

CLAIM OF EXEMPTION

To claim an exemption from the requirements of the San Miguel County Subdivision Ordinance, you must complete this form, sign it before a notary public and submit it together with legible copies of all required documents to the County Planning and Zoning Division Supervisor, San Miguel County Administration Building, 500 West National Avenue, Suite 203, Las Vegas, NM 87701. Be sure to check all exemptions which apply and attach legible copies of all supporting documents. **Please allow thirty (30) days for application review and processing.**

The County Planning and Zoning Division Supervisor will notify you in writing within the thirty (30) days as to whether your claim of exemption has been granted. If the claim of exemption is granted, or if you do not hear from the County Planning and Zoning Director within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the San Miguel County Regulations. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the county's subdivision regulations.

I, _____, claim an exemption from the San Miguel County Subdivision Regulations for the following reason(s). I certify that this transaction involves:

- _____ the sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA, for the preceding three (3) years. ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL.
- _____ the sale or lease of apartments, offices, stores or similar space within a building. ATTACH COPIES OF ALL PROPOSED SALE OR LEASE DOCUMENTS.
- _____ the division of land within the boundaries of a municipality. ATTACH CERTIFIED SURVEY SHOWING LOCATION OF PROPOSED DIVISION.
- _____ the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land. ATTACH COPIES OF ALL PROPOSED CONVEYANCING DOCUMENTS.
- _____ the division of land created by court order where the order creates no more than one parcel per party. ATTACH CERTIFIED COPY OF COURT ORDER.
- _____ the division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USED TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER, THE BUYERS OR LESSEE, AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED AND RECORDED WITH THE COUNTY CLERK.

- _____ the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. ATTACH CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER THE PROPOSED ALTERATION.

- _____ the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term immediate family member means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, step grandson, granddaughter, step granddaughter, nephew, niece, whether related by birth or adoption. ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENT AND BIRTH CERTIFICATE, ADOPTION CERTIFICATE OR OTHER DOCUMENTS DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE DOCUMENTATION.

- _____ the division of land to create burial plots for a cemetery.

- _____ the division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction. ATTACH COPIES OF ALL FINANCING DOCUMENTS.

- _____ the sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres. ATTACH CERTIFIED SURVEY SHOWING LOCATION AND SIZE OF PARCEL(S).

- _____ the division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501 © (3) of the United States Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity. ATTACH COPIES OF I.R.S. EXEMPTION LETTER, AND/OR DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND CERTIFIED SURVEY SHOWING LAND PROPOSED TO BE DONATED.

- _____ the sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations; provided further that a survey shall be filed with the county clerk indicating the five (5) year holding period for both the original tract and the newly created tract. ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF ORIGINAL TRACT, PARCEL PROPOSED TO BE DIVIDED, ANY PARCELS PREVIOUSLY DIVIDED FROM THE ORIGINAL PARCEL AND DATES OF ALL DIVISIONS.

I certify that the information provided by me in this Claim of Exemption is true and correct and that all documents attached to or enclosed with this Claim of Exemption are originals or true, complete and correction copies of the originals.

I further certify that I have read and understand this claim of exemption application and that I submit this application for the noted division of land and do so of my free will and consent.

Signature

Print your name here

Address

City State Zip Code

Telephone Numbers

Signature

Print your name here

Address

City State Zip Code

Telephone Numbers

SUBSCRIBED AND SWORN to before me on this _____ day of _____,
20____.

Notary Public

My Commission Expires: _____

(SEAL)

FOR OFFICIAL USE ONLY

ALL FEES ARE NON-REFUNDABLE.

FEES MUST BE PAID BY MONEY ORDER OR CERTIFIED CASHIERS CHECK.

Application Fee: Two Hundred (\$200) Dollars Per Exemption plus \$25.00 per lot.

Fee paid for exemption(s): \$ _____ plus

Fee paid at \$25 per lot created: \$ _____

TOTAL FEE PAID \$ _____

E-911 ADDRESSING CLEARANCE – Mario Vasquez – 1ST Floor – County Courthouse - (505) 454-1654 - 8:00 A.M. to 10:00 A.M. - Monday thru Friday

File No. EX- _____

Physical Address Issued: Y ___ N ___ Pending Y ___ N ___

Address Issued: _____

Issued By: _____ Date: _____

_____ The foregoing Claim of Exemption has been approved.

_____ The foregoing Claim of Exemption is incomplete. Please provide us with the following information and/or documents so that we can process your claim:

_____ The foregoing Claim of Exemption is hereby denied for the following reasons:

Date: _____

Planning & Zoning Division Supervisor

STAMP