

Section 525

Subdivision of land

525.01. Basic subdivision requirements. The city hereby adopts subdivision regulations, the authority of which is provided for in Minnesota Statutes, section 462.358. The city finds that regulation of the subdivision of real property in the city is necessary for the following purposes:

- (a) To insure the orderly, economic, and safe development of land in the city;
- (b) To insure the adequate and timely provision of urban services and facilities; and
- (c) To protect and promote the public health, safety, and welfare.

Subd. 1. Subdivision approval.

- (a) Required. Subdivision approval, in compliance with the provisions of this section, shall occur as follows:
 - (1) Lot consolidations as provided in the Crystal city code, subsection 510.23;
 - (2) Subdivisions as provided in the Crystal city code, subsection 510.25; and
 - (3) Those properties for which Minnesota condominium law, Minnesota Statutes, chapter 515 applies.
- (b) Exemption. Subdivision approval is not required for adjacent parcel land conveyances as provided in the Crystal city code, subsection 510.21.
- (c) Restrictions.
 - (1) No lot, parcel, or tract created after the effective date of this UDC shall be issued a building permit unless the lot, parcel, or tract has been created in compliance with this UDC.
 - (2) No building permits shall be issued for a habitable structure proposed to be located on an outlot.
 - (3) Land will not be subdivided if the city council determines that the land is unsuitable for development because of flood hazard unless corrective measures consistent with those found in the city code, subsection 515.09 can be feasibly accomplished.

- (4) A proposed subdivision of land will not be considered by the city unless past due special assessments thereon have been paid in full or arrangements for their payment satisfactory to the city have been made.

525.03. Development agreement required.

Subd. 1. Purpose. It is the purpose of this subsection 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 other conditions of approval, the subdivider shall enter into a development agreement with the city, setting forth the conditions under which the subdivision has been approved.

Subd. 2. Required improvements.

(a) Basic Improvements. All of the following required improvements to be installed under the provisions of this section shall be designed and constructed in accordance with the design standards of this section and the current version of city's engineering standard specifications, which are adopted herein by reference, and approved by and subject to the inspection of the city engineer prior to approval:

- (1) Streets, including curb and gutter;
- (2) Sanitary sewer;
- (3) Watermain;
- (4) Surface water facilities (pipes, ponds, rain gardens, and similar improvements);
- (5) Grading and erosion control;
- (6) Sidewalks/trails;
- (7) Street lighting;
- (8) Street signs and traffic control signs;
- (9) Street trees;
- (10) Tree preservation;

- (11) Wetland mitigation and buffers;
 - (12) Monuments required by Minnesota Statutes; and
 - (13) Miscellaneous facilities or other elements defined by the guiding documents.
- (b) Other improvements. The subdivider shall arrange for the installation of private utilities including, but not limited to, telecommunications cabling, electrical and natural gas service.

Subd. 3. Installation of basic improvements.

- (a) The subdivider shall arrange for the installation of all required improvements in the development subject to the development agreement. 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 development of the plat. The subdivider shall reimburse the city for costs incurred in the enforcement of the development agreement, including engineering and attorneys' fees.
- (b) 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 Minnesota Statutes, chapter 429, as may be amended.
- (c) Unless a grading permit has been issued by the city 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:
- (1) The development agreement has been fully executed by both parties and filed with the city clerk;
 - (2) The necessary security has been received by the city;

- (3) The plat has been filed with the county recorder's office;
 - (4) The construction plans have been approved and signed by the city engineer; and
 - (5) The city has issued a letter that all conditions have been satisfied and that the subdivider may proceed.
- (d) The improvements shall be installed in accordance with this UDC, city standard specifications for utilities and street construction, and the city's engineering standard specifications. The subdivider shall submit plans and specifications that have been prepared by a competent registered professional engineer to the city for approval by the city engineer. 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.
- (e) All labor and work shall be done and performed in a professional manner and in strict conformance with the approved plans and specifications. No deviations from the approved plans and specifications will be permitted unless approved in writing by the city engineer. The subdivider shall not do any work or furnish any materials not covered by the plans and specifications and special conditions of this 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.

