



Administrative Subdivision Application

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/environmental.htm

Instructions

1. Fill out this application form, attach the additional required information, and submit the **complete** application to the Environmental Services Department.
2. Include a copy of the recorded parent lot deed. The “grantee” on the deed must match the “landowner name” and owner’s signature on this application or Authorized Agent form. Copies of deeds are available from the County Recorder’s office (218-732-3552) located on the 2nd floor of the Courthouse. Do not submit pages from an abstract or property tax statements.

For purposes of determining the boundary lines and extent of a lot that is not a full (i.e. undivided) lot in a plat or tract in a registered land survey, contiguous property either: A. approved to be a single lot per a subdivision process of this Ordinance and recorded with the County Recorder or B. meeting the following criteria will be considered a “lot”:

1. the property is described on a single recorded document
2. the property is not a full (i.e. undivided) lot in a plat or tract in a plat or registered land survey
3. the contiguous property described in the document is a portion of or smaller in area than a government lot or quarter/quarter of a section.
4. the property does not meet the criteria in Minnesota Statutes, Chapter 394.36 subd. 5 (b), (c), and (e).

Government Lots and quarter/quarters of a section or larger or multiple contiguous increments thereof are considered to be separate lots.

3. If applicant is not the landowner, has only a life estate, or is the “grantee” on an unsatisfied contract for deed, an Authorized Agent form must be included that shows the owner has given the applicant permission to submit the application.
4. If the property is in a township that has a subdivision ordinance or lot size requirements, the township’s written approval of the subdivision application must be included in the application.
5. Include the applicable subsurface sewage treatment system (SSTS) information from a licensed SSTS contractor for each proposed tract (including the remainder) as specified below:
 - If a lot has no SSTS on it, then a SSTS site evaluation must be submitted for that lot.
 - If a lot has one or more existing SSTS, a current compliance inspection that includes an alternate site soil boring is required to be submitted on each existing SSTS instead of a site evaluation for the lot on which the SSTS is located.
 - If a non-shoreland lot will never be used for a building site that will be served by an SSTS (e.g. an agricultural field or hunting land), then a SSTS site evaluation is not required for that proposed lot IF a written statement signed and dated by the landowner is submitted in the application that states the proposed lot will never be used to provide a sewer structure building site.
6. Include the parent lot legal description and the proposed legal descriptions of the proposed new lots – including the remainder. Lots must be described by government subdivision or metes and bounds. A certificate of survey prepared by a licensed professional surveyor is required for any proposed new lot having a metes and bounds legal description. Government subdivision legal descriptions do not require a certificate of survey.

Government Subdivisions - A full government subdivision or a government lot, or a simple fractional part--increments of one half or one quarter of a full government subdivision. A simple quantity part of a full government subdivision such as twenty acres, two hundred feet, ten chains, and similar quantities.

Metes and Bounds – A method of property description prepared by a land surveyor registered in the State of Minnesota described by the direction and distance from an identifiable point of beginning.



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7. Include **two copies** of a sketch or “to scale” certificate of survey containing the following information (metes and bounds descriptions require a certificate of survey prepared by a licensed land surveyor):
 - a. Proposed new property lines with all property line dimensions labeled.
 - b. If the proposed new lots are located in the Shoreland Management Ordinance jurisdictional area, the total lot area and residential lot suitable area (RLSA) must be shown for each lot including the remainder. Please contact a licensed land surveyor to calculate these areas. A certificate of survey may be required to accurately calculate the RLSA.

Residential Lot Suitable Area - The minimum area on a residential lot or lot of land that is the combination of: 1. the minimum contiguous area remaining on a lot or lot of land after all setback requirements, bluffs, all easements and rights-of-way, historic sites, wetlands, and land that is not three feet above the ordinary high water mark of public waters are subtracted for the purposes of placing structures; and 2. the area meeting or exceeding the site requirements of Minnesota Pollution Control Agency subsurface sewage treatment system Rules, Chapters 7080 and 7081, for the purpose of soil treatment or drainfield areas and future additional sites.
 - c. Existing septic system locations must be accurately shown on the sketch or certificate of survey. Septic system components must meet the minimum property line setback requirements from all proposed new property lines. Easements for septic systems to cross proposed new property lines are not allowed.
 - d. In shoreland ordinance jurisdictional areas, all existing structures must be shown on the sketch or certificate of survey to verify they meet the property line setback requirements from all proposed new property lines.
 - e. Additional informational requirements for certificates of survey are listed in Section 4, Subd. A.3 of the Subdivision Ordinance.
8. Include payment for the application fee. Base fee is \$40.00 plus \$10.00 for each proposed new lot being created. The remainder lot is considered a new lot. For example, the fee for subdividing one lot into two lots is \$60.00 (\$40.00 base fee + [two lots x \$10/lot] = \$60.00). (The after-the-fact fee is 4 times the normal application fee.) Make checks payable to “Hubbard County Auditor/Treasurer”. Payment may be in the form of a check, cash, or credit card. If interested in paying by credit card, please contact our office for details on how to do so.
9. The Environmental Services Officer will make a decision regarding the application. If approved, the applicant will receive a letter in the mail stating that the application was approved. If incomplete or denied, the applicant will be notified, in writing, of the reasons why the application was incomplete or denied.
10. After approval of the application, you must file the necessary deed(s) with the County Recorder within 180 days of the application’s approval or the application’s approval will be null and void. New administrative subdivision approved lots do not become legal lots of record until the deeds creating said lots are filed with the County Recorder. Additionally, if you do not record your deed(s) for the new lot(s) prior to an ordinance revision that makes any of the lots approved through this process nonconforming, your application approval will be null and void. You will then need to submit a new application that complies with all the new ordinance requirements. Therefore, it is in your interest to record your deed(s) as soon as possible after your application is approved.

