



# CITY OF EDEN PRAIRIE

## Combination/Subdivision Administrative Review Application 2020

<b>PROJECT</b>	<p>Please check the appropriate box for which application is being applied for</p> <p><input type="checkbox"/> Administrative Combination      OR      <input type="checkbox"/> Administrative Subdivision</p> <p><b>A combination or subdivision through City Code Section 12.02, Subd. 1 administrative approval does NOT result in any documents being recorded against the property records with the County Recorder/Registrar of Titles. You will need to contact the County Recorder/Registrar of Titles to ensure the appropriate property records are recorded.</b></p> <p>Brief Description of Project: _____</p> <p>_____</p> <p>_____</p>
<b>APPLICANT INFORMATION</b>	<p>Applicant: _____</p> <p>Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone: _____ Fax: _____</p> <p>E-Mail: _____</p>
<b>FEE OWNER INFORMATION</b>	<p>Fee Owner: _____</p> <p>Address: _____</p> <p>City/State/Zip: _____</p> <p>Phone: _____ Fax: _____</p> <p>E-Mail: _____</p>

<b>PARCEL(S) TO BE COMBINED OR SUBDIVIDED</b>	PID: _____ Address: _____			
	PID: _____ Address: _____			
	PID: _____ Address: _____			
	PID: _____ Address: _____			
<b>REQUIRED ATTACHMENTS</b>	<ul style="list-style-type: none"> <li>• Title work completed within the previous 6 months</li> <li>• Survey of current parcel(s) and survey of proposed parcel(s)</li> <li>• Narrative including a brief explanation of request</li> <li>• Legal description of current parcel(s) and legal description of proposed parcel(s)</li> <li>• County Parcel Division or Combination Request Form</li> </ul>			
<b>FEES</b>	APPLICATION FEE	\$ 130.00	<b>TOTAL AMOUNT DUE</b>	\$
	DEV. DEPOSIT	\$4,800.00		
<b>REQUIRED SIGNATURES</b>	The undersigned certifies that they are familiar with the procedural requirements of Chapter 12 of the City Code, fees and City ordinances.			
	Applicant _____		Date _____	
	Property Owner (if different than applicant) _____		Date _____	
<b>FOR OFFICE USE ONLY</b>				
<b>Received By</b>				
<b>Date</b>				
<b>Receipt Info.</b>				

<b>FOR OFFICE USE ONLY</b>	
<b>Planning</b>	Recommendation:  Comments/Conditions:  Signature: _____
<b>Engineering</b>	Recommendation:  Comments/Conditions:  Signature: _____
<b>Building Inspections</b>	Recommendation:  Comments/Conditions:  Signature: _____
<b>APPLICATION</b>	<input type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Denied</b>  Reasons for Denial or Comments/Conditions for Approval:

# CITY OF EDEN PRAIRIE

## DEPOSIT AGREEMENT

**THIS AGREEMENT** is made and entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_.

("Applicant") for the benefit of the City of Eden Prairie, a Minnesota Municipal corporation ("City"). **WHEREAS**, Applicant has applied to City for the following approval(s) or action(s)

- a.
- b.
- c.
- d.
- e.

(the "Requested Approval"); and,

**WHEREAS**, in conjunction with City's review of the Requested Approval, City may incur costs, including administrative, planning, engineering, and other consulting costs, and City requires a guaranty that such costs will be paid by Applicant; and

**WHEREAS**, Applicant acknowledges the receipt of a benefit from City's review of the Requested Approval and from City's Review Costs;

**NOW, THEREFORE**, Applicant agrees as follows for the benefit of the City:

1. Deposit. Applicant has made the following deposits required for the Requested Approvals, consistent with Resolution 93-6 (all such deposits hereafter collectively referred to as the "Deposit Funds"):

Requested Approval

Amount

a. \_\_\_\_\_

a. \_\_\_\_\_

b. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

d. \_\_\_\_\_

e. \_\_\_\_\_

e. \_\_\_\_\_

2. Use of Deposit Funds. City may, at any time, draw upon the Deposit Funds to pay Review Costs for the Requested Approvals. City shall determine the Review Costs based upon the rates listed in the most current fee schedule adopted by the Eden Prairie City Council.

The fee schedule is subject to change by the City Council, without notice to the Applicant.