Subd. 4. Time of performance.

- (a) The subdivider shall complete all required basic improvements no later than one year following the commencement of work on the improvements, except:
- (1) Where weather precludes completion;
 - (2) For street lighting;
 - (3) For landscaping; and
 - (4) For the wearing course of streets.
- (b) Where weather precludes completion, the timeline for completion of the improvements may be extended up to an additional six months.
- (c) The subdivider shall complete street lighting within two years following the initial commencement of work on the required basic improvements.

- (d) The subdivider shall complete landscaping by the development phase within 90 days following the issuance of a building permit for the last vacant lot within a phase unless weather precludes completion, in which case the landscaping shall be completed at the outset of the next growing season.
- (e) 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. 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.

Subd. 5. 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 ensure 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 the Crystal city code, subsection 525.03, subdivision 9 upon the approval and acceptance of the 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. 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. 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. The term of any extension shall be approved by the city engineer and subject to the requirements of this section. Upon receipt of an acceptable substitute financial guarantee, the city engineer may release the original guarantee.

Subd. 6. Forms of financial guarantees.

(a) Letter of credit.

- (1) If the subdivider posts a letter of credit as a guarantee, the credit shall:
- (i) Be irrevocable;
 - (ii) Be from a bank approved by the city;
 - (iii) Be in a form approved by the city;
 - (iv) Be for a term sufficient to cover the completion, maintenance and warranty periods identified in this section; and
 - (v) Require only that the city present the credit with a sight draft and an affidavit signed by the city manager or the city manager's designee attesting to the city's right to draw funds under the credit.

(b) Cash escrow.

- (1) If the subdivider posts a cash escrow as a guarantee, the escrow instructions approved by the city shall provide that:

- (i) The subdivider will have no right to a return of any of the funds except as provided in the Crystal city code, subsection 525.03, subdivision 9, regarding the approval and acceptance of basic improvements; and
 - (ii) The escrow agent shall have a legal duty to deliver the funds to the city whenever the city manager presents an affidavit to the agent attesting to the city's right to receive funds whether or not the subdivider protests that right.
- (c) 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.

Subd. 7. Amounts of financial guarantees. The subdivider shall submit either a financial guarantee in one of the forms listed in the Crystal city code, subsection 525.03, subdivision 6, regarding forms of financial guarantees, for an amount determined by the city engineer in accordance with the following:

- (a) 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:
 - (1) Costs of the basic improvements identified in the Crystal city code, subsection 525.03, subdivision 2;
 - (2) Engineering, to include subdivider's design, construction management, surveying, inspection, and drafting;
 - (3) Twenty-five percent contingency or add-on to the costs in paragraphs (1) and (2) above; and
 - (4) Estimated cost of energy for street lights for the first two years of operation.
- (b) 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:

- (1) 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 Statutes, over a period of ten years together with interest thereon.
- (2) 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 ten 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.

Subd. 8. 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:

- (a) Park dedication fees (See the Crystal city code, subsection 525.05);
- (b) Utility charges and fees. This may include sewer availability charges (SAC) or trunk fees;
- (c) Special assessments, including interest;
- (d) The city's legal, engineering administration, and construction observation fees;
- (e) Costs associated with traffic control and street signs to be installed in the plat by the city;
- (f) Map upgrade fee; and
- (g) Other charges or fees as determined by the city.

Subd. 9. Approval and acceptance of basic improvements.

- (a) Upon receipt of proof satisfactory to the city engineer that work has been completed and financial obligations to the city have been satisfied, with city engineer approval the security may be reduced from time to time by 90 percent of the financial obligations that have been satisfied. Ten percent of the amounts certified by the subdivider's engineer shall be retained as security. Reductions in the financial guarantee shall be considered only after underground utilities are tested and found to be satisfactory and again after the base bituminous layer has been placed.
- (b) The financial guarantee shall be held by the city until, upon written notice by the subdivider and certification from a professional engineer that all of the required improvements have been completed and upon verification of such by the city staff, a portion or the entire financial guarantee is released by the city engineer. 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 the Crystal city code, subsection 525.03, subdivision 10, regarding the warranty/maintenance guarantee; and
 - (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.

