

Legislative Update: Washington County Has Adopted Special Legislation for Well Disclosures.

Chuck Parsons reports that the Washington County Commissioners complied with the statutory requirements to accept this special legislation on June 20, 2003, making this law effective on June 21, 2003, for all real property sales in Washington County that meet the criteria of this law:

Minn. Sess. Laws 2003, Chapter 128:

Sec. 170. [WELL DISCLOSURE IN WASHINGTON COUNTY.] Before signing an agreement to sell or transfer real property in Washington county that is not served by a municipal water system, the seller must state in writing to the buyer whether, to the seller's knowledge, the property is located within a special well construction area designated by the commissioner of health under [Minnesota Rules, part 4725.3650](#). If the disclosure under Minnesota Statutes, section [103I.235, subdivision 1, paragraph \(a\)](#), states that there is an unsealed well on the property, the disclosure required under this clause must be made regardless of whether the property is served by a municipal water system.
[EFFECTIVE DATE.] This section is effective the day after the governing body of Washington county and its chief

clerical officer timely complete their compliance with Minnesota Statutes, section [645.021, subdivisions 2 and 3](#). It applies to transactions for which purchase agreements are entered into after that date.

This law adds to the disclosure requirements for the general well disclosure statute.

The target of this law is the Baytown Special Well Construction Area (generally, Baytown and West Lakeland townships, Bayport, and Lake Elmo), a large area of polluted groundwater. A description of the site is posted on the Washington County web site:

<http://www.co.washington.mn.us/pubhlth/waterSWCA.pdf>.

This was written as uncodified legislation. This Section does not amend Section 103I.235. According to Chuck Parsons, the Revisor's Office will codify this as the next section following Section 103I.235 and will show the effective date established by the action of the Washington County Board of Commissioners.

Contacts and Committee Memberships:

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www2.mnbar.org/sections/real-property/committees/index.htm

If you want your letter or report published in this Newsletter, please submit it via e-mail to sthorson@bgslaw.com.

Publication Policy. At its meeting on March 31, 2001, the Real Property Council approved these policies governing the publication of this Newsletter. The Newsletter shall be published regularly but not necessarily on a schedule. If there are sufficient contributions from the membership, the Newsletter will probably be published on a monthly basis. When published: (1) the Newsletter will be e-mailed to members who have reported their e-mail addresses to the bar offices; (2) the Newsletter will be posted on the M.S.B.A. web site; and, (3) the Newsletter will be printed and mailed on a quarterly basis to those members who have not reported an e-mail address to the bar offices. Members are encouraged to report their e-mail addresses.

Contributions for this Newsletter or comments, questions and concerns about this Newsletter can be directed to:

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