

Land Division Application Information Sheet

Ganges Township, Allegan County
1904 64th Street
Fennville MI 49408

Feel free to contact the Zoning Administrator with any questions regarding Land Division
Tasha Smalley

MTS – Allegan 111 Grand St Allegan MI 49010
1-800-626-5964 Email – mtsallegan@frontier.com

1. Land Division application
2. Submit along with the application and \$100.00 for 1st split (20 for each additional split) fee (payable to Ganges Township):
 - a. Survey or surveyors drawing sealed by a professional surveyor showing the existing parcel(s) and the proposed division(s) including any other applicable information as stated on application
 - b. New legal descriptions
 - c. Copy of the deed to check for the number of divisions allowed/ transferred
 - d. Certification of Tax and/or special assessment payment
 - e. Driveway permit from the Allegan County Road Commission (269-673-2184 or MDOT (517-241-8999) or proof that the new parcel is accessible (has an area a driveway can provide vehicle access from existing road/street).
3. Other applicable information
 - a. Incomplete applications will be returned
 - b. An application will be approved or denied within 45 days of receipt of the complete application.
 - c. The division(s) is not legal until a deed is recorded with the register of deeds.
 - d. Each land division must meet all the requirements of the Township Land Division Ordinance and the State Land Division Act.
 - e. The approval of a land division does not imply that any existing or new parcel is buildable or developable. The owner or potential purchasers assume all liability relating to usability of existing or new parcel(s).
 - f. Preparing the deed – deed must contain the following language:
 - This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used are protected by the Michigan Right to Farm Act. {MCL 560.109(4)}
 - The grantor grants to the grantee the right to make [insert “zero”, a number, or “all”] division(s) under Section 108 of the land division act, 1967 PA 288, MCL 560.108. {MCL 560.109(3)}

Once all the information has been gathered, submit application, fee and other information to:
Tasha Smalley
MTS – Allegan
111 Grand Street
Allegan MI 49010

560.109.amended Approval or disapproval of proposed division; requirements; exemption from platting requirements; notice of transfer; form; sale of unplatted land; statement contained in deed; ordinance; approval not determination of compliance; effect of failure to comply.

Sec. 109. (1) A municipality shall approve or disapprove a proposed division within 45 days after the filing of a complete application for the proposed division with the assessor or other municipally designated official. However, a municipality with a population of 2,500 or less may enter into an agreement with a county to transfer to the county authority to approve or disapprove a division. An application is complete if it contains information necessary to ascertain whether the requirements of section 108 and this section are met. The assessor or other municipally designated official, or the county official, having authority to approve or disapprove a proposed division, shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for disapproval. A complete application for a proposed division shall be approved if, in addition to the requirements of section 108, all of the following requirements are met:

(a) Each resulting parcel has an adequate and accurate legal description and is included in a tentative parcel map showing area, parcel lines, public utility easements, accessibility, and other requirements of this section and section 108. The tentative parcel map shall be a scale drawing showing the approximate dimensions of the parcels.

(b) Each resulting parcel has a depth of not more than 4 times the width or, if an ordinance referred to in subsection (5) requires a smaller depth to width ratio, a depth to width ratio as required by the ordinance. The municipality or county having authority to review proposed divisions may allow a greater depth to width ratio than that otherwise required by this subdivision or an ordinance referred to in subsection (5). The greater depth to width ratio shall be based on standards set forth in the ordinance referred to in subsection (5). The standards may include, but need not be limited to, exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands. The depth to width ratio requirements of this subdivision do not apply to a parcel larger than 10 acres, unless an ordinance referred to in subsection (5) provides otherwise, and do not apply to the remainder of the parent parcel or parent tract retained by the proprietor.

(c) Each resulting parcel has a width not less than that required by an ordinance referred to in subsection (5).

(d) Each resulting parcel has an area not less than that required by an ordinance referred to in subsection (5).

(e) Each resulting parcel is accessible.

(f) The division meets all of the requirements of section 108.

(g) Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.

