



FILE No. _____

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 San Miguel County Planning & Zoning Director, 500 West National Avenue, Suite 203 Las Vegas, NM 87701. Be sure to check all exemptions which apply and attach legible copies to all supporting documents. *Please allow for thirty (30) days for application review and processing.*

The San Miguel County Planning & Zoning Director will notify you in writing within 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 & Zoning Division within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of 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 requirements of the New Mexico Subdivision Act as amended and the San Miguel County Subdivision Regulations as amended for the following reason(s) which I certify that this transaction involves:

- 1. 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 1978 as amended, for the preceding three (3) years. Attach Certified Survey showing size and location of parcel .
- 2. The sale or lease of apartments, offices, stores or similar space within a building. Attach copies of all proposed sale or lease documents.
- 3. The division of land within the boundaries of a municipality. Attach certified survey showing size and location of parcel and any retained parcel and copies of the documents of conveyance. Proof of tax payments being current.
- 4. 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 documents of conveyance.

5. 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.**
6. 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 use 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.**
7. 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.**
8. The division of land to create burial plots in a cemetery. **Attach copy of certified survey showing the boundaries of the property and the location of the cemetery. The cemetery site must maintain a 50-foot setback from a flood plain.**
9. 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 and 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.) Also attach a certified survey plat showing the boundaries and size and location of the original tract or parcel and the size and location of the parcel proposed to be conveyed to the family member.**
10. 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.**
11. 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).**
12. The division of land to create a parcel that is donated to any trust or non-profit corporation granted an exemption from federal income tax, as described in § 501 (C) (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 IRS exemption letter, and/or documents demonstrating entitlement to exemption and certified survey showing land proposed to be donated. Also attach copies of the proposed documents of conveyance. Proof of tax payments being current.**

trust, will be properly merged with the original parcel once the mortgage, liens or deeds of trust have been exonerated. Proof of tax payments being current.

- 11. **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) to be conveyed and retained. Also attach copies of the documents of conveyance. Proof of tax payments being current.**

- 12. **The division of land to create a parcel that is donated to any trust or non-profit corporation granted an exemption from federal income tax, as described in § 501 (C) (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 IRS exemption letter, and/or documents demonstrating entitlement to exemption and certified survey showing land proposed to be donated. Also attach copies of the proposed documents of conveyance. Proof of tax payments being current.**

- 13. **Division of a tract of land into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey, and a deed is a parcel is subsequently conveyed shall be filed with the County Clerk indicating that the parcel shall be subject to the provision of the New Mexico Subdivision Act if the parcel is further divided within five years of the date of the division of the original tract of land. 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. Also attach copies of the proposed documents of conveyance. Proof of tax payments being current.**

➤ **FEE: Two Hundred Dollars (\$200.00) per each Claim of Exemption and Twenty Five Dollars (\$25.00) per Lot Created. ALL FEES ARE NON-REFUNDABLE.**

I further 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 correct copies of the originals.

(Signature)

(Print Name)

(_____
Address)

(City), (State) (Zip)

(Home Phone Numbers) (Cell Phone Number)

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

SEAL _____
Notary Public

My Commission Expires: _____

FOR OFFICIAL USE ONLY

- 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) (NAME AND TITLE)

FEE PAID: \$ _____ (Attach Copy of San Miguel County Treasurer Receipt to this Application)