

METROPOLITAN AGRICULTURAL PRESERVES RESTRICTIVE COVENANT

THIS AGREEMENT, made and entered into this _____ day of _____ 20____, by and between _____, Record Fee Owner(s); _____, Contract for Deed Vendor(s) (Sellers), if any; _____, Contract for Deed Vendee(s) (Buyers), if any; hereinafter collectively referred to as Landowner(s); AND the _____ of _____ County, Minnesota,

(NOTE: Above named Landowner(s) must be identified as husband and wife, a single person, a Partnership, a (State) Corporation, a Trustee of a Trust (describe), a Guardian or Administrator of an Estate (describe) — whatever the case might be — if property is homestead — spouse must join whether their name is on record or not — if property is non-homestead and spouse doesn't join — then a statement must be put at end of legal description that it is non-homestead.)

WITNESSETH:

_____, State of Minnesota, legally described as:
WHEREAS, the Landowner(s) above named are the owners of the tract of land (the Land) in the County of _____

(IF TORRENS PROPERTY — Use description from Certificate of Title, verbatim; IF ABSTRACT PROPERTY — Use description from abstract or deed, if possible, or get it from your county auditor. Use an additional sheet if extra space is needed. Be sure to state your parcel identification number and whether or not your property is homesteaded.)

Parcel identification number: _____

Homestead or Non-homestead.
(Circle one)

Legal Description:

WHEREAS, the Landowner desires to receive the benefits of participation in the State of Minnesota Metropolitan Agricultural Preserves Program established by Minn. Stat., Chapter 473H, and has made application for initiating placement of the Land into a Metropolitan agricultural preserve, a copy of which is attached hereto and incorporated herein as Attachment A; and

WHEREAS, the Land described herein is classified as agricultural pursuant to Minn. Stat., Section 273.13 and

_____ has (have) approved and certified this Land as being eligible for designation as an agricultural preserve; a copy of the affidavit evidencing that the land is certified long-term agricultural is attached hereto and incorporated herein by reference as Attachment B;

WHEREAS, Minn. Stat., Section 473H.05, requires that the applicant complete and file as part of his application a "restrictive covenant which shall constitute an easement running with the land";

NOW, THEREFORE, in consideration of receipt of the benefits of participation in the State of Minnesota Metropolitan Agricultural Preserves Program, the Landowner on behalf of himself, his successors and assignees, agrees and covenants as follows:

1. The Land herein described shall be kept in agricultural use. Agricultural use as that is used herein means the production for sale of livestock, dairy animals, dairy products, poultry or poultry products, fur bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, or bees and apiary products. Wetlands, pasture and woodlands accompanying land in agricultural use shall be deemed to be in agricultural use.
2. The Land herein described shall be used in accordance with the provisions of Minn. Stat., Chapter 473H which exist on the date of this covenant.

3. This Restrictive Covenant shall be binding on the owner, or his successors and assignees, and shall be an easement running with the land.

4. Duration. This Restrictive Covenant shall be in force and effect in accordance with the aforementioned statute:

- a. until expiration initiated pursuant to Minn. Stat., Section 473H.08 becomes final;
 - b. until the agricultural preserve is terminated by executive order of the Governor; or
 - c. until termination based upon death of the owner, owner's spouse, or other qualifying person pursuant to Minn. Stat., Section 473H.09, subd. 2;
 - d. until the Land is annexed pursuant to Minn. Stat., Section 473H.14; or
 - e. until the Land is acquired by eminent domain pursuant to Minn. Stat., Section 473H.15;
- all in accordance with Minn. Stat., Chapter 473H.

5. Enforcement: This Agreement and Restrictive Covenant may be enforced by the _____ or the State of Minnesota, or by an interested person, by appropriate action in the courts of the State of Minnesota.

This instrument was completed by _____ on a form prepared and approved by the Minnesota Department of Agriculture, 625 N. Robert St., St. Paul, Minnesota 55155-2538.
IN WITNESS HEREOF, the parties to this agreement have caused this instrument to be executed on the day and year first above written. *(To be signed in the presence of a notary public with exact same name as on page 1.)*

Witnessed Signature of Record Fee Owner(s):

Witnessed Signature of Contract for Deed Vendor(s) (Sellers), if any:

Witnessed Signature of Contract for deed Vendee(s) (Buyers) if any:

Witnessed Signature and Title of Public Officer:
_____ of _____ County, Minnesota

For Individual or Husband/Wife:
State of _____)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by

(Print or type exact same name(s) with marital status or identity as on page 1.)

