

Claim of Exemption

To claim an exemption from the requirements of the Lea 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, attach legible copies of all supporting documents (proof of ownership, map/survey of original tract and proposed land division), and pay the required review fees.**

The County Manager will notify you in writing within thirty working (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 Manager or his designee within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Lea 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 Subdivision Regulations.

I, _____, owner of property in Book _____ Page(s) _____, claim an exemption from the requirements of the New Mexico Subdivision Act and the Lea County Subdivision Regulations for the following reason(s). I certify that this transaction involves:

___ the sale, lease or other conveyance of any single 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, 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 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 OF RECORD 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 PROPOSED ALTERATION.**

___ the division of land to create burial plots in a cemetery. **ATTACH CERTIFIED SURVEYS AND DOCUMENTS CREATING OR VERIFYING THE EXISTENCE OF A CEMETERY.**

- ___ 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 from a tract of land per immediate family member. Further, a deed restriction shall be included in the conveyancing documents which limits the further division, transfer, or conveyance in equity of any parcel that is originally sold or donated as a gift to the immediate family member, for a period of five (5) years following the transfer. 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, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by birth, marriage, 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.**

- ___ the division of land created solely to provide security for mortgages or liens and not for the purposes of conveyance of legal or equitable title; provided that the division is not the result of a seller-financed transaction such as a real estate contract or deed of trust. **ATTACH COPIES OF ALL FINANCING DOCUMENTS, WHICH MUST INCLUDE A DEED RESTRICTION IDENTIFYING THAT THE DIVISION IS FOR FINANCING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF LEGAL OR EQUITABLE TITLE, EXCEPT IN THE CASE OF FORECLOSURE.**

- ___ 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(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 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 division of land created by the sale, lease or other conveyance from the remaining 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 the sale or division of the remaining tract and the further division of 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.**

- ___ sale, lease or other conveyance for Industrial Facilities. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures. The landowner must demonstrate that the planned use of the exempted parcel is for industrial purposes and that no residential, commercial or industrial buildings will be built (e.g., a statement signed by the owner and buyer). The intention of this exemption is to allow a landowner to create a parcel that will be used only for industrial developments and limited in use to industrial purposes.

- ___ the purchase of land by a government entity for the purpose of constructing a public works project. **ATTACH CERTIFIED SURVEY OF PROJECT SHOWING LOCATION AND SIZE OF TRACT.**

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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)

SUBSCRIBE AND SWORN to before me this ____ day of _____, 20__.

Notary Public
My commission expires:

State of New Mexico
County of Lea } ss

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: _____

County Manager