

**City of Kasson
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CHAPTER 153 SUBDIVISIONS

153.01.11 Purpose

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ARTICLE 01 GENERAL PROVISIONS

PART 1 INTRODUCTORY PROVISIONS

153.01.11 Purpose

- (A) Any person platting, re-platting or dividing property for purposes of transfer of title or separate description shall do so under the provisions of this Chapter. This Chapter sets forth the minimum requirements deemed necessary to ensure and protect the health, safety and welfare of the public. More specifically, the provisions of this Chapter are designed to:
- (1) Assure that, to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence;
 - (2) Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters;
 - (3) Encourage well-planned subdivisions through the establishment of adequate design standards;
 - (4) Discourage inferior developments that might adversely affect the local tax base;
 - (5) Create neighborhoods which will be of lasting credit to the community;
 - (6) Facilitate adequate provisions for transportation and other public facilities;
 - (7) Secure and protect the rights of the public with respect to public lands, waters and the development of recreational facilities;
 - (8) Improve land records by the establishment of standards for surveys and plats;
 - (9) Safeguard the interests of the public, the homeowner, the subdivider and units of local government;
 - (10) Provide a common ground for understanding between developers and local units of government;
 - (11) Prevent, where possible, excessive governmental operating and maintenance costs; and
 - (12) Preserve agricultural and other open lands.
- (B) Efforts shall be made to conserve natural resources and advantageously utilize all natural features and vegetation on the property to minimize soil erosion. Consideration will be given to eliminate any form of underground or surface water pollution.

153.01.12 Authority

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153.01.13 Administration

This Chapter is enacted pursuant to M.S. § 462.358, as may be amended from time to time. When allowed, any provisions of this Chapter that impose restrictions which are more restrictive than those imposed by provisions of Minnesota State Statute or Ordinances, the provisions of this Chapter shall govern.

153.01.13 Administration

- (A) The provisions of this Chapter shall be administered by the City Council in cooperation with the Planning and Zoning Commission and Zoning Administrator, or authorized representative of Zoning Administrator, who shall be appointed by the City Council.
- (B) The Planning and Zoning Commission and Zoning Administrator shall provide assistance to the City Council in the administration of this Chapter and their recommendations shall be advisory in nature. Specifically, the Planning and Zoning Commission shall review all subdivision applications, hold public hearings and make recommendations to the Council.

153.01.14 Amendments

- (A) The Planning and Zoning Commission may, of its own motion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established. All proposed amendments, together with the recommendation of the Planning and Zoning Commission, shall be submitted to the City Council for adoption.

PART 2 COMMON PROCEDURES AND REQUIREMENTS

153.01.21 Authority to File Applications

- (A) Subdivision applications for an individual property may be initiated by:
 - (1) The owner of the property that is the subject of the application; or
 - (2) An agent authorized by the owner of the property that is the subject of the application, which may include a lessee of the property. Evidence of such authorization shall be the signature of the property owner on the application.
- (B) If the property subject to an application is under more than one ownership, all owners or their authorized agents shall join in filing the application.

153.01.22 Pre-application Meeting

- (A) Pre-application meetings may be mandatory or voluntary based on the application type.
- (B) A pre-application meeting is an informal discussion between a potential applicant and City staff regarding a possible project subject to this Title. The Zoning Administrator shall determine which City staff shall attend the pre-application meeting.
- (C) The purpose of the pre-application meeting is to assist the applicant in identifying the type of approvals needed, the potential review criteria, and the information to be contained in the application(s).
- (D) Discussions that occur during pre-application meetings are not binding on the City and do not constitute official assurances or representations on the City.

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153.01.23 Fees

153.01.23 Fees

- (A) A cash filing fee payable to the City shall be paid following receipt of the application. This fee shall be in the amount which has been set by Ordinance and will be used for public expense and/or development fees in connection with the consideration of the subdivision application by the Planning and Zoning Commission and Council.
- (B) Applications will not be processed or considered complete until the filing fee is paid to the City.
- (C) All other applicable fees that may be set by the Council shall also accompany the application.

153.01.24 Withdrawal of any Applications

- (A) Any request for withdrawal of an application shall be submitted in writing to the Zoning Administrator.
- (B) In all cases where the applicant has requested withdrawal of an application, the associated fee paid and any costs incurred by the City in the processing of an application shall not be refunded.

153.01.25 Timelines for Review

- (A) Action on Preliminary Subdivision Requests
 - (1) In compliance with M.S. § 462.358, as may be amended from time to time, the City shall take action to approve or deny applications for preliminary subdivisions within 120 days of receiving a completed application.
 - (2) If the City cannot take action to approve or deny the application within 120 days of receiving the completed application, an extension request may be approved by the applicant in writing.
- (B) Action on Final Subdivision Request

In compliance with M.S. § 462.358, as may be amended from time to time, once the City has preliminarily approved a subdivision request, the applicant shall submit an application for final subdivision approval; the City shall take action to approve or deny applications for Final Plats within 60 days of receiving a completed application.

153.01.26 Public Hearing

- (A) For all subdivision procedures which require a public hearing, the procedures established in §154.02.21(J) shall apply.

PART 3 SUBDIVISION APPROVAL REQUIRED

153.01.31 Applicability

- (A) Applications for subdivisions shall be classified as one of the following types:

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153.01.32 Exemptions

- (1) Minor Subdivision where a lot division or consolidation results in three or less parcels under certain conditions, as established in § 153.02.11.
- (2) Major Subdivisions, where:
 - (a) A lot division creates three or more parcels, lots, or tracts or where the division necessitates the creation of streets, roads, or alleys for residential, commercial, industrial, or other use or any combination thereof; or
 - (b) Any change in the lot line(s) or the establishment of the lot line(s) of a parcel, lot, or tract not previously platted.
- (B) Prohibition Related to Building Permits
 - (1) No lot, parcel, or tract created after the effective date of this Chapter shall be issued a building permit unless the lot, parcel or tract has been created in compliance with the subdivision regulations of the City.
 - (2) Outlots are deemed unbuildable and no building permit shall be issued for such properties, except in the case of public park facilities and essential services.

153.01.32 Exemptions

- (A) Subdivision approval is not required for those separations where all the resulting parcels, tracts, lots or interests will be:
 - (1) 20 acres or larger in size and 500 feet in width for residential uses; or
 - (2) Five acres or larger in size for commercial and industrial uses;
- (B) Subdivision approval is not required for separations creating cemetery lots; and
- (C) Subdivision approval is not required for separations resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

153.01.33 Development Agreement Required

- (A) Purpose

It is the purpose of this section to ensure that a subdivider follows the conditions of approval and properly installs the basic improvements required in a plat. Whenever a subdivision includes any public improvements or whenever a major subdivision includes other conditions of approval, the subdivider shall enter into a Development Agreement with the City, setting forth the conditions under which the subdivision is approved.

- (B) Required Improvements

- (1) Basic Improvements.

As required by the approval, and any conditions therein, all of the following required improvements to be installed under the provisions of this section shall be designed

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and constructed in accordance with the design standards of this Chapter, and approved by and subject to the inspection of the City Engineer prior to approval:

- (a) Streets;
 - (b) Sanitary sewer;
 - (c) Watermain;
 - (d) Surface water facilities (pipes, ponds, rain gardens, and similar improvements);
 - (e) Grading and erosion control;
 - (f) Sidewalks/trails;
 - (g) Street lighting;
 - (h) Street signs and traffic control signs;
 - (i) Wetland mitigation; and
 - (j) Monuments required by Minnesota State Statutes.
- (2) Other Improvements.

The subdivider shall arrange for the installation of private utilities including, but not limited to, telecommunications cabling, electrical and natural gas service following the backfilling of the curb and gutter.

(C) Installation of Basic Improvements

- (1) The subdivider shall arrange for the installation of all required improvements in the development subject to the Development Agreement.
 - (a) All of the City's expenses incurred as the result of the required improvements shall be paid to the City by the subdivider including but not limited to legal, planning, engineering and inspection expenses incurred in connection with approval and acceptance of the plat, the preparation of the Development Agreement, review of construction plans and documents, and all costs and expenses incurred by the City in monitoring and inspecting fulfillment of the Development Agreement.
 - (b) The subdivider shall reimburse the City for costs incurred in the enforcement of the Development Agreement, including engineering and attorneys' fees.
- (2) The City Council reserves the right to, in its sole discretion, elect to install all or any part of the basic improvements required under the provisions of this section and assess the costs to the benefiting property owners pursuant to M.S. Ch. 429, as may be amended from time to time.

