

# **ROCKFORD TOWNSHIP**

## **SUBDIVISION ORDINANCE 2004-11.1**

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**SECTION ONE**

**ORDINANCE PROVISIONS AND ADMINISTRATIVE PROCEDURES**

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# Amendment to Sub Division Ordinance #2004-11.1

Adopted by Town Board August 17, 2010

## The Ordinance is hereby added as follows:

In any new development or subdivision of land which requires platting or dedication of roads, laying out street, signage, grading, drainage, erosion control, or utilities in Rockford Township, the Town Board shall have the authority to enter into a written Developer's Agreement with the developer setting forth the terms and conditions of said improvements and the Town's acceptance thereof. The Agreement shall call for the developer to be responsible for all the expenses of the Township, including but not limited, to professional fees, engineering fees, survey costs, special meetings, repair in the event of a developer default, etc.

## ORDINANCE PROVISIONS AND ADMINISTRATIVE PROCEDURES

### 100 PREAMBLE

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN ROCKFORD TOWNSHIP AND WITHOUT BOUNDARIES OF MUNICIPALITIES, DEFINING CERTAIN TERMS USED HEREIN, PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS, ROAD AND OTHER IMPROVEMENTS; ESTABLISHING PROCEDURES FOR THE APPROVAL AND RECORDING OF PLATS; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

### 101 TITLE

This Ordinance shall be known as the "Subdivision Ordinance of Rockford Township", and will be referred to herein as "this Ordinance".

### 102 PURPOSE AND INTENT

This Ordinance is enacted for the following purposes: to safeguard the best interests of Rockford Township; to assist the sub-divider in harmonizing his interests with those of the Township at large; to prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork of pattern, and poor circulation of traffic; to correlate land subdivisions with the Township Comprehensive Plan; to secure the rights of the public, with respect to public lands and waters; to improve land records by establishing standards for surveys and plats; and to discourage inferior development which might adversely affect property values.

It is the purpose and intent of this Ordinance to make certain regulations and requirements for the platting of land in Rockford Township necessary for the health, safety, and general welfare of the Township.

### 103 JURISDICTION

The regulations herein governing plats and the subdivision of land shall apply to all the areas of the Township.

**104 APPLICATION OF ORDINANCE**

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the re-subdivision or re-platting of land or lots. Division of land in tracts larger than forty (40) acres in area and three hundred (300) feet in width where the remainder is not less than forty (40) acres, shall be exempt from the requirements of this Ordinance.

**105 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS**

Before any plat shall be recorded or be of any validity, it shall be reviewed by the Township Planning Commission and approved by the Rockford Township Town Board as having fulfilled the requirements of this Ordinance except the Planning Commission shall review and approve all subdivisions of land, less than forty (40) acres made by metes and bounds description.

**106 SUBMITTAL OF PLATS & METES AND BOUNDS DIVISIONS**

**106.1 Proposed Plat**

- A. Prior to the filing of an application for conditional approval of the preliminary plat, the sub-divider shall submit for review with the Zoning Administrator, subdivision proposed plans which shall contain the following information: tract boundaries, north point, description of nature and purpose of tract, proposed land uses for tract, existing land uses of adjacent tracts, streets on and adjacent to the tract, proposed general street layout, proposed general lot layout, and significant topographical and physical features as are determined necessary by the Zoning Administrator.
- B. Such proposed plans will be considered as submitted for informal and confidential discussion between the sub-divider and the Zoning Administrator. Submission of a subdivision proposed plan shall not constitute formal filing of a plat with the Commission.
- C. As far as may be practical on the basis of a proposed plan, the Zoning Administrator will informally advise the sub-divider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Ordinance and will discuss possible plan modifications necessary to ensure conformance.

**106.2 Preliminary Plat**

**A. Procedure**

- 1. Approval of the Township Planning Commission.

Ten (10) copies of the preliminary plat shall be submitted to the Township Planning Commission at least twenty-one (21) days prior to the Planning Commission meeting at which consideration is requested. The Township Planning Commission shall hold a public hearing on said preliminary plat. The notice of the public hearing shall be sent to the property owners within five hundred (500) feet. It shall not be necessary to notify property owners in cities. Public notice shall consist of a general description of the proposal, the time, date and place of hearing. Applicant must provide the tax parcel number or numbers.

a. For the purpose of notification, ownership of property within the previously described required distance shall be provided by the applicant and shall be certified as being correct. The owner, as herein defined, shall be the fee owner or contract purchaser. The Planning Commission shall act on each plat thereof submitted within ninety (60) days of date of submission, or such time as mutually agreed by the applicant; failure to act shall be deemed as approval. In case the plat is disapproved, the sub-divider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Planning Commission.

b. Approval or disapproval of the preliminary plat shall be conveyed to the sub-divider in writing immediately after the meeting of the Planning Commission at which such plat was considered.

