

CHAPTER 236—S.F.No.2285
[Not Coded]

An act relating to the city of Duluth; expanding the subdivision control and regulatory power of the planning commission; modifying the procedure for approval of plats by such commission; making Minnesota Statutes, Section 462.358, Subdivision 4, applicable to the city; adopting additional building restrictions; amending Laws 1933, Chapter 93, Sections 1, 2, 4, 5, 6, 7 and 10.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1933, Chapter 93, Section 1, is amended to read:

Section 1. **DULUTH, CITY OF; SUBDIVISION CONTROL; DEFINITIONS.** For the purpose of this act, certain terms are defined as follows:

“Subdivision” means the division of a lot, tract, or parcel of land into ~~three-two~~ or more lots, plats, sites or other divisions of land of ~~one acre or less in area~~, for the purpose, whether immediate or future, of sale or of building development. It also means the division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land of more than one acre and less than ten acres in area, if such subdivision provides or there is shown on a plat thereof a new street or highway. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

The term “street” includes street, avenue, boulevard, road, lane, alley, viaduct, and other ways.

Sec. 2. Laws 1933, Chapter 93, Section 2, is amended to read:

Sec. 2. **CITY PLANNING COMMISSIONS TO CONTROL PLATTING.** The governing body ~~city council~~ of any city of the first class, having more than 25 percent of the land area of said city unplatted ~~land the city of Duluth~~ may, by ordinance, authorize and empower its city planning commission to control the platting of land.

Sec. 3. Laws 1933, Chapter 93, Section 4, is amended to read:

Sec. 4. **PLATS MUST BE APPROVED BY COMMISSION.** ~~When-~~ever such planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, and shall have filed a certified copy of such plan in the office of the register of deeds of the county in which such territory or part is located, No plat of a subdivision of land lying within such territory or part ~~the ju-~~isdiction of such planning commission shall be filed or recorded until

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it shall have been approved by such planning commission and such approval entered in writing on the plat by the ~~chairman or president~~ and secretary of the commission.

Sec. 4. Laws 1933, Chapter 93, Section 5, is amended to read:

Sec. 5. **MAY ADOPT REGULATIONS.** Before exercising the powers referred to in Section 2, the planning commission shall adopt regulations governing the subdivision of land within its jurisdiction, so as to secure a harmonious development and to provide for the coordination of streets with other streets and with the city plan and to provide for open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may include reasonable provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the city may accept a contract secured by a cash deposit, certified check or bond with surety to secure to the municipality the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by the municipality. The ~~municipality~~ city is hereby granted the power to enforce such ~~bond~~ contract by all appropriate legal and equitable remedies. The subdivision regulations may require that in appropriate plots of subdivisions to be developed for residential, commercial, industrial or other uses, or as a planned development which includes residential, commercial and industrial uses, or any combination thereof, that a reasonable portion of each proposed subdivision be dedicated to the public for public use as parks, playgrounds, public open space, or storm water holding areas or ponds, or that the subdivider contribute an equivalent amount in cash based on the fair market value of the undeveloped land as defined by the regulations, provided that cash payments received under such regulations shall be placed in a special fund by the municipality and used only for the acquisition of land for parks, playgrounds, public open space and storm water holding areas or ponds, development of existing park and playground sites, public open space and storm water holding areas or ponds, and debt retirement in connection with land previously acquired for such public purposes.

Such regulations may provide for a procedure for varying the regulations as they apply to specific properties where an unusual hardship on the land exists, but variances may be granted only upon the specific grounds set forth in the regulations.

All such regulations shall be published as provided by law for the publication of ordinances, and, before adoption, a public hearing shall be held thereon. A copy thereof shall be certified by the planning commission to the register of deeds of ~~the St. Louis county or counties in which the municipality and territory are located~~.

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Sec. 5. Laws 1933, Chapter 93, Section 6, is amended to read:

Sec. 6. ACCEPTANCE OF DEDICATED STREETS AND OPEN SPACES. The planning commission shall approve or disapprove a plat within 45 days after the submission thereof; otherwise such plat shall be deemed to have been approved; and a certificate to that effect shall be issued by the commission on demand: Provided, however, that the applicant for the planning commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the planning commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the planning commission without affording a hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than five days before the date fixed therefor. Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the city plan and a part thereof. Approval of a plat by the planning commission shall be deemed the acceptance by the public of any street or other open space offered therein for dedication, but shall not impose any duty upon the ~~governing body~~ city council to maintain or improve such dedicated areas until the ~~governing body~~ city council shall have authorized maintenance or improvement of the same, in accordance with charter or other local provisions governing public expenditures for such purposes.

Sec. 6. Laws 1933, Chapter 93, Section 7, is amended to read:

Sec. 7. MINNESOTA STATUTES, 1969, SECTION 462.358, SUBDIVISION 4, APPLICABLE TO CITY. Whoever, being the owner or agent of the owner of any land located within a subdivision transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the planning commission and recorded or filed in the office of the county register of deeds, shall forfeit and pay a penalty of \$100 for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The municipal corporation may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by a civil action in any court of competent jurisdiction.

The provisions of Minnesota Statutes, Section 462.358, Subdivision 4, shall be deemed applicable to conveyances of land lying within the jurisdiction of the planning commission of the city of Duluth.

Sec. 7. Laws 1933, Chapter 93, Section 10, is amended to read:

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Sec. 10. **BUILDING RESTRICTIONS.** From and after the time when the planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, no building shall be erected on any lot within such territory or part, nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time, or unless such street (b) corresponds with a street shown on the city plan or with a street on a subdivision plat approved by the planning commission or with a street accepted by the city council, after submission to the planning commission, by the favorable vote required in Section 9 of this act. Any building erected in violation of this section shall be deemed an unlawful structure, and the building inspector or other appropriate official may cause it to be vacated and have it removed.

No permit shall be issued for the construction of a building on a lot or parcel, if the most recent conveyance of such lot or parcel is not entitled to be filed or recorded under the provisions of Minnesota Statutes, Section 462.358, Subdivision 4.

Sec. 8. This act shall become effective only after its approval by a majority of the city council of the city of Duluth and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved March 23, 1974.

CHAPTER 237—S.F.No.3331
[Not Coded]

An act relating to the termination of teachers due to discontinuance of position or lack of pupils in Independent School District No. 709, St. Louis county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **INDEPENDENT SCHOOL DISTRICT NO. 709; TERMINATION OF TEACHING POSITIONS.** Independent School District No. 709, St. Louis county, and the exclusive representative of teachers as defined by Minnesota Statutes, 1973 Supplement, Section 179.63, Subdivision 13, may enter into a written agreement with respect to the termination of such teachers due to discontinuance of position or lack of pupils within the school district, which may include a method, system or scheme other than that provided by Minnesota Statutes, Section 125.17, Subdivision 11, or any act amendatory thereof.

Sec. 2. This act is effective the day following its final enactment.

Approved March 25, 1974.

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