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- (3) Unless separate written approval has been given by the City as provided for in § 153.02.44(C)(2), within the plat or land to be platted, the subdivider may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, streets, utilities, public or private improvements, or any buildings within the plat or land to be platted until all the following conditions have been satisfied:
 - (a) The Development Agreement has been fully executed by both parties and filed with the City Clerk;
 - (b) The necessary security has been received by the City;
 - (c) The plat has been filed with the county recorder's office;
 - (d) The construction plans have been approved and signed by the City Engineer; and
 - (e) The City has issued a letter that all conditions have been satisfied and that the subdivider may proceed.
 - (4) The improvements shall be installed in accordance with this Chapter, City standard specifications for utilities and street construction, and the City's engineering standard specifications.
 - (a) The subdivider shall submit plans and specifications that have been prepared by a registered professional engineer to the City for approval by the City Engineer.
 - (b) The City shall, at the subdivider's expense, provide all on-site inspection and soil testing to certify that the construction work meets the City's standards and approved plans.
 - (5) All labor and work shall be done and performed in the best and most workmanlike manner and in strict conformance with the approved plans and specifications.
 - (a) No deviations from the approved plans and specifications will be permitted unless approved in writing by the City Engineer.
 - (b) The subdivider shall not do any work or furnish any materials not covered by the plans and specifications and special conditions of the Development Agreement, for which reimbursement is expected from the City, unless such work is first ordered in writing by the City Engineer as provided in the specifications.
- (D) Time of Performance
- (1) The subdivider shall complete all required basic improvements no later than one year following the commencement of work on the improvements, except:
 - (a) Where weather precludes completion;

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153.01.34 Financial Guarantees

- (b) For street lighting; and
- (c) For the wearing course of streets.
- (2) Where weather precludes completion, the timeline for completion of the improvements may be extended an additional six months upon approval in writing of the Zoning Administrator.
- (3) The subdivider shall complete street lighting within two years following the initial commencement of work on the required basic improvements.
- (4) Neither curb and gutter nor bituminous pavement shall be installed between November 15 and April 15. The final wear course on streets shall be installed between May 15 and October 1 the first summer after the base layer of asphalt has been in place one freeze thaw cycle. Any deficiencies in the base asphalt, curb or other improvements must be repaired by the subdivider at its own cost prior to final paving. The subdivider may, however, request an extension of time from the City Engineer. If an extension is granted, it shall be conditioned upon updating the security posted by the subdivider to reflect cost increases and the extended completion date. Final wear course placement outside of this time frame must have the written approval of the City Engineer.

153.01.34 Financial Guarantees

- (A) Subsequent to execution of the Development Agreement, but prior to approval of a signed Final Plat for recording, the subdivider shall provide the City with a financial guarantee in the form of a letter of credit from a bank, cash escrow, or other form of security acceptable to the City. A letter of credit or cash escrow shall be in an amount as determined by the City Engineer.
- (B) It shall be the responsibility of the subdivider to insure that a submitted financial guarantee shall continue in full force and effect until the City Engineer has approved and the City Council has accepted all of the required improvements. The City Engineer thereby is authorized to release the guarantee or reduce the amount of the guarantee as provided in §153.01.35, Approval and Acceptance of Basic Improvements.
- (C) When any instrument submitted as a financial guarantee contains provision for an expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the Development Agreement or of the required improvements, the expiration date shall be December 31 or the closest business day in the case of weekends and legal holidays.
 - (1) Further, the financial guarantee shall be deemed automatically extended without change for six months from the expiration date unless 60 days prior to the expiration date the financial institution notifies the City in writing by certified mail that it does not elect to renew the financial guarantee for an additional period.

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- (2) If the instrument is not to be renewed and has not been released by the City Engineer, another acceptable financial guarantee in the appropriate amount shall be submitted at least 60 days prior to the expiration.
 - (3) The term of any extension shall be approved by the City Engineer and subject to the requirements of this section.
 - (4) Upon receipt of an acceptable substitute financial guarantee, the City Engineer may release the original guarantee.
- (D) Forms of Financial Guarantees
- (1) Letter of Credit

If the subdivider posts a letter of credit as a guarantee, the credit shall:

 - (a) Be irrevocable;
 - (b) Be from a bank approved by the City;
 - (c) Be in a form approved by the City;
 - (d) Be for a term sufficient to cover the completion, maintenance and warranty periods identified in this section; and
 - (e) Require only that the City present the credit with a sight draft and an affidavit signed by the City Administrator or the City Administrator's designee attesting to the City's right to draw funds under the credit.
 - (2) Cash Escrow

If the subdivider posts a cash escrow as a guarantee, the escrow instructions approved by the City shall provide that:

 - (a) The subdivider will have no right to a return of any of the funds except as provided in § 153.01.35, Approval and Acceptance of Basic Improvements; and
 - (b) The escrow agent shall have a legal duty to deliver the funds to the City whenever the City Administrator presents an affidavit to the agent attesting to the City's right to receive funds whether or not the subdivider protests that right.
 - (3) Cash

A cash deposit made with the City finance department may be used as part of the required financial guarantee in those instances where the subdivider elects to have the City install some or all of the public improvements.
- (E) Amounts of Financial Guarantees

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The subdivider shall submit either a financial guarantee in one of the forms listed in § 153.01.34(D), Forms of Financial Guarantees, for an amount determined by the City Engineer in accordance with the following:

(1) Subdivider Installed Improvements

For basic improvements to be installed by the subdivider, the required financial guarantee shall include all of the following fixed or estimated costs:

- (a) Costs of the basic improvements identified in § 153.01.33(B)(1), Basic Improvements;
- (b) Engineering, to include subdivider's design, construction management, surveying, inspection, and drafting;
- (c) 25 percent contingency or add-on to the costs in paragraphs (a) and (b) above; and
- (d) Estimated cost of energy for street lights for the first two years of operation.

(2) City Installed Improvements

For basic improvements to be installed by the City, the required financial guarantee shall be the sum of the following fixed or estimated costs:

- (a) A cash deposit in an amount equal to 25 percent of the estimated cost of installing the specified public improvements as determined by the City Engineer, which costs would include charges incurred by the City for legal, planning, engineering and administration associated with the installation project(s). The deposit shall be applied to the costs of such installations, with the remainder of the costs specially assessed, in the manner provided by Minnesota State Statutes, over a period of five years together with interest thereon.
- (b) In lieu of the cash deposit, the subdivider may elect to have the City provide 100 percent of the cost of such installations, which costs shall be assessed over a period of five years. In such event, the subdivider shall post a letter of credit for 60 percent of the cost of assessments, which letter of credit shall be released after the subdivider pays the principal and interest on said assessments for two years and which letter of credit shall be separate from any other letters of credit associated with the subdivider's project.

(F) Other Cash Requirements

The subdivider will be responsible for additional cash requirements which must be furnished to the City at the time of Final Plat approval. The subdivider shall not proceed with any improvements until these cash requirements have been paid to the City. The cash requirements may include:

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- (1) Park dedication fees (See § 153.04.11 through § 153.04.14);
- (2) Utility charges and fees. This may include sewer availability charges (SAC), water availability charges (WAC), and trunk fees;
- (3) Special assessments including interest;
- (4) The City's legal, engineering administration, and construction observation fees;
- (5) Costs associated with traffic control and street signs to be installed in the plat by the City;
- (6) Map upgrade fee; and
- (7) Other charges or fees as determined by the City.

