

Section 8: Final Plat

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8.01 Purpose: After the Preliminary Plat has been approved, the Final Plat shall be submitted for review as set forth in the subsections that follow. The Final Plat shall conform to all Minnesota platting regulations and shall incorporate all changes, modifications, and revisions required by the City. Otherwise, it shall strictly conform to the approved Preliminary Plat.

8.02 Timing of Final Plat Application:

Subd. 1. Final Plat Approval Within 1 Year after Preliminary Plat Approval. A complete application for Final Plat shall be submitted no later than 1 year after the date of approval of the Preliminary Plat, or a time as provided in the Development Agreement. If the Final Plat application is submitted more than 1 year after the date of approval of the Preliminary Plat or after the time allowed in the Development Agreement, the Preliminary Plat approval shall be considered void, unless an extension is requested in writing and is granted by the City Council for good cause.

Subd. 2. Final Plat Approval for Subsequent Phases. The Final Plat applications for subsequent phases, as described by the approved phasing plan, shall be submitted within 1 year of approval of the Final Plat for the previous phase, or as provided in the Development Agreement. An extension may be requested in writing for City Council approval.

8.03 Filing and Review of Final Plat Application:

Subd. 1. Procedure.

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- A. Placement on the Planning Commission Agenda. The City must receive a Final Plat application form, 20 copies of the Final Plat and required information and plans. The Final Plat and required information and plans shall be submitted directly to the City Engineer and City Planner on the same day as materials are submitted to City Hall.

Upon receipt, the matter will be placed on the next Planning Commission Meeting agenda which is at least 21 days after the date the application was received. The Zoning Administrator shall submit copies of the Final Plat and required accompanying information to other staff, committees, Consultants, or agencies as appropriate who may make written comments to the Planning Commission.

- B. Planning Commission Meeting. The Planning Commission shall review and comment on the Final Plat to ensure that it conforms to the approved Preliminary Plat and incorporates any changes, modifications, and revisions required by the City Council as part of the Preliminary Plat approval. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.
- C. Development Agreement. The applicant shall execute a Development Agreement with the City which controls the installation of all required improvements and approval conditions to comply with approved engineering standards and applicable regulations. The Development Agreement shall be approved as a condition of Final Plat approval and shall be recorded prior to plat recording.
- D. Special Assessments.
1. When any existing special assessments which have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, the City Clerk or Zoning Administrator shall:

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- i) Estimate the administrative cost of preparing a revised assessment roll;
 - ii) File the same with the County Auditor; and
 - iii) Make such division and allocation.
2. Upon approval by the City Council of all costs associated with the development and filing of the assessment roll, the same shall be paid to the City before Final Plat approval, or as provided in the Development Agreement.
- E. Engineering Specifications. Approval of the engineering specifications required by this Ordinance pertaining to water supply, drainage, domestic waste water, potable water, street lighting, gas and electric service, grading, roadway standards, widths, and surfacing of streets, shall be completed by the City Engineer prior to approval of the Final Plat by the City Council.
- F. Title Review. The City Attorney shall review and approve the status of title and ownership of the property.
- G. City Council Meeting. After review of the Final Plat by the Planning Commission, the Final Plat, together with the recommendations of the Planning Commission and the Development Agreement, shall be submitted to the City Council for consideration. If accepted, the Final Plat and Development Agreement shall be conditionally approved by resolution, which resolution shall provide for the acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the City Council. If disapproved, the grounds for any refusal to approve a Final Plat shall be set forth in the written record of the proceedings of the City Council and reported to the applicant in writing. The City Council shall act on the Final Plat within 60 days of receipt of the completed Final Plat application.
- H. Street Addresses. The Developer shall work with the City in regard to the assignment of addresses. With submission of the Final Plat, 8 copies of the plat map showing all addresses correctly labeled in conformance with all applicable city ordinances, code provisions,

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and policies shall be supplied to the Zoning Administrator for subsequent distribution to the utility companies, post office, fire department, county, and local school district.

- I. Recording the Final Plat. If the Final Plat and Development Agreement are approved by the City Council, the Developer shall record the Final Plat and Development Agreement in the Office of the County Recorder within 60 days after the date of approval. If not recorded within 60 days after the date of approval, the approval of the Final Plat shall be considered void unless the Developer requests an extension, in writing, and receives approval from the City Council. The Developer shall, immediately upon receipt of the recorded documents from the County Recorder, furnish the City Clerk with a print of the Final Plat showing evidence of the recording. No building permits or improvements, except those specifically permitted by the Development Agreement, shall be issued for construction of any structure on any lot or other construction activities in said plat until the City has received evidence of the plat being recorded by the County Recorder.

- Subd. 2.** Attendance at Meetings Mandatory. The applicant, or a representative, is required to attend all meetings with advisory boards and the City Council. Failure of the applicant, or a representative, to attend a meeting may result in the denial of the application.

