



Platting Application Information

Land Services Department

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ARTICLE 9 - SUBDIVISION OF LAND

9.1 SHORT TITLE - This Ordinance shall be known as the Subdivision Ordinance of Crow Wing County, Minnesota

9.2 PURPOSE AND POLICY

- A. Each new subdivision of land becomes a permanent unit in the basic physical structure of the County, a unit to which, in the future, communities will, of necessity, need to adhere. In order that new division of land contribute toward an attractive, orderly, stable and wholesome community environment; adequate public services; safe streets, all divisions of land shall fully comply with the regulations hereinafter set forth in this ordinance.
- B. The Comprehensive Plan Policy
 1. Encourages residential development that provides housing options for different socio-economic groups –particularly the aging population - while protecting the characteristics that people value, a sense of community, as well as a plan to provide all citizens reasonable access to a diversity of recreational and open space opportunities.

9.3 SURVEY FILING REQUIREMENTS

- A. Pursuant to Minnesota Statutes §389.08, any licensed land surveyor who shall perform a survey of any lands in the County, including municipalities, for an individual, firm, association, syndicate, partnership, corporation, trust, or any legal entity shall file a true and correct copy of the survey with the Department within 30 days after completion of the survey. The manner of filing and all incidents thereof shall be determined by the Department with all surveys filed being public record and available for viewing.
- B. A Certificate of Location of Government Corner shall be filed in the Office of the County Recorder for all public land survey corner positions determined and/or established by any Land Surveyor in the course of a survey pursuant to Minnesota Statutes §§ 160.15 and 381.12.
- C. For any land survey record to be considered in compliance with Article 9.3, the requisite Certificate of Location of Government Corner must accompany the survey or have been previously filed or an agreement put in effect between the Department and land surveyor to comply with this provision within the one-year statutory time frame from date of submission of the survey.

9.4 CONFORMANCE TO LAND USE ORDINANCE REQUIRED

All divisions of land submitted for approval under this Article shall conform to the requirements of the Crow Wing County Land Use Ordinance.



9.5 SUBDIVISION PROCEDURES

A. Exempt Activities

Exempt activities are divisions of land that do not require approval from the county as listed below:

1. Resulting land divisions determined through Court action.
2. Divisions of land where all resulting parcels (including all remnants) are 10 acres and 300 feet in width.
3. Boundary Line Adjustment where all resulting parcels (including all remnants) are 10 acres in size or more.

B. Administrative Subdivision

Administrative Land Divisions are divisions of land that do not require a plat, and are listed below:

1. Boundary Line Adjustments (BLA) through the exchange of land between adjacent lands that do not create an additional parcel and do not add to or create a nonconforming parcel.
2. Registered Land Surveys (RLS) pursuant to Minnesota Statutes §§ 508.47.
3. Surveys prepared for public or private cemeteries in accordance with Minnesota Statutes §§ 306 and §§ 307, or successor statutes.
4. Inside the First Assessment District:
 1. Outside of the shoreland district, a division or divisions of land within a five-year period resulting in no more than three (3) total parcels, where all resulting parcels are 10 acres or less in size.
 2. Inside of the shoreland district, all divisions of land involving riparian lots and not exempted by 9.5 A must be processed as a plat except for the creation of non-riparian lots which must conform to this section. All divisions of land involving non-riparian lots and not exempted by 9.5 A shall be processed as a plat if more than three (3) total parcels are created within a 5-year time period.
5. Outside of the First Assessment District:
 1. Outside of the shoreland district, a division, or divisions of land within a three-year period resulting in no more than six (6) total parcels, that are each 10 acres or less in size.
 2. Inside of the shoreland district, all divisions of land involving riparian lots and not exempted by 9.5 A above must be process as a plat. All divisions of land involving non-riparian lots and not exempted by 9.5 A above shall be process as a plat if more than five (5) total parcels are created within a 3-year time period.

C. Plats

Plats are land divisions that create parcels that do not meet the requirements of Article 9.5 A&B and require a plat according to Minnesota Statutes § 394, 505 and 515, including preliminary and final plat submission, review by the Planning Commission and approval by the County Board.

9.6 APPLICATION REQUIREMENTS

A. Boundary Line Adjustments (BLA) Procedures:

The procedure for a boundary line adjustment shall meet the following:

1. BLA Application.
2. A Certificate of Survey prepared in accordance with Article 44.
3. All boundary line adjustments shall required a deed for each created legally described parcel of land to be recorded at the Land Services Department within twelve (12) months of approval of the boundary line adjustment, except that an applicant may make a written application to the Administrator for a time extension of up to 120 days. Failure to record a boundary line adjustment shall cause the boundary line adjustment to be null and void.