153.01.35 Approval and Acceptance of Basic Improvements

The financial guarantee shall be held by the City until:

- (A) The subdivider vouches, by certified letter to the City, that the conditions required by the City for approval under this Chapter have been satisfied; and
- (B) The City Engineer determines that the conditions required for approval have been met.
- (C) No financial guarantee shall be released in full until the following has occurred:
 - (1) All improvements have been completed and public improvements have been accepted by the City Engineer.
 - (2) Iron monuments for lot corners have been installed.
 - (3) All financial obligations to the City have been satisfied.
 - (4) Reproducible record plans of all public improvements as required by the City Engineer have been furnished to the City by the subdivider. Such record plans shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.
 - (5) A warranty/maintenance guarantee has been provided as described in § 153.01.36, Warranty/Maintenance Guarantee.
 - (6) A title insurance policy approved by the City Attorney indicating that the improvements are free and clear of any and all liens and encumbrances.
- (D) If the City Engineer finds that all conditions of this Chapter and the Development Agreement have been satisfied, the City shall release and return to the applicant any and all financial securities tied to the requirements within 30 days.
 - (1) If the City fails to release and return the letters of credit within the 30-day period, any interest accrued will be paid to the applicant, pursuant to M.S. § 462.358, as may be amended from time to time.

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153.01.36 Warranty/Maintenance Guarantee

- (E) If the City Engineer determines that the conditions required for approval have not been satisfied, the City shall send written notice within seven business days upon receipt of the certified letter indicating to the applicant which specific conditions have not been met.
 - (1) The City shall require a maintenance or performance bond from any subcontractor that has not yet completed all remaining requirements.

153.01.36 Warranty/Maintenance Guarantee

- (A) The subdivider shall submit either a warranty/maintenance bond or a letter of credit for an amount determined by the City Engineer.
- (B) The required warranty period for materials and workmanship from the utility contractor installing public sewer and water mains shall be two years from the date of final written City acceptance of the work.
- (C) The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be subject to one year from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the subdivider shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of two years from the date of final written City acceptance of the work.
- (D) The required warranty period for trees and landscaping is one growing season following installation.
- (E) The required warranty period for erosion control will be as established in the Development Agreement.

153.01.37 Insurance

- (A) The subdivider shall take out and maintain or cause to be taken out and maintained until six months after the City has accepted the public improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of subdivider's work or the work of its subcontractors or by one directly or indirectly employed by any of them.
- (B) Limits for the coverage shall be in accordance to the City's current requirements.
- (C) The City shall be named as an additional insured on the policy, and the subdivider shall file with the City a certificate evidencing coverage prior to the City signing the plat.
- (D) The certificate shall provide that the City must be given ten days advance written notice of the cancellation of the insurance.

153.01.38 Penalty

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153.02.11 Applicability

- (A) Any subdivider who violates, omits, neglects or refuses to comply with the provisions or the enforcement of this Chapter or who sells, offers for sale, or leases any portion of land which is in violation of this Chapter, shall be guilty of a misdemeanor.
- (B) Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Chapter, and the City may pursue, by appropriate actions or proceedings, any or all additional remedies.

ARTICLE 02 REVIEW PROCESS

PART 1 MINOR SUBDIVISIONS

153.02.11 Applicability

- (A) This section is intended to provide for an expedited procedure for the subdivision of land by use of a certificate of survey when it is proposed to subdivide land that is already in a recorded subdivision plat.
- (B) Land to be subdivided as a minor subdivision shall be a lot (or lots) of record in a recorded subdivision plat. The subdivision of land that is not part of a recorded plat requires the land to be platted through a major subdivision process.
- (C) The maximum number of parcels or building sites to be created from one platted lot shall not exceed three; and the maximum number of parcels or building sites to be created from two platted lots shall not exceed three.
- (D) No subdivision of land shall result in the creation of a substandard (non-buildable) lot, according to the current zoning classification, with the exception of existing outlots.
- (E) Any affected lot or outlot shall not be allowed to be subdivided by use of a certificate of survey more than one time.
- (F) The need for general utility easements or drainage easements or improvements shall be resolved prior to the approval of the subdivision.
 - (1) This may include the vacation of existing easements and establishment of new easements for utility and drainage.
- (G) The dedication of land to the public for a street or street right-of-way shall not be allowed by use of a certificate of survey.

153.02.12 Pre-Application Meeting

A pre-application meeting pursuant to 153.01.15 is suggested prior to submitting a Minor Subdivision application.

153.02.13 Submittal

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153.02.14 Review Process

- (A) The applicant shall file the completed application, including required exhibits, with the Zoning Administrator and shall pay a filing fee, as established by the Council, for processing the minor subdivision.
- (B) The Zoning Administrator shall review the application and within 15 business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.

(C) **Criteria for Complete Submittal**

No submittal to the City shall be considered complete without receipt of three paper copies and one electronic copy of the following:

- (1) A completed application form.
- (2) Evidence of ownership or enforceable option on the property;
- (3) A certificate of survey of the existing property with an accurate boundary description of the property.
- (4) A certificate of survey of the proposed property with an accurate boundary description of the new lot(s).
 - (a) The certificate of survey for filing or recording shall be drawn at current acceptable engineering design standards with a scale.
 - (b) The certificate of survey shall measure no less than eight and one-half inches by 11 inches. The certificate of survey shall be drawn to a scale not greater than 100 feet to the inch unless another suitable scale is approved by the City Engineer. (Example: one inch equals 200 feet would be unacceptable.)
- (5) Site plan of the property showing:
 - (a) Locations and dimensions of existing features, such as structures, impervious surfaces, trees, fences/retaining walls, waterbodies and wetlands; all such elements shall also include an indication if they are proposed to remain or be demolished.
 - (b) Proposed subdivision of the property, with dimensions of the new lots showing lot area, lot width, and setbacks.

153.02.14 Review Process

(A) **Application Distributed**

When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.

(B) **Review and Decision**

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153.02.15 Issuance of Decision

- (1) When the Zoning Administrator determines the application to be complete, the item shall be reviewed by the Planning and Zoning Commission; after review, the Planning and Zoning Commission shall make a recommendation to the City Council to approve, approve with conditions or not approve the subdivision activities.
 - (2) The City Council shall, within 90 days of the Planning and Zoning Commission recommendation, approve, approve with conditions or not approve the subdivision activities.
- (C) Criteria for Review
- (1) In making the determination, whether or not the minor subdivision is to be allowed, the City Council shall make the following findings:
 - (a) The proposed subdivision is not in conflict with the Comprehensive Plan of the City.
 - (b) The proposed subdivision will not disrupt the character of the neighborhood.
 - (c) The proposed subdivision does not result in the creation of a substandard (non-buildable) lot, according to the current zoning classification.
 - (2) Assessments shall be paid in full prior to the approval of the subdivision.

153.02.15 Issuance of Decision

- (A) Recording
- (1) The subdivider shall file and record the certificate of survey with attached legal descriptions within 30 days from the date of approval by the City Council. One copy shall be filed with the City Clerk, and one copy shall be recorded with the County Recorder. All fees for filing or recording shall be paid by the subdivider.
 - (2) The City Clerk shall file the certificate of survey and attached legal descriptions with the original subdivision plat map in the City Administrator's record.
- (B) Effect of Approval
- (1) No building permits shall be issued prior to filing and recording the certificate of survey, and legal descriptions, with the required City and County officials.

PART 2 CONCEPT PLAN

153.02.21 Applicability

- (A) The Concept Plan and any accompanying information shall serve as a basis for discussion between the subdivider and the City and is intended to provide the subdivider with an advisory review.

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- (B) The Concept Plan process is not mandatory. This process may be initiated at any time by an applicant who wishes to gain information and guidance from the Planning and Zoning Commission and City Council regarding a specific development concept before entering into binding agreements, incurring substantial expense, or filing a Preliminary Plat application.
- (C) For more complex proposals, it is suggested that the applicant participate in a Concept Plan review process before proceeding to a Preliminary Plat application.
- (D) This process is intended to inform the applicant of the purpose and objectives of these regulations, the Comprehensive Plan, and duly adopted plan implementation devices of the City.

153.02.22 Submittal

- (A) The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee, as established by the Council, for processing the concept plan.

