

## ORDINANCE NO. 3 4TH SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE TITLE XV ENTITLED "LAND USAGE" BY AMENDING CHAPTER 151 "SUBDIVISION REGULATION" WITH THE ADDITION OF SECTIONS 151.030 "DEVELOPMENT AGREEMENT" AND 151.121 "IMPROVEMENT FINANCING". SECTION 151.120 "REQUIRED IMPROVEMENTS" IS ALSO AMENDED WITH THE ADDITION OF THE UNDERLINED PORTIONS.

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. That Chapter 151 entitled "Subdivision Regulations" shall have the following additions:

### **Section 151.030 Development Agreement**

Before a final plat may be approved by the city council, the owners of the development shall execute and submit to the council an agreement, subject to review and approval by the City Attorney, which shall be binding on the owners and their heirs, personal representatives and assigns, that no private construction on said land will occur except with approval of the city engineer, until all improvements required under this chapter have been petitioned for arranged for, or have been constructed. The developers agreement embodies the modifications and conditions of approval of the plat, and contains such other terms and conditions as the City may require to impose, enforce and make effective such modifications and conditions. The development agreement shall be recorded if requested by the City, at the expense of applicant.

### **Section 151.121 Improvement Financing**

All utilities and streets shall be financed by one of the following methods. Regardless of the method used, all utilities and streets shall be installed according to city construction specifications and shall be approved by the city engineer prior to commencement of any construction activity. All public improvements shall be subject to review and approval by the city engineer. Improvement financing shall as follows:

1. Provided by the City of East Grand Forks through a special assessment at the developer's request;
2. Developer obtained financing; or
3. Under special circumstances the developer may request alternate payment arrangements.

Section 1. That Chapter 151 entitled "Subdivision Regulations" shall have the following modification, adding the underlined portions:

### **Section 151.120 Required Improvements, Streets, Street Paving, and Sidewalks.**

All the streets shall be provided in accordance with engineering specifications established by the Council. Street paving shall be installed on a schedule as outlined in the development agreement, with non-binding, good-faith cost estimates provided for each lot. Sidewalks shall be

installed per 151.106(12). Street paving and sidewalks shall be installed within three (3) years of City Council approval of the Development Agreement.

Section 3. City Code Title I, Chapter 10 entitled "General Provisions" applicable to entire city code including penalty for violation and Section 10.99 entitled "General Penalty" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number 3, 4<sup>th</sup> Series.

Voting Aye: DeMers, Vonasek, Buckalew, Tweten, Gregoire, Leigh, and Pokrzywinski.  
Voting Nay: None.  
Absent: None.

The President declared the Ordinance passed.

ATTEST:

PASSED: January 3, 2012

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City Administrator

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President of Council

I hereby approve the foregoing Ordinance this 3<sup>rd</sup> day of January, 2012.

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Mayor