Prior to recording your deed(s), you must make an appointment with our department to have the deed(s) stamped as an “approved subdivision”. The Recorder’s office will want to see that each deed for a new lot is stamped to verify the subdivision has been approved.

If the property is Torrens, you will need to contact the County Recorder because there is an additional Court subdivision approval process that you will need to go through in order to complete the overall



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subdivision process. The following information explains the difference between abstract and Torrens property.

What is "abstract" property?

The term "abstract property" refers to one of the two systems for indexing land ownership in Minnesota. As the name implies, the ownership of "abstract" (or unregistered) property must be determined by reviewing an abstract of title. Ownership of "abstract" property depends on an unbroken 40-year chain of title, so every deed shown in the abstract to have been filed during the last 40 years must be reviewed. In order to tell whether anyone else may have a claim to your land, every entry in the abstract must be carefully reviewed. Documents affecting "abstract" property are filed with the county recorder, who is not legally required to make any determination concerning their effectiveness.

What is "Torrens" property?

The term "Torrens" refers to the alternative method of indexing land ownership in Minnesota. In contrast to "abstract" property, the ownership of "Torrens" (or registered) property is conclusively established by the creation of a certificate of title for the property, which are usually only one or two pages *long*. *Each time* the property is voluntarily transferred by the owner, a new certificate of title is entered, and only information currently relevant to title is shown. If the land is transferred *involuntarily* (for example, by mortgage foreclosure), either the district court or the examiner of titles reviews the transfer to make certain that a new certificate of title may be created.

The following list of exceptions shall not be considered subdivisions:

- a. A conveyance that is described as a complete Government Lot and has not been previously restricted under provisions of this Ordinance.
- b. A conveyance that is described by the Rectangular System and is a full quarter/quarter section or larger increment thereof (e.g. N $\frac{1}{2}$ of the NW $\frac{1}{4}$), and has not been previously restricted under provisions of this Ordinance.
- c. A conveyance that is, in the opinion of the Environmental Services Officer, solely for the purpose of correcting a boundary line.
- d. Transfer of interest in land pursuant to a court order.



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Any subdivision that does not fit into any of the three listed subdivision categories must either be platted or the ordinance may not allow it. If your proposed subdivision does not fit into one of these three categories, please contact the Environmental Services Department to discuss your subdivision proposal.

Applicant Statement

The applicant hereby certifies that the information contained in this application is a true, accurate and complete representation of facts and conditions concerning the proposed administrative subdivision. The applicant hereby makes application for an administrative subdivision agreeing to do all such work in accordance with all Hubbard County Ordinances. Applicant agrees that application, sketch or survey, and other attachments submitted herewith are true and accurate. Applicant agrees that, in making application for an administrative subdivision, applicant grants permission to Hubbard County, at reasonable times to enter landowner's premises, to determine compliance of that application with any applicable county, state, or federal ordinances or statutes. If any of the information provided by the applicant in his/her application is later found or determined by the County to be inaccurate, the County may revoke the application's approval based upon the supplying of inaccurate information.

I have read and fully understand the above instructions. I am the fee title owner of the above described property or the authorized agent thereof, and I agree to this application.

Signature of Applicant: _____ Date: _____

Application checklist – All of the following items must be submitted together AT ONE TIME.

1. complete, signed application form.
2. copy of the parent lot deed.
3. If applicant is not owner, a complete Authorized Agent form.
4. copy of written township subdivision approval, if applicable.
5. septic system information for each proposed new lot, if applicable.
6. the parent lot legal description and proposed new lot legal descriptions.
7. two copies of a sketch or certificate of survey, as appropriate.
8. payment for the application fee.

Note: Do not submit any additional information beyond that which is specifically required to make a complete application.