements

The required improvements which are listed in this ordinance are to be furnished and installed at the sole expense of the subdividor and at no expense to the City of Cuyuna unless otherwise stated.

Section 2 – Construction Plans

The construction plans for the required improvements, together with the subdividor's cost estimated of the necessary construction materials, shall be submitted to the City Engineer

for his estimate of the total cost of the improvements. Upon the Engineer's approval, the plans shall be the basis of the cost portion of the contract required by the next section of this ordinance.

Section 3 – Contract for Installation of Improvements

Before installation of any required improvements and prior to approval of the Final Plat, the subdividor shall enter into a contract in writing with the City of Cuyuna that shall require the subdividor to furnish and construct the improvements at his sole expense in accordance with plans, specifications, and normal contract conditions approved by the City Council. The contract shall include provisions for supervision of construction details by the City Engineer. The contract shall require the subdividor to make an escrow deposit or furnish a performance bond as specified in this ordinance.

Section 4 – Financial Guarantee

The Planning Commission may exercise one or more of the following guarantees to assure completion of minimum necessary required improvements.

Section 5 – Escrow Deposit

An amount equal to 125 percent (125%) of the City Engineer's cost estimate and the costs of inspection of the improvements to be provided and/or installed by the subdividor per his contract shall be deposited with the City Clerk by the Subdividor. The City shall be entitled to reimbursement from said deposit for cost and expense incurred by the City for inspection and for the completion of the work not approved by the City Engineer and for any damages sustained by the breach of the contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdividor.

Section 6 – Performance Bond

The subdividor may furnish a public contractors performance bond as prescribed by Minnesota Statutes, with a corporate surety in a penal sum equal to 125 percent (125%) of the City Engineer's estimated cost for the required improvements to be provided and/or installed by the subdividor. The performance bond shall be approved by the City Attorney prior to its acceptance. A certified check shall be submitted by the subdividor for the estimated inspection costs of the required improvements.

Section 7 – Completed Improvements

If improvements have been completed within the subdivision prior to Final Plat approval or execution of the contract for required improvements, they shall be accepted as equivalent improvements in compliance with the requirements of this ordinance, only if the City Engineer certifies he is satisfied with existing improvements.

Section 8 – Inspection of Improvements

The subdividor shall notify the City Engineer at least ten (10) days prior to construction of the required improvements and at such time pay the inspection fee.

Section 9 – Modification of the Design Improvements

If unforeseen conditions arise that make it necessary to modify the location or design of such required improvements, the City Engineer may, upon approval of the Planning Commission, authorize modification, provided these modifications are within the spirit and intent of the original approved requirements.

Section 10 – Proper Installation of Improvements

If the required improvements have not been constructed in accordance with plans and specifications filed by the subdividor, the City Engineer shall report these findings to the City Council and the Planning Commission. The City Clerk shall then notify the subdividor, and if necessary, the bonding company, and take all necessary steps to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the Subdividor is in default on a previously approved plat.

ARTICLE VII – SMALL SUBDIVISION

For purposes of conveying title or securing building permits, the preceding chapter, platting procedures, design features and document, shall not apply to the division of one or more lots platted into lots and blocks and designated in a subdivision plat on file and of record in the office of the Crow Wing County Recorder into one or more separately described tracts, nor shall said ordinance apply to the consolidation of two or more such platted lots or parts thereof into one or more tracts, upon compliance with the following conditions:

1. The owner or owners of such platted lot or lots to be so divided shall file with the City Clerk a proposed survey plat by registered land surveyor of the lot or lots to be divided or consolidated; such plat or survey shall show the dimensions of said lot as measured upon the recorded plat, and also the proposed division thereof, a written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation shall be filed with such plot or survey.
2. The separately described tract of land to be conveyed or designated for building permit purposes by reason of such division or consolidation as described upon said proposed plat, shall not be less than the minimum dimensions required to secure the minimum lot area specified in the Zoning Ordinance.

3. As a result of such division or consolidation as herein authorized, no remaining part of an original subdivision lot shall become a separately described lot upon said proposed plat with a size less than the minimum dimensions required to secure the minimum lot area specified in the Zoning Ordinance.

ARTICLE VIII – ADMINISTRATION ENFORCEMENT

Section 1 – Administration

- 1.1 The Planning Commission shall administer the provisions of this ordinance.
- 1.2 All appeals applying to the terms of this ordinances shall be made to the City Council acting as the Board of Adjustment and Appeals.

Section 2 – Building Permits

No building permits shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this ordinance have been fully complied with.

Section 3 – Variance

- 3.1 The Planning Commission may recommend to the City Council from strict compliance with the ordinance when extraordinary and unnecessary hardships are imposed on the property owners. Such variations shall not deter from the Public Welfare, nullify the intent and purpose of the Community Development Plan or the Zoning Ordinance.
- 3.2 Application for a variance shall be made in writing by the subdividor when the Preliminary Plat is filed. The plans for variance shall include such covenants and other such provisions necessary to guarantee the full achievement of the plan.
- 3.3 If the Commission refuses to recommend a variation the subdividor may petition the Board of Adjustment and Appeals for a review of the decision for application of variation.

Section 4 – Amendments

Amendments shall be initiated by the Planning Commission and recommendations to the City Council. The Planning Commission shall hold at least one (1) public hearing when a subdivision amendment is to be considered. Following the hearing, the Planning Commission shall report its findings and recommendations to the City Council. The City

Council shall hold such public hearings upon the amendment of any part thereof in such form it deems advisable.

Section 5 – Fees

The City Council shall determine the fee and collection procedure for subdividing.

Section 6 – Violations and Penalties

- 6.1 Any person who violates any of the terms or provisions of this ordinance shall be charged with a misdemeanor, punishable upon conviction by a fine of not more than Three Hundred Dollars (\$300.00) or imprisonment not exceeding ninety (90) days. Each violation and each day of violation shall be deemed as a separate offense.
- 6.2 In the event of a violation or a threatened violation of this ordinance, the City Council, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation, or threatened violation, and it shall be the duty of the City Attorney to institute such action.
- 6.3 Any tax payer or citizen of Cuyuna may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by the ordinance.

ARTICLE IX – VALIDITY

Should a Court of competent jurisdiction declare any part of this ordinance to be invalid, such decision shall not affect the validity of the remainder of the ordinance.

ARTICLE X – EFFECTIVE DATE

This ordinance shall be in force and effect upon the due passage and publication in the manner provided by law.

Adopted by the City Council of Cuyuna, Minnesota, this 12th day of June, 1985.

CITY OF CIJYUNA, MINNESOTA

By/s/ John Deblock
John Deblock, Mayor

ATTEST:

/s/ William Bedard
William Bedard, City Clerk

904 Subdivision 004 06-12-1985.doc