



Minnesota Department of Natural Resources

Proposal for Land Exchange (M.S. 94.344) Class B Lands



(Form approval date of April 21, 2008, updated April 12, 2018)

The following applicant is/are applying for a land exchange with the State of Minnesota pursuant to the provisions of M.S. 94.341 to 94.347. (Applicants named should be fee owners of the land). Please list applicant(s) name, address, and phone number. If listing a business entity, please include proof of legal status as a corporation, partnership, etc., and the name of a contact person. If listing an organization, please include proof of any federal tax-exempt status (501(C)3 or other), and the name of a contact person.

(To be completed by applicant)

Name of Applicant (PRINT OR TYPE)	Telephone No.
Applicant Address	

Name of Co-Applicant (PRINT OR TYPE)	Telephone No.
Co-Applicant Address	

The applicant(s) propose to exchange the following described PRIVATE land in: _____ County
(Also, please attach a copy of the deed):

In exchange for the following described STATE (Tax forfeited) land in: _____ County

Information on the PRIVATE parcel

County Property Tax Identification number(s): _____

The above described **PRIVATE** parcel is _____ acres in size and is divided as follows:

Acres wooded	_____	Acres wetland	_____
Acres tillable	_____	Acres building site	_____
Acres other	_____		

Please list any improvements and/or timber growth on the **private** land:

Please list any mortgages, liens, easements, or any other encumbrances covering any part of the property to be offered. (Attach a separate sheet, if necessary)

Mineral interests on the land are owned by *(If a separate owner other than the applicant owns the mineral interests, please attach to this application the documentation showing that ownership, if such documentation is available):*

Please describe the legal access to the **private** land, if any:

Applicant agrees to furnish an abstract showing marketable title to his/her land, free from encumbrances or liens, upon written notice from the Board of County Commissioners that the proposal for exchange will be considered. In addition, the applicant will execute and deliver a good and sufficient warranty deed conveying his/her land to the State of Minnesota, free from encumbrances or liens. Said deed may be subject to authorized reservations, and must have good and marketable title, approved by the County Attorney and the Commissioner of the Department of Natural Resources, in exchange for a deed for the tax-forfeited (Class B) lands to be given therefore as provided by law, and as required by the Land Exchange Board. Approval of the exchange is required by the County Board, the Commissioner of Natural Resources and the Land Exchange Board.

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Applicant Signature

Date

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Applicant Signature

Date

Please insert County contact information here:

Name of County contact:

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Address of County office:

Phone number:

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Email:

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Information on PRIVATE land:

WELL STATEMENT

Does the applicant know of any wells on the property to be offered in exchange?

Yes No If yes, please include a Well Disclosure Certificate.

If no, please sign and date the statement below.

I certify that there are no wells located on the property to be offered in exchange, and that the information provided on this disclosure is accurate and complete to the best of my knowledge. I agree to notify the state of any changes to the property that may affect the information supplied above.

Signature of Applicant	Date
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SEPTIC SYSTEMS STATEMENT

Does the applicant know of any septic systems on the property to be offered in exchange?

Yes No If yes, please include a Septic Systems Disclosure Certificate.

If no, please sign and date the statement below.

I certify that there are no septic systems located on the property to be offered in exchange, and that the information provided on this disclosure is accurate and complete to the best of my knowledge. I agree to notify the state of any changes to the property that may affect the information supplied above.

Signature of Applicant	Date
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HAZARDOUS SUBSTANCES STATEMENT

Are there any hazardous substances, pollutants, contaminants, or underground storage tanks in or on the land to be offered in exchange?

Yes No If yes, please attach an explanation.

If no, please sign and date the statement below.

The applicant warrants and represents to the State the following matters with the intent that these representations and warranties shall survive the conveyance:

The applicant has no knowledge that the property is now or ever has been used for the manufacture, use, storage, or disposal of any hazardous or toxic substance, pollutant or contaminant, within the meaning of any applicable environmental statute, ordinance or regulation. To the best of the applicant's knowledge, no hazardous or toxic substances, pollutant, or contaminant, including asbestos or materials containing or producing polychlorinated biphenyls (PCB's) are presently stored or located on the property. To the best of the applicant's knowledge the property is not subject to any "superfund" or similar lien, or any claim by any government regulatory agency or third party related to the release or threatened release of any hazardous or toxic substance.

To the best of the applicant's knowledge, there are no underground storage tanks located upon or under the property, or if there are any such tanks located on the property, they have been properly registered with all appropriate environmental authorities and are in full compliance with all applicable statutes, ordinances, and regulations.

