

Avery Twp Parcel Division Application

Return to:

Assessing Department Attn: Land Division

P.O. Box 25, Rogers City, MI 49779

(989) 734-3555 Office info@assessingoffice.com <http://www.assessingoffice.com>

Are all resulting parcels 40.00 acres or greater? No land division approval is required

All the parcels located in a platted subdivision? If so, this is the wrong application

*** PLEASE COMPLETE AND RETURN ALL PAGES OF THIS APPLICATION ***

APPLICATION

- 1) Township/City: _____
- 2) Parent Parcel Number: _____
- 3) Owner Name: _____
- 4) Owner Address: _____
- 5) City/State/Zip: _____
- 6) Phone Number: _____
- 7) Number of New Parcels: _____
- 8) Number of Transferred Division Rights: _____ (attach additional sheets if necessary)
- 9) Email Address*: _____
*your email address may be used to send status letters for this application.
- 10) Contact Name*: _____
*for multiple owners, identify a single contact person for all communications.

ATTACHMENTS – (all items are REQUIRED)

- Attachment #1, include the **COMPLETED** attachment on page 3 of this application entitled “Zoning Information”
- Attachment #2, include **PROPERTY TAX** payment status certificate (must be completed by County Treasurer). (see page 4)
- Attachment #3, include a copy of a survey/drawing of parcels requested with **legal descriptions for all parcels, including the remaining parcel**. Drawing must comply with the requirements of P.A. 132 of 1970 as amended. *The drawing must show the current boundaries, all previous divisions made after March 31, 1997 (indicate date when made), proposed divisions, dimensions of the divisions, existing or proposed road/easement right-of-ways, any other easements, and existing improvements.* (surveys are required for parcels two acres or less, be aware of MCL 54.211 for possibly recording your survey)
- Attachment #4, include your deed for the parent parcel and all deeds from previous owners from March 31, 1997 to the present. If your parcel was created/split after March 31, 1997, include the deeds of all child parcel owners. (see page 6)
- Processing Fee (Page 8)
- Boundary Line Adjustment/Exempt Split per MCL 560.102 (d) & (e) (see addendum #A1, Pg. g:\forms9)

**** Checks with insufficient funds are subject to a collection fee.**

NOTICES & ADVISEMENTS – (all must be initialed by property owner)

- Initials _____ New Property ID numbers are issued upon a completed division. If you receive a Principal Residence Exemption you will need to **REFILE** on the new number.
- Initials _____ Upon approval of this division, the division will be completed with appropriate office and will be activated on next years assessment roll. All billings of Tax bills for the CURRENT year will be issued on the parent parcels. The current year ends 12/31.
- Initials _____ The information requested on this application is not inclusive. **At any time during the approval phase, additional information/documentation may be REQUIRED.** Without the additional requested documents, the approval is considered PENDING. If application is incomplete, notice will be sent and a \$25.00 additional fee may be charged.
- Initials _____ **The only official approval is WRITTEN. The owner understands that any verbal communications are NOT binding. The ONLY official approval will be mailed to the owner of record ONLY. The owner will have to forward the Approval notice to applicable agencies.**

Initial one of the following:

- _____ Initial here if you desire to have these parcels divided for the next assessment cycle. This will result in separating the tax bills for the **NEXT** assessment cycle.
- _____ Initial here if you do **NOT** desire to have these parcels divided for the next assessment cycle at this time. In the event this option is checked, the approval will be valid for one (1) year from approval date; and for the division to be executed for the next assessment cycle, the property owner **MUST** submit in writing their intention to have the parcels divided.

AFFIDAVIT OF UNDERSTANDING

I agree the statements made above are true, and if found not to be true this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided with this parent parcel division. Further, I agree to give permission for officials of the municipality, county, and the State of Michigan to enter the property where this parcel division is proposed for the purposes of inspection. Finally, I understand this is only a parcel division which conveys only certain rights under the applicable local land division ordinance and the State Land Division Act (formerly the subdivision control act P.A. 288 of 1967, as amended (particularly by P.A. 591 of 1996 and P.A. 87 of 1997), MCL 560.101 et. Seq.) and does not include and representation or conveyance of rights in any other statute, building code, zoning ordinance, or deed restrictions of other property rights.

Finally, even if this division is approved, I understand local ordinances and state Acts change from time to time, and if changed the division made here must comply with the new requirements (apply for division approval again) unless deeds representing the approved divisions are recorded with the Register of Deeds or the division is built upon before the changes to the laws are made. Also, I understand that the issuing local governmental unit and its officers and employees are not liable if a land use permit/building permit are not issued for a resulting parcel because the parcel is less than one acre in size, lacks either public water and sewers or health department approval for on-site water supply and on-site sewage disposal. The approval of this division is not a determination that the resulting parcel complies with any applicable zoning ordinance or other ordinances. The Local Unit and its officers and employees are not liable if a permit for construction is subsequently denied for construction because of inadequate water supply, sewage disposal, or failure to meet other zoning ordinances or general ordinances. Specifically, this does not indicate zoning review or compliance.

