

#9620498

TORRANCE COUNTY ORDINANCE # 96-6

P.3096-3098

An amendment to Torrance county Ordinance #96-5 making exceptions to land subdivisions as therein defined.

WHEREAS the Torrance County Commission enacted Ordinance # 96-5 prohibiting the subdivision of any lands within Torrance County until such time as new subdivision regulations could be enacted by the County but in no event later than June 30, 1997; and

WHEREAS there are certain exceptions to the definition of subdivisions contained in Section 47-6-2 NMSA 1978 as amended effective July 1, 1996; and

WHEREAS the exclusion of those exceptions may result in undue hardship;

NOW, THEREFORE, BE IT ORDAINED by the Torrance County Board of Commissioners as follows:

SECTION 4. ACTIVITY PROHIBITED is amended to read:

Any division of land as herein defined is prohibited for the time proscribed in Section 5 hereof. "Subdivision does not include:

(1) the sale, lease or other conveyance of any parcel that is thirty-five acres or larger in size within any twelve-month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with Section 7-36-20 NMSA 1978, for the preceeding three years;

(2) the sale or lease of apartments, offices, stores or similar space within a building;

(3) the division of land within the boundaries of a municipality;

(4) the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land;

(5) the division of land by court order where the order creates no more than one parcel per party;

(6) the division of land for grazing or farming activities provided the land continues to be used for grazing or farming activities;

(7) the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purposes of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased;

(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;

(10) the division of land created to provide security for mortgages, liens or deeds of trust; provided that the division of land is not the result of a seller-financed transaction;

(11) the sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty acres;

(12) the division of land to create a parcel that is donated to any trust or non-profit corporation granted an exemption from federal income tax, as described in Section 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; or

(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-year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey shall be filed with the county clerk indicating the five-year holding period for both the original tract and the newly created tract.

BOARD OF COUNTY COMMISSIONERS  
OF TORRANCE COUNTY

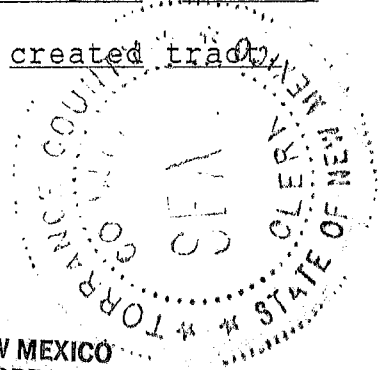
Bill R. Will  
Bill Willians, Chairman

Roy Spencer  
Roy Spencer, Member

Rodger Rayner  
Roger Rayner, Member

ATTEST:

Carla Clayton  
Carla Clayton, County Clerk



STATE OF NEW MEXICO  
COUNTY OF TORRANCE  
I hereby certify that this instrument was filed for record on the 24 day of Dec A.D., 19 96 at 11:17 o'clock A M and duly recorded in book 215 at page 3096-3098  
Witness my hand and Seal of office  
Paula Rodriguez  
County Clerk, Torrance Co., N.M.  
W. J. [Signature], Deputy

