

SECTION 21: SUBDIVISION OF LAND

Subdivision 1. Purpose.

It is the purpose of this section to safeguard the best interests of Cottonwood County; to assist the subdivider in harmonizing his interests with those of the County at large, as well as with those of the local municipalities; to prevent piecemeal planning of subdivision, undesirable, disconnected patchwork pattern, and poor circulation of traffic; to correlate land subdivisions with the County Comprehensive Plan; to secure the right of the public, with respect to public lands and waters; to improve land records by establishing standards for surveys and plats; to encourage proper monumentation of property boundaries; to discourage inferior development which might adversely affect property values; and to establish subdivision development at standards compatible with affected municipalities.

Subdivision 2. Conveyance by Metes and Bounds.

1. No conveyance of land shall be made unless such parcel meets the following requirements:

- A. Parcel is an existing parcel of record: or
- B. Parcel is described by and restricted to the following government fractions (examples are based on the NW 1/4): or

<u>160 ACRES</u>	W 1/2, NW 1/4, NW 1/4	SE 1/4, NE 1/4, NW 1/4
NW 1/4	N 1/2, NE 1/4, NW 1/4 S 1/2, NE 1/4, NW 1/4 E 1/2, NE 1/4, NW 1/4 W 1/2, NE 1/4, NW 1/4	NW 1/4, SW 1/4, NW 1/4 NE 1/4, SW 1/4, NW 1/4 SW 1/4, SW 1/4, NW 1/4 SE 1/4, SW 1/4, NW 1/4
<u>80 ACRES</u>	N 1/2, SW 1/4, NW 1/4 S 1/2, SW 1/4, NW 1/4 E 1/2, SW 1/4, NW 1/4 W 1/2, SW 1/4, NW 1/4	NW 1/4, SE 1/4, NW 1/4 NE 1/4, SE 1/4, NW 1/4 SW 1/4, SE 1/4, NW 1/4 SE 1/4, SE 1/4, NW 1/4
N 1/2, NW 1/4 S 1/2, NW 1/4 E 1/2, NW 1/4 W 1/2, NW 1/4	N 1/2, SE 1/4, NW 1/4 S 1/2, SE 1/4, NW 1/4 E 1/2, SE 1/4, NW 1/4 W 1/2, SE 1/4, NW 1/4	
<u>40 ACRES</u>		
NW 1/4, NW 1/4 NE 1/4, NW 1/4 SW 1/4, NW 1/4 SE 1/4, NW 1/4	<u>10 ACRES</u>	
<u>20 ACRES</u>	NW 1/4, NW 1/4, NW 1/4 NE 1/4, NW 1/4, NW 1/4 SW 1/4, NW 1/4, NW 1/4 SE 1/4, NW 1/4, NW 1/4	
N 1/2, NW 1/4, NW 1/4 S 1/2, NW 1/4, NW 1/4 E 1/2, NW 1/4, NW 1/4	NW 1/4, NE 1/4, NW 1/4 NE 1/4, NE 1/4, NW 1/4 SW 1/4, NE 1/4, NW 1/4	

- C. Conveyance document is accompanied by a Certificate of Survey and a Certificate of Approval from the Planning and Zoning Administrator.
2. Procedure for Obtaining Certificate of Approval.

Proposed Certificate of Survey shall be submitted to the County Zoning Administrator, who shall then have ten (10) days from receipt of said certificate to review the survey for conformity with applicable provisions of the County Zoning Ordinance.

 - A. Proposed Certificate of Survey shall include the proposed metes and bounds description.
 - B. Distances on the proposed Certificate of Survey, both in the drawing and the legal description, shall be stated to either the tenth or hundredth of the foot. Angles to be stated to either minutes or seconds.
 - C. Other information deemed necessary by the County Zoning Administrator to adequately review the proposed conveyance of land.
 3. The County Auditor shall refuse to transfer any land where these requirements are not met. Setback Permits shall not be issued for construction on tracts conveyed in contravention of this Ordinance and the County and Township may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

Subdivision 3. Preliminary Plats.

A plat is required any time there are three (3) contiguous splits of two and a half (2.5) acres or less.