Signature of Notary Public
Commission Expires _____

For Individual or Husband/Wife:
State of _____)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by

(Print or type exact same name(s) with marital status or identity as on page 1.)

Signature of Notary Public
Commission Expires _____

For Individual or Husband/Wife:

State of _____)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by

(Print or type exact same name(s) with marital status or identity as on page 1.)

Signature of Notary Public
Commission Expires _____

For Public Officer:

State of _____)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by
by _____, the _____ of the _____
(Print name) (Title) (Local Authority)

Signature of Notary Public
Commission Expires _____

For Corporation:

State of _____)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, its _____ and _____
its _____ of _____, a _____
Corporation, on behalf of the Corporation.

Signature of Notary Public
Commission Expires _____

For Corporation:

State of _____)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, its _____ and _____
its _____ of _____, a _____
Corporation, on behalf of the Corporation.

Signature of Notary Public
Commission Expires _____

For Partnership:

State of _____)
) SS
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, partner of _____ a partnership,
on behalf of the partnership.

Signature of Notary Public
Commission Expires _____

For Partnership:

State of)
) SS
County of)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, partner of _____ a partnership, on behalf of the partnership.

Signature of Notary Public
Commission Expires _____

For Attorney-in-Fact:

State of)
) SS
County of)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, as attorney-in-fact on behalf of _____

Signature of Notary Public
Commission Expires _____

For Trustee or Personal Representative:

State of)
) SS
County of)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, the _____ of the _____

Signature of Notary Public
Commission Expires _____

APPLICATION FOR INITIATING
PLACEMENT OF LAND INTO A
METROPOLITAN AGRICULTURAL PRESERVE

LOCAL AUTHORITY: _____ and _____
(if applicable)

1. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF RECORD FEE OWNER(S) Owner(s) is ("X" one):
(Use this space only if applicable. Must be same names as on page 1.)

- Individual
- Legal Guardian
- Family Farm Corporation
- Other _____
(specify): _____

2. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF CONTRACT FOR DEED BUYER(S) (VENDEES)
(Use this space only if applicable. Must be same names as on page 1.)

3. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF CONTRACT FOR DEED SELLER(S) (VENDORS)
(Use this space only if applicable. Must be same names as on page 1.)

4. BASIS OF ELIGIBILITY OF LAND ("X" one):

- 40 or more acres of land.
- Non-contiguous parcels of at least ten acres each; parcels farmed as a unit.
- 35-acre parcel, bound by public right-of-way or perturbation in the rectangular survey system.
- 20-acre parcel, subject to the conditions of Minnesota Statutes, section 473H.03, subdivision 4.

5. TOTAL ACRES: _____

6. TYPE OF PROPERTY ("X" one):

- Abstract
- Registered (Torrens). If "Torrens" property, include your Owner's Duplicate Certificate of Title.

FOR LOCAL AUTHORITY ONLY:

7. This application has been reviewed by this Authority and is determined complete this _____ day of _____, 20____. The restrictive covenant and the affidavit from the Authority certifying eligibility of the land are included in this application.

of _____
(Signature and Title or Position of Local Authority)

8. DATE OF PLACEMENT OF LAND INTO PRESERVE:

(Must be thirty days after the date in No. 7 above.)

ATTACHMENT B

STATE OF MINNESOTA)
)
) SS AFFIDAVIT OF "AUTHORITY"
)
)
)

_____, being first duly sworn upon oath deposes and says as follows:

1. I am the _____ of _____
(Title or Position of Local Authority)
State of Minnesota, which unit of government exercises the planning and zoning authority for the land described herein, and constitutes the "Authority" as that term is defined under Minn. Stat., Section 473H.02, Subd. 4.

2. This affidavit is being executed and submitted on behalf of the Authority.

3. The tract of land in the County of _____, State of Minnesota, legally described as (must be same as on page 1):

Parcel identification number: _____ Homestead or Non-homestead.
(Circle one)

Legal Description:

is, as of _____, 20____, designated as long term agricultural land and in accordance with a resolution adopted by the Authority on _____, 20____, is certified and eligible for designation as an agricultural preserve as provided under the provisions of Minn. Stat., Section 473H.04.

4. This affidavit is submitted at the request of _____ (Applicant)
for the purpose of making application for designation and creation of an agricultural preserve in accordance with Minn. Stat., Chapter 473H.

Dated _____, 20_____.

Signature: _____
_____ of _____
(Title or Position of Local Authority)

Subscribed and sworn to before me
this _____ day of _____, 20_____.

Signature of Notary Public
Commission Expires _____