B. Administrative Subdivision Procedure

The procedure for an administrative subdivision shall meet the following:

1. Submit required application, fees and certificate of survey or RLS drawing prepared in accordance with Article 44 showing resulting divisions, parcels and descriptions together with details and items as set forth in the submission application on file in the Department.
2. The Department shall review all information to determine compliance with subdivision, land use and statutory requirements and approve if deemed to be in compliance.
3. All administrative subdivisions shall require a deed for each created legally described parcel of land to be recorded at the Land Services Department within twelve (12) months of the approval of the subdivision, except that an applicant may make a written application to the Planning and Zoning Administrator for a time extension of up to 120 days. Failure to record an administrative subdivision shall cause the subdivision to be null and void.

C. Administrative Subdivision Design Standards

The standards for an administrative subdivision shall be as follows:

1. Record parcel must have deeded access to public road.
2. Road access easements must have a minimum width of 33 feet (66 feet if located within the First Assessment District).
3. Proposed subdivision must meet Land Use District standards.
4. Must include all of the following applicable items:
 1. A Certificate of survey prepared in accordance with Article 44.
 2. County Coordinates for Public Land Survey Corners if they are not of public record.
 3. Certificate of location of Government Corner must be prepared and placed of record for any corner(s) used in determining the boundary of the subject parcel as specified in Minnesota Statutes § 381.12 or executed Public Land Survey Corner Perpetuation and Record Agreement.
 4. Recorded warranty or quit claim deed and statement if property is Abstract or Torrens.
5. Delineated wetlands or statement that none exist from a certified wetland delineator.
6. Completed wetland delineation submittal and review form. A signed agreement to delay submittal of wetland delineation records until the following July 1 may be accepted in lieu of a wetland delineation by the Department between November 1 and April 30 at the Department's discretion, providing that the required wetland delineation records are submitted to the Department by July 1. No grading, filling, permitting of structures or other land alterations shall occur on the property until the wetland delineation records have been submitted to the Department, unless specifically authorized otherwise by the Department. Failure to fulfill all the obligations of the agreement shall be a violation of this Ordinance.
7. Consolidation form completed (for non-conforming property to an adjacent parcel).
8. Once approved, electronic version of subdivision (compatible with County software).
9. Septic site suitability provided for two sites on each parcel planned, with supporting documentation from a MPCA licensed designer or compliance and/or inspection agreement. For the purposes of this Article and meeting the requirements set forth in Minnesota Rule 7082.0100 Subp. 3F, the parent parcel shall also fall under the same requirement. For parcels that already contain an existing septic system, and that existing system has a current and valid certificate of compliance, only one additional site need be identified for each planned parcel. The requirement that two suitable septic sites be identified on a property shall not apply to adjustments of lot lines where no new parcels are being created. A signed agreement to delay submittal of septic site suitability records until the following July 1 may be accepted in lieu of a septic site suitability by the Department between November 1 and April 30 at the Department's discretion, providing that the required soil verification records are submitted to the Department by July 1. No grading, filling, permitting of structures or other land alterations shall occur on the property.



until the septic site suitability records have been submitted to the Department, unless specifically authorized otherwise by the Department. Failure to fulfill all the obligations of the agreement shall be a violation of this Ordinance.

D. Development Review Team:

Prior to the preparation of a preliminary plat, the subdivider shall attend a Development Review Team (DRT) meeting in order to be made fully aware of all applicable ordinances and regulations pertaining to the area to be subdivided. The subdivider shall submit a rough sketch of the proposed area to be subdivided.

E. Preliminary Plat Procedure

The procedure for a preliminary plat shall meet the following:

1. Submission of Plat: The subdivider shall submit to the Administrator an electronic copy of the preliminary plat of the proposed subdivision, the requirements of which are set forth in this Ordinance. The preliminary plat application shall be submitted by the deadlines established in the department's annual public hearing calendar and shall be accompanied by the fees set forth in the Fee Schedule.
2. At least 30 days prior to the public hearing on the preliminary plat, the Administrator shall submit one copy of the preliminary plat to the governing bodies of any city, the incorporated limits of which lie within two miles of the proposed subdivision, and to each town board of the Township wherein the subdivision is proposed. In addition, one copy shall be retained by the Administrator and one copy submitted to each of the following: the County Auditor, County Recorder, County Engineer, Soil and Water Conservation District, Watershed District (if applicable), Mississippi Headwaters Board (if applicable), and DNR (if located in the Shoreland District).
3. At the public hearing set for consideration of the preliminary plat, the Planning Commission shall evaluate the preliminary plat based on the following criteria:
 1. Comprehensive Plan.
 2. Applicable performance standards in this Ordinance.
 3. Other standards, rules or requirements that the proposed plat must meet.
 4. Compatibility with the present land use in the area of the proposal.
5. Environment impacts have been adequately addressed (Stormwater, Erosion/Sediment Control, Wetlands, Floodplain, Shoreland and Septic Systems).
6. Public health, safety or traffic impacts have been adequately addressed.
4. At the conclusion of the public hearing, the Planning Commission shall either recommend approval or denial of the preliminary plat. The Planning Commission may also table the preliminary plat for future consideration.
5. The Planning Commission and/or County Board may attach reasonable conditions to any approval based upon its consideration of the plat application.
6. The Planning Commission and/or County Board may request the subdivider to submit additional information to address any issues related to the plat application.
7. The action of the Planning Commission shall be stated in writing setting forth the conditions of approval, reasons for approval or the reasons for denial. The Planning Commission's recommendation shall then be submitted to the County Board.
8. The County Board shall consider the Planning Commission's action at a regularly scheduled meeting and shall either approve, deny or table for future consideration. Approval shall mean the acceptance of the design as a basis for preparation and submission of the final plat.

F. Preliminary Plat Submittal Requirements

When submitting a preliminary plat, the following components shall be required:

1. Completed preliminary plat application and applicable fees



2. A preliminary plat drawing prepared in accordance with Article 44 and the items listed below:
 - a) Scale: One-inch equals 100 feet, if possible, but not smaller than 1 inch equals 200 feet.
 - b) Confirmation from Recorder's Office stating that the plat name is not a duplicate or closely resembles the name of any plat previously recorded in the county.
 - c) Names and addresses of the owner, subdivider, surveyor, and engineer of the plan.
 - d) Existing land use district classifications.
 - e) Existing conditions in tract and in surrounding area to a distance of 30 feet.
 - f) Boundary line of proposed subdivision and ownership of adjoining land.
 - g) Total acreage of parcel to be subdivided. If riparian, total area of parcel and lot area above the Ordinary High-Water Level (OHWL).
 - h) Location of platted roads, right-of-way and utility easements.
 - i) Sewers, water mains or wells, culverts or other underground utilities.
 - j) Site suitability showing two subsurface sewage treatment system locations on each lot or evidence of public sewer availability.
 - k) Well location or evidence of access to a public water supply.
3. All wetlands shall be delineated by a certified wetland delineator and include a report signed by the certified wetland delineator. The delineated boundary shall be surveyed and shown on the preliminary plat.
4. Location of all lakes, rivers, streams, intermittent streams, public drainage ditches, water courses, bluffs, steep slopes, flood fringe and floodway boundaries (if applicable) including location of the OHWL. The preliminary plat shall include two-foot contours for the entire land area proposed to be subdivided.
5. Structure setbacks from any lake, river, stream, water course, wetland, bluff, right-of-way or lot line must be clearly shown on the plat.
6. Buildable area as defined in Article 46 of this Ordinance.
7. The subdivider must clearly stake and identify the proposed lot corners and the proposed centerline of the road serving the subdivision when requested by the Department.
8. Inside the First Assessment District: A preliminary plat application, for residential plats only, shall not be considered complete until the information required in a) and b) below has been reviewed by the County Engineer. Non-residential developments may be required to submit such information if the County determines during the review process that road or other improvements shall meet the same or more restrictive standards as for residential developments.
 - a) Preliminary construction plans for all public or private improvements, including roads (in accordance with Article 9.9 B), stormwater facilities or other such improvements as may be required or proposed by the developer.