In case the plat is disapproved, the sub-divider shall be notified of the reason for such action. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the final plat. This approval of the preliminary plat shall be effective for a period of six (6) months, unless an extension is granted by the Planning Commission. The sub-divider may file a final plat limited to such portion of the preliminary plat, which he proposed to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion of the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the Planning Commission for approval.

2. The preliminary plat shall be submitted to any municipality within two (2) miles of the plat, for review at least ten (10) days prior to the public hearing.

3. The preliminary plat shall be submitted to the utility or power company for review of utility easements, at least ten (10) days prior to the public hearing.

4. Township Surveyor and Township Engineer.

The Township Surveyor and Engineer shall submit a report to the Township Planning Commission concerning the feasibility of the proposed plat and its conformance. In the case where the Township Surveyor is submitting the preliminary plat, the report shall be submitted either by the Township Engineer or other qualified person selected by the Township Planning Commission.

5. The preliminary plat shall be accompanied by a fee to be submitted to the Zoning Administrator as established by the Township Board. Such fee is to be used for the expense of the Township in connection with the review, inspection, approval or disapproval of said plat.

6. Land Survey shall certify conformance to design standards for both preliminary and final plats.

7. Percolation tests are required on each soil type of building site groups three (3) through eight (8) within the proposed platted area. The soil types will be determined from the "Wright County Soils Survey Atlas" done by the Soils Conservation Service. The location and number of percolation tests may be reduced only at the direction of the County Sanitarian.

### **106.3 FINAL PLAT**

#### **A. Procedure**

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

1. Examination and approval by the Township Surveyor:

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

- **Alley** - is a public right-of-way, which affords a secondary means of access to abutting property.
- **Block** - is an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, stream or lake.
- **County** - is the County of Wright.
- **County Board** - is the Board of County Commissioners of Wright County.
- **County Planning Commission** - is the Wright County Planning Commission.
- **Comprehensive Plan** - refers to the group of maps, charts and texts, that make up the Comprehensive long-range Plan for the Township.
- **Dedication** - the contribution of property or of money to the governing body. Said property is forever vacated by the dedicators or their successors.
- **Design Standards** - are the specifications to landowners or sub-dividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-ways, blocks, easements and lots.
- **Easement** - is a grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, private right-of-way, storm sewer, or storm drainage ways and gas lines.
- **Final Plat** - is a drawing or map of a subdivision, meeting all the requirements of the Township, the County and the Minnesota State Statutes regarding the platting of land and in such form as required for the purposes of recording.
- **Highway** - any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with a Wright County numerical route designation.
- **Highway, Major Intercity and Regional** - State and Federal highway routes within the Township.
- **Highway, Principal Arterial** - the principal County Highways; such arterial highways interconnect communities within Wright County and adjoining counties, and carry traffic between principal land use districts within Wright County.
- **Highway, Minor Arterial** - the secondary County Highways; such highways carry traffic between land use districts, but also provide ready access to private properties.
- **Lot of Record** - is a deed which has been recorded with the Wright County Recorder.
- **Parks and Playgrounds** - are public lands and open spaces in Rockford Township dedicated or reserved for recreation purposes.
- **Percentage of Grade** - on street center line, means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.
- **Pedestrian Way** - is a public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.
- **Planning Commission** - is the Rockford Township Planning Commission.
- **Preliminary Plat** - is a tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.
- **Protective Covenants** - are contracts made between private parties as to the manner in which land may be used, with the view of protecting and preserving the physical and economic integrity of any given area.

a. A copy of the final plat, in preliminary form, shall be submitted to the Township Surveyor for examination and approval. The Township Surveyor shall examine the plat for conformance to Township requirements and Minnesota State statutes.

b. The owner of the plat shall be charged a fee for such service, in accordance with a schedule established by the Rockford Township Town Board.

2. Approval of the Township Planning Commission:

The final plat shall be submitted to the Township Planning Commission for review and recommendation to the Town Board at least ten (10) days prior to a Planning Commission meeting at which consideration is requested. In case the Planning Commission recommends disapproval, the sub-divider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. In either event, however, the recommendations of the Planning Commission shall be forwarded to the Town Board for a final decision.

