

## **SECTION 11: IMPROVEMENTS**

### **11-1 REQUIRED PUBLIC IMPROVEMENTS**

No final plat shall be approved by the Council without first receiving a report from the City Engineer certifying that the improvements and construction of the land, streets, and trails, together with all other necessary facilities in the plat have been designed and satisfactorily arranged in accordance with provisions of the City's development regulations, design standards, and conditions of subdivision approval. In addition to construction on land, streets, and trails, the developer, as part of the final plat, shall install and pay for light poles, fixtures and street name signs as approved by the Council for Delano and the City utility. Such installations shall be completed before the street is surfaced. The following is a detailed description of public improvements required to be completed for each final plat:

- A. Grading, drainage, wetland mitigation, and erosion control. A grading permit is required by the City of Delano.
- B. Storm sewer.
- C. Sanitary sewer facilities.
- D. Water facilities.
- E. Public utilities.
- F. Sidewalks and trails.
- G. Streets.
- H. Street and traffic signs.
- I. Street lights.
- J. Subdivision monuments.

### **11-2 GRADING AND DRAINAGE**

The grade and drainage requirements for each plat shall be approved by the City Engineer at the expense of the applicant. Every plat presented for final signature shall be accompanied by a certificate of the City Engineer that the grade and drainage requirements have been met on the

grading plan. The grading and drainage plans shall include wetland mitigation, erosion and sediment control, and tree preservation.

### **11-3 STORM SEWER**

In an area not having municipal storm sewer, the applicant shall be responsible, before platting, to provide for a storm water disposal plan, without damage to properties outside the platted area, and said storm water disposal plan shall be submitted to the City Engineer, who shall report to the City Council on the feasibility of the plan presented. No plat shall be approved before an adequate storm water disposal plan is presented and approved by the City Council. The use of dry wells for the purpose of storm water disposal is prohibited.

### **11-4 SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS**

- A. Sanitary sewers shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer.
- B. Water from Delano public utilities shall be installed in accordance with the standards and specifications as required by the Public Utilities Department and subject to the approval of the Public Utility Superintendent.

### **11-5 PUBLIC UTILITIES**

Telephone, electric, cable TV, and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinance. All necessary utility easements must be recorded prior to utility installation.

### **11-6 SIDEWALKS/TRAILS**

In those cases where the City Council deems it appropriate, concrete sidewalks of not less than five (5) feet in width or bituminous trails of not less than eight (8) feet in width shall be provided in accordance with Section 7-6 of this Ordinance.

### **11-7 STREET IMPROVEMENTS**

- A. The full width of the right-of-way shall be graded in accordance with the provisions for construction as outlined in Section 7-5 of this Ordinance, Design Standards.
- B. All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.
- C. All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the City Council. The portion of the right-of-way outside the area surfaced shall be seeded, sodded, or ripped by the developer. Temporary seeding of oats and mulch will be required on all disturbed areas over Winter, by November 1<sup>st</sup>. Slopes that are three to one (3:1) or greater need wood fiber blankets.
- D. Where required, the concrete curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the City Council.
- E. Trees and boulevard sodding shall be planted in conformance with the standards and specifications as required by the City Council.
- F. Street signs of the design approved by the City Council shall be installed at each street intersection.
- G. Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.
- H. Street lighting fixtures as may be required by the City Council shall be installed.
- I. No street dedications will be accepted which require a crossing of a railroad unless sufficient land as determined by the City Council is dedicated to insure a safe sight distance.
- J. The minimum requirement for street lighting facilities shall be one (1) eight thousand (8,000) lumen light, or equal, at each street intersection within or abutting the subdivision. At least one (1) street light shall be erected within blocks having a length of nine hundred (900) feet or greater and no street light shall be located within two hundred fifty (250) feet of another street light except for white-way areas. Light standards and fixtures shall meet the standards established by the Delano Electric Utility and approved by the City.

## **11-8 MONUMENTS**

- A. Official monuments, as designated and adopted by the Wright County Surveyor's Office and approved by the Wright County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.
- B. Proper survey monumentation shall be placed at each lot corner and points of curvature and tangency along street rights-of-way. All Federal, State, County, or other official benchmarks, monuments, or triangular stations or in adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys, shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.
- C. To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in the City Zoning Ordinance, as may be amended.
- D. All lot corners and survey control monuments shall be set and in place at the time the plat is recorded. An exception to this requirement may be granted for up to one (1) year by the City Council, provided such approval is made part of the development contract and a financial guarantee in a form determined by the City Attorney is provided.

## **11-9 REQUIRED PRIVATE IMPROVEMENTS**

As part of the final plat, the following private improvements shall be required where applicable to a new subdivision:

### **A. Required Landscaping**

- 1. The developer shall post financial securities to allow for the placement of sod from the edge of the street to the front building line of the building. Sod must be in place within one year of building occupancy.
- 2. The developer shall post financial security for the installation of one (1) tree within the front yard of each lot. The tree shall have no less than a two (2) inch diameter measure at breast height. Preferred tree species are identified in Section 9-5-3 of this Ordinance. Such tree(s) shall be installed within one (1) year of

building permit approval for individual lots and guaranteed for one (1) year after installation.

3. The developer shall provide a detailed landscape plan for each required buffer yards. Buffer yard landscaping shall meet the design standards of Section 51.03.B.7 of the Delano Zoning Ordinance. Buffer yard landscaping shall be installed within one (1) year of final plat approval and guaranteed for one (1) year after installation.
4. The developer shall submit a detailed landscape plan illustrating wetland restoration in conjunction with wetland mitigation plans. All wetland landscaping shall be installed within one (1) year of final plat approval and guaranteed for one (1) year after installation.