The procedure for a final plat shall meet the following:

9. The subdivider shall file with the Administrator within one year of the date of the approval of the preliminary plat, the final plat which shall substantially conform to the preliminary plat as approved. The subdivider shall submit to the Administrator an electric copy of the final plat, the requirements of which are set forth in this Ordinance. The final plat application shall be filed by the deadlines established in the department's annual public hearing calendar and shall be accompanied by the fees set forth in the Fee Schedule.
10. Final plat approval shall not be granted to any plat which is not filed within the time herein specified; unless an extension is requested in writing and for good cause, granted by the Planning Commission.
11. Final plat approval shall not be granted unless all requirements of Article 9.6(F) and Article 9.6 (G) of this Ordinance have been met. The County Board shall approve, deny or table the final plat, and the Department shall notify the owner or subdivider of the County Board's actions within 30 days.
12. The final plat, if approved, shall then be filed with the County Recorder by the subdivider. The subdivider shall provide two sets of mylars. If any irregularity prevents recording of the final



plat, the County Auditor shall notify the subdivider. Any approval of the final plat by the Board shall be null and void if the plat is not recorded with the County Recorder within one-hundred-twenty (120) days after the date of approval, unless application for an extension of time is made, in writing, during said one-hundred-twenty (120) day period, to the Board and for good cause granted by the Board.

G. Final Plat Submittal Requirements

When submitting a final plat, the following components shall be required:

1. Completed final plat application and applicable fees.
2. All required submittals for the preliminary plat.
3. In the First Assessment District, the following information shall be required.
 - a) Construction plans prepared by a professional engineer licensed in the State of Minnesota for all public or private improvements, including roads (in accordance with Article 9.9 B), stormwater facilities or other such improvements as may be required or proposed by the developer, including estimated construction costs itemized per improvement.
 - b) Financial Assurance, as required by Article 9.9 of this Ordinance. This may be waived if all improvements as required by Article 9.9 of this Ordinance, the Planning Commission or County Board has been effectively implemented with appropriate inspection and verification of all improvements.
 - c) A copy of a draft Developer's Agreement, prepared in accordance with the requirements of Article 9.9 of this Ordinance. This may be waived if all improvements as required by Article 9.9 of this Ordinance, the Planning Commission or County Board has been effectively implemented with appropriate inspection and verification of all improvements.
 - d) Written approval by the County Engineer approving the road and stormwater plans as submitted or modified.
4. Information as was found necessary and requested by the Planning Commission or the County Board.
5. Data requirements as set forth in Minnesota Statutes Chapter 505 and this ordinance, and all interior and exterior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set.
6. An identification system for all lots and blocks. All lots shall be numbered consecutively.
7. The subdivider or owner shall submit two sets of mylars, after Board approval.
8. Notarized certification by the owner and by any mortgage holder of record, of the adoption of the plat and the dedication of roads and other public areas.
9. Certification showing that all taxes currently due on the property to be subdivided has been paid in full for the calendar year in which the plat is recorded.
10. Subdivider's agreement according to Article 9.9 of this Ordinance.
11. Title Commitment.

9.7 PLAT DESIGN STANDARDS

- A. Roads: The design of all roads shall be considered in relation to existing and planned roads, reasonable circulation of traffic, topographical conditions, run off of storm waters and the proposed uses of the areas to be served and shall meet the following standards:
 1. Where adjoining areas are not subdivided, the arrangement of roads in new subdivisions shall make provisions for the proper projection of roads. When a new subdivision adjoins un-



subdivided land, then the new road shall be carried to the boundaries of such un-subdivided land. Where new roads extend to existing adjoining roads, their projections shall be at the same or greater width, but in no case, less than the minimum required width.

2. The most current version of the Crow Wing County Highway Department Road Construction Specification, and the local road authority as appropriate, including road width and grade standards shall be observed by the subdivider. These minimum standards are on file in the office of the County Highway Department.
3. Where a proposed plat is adjacent to a primary road or highway, the County Board may require the subdivider to provide a service road along the right-of-way to service the proposed plat. Segments of existing public roadways have controlled access right -of-way in place. The appropriate road authority shall be contacted to determine those locations.
4. When a subdivision or portion thereof abuts a principal, major or minor arterial, no lot shall have direct access thereto, unless approved by the County Board. Instead, such lots shall be provided with frontage on a frontage/backage road or an interior road, or similar design feature.
5. At road intersections, curb lines shall be rounded at a radius of not less than 30 feet.
6. Cul-de-sacs are permitted when designed to permit future road expansion into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the County Board. Cul-de-sacs shall include a terminal turn-around which shall be provided at the closed end, with an outside shoulder radius of not less than 50 feet and a right of way radius of not less than 66 feet.
7. The minimum right-of-way widths for roads shall be as follows except where existing or anticipated traffic on the roadway warrants greater right of way width as determined by a state of Minnesota licensed engineer, road authority or the County Board:
 - a) Major Collector Road – 100 feet
 - b) Minor Collector Road – 100 feet
 - c) Local Road – 66 feet
 - d) Cul-de-sac turn-around – 66 feet radius
 - e) Arterial – Determined on a case-by-case basis, but not less than 100 feet
8. Platted roads shall be either private or public per the following requirements:
 - a) Private Roads
 - 1) Shall be conveyed as outlots on the final plat with a dedicated undivided ownership among all lots served by the road. Notice that the road shall never be publicly maintained without official acceptance by the proper road authority shall be recorded on the plat in the dedications, covenants and restrictions.
 - 2) Shall have a minimum 66-foot-wide right-of-way.
 - b) Public Roads
 - 1) Shall be dedicated to the public on the final plat.
 - 2) Shall have a minimum 66-foot right-of-way.
 - 3) Shall be constructed by the subdivider and approved by the department prior to final plat approval or subject to a developer's agreement in place according to Article 9.9 of this Ordinance.
9. All platted subdivisions in which the plat does not abut an existing public roadway shall have a minimum 66-foot-wide legal, recorded ingress and egress easement connecting the plat to the existing public roadway.

