

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
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AN ORDINANCE of the  
City of Willmar

(1-4)

## Ordinance No. 2.023

(General)

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN THE CITY OF WILLMAR, DEFINING CERTAIN TERMS USED THEREIN; PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS; PROVIDING FOR THE DEDICATION OF CERTAIN LAND FOR PARKS AND PLAYGROUNDS; ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE CITY OF WILLMAR DOES ORDAIN:

### SECTION I SHORT TITLE

This Ordinance shall be known as the "SUBDIVISION ORDINANCE OF THE CITY OF WILLMAR", and will be referred to herein as "this Ordinance".

### SECTION II GENERAL PROVISIONS

#### Subdivision 1. Purpose

In order to safeguard the best interests of the City of Willmar and to assist the subdivider in harmonizing his interests with those of the City at large, this Ordinance is adopted. Because each new subdivision becomes a permanent unit in the basic structure of the expanding Community, and to which the Community will be forced to adhere, and because piecemeal planning of subdivisions will bring on undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to a Comprehensive Plan of the City aiming at a unified scheme of Community interests, all subdivisions of land hereafter submitted for approval to the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. It is the purpose of this Ordinance to make certain regulations and requirements for the platting of land within the City of Willmar pursuant to the authority contained in Minnesota Statutes Annotated, Chapters 429, 471 and 505, which regulations the City Council deems necessary for health, safety and the general welfare.

#### Subdivision 2. Jurisdiction.

The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City and the unincorporated area within two miles of its limits; provided that where a municipality lies less than four miles from the limits of Willmar, these regulations shall apply only to a line equidistant from Willmar and said municipality; and provided further, that the governing body or bodies of unincorporated areas adjacent to the City have not adopted ordinances for the regulation of subdivision of land or platting.

#### Subdivision 3. 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 resubdivision or replatting of land or lots. Division of land into tracts larger than two and one half acres in area and 150 feet in width shall be exempt from the requirements of this Ordinance, where no new street is involved.

**Subdivision 4. Approvals Necessary for Acceptance of Subdivision Plats.**

Before any plat shall be recorded or be of any validity, it shall have been approved by the City Planning Commission and by the City Council of Willmar, as having fulfilled the requirements of this Ordinance.

**Subdivision 5. Definitions.**

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 of boundaries of the subdivision, or a combination of the above with a river or lake.

**Building Permit**—is the building permit required under the Building Code of the City of Willmar.

**City**—is the City of Willmar.

**City Council**—is the governing body of the City of Willmar.

**Comprehensive Plan**—refers to the group of maps, charts and texts that make up the Comprehensive Guide Plan of the City.

**Design Standards**—are the specifications to land owners or subdividers 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 way, 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, T.V. and F.M. transmission lines, 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 City and in such form as required by the County for purposes of recording.

**Lot**—is a portion of a subdivision or other parcel of land intended for building development or for transfer or ownership.

**Owner**—includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of them.

**Parks & Playgrounds**—are public lands and open spaces in the City of Willmar dedicated or reserved for recreation purposes.

**Percentage of Grade**—on street centerline 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, to be used by pedestrians and which may be used for the installation of utility lines.

**Planning Commission**—is the Planning Commission of the City of Willmar.

**Preliminary Plat**—is a tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.

**Protective Covenants**—are contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

**Street**—is a public right of way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, place or however otherwise designated.

**Streets - Thoroughfares**—(Primary and Secondary) are arterial streets which are used primarily for heavy traffic, and serving as an arterial trafficway between the various districts of the Community, as shown on the Comprehensive Plan.

**Street - Collector Street**—are those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts as shown on the Comprehensive Plan.

**Street - Minor Streets**—are those which are used primarily for access to abutting properties.

**Street - Marginal Access Streets**—are minor streets which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.

**Street - Cul-de-sac**—is a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Street Width**—is the shortest distance between lines of lot delineating the street right of way.

**Subdivision**—is a described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than two and one half acres in area, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term includes resubdivision, and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

**Tangent**—is a straight line which is perpendicular to the radius of a curve where a tangent meets a curve.

**USGS. Datum**—refers to United States Geodetic Survey Datum.

**Vertical Curve**—is the surface curvature on a street center line located between lines of different percentage of grade.

