

Chapter 6
REGISTERED LAND SURVEYS

SECTION:

XX-6-1: Purpose

XX-6-2: Application

XX-6-3: Procedure

XX-6-4: Information Required

XX-6-5: Certification of Taxes and Fees Paid

XX-6-1: PURPOSE:

- A. Registered land surveys shall be required to convey a tract or tracts of registered property that are not full government subdivision or simple fractional or quantity part of a full government subdivision.
- B. The town recognizes that parcels of land have been subdivided using erroneous, overlapping, or confusing legal descriptions. In some cases the lines of use and occupation of platted lands do not conform to the plat boundary lines. In other cases old survey descriptions are not correct. In order to assist landowners in correcting legal descriptions, the policy of the town will be to allow a registered land survey of parcels that otherwise do not meet the requirements of the town zoning ordinance or subdivision ordinance. (Ord. 910, 18 Apr 22)

XX-6-2: APPLICATION:

- A. A registered land survey shall only be considered to correct existing boundary lines, and for the purposes stated in Minnesota statutes 508.47.
- B. A registered land survey shall not substitute for a plat and shall not result in subdivision of additional parcels.

XX-6-3: 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 registered land survey shall conform with the Sherburne county public works platting manual and Minnesota Statutes, Chapter 508.

C. 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.

D. Conditions:

1. As a condition of approval of a registered land survey the town may require an existing public road be created as a tract and deeded to the town concurrently with recording the registered land survey.
2. Approval of a registered land survey shall not have the effect of waiving compliance with setback requirements, building standards, drainage standards, road frontage, septic or well ordinances, rules, or regulations. The zoning administrator may require approval of variances in accordance with the town zoning ordinance prior to consideration of a registered land survey under this chapter.
3. All registered land survey tracts shall be considered as a platted lot for setbacks under this ordinance and the town zoning ordinance.
4. The zoning administrator may attach additional conditions to approval of a registered land survey as they determine necessary to ensure compliance, as far as practical, with this ordinance and the town zoning ordinance.

E. 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 supply written reasons for the decision.

F. 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-6-4: INFORMATION REQUIRED:

- A. Proof of Ownership: A current certificate of title for registered property (torrens).
- B. Registered Land Survey: A current registered land 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 registered lands (torrens) within the outside boundaries of the parcel(s) of land.
 14. Identify all gaps and overlaps of the parcel(s) of land.
 15. The outside boundary of the parcel(s) of land shall be clearly marked with survey monumentation.
 16. The boundary shown with survey measurement data and legal description of the parcels as they are proposed to be subdivided.
 17. 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.
- 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-6-5: 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)