3. Conditions of Deposit. The following conditions shall apply to the Deposit Funds:

a. Administrative hourly rates for processing applications shall be charged at a flat rate of \$100.00 per hour.

b. Payment shall be made to City consultants, including but not limited to, engineering, legal and planning, in the amounts actually billed, according to the customary consulting rates in effect at that time. Such consulting services or costs shall reasonably and

necessarily relate to the subject matter of the Requested Approval, as determined by City in its sole discretion.

c. Payment shall be made to cover costs relating to public hearing mailings.

d. City shall not be responsible for paying any interest on the Deposit Funds.

e. If in the discretion of City, there is deemed to be an inadequate balance in Applicant's deposit account to pay for all the Review Costs incurred or to be incurred by City, City will notify Applicant of the need for additional Deposit Funds. Applicant agrees to make such additional deposits within ten (10) days of mailing of such notice.

f. No Requested Approval will be acted upon or processed by any City personnel until all Deposit Funds due at the time of original submission, or which thereafter become due pursuant to subparagraph 3.d., have been paid in full.

4. Positive Balances in Account. In the event there is a positive balance in the deposit account and there is (a) completion of the development process, either in the form of final approval or final denial of the Requested Approvals, or (b) an application is withdrawn, in writing, by Applicant, then the balance shall be paid to Applicant within ninety (90) days of receipt by City of a written request by Applicant for payment.

5. Accounting. Upon Request by Applicant, City will provide an accounting of all expenses charged against the account, but in no event more often than once every 30 days. An accounting will be provided when City notifies Applicant of a requirement for additional deposits and when the account is closed.

6. Application Fees. Applicant understands and agrees that the Review Costs and Deposit Funds are in addition to, and not in lieu of, City application fees.

7. Breach. In the event of breach of any terms of this Agreement by Applicant, City may, at its option, cease processing any Requested Approval which has been submitted by Applicant to cease any

further development or work on any project to which the Requested Approval relates. Applicant shall be responsible for all costs and expenses, including attorney's and expert's fees and costs, incurred by City to enforce this Agreement or to collect any monies due to City from Applicant pursuant to this Agreement.

8. Validity. If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Agreement.

9. Amendments. No amendment or change of any kind to this Agreement shall be valid unless made in writing and with the consent of the City.

10 Binding Agreement. Applicant recognizes and agrees that all terms and conditions of this Agreement shall be binding upon the heirs, successors, administrators, and assigns of Applicant.

**IN WITNESS WHEREOF**, the Applicant has caused these presents to be executed as of the day and year aforesaid.

**APPLICANT**

By: \_\_\_\_\_

Its \_\_\_\_\_

**STATE OF MINNESOTA    )**

**)ss.**

**COUNTY OF HENNEPIN    )**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
, the \_\_\_\_\_ of \_\_\_\_\_, a Minnesota  
\_\_\_\_\_, on behalf of the \_\_\_\_\_.

\_\_\_\_\_

Notary Public



HENNEPIN COUNTY PARCEL DIVISION OR COMBINATION OWNER REQUEST FORM

Parcel Identification and Platting Supervisor  
Resident and Real Estate Services  
A-500 Government Center  
Minneapolis, MN 55487-0060

Email: [RRES.PropertyIDandPlats@Hennepin.us](mailto:RRES.PropertyIDandPlats@Hennepin.us)  
Telephone: 612-348-3271

DATE: \_\_\_\_\_

I hereby make a request for a (separate/combined) assessment on the following described land:

I.D. No. \_\_\_\_\_ I.D. No. \_\_\_\_\_

I.D. No. \_\_\_\_\_ I.D. No. \_\_\_\_\_

I.D. No. \_\_\_\_\_ I.D. No. \_\_\_\_\_

(For additional I.D. No's add an attachment)

Remarks: \_\_\_\_\_  
\_\_\_\_\_

City of \_\_\_\_\_  
For \_\_\_\_\_ Tax Year

Signature of Fee Owner \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone # \_\_\_\_\_

Mail Tax Statements to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# HENNEPIN COUNTY PARCEL DIVISION OR COMBINATION OWNER REQUEST FORM

NOTE: It is important to keep all lenders or mortgagees aware that you are dividing or combining real property. Consult your mortgage company as to whether or not they need to issue an amendment to, or a partial release of, any mortgage or other encumbrance of the affected real property as a foreclosure of the affected real property can undo any previously approved division or combination.

