

**2021 WAIVER OF SUBDIVISION**

**Application Fee: \$490.00**

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Site Address: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

Parcel Zoning: \_\_\_\_\_ Property PID(s): \_\_\_\_\_

***General Information & Qualifications:***

- For purposes of lot division and consolidation, a property owner or owners may request a Waiver of Subdivision.
- The section of the Burnsville City Code that discusses Waiver of Subdivisions is Title 11 Section 6. See [www.burnsvillemn.org](http://www.burnsvillemn.org) for reference to the City Code.
- The length of the process may vary, usually it takes about three weeks.
- Permits will not be issued to a site until the Waiver of Subdivision document is filed at Dakota County by the owner. A filing receipt will be required provided by the owner as evidence of recording before a building permit will be issued.

\_\_\_\_\_ Is the property platted?

\_\_\_\_\_ Are all lots within the same subdivision?

\_\_\_\_\_ Do all resulting lots meet the minimum requirements in City Code?

**If the answer is "NO" for any of the above 3 questions, this lot division/consolidation cannot be done through a Waiver of Subdivision. The Property should be platted.**

***Submittal Requirements:***

\_\_\_\_\_ A letter requesting the City to process a Waiver of Subdivision and Dakota County to record the Waiver of Subdivision and to assign the appropriate Parcel Identification Numbers to all properties. The letter must be signed by all property owners affected.

\_\_\_\_\_ Completed and Signed Application Form.

\_\_\_\_\_ Payment of the application fee. (Make check payable to the City of Burnsville)

\_\_\_\_\_ 1 digital (pdf), 3 full size and 1 11" x 17" reduction of the certificate of survey of the lot or lots to be divided or consolidated shall be submitted. The survey must show the dimensions, legal descriptions and lot areas of both the existing lots and the proposed lots. Additional information may be required if the property is not serviced by City utilities, is in an Environmental Overlay District and/or if determined necessary by City staff to provide a complete review.

I/We hereby request that the property on the attached certificate of survey be:  Divided  Combined or  Both

We, the undersigned, owners of property, as shown on the attached diagram, pursuant to the applicable statutes of Minnesota, state that to the best of their knowledge, it is in the best interests of the City and the abutting property owners that said property be divided/combined. In consideration of the lot division/consolidation, the undersigned severally waives and releases the City from any and all claims, demands, actions or causes of action of every kind and nature for damages to their real estate arising out of, resulting from, or incidental to the said lot division/consolidation.

***Signature of Property Owner(s)***

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

Per M.S. 471.462, an applicant may request that the City provide a written, nonbinding estimate of the anticipated consulting fees to be charged to the applicant based on information available at the time of application. By checking this box, I request that the City provide that estimate, and I acknowledge that by making this request, the application shall not be deemed complete until the city has:

1. provided an estimate to the applicant;
2. received the required application fees as specified by the city;
3. received a signed acceptance of the fee estimate from the applicant; and
4. received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant

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*Signature of Applicant*

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*Date*

**ESTIMATE OF ANTICIPATED CONSULTANT FEES**

Pursuant to M.S. 471.462, the Applicant has requested the City provide a written, nonbinding estimate of the consultant fees to be charged to the applicant based on information available at the time of the request.

At this time, the City estimates the following consulting fees will be incurred and charged to the applicant:

- Planning Consultant \_\_\_\_\_
- Engineering Consultant \_\_\_\_\_
- Financial Consultant \_\_\_\_\_
- Legal \_\_\_\_\_

I acknowledge receipt and acceptance of the fee estimate provided and attest that I have not relied on the estimate of fees in my decision to proceed with the final application to the City.

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*

## WAIVER OF SUBDIVISION Processing Procedures

*(for office use only)*

\_\_\_\_\_ Prepare Routing Memo, site location map (be sure the labels on the parcels match the document), half section map & survey.

Route to: (City Assessment Clerk), Engineering & Building Inspection Department

\_\_\_\_\_ Are there easements that need to be vacated?

If "YES" a petition should be filed.

\_\_\_\_\_ Do new easements need to be dedicated?

If "YES" an easement needs to be drafted & filed with Dakota County.

\_\_\_\_\_ Does a new address need to be assigned?

Address: \_\_\_\_\_

\_\_\_\_\_ Does the new property need a curb cut?

If "YES" check access guidelines, requires a permit.

\_\_\_\_\_ Are there assessments? (Existing or Pending)

If "YES" Assessment Clerk needs to know how to split.

### For City Use Only

**After the above steps are completed, the Waiver of Subdivision may be drafted and executed.**

\_\_\_\_\_ The property created by such a division or consolidation, shall not be less than the minimum dimensions required to secure the minimum lot area specified in the Zoning Ordinance.

\_\_\_\_\_ All conditions laid out in Title 11 of the City Code must be met.

\_\_\_\_\_ All conditions laid out in Title 10 (Zoning) for the property zoning must be met.

\_\_\_\_\_ The property must be platted into lots and blocks and designated in a subdivision plat on file and of record in the office of the Register of Deeds or Registrar of Titles of Dakota County. No combinations can be made across plat boundaries.

\_\_\_\_\_ If a new parcel is created, then an address should be assigned by Engineering Department. (Obtain address from Molly Stone)

\_\_\_\_\_ Draft waiver (g:\planning/forms/Waiver of Subdivision/) and save in Trakit WAIVER as an attachment. Please note that there are wording changes necessary in the form that depend on combination or division or both.

\_\_\_\_\_ Have City Clerk sign original WOS document.

\_\_\_\_\_ Notarize Clerk's signature.

\_\_\_\_\_ Attach copy of letter from the property owner(s).

\_\_\_\_\_ Draft approval letter for the Waiver of Subdivision and attach the original WAIVER document, location map, survey and letter from property owner(s).

\_\_\_\_\_ Scan approved documents and save as attachment under the Trakit Waiver project and email approval information to City Assessment Clerk (Molly Stone), and to Building Inspections Department (Joann Krueger or Kim Douglas).

\_\_\_\_\_ Place parcel hold on all properties affected by the Waiver in Trakit – no permits should be issued to any of the properties until written documentation is provided that the Waiver legal documents have been filed with Dakota County.

\_\_\_\_\_ Provide original to Property Owner (with approval letter specifying conditions of approval and property owner's responsibility to file the document at Dakota County and to submit the information to Dakota County Auditor's Office, ATT: Doug Prazak or Kim Lemons, 1590 Highway 55, Hastings, MN).

\_\_\_\_\_ Add Waiver Permit Information to Waiver of Subdivision Log Book g:\planning/Waiver of Subdivision/Waiver of Subdivision.