Mankato Township Land Division Ordinance

The Board of Supervisors of the Town of Mankato ordains:

ARTICLE 1. - IN GENERAL

Section 1.1. Title of chapter. This chapter shall be known as the **Land Division Ordinance of Mankato Township**, and will be referred to in this chapter as "this Chapter."

Section 1.2. Purpose, scope and statutory authorization. This Chapter is adopted pursuant to the authority contained in Minn. Stats. Ch. 462. The rules and regulations governing division of land contained in this chapter shall apply within Mankato Township.

Section 1.3. Definitions. The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative Land Split. A change in property description of land that is approved by the Land Use Administrator without public hearings. (See Article 4.)

Adjoining. Means adjacent, bordering, touching, or contiguous. If two (2) lots are separated by a public right-of-way, they shall not be deemed to be adjacent.

Agent. Someone who is authorized to act for or in place of another; a representative.

Block. Means a tract of land consisting of one or more lots, identified on a recorded Plat by a number as identified on the Plat, and bounded by plat boundaries, public ways, outlots, parks or bodies of water.

Buildable Lot. A Parcel of Record, or other lot, tract or parcel recorded with the Blue Earth CountyLand Records department that meets the requirements of the Code and which has an access to an improved and maintained road. An Outlot is not a Buildable Lot for residential purposes, but may have agricultural or recreational facilities or structures placed on it.

Code. The Mankato Township Zoning Ordinance, as now existing or amended.

Conveyance. The legal process of transferring property from one owner to another.

Easement. A grant by an owner of an interest in land for a specific use by persons other than the owner.

Lot. A portion of real property within a Plat.

Major Subdivision. A division of land requiring review as outlined in the formal platting process of Chapter 20 of the Blue Earth County Code of Ordinances. (See Article 4.)

Metes and bounds. A description of real property which is not described solely by reference to a Lot or Block shown on a map, or a Government Lot, but is described by starting at a known point and describing the bearing and distance of the lines forming the boundaries of the property, or which delineates a fractional portion of a section, Government Lot, or area by described lines or portions.

Minor Subdivision. A division of land requiring review as outlined in the Administrative Land Split process set forth in Article 3 of this Chapter.

Outlot. A remnant tract of land within a Plat which may, at a future date, be further divided for development purposes, or any Lot that does not comply with local ordinances. Within a Plat, Outlots shall be identified by alphabetical designation beginning with the letter "A". Residential land development permits for Outlots will not be issued until the Outlot has been granted development authority by the Township Board via re-platting or other required processes or approvals. Land development permits may be issued for agricultural or recreational development on Outlots upon compliance with the other relevant Code requirements and processes.

Parcel. A Lot, Outlot, Government Lot, Plat, metes and bounds, registered land survey, auditor's plat, tax parcel, or other accepted means of description of real property which has been, or could be, recorded in the Blue Earth County Land Records department.

Parcel of Record. means a Lot, Government Lot, Plat, metes and bounds, registered land survey, auditor's plat, or other accepted means of description of real property which has been recorded in the County Land Records department as of October 1, 2021.

Plat. A delineation of a survey drawn to scale showing all essential data pertaining to the location and boundaries of individual parcels of land subdivided into Blocks, Lots, Outlots Streets and public ways. (See Chapter 20 of the Blue Earth County Code of Ordinances for specifics regarding Plats.)

Recreational Land. Land intended for open space or recreational activities that do not require additional land development.

Right-of-way. The land covered by a Street, or land dedicated for public use or for certain private uses, such as land over which a power line passes.

Subdivider. Any person proceeding under this Chapter to effect a division of land for themselves or for another.

ARTICLE 2. - APPLICATION, ADMINISTRATION AND ENFORCEMENT

Section 2.1. Administration. This Chapter shall be administered by the Mankato Township Board. The Mankato Township Land Use Administrator shall provide assistance to the Township Board. The Land Use Administrator shall be responsible for implementation of the regulations of this Chapter.

