

## ARTICLE 9

### REQUIRED IMPROVEMENTS

#### SECTION

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#### **30-09-01: REQUIRED PUBLIC IMPROVEMENTS:**

- A. No final plat shall be approved by the City Council until improvements and construction of the land, streets, sidewalks and trails, together with all other necessary facilities in the plat have been designed and satisfactorily arranged in accordance with provisions of the regulations outlined in this Chapter for land improvement and construction and conditions of subdivision approval. The developer shall be required to provide the improvements listed in this Chapter, installed in accordance with the engineering policy, standards and specifications, as may be amended. The improvements shall be subject to inspection and approval by, and accomplished in such sequence as determined by the City Engineer.
- B. In addition to construction on land, streets, and trails, the developer, as part of the final plat, shall install and pay for light poles, fixtures and street name signs as approved by the City and the utility company serving the location. Such installations shall be completed before the street is surfaced.

**30-09-02: WATER FACILITIES:** *(amended 100708, Res 47-10-08, Ord 2008-06)*

- A. Municipal water facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer. The developer shall make connection to the municipal water supply and water distribution facilities adequate to serve the subdivision including mains, hydrants, valves and service lines to the property lines shall be installed. The minimum size water main for single family residential development shall be eight (8) inches and the minimum size main required for other types of development shall be as determined by the City Engineer. Six (6) inch mains may be allowed in cul-de-sacs if the fire flow requirements are met. Where a water main of a size larger than necessary to serve the subdivision is required to be constructed the City Council may, at its discretion, assess the cost thereof over the benefited area which may include land outside of the subdivision under construction or consideration.
- B. Exceptions. Administrative subdivisions in Residential Districts subject to a development agreement where the applicant agrees to connect to city water service when such service is available in the street and to waive the right to appeal future water service assessment charges.

**30-09-03: SANITARY SEWER:** *(amended 100708, Res 47-10-08, Ord 2008-06)*

- A. All new subdivisions within the City shall be served by sanitary sewer and shall be connected to the public collection and treatment facilities. Sanitary sewer facilities shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer. The developer shall make connection thereto and install sanitary sewer facilities including service lines to each lot, adequate to serve the subdivision. The minimum size sanitary sewer to be installed in any street or easement to serve single family residential development shall be eight (8) inches in diameter and the minimum size sewer required for other types of development shall be as determined by the City Engineer. Where sanitary sewer of a size larger than necessary to serve the subdivision shall be required to be constructed, the City Council, may at its discretion, assess the cost thereof over the benefited area which may include land outside of the subdivision under construction or consideration.
- B. Exceptions. Administrative subdivisions in Residential Districts subject to a development agreement where the applicant agrees to connect to city sewer service when such service is available in the street and to waive the right to appeal future sewer service assessment charges.

**30-09-05: STORM SEWER:** *(amended 100708, Res 47-10-08, Ord 2008-06)*

- A. Complete and adequate storm sewer and/or other surface drainage facilities shall be provided as approved by the City Engineer.
- B. Off-Site Stormwater Improvement Construction Charge. In accordance with the Comprehensive Stormwater Plan as a condition of the subdivision approval, developers shall pay a charge for the construction of off-site stormwater improvements. The square foot charge shall be based upon the gross acreage of the subdivision less the area to be dedicated to the City for ponding, parks and wetland, and right-of-way for state highways, and county roads. An additional charge will then be imposed if the lot is further subdivided less a credit for the charge previously paid. The charge shall be paid in cash before the subdivision is approved by the City unless the City and developer agree that the charge may be assessed against the property.
- C. Exceptions. Administrative Subdivisions in Residential Districts and property being re-platted shall be exempt from the storm sewer charge requirements of this Section if the storm sewer connection charges were paid or assessed in conjunction with the initial platting of the property and if the property is not being zoned to a classification with a higher charge.

**30-09-06: STREET IMPROVEMENTS:**

- A. The full width of the right-of-way of each street and alley dedicated in the plat shall be cleared and graded in accordance with the plan approved by the City Engineer. Boulevards shall be graded to an approved gross slope not less than two (2) percent, nor more than six (6) percent.
- B. All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.
- C. All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the City Council. The portion of the right-of-way outside the area surfaced shall be sodded or ripped by the developer if deemed necessary by the City Engineer.
- D. Concrete curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the City Council.
- E. The grading and drainage requirements for each plat shall be approved by the City Engineer at the expense of the developer. For areas not having Municipal storm sewer trunk, the applicant shall be responsible, before platting, to provide for a stormwater disposal plan, without damage to properties outside the platted area, and said stormwater disposal plan shall be submitted to the City Engineer

for review and approval. No plat shall be approved before an adequate stormwater disposal plan is presented and approved by the City Engineer. The use of dry wells for the purpose of stormwater disposal is prohibited.