3. Approval of the Rockford Township Board:

After review and approval of the final plat by the Planning Commission, such final plat, with recommendations, shall be submitted to the Rockford Township Board for action. The Rockford Township Board shall act on each plat, recommended by the Planning Commission, within sixty (60) days after submission to Rockford Township.

If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, alleys, easements, or other public ways, and parks, or other open spaces dedicated to public purposes. If disapproved, the grounds for refusal to approve a plat shall be set forth in the proceedings of the Board and reported to the subdivider applying for such approval.

**B. Fees**

The Final Plat shall be accompanied by all fees established by these regulations, all fees to be submitted to the Township Zoning Administrator.

**107 COMPLIANCE**

No plat of any subdivision shall be entitled to record in the Wright County Recorders Office, or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

**108 BUILDING PERMITS**

No building permit shall be issued by Wright County or Rockford Township for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Ordinance have been complied with.

**109 RULES**

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; and the word "shall" is mandatory and not discretionary.

**110 DEFINITIONS**

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

## **112 VIOLATIONS AND PENALTY**

### **1. Sale of Lots from Unrecorded Plats:**

It shall be unlawful to sell, trade, or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded in the Office of the County Recorder of Wright County.

### **2. Receiving and Recording Unapproved Plats:**

It shall be unlawful to receive or record in any public office any plans, plats, or replats of land laid out in building lots and highways, streets, roads, alleys or other portions of the same intended to be dedicated to public or private use, for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Planning Commission and the Rockford Township Town Board.

### **3. Misrepresentation as to Construction, Supervision or Inspection of Improvements:**

It shall be unlawful for any sub-divider, person, firm or corporation owning an addition or subdivision of land within the Township to represent that any improvement upon any of the highways, roads, streets, or alleys of said addition or subdivision has been constructed according to the plans and specifications approved by the Rockford Township Town Board, or has been supervised or inspected by the Township, when such improvements have not been so constructed, supervised, or inspected.

### **4. Penalty:**

Anyone violating any of the provisions of this Ordinance shall be guilty of an offense punishable by a fine of not more than one thousand (1000) dollars and/or by a commitment to jail for a period of not to exceed one (1) year. Each day during which compliance is delayed shall constitute a separate offense. The Township may, pursuant to statute, add costs of prosecution to any fines or penalties levied hereunder.

- **Road** - is a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.
- **Road, Cul-de-sac** - is a minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- **Road Width** - is the shortest distance between lines of lots delineating the road right-of-way.
- **Sub-divider** - is an individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.
- **Subdivision** - is the dividing of any parcel of land into two (2) or more parcels.
  - a. **Platted sub-division** - if any resultant parcel is less than five (5) acres in area and less than three hundred (300) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and /or its width, such parcels must be platted in accordance with the terms and procedures of the Subdivision Ordinance.
  - b. **Unplatted Subdivision** - A division of any parcel of land into two or more parts wherein all parts are at least five (5) acres and have at least three hundred (300) feet in width and frontage on an existing public road. Ingress and egress easements of any type shall not be construed as public roads. These do not require platting, but shall be zoned for the appropriate use.
- **Tangent** - is a straight line that is perpendicular to the radius of a curve where a tangent meets a curve.
- **Township** - is Rockford Township.
- **Township Board** – is the Rockford Township Town Board.
- **Township Planning Commission** - is the Rockford Township Planning Commission.
- **Vertical Curve** - is the surface curvature on a road or highway center line located between lines of different percentage of grade.

## 111 EXCEPTIONS

The Planning Commission may recommend an exception to the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting an exception, the Commission shall prescribe any conditions that it deems necessary to or desirable for the protection of the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons who reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No exception shall be granted unless the Planning Commission finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land. Metes and Bounds divisions of scattered sites is permitted at the discretion of the Planning Commission and must be consistent with other property divisions in the area.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

**SECTION TWO**

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## **DESIGN STANDARDS**

### **200.0 BLOCKS**

**200.1 Block Length** - In general, intersecting streets and roads, determining block length, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets and roads. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed thirteen hundred twenty (1,320) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use should normally not exceed six hundred (600) feet in length.

**200.2 Block Width** - The width of the block shall be sufficient to allow two (2) tiers of lots. Blocks intended or business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

### **201.0 LOTS**

**201.1** The minimum lot area, lot width, and lot depth shall conform to the requirements of the Zoning District in which the plat is situated as required by the Rockford Township Zoning Ordinance.

**201.2** Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Rockford Township Zoning Ordinance.

**201.3** Side lines of lots shall be approximately at right angles to road or street lines or radial to curved road or street lines.

