



**BENTON COUNTY ORDINANCE NO. 451**

WHEREAS, the Benton County Department of Development instituted proceedings to amend the Benton County Ordinance 185; and,

WHEREAS, on April 23, 2013 and April 24, 2013, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on May 9, 2013, the Benton County Planning Commission held a public hearing; and,

WHEREAS, on May 21, 2013 the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS:

That the following be amended to read as:

10.13.4 Final Plat

- (1) The owners or subdividers shall file five (5) paper copies and one digital copy of the final plat with the Department of Development Director. If this is not done within one year of preliminary plat approval, the preliminary plat shall be considered void unless extension is requested as a part of a phased development. (Ord. #373, adopted 02/17/04)
- (2) The final plat shall have incorporated all changes recommended by the County Department of Development Director, the County Engineer regarding roads, the County Planning Commission, County Surveyor, County Attorney and County Board as conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time, provided that such portion conforms with all requirements of this Ordinance.
- (3) At the time of submission of the final plat, the subdivider or owner shall prepare a map indicating all existing and proposed permanent easements and private roads.
- (4) At the time of submission of the final plat, the applicant shall also submit a title opinion by a practicing attorney-at-law based upon an examination of an abstract of the records of the County Recorder or the Registrar of Titles for the lands included within the plat, and showing the title to be in the name

of the owner or subdivider. The date of continuation of the abstract examined, or the date of the examination of the records, shall be within thirty (30) days of submission of the preliminary plat to the Department of Development. (Ord. #422, adopted 02/19/08)

(5) Public Hearing Process for Final Plats

A. For a Minor Subdivision Plat the County Department of Development Director shall submit the required documents and approval by the Planning Commission to the County Board within thirty (30) days of the date of submission of the final plat and the County Board shall act on the final plat within sixty (60) days of submission of the plat.

If a Minor Subdivision Final Plat incorporates all of the following it shall be exempt from the public hearing process for the final plat approval:

- a. All changes recommended by the County Department of Development Director, the County Engineer regarding roads, the County Planning Commission, County Surveyor, County Attorney and County Board as conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved, and
- b. Consist of 2 or fewer lots in the R-1, R-2, R-3, R-S, B, B-2, I-1, I-2 Districts or 2 or fewer lots in the A or R-A Districts, and
- c. Does not require the construction and/or improvement of a public road or public sewer,

B. For a Major Subdivision Plat the County Planning and Zoning Administrator shall refer two copies of the final plat to the Planning Commission for its review and report. The report by these agencies and persons shall be submitted to the County Board within thirty (30) days of the date of submission of the final plat and the County Board shall act on the final plat within sixty (60) days of submission of the plat.

(6) Upon approval of the final plat by the County Board, the subdivider shall record the plat with the County Recorder as provided for by that office within one hundred and twenty (120) days after the approval. The County Board may grant an extension to recording the final plat approval subject to a request by the developer being submitted prior to the 120 day deadline. Otherwise, the approval of the final plat shall be considered void. The subdivider shall, within thirty (30) days of submittal for recording, furnish the County with an updated abstract, three black line prints and a reproducible print of the final plat showing evidence of the recording. (Ord. #398 adopted 5/8/06)

*Joseph J. Wollak*

Joseph J. Wollak, Chair  
Benton County Board of Commissioners

ATTEST:

*Montgomery Headley*

Montgomery Headley  
Benton County Administrator