

## FINAL PLAT APPLICATION PROCEDURE <sup>1</sup> FOR THE CITY OF INDEPENDENCE

This handout is intended to provide guidance on putting together and submitting a final plat for a subdivision in Independence. The final plat is the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the city council for approval and which, if approved, will be filed with the county recorder. The purpose of the final plat is to incorporate all conditions required from the preliminary plat approval into the subdivision, and to finalize all documentation for legal recording at Hennepin County. This step completes the subdivision process. The final plat must be submitted within 90 days of the preliminary plat approval and must conform to the preliminary plat to not be considered null and void. The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop immediately (*Ref: Independence City Code Subsection 500.23, .25,.27, .29, .39, .41*)..

The applicant for a final plat must complete and submit to the city administrator-clerk an application for a final plat and required documentation, together with a fee established by city council ordinance. In addition to said fee, the applicant shall sign an agreement, on forms provided by the city, to pay the cost of all engineering, planning, legal and inspection expenses incurred by the city in processing the application.

### STEPS TO FOLLOW

In order to have your final plat application be complete and reviewed in the timeliest fashion, there are number of steps that must be followed:

1. Contact city staff to discuss your preliminary plat approval and obtain another land use application from City Hall.
2. Staff will provide you with direction on how to contact the City Attorney. The City Attorney needs to approve the title work for you property prior to submitting a final plat application.
3. Once you have received approval from the City Attorney for your title work, you must put together an informational packed (described herein) that fulfills the final plat submittal requirements.
4. Submit your application and the completed packet to the staff by the applicable due date for review.
5. Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. The planning department will ensure your final plat application adheres to all requirements established at preliminary plat, engineering will ensure all plan sets meet city requirements (code), and legal will ensure all documentation is in order for proper filing at the County. When all the information requirements are complied with, the

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<sup>1</sup> The information provided in this document is intended to be a correct statement of the law as set forth in the Independence 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.

request shall be considered as being officially submitted. It is to your advantage to submit your materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete as of the due date shall not be reviewed until the following month.<sup>2</sup>

6. Once the planning department receives confirmation from engineering, legal council and public works that everything is in order, the final plat will go to the City Council for approval.
7. The City Council (meets the 4<sup>th</sup> Tuesday of the month<sup>3</sup>) will review the documentation and either grant or deny the final plat.

Above all else, it is imperative that you begin your preparations as early as possible to insure your application is complete at least one month prior to the next planning or park commission meetings (see page 8 for due dates). Because of state mandated notification requirements, there may be NO exceptions to this deadline.

Please note that it is the responsibility of the applicant to provide all required information and to illustrate all reasons why the request should be granted. City staff is not authorized, nor permitted, to prepare applications since the “burden of proof” rests with the applicant to justify the specific request.

## CHECKLIST

The following items must be completed for the final plat application:

### Item:

1. **Schedule a pre-application meeting** to ensure the submittal is complete.
2. **Title Work.** Within 90 days following approval of the preliminary plan, you must submit an up-to-date certified abstract of title or registered property abstract and such other evidence as the city attorney may require showing title or control in the applicant. The abstract of title or registered property abstract shall be referred to the city attorney for examination and report.

The City must insure that the listed applicants are the only parties with interest in the subject property. If your property is described in Abstract, the city will need a copy of an updated abstract. If your property is described in Torrens, the city will need a Registered Property Abstract (RPA). In either case, the city will also accept a commitment for title insurance in lieu of the above to fulfill this requirement.

3. **A land use application form** signed by **all** property owners and applicant along with payment of the proper filing fee.

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<sup>2</sup> Minnesota State Statute requires local governments to review an application within 60 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

<sup>3</sup> Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

4. **Final Plat and associated documents:** Six (6) copies of the final plat and associated documents depicting the lots or tracts involved with the subdivision. Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller<sup>4</sup> than 11" x 17", and be pre-folded for distribution. Staff will assist you in determining what is required. The final plat will not be considered complete unless all required elements are included.

The final plat and associated documents must include:

- .....
- An identification system for all lots and blocks including: the lot and block number and legal description; size of lot, width of lot, and depth of lot (dimensions shall be shown in feet and hundredths);
  - Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements (dimensions of lot lines shall be shown in feet and hundredths);
  - Radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs;
  - Accurate location of all monuments;
  - True angles and distances to the nearest established official monuments (not less than two) which shall be accurately described in the plat;
  - Final exact area calculations and legal descriptions of wetlands and buffers;
  - Municipal, city, county or section lines accurately tied to the lines of the subdivision by distances and angles;
  - Final proposed area calculations and legal descriptions for all dedicated right-of-ways;
  - Accurate outlines, dimensions, and legal descriptions of any areas to be dedicated or reserved for public use (parks, trails, open space, etc.), or for the exclusive use of property owners within the subdivision with the purposes indicated including the estimated values of all dedicated land and improvements (trails, park equipment, sport fields, etc.);
  - Final exact area calculations and legal descriptions of easements to be created (also those not being dedicated on the plat), and all easements to be vacated (if any);
  - Execution by all owners and encumbrances of any interest in the land on the certificate required by Minnesota Statutes, section 505.03 and which certificate shall include a dedication of the utility easements and any other public areas in such form as shall be approved by the city attorney;
  - Certification by a registered surveyor in the form required by Minnesota Statutes, section 505.03;
  - Form of approval of city council, county authorities, and planning commission as required (after city approval, the plan must go to the county for approval);