**201.4** Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least ten (10) feet in order to allow space for screen planting along the back lot line.

**201.5** Every lot must have the minimum required frontage on a public dedicate road or street other than an alley, except in Planned Unit Developments. On curvilinear streets, the required frontage may be measured at the building setback line.

## **202.0 ROADS, HIGHWAYS, STREETS AND ALLEYS**

- 202.1** The arrangements of highways shall conform as nearly as possible to the Rockford Township Comprehensive Plan. Except for cul-de-sacs, roads and streets normally shall connect with roads and streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of roads in the nearest subdivided tracts. The arrangement of highways shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff storm water, to public convenience and safety, and in their appropriate relation in the proposed uses of the area to be served.
- 202.2** Local roads and streets should be so planned as to discourage their use by non-local traffic. Dead-end streets and roads shall be prohibited, but cul-de-sacs or approved "Tee" will be permitted where topography or other conditions justify their use. Cul-de-sacs shall not be longer than five hundred (500) feet, including a terminal turn-around which shall be provided at the closed end, with an outside curb radius of at least sixty (60) feet and a right-of-way radius of not less than sixty-six (66) feet or an approved "Tee".
- 202.3** Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street and road system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- 202.4** When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical openings of future roads and appropriate resubdivision, with provision for adequate utility connections for such subdivision.
- 202.5** Under normal conditions, roads shall be designed so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of roads shall be eighty (80) degrees. Road intersection jogs with an offset of less than two hundred (200) feet shall be avoided.
- 202.6** Wherever the proposed subdivision contains or is adjacent to the right-of-way of a County, State or Federal highway, provision shall be made for a marginal access street or road approximately parallel and adjacent to the boundary of such right-of-way, or for a road at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for the minimum distance required for approach connections to future grade separations, or for lot depths. In platted subdivisions, individual lots will have no direct access to any County, State or Federal Highway.
- 202.7** Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provisions are made for service access, such as on-site loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than twenty (20) feet wide. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turn-around facilities are provided at the closed end.
- 202.8** Dedication of half streets or roads will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining

property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

**202.9** For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets, roads and highways shall be as shown in the Rockford Township Comprehensive Plan, and where not shown therein, the minimum right-of-way width for streets, roads, highways, alleys or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

**Major Intercity and Regional Highways**

Major Intercity Highway.....150 feet

**Arterial Highways**

Principal Arterial Highway..... 130 feet  
Minor Arterial Highway.....100 feet  
Local Streets and Roads.....66 feet  
Marginal Service Access Roads.....50 feet  
Alley.....20 feet  
Pedestrian Way.....10 feet

Where the existing or anticipated traffic on major and minor arterial highways warrants greater widths of right-of-way, these shall be required. Right-of-way widths for major intercity highways shall also meet standards established by the Minnesota State Highway Department. Where any platted subdivision abuts a public road including a township road, right-of-way dedication from centerline of public road shall be provided in compliance with above schedule but in no case shall said dedication be less than fifty (50) feet.

(No exclusion of roads wholly within subdivision.)

**202.10** Minor street access to existing highways shall not be permitted at intervals of less than six hundred (600) feet.

**202.11** Road and Highway Grades - The grades in all streets, roads, highways and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

**Arterial Highways**

Local Streets and Roads.....8 percent  
Alley.....8 percent

In addition, there shall be a minimum grade on all roads and highways of not less than five-tenths (5/10) of one (1) percent.

**202.12** Road and Highway Alignments - The horizontal and vertical alignment standards on all roads, highways and streets shall be as follows:

**A. Horizontal --- radii of center line:**

**Major Intercity Highways**

Major Intercity Expressway.....(as required by the  
Major Intercity Highways.....Minnesota State  
Transportation Dept.)

**Arterial Highways**

Principal Arterial Highways..... (as required by the  
Minor Arterial Highways .....MN Transportation Dept.)  
Local Streets and Roads..... 100 feet

There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

**B. Vertical --- all changes in street grades shall be connected by vertical parabolic curves of such length as follows:**

Major Intercity Highways.....(as required by MnDOT)

Arterial Highways.....30 times the algebraic  
difference in the  
percent of grade of the  
two adjacent slopes.

Local Streets and Roads.....20 times the algebraic  
difference in the  
percent of grade of the  
two adjacent slopes.