**SECTION III  
PROCEDURE**

**Subdivision 1. Preliminary Plat.**

Before dividing any tract of land into two or more lots or parcels, the following procedure shall be followed:

**a. Submittal to the Planning Commission**

1. A preliminary plat shall be submitted to the City Engineer at least ten (10) days prior to the Planning Commission meeting at which the same shall be considered. The City Engineer shall prepare a report thereon setting out whether or not said plat meets the requirements of State Law, the City's ordinances, and the City of Willmar Comprehensive Guide Plan. He shall present said report, together with his

recommendations thereon, to the next meeting of the Commission following its filing with him as hereinabove set out.

2. The Planning Commission shall consider the said plat at the meeting at which it is submitted, and may consider the same at special or adjourned meetings as it shall determine.

3. The Planning Commission shall have the authority to approve or disapprove said preliminary plat, to approve it with conditions attached, and to disapprove it until and unless certain conditions are first complied with.

4. Upon the making of its determination, the Planning Commission shall embrace the same within a resolution, which shall include all conditions it requires for approval, or conditions upon which approval will be granted, and shall set forth the reasons for the approval given. A copy of the resolution shall be sent forth with to the subdivider and a certified copy thereof to the City Council, together with the plat if it is approved, conditionally or otherwise.

5. If the Planning Commission disapproves the said plat, or approves it with conditions attached, the subdivider shall have the right to resubmit the same to the Commission without prior submission to the City Engineer.

**b. Submittal to the City Council**

1. Upon the adoption of the resolution hereinabove provided by the Planning Commission, or in the event the Planning Commission shall fail to act within the time required, as above set forth, the said plat shall come before the City Council for review.
2. The Council may hold such public hearings on the said plat as it shall in its discretion determine, and upon such notice as it shall provide.
3. The Council shall have authority to approve, disapprove, modify and amend the resolution of the Planning Commission, and it may refer the same to the Planning Commission for further study with or without directions. A referral to the Planning Commission shall not be deemed a final action thereon by the City Council, and the Planning Commission shall report back thereon no later than 45 days following the council meeting at which it was referred.
4. Upon final decision by the City Council, it shall embrace its decision in a resolution, provided, however, if it shall adopt the resolution of the Planning Commission without amendment, it may determine the matter by motion.
5. Upon decision by the City Council, the City Clerk shall transmit a copy of the resolution, or notice of adoption without charge by motion, to the subdivider and a like copy to the secretary of the Planning Commission.
6. The approval of the preliminary plat shall not constitute an acceptance of the subdivision, but it shall be deemed to be an authorization to proceed with the preparation of the final plat.
7. The approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval by the City Council.
8. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion, or all, of the final plat has not been submitted to the Planning Commission for approval within the time hereinabove provided, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval, unless the Commission and the Council shall waive this requirement.

**Subdivision 2. Final Plat.**

After the preliminary plat has been approved, and the subdivider determines to proceed to secure approval of all or a part thereof as a final plat and the site grading has been completed, the final plat shall be submitted as follows:

**a. Submittal to Planning Commission**

1. The final plat shall be submitted to the City Engineer at least ten days prior to the Planning Commission meeting at which the same shall be considered. The City Engineer shall prepare a report thereon setting out whether or not said final plat is in substantial agreement with the preliminary plat, and if not, in which particulars it varies therefrom, and whether or not it conforms to the requirements of state law and the city's ordinances. The report shall contain a certification that the final plat meets all the conditions attached to the final approval of the preliminary plat, and if the City Engineer cannot so certify he shall so report to the Planning Commission and the City Council before proceeding.