8.04 Information Required for Final Plat.

- Subd. 1.** Number of Copies Required at the Time of Application.
 - A. City Hall. The Developer shall submit 1 large scale copy and 20 reduced scale (11" x 17") copies of the Final Plat and required information and plans, together with a final grading plan, utility plan, and landscape plan to City Hall.
 - B. City Engineer and City Planner. The Final Plat (1 large scale copy and 1 reduced scale (11" x 17") copy) and required information and plans, including the final grading plan, utility plan, and landscape plan shall be submitted directly to the City Engineer and the City Planner on the same day as materials are submitted to City Hall.

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Subd. 2. Contents of the Final Plat and Required Information and Plans.

- A. Final Plat Preparation, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota Statutes and County regulations, and such Final Plat or accompanying submittals shall contain the following information:
1. A large scale copy and a 11" x 17" copy of the approved Preliminary Plat and supporting documents illustrating all changes and conditions that were required as part of Preliminary Plat approval. This revised Preliminary Plat will provide the historical record of the subdivision approval by which subsequent Final Plats shall be considered.
 2. The name of the subdivision, which name shall not duplicate or be substantially similar to a plat previously recorded in the County. The name shall be subject to City Council Approval.
 - a) The first phase of development shall be called the "First Addition." Subsequent phases shall be consecutively numbered.
 3. Location by section, township, range, county, and state as well as descriptive boundaries of the subdivision based upon an accurate traverse, giving angular and linear dimensions.
 4. A north arrow and scale not less than 1 inch equals 100 feet shall be shown on all maps/drawings.
 5. The location of monuments, shown and described. The location of monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points and monuments.
 6. The location of all lots, outlots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to

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reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve to lot line.

7. Lots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.
8. The exact location, widths, and names of all streets to be dedicated.
9. The location and width of all easements to be dedicated.
10. The name, address, and phone number of the surveyor making the plat.
11. Land dedicated as public park shall be labeled as outlot(s) on the Final Plat and the deed for said outlot(s) shall be given to the City with the Final Plat.
12. Documents and information necessary to fulfill the conditions of approval of the Preliminary Plat.
13. A current abstract of title or a registered property certificate, at the option of the City Attorney.
14. A commitment for title insurance (not more than 3 months old) from a title insurance carrier authorized to conduct business in this state.
15. Any title declaration, conservation easements, deed restrictions, restrictive covenants, homeowner's association documents, or common interest community documents.
16. Statement dedicating all streets, alleys, other public right-of-way, and other public areas not previously dedicated, as follows:

Streets, alleys, and other public areas shown on this plat are not heretofore dedicated to public use are hereby so dedicated.

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17. Statement dedicating all easements as follows:

Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the designated areas marked "drainage and utility easements."
18. Final grading and construction plans shall be prepared and submitted in accordance with City standards.
19. Copies of permits from the Department of Natural Resources (DNR), Corp of Engineers, Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health, and other agencies as applicable. Such permits shall be obtained prior to City approval of the Final Plat.
20. Final wetland report and mitigation plan.
21. Final storm water management plan.
22. Radii, internal angles, points and curvatures, and lengths of all areas.
23. Accurate location of all monuments. Pipes or steel rods shall be placed at the corners of each lot and at the edge of wetlands.
24. Accurate outlines, legal descriptions of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision with the purposes indicated therein.
25. Certification by a registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown thereof exist as located and that all dimensional geodetic details are correct.
26. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat, and the dedication of streets and other public areas.

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B. Certificates Required.

1. Certification by a registered land surveyor in the form required by Minnesota Statutes 505.03, as may be amended.
2. The execution of all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Minnesota Statutes 505.03, as may be amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.
3. Space for certificates of approval and review to be filled in and signed by the chairperson of the Planning Commission, the Mayor, and the City Clerk. The form of the certificates for the Planning Commission and the City Council shall as approved by the City. A copy of the approved format shall be available at City Hall.

Subd. 3. Monuments. The outside boundary of the subject property is to be clearly marked with survey monuments.

Subd. 4. Development Agreement.

1. Final Plat approval shall be contingent upon the applicant's entrance into a Development Agreement with the City. The agreement shall be prepared by the City and shall ensure development performance based on approvals. The agreement shall address, but not be limited to, the following:
 - i. Financial securities;
 - ii. Warranties;
 - iii. Development time lines; and
 - iv. Remedies for Default.

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2. The Developer shall meet with the City Attorney to finalize the terms of the Development Agreement.
3. Upon the finalization of the Development Agreement, the City Clerk shall have the final copy of the agreement signed by all appropriate parties. The Development Agreement shall be recorded against the property.
4. Financial securities shall be posted with the City as outlined in the Development Agreement.
5. Final grading and utility plans shall be approved by the City Engineer and made a part of the Development Agreement.
 - a. No grading shall be allowed until the Preliminary Plat has been approved, an interim Development Agreement has been executed, and the required financial securities are posted with the City.
 - b. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until approval of a Development Agreement for the sewer, water, and streets and required financial securities are posted with the City.