**202.13 Subdivision road cross section requirements:**

**A. Width**

1. All roads shall be subgraded to thirty-two feet minimum.
2. Five ton aggregate base shall consist of either: **1.** Four (4) inches of Class 5 on top of 4 inches of Class 3 or 4, or **2.** Seven (7) inches of Class 5.
3. Bituminous surface 2 inches thick and 22 feet wide shall be completed at such time as 65% of the individual lots in the subdivision are sold.

4. Road base shall be at standard immediately before blacktopping and approved by the Township Engineer.

**B. Structure of Roads**

1. Five ton aggregate base shall be applied first.
2. A seven ton roadway shall have a minimum 2 inches of bituminous.

**C. Ditches**

1. Side slope shall be a minimum 3 to 1.
2. Ditch bottom shall have a width minimum of 4 feet.
3. Ditch depth shall be two feet from shoulder at minimum.

**202.14** All proposed public streets or roads shall be offered for dedication as public right-of-way. Private street or roads shall not be permitted except upon approval as part of a Planned Unit Development or in other instances when specifically recommended by the Township Planning Commission.

**203.0 EASEMENTS**

Shall not be used for road purposes. Ingress and egress easements of any type shall not be construed as public roads.

**203.1** An easement for utilities at least ten (10) feet wide along the side line and/or rear line of lots where necessary shall be provided for a continuous right-of-way at least twenty (20) feet in width. If necessary for the extension of main water and sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

**203.2** Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the Rockford Township Board, by Ordinance, upon recommendation of the Planning Commission.

**203.3** Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

**203.4** Where a subdivision contains or is traversed by:

- a. a watercourse
- b. drainage way
- c. channel
- d. lake
- e. stream
- f. drainage field tile

One of the following shall be provided at the discretion of the Planning Commission:

- a. a storm water easement
- b. drainage right-of-way
- c. park dedication

These should conform with the lines of such water course along with such further width as will be adequate to provide for property storm drainage of the area. The width of such easement shall be recommended by the County Engineer.

**204.0 PUBLIC SITES AND OPEN SPACES**

**204.1** In subdividing land or re-subdividing an existing plat, due consideration shall be given to the subdivider and by the Planning Commission upon review, to the dedication or reservation of suitable sites for schools, parks, playgrounds, conservation areas, or other public or semi-public recreational areas or open spaces. Areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan. Whenever the Comprehensive Plan shows the proposed public area partially or completely within a proposed subdivision, the area of said park or recreational area exceeds seven (7) percent of the total area of the subdivision, the preliminary plat of said subdivision shall show the proposed site as reserved and the Township shall have one year from the date of approval of the preliminary plat by the Planning Commission in which to purchase said land which exceeds the said seven (7) percent of the said total area, or to initiate condemnation proceedings with respect thereto.

**204.2** In all subdivision either seven (7) percent of the gross area of the subdivision or ten (10) percent of the raw land value shall be dedicated or paid to the Township for public recreation and parks. The Township Planning Commission and the Rockford Township Board shall determine whether seven (7)

percent of the gross area shall be dedicated or ten (10) percent of the raw land value paid. Said seven (7) percent of the total gross area of the subdivision shall be in addition to any dedication of streets, alleys, and easements. The location of said dedications within the area of the subdivision shall be subject to the approval of the Township Planning Commission and the Rockford Township Town Board. The raw land market value shall be determined by the County Assessor's Office.

## **205.0 PRELIMINARY PLAT CONTENTS**

**205.1** Contents - The preliminary plat shall contain the following information:

**A.** Proposed name and type of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.

**B.** Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.

**C.** Names and addresses of the sub-divider and the designer making the plat, and names and addresses of adjoining property owners within five hundred (500) feet.

**D.** Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.

**E.** Date and north point

**F.** Existing Conditions

1. Location, width and name of each existing or platted street, road or other public open spaces, and permanent buildings, within or two hundred (200) feet adjacent to the proposed subdivision.
2. All existing sewers, water mains, gas mains, culverts, power or communication cables, drainage tiles or other underground installations within the proposed subdivision or two hundred (200) feet adjacent thereto.
3. Waterways, ditches, ponds, marshes, and floodable low lands in a plan which describe the existing conditions.

**G.** Proposed Development

1. The location and width of proposed streets, roads, alleys, pedestrian ways and easements. Typical road cross-section shall be provided showing grading within the right-of-way, traveled way width, type and thickness of surfacing proposed, base course thickness and type.
2. The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas, and power lines.
3. Layout, numbers or letters and approximate dimensions of lots and the number of each block.
4. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
5. Building setback lines with dimensions.