Subd. 10. Warranty/maintenance guarantee. The subdivider shall submit either a warranty/maintenance bond or a letter of credit for an amount determined by the city engineer that complies with the following:

- (a) 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;
- (b) 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;
- (c) The required warranty period for trees and landscaping is one growing season following installation; and
- (d) The required warranty period for erosion control will be as established in the development agreement.

Subd. 11. Insurance. 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. Limits for the coverage shall be in accordance to the city's current requirements. 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. The certificate shall provide that the city must be given ten days advance written notice of the cancellation of the insurance.

525.05. Subdivision design standards.

Subd. 1. General standards. Each subdivision created after the effective date of this UDC shall be designed in compliance with the standards of this section, unless a variance is granted in compliance with the Crystal city code, subsection 510.33.

Subd. 2. Sidewalks, pathways, and trails. Sidewalk, pathways, trails, and other pedestrian connections shall be required in accordance with the city's Comprehensive Plan.

Subd. 3. Monuments.

- (a) Official permanent monuments shall be placed as required by Minnesota Statutes, section 505.021;

- (b) All monument markers shall be correctly in place upon final grading and installation of utilities;
- (c) The city will not issue building permits for a lot within a plat until monuments have been placed for that lot; and
- (d) 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.

Subd. 4. 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.

Subd. 5. Street names. If applicable, street names shall be a continuation of the names of previously constructed streets. The city shall have final authority to designate street names in order to avoid confusion to the traveling public.

Subd. 6. Easements. Easements shall be dedicated on the plat instrument for the required use.

Subd. 7. Debris and waste. No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind 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. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of the development agreement or dedication of public improvements, whichever occurs sooner.

Subd. 8. Open space and natural features.

- (a) Natural features (including significant trees, creeks, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (b) Development on hillsides shall generally follow the natural terrain contour. Stepped building pads, larger lot sizes, and setbacks shall be used to preserve the general shape of natural land forms and to minimize grade differentials with adjacent streets and with adjoining properties.

Subd. 9. Lot and block design.

- (a) Lot dimensions.

- (1) All lot dimensions shall comply with the standards of the applicable zoning district in this UDC. Depth and width of properties reserved or laid out for residential or commercial purposes shall be adequate to provide for the off-street parking and loading facilities that may be required for the type of use contemplated, as established in this UDC.
 - (2) No subdivision shall be designed to leave unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the city or other appropriate entity for public use, or maintained, as common area within the development.
- (b) Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with this UDC. In addition, all lots shall abut and have direct access to an improved public street.
- (c) Street frontage required. Each proposed parcel shall have frontage on a public street. The frontage width shall be the lot width required by the applicable zoning district.
- (d) Side lot lines. Side lines of lots shall be substantially at right angles to street lines and substantially radial to curved street lines, unless an alternative layout will result in a better street or lot plan.
- (e) Corner lots. Corner lots shall be of sufficient width and depth to comply with the required minimum building setback from both streets, as established in this UDC.
- (f) Through lots.
- (1) No parcel shall have streets abutting both the front and rear lot lines, except when necessary because of topographical or other physical conditions or where access from one of the roads is prohibited. An alley is not considered a street for the purposes of this UDC.
 - (2) Vehicular access onto a through lot shall generally be from the public street with the lowest existing and projected traffic volumes, but with each proposed building designed so that its primary façade faces the higher volume street. Authorization may be given by the city for alternative access locations where appropriate because of localized traffic conditions, and/or nearby residential areas that would be adversely affected by increased traffic.

