

McKINLEY COUNTY  
SUBDIVISION REGULATIONS

CLAIM OF EXEMPTION

To claim an exemption from the requirements of the McKinley 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 Manager. Be sure to check all exemptions, which apply and attach legible copies of all supporting documents.

The County Manager or the appropriate staff member 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 you may proceed with the land division you propose without needing to comply with the requirements of the McKinley County Subdivision Regulations. If the County Manager fails to mail written notice to you within thirty (30) days after receipt of the completed claim of exemption, the exemption will be deemed denied or if your claim exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the McKinley County Subdivision Regulations.

A fee of one hundred (\$100.00) dollars must be paid when this application is submitted.

I/Me, \_\_\_\_\_ claim an exemption from the requirements of the New Mexico Subdivision Act and the McKinley County Subdivision Regulations on the property described in attachment "A" hereto, and for the following reason(s). I/Me 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 been used primarily and continuously for agricultural purposes, in accordance with § 7-36-20 NMSA 1978, 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 LOCATION OF PROPOSED DIVISION.**

\_\_\_\_\_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 CONVEYANCING DOCUMENTS.**

\_\_\_\_\_5) The division of land created by court order where the order creates no more than one parcel per named party.

**ATTACH CERTIFIED COPY OF COURT ORDER.**

\_\_\_\_\_6) The division of land for grazing or farming activities provided the land continues to be used for grazing or farming activities for a period of at least five (5) years.

**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 AND 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 OF RECORD 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 PARCEL AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION:**

\_\_\_\_\_8) The division of land to create burial plots in a cemetery.

\_\_\_\_\_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. The donee is restricted from further division of the land for a period of five (5) years. 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 DOCUMENT DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE DOCUMENTATION. ATTACH DOCUMENT OF THE LAST DIVISION OF LAND.**

- \_\_\_\_\_ 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 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 1. R. S. EXEMPTION LETTER, AND/OR DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND CERTIFIED SURVEY SHOWING LAND PROPOSED TO BE DONATED.**

- \_\_\_\_\_ 13) 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.

(CERTIFICATION AND ACKNOWLEDGEMENT CONTINUES ON NEXT PAGE)