- (B) Criteria for Complete Submittal:

No submittal to the City shall be considered complete without receipt of three paper copies and one electronic copy of the following:

- (1) A completed application form;
- (2) A Concept Plan, drawn to scale, including the following:
 - (a) Scale and north point;
 - (b) Boundaries of entire parcel of land;
 - (c) Proposed subdivision name;
 - (d) Name and address of property owner;
 - (e) Name and address of subdivider;
 - (f) Zoning classification of proposal and adjacent lands;
 - (g) Names of existing streets;
 - (h) General street design and general design of other surface improvements such as sidewalks and trails;
 - (i) General lot layout, including number of proposed lots and dimensions of those lots (lot area, lot width);
 - (j) Information of adjacent lands:
 - (i) Parcel boundaries
 - (ii) Parcel ID numbers

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153.02.23 Review Process

- (iii) Property Owner
- (k) Areas of open space or park dedication;
- (l) Areas for stormwater retention; and
- (m) Existing natural features including wetlands, water bodies, significant tree stands, steep slopes, and floodplain areas.

153.02.23 Review Process

- (A) The Zoning Administrator shall review the application and Concept Plan and refer them to City Staff for review.
- (B) The Planning and Zoning Commission shall review the Concept Plan and provide feedback to the applicant.
- (C) The City Council shall review the Concept Plan and provide feedback to the applicant.
- (D) Discussions that occur are not binding on the City and do not constitute official assurances or representations of the City.

PART 3 PRELIMINARY PLAT

153.02.31 Applicability

- (A) A Preliminary Plat application shall be submitted to the City when any of the following apply:
 - (1) The applicant is proposing to create four or more lots as part of a subdivision; or
 - (2) The applicant is proposing to change the exterior boundaries of an existing plat; or
 - (3) Successive divisions within a five year period creating five or more parcels or building sites (i.e. lots or outlots) of 1 to 1½ acres each or less; or
 - (4) The proposed subdivision does not qualify to be processed as a minor subdivision.

153.02.32 Pre-Application Meeting

If an applicant has not completed a concept plan process as specified in § 153.02.21 through § 153.02.23, a pre-application meeting pursuant to §153.01.22 is required prior to submitting a Preliminary Plat application.

153.02.33 Submittal

- (A) The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee, as established by the Council, for processing the major subdivision.
- (B) The Zoning Administrator shall review the application and within 15 business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.

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153.02.33 Submittal

(C) Criteria for Complete Submittal

No submittal to the City shall be considered complete without receipt of three paper copies and one electronic copy of the following:

- (1) Certificate of Survey for the site showing the following:
 - (a) Property boundary for entirety of parcel(s) to be subdivided and legal description of current property.
 - (b) Wetland delineation.
 - (c) Existing topography at two-foot contours.
 - (d) Location of Floodplain and regulatory flood elevation.
- (2) Preliminary Plat conforming substantially to the format referenced in M.S. § 505.021, as may be amended from time to time, and specifically including:
 - (a) Date, scale, north point;
 - (b) Property boundary for entirety of parcel to be subdivided;
 - (c) Proposed subdivision name and all intended street names according to the municipality's street naming and numbering system;
 - (d) Name and address of the subdivider, surveyor and engineer preparing plat;
 - (e) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land;
 - (f) Zoning classification of lands to be subdivided and all adjacent lands and proposed zoning, if different than existing zoning;
 - (g) Topographic map of the area showing two-foot contour intervals. All areas of the subdivision to be platted with a slope greater than 25 percent must be clearly indicated;
 - (h) Location, widths and names of all existing, platted or dedicated elements of the following:
 - (i) streets, including cul-de-sac names (i.e., place or circle),
 - (ii) easements, railroad and utility rights-of-way,
 - (iii) sidewalks,
 - (iv) parks,
 - (v) watercourses and drainage ditches,
 - (vi) front, side, and rear yard dimensions for all permanent buildings and structures;

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- (i) Location, size and depth of all existing and/or proposed sanitary sewer, storm sewers, water mains, hydrants and catch basins. Location and proposed design of storm water retention areas when required;
 - (j) Other data within 300 feet of the exterior boundaries of the area being subdivided as may be required by the Planning and Zoning Commission;
 - (k) Identification and location of existing or potential wetlands. Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum;
 - (l) When the subdivision borders a lake, river or stream the contour line above the indicated flood fringe boundary of the lake, river or stream shall be shown on the plat;
 - (m) The layout and width of all new streets, sidewalks, rights-of-way and easements and the approximate angles of street intersections;
 - (n) Length and bearings of the exterior boundaries of the land being subdivided;
 - (o) Dimensions of all lots to the nearest foot;
 - (p) Square footage of all lots;
 - (q) All lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another and one lot plats should have both a lot and block number;
 - (r) Approximate radii of all curves and lengths of all tangents; and
 - (s) Approximate location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of the dedication or reservation.
- (3) The Preliminary Plat shall be drawn to currently acceptable engineering design standards with a scale not greater than one inch equals 100 feet unless another suitable scale is approved by the City Engineer. (Example: One inch equals 200 feet would be unacceptable.)
- (4) Preliminary Civil Plans showing the following:

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153.02.34 Review Process

- (a) Grading and Drainage Plans
 - (i) Grading Plan
 - (ii) Erosion Control Plan
 - (iii) Seeding Plan
 - (iv) Grading Details
- (b) Street and Utility Plans
 - (i) Sanitary and Watermain Plan
 - (ii) Storm Sewer Schedule
 - (iii) Storm Sewer Construction Plan
 - (iv) Drintile Plan (if applicable)
 - (v) Street Construction Plan
 - (vi) Lighting and Signage Plan
 - (vii) Street and Utility Details

153.02.34 Review Process

(A) Application Distributed

When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.

(B) Hearing on the Application

- (1) When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall give all required notice in compliance with § 153.01.26.
- (2) The Planning and Zoning Commission shall hold the public hearing and may table the application for further investigation if necessary.

(C) Review and Decision

- (1) Upon the conclusion of the public hearing, the Planning and Zoning Commission shall recommend to the City Council either preliminary approval of the subdivision, preliminary approval of the subdivision subject to conditions, or denial of the subdivision.
 - (a) If the Planning and Zoning Commission recommends denial, it shall express its recommendation for disapproval and its reasons therefor.
 - (b) Any plan given a conditional recommendation for approval shall be revised to meet the requirements of the conditions and three paper and

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153.02.35 Issuance of Decision

electronically transmitted copies shall be resubmitted to the Zoning Administrator.

- (2) Upon receiving a recommendation from the Planning and Zoning Commission, the City Council shall review and approve, approve conditionally, or deny the Preliminary Plat application.
 - (a) The City Council may table the review or remand the issue back to the Planning and Zoning Commission if they deem necessary.
 - (b) The City Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.
- (D) **Criteria for Review**

In making their determination, the Planning and Zoning Commission and City Council shall consider the following:

 - (1) Consistency with the design standards and other requirements of this Chapter;
 - (2) Consistency with the City's Comprehensive Plan or other adopted plans applicable to the area;
 - (3) Consistency with Chapter 154 of the City Code;
 - (4) The physical characteristics of the site, including but not limited to topography, erosion and flooding potential, development or use contemplated; and
 - (5) The proposed development's potential for a negative fiscal or environmental impact upon the City.

153.02.35 Issuance of Decision

- (A) **Notification**

Following the decision by the City Council, the Zoning Administrator shall notify the applicant of the Council's action and reasons thereof.
- (B) **Recording**

The City shall maintain a record of all approved Preliminary Plat applications including a copy of the application, materials, review dates and such other information as may be appropriate. A record of applications which were not approved shall also be maintained for record keeping purposes pursuant to the City's record retention schedule.
- (C) **Effect of Approval**
 - (1) The approval of a Preliminary Plat is an acceptance of the general layout as submitted and indicates to the applicant that they may proceed toward fulfilling the necessary steps for approval of the Final Plat in accordance with the terms of approval.

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153.02.36 Preliminary Plat Amendment

- (2) Upon approval of the Preliminary Plat by the Council, the applicant shall submit the Final Plat to the City Council within one year after the approval, in compliance with § 153.02.42.
- (3) Prior to the expiration of the Preliminary Plat approval, the City Council may extend the approval for an additional year.
 - (a) The applicant shall submit such a request in writing to the Zoning Administrator at least 30 days in advance of the expiration date and the City Council shall consider the extension.
 - (b) The request for an extension shall specify the term of extension, and designate a new extension date.
 - (c) The extension shall not be subject to an additional fee and only one extension may be granted per Preliminary Plat.