(g) Lots abutting water. Lots abutting a water body, wetland, drainage way, channel, stream or pond shall be of sufficient width and depth and at the elevation needed to assure that building sites are not subject to flooding. The platting of lots within the floodplain is subject to the requirements in the Crystal city code, subsection 515.09.

(h) Blocks.

(1) A block shall normally be so designed as to provide two tiers of lots, unless it adjoins a railroad, arterial or collector street, lake, wetland, park, stream, or other natural feature, where it may have a single tier of lots.

(2) Block length and width shall be sufficient to accommodate the size of lots required by this UDC and to provide for convenient access, circulation control and safety of street traffic.

Subd. 10. Streets.

(a) Street dedications. A street that is not constructed to city standards will not be accepted by the city for dedication as a public street. Requirements for street pavement and right-of-way widths are located in the Crystal city code, subsection 800.59.

(b) Topography and arrangement

(1) The arrangement, width, and location of all streets shall be considered in relation to existing and planned streets, shall provide for reasonable traffic circulation and traffic calming, and shall be appropriately located in relation to topography, run-off of surface water, convenience and safety, and proposed uses of the land to be served. Wherever possible, the arrangement of streets in new subdivisions shall provide for the continuation of existing and planned streets within and outside the proposed plat. Where adjoining lands are not subdivided, the arrangement of streets shall make provision for the proper projection of streets into adjoining lands by carrying the streets to the boundaries of the plat. The arrangement of streets shall not cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

- (2) In commercial and industrial developments, the streets and other accessways shall be planned in connection with the location of buildings, rail facilities, truck loading and maneuvering areas, and sidewalks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
- (c) Grading and improvement plan. The full width of the street right-of-way shall be graded and improved in conformance with the city's engineering standard specifications and the construction plans submitted as part of the final plat application.
- (d) Roadway and access offsets. Roadways or other access points entering upon opposite sides of any given roadway shall have their centerlines located directly opposite each other or the centerlines located shall be offset at least 150 feet for local residential streets, and at least 200 feet for all other roadways. Driveways on local streets accessing one or two family residential dwellings are exempt from this requirement.
- (e) Signs, traffic signs and signals, and street lights.
- (1) Street signs of standard design approved by the city shall be installed at each street intersection or at such other locations within the subdivision as designated by the city engineer, in accordance with the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD).
 - (2) Traffic control signs pursuant to Minnesota Statutes, section 169.06, where applicable, shall be installed at locations within the subdivision as designated by the city engineer.
 - (3) Turn lanes and traffic signals shall be installed at the expense of the subdivider when required as a result of the proposed subdivision.
 - (4) Street lights shall be installed at all intersections and at other locations, as required by the city engineer. All street lights within new subdivisions shall be on street light poles meeting the standards of the city and shall be equipped with underground electrical service, and shall conform to city lighting standards. The developer shall pay to the city the energy cost for the first two years of operation, or until the dwellings on all lots within the subdivision have been completed, whichever time period is less.

- (f) Sidewalks and trails. If required, sidewalks and trails shall be installed at the time a street is constructed. Sidewalks shall meet the width requirements in the Crystal city code, subsection 800.59.
- (g) Stub streets and cul-de-sac streets (permanent and temporary).
- (1) Stub streets shall be installed to permit future street extensions into adjoining tracts, where appropriate. Signage may be provided indicating a future street connection. Stub streets shall not exceed 150 feet in length. Where required by the city engineer a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.
 - (2) The closed end of the cul-de-sac shall have a pavement width of 70 feet in diameter and the overall length of the road shall not exceed 500 feet in length as measured from the centerline of the nearest intersection to the closed end of the cul-de-sac.
 - (3) In those instances where a street is terminated pending future extension in conjunction with future platting and its terminus is located 150 feet or more from the nearest intersection, a temporary cul-de-sac with a pavement width of 70 feet in diameter shall be provided at the closed end. Any portion of a temporary cul-de-sac not located within the street right-of-way shall be placed in a temporary roadway easement extending at least ten feet beyond the curb line of the temporary cul-de-sac in all directions.
- (h) Alleys. Alleys may be established in the city under the following conditions:
- (1) The alleys are publicly owned and maintained;
 - (2) The alleys shall be made of concrete; and
 - (3) No home shall be oriented to face the alley; and
 - (4) Alleys are permitted as a secondary access when the lots front on an arterial or collector street.
- (i) Private streets. Private streets are prohibited.