B. Easements

1. Utility easements at least 10 feet wide shall be provided for utilities where necessary. They shall be centered on rear and other lot lines or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.
2. Where a subdivision is traversed by a water course, drainage way, channel or road, there shall be provided a storm water easement or drainage right-of- way substantially with the lines of



such water course, together with such further width or construction or both as will be adequate for stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

C. Lots

1. Where possible, side lot lines shall be at right angles to straight or radial to curved road lines. Each lot shall front on a public road.
2. Every lot must have adequate legal access to a public road or approved private road. If proposing to access a roadway under County authority, review the most current version of the "Driveway Access to Roads Under County Jurisdiction" on file in the office of the County Highway Department.
3. Lots must comply with the minimum lot sizes specified in the Land Use Ordinance, except in the following circumstances there shall be no minimum lot sizes or widths required except as may be imposed by the Planning Commission and/or County Board during a conditional use or preliminary plat approval process:
 - a) For conservation developments as regulated in Article 33;
 - b) For resort conversions to a residential development or to a shared-capital resort as regulated in Article 34;
 - c) For non-residential subdivision involving the creation of commercial or non-commercial storage buildings which are divided into separate lots.
4. Regard shall be shown for trees, wetlands, steep slopes, water courses, historic natural features or other similar conditions. Plans shall be submitted to minimize the impact to these natural features.
5. Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans consistent with the purpose of this Ordinance for the future use of such remnants.
6. All new created lots shall have a primary and alternate subsurface sewage treatment system according to Minnesota Rules Chapter 7080 and Article 37 of the Land Use Ordinance.

9.8 REQUIRED IMPROVEMENTS

The following improvements are minimum improvements and shall be required in any plat subject to the requirements in Articles 9.6 and 9.7. The subdivider shall pay for the cost of all improvements required in the subdivision including but not limited to:

- A. **Monuments:** All plat boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with the survey monuments according to Minnesota Statutes § 505.021.
- B. **Roads (Inside of the First Assessment District):** All public and private roads for residential developments (except those private roads in an Administrative Subdivision) shall be designed by a professional engineer licensed in the state of Minnesota and constructed according to the requirements applicable to roads within First Assessment District (FAD) as adopted by the County Board. For non-residential developments, the County shall consider on a case-by-case basis whether roads shall be built to such standards or allowed to build to lesser standards based on the nature of the development and the extent of public use of the roadways. The right-of-way of each road dedicated in the plat shall be improved to include a roadway surface and stormwater drainage system in compliance with Article 41 and all applicable county and/or township specifications. Road name signs shall be placed at each intersection. Road names shall conform to Article 19: Addressing and Road Signs for the Land Use Ordinance and shall be approved by the Department.

1. The subdivider shall be required to either:

- a) Maintain all public roads in the subdivision and provide for road maintenance until acceptance of the road by the road authority; OR
- b) Set up a homeowner's association to be responsible for year-round road



maintenance but shall ensure that the bylaws of such association provide an adequate funding and revenue collection system from the individual lot owners – including from any unsold lots.

In either case, a year-round roadway maintenance plan shall be submitted as part of the developer's agreement in Article 9.9 and be subject to approval by the County Board.