Section 2.2. Limitations on Conveyances. No conveyance of a Parcel resulting in a Major Subdivision, as defined in this Chapter, shall be recorded unless the Parcel to be conveyed is platted. Land development permits will be withheld for buildings on Parcels which have been conveyed by metes and bounds descriptions in violation of this Chapter, and the Township, County, or other responsible road authority may refuse to take over, improve, repair, or maintain streets or roads serving such parcels.

Section 2.3. Application to Land Divisions. Divisions of a Parcel of Record as of October 1, 2021, are subject to this Chapter.

Section 2.4. Modifications or Alterations to Plats. Any change or alteration within a recorded Plat, including a change in Lot Lines due to a realignment or alteration of a dedicated roadway shall be done by re-platting. The vacation of well and utility easements shall be exempt from this requirement unless an exception outline in Section 2.6 applies.

Section 2.5. Enforcement. A person violating any provision of this Chapter is guilty of a misdemeanor. Each and every day in which the violation continues is a new and separate violation. A misdemeanor is punishable by a fine and/or by imprisonment as established in Minn. Stats. § 609.09(3) (1992), or as thereafter amended.

Section 2.6. Platting exceptions; determination. Parcels of land may be divided without going through the formal platting process only if they qualify for the Administrative Land Split process described in Article 3.

ARTICLE 3. ADMINISTRATIVE LAND SPLITS.

Section 3.1. – Administrative Land Splits. Certain Parcels may be split administratively in any of zoning district for the purposes stated below if the requirements of this Article are met. The Zoning Administrator shall have the authority to approve Administrative Land Splits. An Administrative Land Split shall only be approved if the split does not require creation or altering of any public road right-of-way and any Parcel created by the land split is in compliance with the minimum standards of the district in which it is located.

3.1.1. Minor Subdivisions. Land that is being split to create Parcels for a new residential building site with or without any existing residential building site may

be allowed if the property has building eligibilities in compliance with the Mankato Township Land Use Ordinance.

3.1.2. Existing Agricultural, Mining, or Recreational Uses. Existing Agricultural, Industrial, Mining, or Recreational uses as of October 1, 2021, may be split from a Parcel through the Administrative Land Split process if located within a Light or Heavy Industry, Agricultural, or Conservation District.

3.1.3 Agricultural or Recreational land splits. Land that is being split for agricultural or recreational purposes may be allowed if the intended purpose of the conveyance is stated in writing, and a deed restriction stating that the conveyance is not intended as a residential building site is recorded in the Blue Earth CountyLand Records office.

3.1.4. Septic drain field split. Land that is being split to create an area for the installation of a septic drain field, meeting MPCA and Blue Earth County requirements, to service one or more neighboring properties, may be allowed if the intended purpose of the conveyance is stated in writing, and a deed restriction stating that the conveyance is not intended as a residential building site is recorded in the Blue Earth County Land Records office.

3.1.5. Public or public service purposes. Land that is being split to create an area for public or public service purposes, such as for Minnesota Department of Natural Resources public water accesses, parks, public utility facilities such as pipeline or power line service buildings, radio or telephone communication towers, or other similar nonresidential purposes.

3.1.6 Division of a Parcel of Record between adjoining Owners. Owners of adjoining Parcels of Record may split adjoining Parcels of Record solely for the purpose of adjusting boundary lines between adjoining properties, if the intended purpose of the conveyance is stated in writing, and a deed restriction stating that the conveyance is not intended as a new residential building site and the deed restriction is recorded in the Blue Earth County Land Records office.

Section 3.2. Administrative Land Split procedures. The following documents shall be provided as a part of the Administrative Land Split procedure unless waived by the Land Use Administrator. Failure to provide the necessary documents will result in the inability to create a legal land division according to this Chapter.

(1) Administrative land split application;
(2) Administrative land split review fee;
(3) One digital copy of a certificate of survey signed by a licensed land surveyor for all affected Parcels, including the location of all easements, existing or proposed, whether public or private, for public and private utilities, with their intended use stated. Reasonable attempts shall be made to identify the location, size and capacity of agricultural tiles and abandoned wells. The existing legal descriptions and proposed new legal descriptions shall be provided. A survey shall not be required if the split is an Agricultural or Recreational land split under Section 3.1.3 if the legal

description can be described with reference to a Street or is divided along a section or quarter, quarter-quarter, or quarter-quarter-quarter and with reference to a river, ravine, lake, road, or railroad.