- F. Trees and boulevard sodding shall be planted in conformance with the standards and specifications required by the City Council.
- G. Street signs of the design approved by the City Council shall be installed at each street intersection. Said signs must be installed and accepted by the City Engineer prior to issuance of building permits to the development.
- H. Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.
- I. Street Lighting Requirements. The minimum requirement for street lighting facilities shall be one (1) eight thousand (8,000) lumen light, or equal, at each street intersection within or abutting the subdivision. At least one (1) streetlight shall be erected within blocks having a length of nine hundred (900) feet or greater and no streetlight shall be located within two hundred fifty (250) feet of another streetlight. Light standards shall be approved by the City.
- J. Unless constructed and reviewed according to the provisions provided herein, no new street or roadway shall be accepted by the City of Hanover as a public street or road.

**30-09-07: SUBDIVISION MONUMENTS:**

- A. Durable iron monuments meeting the minimum requirements of State law shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and witness corners. Monuments shall be placed by a Registered Engineer or Registered Land Surveyor. Monument placement shall meet the current accepted standards of practice for surveying including the Hennepin or Wright County Surveyor requirements.
- B. All lot corners and survey control monuments shall be set and in place at the time the final plat is recorded. An exception to this requirement may be granted for up to one (1) year by the City Council, provided such approval is made part of the development contract and a financial guarantee in a form determined by the City Attorney is provided.
- C. Stakes showing the locations of easements shall be provided by the applicant upon request of the City. The stakes shall be wood laths and be used only to

ensure the proper location of utilities on the easements. The stakes shall not be intended to be permanent survey monuments.

- D. All Federal, State, City, or other official benchmarks, monuments, or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat.
- E. To ensure that all irons and monuments are correctly in place following the final grading of a plat and construction of utilities, financial security will be required as determined by the City Engineer.

**30-09-08: WETLAND MONUMENTS:** A monument shall be required at each lot line where it crosses a wetland buffer with a maximum spacing of two hundred (200) feet of wetland edge.

**30-09-09: PAYMENT FOR INSTALLATION OF IMPROVEMENTS:** All public improvements for new subdivisions shall be furnished and installed at the sole expense of the developer. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be allocated in accordance with City policies.

- A. Prior to installation of any required improvements by the developer and prior to approval of the final plat, the developer shall enter into a development contract and post cash financial securities.
  - 1. The developer shall furnish and construct improvements at their sole cost and in accordance with plans and specifications and development contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to coordinate the work and improvements to be done under said development contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the City in the vicinity. The agreement shall require all public and private utility material standards and installation requirements to be met and shall be approved by the City Engineer.
  - 2. The agreement shall require the applicant to make an escrow deposit or furnish an irrevocable letter of credit or a certified check as is determined by the City Attorney. The amount of the deposit or security is to be based on the City Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. The deposit amount shall equal to one hundred twenty five (125) percent of the Engineer's estimate.

3. On request of the developer, but at the sole discretion of the City, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid for, the amount of the deposit may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.
4. Guaranteed completion of the required improvements undertaken by the developer as approved by the City within a specified time after commencement of any construction in the subdivision, or the portion thereof less than the entire subdivision to be developed at any one time as approved by the City Council, provided, that the City Council for good cause, may extend the period of time in which the improvements must be installed.
5. If the required improvements are not completed within the specified time period or a period approved by the City Council as hereinabove provided, all financial securities shall be turned over and delivered to the City and applied to the cost of the required improvements. Any balance after the improvements have been made, shall be returned to the developer upon written request.
6. No developer shall be permitted to start work on any other subdivision improvements without special written approval of the City Council.

**30-09-10: UTILITY AREA AND UNIT CHARGES:**

- A. The following utility area and unit charges shall be collected with any new subdivisions in accordance with the public improvement financing policy of Hanover, as may be amended:
  1. Trunk sewer area and unit charges.
  2. Trunk water main area and unit charges.
  3. Surface water management planning (SWMP) and storm sewer trunk (SST) charges.

**30-09-11: FINANCIAL GUARANTEE:**

- A. The development contract shall require the developer to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the

City Attorney. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this Article.

1. Escrow Deposit, Certified Check:
  - a. If an escrow deposit or certified check is required, the escrow deposit or certified check shall be made with the City Finance Director in a sum equal to the total costs for all the improvements to be furnished and installed by the developer pursuant to the contract, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the City.
  - b. The City shall be entitled to reimburse itself out of said deposit or check for any cost and expense incurred by the City for completion of the work in case of default of the developer under said contract, and for any damages sustained on account of any breach thereof.
  - c. Upon completion of the work and termination of any liability, the balance remaining in said deposit or check shall be refunded to the applicant.
  
2. Irrevocable Letter of Credit.
  - a. If the applicant is required to furnish an Irrevocable Letter of Credit, the sum shall be payable to the order of the City and delivered to the City in an amount as estimated by the City Engineer of all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to the approval of the plat. The total costs shall include costs of inspection by the City.
  - b. The Irrevocable Letter of Credit shall be approved as to form by the City Attorney and filed with the City Administrator.
  - c. The City shall be entitled to reimburse itself out of said letter of credit for any cost and expense incurred by the City for completion of the work in case of default of the applicant under said contract, and for any damages sustained on account of any breach thereof.