6. Indication of any lots on which a use other than residential is proposed by the subdivider.

7. The zoning district, if any, on and adjacent to the tract.

H. Vicinity Sketch, at a legible scale, to show the relation of the plat to its surroundings and an air photo at an approximate scale of 1" = 1000' of the area to be platted and one mile in each direction from the plat.

I. Where lots to be platted are larger in area than 20,000 square feet or greater than one hundred fifty (150) feet in width at the building setback line, public sewer and water facilities are unavailable, and the plat is within one (1) mile of a municipality in Wright County, a preliminary re-subdivision plan shall be prepared and submitted, showing a feasible method by which large lots may be re-subdivided in the future for higher density development in the event that public sewer and water facilities become available. The location of the principal structure on each lot shall be shown and building permits will only be issued for those structures which allow for economically feasible re-subdivision.

J. Existing topography, as determined necessary by the Township Zoning Administrator, including date of survey, with contour intervals of not less than two (2) feet, related to United States Geological Survey datum; also the location of water courses, ravines, bridges, lakes, marshes, wooded areas, rock outcroppings, approximate acreage, and other such features as may be pertinent to the subdivision.

K. 1. Two (2) copies of profiles for each proposed street and road, showing existing grades and proposed approximate grades and gradients on the center line.  
2. Bridges shall be shown.  
3. A complete drainage plan shall be provided showing culvert locations with culvert sizes no less than fifteen (15) inches in diameter.  
4. All culverts shown in approaches to County and township roads will be provided by the developer. Approaches to individual lots shall meet the frontage roads on a positive grade  
5. All ditches and slopes shall be seeded and other erosion control measures and devices provided where necessary as specified by the Township Highway Engineer.

L. Proposed surface drainage diagrams for lots in the form of arrows, proposed contours or other appropriate method.

## **206.2 SUPPLEMENTARY REQUIREMENTS**

Upon request of the Planning Commission, supplementary information shall be submitted; such supplementary information may include soil tests and reports, as specified by the Township Engineer, by an approved soils laboratory.

## **207.0 DATA REQUIRED ON FINAL PLATS**

The sub-divider shall submit a final plat together with any necessary supplementary information.

**207.1** Contents - The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes, Chapter 505, and as required below:

A. Name of the subdivision shall not duplicate or too closely approximate the name of any existing subdivision.

- B. Naming of all streets and thoroughfares to be in accordance with the Wright County street naming system.
- C. The words "BLOCK ONE" to be spelled out on plats having only one block.
- D. Lettering and numbering shown on the plat to be clear and legible.
- E. Scale of the plat to be shown both graphically and in feet per inch.
- F. The plat shall indicate which monuments were set and which monuments were found.
- G. The basis of the bearings shown on the plat shall be given.
- H. The boundaries of the plat shall be labeled as they are recited in the description.
- I. Lines of different weight should be used on the exterior and the interior lines.
- J. All plats are to be of one standard size, 20 inches by 30 inches.

**207.2 CERTIFICATION REQUIRED ON FINAL PLATS:**

All signatures on each plat shall be written with black ink (not ball point).

- A. Notarized certification by owner and by any mortgage holder of record of the adoption of the plat and the dedication of streets and other public areas and easements.

Statement dedicating streets, utility and drainage easements, and other public areas to be worded as follows: "... hereby donate and dedicate to the public for public use forever the streets, roads, alleys, drives, utility and drainage easements, and other public areas as shown on the plat.

- B. Notarized certification by owner and by a registered land surveyor, to be worded as follows:

"I do hereby certify that I have surveyed and platted the property described in the dedication of this plat as \_\_\_\_\_ Addition; that this plat is a correct representation of said survey; that all distances are correctly shown on said plat in feet and nearest hundredth of a foot; that all monuments have been correctly placed in the ground as shown on the plat; that the outside boundary lines are correctly designated on the plat; and that there are no wetlands or other public highways to be designated on said plat other than shown thereon."

Surveyor \_\_\_\_\_

MN Registration No. \_\_\_\_\_

- C. Certification showing that all taxes due on the property have been paid in full:

- 1. County Auditor:

Certification to be worded: "Taxes paid for all years through year \_\_\_\_\_ and transfer entered this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_."

County Auditor \_\_\_\_\_

2. County Treasurer:

Certification to be worded: "I hereby certify that taxes payable in the year \_\_\_\_\_ on lands herein described are paid, this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_."

County Treasurer \_\_\_\_\_

D. Township Planning Commission

To be worded as follows: "The plat of \_\_\_\_\_ was approved by the Rockford Township Planning Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_."

