

SUBDIVISION CLAIM OF EXEMPTION

To claim an exemption under the requirements of the Sandoval County Subdivision Regulations, you must complete this form, sign it before a notary public and submit it together with legible copies of all required documents, to County Planning Staff. In most cases this includes a plat prepared in conformance with the applicable standards of the Sandoval County Subdivision Regulations. Be sure to check the exemption that applies and include the required fee with your application. The title block of the plat must identify the type of exemption. All Claims of Exemption are subject to the requirements of Article 3 of the Sandoval County Subdivision Regulations.

The County Planning Staff will notify you in writing within thirty (30) days if your claim of exemption is incomplete, has been approved, has been approved with conditions, or has been denied. If you do not hear from the County Planning Staff within thirty (30) days you may proceed with the land division you propose without complying with the requirements of the Sandoval County Subdivision Regulations. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the Sandoval County Subdivision Regulations.

I, _____, claim an exemption from requirements of
(Please Print)

the New Mexico Subdivision Act and the Sandoval 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 land continuously for agricultural purposes, in accordance with 7-36-20 NMSA 1978, for the preceding three (3) years. **ATTACH PLAT 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. A PLAT IS NOT REQUIRED FOR THIS EXEMPTION.**

_____ 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, and will not be used for any development purposes. **ATTACH A COPY OF PROPOSED CONVEYANCING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES.**

- _____ the division of land to create burial plots in a cemetery. **ATTACH MATERIALS DOCUMENTING THE USE OF THE PROPERTY AS A CEMETERY. A PLAT IS NOT REQUIRED FOR THIS EXEMPTION.**
- _____ 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 A PLAT SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER 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 (1) 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 DOCUMENTS AND DOCUMENTATION SHOWING THE RELATION OF THE PROPERTY OWNER TO THOSE PERSONS WHO ARE TO RECEIVE PARCELS.**
- _____ 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 PLAT 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(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 I.R.S. EXEMPTION LETTER, AND/OR DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND A PLAT SHOWING LAND PROPOSED FOR DONATION.**

_____ the sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, provided that a second or subsequent sale, lease or other conveyance from the same tract of land shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations. **ATTACH A PLAT 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 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 Your Name Here

Address

City, State and Zip Code

Telephone Number(s)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__

Notary Public

My Commission Expires:

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FOR OFFICIAL USE ONLY

___ The foregoing Claim of Exemption has been approved.

___ The foregoing Claim of Exemption is incomplete. The following information and/or documents are required:

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

Date: _____

Name and Title

February 2005