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<sup>4</sup> We ask that three (3) copies of the plan be in the large format (30x40), with the remainder (3) reduced to 11x17.

- ..... **All Deeds for Property Being Dedicated to the City** – Conveyance of all land for public use (parks, outlots, etc.) shall be by deed, which are to become property of the City of Independence. Park dedication fees to be formulated per subdivision ordinance at time of final plat;
  
- ..... **All Easement Dedication Documents for Easements Not Shown on the Final Plat** – trail, ingress/egress, and all other easements, if not shown on the final plat, shall be dedicated via these documents;
  
- ..... **Final Development Plan including --**
  - .....       ▪ Final Grading, Utility, and Infrastructure Plan
  - .....       ▪ Final Soils, Signage, and Lighting Plan (if applicable)
  - .....       ▪ Final Tree Preservation & Planting Plan (if applicable)
  - .....       ▪ Final Home Owners Association Documents (if applicable)
  
- 5.** Any **other information** required by city staff, commissioners, or council members necessary to provide a complete review of the request. Information deemed critical to the review process not listed in this handout may be requested<sup>5</sup>. Staff will list other requirements below:  

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### Process following application submittal

Upon accepting your application, the review process to complete your subdivision shall include:

- The city administrator-clerk shall refer copies to the engineer, public works director and planner.
  
- The city attorney will review the final plat, easement dedication language, and deeds to ensure everything is in order for filing at the County. Additionally, the city attorney may put together a developer’s agreement to ensure all subdivision improvements are completed in a timely fashion and adhere to City specifications.

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<sup>5</sup> Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

- The procedure and timing for the reports are the same as for the final approval of the preliminary plat except that no public hearing is required in processing the final plat as it is only reviewed by the city council.
- If the final plat is approved by the city council, the subdivider shall record it with the county recorder within 90 days after the date of approval; otherwise, the approval of the final plat shall be considered void.

***Additional Information to Note:***

- As the applicant or owner, you are responsible for the plat review at the Hennepin County Surveyor's office (following city approval), which may take more than one month. The subdivider shall, immediately upon recording, furnish the city administrator-clerk.
- Construction may not begin on the site until the documents are filed with the county and all fees associated with the review of the request are paid in full including all park dedication fees.
- As the applicant or owner, you are responsible for acquiring permits required by other agencies: watershed districts, DNR, Army Corp of Engineers, and Pollution Control Agency. Commencement of construction may not occur until all outside agency permits are received.

The City may require (or the applicant may choose to submit) evidence that is beyond what is required in any section outlined in this handout. Please be advised that the City reserves the right to impose conditions on an approved request if necessary to avoid a detrimental impact on surrounding properties or the City as a whole.

Please contact Rose Lorsung, City Planner at (763) 746-1632 if you have any questions.

Thank you!

**Application Due Dates<sup>6</sup> (2007 to 2008):**

<u>Year</u>	<u>Meeting Month</u>	<u>Application Due Date</u>	<u>Parks<sup>7</sup></u>	<u>Planning<sup>8</sup></u>	<u>Council<sup>9</sup></u>
<b>2007</b>	January	December 8	January 4	January 8	January 23
	February	January 12	February 1	February 12	February 27
	March	February 9	March 1	March 12	March 27
	April	March 9	April 5	April 9	April 24
	May	April 13	May 3	May 14	May 22
	June	May 11	June 7	June 11	June 26
	July	June 8	July 5	July 9	July 24
	August	July 13	August 2	August 13	August 28
	September	August 10	September 6	September 10	September 25
	October	September 7	October 4	October 8	October 23
	November	October 12	November 1	November 12	November 27
	December	November 9	December 6	December 10	December 11 or 18
<b>2008</b>	January	December 14	January 3	January 14	January 22

<sup>6</sup> This table does not reflect holidays. Generally, meetings which fall on holidays are rescheduled for the following day. Please check with City Hall to confirm actual dates.

<sup>7</sup> Park Commission meeting starts at 7:00 p.m.

<sup>8</sup> Planning Commission meetings start at 7:30 p.m.

<sup>9</sup> City Council meetings start at 7:30 p.m.