

CHAPTER 3: LAND DESCRIPTION AND SURVEYS

SECTION 3.1 PURPOSE

The purpose of this Chapter is to facilitate the accurate description of all real estate parcels in the County. Specifically the provisions of the Chapter are proposed to:

- 3.1.1 Create more accurate descriptions of real estate parcels in the County;
- 3.1.2 Provide the public and County staff with clear descriptive information regarding the boundaries and features of the property;
- 3.1.3 Assist in creating new or updating existing abstracts;
- 3.1.4 Reduce property line disputes;
- 3.1.5 Reduce property nonconformities which contribute to value reduction;
- 3.1.6 Reduce the potential for county liability resulting from having to make land use decisions and permit decisions based on inaccurate information;
- 3.1.7 Reduce violations of Ordinance provisions.
- 3.1.8 Assist in identifying *Omitted Property*, as defined in Chapter 4, not previously on the County tax roll.

SECTION 3.2 SCOPE

This Chapter shall regulate the processing of all deeds for land within the County of Dodge. The County Auditor/Treasurer shall not transfer, join, or divide the land, its assessed valuation or net tax capacity in the official county records unless and until the provisions of this Ordinance have been complied with.

SECTION 3.3: CERTIFICATE OF SURVEY

3.3.1 PROHIBITED SURVEYS

No survey shall be accepted which results in the creation of any new nonconformity without a variance issued by the Board of Adjustment under the proce-

dures of Chapter 18.

3.3.2 CERTIFICATE OF SURVEY REQUIRED

A Certificate of Survey shall be required for the following:

- A. All divisions and conveyance of land by a metes and bounds description, descriptions by acreage, or by fractional pieces of the section shall have a Certificate of Survey attached to the conveyance document.
- B. Remainder descriptions of less than five (5) acres in size, resulting from the redefined split of one or more parcels, shall also be subject to the requirements of this Ordinance.
- C. The creation of any new parcel by the splitting or combining of existing parcels of record shall require a Certificate of Survey, irrespective of the exceptions in Section 3.3.3 of this Chapter for which it might qualify.

3.3.3 EXCEPTIONS TO THE SURVEY REQUIREMENT

The following conveyances are exempt from the provisions of this Chapter:

- A. Parcels which are described as a fraction of a Public Land Survey Section do not require a Certificate of Survey, unless the fraction is less than a Quarter-Quarter of the Section (i.e. SE $\frac{1}{4}$ of the NW $\frac{1}{4}$)
- B. The transfer does not require the filing of a Certificate of Real Estate Value (CRV), as described in Minnesota Statutes, Section 272.115, as amended.
- B. The property is being refinanced by the owner(s) of the property.
- C. The sale or transfer is to the seller's spouse or ex-spouse only;
- D. Any other sales or transfers by deed which create a joint tenancy, are part of a testament or trust document, or are the result of a foreclosure or the cancellation of a Contract for Deed that do not require the collection of State Deed Tax.

3.3.4 INFORMATION REQUIREMENTS FOR A CERTIFICATE OF SURVEY

All Certificates of Survey shall contain the following information:

A. REQUIRED INFORMATION

- I. Title (Certificate of Survey);
- II. Existing legal descriptions shall note the Certificate of Title number, if applicable. If the existing legal description dimensions or descriptive recitals (calls) differ from what is measured or observed by the field survey, the Certificate shall show those differences.
- III. A north arrow accurately correlated to the courses shown on the property lines;
- IV. Scale of drawing shall include a graphic scale and the pertinent numerical divisions (Scale in feet).
- V. Legend describing all symbols used on the drawing;
- VI. Date of Survey;
- VII. Statutory Certification by a Minnesota Licensed Land Surveyor.
- VIII. Name of owner of the property or the name of the person who requested the survey;
- IX. Sufficient boundary survey data and mathematical information (bearings to the nearest one-second of a degree and dimensions to the nearest one-hundredth of a foot) to locate and retrace the boundary and any other survey lines such as easements;
- X. Identify all property corner monuments as either found or set and describe the type of monument.
- XI. Identify known boundary or description gaps or overlaps. Gaps and overlaps should be dimensioned whenever possible;
- XII. Location, right of way widths, and names of public roads, other public ways, or railroads within or adjacent to the property;
- XIII. Distance and direction reference ties from the boundary of the proposed plat to a minimum of two (2) Public Land Survey corner monuments.