C. Roads (Outside of the First Assessment District): All public roads shall be built to the requirements of the road authority and be designed by an engineer licensed in the state of Minnesota. If the local road authority has no road design specifications or for private roads, the road shall be constructed according to the requirements found in Appendix 1 (of the Land Use Ordinance). The right-of-way of each road dedicated in the plat shall be improved to include a roadway surface and stormwater drainage system in compliance with Article 41 and all applicable county and/or township specifications. Road name signs shall be placed at each intersection. Road names shall conform to Article 19: Addressing and Road Signs of the Land Use Ordinance. Road names shall be approved by the Department.

1. The subdivider shall be required to maintain all public roads in the subdivision and provide for year-round road maintenance until acceptance of the road authority.

D. Stormwater Management: Stormwater management facilities and drainage shall be completed in accordance with the provisions of this Ordinance and Article 41 of the Land Use Ordinance and be designed by an engineer licensed in Minnesota. It is the responsibility of the subdivider to obtain all other stormwater permits such as but not limited to a SWPPP. It also shall be the responsibility of the subdivider to maintain compliance with said permit and terminate the permit when the project is complete.

E. Erosion/Sediment Control: All plats must submit an erosion and sediment control plan and time schedule that will prevent soil loss to the Department before the development activity is to begin. The subdivider must also obtain an NPDES permit from the State of Minnesota if there will be disturbance of more than one acre of land.

F. Water Supply: Wherever connection with a community or public water system is possible, the public water shall be used. In other case, individual wells shall be used. Either shall be provided in accordance with State and County Regulations.

G. Sanitary Sewer: Wherever sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to such trunk line sewers. In other cases, subsurface sewage treatment systems shall be used. Either shall be used in accordance with State and County regulations.

9.9 DEVELOPERS AGREEMENT

Prior to County Board approval of a final plat of a proposed subdivision, the County Board may require a developer's agreement that shall ensure the construction of all improvements required under the provision of this Ordinance and that all improvements shall be completed. The subdivider shall pay for the cost of all improvements required in the subdivision along with the subdivision's share of the cost of any trunk facilities to be extended to the subdivision. The developer's agreement shall stipulate that no permit of any type shall be issued until all improvements required by this Ordinance have been met or are arranged for in a manner prescribed in the developer's agreement. This may be waived if all improvements as required by Article 9.8 of this Ordinance, the Planning Commission or County Board has been effectively implemented with appropriate inspection and verification of all improvements.

A. Roadway Maintenance Plan (inside First Assessment District only). The subdivider shall provide a plan for the maintenance of all constructed public or private roadways until acceptance of the road by a public road authority. The provided plan shall be approved by the County Board and indicate who will be responsible for conducting the maintenance, the manner of maintenance to be completed and how frequently, and a mechanism for funding the ongoing maintenance of



the road.

- B. **Financial assurance:** The subdivider shall provide a financial guarantee naming the County as first obligee to ensure completion of all improvements as required. No part of the financial guarantee will be released until all aspects of the developer's agreement are completed unless specifically stated. The amount of the financial guarantee shall be 1.25 times the estimated improvement construction cost.
 - 1. Inside of the First Assessment District: The financial assurance amount shall be calculated as 1.25 times the estimated construction costs submitted by the developer's professional engineer licensed in the State of Minnesota and must be approved in writing by the County Engineer.
 - 2. Outside of the First Assessment District: It shall be the responsibility of the subdivider to determine the improvement construction cost which must be approved by the Department.
 - 3. Financial assurance shall be released upon receipt of verification that all improvements in the developer's agreement have been effectively implemented. Verification includes written documentation from the registered engineer of record for road and stormwater management plan implementation and from a surveyor for corner monumentation implementation. Any other requirements in the developer's agreement shall require written verification from someone with expertise and experience regarding said improvement. The Board must approve the release of any financial assurance.
- C. **Default:** The County shall be entitled to use the financial guarantee to implement said improvements and provide maintenance if the subdivider defaults on the timeline set forth in the developer's agreement. Upon completion of work and termination of any liability to the County, the balance remaining in the financial guarantee shall be refunded to the subdivider.
- D. **Timeline:** The subdivider shall set a guaranteed timeline and completion plan for all improvements and a provision for determining supervision of the details of the work. The developer's agreement shall include provisions for when the road authority will be responsible for maintenance of the road.
- E. **Inspection:** The subdivider shall guarantee payment for all costs incurred by the County for review and inspection. This shall include but not be limited to preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, County Highway Department, and the Department, as well as other related costs.