1. Procedure.
 - A. A preliminary plat shall be submitted to the County Zoning Administrator at least ten (10) days prior to the meeting at which consideration by the County Planning Commission is requested. Approval or disapproval of a preliminary plat shall be conveyed to the subdivider of the County Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Commission.
 - B. If the preliminary plat includes proposed roads, streets or other right-of-ways that will be dedicated to the public, the Chairman of the Board of the Township in which the property is located shall be notified in writing that the preliminary plat has been submitted. Said notice shall be given at least five (5) days prior to the meeting at which the preliminary plat will be considered.
 - C. After review and approval of the preliminary plat by the County Planning Commission, such preliminary plat together with recommendations of the Commission shall be submitted to the Board of County Commissioners for approval. Approval or disapproval of the preliminary plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the Board of County Commissioners at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Board.
 - D. The approval of the preliminary plat does not constitute acceptance of the subdivision but is an authorization to proceed with the preparation of the final plat. This approval of the preliminary plat shall be effective for a period of one (1) year, unless an extension is granted by the County Planning Commission and the Board of County Commissioners. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at that time, provided that such portion must conform to all requirements of this Ordinance. If some portion of the final plat has not been submitted for approval within this period, a preliminary plat

must again be submitted to the County Planning Commission and the Board of County Commissioners for approval.

2. Data Required:
 - A. Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivisions.
 - B. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property.
 - C. Names and addresses of the developer and the designer making the plat.
 - D. Scale of plat, not less than one (1) inch to one hundred (100) feet or as approved by the County Planning Commission.
 - E. Date and North point.
 - F. Existing conditions.
 - 1) The location and width of proposed streets, roadways, alleys and easements.
 - 2) The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines.
 - 3) Layout, numbers and approximate dimensions of lots and the number of each block.
 - 4) Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public uses or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
 - 5) Building setback lines with dimensions.
 - 6) Indications of any lots on which a use other than residential is proposed.
 - 7) The zoning districts, if any, on and adjacent to the tract.
 - 8) A title opinion, addressed to the Cottonwood County Board of County Commissioners, showing good and marketable title and the names of all title and mortgage encumbrance holders.
3. Upon request of the County Planning Commission or the Board of County Commissioners, additional supplementary information shall be submitted. The content and extent of the additional information shall be at the discretion of the County Planning Commission and Board of County Commissioners.

Subdivision 4. Final Plat.

1. Procedure.

After the preliminary plat has been approved, the final plat may be submitted for approval as follows:

- A. The final plat shall be submitted to the County Zoning Administrator at least ten (10) days prior to the County Planning Commission meeting at which consideration is requested. Approval or disapproval of the final plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the County Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Commission.
- B. After review and approval of the final plat by the County Planning Commission, such final plat, together with the recommendations of the County Planning Commission, shall be submitted to the County Board for consideration. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, easements, or other public ways and open spaces dedicated to public purposes. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Board of County Commissioners and reported to the persons applying for such approval.

2. Data Required:

The final plat prepared for recording purposes shall be prepared in accordance with provisions of MINNESOTA STATE STATUTES and shall contain the following information:

- A. Name of subdivision.
- B. Location by quarter section, section, township, range, county and state, and including descriptive boundaries of the subdivision based on accurate traverse, giving angular and linear dimension which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in five thousand (5,000). Two reference control points shall be established on each plat.
- C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments. Permanent markers shall be placed at each corner of every block or portion of a block, and at each angle point of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half ($\frac{1}{2}$) inch or larger in diameter, extending at least three (3) feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter.
- D. Location of lots, 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 reproduce the plat on the ground. Dimensions shall be shown from all angles points and points of curve to lot lines.
- E. Lots shall be numbered clearly. Blocks are to be numbered clearly in the center of the block.
- F. The exact location widths and names of all streets to be dedicated.
- G. Location and width of all easements to be dedicated.
- H. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.

- I. Name and address of developer and surveyor making the plat.
 - J. Scale of plat (the scale to be shown graphically and in feet per inch) date and North point.
 - K. Statement dedicating all easements as follows: easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements."
 - L. Statement dedicating all streets, roads, alleys and other public areas not previously dedicated to public uses are hereby so dedicated. In the event any of the streets, alleys, or other public areas are not longer used for public purposes and vacated, the title to such lands shall revert to the owners at the time of the vacating of the adjoining lands.
3. Certifications required on final plats:
- A. 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 uses.
 - B. Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
 - C. Certification showing that all taxes and special assessments due on the property have been paid in full.
 - D. Space for Certificates of Approval to be filled in by the signatures of the Chairman of the County Planning Commission and Board of County Commissioners.

1) The form of approval by the County Planning Commission is as follows:

Approved by the Cottonwood County Planning Commission

this _____ day of _____, 19_____.

