

Major Subdivision/Platting Summary of Procedures

Generally, the platting procedure (major subdivision) applies to a division of land resulting in more than 4 parcels and/or when necessary to ensure that adequate public infrastructure, facilities, and services are available concurrent with development. See Title 103 of the Lake Elmo City Code for complete and accurate information.

Procedure

1. Subdivision Sketch Plan

Applicants for a subdivision shall present a sketch plan to staff. The purpose of the city staff review is to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of Title 103. The applicant shall not construe the city staff review as an approval or denial but rather as information to guide the applicant through the next steps in the city review process.

2. Preliminary Plat

The preliminary plat application should reflect the guidance provided by staff and be consistent with the sketch plan reviewed by staff. After city staff finds that the application is complete the application will be reviewed by all internal and external stakeholders. The Planning Commission will conduct a public hearing and make a recommendation on the application to the City Council. The City Council will take final action on the application within 120 days from the date the application is found complete. An application for final plat must be submitted within 180 days of City Council approval or the preliminary plat is void.

3. Final Plat

Within 180 days of approval of the preliminary plat the applicant must submit an application for final plat. The final plat application submittal must address all comments and conditions from the preliminary plat. After city staff finds the application complete the application will be reviewed for consistency with the preliminary plat by internal and external stakeholders. The City Council will take final action on the application within 60 days from the date the application is found complete. Approval of the final plat shall be conditioned upon the execution of a development agreement for basic improvements, public dedications, security, and other requirements necessary to accommodate the development.

4. Recording the Plat

If the final plat is approved by the City Council, the subdivider shall record it with the county recorder within 180 days after the approval. If not filed within 180 days, approval of the final plat shall be considered void. The subdivider shall, immediately upon recording, give city staff a hard copy and electronic copy of the plat showing evidence of recording. No building permits shall be issued until the city has received evidence that the plat has been recorded.

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

FINAL PLAT APPLICATION

Applicant: _____
Address: _____
Phone # _____
Email Address: _____

Fee Owner: _____
Address: _____
Phone # _____
Email Address: _____

Engineer: _____
Address: _____
Phone # _____
Email Address: _____

Property Location (Address): _____
Complete Legal Description: _____

PID#: _____

Detailed Reason for Request:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: _____ Date: _____

Signature of fee owner: _____ Date: _____

MAJOR SUBDIVISION FINAL PLAT APPLICATION REQUIREMENTS¹

Subdivisions of land creating four (4) or more lots and where the subdivision does not qualify as a Minor Subdivision (103.00.700)

This handout is intended to provide guidance on putting together and submitting a Final Plat application for the subdivision of property in Lake Elmo. The purpose of the Final Plat is to incorporate all conditions placed on the Preliminary Plat application into the final plans, and to finalize all documentation for legal recording at the County.

In order to have your Final Plat application be complete and reviewed in a timely fashion, there are a number of steps that must be followed:

1. **Pre-submittal Meeting:** Contact City Staff to discuss the status of any outstanding Preliminary Plat conditions and to discuss the requirements for Final Plat application.
2. **Final Plat Submittal:** Complete all Final Plat submittal requirements. Providing a complete and thorough application will help ensure a prompt and efficient review and processing of your application. Submit your completed packet to Staff to initiate review.
3. **Completeness Review:** Staff will examine your submittal to determine if the application is complete. Applications found to be incomplete will be returned to the applicant.²
4. **Final Plat Review/Processing:** Staff will only process completed applications. This process typically requires at least one applicant revision and re submittal of plans to work through review comments. The process may also include additional applicant meetings, requesting review comments from partnering agencies, and writing reports. Once the plans are found to fully meet the Zoning and Subdivision Ordinances and Engineering Design Standards as outlined by Staff, planning, engineering and landscape architecture reports are prepared and the item is scheduled for the next available Planning Commission meeting.
5. **City Council Meeting:** Applicants are advised to attend both the City Council meetings and be open to questions regarding the request.
6. **Decision:** The City Council will review the request and either grant or deny the Final Plat.

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

² Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

8. **Title Work:** If the Final Plat application is approved by the City Council, all title work must be reviewed and approved by the City Attorney before the plat is recorded by the County. The applicant shall provide evidence in a form satisfactory to the City Attorney that he/she has fee interest in the subject property.