2. The subdivider shall present with the plat to the Planning Commission an abstract of title, or Certificate of Title, with an option of a duly licensed attorney at law certifying that the persons signing the plat are the only owners of interests, either as fee title owners, owners of less than fee, or as mortgagees or lien holders, of the land therein platted. The said attorney's opinion shall also contain a certification that the said plat meets with the requirements imposed by the laws of the State of Minnesota and the ordinances of the City of Willmar, provided, however, that with respect to the requirements of such laws and ordinances dealing with data and provisions of an engineering nature, it shall be sufficient if such opinion sets forth that the requirements of the laws and ordinances respecting questions of engineering, survey and similar technical data are considered to be within the province of the City Engineer and are not passed upon in the opinion.
3. The Planning Commission shall consider the said final plat at the meeting at which it is submitted, and may consider it at such special or adjourned meetings as it shall determine.
4. The Planning Commission shall have the authority to approve or disapprove said plat. If it shall determine that it cannot approve it unless certain conditions are attached, it shall by resolution set forth the conditions for approval and forthwith, send a copy of such resolution to the subdivider, and all further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if not further action is taken by the subdivider within a period of three months from the date of the adoption of such resolution, the plat shall be deemed to be disapproved.
5. Final action on the final plat shall be communicated forthwith to the subdivider by the secretary of the Planning Commission, and a certified copy of the resolution of the Planning Commission approving or disapproving the same shall be sent to the City Council, together with the plat, the abstracts of title, and the attorney's opinion, and such other data as the Commission shall determine.
6. If the Planning Commission approves the final plat, the chairman or the secretary shall sign the same.

**b. Submittal to the City Council**

1. Upon the adoption of the resolution of approval or disapproval by the Planning Commission, the final plat shall come before the City Council for review.
2. The Council shall have the authority to hold such hearings on the final plat as it shall determine, and upon such notice as it shall provide.
3. If the Council is not satisfied with the final plat as presented, it may: (1) disapprove the same; (2) set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or (3) refer the same to the Planning Commission for such further action as it shall determine. Upon such referral, the Planning Commission shall act thereon at the next meeting and report back to the Council no later than 45 days after the said action of the City Council.
4. If the Council shall determine to accept the plat, it shall by resolution so determine and the resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other open spaces dedicated to public purposes.
5. If the Council shall determine to accept the plat in the face of disapproval by the Planning Commission, it shall adopt such resolution in conformity with the requirements of the City Charter for overruling the Planning Commission and such action shall be endorsed on the plat over the signature of the City Clerk.

6. The action of the City Council finally determining the matter shall be communicated by the City Clerk to the subdivider, and if the plat be disapproved the clerk shall set forth the reasons given by the Council for such determination.

#### SECTION IV

##### DATA REQUIRED FOR PRELIMINARY PLATS

###### Division 1. Filing

The owner or subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information. Three (3) copies of a preliminary plat of any proposed subdivision shall be filed with the City Engineer. Every preliminary plat shall contain the required data set forth in this section.

###### Division 2. The following Data regarding identification and Description of the Preliminary Plat shall be provided

Proposed name of subdivision, which name shall not duplicate the name of any plat heretofore recorded in the County. Location by section, township and range, or by other legal description.

Names and addresses of the owner and subdivider having control of the lands included in said preliminary plat, the designer of the Plat and the surveyor.

Graphic scale, not less than one inch to one hundred feet.

North point

Date of preparation.

###### Division 3. The following data regarding Existing Conditions shall be provided.

Boundary line survey, including measured distances and angles, which shall close by latitude and departure with an error of closure not exceeding one foot in 7,500 feet.

Total acreage in said preliminary plat computed to one hundredth of an acre.

Location and names of existing or platted streets or other public ways, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred feet beyond the tract.

If the proposed subdivision is a re-arrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.

Location and size of existing paved streets, railroads, sewers, water mains, quarried gravel pits, culverts, or other underground facilities within the tract and to a distance of one hundred feet beyond the tract. Also such data as grades, invert elevations and location of catch basins, manholes and hydrants.

Boundary lines of adjoining platted or unplatted land within one hundred feet of the tract.

Complete topographic map with contour intervals not greater than two feet, water courses, marshes, rock outcrops and other significant features; all superimposed on at least one print of preliminary plat. United States Geodetic Survey datum shall be used for all topographic mapping. High water elevation if parts or plat are wet or have been wet.

The required topographic map may be waived if it is deemed unnecessary by the City Engineer and the Planning Commission.

###### Division 4. The following data regarding Proposed Development Design Features of the Preliminary Plat shall be provided

Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street similar to or heretofore used in the City of Willmar shall not be permit-

ted unless the proposed street is an extension of an already named street in which event the name shall be used. All street names shall be subject to the approval of the Planning Commission.