- (j) Street design standards. In order to provide for streets of suitable location, width, and general improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, all streets shall be subject to the standards of this subsection. Street types shall be established in the comprehensive plan.
- (1) Street Surfacing and improvements. After the subdivider has installed sewer and water, the subdivider shall construct poured-in-place concrete sidewalks, curbs and gutters and shall surface streets to the width prescribed in this section. The designer is encouraged to include techniques that will direct surface water drainage to off-street areas. Types of pavement shall be as prescribed in the city's engineering standard specifications. Adequate provision shall be made for culverts and drains. The portion of the right-of-way outside the area surfaced shall be sodded or planted with other acceptable materials as approved by the city engineer. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications in the city's engineering standard specifications and shall be incorporated into the construction plans required to be submitted by the subdivider for final plat approval.
- (2) Grading.
- (i) Streets shall be graded with at least 0.5 percent slope from the centerline to the curb to maintain drainage.
 - (ii) Arterial and collector streets shall have a maximum running grade of five percent.
 - (iii) All other streets shall have a maximum running slope of seven percent, or as determined by the city engineer.
- (3) Street intersection, tangent, deflection and other design standards.
- (i) Street Intersections shall intersect at right angles and in no instance shall the angle formed by the intersection be less than 60 degrees. Street intersections having more than four corners shall be prohibited and the curb line at street intersections shall have a radius not less than 15 feet.

- (ii) Street tangents of at least 150 feet shall be designed between reverse curbs on collector streets and 100 feet on all local streets.
- (iii) When connecting street lines deflect from each other at a point of more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a site distance of no less than 500 feet for arterials, 300 feet for collectors, and 100 feet for local streets.
- (iv) Half streets and any corresponding right-of-way for half streets shall be prohibited.

Subd. 11. Sanitary sewer, water, and other utilities.

- (a) The subdivider shall install adequate sanitary sewer and water facilities (including fire hydrants) subject to the specifications in the city's engineering standard specifications, and the Recommended Standards for Water Works and the Recommended Standards for Wastewater Facilities (known collectively as the "ten-state standards").
- (b) The subdivider shall install sanitary sewer, water mains and service connections, stubbed to the lot line, meeting the minimum size requirements of the city and provided to all lots in the subdivision. Where a subdivider is required to install sanitary sewer or water mains that are larger than the minimum size as required by the city, the subdivider will be compensated by the city for the cost differential for material only for the cost of the minimum size sanitary sewer or water compared to the cost of the larger mains installed.
- (c) The subdivider shall extend sewer and water mains to the lot lines of abutting sites that do not have public water service.
- (d) Requirements for managing surface water, drainage and erosion control are located in the Crystal city code, subsection 520.17.
- (e) All new utility facilities, including but not limited to telecommunications cabling, natural gas and electric power, shall be located underground.

- (f) Unless approved otherwise by the city, a ten foot wide drainage and utility easement shall be required along the front and rear property lines and a five foot wide drainage and utility easement shall be required along the side lot lines of each lot, measured from the lot lines. Such easements shall have continuity for alignment from block to block. Such easements shall also be provided at deflection points for pole-line anchors where necessary.

Subd. 12. Parks, trails, and open space dedication.

(a) Purpose and nexus, and proportionality.