(h) The division does not isolate a cemetery so that it does not meet the requirements of either section 102(j)(i) or (ii).

(i) One of the following are satisfied:

(i) All property taxes and special assessments due on the parcel or tract subject to the proposed division for the 5 years preceding the date of the application have been paid, as established by a certificate from the county treasurer of the county in which the parcel or tract is located. If the date of the application is on or after March 1 and before the local treasurer of the local tax collecting unit in which the parcel or tract is located has made his or her return of current delinquent taxes, the county treasurer shall include with his or her certification a notation that the return of current delinquent taxes was not available for examination. The official having authority to approve or disapprove the application shall not disapprove the application because the county treasurer's certification includes such a notation. The county treasurer shall collect a fee for a certification under this subdivision in an amount equal to the fee payable under section 1(2) of 1895 PA 161, MCL 48.101, for a certificate relating to the payment of taxes under section 135 of the general property tax act, 1893 PA 206, MCL 211.135.

(ii) If property taxes or special assessments due on the parcel or tract subject to the proposed division have not been paid, the unpaid property taxes or special assessments have been apportioned by the township or city assessing officer as provided by section 53 of the general property tax act, 1893 PA 206, MCL 211.53. Any apportioned property taxes or special assessments are a lien against the parcels or tracts as apportioned by the assessing officer and shall be treated in the same manner as property taxes and special assessments of the year of the original assessment for the purpose of collection and sale for delinquent taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(2) The right to make divisions exempt from the platting requirements of this act under section 108 and this section can be transferred, but only from a parent parcel or parent tract to a parcel created from that parent parcel or parent tract. A proprietor transferring the right to make a division pursuant to this subsection shall within 45 days give written notice of the transfer to the assessor of the city or township where the property is located on a form prescribed by the state tax commission. The form shall include substantially the following questions in the mandatory information portion of the form:

(a) "Did the parent parcel or parent tract have any unallocated divisions under the land division act, 1967 PA 288, MCL 560.101 to 560.293?"

(b) "Were any unallocated divisions transferred to the newly created parcel? If so, state whether all were transferred or, if not, how many?"

(3) A person shall not sell a parcel of unplatted land unless the deed contains a statement as to whether the right to make further divisions exempt from the platting requirements of this act under this section and section 108 is proposed to be conveyed. The statement shall be in substantially the following form: "The grantor grants to the grantee the right to make [insert "zero", a number, or "all"] division(s) under section 108 of the land division act, 1967 PA 288, MCL 560.108. In the absence of a statement conforming to the requirements of this subsection, the right to make divisions under section 108(2), (3), and (4) stays with the remainder of the parent tract or parent parcel retained by the grantor."

(4) All deeds for parcels of unplatted land within this state executed after March 31, 1997 shall contain the following statement: "This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act."

(5) The governing body of a municipality or the county board of commissioners of a county having authority to approve or disapprove a division may adopt an ordinance setting forth the standards authorized in subsection (1)(b), (c), and (d). The ordinance may establish a fee for a review of an application under this section and section 108. The fee shall not exceed the reasonable costs of providing the services for which the fee is charged.

(6) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

(7) Compliance with this section is not a requirement for a deed to be received for record or recorded by a register of deeds.

**GANGES TOWNSHIP
LAND DIVISION APPLICATION**

All questions must be answered and all attachments must be included
or this application will be returned. Bring or mail all requirements to:

Tasha Smalley
Zoning Administrator
111 Grand St Allegan MI 49010
1-800-626-5964

Approval of a division of land is required before it is sold, or leased for more than one year, or when a new parcel of less than 40 acres is created and not just a property line adjustment. In the box below, fill in where the form is to be sent, when the review is completed.

Name _____

This form is designed to comply with the Township Land Division Ordinance and the Michigan Land Division Act (formerly the Subdivision Control Act P.A. 288 of 1967, as amended (particularly by P.A. 591 of 1996). MCL 560.101 et seq).