153.02.36 Preliminary Plat Amendment

Requested amendments to the Preliminary Plat shall follow the same procedure outlined in this Section. Should the applicant desire to amend the Preliminary Plat as approved, they may resubmit an amended Plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Zoning Administrator, of such scope as to constitute a new Plat, in which such case it shall be re-filed.

PART 4 FINAL PLAT

153.02.41 Applicability

- (A) An approved Preliminary Plat shall be on file with the City prior to applying for a Final Plat that substantially conforms to the Preliminary Plat.
- (B) The Final Plat may, if permitted by the City Council, constitute only that portion of the approved Preliminary Plat which the applicant proposes to record at the time.

153.02.42 Submittal

- (A) The application for a Final Plat shall be submitted no later than one year after the date of approval of the Preliminary Plat; otherwise the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the applicant and granted by the City.
- (B) The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee, as established by the Council, for processing the Final Plat.
- (C) The Zoning Administrator shall review the application and within 15 business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.
- (D) Criteria for Complete Submittal

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153.02.42 Submittal

No submittal to the City shall be considered complete without receipt of three paper copies and one electronic copy of the following:

- (1) Final Plat including:
 - (a) Date, scale, north point;
 - (b) Subdivision name and all street names;
 - (c) Location of the plat by quarter section, section, town and range;
 - (d) Location and names of adjacent subdivisions;
 - (e) Exact location, widths and names of all existing platted or dedicated streets, cul-de-sac names (i.e., place or circle), sidewalks, easements, railroad and utility rights-of-way, parks, watercourses and drainage ditches within the boundaries of the land to be subdivided;
 - (f) Identification and location of existing or potential wetlands. Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum;
 - (g) When the subdivision borders a lake, river or stream the contour line above the indicated flood fringe boundary of the lake, river or stream shall be shown on the plat;
 - (h) Exact location and width of all new streets, their angle of intersection, length of arcs, radii, points of curvature and tangent bearings;
 - (i) Exact location and width of all easements, and a statement of easement rights;
 - (j) Exact length and bearings or angles of the exterior boundaries of the land being subdivided;
 - (k) Exact dimensions of all lots;
 - (l) All lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another and one lot plats should have both a lot and block number;
 - (m) Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose

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153.02.42 Submittal

- indicated thereon. All lands dedicated for public use, other than streets, shall be marked "Dedicated to the Public";
- (n) Accurate location and material of all permanent reference monuments including lot corners which shall be marked in accordance with current surveying standards;
 - (o) Certificate of the registered land surveyor preparing the plat, that the plat as presented, fully complies with the requirements of this chapter, and the platting laws of the state relative to the surveying, dividing and mapping of land; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by the surveyor and that all monuments indicated thereon exist and their location, size and material are correctly shown; and
 - (p) Signature lines for certificates of approval:
 - (i) A certificate issued by the authorized county officials stating that there are no unpaid taxes or special assessments on any of the lands included in the plat;
 - (ii) A certificate by the owner or owners dedicating to the public for full public use all street and street rights-of-way and other lands designated as "Dedicated to the Public" and the granting of utility easements as shown on the plat;
 - (iii) A certificate of Planning and Zoning Commission approval signed by the Planning and Zoning Commission Chair; and
 - (iv) A certificate of approval by the City Council signed by the Mayor and Administrator.
- (2) Final Civil Plans of the following:
- (a) Grading and Drainage Plans
 - (i) Grading Plan
 - (ii) Erosion Control Plan
 - (iii) Seeding Plan
 - (iv) Grading Details
 - (b) Street and Utility Plans
 - (i) Sanitary and Watermain Plan
 - (ii) Storm Sewer Schedule
 - (iii) Storm Sewer Construction Plan

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CHAPTER 153 SUBDIVISIONS

153.02.43 Review Process

- (iv) Draintile Plan (if applicable)
- (v) Street Construction Plan
- (vi) Lighting and Signage Plan
- (vii) Street and Utility Details

153.02.43 Review Process

(A) Application Distributed

When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.

(B) Review and Decision

- (1) When the Zoning Administrator determines the application to be complete, the item shall be scheduled to be reviewed by the City Council.
- (2) The City Council shall review and approve, approve conditionally, or deny the Final Plat application.
 - (a) The City Council may table the review if they deem more information is necessary
- (3) The City Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.

(C) Criteria for Review

In considering the Final Plat application, the City Council shall consider the following factors:

- (1) Substantial conformance with the approved Preliminary Plat and all conditions of approval;
- (2) Conformance with this Chapter and all other applicable ordinances, rules, and regulations; and,
- (3) Consistency with the Comprehensive Plan's vision, mission, values, and policies.

153.02.44 Issuance of Decision

(A) Notification

Following the decision by the City Council, the Zoning Administrator shall notify the applicant of the Council's action and reasons thereof.

(B) Recording

- (1) The Final Plat for recording, after approval by the City Council, shall substantially conform to M.S. § 505.021, as may be amended from time to time.

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153.02.51 Applicability

- (2) After the Final Plat has been approved by the City Council, all conditions of approval have been met, and required improvements are either installed or a contract and sureties insuring their installation is filed, the applicant shall file the Final Plat and Development Agreement with the County Recorder. Recording of the Final Plat and all associated conditions of approval must be completed within one year of final approval.
 - (3) Failure to record the Final Plat, Development Agreement, and all associated conditions of approval within one year of final approval shall result in the requiring of a new Preliminary Plat which must be reviewed in accordance with the procedure set out in this Chapter to ensure compliance with any new requirements.
 - (4) The City shall distribute copies of the approved Final Plat to all approving agencies, affected utilities, and other affected agencies for their files.
- (C) Effect of Approval
- (1) Once the Final Plat has been recorded, activity may commence on the site as long as it meets the installation of improvements as established in this Chapter, or as otherwise agreed upon within the Development Agreement with the City.
 - (2) Grading on the site may occur prior to recording of the Final Plat and Development Agreement if a grading permit has been issued by the City Engineer.

PART 5 VARIANCES

153.02.51 Applicability

The standards and requirements of this chapter may be modified by the City Council in accordance with the Comprehensive Plan safeguarded by appropriate restrictions, conditions and adequate provisions for necessary community facilities and without detriment to the public interest. No variance shall be granted which shall have the effect of nullifying the intent and purpose of this chapter.

153.02.52 Pre-Application Meeting

A pre-application meeting pursuant to § 153.01.22 is suggested prior to submitting a Variance application

153.02.53 Submittal

- (A) The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee, as established by the Council, for processing the variance.
- (B) The Zoning Administrator shall review the application and within 15 business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.
- (C) Criteria for Complete Submittal

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CHAPTER 153 SUBDIVISIONS

153.02.54 Review Process

No submittal to the City shall be considered complete without receipt of the following:

- (1) Complete Variance application.
- (2) Narrative from applicant explaining why a variance from this Chapter is needed.

153.02.54 Review Process

(A) Application Distributed

When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.

(B) Hearing on the Application

- (1) When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall give all required notice in compliance with § 153.01.26.
- (2) The Planning and Zoning Commission shall hold the public hearing and may table the application for further investigation if necessary.

(C) Review and Decision

- (1) Following the public hearing, the Planning and Zoning Commission shall recommend approval, conditional approval, or denial of the Subdivision Variance request and shall transmit the request and application along with its recommendations to the City Council.
- (2) Upon receiving a recommendation from the Planning and Zoning Commission, the City Council shall review and approve, approve conditionally, or deny the Variance application by majority vote.
- (3) The City Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.

(D) Criteria for Review

In considering the Subdivision Variance application, the City Council shall consider the following factors:

- (1) The requested Subdivision Variance is in harmony with the general purposes and intent of this Chapter;
- (2) The requested Subdivision Variance is consistent with the Comprehensive Plan and all other applicable City plans;
- (3) The applicant has established that there are special circumstances or conditions, such as topography, drainage, or other natural occurring characteristics, affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and

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153.02.55 Issuance of Decision

- (4) The impact the variance will have on the public health, safety, and welfare of other property in the vicinity in which the property is situated.

153.02.55 Issuance of Decision

(A) Notification

Following the decision by the City Council, the Zoning Administrator shall notify the applicant of the Council's action and reasons therefor.

