

RESOLUTION #01-93

WHEREAS, the Olmsted County Board of Commissioners has adopted zoning and subdivision ordinances which serve to implement the Land Use Plan for Olmsted County, and

WHEREAS, at the formal request of the Olmsted County Board of Commissioners, the Legislature of the State of Minnesota during the 1989 legislative session passed special local enabling Legislation as Chapter 274 of the Laws of Minnesota (1989) allowing Olmsted County to adopt an ordinance prohibiting the County Auditor from transferring or dividing land or its assessed valuation in the official records until the transfer or division has been reviewed by the County Zoning Administrator and the instrument of conveyance dividing the property has been approved by the County Zoning Administrator, and

WHEREAS, since adoption of that legislation and approval of the ordinance setting forth the requirement for review of instruments conveying parcels of land by the Olmsted County Zoning Administrator, a number of Townships have adopted Zoning Ordinances and Subdivision Ordinances that are at least as restrictive as the Olmsted County Zoning Ordinance and Subdivision Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED, that the Olmsted County Board of Commissioners hereby adopts, as ordinance, the following:

Section 1. ZONING ADMINISTRATOR. For the purposes of this Ordinance, the term "Zoning Administrator" shall mean the Olmsted County Zoning Administrator or the Township Zoning Administrator if the property is located in a Township that has adopted zoning and subdivision controls.

Section 2. CONDITIONS RESTRICTING TRANSFER. When a deed or other instrument conveying a parcel of land is presented to the County Auditor for transfer resulting in the division of property under Minnesota Statutes, Section 272.12, 272.16, or 272.161, the auditor shall not transfer or divide the land or its assessed valuation or net tax capacity in the official records and shall not certify the instrument as provided in Section 272.12 until the transfer or division has been reviewed by the Zoning Administrator and the Zoning Administrator has examined each instrument to determine that the proposed conveyance complies with the subdivision and platting regulations of the County as well as the subdivision and platting regulations of the Township if the property is located in a Township that has adopted platting and subdivision regulations. The Zoning Administrator shall complete the examination within thirty (30) days after receipt of the instrument to be presented to the County Auditor for the transfer or division. After the effective date of this ordinance, no instrument of conveyance dividing property within the County of Olmsted shall be transferred by the Auditor which has not been approved, or deemed to have been approved, by the Zoning Administrator, as further set forth in Section 2, below.

Section 3. CONDITIONS ALLOWING TRANSFER. The transfer or division shall be deemed to have been reviewed by the Zoning Administrator, and the instrument of conveyance shall be deemed to have been approved by the Zoning Administrator, and the County Auditor shall be authorized to transfer and divide the land and its assessed value and net tax capacity in the official records, if any one or more of the following conditions apply or are satisfied:

- a. Within twenty (20) days of submission of the subject deed or instrument of conveyance for review, the Zoning Administrator has determined that both the Township Subdivision and Platting Regulations, if applicable, and the Olmsted County Subdivision and Platting Regulations do not apply, and the County Auditor has confirmed this information upon the County Auditor's independent review.
- b. The County Auditor is satisfied, or is furnished with satisfactory proof, that both the Township Subdivision and Platting Regulations, if applicable, and the Olmsted County Subdivision and Platting Regulations do not apply, e.g. (but not limited to):
 - (1) No resulting parcels of land after the division is made are less than forty (40) acres or a quarter-quarter section in size.
 - (2) The instrument of conveyance is given pursuant to a Contract for Deed, whether or not recorded, entered into prior to September 28, 1976 (the revised date of the Olmsted County Subdivision Ordinance).
- c. The instrument of conveyance has on the instrument a certification evidencing approval of the instrument by the Zoning Administrator.
- d. The instrument of conveyance when presented to the Olmsted County Auditor is accompanied by, or has attached thereto, a certification by the Zoning Administrator that the resulting transfer or division of land had been approved by the Zoning Administrator.
- e. There is presently of record in the office of the Olmsted County Recorder a certification that the resulting transfer or division of land has been approved by the Zoning and the County Auditor is furnished with proof to the County Auditor's satisfaction of such previous approval of record.
- f. The instrument of conveyance recites on its face that it is made or given for correction purposes only and/or recites that no transfer or division in the official record should be made as a result of the submission of such instrument.
- g. Any restrictions on the transfer or division in the official records have been waived by resolution of the Olmsted County Board of Commissioners, and the Olmsted County Auditor is furnished with proof of such action to the County Auditor's satisfaction.

Section 4. ZONING ADMINISTRATOR REVIEW. When a deed or instrument of conveyance requiring review and approval under this ordinance of the Zoning Administrator is presented to for such review and approval, the Zoning Administrator shall complete the examination of such deed or instrument of conveyance within twenty

(20) days of receipt thereof and shall within such twenty (20) day period either approve such deed or instrument of conveyance or, if not approved, notify the person submitting the deed or other instrument of conveyance of such disapproval, and explain to such person the reasons for disapproval and the requirements of the person the reasons for disapproval and the requirements of the Olmsted County Subdivision Ordinance, and Township Subdivision Ordinance, if the property is in a Township which has adopted subdivision controls, whichever ordinance is more restrictive, for the transfer and division of the property.

Section 4. EFFECTIVE DATE. This ordinance shall become effective upon its approval by the Olmsted County Board of Commissioners.

Dated at Rochester, Minnesota this 9th day of October, 2001.

Approved :

Olmsted County Board
Of Commissioners

By: _____
Chairperson

ATTEST:

Richard D. Devlin
County Administrator