

Niles Charter Township
320 Bell Road
Niles, MI 49120
(269) 684-0870

Parcel Number: 11-14-_____-_____-_____-_____
Date: _____
Name: _____
Government Use Only

PARCEL DIVISION APPLICATION

Approval of a division of land is required before it is sold, when the new parcel is less than 40 acres and not just a property line adjustment (§102 (e&f) of P.A. 288 of 1967 MCL 560.102).

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

No land within Niles Charter Township shall be divided without the prior review and written approval of the Township Assessor and Zoning Administrator and in conformance with the Niles Charter Township Land Division Ordinance.

The Michigan Land Division Act grants the township a 45-day period which to review land division applications when all required information has been submitted.

Property Owner Information

Name: _____
Phone No.: (____) _____
Address: _____
City, State, Zip _____

This form is designed to comply with §108, 109, 109a, 109b of 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.*)
December 31, 2012

Applicant Information (if different than owner)

Name: _____
Phone No. : _____
Address: _____
City, State, Zip: _____

1. LOCATION of the parent parcel to be split:

Address: _____ Road Name: _____
Parent parcel number: 11-14-_____-_____-_____-_____
Legal Description of Parent Parcel (attach extra sheets if needed): _____

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

- A. Number of new parcels _____
- B. Intended use (residential, commercial, etc.) _____
- C. Current Zoning _____
- D. The division of the parcel provides access to an existing public road by: (check one)

____ each new division has frontage on an existing public road

____ a new public road, proposed road name: _____

(Road name cannot duplicate an existing road name)

____ A new (approved) private road, proposed road name: _____

(Road name cannot duplicate an existing road name)

____ A recorded easement (driveway). (Cannot service more than two potential sites)

- E. Attach proper approval documents of the *new* road, easement or shared driveway.
- F. Attach a legal description for each proposed new parcel(s).

3. FUTURE DIVISIONS:

- A. That may allow but not be included in this application: _____
- B. Did the parent parcel have any unallocated divisions under the Land Division Act? _____
- C. Was any unallocated divisions transferred to the newly created parcel(s)? _____
- D. If so, how many? _____

Identify the other parcel future that divisions are transferred to: _____

(See section 109(2) of the Statute. Make sure your deed includes both statement as required in section 190(3) and 109(4) of the Statute

4. DEVELOPMENT SITE LIMITS: Check each that represents a condition which exists on the parent parcel. Any part of the parcel.

- ____ is riparian or littoral (it is a river or lake from parcel).
- ____ includes a wetland
- ____ is within a flood plain.
- ____ includes slopes more than 25 percent (a 1:4 pitch or 14° angle) or steeper.
- ____ is on muck soils, known to have severe limitations for on-site sewage systems.
- ____ is known or suspected to have an abandoned well, underground storage tank or contaminated soils.

5. ATTACHMENTS: (all attachments must be included.) Letter each attachment as shown here.

- A. Either of the following:
 - Survey, sealed by a professional surveyor at a scale of no less than 1"=200' or a map drawn to scale of 1'=200' (and waive the 45 day time limit by signing here:
Signature _____ of the proposed division(s) of the parent parcel showing:
 - (a) Boundaries as of March 31, 1997
 - (b) All previous divisions made after March 31, 1997 (indicate when made or none), and
 - (c) The proposed division(s) and
 - (d) Dimensions of the proposed division(s) and
 - (e) Existing and proposed road/easement right-of-way, and
 - (f) Easements for public utilities from each parcel to existing public utility facilities, and
 - (g) Any existing improvements (buildings, wells, septic system, driveways, etc.)
 - (h) Any of the features checked in question number 4
 - B. A copy of the proposed deed(s) which contains 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."
 - C. A copy of the proposed deed(s) which includes a statement which substantially reads: "The grantor grants to the grantee the right to make [] division(s) under section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967" or the right to make further divisions stay with the parent parcel.
 - D. A copy of the proposed deed(s) for any parcel that is 20 or more acres in size and which is not accessible includes a statement with reads: "This parcel is not accessible as defined in the Land Division Act, 167 PA 288, M.C.L. 560.101 to 560.293"
 - E. Indication of approval, or permit from the County Road Commission, MDOT, or respective city/township street administrator, for each proposed new road, easement or shared driveway.
 - F. If the division includes a new public or private road; a copy of the approval by County Addressing Authority
 - G. A fee of \$100.00 per parcel created (check made out to Niles Charter Township)
 - H. An additional fee of \$100.00 (check made out to Berrien County Land Description)

6. IMPROVEMENTS: Describe any existing improvements (building, well, septic, etc.) which are on the parent parcel, or indicate none (attach sheets if needed) _____

AFFIDAVIT and permission for 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 division. Further, I agree to give permission for the officials of Niles Charter Township the County of Berrien and the State of Michigan to enter the property where this parcel division is proposed for purposes of inspection to verify the information is correct. Finally, I understand this is only a parcel division which conveys only certain rights under the municipal 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.*), is not a representation or determination the resulting parcels comply with other ordinances or regulations, and does not include any representation or conveyance of right in any other statute, building code, zoning ordinance, deed restriction or other property rights.

Further I understand the municipality granting approval of this division(s) resulting in less than 1 acre in size is not liable if the building permit is not issued for the parcel due to no approvable on-site water or on-site sewer disposal. Checking with the District Health Department for septic and water is the landowner's responsibility.

Finally even if this division is approved, I understand zoning, 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 to laws are made.

Property Owner's Signature _____ Date _____

DO NOT WRITE BELOW THIS LINE

REVIEWER'S ACTION

Signature and Date: _____

Zoning Administrator

____ Approved: Conditions, if any: _____

____ Denied: Reasons (cite §): _____

SIGNATURE AND DATE: _____

Assessor

____ Approved: Conditions, if any: _____

____ Denied: Reasons (cite §): _____

Berrien County Land Division Fee Notification

Parcel #11-14- _____ - _____ - _____ - _____

The undersigned acknowledges that the enclosed fee of one hundred dollars (\$100.00 payable to : Berrien County Land Description) is for the attached land split application for the above-referenced parcel, dated: _____.

The undersigned also understands that in the event future land splits are requested for these parcels, or if current or future owners request a modification of the attached land division application, addition fees may be required and payable to Berrien County.

The undersigned also understands that the Berrien County Land Description Office will modify the above listed parcel according to the attached application for a land division.

Niles Charter Township will forward all payments and applications to Berrien County Land Description when local approval has been granted.

Applicant Signature: _____ Date: _____

Owner Signature: _____ Date: _____

The undersigned acknowledges that the enclosed fee of one hundred dollars (\$100.00 payable to Niles Charter Township,) **per parcel created** is for the attached land split application for the above-referenced parcel, dated _____.

Applicant Signature _____ Date: _____

Owner Signature: _____ Date: _____

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Niles, MI 49120