Property Owners Signature _____ **Date:** _____

*** Only valid if ALL current property owners of record sign this application. Letter of authorization **must** accompany all agent signatures.*

Attachment 1 - ZONING INFORMATION

***** It is the applicant's responsibility to have this portion of the application completed by your local zoning official *****

For a list of zoning officials, please see page 8

Completed by Zoning Official:

Parent Parcel Number: _____

Owner Name: _____

Current Zoning Category: _____

Minimum Width: _____

Minimum Area: _____

Minimum Frontage (if any): _____

The zoning department acknowledges that the information contained above is accurate and true to the best of their ability. The signature below and review of this application is not for zoning compliance. The use of this form is for determining the zoning category and regulated minimum areas and widths for land division approval purposes. This is not a review for compliance with the zoning ordinance or any other ordinances adopted by any local agencies.

Zoning Administrator Signature: _____

Date: _____

Attachment 2- Property Tax Certificate

***** It is the applicant's responsibility to have this portion of the application completed by your County Treasurer's Office *****

For the County Treasurer's contact information, please see page 8

Parent Parcel Number: _____

Owner Name: _____

I hereby certify that for the five years preceding the ____ day of _____, _____ that there are no tax liens or titles held by the state for any unpaid taxes, except such taxes as may be in the process of collecting.

County Treasurer's Signature: _____

County Treasurer's Name (Printed): _____

Date: _____

You can also supply your County Treasurer's certificate they provide you in place of this page/form

Attachment 3- Survey/Drawing Instructions

This form is designed to assist the surveyor in completing the surveying and noting all necessary items on the survey. Please distribute to your surveyor or utilize in assisting the property owner to develop the drawing/map. Please answer items J & K and return this sheet with your application.

A scale survey or drawing that complies with the requirements of Michigan Public Act 132 of 1970, as amended, for Certified Surveys, for the proposed land division of the parent parcel that shows the following:

- a. A scale drawing not less than 1 inch equals 300 feet, and
- b. Current boundaries as of March 31, 1997, and
- c. All divisions made after March 31, 1997 (indicate when made or none), and
- d. The proposed division, including its legal description, and
- e. Dimension of proposed division, and
- f. Existing and proposed road easement right-of-way(s), and
- g. Easements for public utilities from parcel that is a development site to existing public utility facilities, and

h. Any existing improvements such as buildings, wells, septic systems, driveways, etc. must be clearly listed on the survey/drawing with dimensions of the buildings and a clear description of the building (building type/use/color)

- i. Attach the legal description to the parent parcel to this application.
- j. The proposed parcel provides access as follows: (Indicate information on Survey)
 1. ___ Frontage on an existing road. Road name: _____
 2. ___ Frontage on a private road. Road name: _____
 3. ___ Frontage on a new public road. Road name: _____
 4. ___ Frontage on a new private road. Road name: _____
 5. ___ Easement or shared driveway.
- k. Did you attach a legal description of proposed new road, easement, or shared driveway? Yes _____ No _____

l. Attach a legal description for all remaining parcels, including parent parcel.

Attachment 4- Deed Attachment

(this is not necessary for boundary line adjustments/exempt splits)

DEED ATTACHMENT:

Documentation is needed to determine split rights. Part of the Land Division Act requires the local unit to verify that the property owner has the legal right to split their property. This right is either automatically granted as of March 31, 1997 or it is given on your deed. Your chain of title can also restrict your right to split your land. Therefore, it is a requirement that you submit all deeds related to your title.

Has your property been split since March 31, 1997?

If no, then:

Please submit all the deeds starting with the first deed recorded/executed PRIOR to March 31, 1997 and then submit each deed recorded on the property after this and finally showing the current owner/applicant.

If yes, and your property has been split since March 31, 1997, then:

Please submit all the deeds starting with the first deed recorded/executed PRIOR to March 31, 1997 and then submit each deed recorded on the property after this and finally showing the current owner/applicant.

Also, will need the chain of title on all child parcels. For instance, if a property was split in May of 2005 into 3 parcels and the applicant is splitting parcel A (other's own parcels B and C), then we will need the full chain of title on the parent parcel and all child parcels (parcel a, b, and c). This is in addition to the current owner's chain of title on the parcel they are applying for the split. We will need the chain of title starting with the first deed recorded/executed PRIOR to March 31, 1997 through the date of the split in May of 2005. Then, all deeds on each child parcel (a, b, and c) from May of 2005 to the current date.