Address _____

City, State, Zip _____

1. LOCATION of Parent Parcel or tract to be divided:

Address _____ **Road Name** _____

Parent Parcel Number _____ - _____ - _____ **(List all parcels if Parent Tract)**

Legal Description Of Parent Parcel: *(Attach extra sheets if needed)*

2. PROPERTY OWNER INFORMATION: *(Full names from deed of owners)* Information must be provided for every owner of a fee interest. In addition, if the property is subject to a land contract, provide information for the vendor and vendee.

(Attach extra sheets as needed)

Name _____ **Phone** _____ **Fax** _____

Address _____ **Road Name** _____

City _____ **State** _____ **Zip** _____

3. APPLICANT Information: *(If not property owner)*

Contact Persons Name _____ **Business Name** _____

Address _____ **Road Name** _____ **Phone** _____

City _____ **State** _____ **Zip** _____

4. PROPOSAL: Describe the division(s) being proposed:

A. Number of new parcels _____ B. Intended use(residential, commercial, etc) _____

C. Current zoning of parcel or tract _____ D. Attach legal description for each new parcel _____

E. The division of the parcel provides access to an existing public road by: *(Check one)*

_____ An existing public road: Name _____

_____ A new public road: Name _____

_____ An existing private easement or road: Name _____

_____ A new easement or private road: Proposed Name _____

F. Attach a legal description of the proposed new easement, private road, or shared driveway.

5. FUTURE DIVISIONS

A. The number of future divisions that might be allowed but not included in this application: _____

B. The number of future divisions being transferred from the Parent to another parcel: _____

Identify the other parcel: _____

(See Section 109(2) of the Act. Make sure your deed includes both statements as required in Section 109(3) & 109(4) of the Act.) If a roadway maintenance agreement is required, provide a copy of that agreement.

6. DEVELOPMENT SITE LIMITATIONS: Check each that represents a condition that exists on any part of the parcel

_____ Is in a Critical Dunes Area; _____ Is a river or lake property; _____ Includes a wetland;

_____ Is in a High Risk Erosion Area; _____ Includes a beach; _____ Is within a flood plain;

_____ Includes slopes of more than 25% or steeper; _____ Is on muck soils or has severe limits for septic systems

_____ Is known or suspected to have an abandoned well, underground storage tanks, or contaminated soils

7. ATTACHMENTS:(All attachments must be included) Letter each as shown here.

_____ A. Application fee of \$ 100 for the 1st split, \$20 for each additional split, payable to Ganges Township.

_____ B. Evidence of all interests of fee ownership or land contract vendee interest.

_____ C. A soil and water evaluation from the Allegan County Health Dept. if any division is less than one acre.

_____ D. A survey, sealed by a professional surveyor at a scale of not less than 500 feet/inch, of the Parent Parcel or Tract and all proposed divisions.

The survey map must show all of the following:

(1). Boundaries as of 31 March 1997;

(2). All previous divisions made after 31 March 1997(Indicate when made or none);

(3). The proposed division(s);

(4). Dimensions of the proposed divisions;

(5). Existing and proposed road/easement rights-of-way;

(6). Easements for public utilities from each parcel to existing public utility facilities;

(7). Drainage courses within 50 feet of the proposed parcels and method of storm water drainage;

- (8). Any existing improvements(buildings, wells, septic, driveways, etc.) with dimensions;
- (9). All front, rear, and side yard setbacks for each proposed parcel.

____ E. Indication of approval or permit from the Allegan County Road Commission or MDOT for each proposed new road, easement or driveway, if applicable.

____ F. A copy of any transferred division rights (Section 109(4) of the Act) in the Parent Parcel.

____ G. A legal description of any existing and proposed deed restrictions.

____ H. Other (Please list) _____

8. IMPROVEMENTS: Describe any existing improvements(buildings, wells, septic, etc.)which are on the Parent Parcel or indicate none.(attach extra sheets if necessary) _____

9. AFFIDAVIT and permission for township, county, and state officials to enter the property for inspections:

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(Tract) division. Further, I agree to give permission for officials of the township, county, and the State of Michigan to enter the property where this parcel division is proposed for purposes of inspection to verify that the information on the application is correct at a time mutually agreed with the applicant. Further, I understand this is only a parcel division which conveys only certain rights under the applicable Land Division Ordinance, the applicable Zoning Ordinance, and the Land Division Act(formerly the Subdivision Control Act, P.A. 288 of 1967, as amended(particularly by P.A. 591 of 1996), MCL 560.101, et. seq), and does not include any representation or conveyance of rights in any other statute, building code, zoning ordinance, deed restriction or other property rights.

