



CITY OF HAM LAKE

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May 17, 2022

TO: Mayor and Councilmembers

FROM: Denise Webster, City Administrator

RE: Special City Council Meeting

This is to notify you that Mayor Van Kirk has called a Special City Council meeting on Thursday, May 26, 2022 at 6:00 p.m. at the Ham Lake City Hall, 15544 Central Avenue NE, Ham Lake, MN. The purpose of the meeting is:

- 1.1 Approval of an Ordinance regarding Article 10, Lot Line Adjustments and Estate Related Divisions, of the Ham Lake City Code

ORDINANCE NO. 22-XX

An Ordinance Amending ARTICLE 10, SUBDIVISION REGULATIONS, to clarify required criteria for lot line adjustments and to outline procedures for estate related divisions of inherited property.

Be it Ordained by the City Council of the City of Ham Lake, Anoka County, Minnesota as follows:

ARTICLE 10, SUBDIVISION REGULATIONS of the Ham Lake City Code is hereby amended as indicated in the following sections:

10-100 Subdivision by means other than traditional platting

10-101 Minor Plats

...

Notwithstanding the foregoing, lot splits of any type which are intended merely to adjust existing lot lines, and for combination with adjoining parcels, and which do not create any new buildable parcels or lots of record, may be approved by the City Council. All parcels involved must continue to meet all applicable frontage, setback, lot size, and other requirements and shall not create any new nonconformity. For lot line adjustments, the City Council may impose reasonable conditions of approval upon the lot line adjustment request, including, without limitation, the dedication of drainage, utility, and road easements as needed and compliance with the Subsurface Sewage Treatment Systems (SSTS) requirements outlined in Article 11-450 of this code.

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10-102 Estate Related Divisions

A. Qualifying Property

Persons acquiring real estate parcels via inheritance (“Inherited Property”) may be allowed to divide inherited lands as outlined in this section without traditional platting. In order to qualify for the provisions related to Inherited Property, the property must meet all of the following conditions:

- 1) The property size before the event that triggered the inheritance must have been at least five acres;
- 2) The Inherited Property must be divided into parcels that are approximately equal in value for each heir inheriting or otherwise obtaining title;
- 3) No subdivided parcel may be less than 2.5 acres in size;
- 4) Each subdivided parcel must have at least 200 feet of frontage on a public road, meet current livability standards for SSTS installation, and be capable of meeting all setback requirements for residential lots;
- 5) Prior to the event that triggered the inheritance, the Inherited Property was owned by a

single individual or an entity set up specifically to serve as an estate-planning tool. Business corporations do not qualify as such entities.

6) Each subdivided parcel is to be conveyed to an heir or named beneficiary of the prior owner of the main parcel;

B. Subdivision Requirements

Subdivisions of Inherited Property may be implemented without platting on approval of the City Council after review by City staff. If the property qualifies as Inherited Property, then the lots subdivided may be stamped as approved for recording, but shall not be required to pave adjoining unpaved roads. The applicants may be required to pay park dedication fees, drainage contribution fees or other traditional subdivision fees. However, such fees may also be deferred to future development situations involving the subdivided lots, which may include a requirement for payment of such fees at the time a building permit is requested. In addition, the City may require dedication of drainage, utility and road easements as a condition of approval. All costs of City review and implementation of approvals shall be paid by the applicants prior to stamping any document of conveyance.

C. Restrictions on Usage; Development Agreement

Subdivided lots under this section are not eligible for building permits until and unless all of the lots created by this method of subdivision meet City standards for road access, frontage, paving and other road requirements, as well as all other lot standards under the City's codes. A Development Agreement so stating shall be recorded prior to stamping the documents of conveyance creating the lot(s). Notwithstanding the foregoing, building permits may be issued for repairs and additions to structures that existed on the lots prior to the subdivision.

Presented to the Ham Lake City Council on May 16, 2022 and adopted by a unanimous vote this 26th day of May, 2022.

Brian Kirkham, Mayor

Dawnette Shimek, Deputy City Clerk