Planning Commission Chairman

E. Rockford Township Board

To be worded as follows: "The plat of \_\_\_\_\_ was accepted and approved by resolution of the Rockford Township Board, at a \_\_\_\_\_ meeting of said Board held this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_."

Rockford Township Chairperson

Rockford Township Clerk

F. Township Surveyor

To be worded as follows: "Examined and recommended for approval this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_."

\_\_\_\_\_  
Rockford Township Surveyor

G. Township Engineer:

To be worded as follows: "This plat was recommended for approval this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_."

Rockford Township Highway Engineer

H. County Recorder:

To be worded as follows: "I hereby certify that the instrument on this plat was filed in this office for record on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_, at \_\_\_\_\_"

o'clock \_\_.M., and duly recorded in Cabinet No. \_\_\_\_\_ Document No.  
\_\_\_\_\_.

Wright County Recorder

**207.3** Supplementary Documents and Information may be required as follows:

- A. A complete set of street profiles showing grade lines as constructed.
- B. Copies of any private restrictions affecting the subdivision or any part thereof.
- C. Signature of municipal and township officials when such approval is required by law.

**207.4** Filing:

- A. Ten (10) copies of the final plat shall be filed with the Planning Commission.
- B. One (1) "Official Plat" and two (2) copies on photomat stock with linen backing along with one (1) copy on linen or mylar reproducible shall be signed and filed as provided by law. Three (3) paper copies shall be signed, one of which shall be sent to the township.
- C. One (1) copy of the plat, at a scale of 1" - 200 feet shall be filed with the County Surveyor.
- D. At least one (1) print of the final plat shall be deposited with the County Auditor. This print shall contain the calculated square footage of acreage of all lots and outlots shown on the plat.

**SECTION THREE**

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**BASIC IMPROVEMENTS**

**300.0     GENERAL**

**300.1**     Before a final plat is approved by the Rockford Township Board, the subdivider of the land covered by the said plat shall execute and submit to the Rockford Township Board an agreement, which shall be binding on his or their heirs, personal representatives and assigns, that he will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following as respects the highways, roads, or streets to which the lots sought to be constructed have access.

**300.2     AGREEMENT AND FINANCIAL GUARANTEE**

**A.     Agreement**

**1.**     Prior to the installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the Township requiring the subdivider to furnish and contract said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions. The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond, cash deposit, or irrevocable bank letter of credit acceptable to the Township Attorney, the amount of the deposit or penal amount of the bond to be equal to 150% of the engineer's estimate of

the total cost of the improvements to be furnished under the contract, including the cost of inspection. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to the acceptance of the final plat. In such event, the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the final plat. The time for completion of the work and several parts thereof shall be determined by the Township Planning Commission upon recommendation of the engineer after consultation with the subdivider. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the plat and subdivision.

2. No subdivider shall be permitted to start work on any other subdivision without approval of the Township Planning Commission if he has previously defaulted on work or commitments.

**B. Financial Guarantee**

1. The contract provide for in Section 300.2 shall require the subdivider to make an escrow deposit, or in lieu thereof, furnish a performance bond or irrevocable bank letter of credit. The escrow deposit or performance bond shall conform to the requirements of this regulation.

2. An escrow deposit shall be made with the Township Clerk in a sum equal to 150% of the total cost as estimated by the Township Engineer of all improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to the approval of the final plat. The total costs shall include costs of inspection by the Township. The Township shall be entitled to reimburse itself out of said deposit for any cost and expenses incurred by the Township for completion of the work in case of default of the subdivider under said contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and the liability, the balance remaining of said deposit shall be refunded to the subdivider.

3. In lieu of making the escrow deposits, the subdivider may furnish an irrevocable bank letter of credit or a performance bond with corporate surety, in a penalty sum equal to 150% of the total cost as estimated by the Township Engineer of all the improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to the approval of the final plat. The total cost shall include costs of inspection by the Township. Further, the subdivider shall be responsible for all costs of the Township, including but not limited to attorneys' fees, engineering costs, inspection costs, costs of special meetings and postings, and any other expenses which are incurred by the Township and would not have been incurred but for the development and subdivision undertaken by the sub-divider. The bond shall be approved as to form by the Township Attorney and filed with the Township Clerk.

**300.3** No final plat shall be approved by the Rockford Township Board until the Board is satisfied that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. Drawings showing all improvements as built shall be filed with the Township Engineer.

**300.4** No final plat shall be approved by the Rockford Township Board on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of streets, roads,

and lots impossible. However, if the sub-divider agrees to make improvements which will, in the opinion of the Rockford Township Board, make the area suitable for use without interfering with the flow of water under flood conditions, the final plat of the subdivision may be approved.

