

Chapter 5
ADMINISTRATIVE SUBDIVISIONS

SECTION:

XX-5-1: Purpose

XX-5-2: Application

XX-5-3: Procedure

XX-5-4: Information Required

XX-5-5: Certification of Taxes and Fees Paid

XX-5-1: PURPOSE: Administrative subdivisions is to allow for an adjustment of a common boundary line or the combining of existing parcels by administrative approval. (Ord. 910, 18 Apr 22)

XX-5-2: APPLICATION: The following criteria will be followed when approving administrative subdivisions:

- A. The administrative subdivision does not result in establishment of additional parcels.
- B. An administrative subdivision shall allow for a new property line location when needed due to a conflict or inconsistency with the legal description or the actual lines of possession of an adjoining parcel of record.
- C. An administrative subdivision shall allow for the combination of two or more parcels resulting in a single parcel upon approval.
- D. Administrative subdivisions shall only be allowed in the general rural district established by the town zoning ordinance.
- E. No parcel shall be reduced by more than 50 percent of its original area.
- F. The property line adjustment shall not result in any parcel becoming non-conforming.
- G. The property line adjustment shall not reduce the lot width less than required by the town zoning ordinance for the applicable zoning district.
- H. The administrative subdivisions shall not involve dedication of public rights-of-way or construction or expansion of town roads.
- I. The parcels to be divided and/or combined shall not be in different sections if they are also in different school districts or taxing jurisdictions. (Ord. 910, 18 Apr 22)

XX-5-3: PROCEDURE:

- A. The required information must be submitted to the zoning administrator, along with the required fee established by the town fee schedule ordinance.
- B. The zoning administrator shall review the administrative subdivision application with their decision to approve or deny the request based upon compliance with the provisions of this ordinance, the town zoning ordinance, and other town, county, state, or federal ordinances, codes, and rules.
- C. The zoning administrator may attach additional conditions to approval of an administrative subdivision as they determine necessary to ensure compliance with this ordinance and the town zoning ordinance.
- D. Notification of Decision:
 - 1. Upon submission of all required information, the zoning administrator shall notify the applicant whether the administrative subdivision is approved or denied within 10 days of receipt of a complete application.
 - 2. If denied, the zoning administrator shall provide written reasons for the decision.
- E. Recording:
 - 1. If approved, the applicant shall provide transfer deeds to the zoning administrator within 60 days of approval.
 - 2. The zoning administrator shall stamp and sign the deeds as approved by the town before the documents shall be recorded by the county recorder.
 - 3. The applicant shall record the documents with the county recorder within 60 days of the date of the zoning administrators release for recording by the county recorder. (Ord. 910, 18 Apr 22)

XX-5-4: INFORMATION REQUIRED: The information required to be submitted for an administrative subdivision shall include all of the following unless exempted by the zoning administrator:

- A. Proof of Ownership: A current abstract of title or a registered property certificate along with any unrecorded documents to be certified by the town attorney.

- B. Certificate of Survey: A current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:
1. Graphic scale of drawing in engineering scale only at not less than one-inch equals 100 feet.
 2. North arrow.
 3. Date of survey.
 4. Existing legal description of the parcel(s) of land.
 5. Existing parcel boundaries shown with survey measurement data matching the existing legal description of the parcel of land to be subdivided.
 6. Existing area in square feet and acres of the outside boundary of the parcel(s) of land.
 7. Existing site improvements within the subject property and 50 feet outside the boundaries of the parcel(s) of land.
 8. All encroachments along the outside boundary of the parcel(s) of land.
 9. Easements of record as referenced in the current title commitment, current title opinion or certificate of title.
 10. Basins, lakes, rivers, streams, creeks, delineated wetlands, and other waterways bordering on or running through the parcel(s) of land. The ordinary high water elevation and the 100-year flood elevation shall be shown where applicable, if available from the town or the department of natural resources.
 11. Location, right of way widths and names of public roads or other public ways, showing type, width and condition of improvements, if any, which pass through and/or are adjacent to the parcel(s) of land.
 12. Location, right of way widths and names of railroads, if any, which pass through and/or are adjacent to the parcel(s) of land.
 13. Identify all gaps and overlaps of the parcel(s) of land.
 14. The outside boundary of the parcel(s) of land shall be clearly marked with survey monumentation.

15. The boundary shown with survey measurement data and legal description of the parcels as they are proposed to be subdivided.
 16. The boundary and legal description of any proposed easements on the parcel(s). A drainage and utility easement at least 10 feet wide shall be provided along all property lines. A drainage and utility easement may also be required over wetland, wetland buffers, stormwater basins, lakes, drainage channels, and tributaries by the town engineer.
 17. Sherburne county land use permit for wetlands as required by section XX-16-4 of the zoning ordinance.
 18. Certification by Sherburne county that there are no known existing unabated violations of county ordinances upon the property.
- C. Other information as determined necessary by the zoning administrator.
- D. The application shall be considered complete only when all of the required information and documentation has been submitted. Incomplete applications shall be considered withdrawn and shall be invalid one year after the initial submittal. (Ord. 910, 18 Apr 22)

XX-5-5: CERTIFICATION OF TAXES AND FEES PAID: Prior to approving an application for a subdivision in accordance with this chapter, the applicant shall provide certification to the town that there are no delinquent property taxes, special assessments, interest, or town utility fees due upon the parcel of land to which the application relates. (Ord. 910, 18 Apr 22)