

SECTION 9

REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENT

SECTION:

- 21-9-1: Improvements Required
- 21-9-2: Construction Plans, Inspection and Warranty
- 21-9-3: Payment for Installation of Improvements
- 21-9-4: Agreement Providing for the Private Installation of Improvements
- 21-9-5: Agreement Providing for the Installation of Improvements by the City
- 21-9-6: Financial Guarantee
- 21-9-7: Improvements Completed Prior to Approval of the Final Plat
- 21-9-8: Trunk Facilities
- 21-9-9: Alternate Installation

21-9-1: IMPROVEMENTS REQUIRED: Prior to the approval of a final plat by the City Council, the applicant shall have agreed, in the manner set forth below, to install the following improvements on the site, in conformity with approved construction plans and in conformity with all applicable standards and ordinances:

- A. **Monuments:** Monuments are to be placed in the subdivision in accordance with Section 21-8-1 of this Chapter.
- B. **Grading:** The full width of the right-of-way of each street dedicated in the plat shall be cleared and graded as outlined in Section 21-8-2 (A) of this Chapter.
- C. **Pavement:** All streets and alleys shall be improved with concrete or bituminous surface, except as may be approved by action of the City Council as part of a development contract. Pavement standards are outlined in Section 21-8-2 (B) of this Chapter.
- D. **Curb and Gutter:** There shall be concrete curb and gutter installed along both sides of all streets and alleys to the standards listed in Section 21-8-2 (D) of this Chapter. Alleys may be exempt upon approval by the City Engineer.
- E. **Water Mains:** In the case where mains from a public water system are available, the applicant shall be required to install water mains in the plat and connect the same to the public water system.

- F. Public Sanitary Sewer: In all cases where trunk line sanitary sewer facilities are available, the applicant shall be required to install sanitary sewers in the plat and connect the same to the trunk line sewers.
- G. Drainage Facilities: Such facilities and easements shall be installed under City approval as will adequately provide for the drainage of surface waters, and storm sewer system may be required. Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purpose.
- H. Miscellaneous Facilities: Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways, bikeways, pavement marking and other improvements may be required.

21-9-2: CONSTRUCTION PLANS, INSPECTION AND WARRANTY:

- A. Construction plans for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the applicant's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain professional certification. Such plans together with the quantities of construction items shall be submitted to the City Engineer for approval and for an estimate of the total costs of the required improvements. Upon approval, such plans shall become a part of the required written agreement. The tracings of the plans approved by the Engineer, plus two (2) prints, shall be furnished to the City to be filed as a public record.
- B. All required improvements on the site that are to be installed under the provisions of these regulations shall be inspected during the course of construction by the City Engineer at the applicant's expense, and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the contract.
- C. The applicant and/or developer shall provide to the City a written warranty that all required improvements on the site meet or exceed all City standards and that such improvements have been inspected and tested in regards to the City standards. The applicant and/or developer shall be responsible for having all such inspections and testing completed at their expense.

21-9-3: PAYMENT FOR INSTALLATION OF IMPROVEMENTS: The required improvements as listed elsewhere are to be furnished and installed at the sole expense of the applicant. If any improvement installed within the

subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be allocated in accordance with City policies.

21-9-4: AGREEMENT PROVIDING FOR THE PRIVATE INSTALLATION OF IMPROVEMENTS:

- A. Prior to the installation of any required improvements by the applicant and prior to approval of the plat, the applicant shall enter into an agreement in writing with the City requiring the applicant/developer to furnish and construct said improvements at their sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to coordinate the work and improvements to be done under said contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the City in the vicinity. The agreement shall require all public and private utility material standards and installation requirements be met and shall be approved by the City Engineer.
- B. The agreement shall require the applicant to make an escrow deposit or furnish an irrevocable letter of credit or a certified check as is determined by the City. The amount of the deposit or penal amount of the security is to be based on the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. The deposit or penal amount shall equal one hundred (100) percent of the City Engineer's estimate.
- C. On request of the applicant, but at the sole discretion of the City, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid for, the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.
- D. The time for completion of the work and the several parts thereof shall be determined by the City Council, upon recommendation of the Engineer after consultation with the applicant. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper coordination with construction activities in the plat and subdivision.
- E. Improvements shall be constructed only in platted real estate.

- F. No applicant/developer shall be permitted to start work on any other subdivision improvements without special written approval of the City Council.

21-9-5: AGREEMENT PROVIDING FOR THE INSTALLATION OF IMPROVEMENTS BY THE CITY:

- A. Any person desiring to have utility and street improvements installed may request the City to install them, subject to the following conditions and to the approval and authorization thereof by the City Council and as authorized by State law.
- B. If so approved by the City Council, the person requesting the installation of said utility and street improvements shall supply a security approved by the City running to the City guaranteeing payment for the installation of the improvements in an amount based on the City Engineer's estimate of the total cost of the improvements to be installed. The deposit or penal amount shall equal one hundred (100) percent of the City Engineer's estimate of the cost of installation of the improvements. The security to be supplied the City shall be payable on such terms and conditions as found by the City Council to be reasonable and necessary to insure that the costs of the improvements are properly secured and paid.
- C. Improvements shall be constructed only in platted real estate.
- D. The provisions of Section 21-9-5 do not apply to any improvement installed in a platted block upon which at least fifty (50) percent of the lots thereof have a dwelling or other building constructed and occupied.
- E. No applicant/developer shall be permitted to start work on any other subdivision improvements without special approval of the City Council.

21-9-6: FINANCIAL GUARANTEE:

- A. The contract provided for in Sections 21-9-4 and 21-9-5 shall require the applicant to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the City. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this section.
- B. Escrow Deposit, Certified Check:
 - 1. If an escrow deposit or certified check is required, the escrow deposit or certified check shall be made with the City Treasurer in a sum equal to the total costs calculated as provided in Sections 21-

9-4 and 21-9-5 above, as estimated by the City for all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the City.

2. The City shall be entitled to reimburse itself out of said deposit or check for any cost and expense incurred by the City for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.
3. Upon completion of the work and termination of any liability, the balance remaining in said deposit or check from Section 21-9-6.B above shall be refunded to the applicant.

C. Irrevocable Letter of Credit:

1. If the applicant is required to furnish an Irrevocable Letter of Credit, the penal sum shall be payable to the order of the City and delivered to the City in an amount calculated as provided in Sections 21-9-4 and 21-9-5 above, as estimated by the City Engineer of all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to the approval of the plat. The total costs shall include costs of inspection by the City.
2. The Irrevocable Letter of Credit shall be approved as to form by the City Attorney and filed with the City Clerk.
3. The City shall be entitled to reimburse itself out of said letter of credit for any cost and expense incurred by the City for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.

21-9-7: IMPROVEMENTS COMPLETED PRIOR TO APPROVAL OF THE FINAL PLAT: Improvements within a subdivision which have been completed prior to application for approval of the final plat, or execution of the contract for installation of the required improvements, shall be accepted as equivalent improvements in compliance with these requirements only if the City Engineer certifies that the existing improvements conform to applicable standards and is evidence of payment for the work that has been completed is presented in such form as the City reasonably requires.

21-9-8: TRUNK FACILITIES: Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs shall be allocated pursuant to established City policies.

21-9-9: ALTERNATE INSTALLATION: The City may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the applicant.