

CHAPTER 40A

AGRICULTURAL LAND PRESERVATION PROGRAM

40A.10 Application for creation of agricultural preserve.

40A.11 Duration of agricultural preserve.

40A.10 APPLICATION FOR CREATION OF AGRICULTURAL PRESERVE.

Subdivision 1. **Contents.** An eligible person may apply to the county in which the land is located for the creation of an agricultural preserve on forms provided by the commissioner. In case a preserve is located in more than one county, the application must be submitted to the county in which the majority of the land is located. The application shall be executed and acknowledged in the manner required by law to execute and acknowledge a deed and must contain at least the following information and other information the commissioner requires:

- (a) Legal description of the area to be designated and parcel identification numbers where designated by the county auditor;
- (b) Name and address of the owner;
- (c) A statement by the owner covenanting that the land will be kept in exclusive agricultural use and will be used in accordance with the provisions of this chapter that exist on the date of application and providing that the restrictive covenant will be binding on the owner or the owner's successor or assignee, and will run with the land.

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

Subd. 3. **Recording.** Within five days of the date of application, the county shall forward the application to the county recorder for recording, or to the registrar of titles for filing if the land is registered. 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 recorder or registrar of titles shall notify the county that the application has been recorded or memorialized.

[For text of subds 4 to 6, see M.S.1998]

History: 1999 c 11 art 1 s 1,2

40A.11 DURATION OF AGRICULTURAL PRESERVE.

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

Subd. 4. **Notice and recording; termination.** When the county receives notice under subdivision 2 or serves notice under subdivision 3, the county 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 regional development commission, the commissioner, and the county soil and water conservation district of the date of expiration. Designation as an agricultural preserve and the benefits and limitations contained in this chapter and the restrictive covenant filed with the application cease on the date of expiration. If the land is registered, the registrar of titles shall cancel the memorial of the application containing the restrictive covenant upon the certificate of title on the effective date of the expiration.

[For text of subd 5, see M.S.1998]

History: 1999 c 11 art 1 s 3