- All taxes for the current year and any delinquent taxes must be paid for the entirety of the existing tax parcel before the property can be divided or sold off (MN statute § 272.121).
- As a general policy, Hennepin County does not combine tax parcels that cross streets unless the street is vacated and assumed to be owned by the adjoining tax parcel owner
- Unique Taxing Areas (UTA) such as City, Water, Sewer, School, and Tax Increment Financing (TIF) districts must be considered when a request for a division or combination of tax parcels is submitted
- Hennepin will create tax parcels that contain Abstract, Torrens, Platted and unplatted lands
- A tax parcel can contain multiple plats and multiple sections in any township and range as long as each tax parcel are located in the same UTA(s)
- A tax parcel would normally represent parcels of land that would be expected to be sold to and held by the same or future owner
- Do not combine properties if there is a possibility an existing parcel may later be divided off and sold
- The City in which the land being divided is situated, may refuse a future divisions or could place other conditions on granting said division
- For a Torrens parcel division or combination, the Parcel Identification and Platting group (PIP) will review and issue a verbal or email approval on behalf of the Registrar of Titles (see § 508.47)

Division scenarios:

**Current year taxes (and any delinquent taxes) must be paid before a portion of a tax parcel can be sold or transferred, and before a tax parcel division can be initiated (§ 272.121).**

What else is required to initiate a tax parcel division?

- a) Transfer document signed by the owner(s) causing a tax parcel split  
**Required:** City approval or notice that City approval is not required
- b) Division/combination request form submitted by property owner  
**Required:** City approval or notice that City approval is not required
- c) City resolution (or other document given by the city) approving division or notice that City approval is not required  
**One of the following required** before division or combination will be initiated:
  - a. Transfer document signed by the owner(s) causing a tax parcel split
  - b. Division/combination request form submitted by property owner

Combination scenarios:

**Current year taxes (and any delinquent taxes) must be paid before a portion of a tax parcel can be sold or transferred, and before a tax parcel division can be initiated (§ 272.121).**

What else is required to initiate a tax parcel combination?

- a) Transfer document signed by the owner(s) causing a tax parcel split - land being transferred is being deeded to the owner of a neighboring tax parcel  
**Required:** Completed division/combination request form submitted by the neighboring property owner and City approval or notice that City approval is not required.
- b) Transfer document containing multiple tax parcels  
**Required:** Completed division/combination request form submitted by the new property owner and City approval or notice that City approval is not required.
- c) Division/combination request form submitted by property owner  
**Required:** City approval or notice that City approval is not required.
- d) City resolution (or other document given by the city) approving combination or notice that City approval is not required  
**Required:** Completed property owner request form.

## INSTRUCTIONS

As described in City Code Section 12.02, Subd. 1, administrative approval of combinations/subdivisions, may be appropriate as follows:

1. For a subdivision, the division will not result in more than two parcels; for a combination, the combination will not result in more than one parcel;
2. The subdivision or combination will not cause any structure to be in violation of the Zoning Chapter or any other provision of the City Code;
3. The resulting parcel(s) generally conform to the shape and area of existing or anticipated land subdivisions in the surrounding areas;
4. The owners of land contiguous to the parcel(s) being divided or combined file no written objections within ten days following written notification to them or otherwise indicate in writing that they have no objections; **and**
5. No public improvements or dedications of right of way are required.

The City Code Section 12.02, Subd. 1 administrative approval process does **NOT** result in documents being recorded against the property records with the County Recorder/Registrar of Titles. If the applicant desires to have the property records updated the applicant will need to record a deed or other documentation with the County Recorder/Registrar of Titles.

### Process

1. **Development Deposit.** Complete, signed, and notarized Development Deposit Escrow is required for Administrative Review of Combination/Subdivision Application. Any unused portion of the escrow will be returned to the Applicant upon final approvals.
2. **Application.** A complete and signed application shall be submitted to the Planning Division along with the required application/deposit fees. Once a complete application is received, staff in the Planning, Engineering and Building Inspections Divisions will review the application. Staff will work to complete the review within a reasonable timeframe. Upon City's receipt of a complete application, the 120 day review period for action on a combination/subdivision request begins. If there are other approvals requested, the 60 day time period under Minn. Stat. Section 15.99 will begin to run as well.
3. **Notice.** Written notice shall be provided to owners of contiguous parcels by the City.
4. **Review.** Staff shall review the application for compliance with State Statute and City Code. Staff will consider if conditions are necessary including but not limited to:
  - A. Provision of wetland buffers, trail, sidewalk, conservation, and utility and drainage easements and responsibility for the cost of filing and recording written easements with the County Recorder's or Registrar of Title's office as applicable
  - B. Vacation of easements no longer required as determined by the City Engineer; and/or
  - C. Payment of parkland dedication fees for each lot created, except when the fees have been previously paid for the lot created by the subdivision under the Section.
5. **Approval/Denial.** Administrative approval is completed by the Planning, Engineering and Building Inspections Divisions. Denial shall be in writing and include the reasons for denial.

6. **County.** If approved by the City, staff will submit the following to the applicant to record with the County:
- A. County Parcel Division or Combination Request Form
  - B. City Consent Letter to Parcel ID and Platting Supervisor of County
  - C. Existing and proposed surveys
  - D. Existing and proposed legal descriptions.