Final Plat Fees: The City Council has established a **non-refundable fee**³ for processing Final Plat applications. Please see the current fee schedule on our website. In addition, the City requires that the applicant enter into an Escrow Agreement with the City and post an \$8,000 escrow to reimburse the City for all technical planning, engineering, public works and legal review.

The following materials must be submitted prior to deeming an application complete:

<u>Sub:</u>	<u>Req:</u>	<u>Item:</u>
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| ☐ | ☐ | 1. A completed land use application form signed by all property owners along with payment of the proper filing fee, escrow and escrow agreement. |
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³ Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).

- ☐ ☐ 2. **Written statements** providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below (answers must be submitted in both hard copy and electronic form - PDF):
- a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates.
 - b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s).
 - c. Final Subdivision and Lot Information:
 - i. The name of the Final Plat.
 - ii. A table listing the lot and block number, size of lot, width of lot, and depth of lot.
 - iii. Final exact area calculations of parks, trails, and any other dedicated public open space; and estimated values of all dedicated land and improvements (trails, park equipment, sports fields, etc.).
 - iv. Final exact area calculations of wetlands and buffers.
 - v. Final proposed area calculations for all dedicated right-of-ways.
 - vi. Proposed legal descriptions for: all lots, easements to be created (if not being dedicated on the plat), and easements to be vacated (if any).
 - d. An explanation of how issues have been addressed since the Preliminary Plat phase of the development.
 - e. A statement showing the final density of the project with the method of calculating said density shown.
 - f. Discuss proposed infrastructure improvements and phasing thereof (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc) necessary to serve the subdivision.
 - g. If applicable, a narrative addressing how concerns/issues raised by neighboring properties have been addressed (discussing your proposal with the neighboring land owners is recommended to get a sense of what issues may arise as your application is processed).
 - h. If applicable, a description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated.
 - i. Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area.

Written statements continued:

- j. If applicable, provide a description of proposed lakeshore access (i.e. shared dock with multiple slips, individual docks for each lot, etc.).
- k. A description of proposed parks and/or open space, including a brief statement of the overall land dedication of fees to be paid in lieu of land dedication that meets the public land dedication requirements of the Subdivision Ordinance.
- l. A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

- ☐ ☐ 3. **Plat & Associated Plans:** Three (3) packets of reduced size (11x17) and three (3) packets of full plan size (24x36) containing each of the following required pieces of information depicting the proposed subdivision. Each document shall be at a consistent, readable, and measurable engineering scale, include a title and a page number (Sheet 1 of 5[±], Sheet 2 of 5[±], et cetera),).Staff will assist you in determining what is required. The plan sets will not be considered complete unless all required elements are included. Additionally, each of the packet items must be submitted in an electronic format (.jpg, .pdf, etc.) for use in presentations.

The following pages outline the information that is required to deem your application complete.

[Please refer to the City's Engineering Design and Construction Standards Manual to ensure compliance prior to submitting plans.](#)

☐ **Final Plat:**

Sub: Required: Item:

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| ☐ | ☐ | <p>1. Administrative Information:</p> <ul style="list-style-type: none"> ▪ <i>Appropriate identification of the drawing (i.e. final plat, grading plan, etc).</i> ▪ <i>Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing platted subdivision in Washington County. Proposed names must be verified by the Washington County Recorder.</i> ▪ <i>Signature of surveyor, engineer, landscape architect, and all other professionals certifying the documents.</i> ▪ <i>Date of plan preparation with revision date(s) (if any).</i> ▪ <i>Graphic scale and true north arrow(engineering scale only, not less than one (1) inch equals one hundred (100) feet.</i> ▪ <i>A complete Legend depicting all line types and symbols used within the plans.</i> |
| ☐ | ☐ | <p>2. General Property Information:</p> <ul style="list-style-type: none"> ▪ <i>Address(es) and PID(s) for the subject property.</i> ▪ <i>Existing legal description(s) for the subject property.</i> ▪ <i>Existing parcel boundaries shown with survey measurement data matching the existing legal description of the parcel of land to be platted.</i> ▪ <i>Date of survey.</i> ▪ <i>Name, address, and phone number of landowner (and subdivider if not the same)</i> ▪ <i>Name, address, and phone number of engineer, surveyor, landscape architect, or land planner preparing the plat (include registration #'s)</i> |
| ☐ | ☐ | <p>3. Indication of the gross area being subdivided and the proposed number of lots shown in square feet and acres.</p> |
| ☐ | ☐ | <p>4. Existing site improvements within the parcel of land to be platted and for a distance of 150 feet outside of the parcel boundaries.</p> |
| ☐ | ☐ | <p>5. Zoning district(s) of the land being subdivided (if more than one zoning district, zoning boundary lines must be shown) and proposed future zoning for the subdivided land.</p> |