(B) Recording

- (1) A certified copy of the authorizing resolution, containing identifiable description and any specific requirements for approval, shall be recorded by the applicant with the County.
- (2) A copy of a decision granting a Subdivision Variance in a floodplain district shall be mailed by the City to the district office of the Minnesota Department of Natural Resources within ten days of the decision.

(C) Effect of Decision

- (1) Violations of the conditions of a Subdivision Variance shall void the Variance.
- (2) Whenever within one year after granting a Subdivision Variance the work as permitted by the Variance shall not have been completed, then the Variance shall become null and void unless a petition for extension of time in which to complete the work has been granted to the Council.
 - (a) The extension shall be requested in writing and filed with the Zoning Administrator at least 30 days before the expiration of the original Subdivision Variance. There shall be no charge for the filing of the petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the Subdivision Variance or appeal. The petition shall be presented to the City Council for a decision.
 - (b) A second extension shall require a new public hearing.
- (3) A Subdivision Variance application which has been denied shall not be submitted, in an exact or substantially similar form, for at least 12 months from the date of denial.

ARTICLE 03 SUBDIVISION DESIGN STANDARDS

PART 1 GENERAL STANDARDS

153.03.11 Applicability

- (A) The subdivision design standards contained in this Chapter are to assure that the style, character and form of new developments will conform to minimum requirements promoting the health, safety and general welfare of the public. In addition to these regulations and to

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CHAPTER 153 SUBDIVISIONS

153.03.12 General Standards

ensure that future developments are consistent with the growth objectives and goals of the community, subdivisions shall conform to the comprehensive development plan of the municipality, or any part thereof, and the official map, zoning ordinance and any other applicable ordinances of the municipality.

- (B) Each subdivision shall be designed in compliance with the standards of this section, unless an exception is granted in compliance with § 153.02.51 through § 153.02.55, Variance.

153.03.12 General Standards

(A) **Monuments**

- (1) Official permanent monuments shall be placed as required by M.S. § 505.021, as may be amended from time to time.
- (2) All monument markers shall be correctly in place upon final grading and installation of utilities.
- (3) The City will not issue building permits for a lot within a plat until monuments have been placed for that lot.
- (4) All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

(B) **Subdivision Names**

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City or county. The City shall have final authority to designate the name of the subdivision.

(C) **Street Names**

Street names shall be named according to the municipality's street naming and numbering system, The Zoning Administrator shall have discretion to alter the City street naming system, when appropriate, in order to avoid confusion to the traveling public.

(D) **Debris and Waste**

- (1) No items and materials such as cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be left or deposited in any area of the subdivision through the completion of the Development Agreement or dedication of public improvements, whichever occurs sooner.
- (2) No such items and materials as listed above shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy in a subdivision.

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CHAPTER 153 SUBDIVISIONS

153.03.13 Land Requirements

153.03.13 Land Requirements

- (A) Land shall be suited to the purpose for which it is to be subdivided. No Preliminary Plats shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography or adverse earth or rock formation.
- (B) Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all hazards have been eliminated or unless adequate safeguards against the hazards are provided by the Preliminary Plat.
- (C) Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

153.03.14 Wetland and Floodplain Areas

- (A) Where the subdivision of a lot or tract of land contains watercourse, floodable areas or wetlands the land shall, at the City's option, be:
 - (1) Dedicated to the City as a park, parkway, open space or other public use;
 - (2) Carried in a private easement in the individual deeds affected with no allowance for building construction therein;
 - (3) Developed in accordance with a plan setting forth provisions for sediment control, water management, maintenance of landscaped features and indicating any change that will be made in the natural condition of the earth and its effect, if any, upon watercourses, lakes, streams, wetlands and drainage ways.
- (B) The Planning and Zoning Commission and City Council shall review the option selected and approve or disapprove the dedication, private easement or development plan.
- (C) In no case shall land be subdivided which is deemed unsuitable by the City or the Commissioner of the State Department of Natural Resources for the proposed use because of flooding, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the City.

153.03.15 Construction Setback Requirements from Pipelines

- (A) Purpose.

The purpose of this section is to increase public safety by requiring that new development be set back from pipeline locations.
- (B) Applicability.

This section applies to new residential and other development. It does not apply to development that has occurred or for which development permits have been issued before the effective date of the ordinance codified in this section.
- (C) Setback.

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CHAPTER 153 SUBDIVISIONS

153.03.21 Blocks

Buildings and places of public assembly subject to this section shall not be constructed closer to the pipeline than the boundary of the pipeline easement.

(D) Variances.

Variance procedures adopted by the City under M.S. § 366.10 to § 366.19, § 394.21 to § 394.37, or § 462.351 to § 462.365, as may be amended from time to time, shall apply.

PART 2 BLOCKS AND LOTS

153.03.21 Blocks

The length, width and shape of blocks shall be determined with due regard to the following:

- (A) The provision of adequate building sites suitable to the particular need of the type of use contemplated;
- (B) Zoning requirements as to lot size and dimensions;
- (C) Needs for convenient access, circulation, control and safety of traffic;
- (D) Limitations and opportunities afforded by topography and other natural features; and
- (E) Block lengths shall not exceed 800 feet.

153.03.22 Lots

- (A) Lot dimensions shall conform to Chapter 154; every lot shall be sized to meet the minimum dimensions established by the zoning district and use-specific standards
 - (1) Every lot that meets these minimum standards shall be considered “buildable”
 - (2) Outlots that do not meet these standards may be proposed for common open space, stormwater or other utilities, private streets, or open areas set aside for future subdivision; outlots shall not be considered “buildable.”
- (B) The size, width, shape and orientation of lots and the building setback line shall be appropriate for the type of development and use contemplated.
- (C) Parcel remnants smaller in area than allowed by zoning are not allowed and must be made part of another lot.
- (D) Side lot lines shall be as near to right angles or radial to street lines as possible.
- (E) Every lot shall have street access for fire protection, utilities and other necessary services.
- (F) Lots shall not be so excessive in depth that they block desirable access to adjacent property. The Planning and Zoning Commission may require dedication of land for future streets in excessively deep lots.

PART 3 EASEMENTS AND UTILITIES

153.03.31 Easements

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CHAPTER 153 SUBDIVISIONS

153.03.32 Utilities

- (A) Easements for public utilities may be required by the Planning and Zoning Commission, Park Board, City Engineer and essential public utilities. Where the easements are determined to be necessary, they shall be provided along the rear and side lot lines and shall be a minimum of ten feet in width with a minimum five feet of the easement on each adjacent property being divided.
- (B) Where a watercourse, drainage way channel or stream traverses a subdivision, there shall be provided a storm water easement for drainage right-of-way conforming substantially with the lines of the watercourse. The width of any easement shall be adequate to provide for unobstructed flow of storm runoff based on calculations made for the 100-year return period runoff and to provide a freeboard allowance of 1/2 foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, the landowner shall provide periodic maintenance to ensure proper runoff conveyance. Watercourses for which the 100-year floodplain is formally defined are also subject to the applicable floodplain regulations.
 - (1) If it is deemed advisable by the City Engineer, the watercourse or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage or retention facilities shall be installed as directed by the City Engineer.

153.03.32 Utilities

Where feasible, all utility service lines shall be placed underground and within easements or dedicated rights-of-way. All drainage and other utility installations which traverse privately-owned property shall be protected by proper easements and/or legal agreements.

153.03.33 Water Supply

- (A) Extensions of the public water supply system shall, when available, be designed so as to provide public water service to each lot.
- (B) Water supply for all areas shall be designed to meet regulations and recommended standards of the City and the State Department of Health. Where connection with a public water system is feasible, the public water facilities shall be utilized.
- (C) When the subdivision is located within the service area of a public water supply system, water mains not less than six inches in diameter shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to the public system together with shut-off valves and fire hydrants at intervals of not greater than 600 feet.

153.03.34 Sanitary Sewer

- (A) Extensions of the public sanitary sewer system shall, when available, be designed so as to provide sewer service to each lot.

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CHAPTER 153 SUBDIVISIONS

153.03.41 General Design

- (B) Sewerage for all subdivisions shall be designed to meet regulations and standards of the City and the State Pollution Control Agency. Where connection with a central sewer system is feasible, the central sewer facilities shall be utilized.