- b. Locations and widths of alleys, pedestrian ways and utility easements.
- c. Proposed center line grades of all new streets, and alleys, if any. A complete set of profiles showing both existing and proposed grade lines shall be provided if deemed necessary by the City Engineer.
- d. Location, size and approximate gradient of sewer lines.
- e. Layout, numbers and approximate dimensions of lots and the number of letter of each block.
- f. Location and size of proposed parks, playgrounds, churches, or 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.
- g. Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings, and surrounding zoning districts.

#### SECTION V

##### DATA REQUIRED FOR FINAL PLATS

###### Subdivision 1. Filing

The owner or subdivider shall submit a final plat together with any necessary supplementary information. The original and four copies of the Final Plat shall be submitted; one of the four copies shall be such as to permit satisfactory reproduction by the City Engineer.

###### Subdivision 2. The final plat shall contain the following

- a. The final plat prepared for recording purposes shall be prepared in accordance with provisions of Minnesota State Statutes and applicable municipal ordinances.
- b. Name of subdivision; names shall not duplicate or too closely approximate the name of any existing subdivision.
- c. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate travers, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in 7,500 feet.
- d. The location of monuments, installed after the completion of site grading, shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one half (½) inch or larger in diameter extending at least three (3) feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter.
- e. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.

- f. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
- g. Name and address of developer and surveyor making the plat.
- h. Scale of plat (the scale to be shown graphically and in feet per inch), date and north point.
- i. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements".
- j. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

**Subdivision 3. Certification required on final plats.**

- 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.
- b. Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
- c. Certification showing that all taxes and special assessments due on the property have been paid in full.
- d. Space for certificates of approval to be filled in by the signatures of the Chairman of the City Planning Commission, the Mayor, City Clerk, City Engineer and City Attorney. The form of approval by the Planning Commission is as follows: Approved by the Planning Commission of the City of Willmar this ..... day of ....., 19.....

Signed: .....  
Chairman

Attest: .....  
Secretary

The form of approval by the City Council is as follows:  
Approved by the City of Willmar, Minnesota this .....  
day of ....., 1964.  
Signed: .....

Attest: .....  
Mayor

The form of approval by the City Engineer is as follows:  
Approved by the City Engineer, City of Willmar, Minnesota  
this ..... day of ....., 19.....  
Signed: .....

City Engineer  
The form of approval by the City Attorney is as follows:  
Approved by the City Attorney, City of Willmar, Minnesota  
this ..... day of ....., 19.....  
Signed: .....

City Attorney  
The form for approval by County Authorities as required.

**Subdivision 4. Supplementary documents and information.**

- 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.

**SECTION VI  
DESIGN STANDARDS**

**Subdivision 1. Blocks**

- a. Block length—in general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where

no existing plats control, the blocks in residential subdivision shall normally not exceed one Thousand (1000) 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. The width and location of such pedestrian ways shall be subject to the approval of the City Engineer and the Planning Commission. Blocks for business or industrial use should normally not exceed six hundred (600) feet in length.

- b. Block width—the width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate length. Blocks intended for 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.

**Subdivision 2. Streets and Alleys**

a. The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the Willmar Comprehensive Plan. Except for cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed use of the area to be served.

- b. Minor streets should be so planned as to discourage their use by non-local traffic. Dead end streets are prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs shall normally 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 forty (40) feet and a right of way radius of not less than fifty (50) feet.

c. 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 system for the unsubdivided portion shall be prepared and submitted by the subdivider.

- d. 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 location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.

e. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jobs shall not be permitted without the express approval of the City Engineer.

