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COUNTY RECORDER OFFICE OF FILLMORE COUNTY, MINN.
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David Kiehne, Fillmore County Recorder
By Susan Phillips Deputy



RESOLUTION

FILLMORE COUNTY BOARD OF COMMISSIONERS
Preston, Minnesota 55965

Date April 3, 2018 Resolution No. 2018-010

Motion by Commissioner Bakke Second by Commissioner Dahl

WHEREAS, Minn. Stat. Sec. 272.162 provides a mechanism to ensure that property, real estate, or tax parcel splits conform to County Zoning ordinances and County policies on splits. As per Minn. Stat. Sec. 272.16, Subd. 1, the seller and buyer must agree upon the amount of net tax equity to be transferred when there is a split or it will be determined by the County Assessor as per Minn. Stat. Sec. 272.161.

WHEREAS, Minn. Stat. Sec. 272.121 Subd. 1 states that when there is a split of a tax parcel, real estate or real property, the County Auditor shall not transfer or divide land and the County Recorder shall not file and record the instrument of conveyance unless the County Treasurer certifies that the taxes due in the current tax year for the whole parcel have been paid in full.

WHEREAS, Minn. Stat. Sec. 272.12 states that the County Recorder or Registrar of Titles shall refuse to receive or record a deed or other instrument of conveyance if there are delinquent real estate taxes.

WHEREAS, Minn. Stat. Sec. 115.55 states that before signing an agreement to sell or transfer real property, the seller or transferor must disclose in writing how sewage generated at the property is managed. Minn. Stat. Sec. 115.55 Subd. 5(a) requires inspection of any subsurface sewage treatment system ("SSTS) for all new construction or replacement of an SSTS. Subd. 5(b) states that a local unit of government may not issue a building permit or variance unless the SSTS has been inspected to determine compliance.

WHEREAS, Fillmore County Zoning Ordinance Section 803 requires that a subsurface sewage treatment System (SSTS) inspection must be completed before real estate is sold or transferred.

WHEREAS, Fillmore County desires to enact a comprehensive land transfer policy which sets forth a process which incorporates the provisions of these various statutes, ordinances, and rules. This comprehensive land transfer policy shall require payment of current and delinquent real estate taxes, assign parcel identification numbers, calculate any Green Acres tax, require the recording of surveys, insure compliance with zoning and planning rules and regulations, and require completion of a subsurface sewage treatment compliance form.

WHEREAS, a split or subdivision of a tax parcel of parcel land or real estate is defined as a separation of an area, parcel or tract of land into two (2) or more parcels, that are smaller in size or less than the original or whole parcel shown in the previous tax years property list.

WHEREAS, Minn. Stat. Sec. 272.162 requires that all splits, or subdivisions of a current tax parcel of land outside of city limits be approved by the "designated county planning official" before the conveying document can be recorded. The "designated county planning official" for the purposes of only approving the split or implementing the terms of the Fillmore County Land Transfer Policy is the Fillmore County Recorder or his/her designee.

WHEREAS, the duties of the “designated county planning official” for the purposes of this Land Transfer Policy are separate and distinct from the Fillmore County Zoning and Planning Administrator.

WHEREAS, M.S. 272.162 Subd. 2 b, requires that the County approve and record the deed or documents of conveyance within a certain time period if the transaction involves split of a tax parcel or parcel of land. According to the statute, if any of the conditions for certification of the split and recording of the documents of conveyance exist and the municipality or County does not certify that they exist or does not reject the documents within 24 hours after the instrument of conveyance has been presented to the clerk of the municipality or “designated county planning official”, the split is approved and the documents of conveyance must be recorded.

WHEREAS, 24 hours as defined for the purposes of splitting a tax parcel or parcel of land is 3 business days and does not include intervening holidays and weekends. Furthermore, the 24 hour time period shall not commence until a complete land transfer checklist along with all other required documents has been presented to the “designated county planning official” for Fillmore County.

WHEREAS, A survey by a Registered Land Surveyor must be submitted and approved for all land or real estate splits. Current property taxes must also be paid for all land or real estate splits, all delinquent real estate taxes must be paid, the property must be in compliance with all Fillmore County Zoning and SSTS Ordinances for all land transactions, and other criteria must be satisfied before the property split or land transfer will be approved and any related deeds or instruments of conveyance are recorded.

WHEREAS, For all other land transactions not involving split of a tax parcel or real estate, a survey by a registered land surveyor must be submitted and approved for irregularly shaped parcels, current and delinquent real estate taxes must be paid, the property must be in compliance with all Fillmore County Zoning and Septic Ordinances, and any other required criteria must be satisfied before the property land transfer will be approved and any deeds or instruments of conveyance are recorded.

WHEREAS, in Fillmore County the designated Department to review and give final approval land transfers and proposed tax parcel, property or real estate splits will be the Fillmore County Recorder’s Office.

NOW, THEREFORE, THE FILLMORE COUNTY COMMISSIONERS RESOLVE AS FOLLOWS:

1. The Fillmore County Recorder or his designee is the “designated county planning official” for Fillmore County and shall be responsible for implementing and enforcing the Fillmore County policy on land transfers and tax parcel, real estate, or property splits.
2. Fillmore County shall approve tax parcel, land or real estate splits and record the related deed or documents of conveyance within twenty-four (24) hours of the date and time when a complete checklist for transfer of land or a tax parcel along with all required documents have been presented to the designated planning official for Fillmore County. For transactions not involving a tax parcel, real estate, or property split, the regular time period to record the deed or documents of conveyance shall apply.

3. A survey by a Registered Land Surveyor must be submitted and approved, all current or delinquent property taxes must be paid, the property must be in compliance with all Fillmore County Zoning and Septic Ordinances, and other criteria set forth in the attached Fillmore County Land Transfer Policy must be satisfied before the tax parcel, property, or real estate split will be approved and any deeds or instruments of conveyance are recorded.
4. The attached Fillmore County Land Transfer Policy is hereby approved and adopted. Said policy shall be effective May 1, 2018.

VOTING AYE

Commissioners Lentz Bakke Prestby Peterson Dahl

VOTING NAY

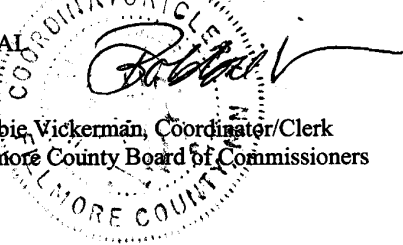
Commissioners Lentz Bakke Prestby Peterson Dahl

STATE OF MINNESOTA
COUNTY OF FILLMORE

I, Bobbie Vickerman, Clerk of the Fillmore County Board of Commissioners, State of Minnesota, do hereby certify that the foregoing resolution is a true and correct copy of a resolution duly passed at a meeting of the Fillmore County Board of Commissioners held on the 3rd day of April, 2018.

Witness my hand and official seal at Preston, Minnesota the 3rd day of April, 2018.

SEAL



Bobbie Vickerman, Coordinator/Clerk
Fillmore County Board of Commissioners