



Minnesota Department of Natural Resources

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

(Form approval date of April 21, 2008)

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:

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 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 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 Attorney General, 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.

--	--

Applicant Signature

Date

--	--

Applicant Signature

Date

**Please insert County contact information here:**

Name of County contact:

--

Address of County office:


Phone number:

--

Email:

--

**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
------------------------	------

**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
------------------------	------

**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
------------------------	------

## **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.

## NOTICE TO PROSPECTIVE PURCHASERS/OWNERS OF STATE LAND

To: PROSPECTIVE PURCHASER/OWNER

From: \_\_\_\_\_, A STATE AGENCY

Subject: NONFORESTED MARGINAL LAND AND WETLAND NOTICE PURSUANT TO MINN. STAT. SECTION 103F.535, subd. 1 (1992) for a land parcel located in \_\_\_\_\_ County and legally described as follows:

As a prospective purchaser/owner of state land, you are hereby notified that the above-referenced land parcel may contain nonforested marginal land or wetlands as indicated below. Pursuant to Minn. Stat. Section 103F.535, subd. 1 (1002), you are hereby notified that this land is not eligible for enrollment in any state-funded program providing compensation or cost-sharing for conservation of marginal land or wetlands unless exempt by statute. If #3 or #6 are checked below, then it is unknown whether marginal lands or wetlands exists on the land parcel. If #1 or #4 are checked, then nonforested marginal lands or wetlands do exist on the land parcel, and the land is subject to the above-referenced restriction. This notice is not an absolute determination of the existence of nonforested marginal land or wetlands, but is based on the best available inventory data. For additional guidelines on the existence and types of wetlands which may occur refer to [www.bwsr.state.mn.us/wetlands/publications/wetland.pdf](http://www.bwsr.state.mn.us/wetlands/publications/wetland.pdf) or [www.dnr.state.mn.us/wetlands/types\\_technical.html](http://www.dnr.state.mn.us/wetlands/types_technical.html). In addition, wetland activities such as filling, draining or altering may be regulated by other local, state, and federal laws.

### WETLANDS DETERMINATION (check one)

1. \_\_\_\_ The National Wetlands Inventory map (see [www.nwi.fws.gov](http://www.nwi.fws.gov)) compiled by the U.S. Fish & Wildlife Service indicated that **wetlands do exist** on this parcel.
2. \_\_\_\_ The national Wetlands Inventory map compiled by the U.S. Fish & Wildlife Service indicates that **wetlands do not exist** on this parcel.
3. \_\_\_\_ The National Wetlands Inventory map compiled by the U.S. Fish & Wildlife Service **is not available** for the above named land parcel.

### NONFORESTED MARGINAL LAND DETERMINATION (check 4, 5 or 6) (Marginal land is capability class IIIe, IVe, V, VI, VII, and VIII Land)

4. \_\_\_\_ Nonforested lands **do exist** on this parcel. (must check 4 (a) or (b))
  - 4 (a) \_\_\_\_ The soil survey for the above named County, prepared under the supervision of the U.S. Dept. of Agriculture, Natural Resources Conservation Service, (see [www.mn.nrcs.usda.gov/soils/soils.html](http://www.mn.nrcs.usda.gov/soils/soils.html) or contact your local soil and water conservation district) indicated that **marginal lands do exist** on the **nonforested** areas of this parcel.
  - 4 (b) \_\_\_\_ The soil survey for the above named County indicates that **marginal lands do not exist** on the **nonforested** areas of the parcel.
5. \_\_\_\_ Nonforested lands **do not exist** on this parcel.
6. \_\_\_\_ A soil survey **does not exist** for the above named County.

For more information or questions regarding these determinations contact the above-named state agency. The local soils and water conservation district in the above-named county can also provide information on wetlands and marginal lands.

Name: \_\_\_\_\_, Telephone ( ) \_\_\_\_\_  
(name, title, agency – please print)

Signed: \_\_\_\_\_, Date: \_\_\_\_\_