PART 4 STREET DESIGN

153.03.41 General Design

- (A) The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation within the subdivision and from the subdivision to adjacent areas.
- (B) Street arrangements, character, width, grade, location, sight distance and surface material shall be related to existing or planned streets, topography, convenience and safety and their intended ultimate function.

153.03.42 Streets by Type

(A) Arterial Streets

The arrangement of arterial streets in a subdivision shall conform to the official street map and provide for the continuation or projection of existing streets in adjacent areas; or conform to a plan approved by the Planning and Zoning Commission where topographic or other conditions make continuance or conformance to existing streets impracticable.

(B) Collector Streets

Collector streets shall be properly related to arterial streets and designed in a manner so as to supplement the arterial street system, but not serve in lieu thereof.

(C) Local Streets

Local streets shall be designed to benefit from the topography, to discourage through traffic and to provide the minimum amount of streets necessary for safe access to adjacent properties. The use of curvilinear and cul-de-sac streets may be allowed where necessary, but are to be discouraged.

(D) Frontage Road

Where the subdivision abuts upon, or contains an existing or proposed highway, major thoroughfare or railroad right-of-way, the Planning and Zoning Commission may require reverse frontage lots with appropriate screening/plantings in the non-access roads parallel to and on either side of the highway, major thoroughfare or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.

(E) Alleys

- (1) Dead-end alleys are prohibited, except where natural or other features makes it impossible to avoid.

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153.03.42 Streets by Type

- (a) Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end as determined by the City Engineer.
- (2) Alleys shall not be permitted in any residential areas unless a secondary means of access to certain property is necessary due to topography or other exceptional circumstances.
- (F) Minimum Street Design Table

Streets shall be designed to meet the minimal standards established in the table below

Street Type	Rights- of- Way	Surface Width		Minimum horizontal curve radii	Minimum tangent between curves	Minimum grade	Maximum grade
		Curb and gutter	Open Ditch				
Arterial	80 feet	44 feet	48 feet	850 feet	200 feet	0.4%	5%
Collector	66 feet	36 feet	24 feet	400 feet	150 feet	0.4%	7%
Local street in Residential subdivision	66 feet	36 feet	24 feet	200 feet	100 feet	0.4%	10%
Local street in Commercial subdivision				100 feet	100 feet		7%
Local street in Industrial subdivision				400 feet	150 feet		5%
Alley	30 feet	20 feet	20 feet	200 feet	100 feet	0.4%	10%
Base and Pavement specifications: As specified by the City Engineer and City Council; in mixed use districts, use the most restrictive standard. Minimum standard shall be 4" Bituminous pavement, 8" Aggregate Base, 12" of Granular Base							

- (G) Cul-de-sacs
 - (1) Proposed streets designed to have one end permanently closed shall not exceed 400 feet in length, except where the City Engineer has approved additional length due to property limitations or large lot size.
 - (2) Cul-de-sac development is discouraged and will only be considered as an exception, such as due to topography.
 - (3) Turnarounds shall be provided at the permanently closed end of all streets and shall have a minimum right-of-way radius of 60 feet and a minimum radius of 48 feet to face of curb.

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153.03.43 Other Design Elements

- (4) For phased developments or any streets with a temporarily closed end, turnarounds shall be provided with a turning radius as determined by the City Fire Chief
- (H) Open Ditch Street Design
 - (1) In areas of the city where geographical and topographical characteristics exist that would not be economically or feasibly served by standard subdivision criteria, the city may allow or require larger, more spacious lots and allow or require these areas to be served by an "open-ditch" street design.
 - (2) The following improvements will be required for all open ditch street sections within the corporate limits of the city.
 - (a) Water and sanitary sewer services must be extended to a point equal to or beyond the top of ditch backslopes.
 - (b) Surface drainage facilities and appurtenances as required by the City Engineer. All driveway drainage structures must be designed to a Q50 standard. All public street drainage structures must be designed to a Q100 standard.
 - (c) Aggregate base as required by the City Engineer. Minimum standards are ten inches compacted base finished to a width of 28 feet.
 - (d) Roadway surface of bituminous or concrete. Minimum standards are four inches compacted with a total surfaced width of 24 feet.
 - (e) Ditch sections to be approved by the City Engineer. Minimum standards are two-foot ditch, six-foot wide bottom and inslope/backslope grade not greater than four to one.
 - (f) Seeding, mulching and sodding or other restoration as required by the City Engineer.

153.03.43 Other Design Elements

- (A) Intersections
 - (1) All streets shall intersect at right angles or as close thereto as possible.
 - (a) No street shall intersect another at an angle of less than 70 degrees.
 - (b) More than two streets intersecting at the same location shall be prohibited.
 - (c) Street jogs with centerline offsets shall be avoided.
 - (2) When the City Engineer finds it necessary for reason of safety and the protection of property, property lines at street intersections shall be rounded with a radius of 15 feet. The City Engineer may permit comparable cords in lieu of the rounded corners.

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153.03.51 Generally

(B) Walkways

- (1) All public walkways shall be constructed in conformance with Chapter 94 of the City Code.
- (2) Multi-Use Trails

All multi-use trails shall be constructed in accordance with the MnDOT Bicycle Facility Design Manual, current edition (www.dot.state.mn.us/bike/bycycle-facility-design-manual.html).

**PART 5 STORMWATER, SURFACE WATER, DRAINAGE, WATER QUALITY,
AND EROSION CONTROL**

153.03.51 Generally

- (A) The following improvements will be required for all new subdivisions within the corporate limits of the municipality and to the specifications as adopted by the City Council.
- (B) Where the provisions of state law or other City regulation or Ordinance set higher standards than those of this subchapter, the provisions of the laws, regulations or ordinances shall apply.

153.03.52 Stormwater

(A) General Requirements

- (1) All storm sewer improvements/construction shall be constructed in conformance with Chapters 52 and 53 of the City Code.
- (2) All development with the exception of the construction of a single family dwelling on an existing lot of record, shall incorporate adequate provisions for stormwater runoff consistent with the City of Kasson standard detail plates, engineering guidelines and this Chapter.
- (3) Drainage discharge shall be managed so post-development runoff is equal to or less than pre-development.
- (4) No stormwater runoff or natural drainage water shall be so diverted or directed as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for avoiding these conditions.

(B) Calculation Methodology

- (1) A hydrograph method based on sound hydrologic theory shall be used to analyze runoff for the design or analysis of flows and water levels.
- (2) The design of any permanent stormwater treatment system intended to meet the requirements of this Chapter shall be verified by routing the design storm

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153.03.52 Stormwater

hydrograph through the proposed facility using the storage indication method or other methodology demonstrated to be more appropriate.

- (3) A stormwater report which includes pre and post development plans, routings, hydrographs and any calculations required to demonstrate compliance with this Chapter shall be submitted to the City for approval.
 - (4) Runoff rates for proposed activities and development shall:
 - (a) Apply land cover conditions existing as of the effective date of this Ordinance as the baseline for existing conditions in runoff calculations.
 - (b) Post-Development runoff rates shall be less than or equal to Pre-Development rates for the 2-year, 10-year and 100-year design storms, unless otherwise permitted by the City Engineer.
 - (c) Atlas 14 precipitation data shall be utilized for Pre and Post development runoff computations, or as approved by the City Engineer. .
- (C) Permanent Stormwater Treatment System
- (1) Current NPDES general construction permit requirements shall apply.
 - (2) Permanent stormwater treatment systems facilities shall be designed and constructed in accordance with the Minnesota Stormwater Manual current edition and current NPDES general permit requirements.
 - (a) All permanent stormwater treatment systems shall be designed with an emergency overflow to pass runoff in the event of a blocked outlet control structure.
 - (b) The emergency overflow shall be designed and constructed to prevent erosion to the spillway.
 - (3) Infiltration areas must be fenced or otherwise protected from disturbance before the land disturbing activity starts.
 - (4) Vegetation used in conjunction with infiltration systems must be tolerant of urban pollutants, and the range of soil moisture conditions anticipated.
- (D) Stormwater Collection and Conveyance System
- (1) Stormwater collection and conveyance systems shall be designed to convey the 10-year design storm.
 - (2) Permitted gutter flow width shall be determined based on the required roadway in conjunction with providing a 12 foot unobstructed travel lane for emergency vehicles. Swales shall be designed to convey the 100-year design storm.
- (E) Stormwater collection and conveyance systems shall be designed to safely pass the 100-year design storm.