- XIV. Total area in square feet or acreage of the surveyed parcel.
- XV. A vicinity map showing the location of the property surveyed by section, township, and range.

B. IF APPLICABLE

- I. Existing or proposed easements located in accordance with descriptions furnished, or as shown on the plat of record. Document numbers, if furnished, should be shown;
- II. Ponds, lakes, rivers, streams, creeks, wetland, or other waterway which are part of the boundary of the property. Elevations shall be referenced to an established bench mark with a mean sea level elevation and noted on the survey;
- III. The location of the closest point of any structures located within thirty feet (30') of any existing or proposed property boundary. The location of the proposed property line in relation to any existing structure shall not be less than the minimum required for the primary or overlay zoning district in which it is located;
- IV. Location of existing or proposed primary and secondary treatment sewage treatment system(s);
- V. Location of existing wells, whether functional or non-functional;
- VI. Visible encroachments.

C. TORRENS PROPERTIES

- I. In the instance in which a plat or metes and bounds description subdivides Torrens property, the Land Surveyor preparing the proposed plat or parcel description shall provide to the Registrar of Titles the new descriptions for the Torrens parcels and any residual parcel(s). These descriptions must accompany the filing of the Certificate of Survey, plat, or Registered Land Survey.
- II. Common Interest Communities in which ownership is char-

acterized as real property cannot contain both Torrens and Abstract title.

SECTION 3.4 ADMINISTRATION

A coordinated review of parcels as they are created or modified will minimize unnecessary and avoidable expenses and legal action that may result from non-compliance with provisions of this Ordinance, other Dodge County land use ordinances, and/or other local, state or federal regulations, where they may apply.

3.4.1 REQUIRED SUBMITTALS

Four (4) copies of the proposed description(s) and Certificate of Survey(s) prepared by a Minnesota Licensed Land Surveyor shall be submitted to the Dodge County Recorder and Dodge County Surveyor.

3.4.2 DISTRIBUTION & REVIEW

A. DISTRIBUTION

Under Minnesota Statutes 357.182 (County Fees and Recording Standards for Recording of Real Estate Document), or successor, the maximum time allowed for completion of the recording process for documents presented in recordable form is ten (10) business days.

When the documents are determined to be in recordable form, the Dodge County Recorder shall distribute the submitted information for review. The purpose of the review is to evaluate the documents for technical or legal issues with the description and survey, and to identify any potential negative land use or financial impacts that may result from the proposed action. Distribution of the documents shall be to:

- I. Dodge County Assessor's Office
- II. Dodge County Environmental Services Department
- III. Dodge County Highway Department

B. REVIEW

The reviewers shall submit comments on the proposed action to the County Recorder within three (3) business days. The landowner shall be notified of any potential issues or consequences resulting from the proposed property conveyance prior to recording of the documents. In no instance will the recording of the document be delayed beyond that permitted in

statute unless withdrawal of the proposed action is requested by the property owner. However, if the action results in a violation of the ordinance, enforcement action shall proceed.

3.4.3 FILING REQUIREMENT

A legible copy of any Certificate of Survey, including all the requirements of this Chapter, shall be on file in the Dodge County Recorder's Office.

SECTION 3.5 VIOLATIONS, PERMIT ACTION, & ENFORCEMENT

3.5.1 VIOLATIONS

When the landowner is notified of any potential violations of the Zoning Ordinance, yet chooses to proceed with the action, enforcement action shall be pursued. Under Section 19.4 of this Ordinance, a violation of the provisions of the Dodge County Zoning Ordinance or any permit, order, agreement, approval or other authorization issued pursuant to this Ordinance is a misdemeanor. A misdemeanor is punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or both. Each day that a violation continues shall constitute a separate and distinct offense and shall be punishable according to state law.

3.5.2 LAND USE PERMIT ACTION

For all parcels subject to the requirements of this Chapter, no land use permits shall be issued until all provisions are met.

3.5.2 ENFORCEMENT

Enforcement of the provisions of this Chapter shall be in accordance with Chapter 19 of this Ordinance.