**300.5** All of the required improvements to be installed under the provisions of this Ordinance shall be inspected during the course of the construction by an agent of the Rockford Township Board. All of the inspection costs pursuant thereto shall be paid by the subdivider in the manner prescribed in paragraph - 300.2 above.

### **301 ROAD AND HIGHWAY IMPROVEMENTS**

**301.1** The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the Rockford Township Board.

**301.2** Unless the Township requests that no paving be provided, all roads to be paved shall be of an overall width in accordance with the standards and specifications for road construction as approved by the Rockford Township Board.

**301.4** Curb and gutter shall be constructed as required by the standards and specifications for road construction as approved by the Rockford Township Board.

**301.5** Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for road construction as approved by the Rockford Township Board.

**301.6** Road signs of the standard design approved by the Rockford Township Board shall be installed at each street or road intersection.

#### **301.7 Access Drive and Access**

A. The number and types of access drives onto major streets shall be controlled and limited in the interest of public safety and efficient traffic flow.

B. Access drives onto county roads shall require a permit from the Township Engineer. This permit shall be acquired prior to the issuance of any building permits. The Township Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. The Township Engineer may refer the request for an access drive permit onto a county road to the Planning Commission for their comment.

### **302.0 SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS**

**302.1** Sanitary sewers, both public and private, shall be installed as required by standards and specifications as approved by the Rockford Township Board.

**302.2** Water facilities, both public and private, including pipe fittings, hydrants, etc., shall be installed as required by standards and specifications as approved by the Rockford Township Board.

### **303.0 PUBLIC UTILITIES**

**303.1** All utility lines where feasible, for telephone and electric service, shall be placed in rear line easements when carried on overhead poles.

**303.2** Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements.

**SECTION FOUR**

**REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS**

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## **REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS**

### **400.0 REGISTERED LAND SURVEYS**

**400.1** It is the intention of this Ordinance that all registered land surveys in Rockford Township shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats and that the Planning Commission shall first approve the arrangements, sizes, and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so designated. Unless such approvals have been obtained from the Planning Commission, Rockford Township Board and Township Surveyor in accordance with the standards set forth in this Ordinance, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the Township may refuse to take over tracts as streets or roads, or to improve, repair or maintain any such tracts unless so approved.

### **401.0 CONVEYANCE BY METES AND BOUNDS** - For Building Development Purposes

**401.1** Conveyance by Metes and Bounds of Less than five (5) acres:

- A.** The regulations established by this section are for the purpose of providing for the reasonable regulation of conveyance by metes and bounds descriptions, thereby promoting greater efficiency in the county offices having responsibilities relating to the conveyance of land and to promote the purpose set forth in Minnesota Statutes, Section 272.19 as amended.
- B.** No conveyance of land to which the regulations are applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after June 4, 1971, or to an unapproved plan made after such regulations have become effective. The foregoing provision does not apply to a conveyance if the land described:
  - 1. was a separate parcel of record on the date of adoption of subdivision regulations under Sections 394.12 to 394.37 of State Statutes.
  - 2. was the subject of a written agreement to convey entered into prior to such time, or

3. was a separate parcel of not less than five (5) acres and having a width of not less than three hundred (300) feet.
  4. has been zoned for a residential use and approved by the Rockford Township Board and a Conditional Use Permit approved by the Planning Commission.
- C.** Building permits shall be withheld for buildings on tracts which have been subdivided and conveyed by the metes and bounds method, except as set out in B. above.
- D.** The Township may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

**SECTION FIVE**

**500 VALIDITY**

**500.0** If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION SIX**

**EFFECTIVE DATE**

**600.0** This Ordinance shall be in full force and effect from and after its passage according to law.

Passed and approved this 9 day of November, 2004.

Attest: Rachelle L. McDougall  
Rockford Township Clerk/Treasurer

Published December 2, 2004

Recommended by the Rockford Township Planning Commission:

Date: November 9, 2004 Signed Dennis Beise  
Rockford Township Planning Commission Chairperson (Dennis Beise)

**Amendment to Ordinance recommended by the Rockford Township Planning Commission: August 17, 2010**

**Approved by the Rockford Town Board: August 17, 2010**

Signed: Dennis Beise  
Rockford Township Planning Commission Chairperson (Dennis Beise)

Attest: Rachelle L. McDougall  
Rockford Township Clerk/Treasurer (Rachelle L. McDougall)

Published: September 2 and 9, 2010