Attachment 5- Additional Instructions and Initials

Below is a chart depicting the number of divisions allowed on a parent tract of property by using the acreage of the parent tract on March 31, 1997.

LAND DIVISIONS ALLOWED

Miscellaneous	Parent Tract or Parcel (Acres)	Maximum Number (Parcels)	Plus Bonus (Parcels)
First 10 acres or fractions may be split into 4 parcels	19.99 or fewer	4	None allowed
	20 – 29.99	5	7
	30 – 39.99	6	8
	40 – 49.99	7	9
	50 – 59.99	8	10
	60 – 69.99	9	11
	70 – 79.00	10	12
	80 – 89.99	11	13
	90 – 99.99	12	14
	100 – 109.99	13	15
	110 – 119.99	14	16
	120 – 159.99	15	17
Each whole 40 acres in excess of 120 acres	160 – 199.99	16	18

Initials _____ **Your division is incomplete if the following documents are NOT submitted in one envelope via U.S. Mail ONLY:** (1) This fully completed land division application, including attachments 1,2,3, and 4; (2) a copy of a completed survey and/or drawing clearly depicting proposed divisions and/or buildings; (3) All required deeds as described; (4) A complete legal description for all parcels; (5) the appropriate processing fee.

Initials _____ There may be an incomplete application fee of \$25 if you do not include the above items. Applications that are missing information are determined incomplete and will NOT be processed further. They will be processed when ALL documentation is submitted. Faxed copies are NOT accepted.

Common Rules & Regulations subject to review --

- Do ALL parcels have dedicated access to the property, either via roadway or dedicated/recorded easement?
- Do ALL of the parcels comply with the local minimum size requirements?
- Does the PARENT tract have available divisions for further splitting? (above chart)
- Are any resulting parcels less than 10 acres?
 - If so, do they meet a 4 to 1, width to depth ratio. For example, if a parcel has 100 feet on the road, its “depth” cannot exceed 4 times that, or 400 feet. Anything less than 400’ would meet approval. Anything more would not be approved. This does not apply to parcels over 10 acres in size.

Avery Twp Land Division – Application Fee

Initial one of the following:

APPLICATION / PROCESSING FEE STRUCTURE

_____ \$75.00 for first division / \$25.00 for each additional division (45 calendar days for processing)

**** MAKE CHECK PAYABLE TO “ AVERY TOWNSHIP ” ****

* All divisions are subject to an incomplete application fee of \$25.00 per division. See attachment for details.

** This application fee is non-refundable

Special Township Requirements: None

County Treasurer’s Offices:

Montmorency County
P.O. Box 789
Atlanta, Mi 49709
989-785-8086

Local Zoning Officials:

Avery Township Zoning
Kathy Podzikowski
989-786-4287

Addendum #A1: Boundary Line Adjustment/Exempt Split per MCL 560.102 (d) & (e)

A boundary line adjustment is an exempt split per MCL 560.102. This does not create a new resulting parcel, rather, it moves the boundary line from one property to another. This may involve two parent tracts, two child parcels, and may or may not be owned by the same individuals. The property owner of both the transfer parcel and the receiving parcel must sign this page at the bottom.

The “Land Division Act” which is Act 288 of 1967, specifically, MCL 560.102 (d) & (e) provides the definition of a boundary line adjustment as a property transfer between 2 or more adjacent parcels:

(d) "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109. Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

(e) "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in 1 or more parcels of less than 40 acres or the equivalent. For a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

Requirements:

- Complete Pages 1-5 of this application along with Attachments 1-3.
- Page 6/Attachment 4 is not necessary, but you must include the current deeds for both the transfer parcel and the receiving parcel showing ownership and signed below by all owners.
- Page 7 does not apply to boundary line/exempt splits.

Initials _____* If you receive a Principal Residence Exemption you will need to **REFILE** on all new parcel numbers assigned.

Initials _____* **The legal description for the transferring parcel will be adjusted and active on the following year’s assessment roll. The transferred parcel will then be combined with the receiving parcel on the subsequent assessment roll after the parcels have been active for one year.**

***all parties must initial in the above box**

By submitting this form, you are consenting to the splitting of your legal descriptions and property tax bills for the next assessment cycles. Assessment cycles are on a calendar year basis. By signing the request form below, you are affirm that the information contained in this application is correct and certify that you are the owner of the property and have consent to authorize the this tax description adjustment:

Signature: Transfer Parcel Owners

Date

Signature: Receiving Parcel Owners
(may or may not be the same as Transfer Parcel Owners)

Date