8.05 Approval or Denial of Final Plat:

Subd. 1. Council Action. The City Council shall act on the Final Plat by motion. The motion shall include findings of fact supporting the approval or denial, and shall be entered into the written record of the proceedings of the City Council. A motion to approve that fails for the lack of a simple majority shall be a denial of the requested application.

Subd. 2. Development Agreement. If the City Council moves to approve the Final Plat and the Development Agreement is not yet finalized, the approval shall be contingent upon the following:

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- i. A completed and fully executed Development Agreement including all required financial securities and time frame for Final Plat and final grading completion; and
- ii. All fees and charges related to the Preliminary or Final Plat paid in full.

Subd. 3. Required Approval. The City Council shall certify final approval within 60 days of an applicant's request for Final Plat approval if the applicant has complied with:

- i. All conditions and requirements of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, and this Ordinance; and
- ii. All conditions and requirements upon which the Preliminary Plat approval was expressly conditioned, either through performance or the execution of appropriate agreements assuring such performance.

Subd. 4. Denial of Plat. The City Council may deny the subdivision if it makes any one or more of the following findings:

- i. That the proposed subdivision is in conflict with adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Ordinance, Official Map, or this Ordinance;
- ii. That the physical characteristics of the site, including but not limited to topography, vegetation, percolation rate, soil conditions, 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, design, or use contemplated;
- iii. That the site is not physically suitable for the proposed density of development;

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- iv. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- v. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
- vi. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court;
- vii. That the proposed subdivision, its site, or its design, adversely affects the flood-carrying capacity of the flood way, increases flood stages and velocities, or increases flood hazards within the flood way fringe or within other areas of the City;
- viii. That the proposed subdivision is inconsistent with the policies and standards of the State defined Shoreland Districts or Wetland Overlay Districts;
- ix. That the design of the subdivision does not conform to minimum City standards; and
- x. That the applicant has failed to provide all documents required by the City in order to adequately evaluate the application.

8.06 Recording:

Subd. 1. Copies. After approval of the Final Plat by the City Council, the Developer shall submit 3 full size mylar copies of the Final Plat, and 1 - 11" x 17" reduction of the Final Plat and dedication page to City Hall for signature.

Subd. 2. Procedure and Time Frame.

- A. Deadline. The Developer shall record the approved Final Plat and Development Agreement in the Office of the Wright County Recorder within 60 days after the date of approval. If not recorded within 60 days after the date of approval, the approval of the Final

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Plat shall be considered void unless the Developer requests an extension, in writing, and receives approval from the City Council.

- B. Copy to City. The Developer shall, immediately upon receipt of the recorded document from the County Recorder, furnish the City Clerk with a print of the Final Plat showing evidence of the recording.
- C. Building Permit. No building permits, except model homes specifically permitted by the Development Agreement, shall be issued for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by the County Recorder.

Subd. 5. Transportation Departments. When the land for which the Final Plat abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the Preliminary Plat to the Minnesota Department of Transportation and/or Wright County Highway Department shall be filed with the Office of the Wright County Recorder, with the Final Plat.

Subd. 6. DNR. When the land included in the Final Plat is located within a Shoreland District or Floodplain District, the Department of Natural Resources shall be notified of the disposition of the Final Plat as required by law.

Subd. 7. Recording Final Plats of Multi-Phased Plats. Unless otherwise provided in the Development Agreement, a Preliminary Plat that is final platted in phases must be final platted into lots and blocks, not outlots, within 5 years after the Preliminary Plat has been approved by the City Council. Any phase of the Preliminary Plat that is not final platted within the 5 year period shall be void.

8.07 Utilities:

Subd. 1. Installation. Sewer, water, and streets shall only be installed in the area included in the Final Plat. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until the Final Plat has been approved and the Development Agreement for the sewer, water, and streets has been approved and recorded.

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- _____ **Subd. 2.** Commitment of Utility Service Areas. If the Developer is unable to fulfill the schedule of the approved phasing plan, the City Council may consider allocating to a different development project the utility service area that was committed to the next phase of the plat. The subject plat would then wait until the following year for Final Plat or utility service area approval for its next phase.
- 8.08 Dedication.** Parks, drainage, and utility areas, or other public areas that were designated as outlots shall be dedicated to the City.
- 8.09 Record Plans (As-built Plans).** Record plans shall be completed by the design engineer and shall be submitted to the City within 90 days of the installation of the first layer of bituminous on the public streets. Record plans shall include an as-built grading plan. Record plans shall be approved by the City Engineer. Three full size printed copies of the record plans shall be submitted after final approval by the City Engineer. An electronic copy shall be submitted upon request by the City Engineer.