- f. Wherever the proposed subdivision contains or is adjacent to the right of way of a limited access highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right of way, or for a street at a distance suitable for the appropriate use of land between such street and right of way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.

g. Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consis-



tent 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 fifteen (15) feet wide. Dead end alleys shall not be permitted.

h. Dedication of half streets 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 it may be improved in the public interest.

i. For all public ways hereafter dedicated and accepted, the minimum right of way widths for streets, and thoroughfares shall be as shown in the Comprehensive Plan for Willmar and where not shown therein, the minimum right of way width for streets, thoroughfares, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

Primary Thoroughfare	100 feet
Secondary Thoroughfare	80 feet
Collector Street	70 feet
Minor Street	70 feet
Marginal Access Street	50 feet
Alley	15 feet
Pedestrian Way	10 feet

Where existing or anticipated traffic on Primary and Secondary Thoroughfares warrants greater width of rights of way, these shall be required.

j. Street grades—the grades in all streets, thoroughfares, collector streets, minor streets, and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Primary Thoroughfare	5 per cent
Secondary Thoroughfare	5 per cent
Collector Street	6 per cent
Minor Street	8 per cent
Alley	8 per cent

In addition, there shall be a minimum grade on all streets and thoroughfares of not less than four tenths (4/10) of one (1) per cent.

k. Street alignment—the horizontal and verticle alignment standards on all streets shall be as follows:

(1) Horizontal—radii of center line:

Major Thoroughfare	500 feet—minimum
Secondary Thoroughfare	500 feet—minimum
Collector Street	400-feet—minimum
Minor Street	150 feet—minimum

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.

(2) Verticle—all changes in street grades shall be connected by verticle parabolic curves of such length as follows:

Primary Thoroughfare or Secondary Thoroughfare	30 times the algebraic difference in the percent of grade of the two adjacent slopes.
Collector Street or Minor Street	20 times the algebraic difference in the percent of grade of the two adjacent slopes.

1. All proposed streets shall be offered for dedication as public streets. No private streets shall be permitted.

#### Subdivision 3. Lots.

- The minimum lot area, width and depth shall not be less than that established by the Zoning Ordinance of Willmar.
- Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as defined in the Zoning Ordinance of Willmar.
- Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- Double frontage lots shall be avoided except where lots back on a thoroughfare or other arterial street, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.
- Every lot must have at least the minimum required frontage on a public dedicated street other than an alley.

#### Subdivision 4. Easements.

- An easement for utilities, at least five (5) feet wide shall be provided along any lot line as may be deemed necessary to form a continuous right of way, at least ten (10) feet in width. If necessary for the extension of water main or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be by resolution pursuant to the provisions of the City Charter respecting the vacation of streets and public grounds.
- 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.
- Where a subdivision is traversed by a water course, drainage way, channel, or stream, a storm sewer easement, drainage right of way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water courses shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the Planning Commission.

#### Subdivision 5. Public Sites and Open Spaces.

In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider 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 Willmar Comprehensive Plan. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

### SECTION VII

#### BASIC IMPROVEMENTS

##### Subdivision 1. General.

a. Approval:

- Before a final plat may be approved by the City Council, the owner shall execute and submit to the Council an agreement, which shall be binding on his (or their) heirs, personal representatives and assigns, that he shall cause no private construction on said land, except with approval of the City Engineer, until all improvements required under this Ordinance have been petitioned for, arranged for, or have been constructed.

2. No final plat shall be approved by the Council without first receiving a report from the City Engineer certifying that the improvements described herein, together with the agreements and documents required herein will meet the minimum requirements of all applicable ordinances.
3. A certified copy of the plat restrictions shall be filed with the Clerk and Register of Deeds which shall include a provision that, in all instruments of sale or conveyance given before all street improvements have been made, the consignee shall agree to and approve such improvements and the assessment of their costs.

**b. City Financing:**

1. Upon recommendation of the Engineer and with the approval of the City Council, any or all of the required improvements may be financed and assessed by the City pursuant to MSA 429. Length of assessment period and rate of interest shall be determined by the City Council.

**c. Financing by Developer:**

1. If deemed advisable and to be in the best interests of the City, the City Council may require the Developer to finance and pay for any or all improvements. Prior to the making of such required improvements, the owner or subdivider shall deposit with the City Clerk an amount equal to the the City Engineer's estimated cost of any or all such improvements which are to be financed by the Developer, either in cash or an indemnity bond, with sureties to the satisfaction of the City, conditioned upon the payment of all construction costs incurred by the City in making of such improvements and all expense incurred by the City engineering and legal fees and other expense in connection with the making of such improvements. All improvements shall be contracted through the City of Willmar.