Signature of Applicant	Date
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Minerals Reservation in Land Exchange

- A. The State of Minnesota is required by statute (M.S. 94.343, subd. 4) to reserve minerals and mineral rights, and water power rights whenever state land is disposed of through exchange or sale.

The other party in a land exchange may also reserve mineral rights, however, such reservation, if more extensive than that of the state may not be acceptable to the state, because the state may not be getting equal value in the exchange.

The state will determine through its routine review of land title, required for every exchange, if any mineral reservations or encumbrances exist on the title to the land to be received by the state, and if so, whether they will be detrimental to the exchange transaction.

- B. The state cannot accept land in a land exchange if a mineral reservation on the land of the other party provides a right to use the surface without compensation for the land surface damage, or if it reserves repurchase rights to a third party. If either of these conditions exists, the exchange will be terminated unless the deed is modified to remove the objectionable language.
- C. If a mineral reservation existing on the land of the other party contains no objectionable restrictions as described in paragraph B, above, but is more extensive than the rights reserved by the state, and/or if the deed does not address surface damage compensation, the following alternatives exist:
 - 1. Modification of the reservation to remove objectionable language;
 - 2. With available geologic evidence, determine the probability of surface damage, and make adjustments in surface values, to ensure that the state will get a parcel of equal value.

Information on STATE (Tax forfeited) land:

County Property Tax Identification number(s): _____

The above described STATE (Tax forfeited) parcel is _____ acres in size and is divided as follows:

Acres wooded	_____	Acres wetland	_____
Acres tillable	_____	Acres building site	_____
Acres other	_____		

Please list any improvements and/or timber growth on the **STATE (Tax forfeited)** land:

Please list any mortgages, liens, easements, or any other encumbrances covering any part of the property to be offered. (Attach a separate sheet, if necessary)

Mineral interests on the land are owned by *(If a separate owner other than the applicant owns the mineral interests, please attach to this application the documentation showing that ownership, if such documentation is available):*

Please describe the legal access to the **STATE (Tax forfeited)** land, if any:

STATE (Tax forfeited) PROPERTY

WELL STATEMENT

Does the county know of any wells on the county/state property to be offered in exchange?

Yes No If yes, please include a Well Disclosure Certificate.

If no, please sign and date the statement below.

I certify that there are no wells located on the property to be offered in exchange, and that the information provided on this disclosure is accurate and complete to the best of my knowledge. I agree to notify the state of any changes to the property that may affect the information supplied above.

Signature of County Representative	Date
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Signature of County Representative	Date
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Yes No If yes, please attach an explanation.

If no, please sign and date the statement below.

The applicant warrants and represents to the State the following matters with the intent that these representations and warranties shall survive the conveyance:

The applicant has no knowledge that the property is now or ever has been used for the manufacture, use, storage, or disposal of any hazardous or toxic substance, pollutant or contaminant, within the meaning of any applicable environmental statute, ordinance or regulation. To the best of the applicant's knowledge, no hazardous or toxic substances, pollutant, or contaminant, including asbestos or materials containing or producing polychlorinated biphenyls (PCB's) are presently stored or located on the property. To the best of the applicant's knowledge the property is not subject to any "superfund" or similar lien, or any claim by any government regulatory agency or third party related to the release or threatened release of any hazardous or toxic substance.

To the best of the applicant's knowledge, there are no underground storage tanks located upon or under the property, or if there are any such tanks located on the property, they have been properly registered with all appropriate environmental authorities and are in full compliance with all applicable statutes, ordinances, and regulations.

Signature of County Representative	Date
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WETLAND CERTIFICATION FORM

TO: COMMISSIONER OF REVENUE
MINNESOTA DEPARTMENT OF REVENUE

RE: SALE OF TAX FORFEITED LAND DESCRIBED AS:

Pursuant to M.S. 103F.535, Subd. 1 and 282.018, Subd. 2 as amended, and the procedures issued by the Department of Natural Resources and by the Board of Water and Soil Resources, I have reviewed the available data concerning the lands described above and have determined that the deed does not require a restrictive covenant because:

- The land is in a platted subdivision. (Auditor's plats are not deemed platted subdivisions for the purpose of this procedure.)
- The conveyance is a transfer to correct errors in legal descriptions or grantees.

OR

- Neither of the above statements apply to this parcel; therefore, the deed for this parcel must include a restrictive covenant prohibiting enrollment of this parcel in a state funded program providing compensation for conservation of marginal lands or wetlands.

If you have any questions or comments concerning this determination please contact _____, telephone number _____.

SIGNED

DATE

TITLE

COUNTY