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| ☐ | ☐ | 6. Layout of proposed lots with future lot and block numbers. The boundary lines of the subdivision should be clearly distinguishable from other property lines. Denote outlots planned for public dedication and/or open space (schools, parks, trails, stormwater ponds, etc.). |
| ☐ | ☐ | 7. Layout of existing property lines if (different from proposed lot lines). Existing lot lines should be easily distinguishable from the proposed lot lines and not be a prominent feature on the plat. |
| ☐ | ☐ | 8. Denote the area within each of the proposed parcels (in the appropriate units of acres and/or square feet) |
| ☐ | ☐ | 9. Existing contours at intervals of two feet. Contours must extend a minimum of 150 feet beyond the boundary of the parcel(s) in question. |
| ☐ | ☐ | 10. Delineation of wetlands and/or watercourses on the plat and within 150 feet of the perimeter of the subdivision parcel. The ordinary high water elevation and the 100 year flood elevation shall be shown for all existing water bodies. |
| ☐ | ☐ | 11. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel, showing pavement type and width. |
| ☐ | ☐ | 12. All easements of record within or adjacent to the plat. |
| ☐ | ☐ | 13. Lines establishing the buildable area on each lot (setbacks) |
| ☐ | ☐ | 14. Boundary lines of adjoining parcels within five hundred (500) feet beyond the plat. Individual parcels shall be identified by name and ownership including all contiguous land owned or controlled by the subdivider. |
| ☐ | ☐ | 15. Location and dimensions of existing buildings or significant above ground structures on or within one hundred and fifty (150) feet of the outer plat boundary. |
| ☐ | ☐ | 16. Location of any unique natural and/or historic features (if any) |

☐ ***Final Grading, Drainage & Erosion Control Plan:***

Sub: Required: Item:

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| ☐ | ☐ | 1. Appropriate identification of the drawing as a “final grading, drainage and erosion control plan.” |
| ☐ | ☐ | 2. Administrative information as required for the Final Plat. |

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| ☐ | ☐ | 3. Final Grading Plan: The developer shall submit a final grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following information: |
| ☐ | ☐ | 4. North arrow and date of preparation. |
| ☐ | ☐ | 5. Graphic Scale (engineering scale only, not less than one (1) inch equals fifth (50) feet). |
| ☐ | ☐ | 6. For each lot, provide lot and block numbers, easement locations, building pad location, building type and proposed building first floor elevation, low floor elevation and elevation at garage slab. |
| ☐ | ☐ | 7. Stormwater Management Plan, with a narrative, including the configuration of drainage areas and calculations that meet the requirements of the City Code and City Engineering Stormwater Management Requirements and/or applicable Watershed Standards. |
| ☐ | ☐ | 8. Location of all natural features on the tract. Natural features are considered to include, but are not limited to the following: tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc. |
| ☐ | ☐ | 9. All delineated Wetlands and watercourse buffers per the City and Watershed standards; and wetland replacement plan, if needed. |
| ☐ | ☐ | 10. Location of all existing storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within one hundred fifty (150) feet of the tract. Existing pipe type, grades, rim and invert elevations and normal and high water elevations must be included. |
| ☐ | ☐ | 11. Normal water level (NWL) and 100-year high water level (100-year HWL) for all water bodies, existing and proposed. |
| ☐ | ☐ | 12. Spot elevations at drainage break points and emergency overflows (in BOLD) with directional arrows indicating site, swale and lot drainage. |
| ☐ | ☐ | 13. Retaining Walls (wall heights and elevations). |
| ☐ | ☐ | 14. Locations, grades, rim and invert elevations of all storm sewer facilities, including ponds and BMP's proposed to serve the tract. |
| ☐ | ☐ | 15. Locations and elevations of all street high and low points. |
| ☐ | ☐ | 16. Street grades shown. |
| ☐ | ☐ | 17. Provide phasing plan for site grading. |

