

CLAIM OF EXEMPTION INSTRUCTIONS

To claim an exemption from the requirements of the Otero County Subdivision Ordinance, **all owners of record of the property involved** must complete this form, sign it before a notary public, and submit the **entire** form (except for the instruction pages) together with legible copies of all required documents and the \$15.00 fee to the County Planning Coordinator. Please fill in the number of all exemptions, which apply and attach legible copies of all supporting documents. Failure to include all requested documentation will delay approval.

The Planning Coordinator will notify you in writing within thirty (30) days as to whether your claim of exemption has been granted, denied, or more information is needed. If the Claim of Exemption is granted, the original document will be completed and returned to you for filing with the Otero County Clerk. The original must be filed. If you wish to have the document returned to an agent (surveyor, real estate agent, etc.) upon being granted, please state the agent's name, telephone number, and mailing address in the appropriate space on this form. If you do not hear from the Planning Coordinator within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Otero 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 Otero County Subdivision Regulations.

EXEMPTIONS AND REQUIRED DOCUMENTATION

Exemption No.	Description and Required Documentation
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, for the preceding three (3) years. ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL OR COPY OF DEED PROPOSED FOR CONVEYING THE 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 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.
4	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.
5	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(S), THE BUYER(S) OR LESSEE(S), AND THE BOARD OF COUNTY COMMISSIONERS AND MUST BE FILED OF RECORD WITH THE COUNTY CLERK.
6	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 SURVEY SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.

7	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 DOCUMENT DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE <u>NOT</u> ACCEPTABLE DOCUMENTATION.
8	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.
9	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) OR COPY OF DEED PROPOSED FOR CONVEYING THE PARCEL.
10	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 OTHER I.R.S. DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND CERTIFIED SURVEY SHOWING LAND PROPOSED TO BE DONATED.
11	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 Otero 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.
12	The division of land to create burial plots for a cemetery. ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PLOT(S) TO BE USED FOR BURIAL PURPOSES ONLY.

If a copy of a certified survey is not required and does not accompany the Claim of Exemption, the **exact** legal description of the property involved must be inserted in the appropriate space on the Claim of Exemption.