



APPLICATION # _____

VALENCIA COUNTY SUMMARY REVIEW/CLAIM OF EXEMPTION APPLICATION

CHECK TYPE: LOT SPLIT CLAIM OF EXEMPTION
 REPLAT RESUBDIVISION

Applicant Name: _____ Phone Number: _____

Agent (if Applicable): _____

Mailing Address: _____

Property Address (Site Location): _____

Property Owner(s): _____

Surveyor: _____ Phone Number: _____

Brief Description of Request: _____

.....
Legal Description:

Township: _____ Range: _____ Section: _____ Map: _____

Book/Cabinet: _____ Page: _____

Lands of (if applicable): _____

Tract(s): _____
or

Subdivision (if applicable): _____

Block: _____ Unit: _____ Lot(s): _____

Zoning: _____ Property ID#: _____

Present Use of Property: _____

Applicant Signature: _____ Date: _____

FEES: **Replat: \$200.00 Claim of Exemption: \$200 Lot Split: \$200.00 per Lot**

***Please be advised that a returned check will automatically vacate your plat submittal!!!**

Application Received By: _____ Date: _____

Date Deemed Complete: _____ Date Approved: _____

For all summary review submittals (including Claims of Exemption), you must provide a copy of the plat that is being amended. Any lot split of 3 or more parcels must include a water availability statement. All plat submittals **must** have all applicable signatures and required information (see form titled: Plat Submittal Requirements) or will be denied!!!



SUMMARY REVIEW PLAT SUBMITTTAL PROCESS

The following is a listing of the steps necessary for submitting a summary review subdivision plat or a subdivision exception plat to the Valencia County Planning and Zoning Department. All plats must include the following signatures and information *prior* to submission to the Planning Department.

Turn in (1) Mylar and (4) copies, each to be signed. Any plat submittals that fail to include the following signatures and/or information will not be accepted. Please refer to the Planning and Zoning Form entitled: *Plat Submittal Checklist* for a listing of what information and details that need to be included on all plat maps. This checklist can assist you prior to having a surveyor create your plat map.

STEP 1:

- Owner certification must be signed by the property owner to certify that the action taken by the plat is in the free consent and in accordance with the desire of the owner and proprietor of the land or his/her agent. The certification must also be witnessed, signed, and stamped by a Notary Public.

STEP 2:

- Utility Company Approval(s): Plat must be signed by appropriate utility service provider(s) to verify that utility services are available to the site.

STEP 3:

- Plat must be taken to the County Assessor to look up property's tax identification code for the past ten years.

STEP 4:

- Tax Certificate: Plat must be signed by County Treasurer's to verify that all property taxes are paid based on a 10 year tax search, and current taxes must be paid in full.

STEP 5:

- Once all the above steps are completed, fill out an application form (available at the Planning and Zoning Department), pay the necessary application fees, and submit your plat for review. Plat submittal shall include 1 Mylar copy and 4 copies, each to have appropriate signatures. Total review time (the time a completed plat is submitted to the Planning Department and ready for pick up) will be approximately 2 weeks.



SUMMARY REVIEW PLAT REQUIREMENTS

Pursuant to Section 151.080 of the Valencia County Zoning Code, all summary review plat submittals must include the following information prior to submission to the Planning Department. Any plat submittals that fail to include the following information are subject to being deemed incomplete and/or denied.

- Name and address of person filing the plat;
- Area map showing the property in question and surrounding properties
- Plat map showing title, scale, north arrow and date;
- Legal description of the subject property with ties to permanent monuments;
- Layout of proposed parcels with dimensions and acreage (gross acreage and acreage net of all road easements) indicated on each parcel;
- Location of all easements, existing or proposed;
- Location, dimensions (including width), and names of public right-of-way or private roadways providing access to each parcel, extending to a publicly maintained road;
- Utilities on and adjacent to the site;
- Signed statements that the summary subdivision is in the free consent and in accordance with the desire of the undersigned owner and proprietor of the land or his agent, acknowledged on a manner required for acknowledgement of deeds;
- Certificate and seal of a registered land surveyor;
- For Type 5 subdivisions, information sufficient to demonstrate the subdivider's ability to meet the requirements of S47-6-11J-K & L. NMSA 1978;
- County Treasurer's verification that all property taxes are paid based on a 10 year tax search;
- Copies of all prior plats of the land that is the subject of the application; and
- There is a means for surface water conveyance where appropriate;
- If an exemption to the Subdivision Act is claimed, it must be listed in the plat title (example: Exception 13 Lot Split). In addition, the exemption itself must also be included on the plat;
- Private Road Easement Disclosure Statement: All plats creating private road easements must include a disclosure statement that details the following: Which parcel(s) have access to said easement, and which parcel(s) have responsibility for the construction, ownership, and maintenance of said easement.



CLAIM OF EXEMPTION

To claim an exemption from the requirements of the Valencia 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 Planning & Zoning officer. Be sure to check all exemptions, which apply and attach legible copies of all supporting documents.

The County Planning & Zoning officer 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 officer within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Valencia County Subdivision Regulations. If your claim of exemption is denied, you may either seek approval for subdivision or appeal the denial as provided in the Valencia County Subdivision Regulations.

I, _____, claim an exemption from the requirements of the New Mexico Subdivision Act and the Valencia 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 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 subdivision.**

_____ 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 (1) 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 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 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, step daughter, 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.**

_____ 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 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 IRS 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 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.**

OWNER CERTIFICATION

I further certify that the information provided by me in the Claim of Exemption is true and correct and that all documents attached to enclosed with this Claim of Exemption are originals or true, complete and correct copies of the originals.

Signature

Signature (if more than one owner)

Name (Print)

Name (Print)

Address

Telephone Number

SUBSCRIBED AND SWORN to before me this _____ day of _____.

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: _____

Name & Title: _____ Date: _____