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153.03.53 Soil Erosion and Sedimentation Control

- (F) Culverts, natural drainageways or other conveyance facilities shall be sized to accommodate the potential runoff from its entire developed upstream drainage area.

153.03.53 Soil Erosion and Sedimentation Control

The following management practices shall be applied to all development and earth moving activities:

- (A) All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.
- (B) All required erosion and sedimentation control best management practices shall be installed prior to the start of any earthmoving activities.
- (C) Best management practices for erosion control and sediment control shall be applied to each development/construction site.
- (D) Development on slopes with grades greater than 12 percent shall be carefully reviewed to ensure that adequate measures have been taken to prevent erosion, sedimentation and structural damage.
- (E) For phase construction erosion and sediment control measures shall be coordinated between separate stages of development
- (F) Final plant covering or permanent surface treatment shall be installed as soon as possible after completion of final grading.
- (G) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of lands shall be exposed at any one period of time and no exposure shall exceed 60 days unless extended by the Council.
- (H) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The topsoil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.
- (I) The natural drainage system shall be used, as far as feasible for storage and flow of runoff except that no storm water drainage shall be discharged to marshlands, swamps or wetlands. Storm water drainage shall be discharged to retention basins or other treatment facilities. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage and construction cost.
- (J) Public and private properties adjacent to the development site shall be protected from the effects of sedimentation. Any violations of this provision must be corrected by the owner to the satisfaction of the City within five days of receiving notification of such. If the violation is not remedied within the time period specified, the City may correct the problem and assess the costs incurred to the property owner.

153.03.54 Exposed Slopes

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CHAPTER 153 SUBDIVISIONS

153.03.55 Preservation of Natural Drainageways

The following control measures shall be taken to control erosion during construction:

- (A) No exposed slopes should be steeper in grade than one foot vertical for every four feet horizontal.
- (B) At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.
- (C) Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind the berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. The measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron, a gravel energy dissipater should be installed to prevent erosion at the discharge end.
- (D) Exposed slopes shall be stabilized based on degree of the slope, soils material and expected length of exposure.
- (E) Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

153.03.55 Preservation of Natural Drainageways

- (A) Waterways.
 - (1) Every effort shall be made to retain the natural drainage systems in the City including existing wetlands and ponds. Aboveground runoff disposal waterways may be constructed to augment the natural drainage system.
 - (2) The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten-year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
 - (3) No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
 - (4) The banks of the waterway shall be protected with permanent vegetation.
 - (5) The banks of the waterway shall not exceed one foot vertical for every four feet horizontal in gradient.
 - (6) The gradient of the waterway bed shall not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
 - (7) The bend of the waterway shall be protected with turf, sod or other City Engineer approved materials.

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153.04.11 Purpose

- (8) If the flow velocity in the waterway is such that erosion of the turf side wall will occur and the velocity cannot be decreased via velocity control structures, then other City Engineer approved materials may replace turf on the side walls. Either gravel or riprap would be allowed to prevent erosion at these points.
- (B) Sediment control of waterways.
 - (1) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
 - (2) Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. The structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a 25-year storm.
 - (3) Permanent impervious sediment control structures consist of sediment basins (debris basins, de-silting basins or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

ARTICLE 04 LAND DEDICATION

PART 1 GENERAL STANDARDS

153.04.11 Purpose

The provisions of this section are intended by the City to be an exercise of the authority granted pursuant to M.S. § 462.358, Subd. 2(b), as may be amended from time to time, to require that a reasonable portion of any proposed subdivision of residential lands within the City be dedicated to the public or preserved as community parks, playgrounds or open space; or that a reasonable cash payment be received from the subdivider in lieu thereof in order to facilitate development of similar facilities.

153.04.12 Scope

- (A) The provisions of this section shall apply for a subdivision or resubdivision (where the resubdivision causes an increased demand on parks) of lands that are:
 - (1) classified pursuant to this code as being located in a residential zoning district; or,
 - (2) classified as being in a nonresidential district at the time of the application, but are intended to be developed following their subdivision in a manner requiring their designation as a residential zoning district; or,
 - (3) used for high density housing units that are permitted by other means such as conditional use permits; or,

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153.04.13 Minimum Amount of Dedication

- (4) zoned or platted for housing developments consisting of three or more units.
- (B) Upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the City may require the dedication or reservation of areas of sites suitable to the needs created by the development for schools, parks, trails and other neighborhood purposes as may be described as future goals within the Comprehensive Plan.
- (C) Reservation of future park land
 - (1) At the discretion of the City Council, upon recommendation of the Planning and Zoning Commission, a subdivider may dedicate more land than would be required by the formulas established by this Chapter and receive a written credit against future park land dedication requirements.
 - (2) The credit shall attach to the relieved land and remain with the relieved land, regardless of change in ownership thereof.
- (D) Subdivision changes.

In the event a subdivider deviates from the approved Preliminary Plat in a Final Plat, or replats property already platted, or where the use of property is changed from a nonresidential use to a residential use, the owner or subdivider shall be obligated to provide additional land or fee to compensate for the increased demand on the park system.
- (E) Final platting of a portion of an approved Preliminary Plat
 - (1) Whenever a subdivider applies for approval of a Final Plat which contains only a portion of the land encompassed in the approved Preliminary Plat, the subdivider shall be responsible for making a dedication of park land or financial contribution as required, which is proportional to the area of the Final Plat.
 - (2) The conditions of the allowances shall be in the form and manner prescribed and approved by the county.
- (F) Multi-plat developments
 - (1) At the sole discretion of the Council, the City may enter into an agreement with the applicant for a development containing multiple plats concerning the timing and sequence of park land dedication.
 - (2) Notwithstanding any provision in this Chapter to the contrary, the multiple plat agreement shall determine the time when the required park land dedication for multiple plat developments shall occur.

153.04.13 Minimum Amount of Dedication

- (A) The City shall establish by Ordinance the monetary value of the park land dedication.

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153.04.14 Marketability of Title

- (1) This fee shall be periodically reviewed by the Planning and Zoning Commission, Park Board and City Council.
 - (2) The fee shall be paid prior to recording the Final Plat of the subdivision.
 - (3) All payments collected shall be placed in the appropriate park acquisition and development fund established for the City.
- (B) The City Council shall reserve the right to negotiate independently with any property owner in the community to acquire land(s) to be used for community parks. The monetary dedications from any or all subdivisions can be used for these acquisitions or to expand existing facilities.
- (C) The City reserves the right to acquire lands within a subdivision, in accordance with the comprehensive land use plan, at the time of platting for a future park or an addition to an existing park. These lands can be donated by the owner as a credit against current or future dedication requirements.
- (D) Following dedication of lands as provided herein, no person shall remove trees, vegetation or topsoil therefrom, nor shall the lands be used for the purpose of stockpiling of earth or construction material, without written permission from the City.

153.04.14 Marketability of Title

- (A) Generally
- (1) Prior to the dedication, a person proposing to subdivide the land shall deliver to the City Attorney for examination an up to date abstract of title or registered property certificate for examination, or a title opinion by a person licensed to practice law in the state.
 - (2) If the examination of title by the City Attorney, or the title opinion indicated that title is not marketable, no subdivision of the land shall occur until such steps are taken by the subdivider to permit marketable title to be conveyed to the City by dedication upon the lands' subdivision or by a subsequent separate conveyance.
- (B) Exceptions
- (1) The title to lands proposed to be subdivided shall not be deemed unmarketable pursuant to this section by virtue of the fact that a mortgage or other equitable interest in the lands is held by a person other than the subdivider; or that the lands are subject to the lien of a special assessment.
 - (2) Provided that, any conveyance or other act of the subdivider which thereafter conveys to the City title to the lands dedicated shall be free and clear of any equitable interest or mortgage.
- (C) Special assessments; real estate taxes

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153.04.14 Marketability of Title

- (1) The City shall be responsible for the payment of any future special assessments levied on the lands dedicated pursuant to this section.
- (2) Payment of real estate taxes payable on the land dedicated in the year of dedication shall be prorated between the City and the person subdividing the property.