**30-09-12: DEVELOPMENT CONTRACT:**

- A. Prior to commencing grading or the installation of any required improvements and prior to approval of the final plat, the developer shall enter into a written development contract with the City requiring the developer to furnish, construct, and complete said grading and improvements in accordance with plans and

specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the contract shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat and provide for the proper execution, recording or other action required. Approval of the development contract shall be by City Council resolution.

- B. For a project involving a phasing plan, the initial development contract shall allow for grading, wetland mitigation, and installation of stormwater management facilities on the entire site included in the approved preliminary plat. Such work may begin after approval of the preliminary plat but only after approval, execution, and recording of the development contract and payment of financial securities. Such work must comply with the approved grading plan.
- C. The construction of streets, facilities for sanitary sewer and water, and other improvements beyond grading, wetland, and stormwater facilities shall not begin until approval of a final plat. Each subsequent phase shall require a separate development contract for improvements beyond those covered in previous contracts. Improvements in each phase shall not begin until the final plat for that phase is approved and the development contract for the phase is approved, executed, and recorded.
- D. The initial development contract (for grading) may address construction of streets and facilities for sanitary sewer and water for the first phase and list the financial securities and other requirements. However, the contract shall stipulate that the work on these improvements shall not begin until approval of the final plat for the first phase and the provision of all financial securities by the developer.
  - 1. Each approved and executed development contract shall be recorded. Each contract shall require that it is to be binding upon the developer, his or their heirs, personal representative, and assigns. It shall stipulate that:
    - a. All improvements called for in the plat, or in any supplementary contracts, must be complete within the time specified by the City.
    - b. No private construction shall be conducted on any lots in the plat or filing of applications for building permits for said construction on said lots, until all improvements required under the City regulations for the proposed subdivision have been made or arranged in a manner provided for in this Article.
  - 2. The development contract shall include provisions for construction work inspection by the City and assurance that the developer will conform to current testing requirements and quality control procedures of the City of Hanover. The developer shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all

improvements have been constructed in accordance with the requirements of the approved plans and specifications.

3. The development contract shall require the developer to provide a certification from a registered land surveyor or engineer that the land included in the plat has been graded in conformance with the approved grading plan prior to the issuance of building permits.
4. The development contract shall require the developer to provide a financial security to ensure payment of fees related to the subdivision and completion of all improvements.
5. A time schedule for completion of the work shall be determined by the City Council upon recommendation of the City Engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.
6. The development contract shall include action remedies in the event of default including:
  - a. The City may complete the improvements by contract or force and obtain reimbursement of its costs from the posted security deposit.
  - b. The City reserves the right to withhold building permits for violation of any terms of the development contract.
7. The development contract shall require, when a plat includes an area of 100 year flood, as indicated on the Flood Insurance Rate Map of the Federal Emergency Management Agency (FEMA), an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) shall be submitted to FEMA, and a copy furnished to the City, prior to the issuance of any building permits in the platted area. The development contract may include financial security to ensure the preparation of the FEMA application.

**30-09-13: IMPROVEMENTS COMPLETED PRIOR TO APPROVAL OF THE FINAL PLAT:** Improvements within a subdivision which have been completed prior to application for approval of the final plat, or execution of the contract for installation of the required improvements, shall be accepted as equivalent improvements in compliance with these requirements only if the City Engineer certifies that the existing improvements conform to the applicable standards and is evidence of payment for the work that has been completed is presented in such form as the City reasonably requires.

**30-09-14: TRUNK FACILITIES:** Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required shall be constructed. Additional costs shall be allocated pursuant to established City policies.

**30-09-15: ALTERNATE INSTALLATION:** The City may elect to install any or all of the requirement improvements pursuant to a cash escrow agreement or other financial arrangements with the developer.

**30-09-16: CONSTRUCTION PLANS, INSPECTION AND WARRANTY:**

- A. A minimum of four (4) copies of the construction plans shall be furnished to the City for City Engineer review and approval. Additional copies may be required by the City. Construction plans for the required improvements shall conform in all respects with all applicable ordinances and standards of the City. Construction documents shall be prepared, at the expense of the developer, by a professional engineer who is registered in the State of Minnesota, and said plans shall contain professional certification. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for approval and for an estimate of the total cost of the required improvements. Upon approval, they shall become a part of the development contract.
- B. Inspection. All required improvements on the site that are to be installed under the provisions of these regulations shall be inspected during the course of construction by the City Engineer at the developer's expense, and acceptance by the City shall be subject to the City Engineer's certificate of compliance with the contract.
- C. The developer shall provide to the City a written warranty that all required improvements on the site meet or exceed all City standards and that such improvements have been inspected and tested in regards to the City standards. The developer shall be responsible for having all such inspections and testing completed at their expense.

**30-09-17: MAINTENANCE OF IMPROVEMENTS:** The developer shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the City Council in accordance with the development contract.

**30-09-18: CERTIFICATE OF OCCUPANCY:** No certificate of occupancy shall be issued by the Building Official for any building in the subdivision prior to all

improvements outlined in the development contract having been installed. Exceptions to this provision may be granted by the City Council at their discretion as part of the development contract.