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| ☐ | ☐ | 18. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure must be included on the plan using Lake Elmo city standard details. Plan must meet the requirements of MPCA General Permit Construction Activity. |
| ☐ | ☐ | 19. All revegetation measures proposed for the tract, including seed and mulch types and application rates must be included on the plan. |
| ☐ | ☐ | 20. Existing contours at two (2) foot intervals shown as dashed lines (may be prepared by a Minnesota licensed surveyor). Existing contours shall extend one hundred fifty (150) feet outside of the tract. |
| ☐ | ☐ | 21. Proposed grade elevations at two (2) foot intervals shown as solid lines. |
| ☐ | ☐ | 22. Other information as required and outlined in the City Plan Sheet Format Requirements. |

☐ ***Final Utility Plan:***

Sub: Required: Item:

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| ☐ | ☐ | 1. Appropriate identification of the drawing as a “final utility plan.” |
| ☐ | ☐ | 2. Administrative information as required for the Final Plat. |
| ☐ | ☐ | 3. Final Utility Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information: |
| ☐ | ☐ | 4. Easements: Location, dimension and purpose of all utility easements. |
| ☐ | ☐ | 5. Underground and Overhead Facilities: Location and size of existing utilities including sewers, water mains, culverts, gas, electric, phone, cable, fiberoptic, utility poles or other underground facilities within the tract and to a distance of one hundred fifty (150) feet beyond the tract. Such data as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown. |
| ☐ | ☐ | 6. Proposed utility plans including sanitary sewer, watermain, and storm sewer, all in accordance with the current City of Lake Elmo engineering design standards manual. |

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| ☐ | ☐ | 7. Water Supply, Public: Water mains shall be provided to serve the subdivision by extension of an existing community system wherever feasible. Service connections shall be stubbed to the property line. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the engineering design standards as approved by the City Engineer and in accordance with the City's Comprehensive Water Plan. The Final Utility Plan shall indicate the location of all hydrants and valves. |
| ☐ | ☐ | 8. Water Supply, Private: In areas where public water supply is not available, individual wells shall be provided on each lot, properly placed in relationship to the individual sewage disposal facilities. Well plans must comply with the State Well Code, as may be amended, and be submitted for the approval of the City Engineer. |
| ☐ | ☐ | 9. Sewage Disposal, Public: Sanitary sewer laterals and service connections shall be installed in accordance with the design standards of the City as approved by the City Engineer. The Final Utility Plan shall provide the locations, grades, rim and invert elevations, and sizes of all proposed sanitary sewer facilities to serve the tract. Demonstration of two separate and distinct land area of at least 10,000 square feet suitable for septic drainfields is required. |
| ☐ | ☐ | 10. Sewage Disposal, Private: All individual sewage treatment systems shall be installed in accordance with all applicable State, County, and City requirements. |
| ☐ | ☐ | 11. Other information as required and outlined in the City Plan Sheet Format Requirements. |

☐ ***Final Street & Storm Sewer Plan:***

Sub: Required: Item:

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| ☐ | ☐ | 1. Appropriate identification of the drawing as a "final street & storm sewer plan." |
| ☐ | ☐ | 2. Administrative information as required for the preliminary plat. |
| ☐ | ☐ | 3. Final Street and Storm Sewer Plan, prepared and signed by a Minnesota licensed engineer, depicting the following information: |
| ☐ | ☐ | 4. Layout of proposed streets showing the proposed lot lines, right-of-way widths, and proposed names of streets in conformance with the County Uniform Street Naming and Addressing System. |
| ☐ | ☐ | 5. Locations and widths of proposed streets, alleys and pedestrian-ways. |

