

ADMINISTRATIVE LAND SPLIT APPLICATION

File # _____
Date Filed: _____
PID: _____

Landowner Name: _____ Phone: _____

Address: _____

Description of Request: _____

Administrative Land Splits

10.6.A Mortgages

Subdivision for the purpose of securing a mortgage may be allowed provided that a Deed Restriction accompanies the mortgage stating that both tracts (mortgage and residual) are restricted so that neither tract can be conveyed separately unless subdivision is approved according to Section 10 of the Benton County Development Code. A survey is not required.

10.6.B Agricultural or Recreational Uses

Land that is being split and sold for agricultural or recreational purposes 20 acres or greater and the residual tract is at least 20 acres or greater may be allowed if the intended purpose of the conveyance is stated in a deed restriction and that the conveyance is not intended as a building site. State Law requires that with the creation of any new lot, said lot is capable of supporting two standard sewage treatment systems. If the intent of the land split is not for the creation of a building site then sewerability would not required.

10.6.C Parcels 20 Acres or Greater

Conveyance of parcel 20 acres or greater for building site development may only be allowed if there are soil borings identifying the location for two standard sewage treatment sites, that the building site is at least 2 acres of contiguous upland and can meet the provisions of the wetland conservation act and the residual tract is at least 20 acres or

Administrative Land Split Applications

greater. If the tract contains less than 40 acres but is 35 acres or greater and is described by the rectangular survey system as a quarter, quarter section, in common ownership, the tract shall be considered eligible for an equal split of the parcel.

□ **10.6.D. Corrective Action**

Existing, lots, tracts or parcels of land that were illegally subdivided prior to January 1, 2006 and have an existing dwelling constructed prior to August 1, 1978 or permitted by the Department of Development may be permitted to continue as a dwelling site regardless of the lots size and dimensions subject to meeting the requirements of Section 10.6.2. Illegally subdivided lots prior without an existing dwelling shall be permitted to be created as a building site subject to meeting the applicable standards of Sect. 10.6 (b), (c), or 10.7.

□ **10.6.E. Farmstead Split**

Existing Farmstead Residences, as of July 9, 2013 as defined within Section 3.0, may be split from the existing farm through the administrative land split process if located within an Agricultural District "A" and Rural Agricultural District "R-A". State Law requires that with the creation of any new or residual lot, said lot is capable of supporting two Type 1 sewage treatment systems. If the intent of the land split is not for the creation of a building site then sewerability would not be required, however a deed restriction stating that the conveyance is not intended as a building site shall be required.

Administrative Subdivision Procedures

- The applicant shall submit three copies of a certificate of survey and a digital copy signed by a registered land surveyor of any parcel involved in the application.
 - 1) A certificate of survey for all affected lots, tracts or parcels (lots) that shall include a legal description of each parcel;
 - 2) The parcel area;
 - 3) Any existing site improvements within 100 feet of the proposed lot line; and
 - 4) Distances from buildings to property line
- The applicant for mortgage, agricultural/ recreational and farmstead land splits shall record the appropriate deed restriction, in language approved by the Director of Development prior to approval of the land split.
- The applicant for a farmstead split shall submit an updated abstract and title opinion and wetland delineation for the farmstead residence lot.

Intent of Restriction: _____ PID of Restricted Parcel: _____

Deed Restriction Doc#: _____ Date Recorded: _____

The Benton County Director of Development may approve an administrative land split application "in-house" if the following items of information are submitted. The application will not be considered complete until all items are submitted.

1. _____ Completed Land Split Application
2. _____ Evidence of Ownership (Legal from Abstract, Deed, Tax Statement)
3. _____ Survey of the entire parcel (consisting of both the lot created and the residual lot) depicting the existing improvements with distances to the property lines (if within 100 feet of the proposed lot line) and the proposed lots size. The land split can not create a non-compliant lot or structures. (Land splits can not be done between platted lots.)
4. _____ Three paper copies and a digital copy of a certificate of survey of the entire parcels affected (noting the quarter-quarter lines if less than one quarter-quarter section) and meeting the requirements of Section 10.5 of the Development Code.
5. _____ Each newly created lot must be able to support TWO "TYPE I" sewage treatment systems (proved by two soil borings: one for the primary site and one for the secondary site). Existing sewage treatment systems and land splits for agricultural and recreational uses are exempt.
6. _____ Access approval from the road authority.
7. _____ Fee - \$150 plus a \$46.00 Recording Fee for 20 acre and farmstead splits.
Fee - \$75 plus a \$46.00 Recording Fee for corrective action and ag/rec.
Mortgage splits - No fee (except recording the deed restriction)
8. _____ Deed restriction for mortgage, farmstead, agricultural or recreational land splits. An additional \$46 recording fee is required.
9. _____ Wetland Review (farmstead splits)(by a private wetland delineator) fee of \$75.00.
10. _____ Updated abstract and title opinion submitted for a farmstead split.
11. _____ Site visit is required and submission of the application grants staff the permission to enter the site. If the landowner would like to be present during the staff review please make the request in writing. Please note that this will delay the approval process.

The above Items (1-10) approve the split from a zoning perspective.

Applicant

Date

***The Auditor/Treasurer's Office will require the following: (this will create the new lot(s) and new a parcel number(s))**

- *1. _____ Current year & delinquent taxes must be paid in full.
- *2. _____ A quit claim deed or warranty deed must be recorded containing the description of the new parcel before the split will be made. Legal description on the survey and deed must match.

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Std. Doc. Recording

SAMPLE FORMAT

Ag/Recreational

DECLARATION OF COVENANTS (Deed Restriction)

This Declaration is made in the County of Benton, State of Minnesota, and shall be effective on this _____ day of _____, 20_____.

(Use names as recorded on the deed)

Name(s) with marital status noted does/do hereby declare that the real property described as follows is, and shall be held, transferred, sold and conveyed subject to the covenants and restricts set forth herein.

Insert legal or attached as an Exhibit

1. Pursuant to Benton County Ordinance 185, The Benton County Development Code, the placement or construction of any structure that has plumbing fixtures and/or generates waste water on this property is prohibited until such time the subject property does meet the sewerability standards set forth in the Benton County Development Code, Minnesota Statutes, Minnesota Rules and other applicable law as amended.

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1" side margin

2. If the subject property does meet the current sewerability standards set forth in the Benton County Development Code, Minnesota Statutes, Minnesota Rules and other applicable law, the landowner shall have the right to file a Termination of Covenant or Correction of Covenant for release of a portion or all of the subject property from this deed restriction in accordance with the law.

(signature of declarant)

(signature of declarant)

STATE OF MINNESOTA
COUNTY OF *BENTON*

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

Notary Public
My commission expires _____

This instrument drafted by:
Name and address of party that created this document

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SAMPLE FORMAT

Mortgage

DECLARATION OF COVENANTS (Deed Restriction)

This Declaration is made in the County of Benton, State of Minnesota, and shall be effective on this ____ day of _____, 20__.

(Use names as recorded on the deed)

Name(s) _____ does/do hereby declare that the real property described as follows is, and shall be held, transferred, sold and conveyed subject to the covenants and restricts set forth herein.

Legal of entire property.

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1. Pursuant to Benton County Ordinance 185, The Benton County Development Code, any further division, subdivision or separate conveyance of this property without proper subdivision approval is prohibited.

1" side margin

(signature of declarant)

(signature of declarant)

STATE OF MINNESOTA
COUNTY OF *BENTON*

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

Notary Public
My commission expires _____

This instrument drafted by:
Name and address of party that created this document

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