3.2.1. Land Split for Development. For development of a parcel, the following information shall be submitted.

3.2.1.1 ISTS Written Report. When the land split is for residential or other development purposes, a written report, prepared by an MPCA licensed individual sewage treatment systems designer, which shows the location of two sites suitable for on-site sewage treatment drain fields for each Parcel. The report shall include site evaluation and preliminary ISTS design based on the proposed use of the lot. Minimum design shall be based on Blue Earth County and Minnesota Pollution Control Agency standards.

3.2.1.2 Water. Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells or public communitywater supply wells.

3.2.4.3 Topographic Map. Topographic map of the area showing bluff or bluff impact zone must be clearly indicated. Contour lines shall indicate the toe and top of any bluffs present.

3.2.4.4 Elevations. Water elevations of adjoining lakes and rivers at the date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United States Survey and/or United States Geodetic Survey Datum.

3.2.4.5 Hydrology. Waterways, watercourses, lakes and wetlands with ordinary high-water level and delineated floodway, floodplain, and flood fringe zones. Wetland boundaries, when determined to be necessary by county staff based upon aerialphoto, National Wetland Inventory (NWI), soil, and topographic map review.

3.2.4.6 Easements. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and water bodies, including stormwater storage areas, if necessary.

3.2.4.7 High Water Elevation. When the land split borders a lake or river a survey line shall be established at an elevation a minimum of four feet above the ordinary high-water elevation of the lake or river.

3.2.4.8 Evidence of Ownership. Evidence of ownership or a legal interest in the property. That may be a title opinion by a practicing attorney-at-law, or a Title Insurance Commitment from a licensed title insurance company. When the title opinion or title commitment identifies existing liens on the property, a lien release shall be prepared and executed prior to the Administrative Lot

Split being recorded.

3.2.4.9 Road Authority Approval. Written approval from the appropriate road authority (Township, County, State) of a private or public means of access to a public right of way for each parcel.

3.3. Review of Administrative Land Split Application. Upon submission of all required documents, the Land Use Administrator shall review the proposed land split for compliance with all applicable ordinances. If the Administrative Land Split is compliant, a document evidencing it, with the survey attached, where required, shall be recorded in the Blue Earth County Land Records department. If the Administrative Land Split is not compliant, all documents shall be returned to the applicant, and the reasons for non-compliance shall be stated in writing to the applicant.

3.3.1 When a land split is between adjacent property owners to change boundary lines orto otherwise transfer property between adjacent property owners, the parcel created must be combined with existing parcels.

3.3.2 When a land split is not for residential or other development purposes the Land Use Administrator may waive the requirement to provide all of the application material required in Section 3.2 but shall require that the newly created parcel have a deed restriction recorded in the Blue Earth County Land Records department identifying the Parcel as not buildable.

ARTICLE 4. PLATS

Section 4.1. Major Subdivision - Plat required. The determination of when a Plat is required shall be based upon existing and proposed land divisions within each individual quarter-quarter section. A Plat is required if a land division is proposed in a given quarter-quarter section which would result in the creation of three or more Parcels for new residential development. The platting procedures of Chapter 20 of the Blue Earth County Code of Ordinances shall be followed when platting land in Mankato Township, including, but not limited to application procedures, development standards, street requirements, and related improvements as of the date of the application.

4.1.1. Platting for New Development. Pursuant to the Orderly Annexation Agreement between Mankato Township and the Cites of Mankato, Skyline and Eagle Lake, urban, non-farm development within Orderly Annexation Areas I and II is prohibited, including but not limited to the subdivision of property for new residential development, except as permitted by the terms of the Orderly Annexation Agreement.

Passed this _____ day of _____, 2021.

_____
Chairman of the Board of Supervisors

Attest: _____
Clerk of Mankato Township