#### **B. Tree Preservation**

The applicants shall fulfill their obligations to implement the City approved tree preservation plan.

#### **C. Wetland Boundary Markers**

Where lots abut or contain wetlands, the applicant shall place boundary markers along the delineated wetland buffer. The type and location of wetland boundary markers shall be reviewed and approved with the preliminary plat.

### **11-10 PUBLIC IMPROVEMENT INSTALLATION**

Public improvements associated with the subdivision shall be installed in accordance with one of the following methods:

#### **A. Private Installation**

1. Prior to the installation of any required improvements by the applicant and prior to approval of the final plat, the applicant shall enter into a development agreement in writing with the City requiring the applicant/developer to furnish and construct said improvements at their sole cost and in accordance with approved plans and specifications and usual agreement conditions. This shall include provisions for inspection of the construction of the public improvements by the City Engineer and other City staff.
2. The development agreement shall require the applicant to post a financial security consisting of an escrow deposit, irrevocable letter of credit, or a certified check with the City, guaranteeing performance in accordance with the terms of the

development agreement. The type and conditions of the financial security must be reviewed and approved by the City Attorney. The amount of the security is to be based on the project's estimate of the total cost of the improvements to be furnished under the agreement, including but not limited to, sanitary sewer, water main, on-site storm sewer, streets, grading, drainage, wetland mitigation, erosion control, street and traffic signs, street lights, sidewalks, trails, monumentation, engineering, surveying, planning, City administration and legal costs. The project costs must be reviewed by City staff. The security amount shall equal one hundred fifteen (115) percent of the project estimate.

3. 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.
4. The schedule for completion of the work described in the final plat and the development agreement 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.
5. Improvements shall be constructed only in platted real estate.
6. No applicant/developer shall be permitted to start work on any subdivision improvements without entering into a development agreement and posting a City approved financial security.

**B. City Installation**

1. Any person desiring to have utility and street improvements installed may request the City to install them, if such request is accompanied by a petition of one hundred (100) percent of the land owners and a waiver of assessment appeal, subject to the following conditions and to the approval and authorization thereof by the City Council and as authorized by State law.
2. 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 security amount shall equal five (5) years special assessments held until fifty (50) percent of the project special assessments have been paid. At such time, the City may reduce the amount of security required of the developer in amounts equivalent to subsequent assessments for which payment has been made.

3. Improvements shall be constructed only in platted real estate.
4. No applicant/developer shall be permitted to start work on any subdivision improvements without entering into a development agreement and posting a City approved financial security.

**C. Private / City Installation**

1. Prior to installation of any required improvements by the applicant and prior to final plat approval, the applicant shall enter into a development agreement in writing with the City. The developer agreement shall require the applicant to post a financial security consisting of an escrow deposit, irrevocable letter of credit, or a certified check with the City, guaranteeing performance in accordance with the terms of the development agreement. The type and conditions of the financial security must be reviewed and approved by the City Attorney. The amount of the security is to be based on the City Engineer's estimate of the local cost of the improvements to be furnished under the agreement, including the cost of inspection. The security amount shall equal one hundred fifteen (115) percent of the City Engineer's estimate.
2. 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 to completed prior to the acceptance of the plat.
3. The schedule for completion of the work described in the final plat and the development agreement shall be determined by the City Council, upon recommendation of the City 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.
4. Improvements shall be constructed only in platted real estate.
5. No applicant/developer shall be permitted to start work on any subdivision improvements without entering into a development agreement and posting a City approved financial security.

## **11-11 DEVELOPMENT AGREEMENT**

Prior to installation of any required improvements and prior to approval of the final plat, the developer shall enter into a development agreement in writing with the City requiring the developer to furnish and construct said improvements in accordance with plans and specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the agreement shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat and provide for the proper execution, recording or other action required. In addition, the development agreement shall include such other terms and conditions as required by the City. Approval of the development agreement shall be by City Council resolution.

- A. The signed development agreement shall be recorded with the final plat and shall be binding upon the developer, his or their heirs, personal representative, and assigns stipulating:
  - 1. All improvements called for in the plat, or in any supplementary agreements, to be complete within the time specified by the City.
  - 2. Unless approved by the City Council, no private construction shall be conducted on any lots in the plat or filing of applications for building permits for said construction on said lots, until all improvements required under the City regulations for the proposed subdivision have been made or arranged in a manner provided for in this section.
- B. The development agreement shall include provisions for construction work inspection by the City and assurance that the developer will conform with current testing requirements and quality control procedures of the City of Delano. The developer shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all improvements have been constructed in accordance with the requirements of the approved plans and specifications.
- C. The development agreement shall require the developer to provide a financial security to ensure payment of fees related to the subdivision and completion of all improvements as provided in Section 10-10 of this Ordinance.
- D. A time schedule for completion of the work shall be determined by the City upon recommendation of the City Engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.
- E. The development agreement shall include action remedies in the event of default including:



1. The City may complete the improvements by contract or force and obtain reimbursement of its costs from the posted security deposit.
2. The City reserves the right to withhold building permits for violation of any terms of the development agreement.

## **11-12 CONSTRUCTION PLANS**

Construction plans for the required improvements shall conform in all respects with all applicable ordinances and standards of the City. Construction documents shall be prepared, at the expense of the developer, by a licensed professional who is registered in the State of Minnesota, and said plans shall contain his certification. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for his approval and for his estimate of the total cost of the required improvements. Upon approval, they shall become a part of the development agreement. A minimum of five (5) copies of the construction plans shall be furnished to the City for City Engineer review and approval. Additional copies may be required by the City.

## **11-13 MAINTENANCE OF IMPROVEMENTS**

The developer shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the City Council in coordination with the development agreement.