**Subdivision 2. Improvements.**

The following improvements shall be constructed as provided for in this Section. Programming of improvements shall be approved by the City Engineer.

**a. City Obligation:**

The City of Willmar will construct, furnish, and install at City expense, the following improvements according to City specifications. Furnishing of these improvements shall be commensurate with available City funds for such work and according to programs and priorities as established by the City Council. If the Developer would desire any of these improvements sooner than the City would be able to furnish them, then the costs of the following improvements shall be paid for by the Developer.

1. Storm Sewer: Storm sewer mains will be constructed by the City as funds are available. Connection shall be made at the boundary of the subdivision, if available, or to some other approved discharge outlet. The developer shall secure or provide the necessary easements or discharge permits. This requirement shall not prevent the City from acquiring necessary easements by eminent domain. Any costs for such easements shall be borne by the Developer.
2. Street Lighting: Street Lighting shall be constructed by the City, preferably after curb and gutter have been installed. If additional or other type of lighting is desired by the Developer, he shall pay the increased cost thereof.
3. Signs: Street name signs and traffic control signs shall be installed by the City.
4. Trees: Boulevard trees shall be installed by the City, after curb and gutter have been constructed.

**b. Obligation of Developer:**

The Developer shall pay the proportionate amount of the following improvements on or for his Subdivision or Development. Financing shall be according to Subdivision 1 of this Section.

1. Site Grading: Necessary site grading shall be accomplished by the Subdivider, prior to acceptance of the final plat.
2. Street Grading: Street grading for the full width of right-of-way shall be accomplished by the Subdivider. If no site grading is to be accomplished, the street grading will be included with subsequent street improvements. Street to subgrade shall precede any underground work, whether by the City, or any private utility.
3. Permanent Street Improvements: Permanent street improvements including base, curb and gutter, boulevard sodding, inlets and leads, and paving, according to Standard City Specifications or as approved by the City Engineer, shall be constructed. All required underground work shall have preceded any permanent street improvements. Additional width of street or load design required on a residential street will be borne by the City. Any improvements on a County Road shall be approved by the County Engineer. Temporary construction may, at the discretion of the City Engineer, be required, for just cause, on any street, streets, or portion thereof. Reconstruction or alteration in any way of existing streets affected by the plat or improvements thereupon, shall be to the approval of the City Engineer. All costs therein incurred, for either temporary access or reconstruction, shall be borne by the Owner or Subdivider. Half streets, if accepted, shall be improved as directed by the City Engineer.
4. Sanitary Sewer: Where City sewer is, or will be, available at the boundary of the Subdivision, it shall be constructed according to City Specifications. The cost of any required pumping stations, deemed necessary by the Engineer, shall be assessed against the benefited property. Any increase in pipe sizes necessitated for trunk lines shall be paid for by the City. Where it is neither practical nor economical for the City to extend City sewer, private sewage disposal facilities shall be constructed according to City and State Specifications. Consideration shall be given to future availability of City sewer in such installations. Such information shall be recorded on the Plat and in each Deed so affected.
5. Water Main: Where City water is, or will be, available at the boundary of the Subdivision, it shall be constructed according to City Specifications. Main sizings shall be by the City Engineer with the minimum size of mains being 6". All required hydrants and valves are to be included in the construction. Any increase in pipe size necessitated for trunk lines shall be paid for by the City. Where it is neither practical nor economical for the City to extend City water, private water supplies shall be constructed according to City and State Specifications.

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

**Subdivision 1. Registered Land Surveys**

It is the intention of this Ordinance that all registered land surveys under the jurisdiction of this Ordinance 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 arrangement, sizes and relationship

of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless such approvals have been obtained from the Planning Commission and City Council 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 City may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.