Further, even if this division is approved, I understand that local Ordinances and State Acts change from time to time, and if changed the divisions made here must comply with the new requirements(apply for division approval again) unless deeds, land contracts, leases or surveys representing the approved divisions are recorded with the Register of Deeds or the division is built upon before the changes in the law are made.

Finally, I understand that if this division is approved, a document(s) accomplishing the division and/or transfer must be recorded with the County Register of Deeds and filed with the Township within 90 days of approval, or the approval will lapse.

Signature of Property Owner(s): _____ Date: _____ Signature of Applicant(If not property owner): _____

Reviewers Action: \$ _____ Fee; Receipt No.: _____

____ Approved: Conditions, if any: _____

____ Denied: Reasons: _____

Signature and Date: _____

Return completed to:
 Michigan Township Services
 111 Grand Street
 Allegan MI 49010



COUNTY OF ALLEGAN

Sally L Brooks, Treasurer

113 Chestnut Street, Allegan MI 49010

Land Division Certification Instructions:

- Please fill form out completely with the information for the land you would like to split, combine, or have lot lines adjusted.
- If applying in person: Please stop into the Drain Office for the approval of all paid drain special assessments. After approval from the Drain Office, please stop at the Treasurer's Office for the tax certification and payment of \$5.00.
- If applying by email: Please email completed application to Treasurer@Allegancounty.org we will then work with the Drain Office for all approvals needed. Once approved, please provide a contact number that you can be reached at for payment. To pay over the phone there will be a \$1.50 transaction fee. We will then email all documents back to you.
- If applying by mail: Please mail completed application along with a check for \$5.00 to Allegan County Treasurer, PO Box 259, Allegan, MI 49010. Once approved, we will mail all documents back to you.
- After form is completed and approved, please return all documentation to the entity that is requesting this application.
- Please call Allegan County Treasurer's Office at 269-673-0260 with any questions.



COUNTY OF ALLEGAN

Sally L Brooks, Treasurer

Allegan County Building
113 Chestnut Street, Allegan, MI 49010
Phone: 269-673-0260
Email: treasurer@allegancounty.org

Land Division Tax Payment Certification Form

Date: _____

Name: _____ Phone: _____

Owner Address: _____

Owner City, State, Zip: _____

Property Address: _____

Property City, State, Zip: _____

Parcel ID Number: _____

Attach a legal description of the parcel to be divided.

TREASURER'S OFFICE

CERTIFICATION DENIED Date: _____ By: _____

The Allegan County Treasurer's Office has found delinquent taxes on the parcel listed above and cannot issue a certification of tax payment. Delinquent Taxes Owed: _____, as of today's date.

CERTIFICATION APPROVED Date: _____ By: _____

DRAIN OFFICE

CERTIFICATION DENIED Date: _____ By: _____

The Allegan County Drain Office has found unpaid special assessments on the parcel listed above and cannot issue a certification of tax payment. Special Assessment Owed: _____, as of today's date.

CERTIFICATION APPROVED Date: _____ By: _____

Pursuant to House Bill 4055, MCL 560.109 (1) (i), effective 9/16/2019, the Allegan County Treasurer's Office certifies that all property taxes and special assessments due on the above parcel subject to the proposed division for the five years preceding the date of the application have been paid. *The current year tax is not available for examination by the County Treasurer. Contact your City, Village or Township Treasurer for current taxes and special assessments.* **TAX YEAR WILL STILL BE BILLED AT THE ABOVE PARCEL NUMBER.**

This form must be accompanied by an official receipt from Allegan County Treasurer for the \$5.00 fee.