Signed: _____
Chairman, Planning and Zoning Commission

Attest: _____
Secretary, Planning and Zoning Commission

2) The form of approval of the Board of County Commissioners is as follows:

Approved by Cottonwood County, Minnesota,

this _____ day of _____, 19____.

Signed: _____
Chairman, Board of County Commissioners

Attest: _____
County Auditor

- E. Certification by the Township Board of acceptance of any roads dedicated to the public for which the Township will be responsible for maintenance.
- F. Additional information as required by the County Planning Commission and the Board of County Commissioners.

Subdivision 5. Design Standards.

- 1. Blocks:
 - A. Block length shall normally not exceed thirteen hundred twenty (1,320) feet.
 - B. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth.
- 2. Streets and Roads:
 - A. Streets normally shall connect with streets already dedicated or provide for future connections to adjoining unsubdivided tracts.
 - B. Cul-de-sacs may be permitted when conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred (500) feet in length, including the terminal turn-around. The required terminal shall be nearly circular in shape and have a minimum diameter of one hundred (100) feet.
 - C. The minimum angle of intersection of streets shall be eighty (80) degrees.
 - D. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a County, County State Aid, State or Federal Highway, a marginal access service street approximately parallel and adjacent to the boundary of such right-of-way may be required.
 - E. Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision.

- F. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion may be required.
 - G. For all public streets and roads hereinafter dedicated and accepted, the right-of-way widths shall not be less than the minimum dimensions for each classification as follows:
 - 1) County State Aid Highways and County Roads ... 100 feet
 - 2) Minor residential street.....66 feet
 - 3) Marginal access service road.....50 feet
 - H. Minor street access to County, County State Aid, State and Federal highways shall not be permitted at intervals of less than six hundred (600) feet.
 - I. Road and highway grades, and horizontal and vertical alignment standards shall be acceptable to the County Highway Engineer.
3. Lots:
- A. Corner lots shall have additional width to permit appropriate building setbacks from both streets.
 - B. Side lines of lots shall be approximately at right angles to street line or radial to curved street lines.
 - C. The minimum lot area, lot width and lot depth shall conform to the requirements of the zoning district in which the plat is situated.
4. Where appropriate, easements for utilities or drainage may be required, easements shall be of width suitable for the intended use.

Subdivision 6. Basic Improvements.

1. General:
- A. Before a final plat is approved by the County Board the subdivider of the land covered by said plat shall execute and submit to the County Board an agreement, which shall be binding on his or their heirs, personal representatives and assigns that he will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following as respects the highways, roads, or streets to which the lots sought to be constructed have access.
 - B. Prior to making of such required improvements, the subdivider shall deposit with the County Auditor an amount equal to one and one-quarter (1¼) times the County's estimated cost of such improvements, either in cash or an identity bond, with sureties satisfactory to the County, conditioned upon the payment of all expense incurred by the County for engineering and legal fees and other expenses in connection with the making of such improvements.
 - C. No final plat shall be approved by the County Board on land subject to flooding or containing poor drainage of the streets or roads and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the County Engineer, make the area completely safe for residential occupancy, and provide adequate road and lot drainage, the final plat of the subdivision may be approved.
 - D. No final plat shall be approved by the County Board without first receiving a report from the County Engineer certifying that improvements described herein, together with the agreements and

documents required herein, meet the minimum requirements of all applicable ordinances. Drawings showing all improvements as built shall be filed with the County Engineer.

- E. All of the required improvements to be installed under the provisions of this Ordinance shall be inspected during the course of their construction by the County Engineer. All of the inspection costs pursuant thereto shall be paid by the subdivider in the manner prescribed in paragraph "B" above.

2. Road and Highway Improvements:

- A. The full width of the right-of-way shall be graded, including the sub-grade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the County Board or the Board of the Township that will be maintaining the road.
- B. All roads shall be improved with pavement in accordance with the standards and specifications for road construction as approved by the County Board if required by them.
- C. All roads to be paved shall be of an overall width in accordance with the standards and specifications for road construction as approved by the County Board.
- D. Curb and gutter shall be constructed as required by the standards and specifications for road construction as approved by the County Board.
- E. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for road construction as approved by the County Board.
- F. Road signs of the standard design approved by the County Board shall be installed at each street or road intersection.

3. Sanitary Sewer and Water Distribution Improvements:

- A. Sanitary sewers, both public and private, shall be installed as required by standards and specifications as approved by the County Board.
- B. Water facilities, both public and private, including pipe fittings, hydrants, etc., shall be installed as required by standards and specifications as approved by the County Board.

4. Public Utilities:

- A. All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.
- B. 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. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements.