

Lea County Subdivision Regulations and New Mexico State statutes enable land to be separated and replatted through three (3) different methods.

- Traditional Subdivisions. Larger subdivisions go through a process that involves staff review from the county and state agencies, the Lea County planning board, and the Lea County Board of County Commissioners.
- Summary Subdivision. Smaller subdivisions go through a process that involves staff review from the county and the Lea County Planning Board. The County Planning and Zoning Board has delegated the authority to approve any summary subdivision by 6.1.5 of the Lea County Subdivision Regulations.
- Claim of Exemptions. Lea County and State statutes allow for fifteen (15) exemptions to the Lea County Ordinances and New Mexico State Statutes. This process review only requires Lea County staff review to ensure the plat is meeting exemption requirements.



Discussion of Right-of-Way Acceptance on Lea County Claim of Exemption Plats

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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 (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.

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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 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

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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, stepister, 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.**
- 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 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 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.**

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

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Discussion of Right-of-Way Acceptance on Lea County Claim of Exemption Plats

Many of the land separations and replats occur in the Extraterritorial Zones of the municipalities in Lea County. The county and city share joint jurisdiction of “planning and platting” functions in these zones.

Although some plats are exempt from Lea County subdivision regulations that would require roadway dedication or access to the public right-of-way, the requirement still exists in a city’s subdivision requirements.

Many Lea County roadways are constructed on a prescriptive easement or “easement of use” and do not have the right-of-way with a defined width and use. These prescriptive easements can cause title insurance, clear zone, sight triangle, and exclusive use issues.



Discussion of Right-of-Way Acceptance on Lea County Claim of Exemption Plats

The Board of County Commissioners and/or its designee has the sole authority to make land acquisitions on behalf of Lea County. Currently, there exists a roadblock for a petitioner of an exemption plat in terms of right-of-way dedication. While a city's subdivision ordinance may require a right-of-way dedication and Lea County would encourage the right-if-way dedication, there is no means for Lea County to accept it.

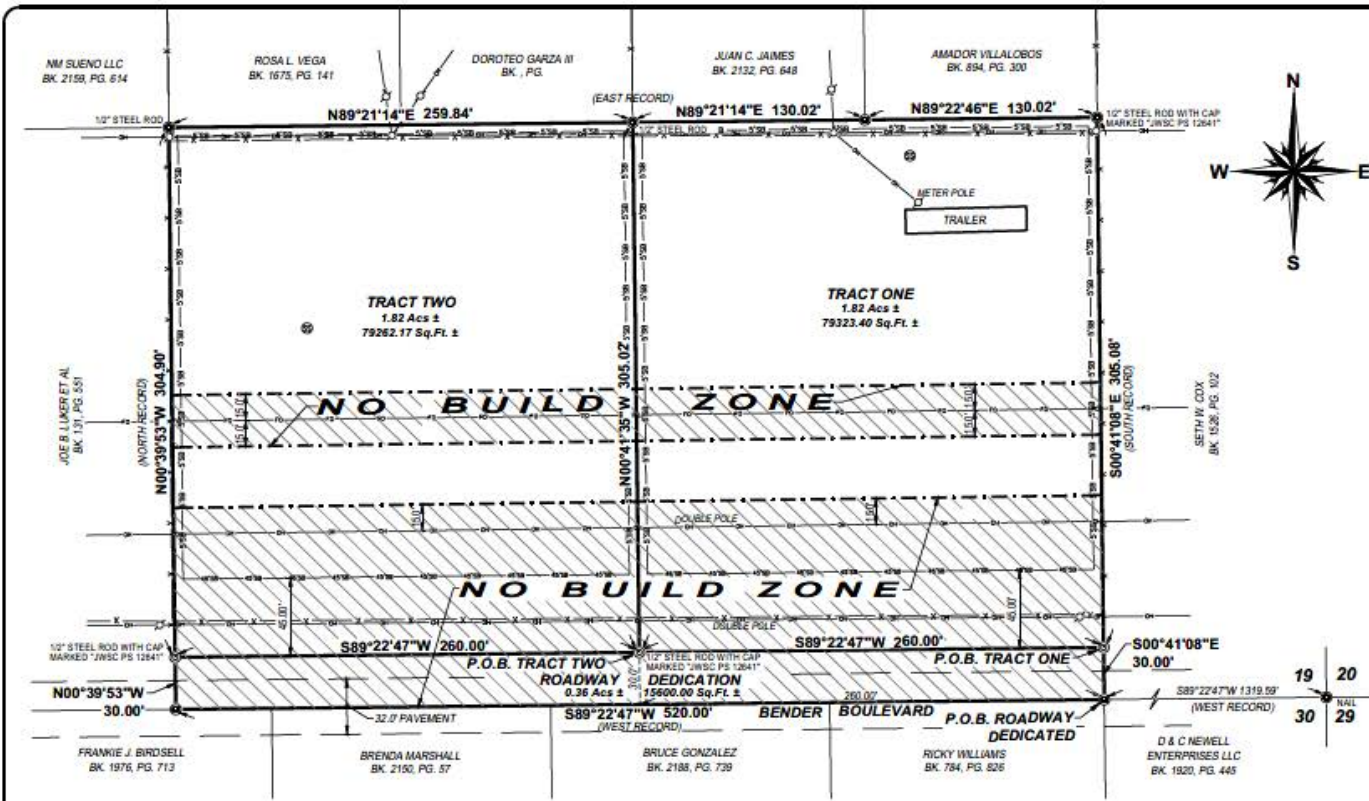
Dedicating right-of-way to the public is a two (2) part process. The subdivider dedicates the right-of-way, and the public body access it.

One means of overcoming this roadblock would be to adopt a resolution that allows the County Manager or their designee to accept right-of-way only on county roadways that Lea County is currently maintaining.

This would not allow the County Manager or their designee to accept any new right-of-way or roadway that does not currently have a publicly maintained roadway.



Discussion of Right-of-Way Acceptance on Lea County Claim of Exemption Plats



AGUILAR CLAIM OF EXEMPTION - LEA COUNTY, NEW MEXICO
 A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO,
 A TRACT OF LAND AS SHOWN ON THAT CERTAIN WARRANTY DEED RECORDED IN BOOK 1924, PAGE 515, FILED IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.

TRACT ONE:
 A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING DESCRIBED AS FOLLOWS:
 BEGINNING AT SOUTHWEST CORNER OF THIS TRACT, WHICH LIES S89°22'47"W ALONG THE SOUTH LINE OF SAID SECTION 19 A DISTANCE OF 1319.59 FEET (WEST RECORD) AND N00°41'08"E A DISTANCE OF 30.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION; THENCE S89°22'47"W A DISTANCE OF 260.00 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE N00°41'35"W A DISTANCE OF 305.02 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N89°21'14"E A DISTANCE OF 130.02 FEET TO A CORNER OF THIS TRACT; THENCE N89°22'46"E A DISTANCE OF 130.02 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE S00°41'08"E A DISTANCE OF 305.08 FEET (SOUTH RECORD) TO THE POINT OF BEGINNING, CONTAINING 1.82 ACRES MORE OR LESS.

TRACT TWO:
 A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING DESCRIBED AS FOLLOWS:
 BEGINNING AT SOUTHWEST CORNER OF THIS TRACT, WHICH LIES S89°22'47"W ALONG THE SOUTH LINE OF SAID SECTION 19 A DISTANCE OF 1579.69 FEET (WEST RECORD) AND N00°41'35"W A DISTANCE OF 30.00 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION; THENCE S89°22'47"W A DISTANCE OF 260.00 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE N00°39'53"W A DISTANCE OF 304.90 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N89°21'14"E A DISTANCE OF 259.84 FEET (EAST) TO THE NORTHEAST CORNER OF THIS TRACT; THENCE S00°41'35"E A DISTANCE OF 305.02 FEET TO THE POINT OF BEGINNING, CONTAINING 1.82 ACRES MORE OR LESS.

ROADWAY DEDICATION:
 A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, BEING DESCRIBED AS FOLLOWS:
 BEGINNING AT SOUTHWEST CORNER OF THIS TRACT, WHICH LIES S89°22'47"W ALONG THE SOUTH LINE OF SAID SECTION 19 A DISTANCE OF 1319.59 FEET (WEST RECORD) FROM THE SOUTHWEST CORNER OF SAID SECTION; THENCE S89°22'47"W A DISTANCE OF 520.00 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE N00°39'53"W A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N89°22'47"E A DISTANCE OF 520.00 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE S00°41'08"E A DISTANCE OF 30.00 FEET (SOUTH RECORD) TO THE POINT OF BEGINNING, CONTAINING 0.36 ACRES MORE OR LESS.

SAID TRACTS BEING SUBDIVIDED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF SURVEYED ACCORDING TO THE TRACTS AS THEY APPEAR ON THE PLAT AFFIXED HEREOF.
 IN WITNESS WHEREOF, THE UNDERSIGNED OWNERS OF SAID LAND, HAS HEREUNTO SET THEIR HANDS THIS _____ DAY OF _____, 2022 A.D.

ANGEL AGUILAR, JR.
 CO-PERSONAL REPRESENTATIVE FOR THE ESTATE OF ANGEL AGUILAR MUNIZ, DECEASED
 PROBATE 83 PAGE 566

JOSEPH ANGEL AGUILAR
 CO-PERSONAL REPRESENTATIVE FOR THE ESTATE OF ANGEL AGUILAR MUNIZ, DECEASED
 PROBATE 83 PAGE 566

ACKNOWLEDGMENT:
 STATE OF NEW MEXICO
 COUNTY OF LEA
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022 A.D., BY ANGEL AGUILAR, JR., CO-PERSONAL REPRESENTATIVE FOR THE ESTATE OF ANGEL AGUILAR MUNIZ, DECEASED.

NOTARY PUBLIC
 MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT:
 STATE OF NEW MEXICO
 COUNTY OF LEA
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022 A.D., BY JOSEPH ANGEL AGUILAR, CO-PERSONAL REPRESENTATIVE FOR THE ESTATE OF ANGEL AGUILAR MUNIZ, DECEASED.

NOTARY PUBLIC
 MY COMMISSION EXPIRES _____

- LEGEND:**
- ⊙ - DENOTES SET NAIL WITH WASHER MARKED "NM 12641 TX 4735", UNLESS NOTED OTHERWISE
 - ⊕ - DENOTES FOUND NAIL WITH WASHER MARKED "NM 12641 TX 4735", UNLESS NOTED OTHERWISE
 - - DENOTES OVERHEAD ELECTRIC LINE WIPOLE
 - - DENOTES AT&T FIBER OPTIC LINE
 - ⊙ - DENOTES SEPTIC SYSTEM TANK COVER
 - X—X— - DENOTES FENCE LINE
 - - DENOTES 5.0' BUILDING SETBACK LINE
 - - DENOTES 100.0' BUILDING SETBACK LINE
 - X—X— - DENOTES "NO BUILD ZONE"

GENERAL NOTES:

1) BEARINGS SHOWN HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. THE CONVERGENCE ANGLE TO TRUE NORTH IS 00°38'36.2" BASED ON A POINT OF ORIGIN LOCATED AT (NMSPC) N. 625905.55 E. 907447.94 ESTABLISHED FROM GPS OBSERVATIONS AND SUBSEQUENT NGS OPUS PROCESSING. DISTANCES ARE SURFACE VALUES. BEARINGS AND DISTANCES SHOWN HEREON IN PARENTHESIS ARE RELATIVE TO THAT CERTAIN WARRANTY DEED RECORDED IN BOOK 1924, PAGE 515, FILED IN THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO.

2) WITH RESPECT TO THE FLOOD INSURANCE RATE MAP FOR LEA COUNTY, NEW MEXICO AND INCORPORATED AREAS, PANEL 1170 OF 2150, MAP No. 35025C(170D), EFFECTIVE DATE, DECEMBER 16, 2008, THIS TRACT IS WITHIN "ZONE X", DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOOD PLAN, THE APPROXIMATE BOUNDARIES

CERTIFICATE OF APPROVAL OF EXEMPTION TO SUBDIVISION REGULATIONS BY LEA COUNTY:

PURSUANT TO LEA COUNTY SUBDIVISION REGULATIONS, SECTION 7.5 (1997) CLAIM OF EXEMPTION MEET THE CRITERIA FOR THE DIVISION OF LAND FOR 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 AND IS APPROVED FOR A CLAIM OF EXEMPTION ON THIS _____ OF _____, 2022 A.D.

LEA COUNTY ASSUMES NO RESPONSIBILITY FOR THE CONSTRUCTION OR MAINTENANCE OF ANY ROADWAY DEDICATION.

LEA COUNTY, NEW MEXICO
 BY: _____
 COREY NEEDHAM
 LEA COUNTY MANAGER DESIGNEE

ACKNOWLEDGMENT:

STATE OF NEW MEXICO
 COUNTY OF LEA
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022 A.D., BY COREY NEEDHAM, LEA COUNTY MANAGER DESIGNEE.



**LEA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM**

LCBCC Meeting Date: Thursday, May 26, 2022

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Community Engagement Manager sstout@leacounty.net; Public Information Officer mrussell@leacounty.net and County Manager mgallagher@leacounty.net by: **Tuesday, May 17, 2022**

County Manager Approval required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy: 05/18/2022		SUBMITTED BY Name, Title, Dept: Corey Needham, ACM	
SUBJECT: Discussion of right-of-way acceptance on Lea County Claim of Exemption plats		ATTACHMENT(S):	
NO. OF ORIGINALS FOR SIGNATURE:		ACTION REQUESTED: Discussion Item	
BUDGET LINE ITEM NUMBER:		FISCAL BUDGET YEAR:	
STRATEGIC PLAN Implementation of 5 Year Strategic Plan:			
<p>SUMMARY: Lea County subdivision regulations and New Mexico State statutes enable land to be separated and replatted through three (3) different methods.</p> <ul style="list-style-type: none"> • Traditional Subdivisions. Larger subdivisions go through a process that involves staff review from the county and state agencies, the Lea County planning board, and the Lea County Board of County Commissioners. • Summary Subdivision. Smaller subdivisions go through a process that involves staff review from the county and the Lea County Planning Board. The County Planning and Zoning Board has delegated the authority to approve any summary subdivision by 6.1.5 of the Lea County Subdivision Regulations. • Claim of Exemptions. Lea County and State statutes allow for fifteen (15) exemptions to the Lea County Ordinances and New Mexico State Statutes. This process review only requires Lea County staff review to ensure the plat is meeting exemption requirements. 			
<p align="center">Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.:</p> <p>Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: _____</p> <p><small>If checked, how many:</small></p>		<p>See Additional Summary Attached <input checked="" type="checkbox"/></p>	
SUBMITTER'S RECOMMENDATION(S):		Submitter's Signature Department Director, Etc.	
FINANCE REVIEW Fiscal Impact/Cost:		Reviewed by Finance Director	
LEGAL REVIEW: (Note: Travel does not need legal review)		Reviewed by County Attorney	
COUNTY MANAGER REVIEW:		<p>Approved by County Manager to be Placed on Agenda</p> <p align="right"><i>Mike Collopy</i></p>	
<p>Item No. <u>0302</u> RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN</p> <p>Approved: _____ Denied: _____ Other: <u>Discussion</u></p> <p>Resolution No. _____ Policy No. _____ Ordinance No. _____</p> <p>Continued To: _____ Referred To: _____ Comments: _____</p>			

Summary Form Continued...

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