

CHAPTER 473H

METROPOLITAN AGRICULTURAL PRESERVES

473H.02 Definitions.
473H.05 Application: covenant agreement.

473H.06 Notification.
473H.08 Duration.

473H.02 DEFINITIONS.

[For text of subs 1 to 5, see M.S.1998]

Subd. 6. **Covenant.** "Covenant" means a restrictive covenant initiated by the owner and contained in the application provided for in section 473H.05 whereby the owner places the limitations on specified land and receives the protections and benefits contained in sections 473H.02 to 473H.17.

[For text of subs 7 to 10, see M.S.1998]

Subd. 11. [Repealed, 1999 c 11 art 1 s 72]

History: 1999 c 11 art 1 s 8

473H.05 APPLICATION; COVENANT AGREEMENT.

Subdivision 1. **Before March 1 for next year's taxes.** An owner or owners of certified long term agricultural land may apply to the authority with jurisdiction over the land on forms provided by the commissioner of agriculture for the creation of an agricultural preserve at any time. Land for which application is received prior to March 1 of any year shall be assessed pursuant to section 473H.10 for taxes payable in the following year. Land for which application is received on or after March 1 of any year shall be assessed pursuant to section 473H.10 in the following year. The application shall be executed and acknowledged in the manner required by law to execute and acknowledge a deed and shall contain at least the following information and such other information as the commissioner deems necessary:

(a) Legal description of the area proposed to be designated and parcel identification numbers if so designated by the county auditor and the certificate of title number if the land is registered;

(b) Name and address of owner;

(c) An affidavit by the authority evidencing that the land is certified long term agricultural land at the date of application;

(d) A statement by the owner covenanting that the land shall be kept in agricultural use, and shall be used in accordance with the provisions of sections 473H.02 to 473H.17 which exist on the date of application and providing that the restrictive covenant shall be binding on the owner or the owner's successor or assignee, and shall run with the land.

[For text of subd 2, see M.S.1998]

Subd. 3. [Repealed, 1999 c 11 art 1 s 72]

[For text of subd 4, see M.S.1998]

History: 1999 c 11 art 1 s 9

473H.06 NOTIFICATION.

Subdivision 1. **Application.** Upon receipt of an application, the authority shall determine if all material required in section 473H.05 has been submitted and, if so, shall determine that the application is complete. When used in this chapter, the term "date of application" means the date the application is determined complete by the authority. Within five days of the date of application, the authority shall forward the completed and signed application to the county recorder, and copies to the county auditor, the county assessor, the metropolitan council, and the county soil and water conservation district.

Subd. 2. **Recording; memorialization.** The county recorder shall record the application containing the restrictive covenant and return it to the applicant. If the land is registered, the registrar of titles shall memorialize the application containing the restrictive covenant upon the certificate of title. The authority shall be notified by the recorder or registrar of titles that the application has been recorded or memorialized.

[For text of subs 3 to 7, see M.S.1998]

History: 1999 c 11 art 1 s 10,11

473H.08 DURATION.

[For text of subs 1 to 3, see M.S.1998]

Subd. 4. **Notice to others.** Upon receipt of the notice provided in subdivision 2, or upon notice served by the authority as provided in subdivision 3, the authority shall forward the original notice to the county recorder for recording, or to the registrar of titles if the land is registered, and shall notify the county auditor, county assessor, the metropolitan council, and the county soil and water conservation district of the date of expiration. Designation as an agricultural preserve and all benefits and limitations accruing through sections 473H.02 to 473H.17 for the preserve shall cease on the date of expiration. The restrictive covenant contained in the application shall terminate on the date of expiration.

History: 1999 c 11 art 1 s 12