- (1) Purpose. These requirements are established for the purpose of assisting with the implementation of the city's park master plan by providing for the orderly development of recreation areas and the conservation of natural resources and scenic beauty in the city. As a means to accomplish the goals in the plan, each developer shall be required to dedicate land, or at the discretion of the city, pay an equivalent cash payment in lieu of land dedication for parks and open space acquisition and development. Since the city is considered fully developed, it is likely that a cash payment in lieu of land dedication will be the method by which this requirement will be accomplished in most instances, although not to the complete exclusion of a land dedication requirement.
- (2) Nexus. The city council finds that there is a rational nexus between the demands created by the subdivision and related development of land and the need for parks, trails, and open space areas.
- (3) Proportionality. The city council herein establishes requirements for the dedication and/or development of park land, trail improvements, and open space land that is roughly proportionate to the demands created by the subdivision and development of land resulting from such subdivision approval.
- (b) Authority. It is found and declared that, pursuant to Minnesota Statutes, section 462.358, subdivision 2b, it is reasonable to require dedication of an amount of land for park, trails, or open space or a cash payment in lieu of a land dedication.

(c) Dedication required.

- (1) The city may require that a portion of the buildable land to be divided be dedicated to the public or preserved for public use as parks, playgrounds, trails, or open space. "Buildable land" means the gross acreage of the property excluding wetlands designated by federal or state agencies, wetlands classified by the Wetland Conservation Act, or state or county rights of way. This dedication requirement applies to subdivisions, but not lot consolidations or adjacent parcel land conveyances as regulated in the Crystal city code, section 510.
- (2) The requirement is not satisfied if the city determines that the land proposed for dedication is unsuitable for public recreational use. The dedication required by this subsection is in addition to dedication required for streets, roads, utilities, storm water ponding areas, or similar utilities and improvements. Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of subdividing the property, the number of lots is increased, then the park dedication fee applies only to the net increase of lots.
- (3) Land dedicated under this section shall conform to the city's comprehensive plan. The amount of land required for dedication is based upon the buildable land area and equals the land the city reasonably finds it will need to acquire for park or other recreational purposes as a result of approval of the land division. Generally, 10% of the buildable land area to be subdivided must be dedicated for residential subdivisions and 5% for commercial and industrial subdivisions.
- (4) Prior to the dedication of the required land pursuant to this subsection, the developer shall provide the city evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the city.

- (5) When the city requires that a trail be constructed as part of the land dedication requirement, this trail segment shall be interpreted by the city as basic infrastructure and, therefore, the developer shall be required to pay for the construction of the trail improvement. The construction specifications of trails shall be determined by the city engineer and whenever possible, trails shall connect with existing trails and/or walkways.
- (d) Cash payment in lieu of dedication. In most cases, the city will require a cash payment in lieu of land dedication. In determining whether to require payment or dedication, the council will consider such factors as whether park land is needed in the proposed location, whether the proposed dedication is suitable for the intended use, and whether a cash payment would be more beneficial to development of the entire park system. The required cash payment is found in Table 13.

Table 13: Required cash payment	
Land Use	Required payment
Residential uses	\$1,000 per dwelling unit
Commercial/Industrial uses	\$5,000 per acre

Cash payments in lieu of dedication are payable before the city releases the final plat for recording. The payment shall be placed in a special fund established by the city to be used solely for the purposes of acquisition and development or improvement of parks, playgrounds, trails, or open space.

- (e) Credit for private land. A credit of up to 25% of the dedication requirements may be awarded for park and open space that is to be privately owned and maintained by the future residents of the subdivision. A credit will not be awarded unless the following conditions are met:
- (1) Private open space may not be occupied by nonrecreational buildings and must be available for the use of all the residents of the proposed subdivision;
 - (2) Required building setbacks will not be included in computation of private open spaces;
 - (3) Use of the private open space must be restricted for park, playground, trail, or open space purposes by recorded covenants that (1) run with the land in favor of future owners of property, and (2) cannot be eliminated without the consent of the city council;

- (4) Credit for private trail improvements shall only be given by the city when the trail system connects to a public trail or walkway system;
- (5) The private open space will be of a size, shape, location, topography, and usability for park or recreational purposes, or contain unique features which are important to be preserved; and
- (6) The private open space must reduce the demand for public recreational facilities or public open space occasioned by development of the subdivision.