#### **Subdivision 2. Conveyance by Metes and Bounds**

It is the stated purpose and the public policy of the Council to discourage the use of metes and bounds descriptions. The tendency for error, difficulties in preparing numerous documents using long descriptions, and the desire for efficient and accurate keeping of records of the city all require the adherence to this policy. To the end that this policy shall be served and established, the following shall be required:

- a. As a condition for the issuance of a building permit, the owner of a parcel described by metes and bounds shall, in lieu of platting the said parcel, furnish a registered land survey thereof, in triplicate, one copy of which shall be filed with the building inspector, one with the City Engineer, and one with the City Clerk. This requirement shall be waived if it has been furnished in connection with prior applications or other provisions of this or other ordinances.
- b. If the owner of a parcel of land described by metes and bounds, or of a parcel of platted property which will on division be except for platting described by metes and bounds, requests a division of assessments on said parcel, he shall furnish a plat of said parcel, in such form as shall entitle it to be recorded in the office of the Register of Deeds, and the plat shall be recorded in said office. An auditor's plat may be used, if such can be made available, in lieu of such plat. The platting of said parcel, or the furnishing of auditor's plat in lieu thereof, shall be done at the expense of the person or persons requesting the division.
- c. As a condition to the connecting of any parcel to sewer or water, such parcel shall be platted, or, in lieu thereof on approval of the City Engineer, be surveyed and a registered land survey thereof filed with the City Engineer in triplicate.
- d. No land shall be subdivided by metes and bounds descriptions, provided, however, that this provision shall not prevent the describing of boundary lines which run parallel with established platted or government survey lines by reference to distances from such lines, unless such description in subdivision be accompanied by a registered land survey, and no improvement of such subdivided tract shall be permitted until this provision is complied with.
- e. The provisions of this subdivision shall not apply to tracts which upon subdivision shall be larger than 2½ acres in area, provided, however, that the subdivision of any tract in connection with division of assessments shall be subject to the provisions of sub-paragraph b of this Subdivision and such division shall not be made until said sub-paragraph b is complied with regardless of the area of the tract or the areas of the tracts resulting therefrom.

#### **SECTION IV VARIANCES**

##### **Subdivision 1. General Conditions**

The Planning Commission may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the 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 to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Commission finds:

- a. 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.
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

#### **Subdivision 2. Applications Required.**

Applications for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for consideration by the Commission, stating fully and clearly all facts relied upon by the petitioner and shall be supplemented with maps, plans or other additional data which may aid the Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.

#### **SECTION X COMPLIANCE**

##### **Subdivision 1. Building Permits**

No building permit shall be issued by the City of Willmar with respect to the land or to any lot in a subdivision, as defined herein, until the plat thereof shall have been recorded in the office of the Register of Deeds.

#### **SECTION XI VIOLATIONS AND PENALTY**

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

It shall be unlawful to sell, trade, or otherwise convey 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 portion of the City unless said plan, plat or replat shall have first been recorded in the Office of the Register of Deeds of the County.

##### **Subdivision 2. Misrepresentations as to Construction, Supervision, or Inspection of Improvements.**

It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.

##### **Subdivision 3. Penalty.**

Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each month during which compliance is delayed shall constitute a separate offense.

##### **Subdivision 4. Injunctions.**

The City of Willmar, by its governing body, may, in addition to resorting to the penalty provisions hereinabove set forth, apply to the district court for such restraining orders and injunctions as may be permitted by law.

This Ordinance was given its first reading on February 5th, 1964, the second reading on February 19th, 1964, and the third and final reading on March 4th, 1964.

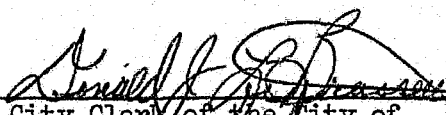
This Ordinance was published on March 14, 1964.



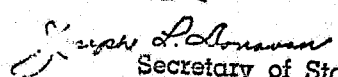
Willmar

STATE OF MINNESOTA )  
                          )    ss  
COUNTY OF KANDIYOHI )

I, DONALD J. LeBRASSEUR, hereby certify and return that I am now, and was, on all dates mentioned and set forth in the attached Exhibits or copy of proceedings, and that I have under my possession and control all of the original records, copies of which are hereto attached; that the attached are identical, true and correct copies of all thereof on file and of record in my office, either as minutes of Council proceedings, or as to instruments filed in my said office; that I have compared the attached with the said original, and certify that the same is true and correct.

  
City Clerk of the City of  
Willmar, Minnesota

# 19448  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 17 1967

  
Secretary of State