

**A RESOLUTION**  
**ASSUMING THE AUTHORITY TO ENFORCE THE PARCEL TRANSFER**  
**AND DIVISION RESTRICTIONS OF MINNESOTA STATUTES § 272.162.**

**WHEREAS**, Minnesota Statute § 272.162 specifies the conditions when a local government may restrict parcel transfers or land divisions; and

**WHEREAS**, the 90<sup>th</sup> Legislature adopted Chapter 1 in the 2017 First Special Session, amending Minnesota Statute § 272.162; and

**WHEREAS**, the amended Minnesota Statute § 272.162 authorizes a county to review a deed or other instrument conveying a parcel of land for transfer or division before it is recorded, ensuring conformity with the county's land use regulations; and

**WHEREAS**, a county's review of a proposed land transfer or division will protect land owners from problems arising from property splits not compliant with zoning regulations or inaccurate parcel descriptions; and

**WHEREAS**, a county must choose to assume the authority to review deeds or other instruments conveying parcels of land for transfer or division; now, therefore,

**BE IT RESOLVED**, the restrictions on Minnesota Statute § 272.162 shall apply to property within Le Sueur County's boundaries, specifically, the County Auditor shall not transfer or divide the land in the official records and shall not certify the deed or other instrument of conveyance as provided in Minnesota Statute § 272.162, if:

- a. The land conveyed is less than a whole parcel of land as charged in the tax lists;
- b. The part of land conveyed appears within the area of application of municipal or county subdivision regulations and filed under Minnesota Statute § 394.35 or § 462.36; and
- c. The part conveyed is part of or constitutes a subdivision as defined in Minnesota Statute § 462.352, Subdivision 12; and

**BE IT FURTHER RESOLVED**, the county auditor may transfer or divide the land if its deed or instrument contains a certification by the clerk of the municipality or designated county planning official:

- a. That the municipality's or county's subdivision regulations do not apply;

- b. That the subdivision has been approved by the governing body of the municipality or county; or
- c. That the restrictions on the division of taxes and filing and recording have been waived be resolution of the governing body of the municipality or county in the particular case because compliance would create an unnecessary hardship and failure to comply would not interfere with the purpose of the regulations.

**NOW THEREFORE BE IT RESOLVED**, by the Le Sueur County Board of Commissioners, that the resolution assuming the authority to enforce the parcel transfer and division restrictions of Minnesota Statutes § 272.162, is hereby adopted.

This resolution shall become effective after its passage and required publication, with an effective date of June 1, 2022.

Passed this 22<sup>nd</sup> Day of March, 2022

\_\_\_\_\_  
 Danny O’Keefe - Chair, Le Sueur County Board of Commissioners

ATTEST: \_\_\_\_\_  
 Joseph Martin - County Administrator

STATE OF MINNESOTA, COUNTY OF LE SUEUR

This instrument was acknowledged before me on \_\_\_\_\_,  
 by Daniel O’Keefe, Chair of the Board, and by Joseph Martin, County Administrator.

\_\_\_\_\_  
 (Signature of Notary Officer)

(Stamp) \_\_\_\_\_ Title

My Commission expires: \_\_\_\_\_

DRAFTED BY:  
 Le Sueur County Environmental Services

515 S. Maple Avenue  
Le Center, MN 56057