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| ☐ | ☐ | 6. Location, dimensions and purpose of all easements. |
| ☐ | ☐ | 7. Annotation of street geometrics for all horizontal curves, tangent lengths and corner radii. |
| ☐ | ☐ | 8. Centerline profile and gradients for all streets, with vertical geometrics annotated on the plan profiles. |
| ☐ | ☐ | 9. Typical cross section of proposed street improvements. |
| ☐ | ☐ | 10. Minimum front and side street building setback lines. |
| ☐ | ☐ | 11. When lots are located on a curve, the width of the lot at the building setback line. |
| ☐ | ☐ | 12. Location and number of off-street parking spaces (guest, handicapped, bicycle, motorcycle, etc.) including typical dimensions of each. <i>Note: not required for single family residential developments.</i> |
| ☐ | ☐ | 13. Other information as required and outlined in the City Plan Sheet Format Requirements. |

☐ ***Final Tree Preservation Plan⁴:***

Sub: Required: Item:

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| ☐ | ☐ | 1. Appropriate identification of the drawing(s) as the “final tree preservation plan.” |
| ☐ | ☐ | 2. Administrative information as required for the Final Plat. |
| ☐ | ☐ | 3. Final Tree Preservation Plan, prepared and signed by a Minnesota licensed forester or landscape architect, depicting the following information: |
| ☐ | ☐ | 4. Tree inventory and survey, including a total listing of all healthy significant trees, all healthy significant trees to be removed and all healthy significant trees to remain. Information should be presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form (charts listing significant trees by field tag number). |
| ☐ | ☐ | 5. General description of the trees on the site not meeting the significant size threshold. |
| ☐ | ☐ | 6. Locations of proposed buildings, structure, or impervious surfaces. |
| ☐ | ☐ | 7. Delineation of all areas to be graded and limits of land disturbance. |

⁴ All tree preservation plans shall be certified by a forester or landscape architect.

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| ☐ | ☐ | 8. Identification of all significant trees to be removed in the construction area, presented in both graphic and tabular form. |
| ☐ | ☐ | 9. Measures to protect the significant trees that are to remain. |
| ☐ | ☐ | 10. Size, species, number and location of all replacement trees proposed to be planted on the property in accordance with the Mitigation Plan, if necessary, presented in both graphic (at a scale not less than one (1) inch equals one hundred (100) feet) and tabular form. |

☐ ***Final Landscaping Plan⁵:***

Sub: Required: Item:

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| ☐ | ☐ | 1. Appropriate identification of the drawing(s) as the “final landscaping plan.” |
| ☐ | ☐ | 2. Administrative information as required for the Final Plat. |
| ☐ | ☐ | 3. The proposed location, size, quantity, and species of all existing and proposed plant materials as required by the City Code. Information should also be provided in tabular form. |
| ☐ | ☐ | 4. Methods for protecting existing trees and other landscape material, consistent with the City Code. |
| ☐ | ☐ | 5. Proposed structural and ground cover materials. |
| ☐ | ☐ | 6. Proposed provisions for irrigation and other water supplies. Irrigation plan must comply with the City Standard Specifications Standards. |
| ☐ | ☐ | 7. If required, proposed screening showing details and typical cross-sections. |

☐ ***Ghost Plat (Note: Ghost Plat may be required dependent on potential future land uses of adjacent property as guided by the City’s Comprehensive Plan):***

Sub: Required: Item:

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| ☐ | ☐ | 1. Appropriate identification of the drawing as a “ghost plat.” |
| ☐ | ☐ | 2. Administrative information as required for the Final Plat. |
| ☐ | ☐ | 3. Show potential future subdivision possibilities for the land if your proposal was approved (i.e. if you are not subdividing to the maximum density, how might the land be further divided in the future to reach the maximum density). |
| ☐ | ☐ | 4. Indicate how the proposed subdivision will relate to potential future subdivisions of adjacent properties (you may need to ghost plat development on adjacent properties to establish this relation). |

⁵ All landscape plans shall be certified by a landscape architect and shall meet the requirements of the City Code.

☐ **Electronic files**

Sub: Required: Item:

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| ☐ | ☐ | 1. A flash drive must be submitted which includes electronic files for the written statements regarding the proposal, the plat and all associated plans. An electronic drop-box to access all project files and plans also are acceptable. |
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Sub: Req: Item:

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| ☐ | ☐ | 4. Supplemental Information. Depending upon the submittal, the following items may also be required: |
| ☐ | ☐ | Feasibility report(s) for proposed individual on-site sewer and water systems. Such reports will be required with any future plat; |
| ☐ | ☐ | Proposed protective covenants; |
| ☐ | ☐ | Three (3) copies of a context diagram that graphically depicts how the development plan relates to its surrounding neighborhood or community context including the pedestrian, bike, and street (vehicular access) network (existing and potential); |
| ☐ | ☐ | A Traffic Impact Study (TIS) (3 copies) prepared in accordance with State, County and/or City Engineering guidelines; |
| ☐ | ☐ | A soil survey and report; Include a report indicating results of deep soil tests and percolation tests at the rate of no fewer than 2 successful test results for reach proposed septic disposal area (4) tests per lot.; |
| ☐ | ☐ | Signed letters of intent indicating that all required off-site easements and off-site rights-of-way necessary for the project could be negotiated and obtained; |
| ☐ | ☐ | A hydrological/groundwater report; |
| ☐ | ☐ | Any other special natural area or environmental study or report pursuant to Lake Elmo Code as requested by the City, if such exists or is deemed necessary; |
| ☐ | ☐ | Any other information required by Staff, Commissioners, or Council Members necessary to provide a complete review of the preliminary plat and associated plans ⁶ . Additional items include: |

⁶ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

Sub: **Req:** **Item:**

- ☐ ☐ **5. Variances:** If you are requesting variances in any portion of the submitted Final Plat, the City asks that you list each of the requested variances and provide an explanation as to why each is necessary and cannot be avoided. Additionally, you must provide written answers to the following questions:

- (1) Identify the unusual hardship on the land that necessitates the variance request; and
- (2) Explain the nature of the proposed use of land and the existing use of land in the vicinity of the property; and
- (3) Estimate the number of persons to reside or work in the proposed subdivision; and
- (4) Indicate the anticipated effect of the proposed subdivision upon traffic conditions in the vicinity.

Sub: **Req:** **Item:**

- ☐ ☐ **6. Additional Applications:** If your request involves a rezoning or a vacation request, additional applications and materials will be required.
- ☐ ☐ Zoning Map Amendment Application
- ☐ ☐ Vacation Application

Upon City Council approval of Final Plat, and before any construction commencing, a pre-construction meeting must occur for both grading and street utility construction. These meetings may be combined into one meeting provided all items on both check lists are completed. Pre-construction meetings may not occur before the City Council approves the Final Plat and Development Agreement.

State Statutes provide City staff with fifteen (15) business days to review an application to determine if it is complete. Applications found to be incomplete will be returned to the applicant. Please contact staff at (651) 747-3912 if you have any questions.

Thank you.



City of Lake Elmo
Escrow Agreement for Municipal Review Services
Deposit Agreement

THIS AGREEMENT is made this ____ day of _____ 20 __, by the Applicant and Owner (hereinafter individually and collectively referred to as “Applicant”) in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as “City”).

A. “Applicant” whose name and address is:

B. “Owner” whose name and address is:

RECITALS

WHEREAS, the Applicant has applied to the City for approval for one or more of the following: (Select All That Apply)

Plat (Sketch, Preliminary, Final)	Variance
PUD/OP-PUD (Pre-Application, Preliminary, Final)	Minor Subdivision
Vacation	EAW Review
Conditional Use Permit	Zoning Text or Map Amendment
Interim Use Permit	Wind Generator
Comprehensive Plan Amendment	Wireless Communication Permit (co-location)

WHEREAS, the Applicant acknowledges the receipt of benefit to the property, from the City’s technical and compliance review of the application; and

WHEREAS, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.

NOW THEREFORE, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
 - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
 - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
 - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
 - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant

agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit with (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

- e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.
5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Application; (3) the applicant is denied by the City for any reason.
 6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
 7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
 8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
 9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
 10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
 11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[Signature Page Follows]

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

APPLICANT

OWNER:

By: _____
Its: _____

By: _____
Its: _____

By: _____
Its: _____

By: _____
Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this ____ day of _____, 20____, before me a Notary Public within and for said County, personally appeared _____ and _____ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this ____ day of _____, 20____, before me a Notary Public within and for said County, personally appeared _____ and _____ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

Notary Public



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant _____ Date _____

Name of applicant _____ Phone _____
(Please Print)

Name and address of Contact (if other than applicant) _____



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that **I am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant _____
(Please Print)

Street address/legal description of subject property _____

Signature Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.