

TOWN OF TAOS

ADMINISTRATIVE LOT SPLIT, PLAT VACATION,  
OR LOT LINE ADJUSTMENT

---

APPLICATION PACKET

PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT





### Family Transfer Information

Number of Lots Proposed	
Name(s) of Immediate Family Members and Relationship	

### LOT SPLIT, PLAT VACATION, LOT LINE ADJUSTMENT SUBMITTAL CHECK LIST

The following submittals are required in order to be considered for a Lot Split, Plat Vacation or Lot Line Adjustment. Please complete and submit this completed application along with the required documentation as outlined in Section 16.24 Land Subdivision of the Town of Taos Municipal Code. Complete application packet shall be submitted to the Planning, Community and Economic Development Department. Incomplete, inadequate or late submittals will result in delay or rejection of the request for a Lot Split, Plat Vacation or Lot Line Adjustment. Please contact staff with questions regarding the submittals required herein.

#### \*NOTE: ALL DRAWINGS MUST BE DRAWN TO SCALE

- Completed Lot Split, Plat Vacation or Lot Line Adjustment Application
- Lot Split (\$75.00), Plat Vacation (\$100.00) or Lot Line Adjustment Fee –(\$75.00)
- Owner's Affidavit (If using an Agent)
- Legal description of property
- Copy of registered deed
- Copy of new deeds
- Vicinity Map
- Site Plan (minimum size 24" by 36") and Survey Plat (minimum scale 1" = 20'). Site plan shall depict all existing and proposed structures, setbacks, parking area and other applicable strict/standard requirements of the Town of Taos Land Use Development Code.
- Submit a narrative explaining how the Lot Split, Plat Vacation or Lot Line Adjustment will meet the requirements of Section 16.24 Land Subdivision (The Lot Split, Plat Vacation or Lot Line Adjustment will not create a danger to the public health, safety or welfare, nor cause an extraordinary expense, nor create a nuisance.)

- Family Transfers as per Section 16.24.035 of the Town of Taos Land Use Development Code.
  - o A Survey plat showing the proposed lot configuration(s) if the family transfer shall be submitted which complies with the minimum requirements for the “Standards For Land Surveys in New Mexico” as adopted by the New Mexico state board of registration for professional engineers and land surveyors, 12.8.2 NMAC.
  - o Copies of deeds showing that the property has been in the possession of the grantor for a minimum of (5) five years.
  - o The transfer of property can only be made from a grantor to an immediate family member. Birth certificates or any other reasonable documentation to show relationship to the claimed persons shall be submitted as part of the application. Baptismal certificates are not acceptable documentation.
  - o The lots on the plat must show recorded easements for utilities and access to all parcels that comply with all of the applicable criteria as stated in the Town of Taos Land Use Development Code and other applicable Town of Taos municipal ordinances.
  - o All parcels shown on the plat must meet the development standards for the zoning district the property is located in.
  
- Applicant must submit copies of the registered deeds along with a copy of the registered plats after they have been approved and recorded.

**Agreement and Signature**

I, the undersigned, understand that any discussions and/or other communications between any authorized representative for this application and any/all Town of Taos Staff members regarding this application do not constitute the entire review of this application and that additional and/or alternate conditions and/or requirements above and beyond those that may have been discussed may be required. I also realize that failure to include applicable application material(s) may result in the rejection of my application or delays in the approval process. I also certify that the signature(s) affixed to this application are those for the property owner and authorized agent. If I am the agent, I am including an owner's affidavit.

Property Owner Name (printed)	
Signature	
Date	
Property Owner Name (Printed)	
Signature	
Date	
Agent Name (Printed)	
Signature	
Date	

**Attached:**

16.24 Land Subdivision

Owners Affidavit

Date Application Received: Stamped by Town of Taos.

APPROVED

DENIED – Reason: \_\_\_\_\_

Public Works Signature: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED

DENIED – Reason \_\_\_\_\_

Code Administrator Signature: \_\_\_\_\_ DATE: \_\_\_\_\_

**Chapter 16.24  
LAND SUBDIVISION REGULATIONS**

**16.24.010: GENERAL PROVISIONS:**

**16.24.010.1: PURPOSE:**

These land subdivision regulations are adopted and shall be invoked to provide for the harmonious development of the town and its concurrent planning and platting jurisdiction; to coordinate streets within subdivisions with other existing or planned streets; to provide for adequate open spaces for recreation, drainage, light and air; to provide adequate infrastructure for proper development; and to provide for a distribution of population and traffic all in a manner which will tend to create conditions favorable to health, safety, convenience and general welfare of the citizens of the town of Taos and the concurrent planning and platting jurisdiction. (Ord. 09-19, 2009: Ord. 99-05, 1999)

**16.24.010.2: SUBDIVISION CLASSES:**

- A. Class A subdivisions are those in which the average lot size is one acre or less.
- B. Class B subdivisions have less than twenty four (24) lots with an average lot size greater than one acre.
- C. Class C subdivisions have more than twenty four (24) lots with an average lot size greater than one acre. (Ord. 99-05, 1999)

**16.24.010.3: JURISDICTION:**

These land subdivision regulations shall govern all subdivision of lands within the corporate limits of the town of Taos and further shall apply to the concurrent planning and platting jurisdiction with Taos County. (Ord. 09-19, 2009: Ord. 99-05, 1999)

#### **16.24.010.4: SUITABILITY OF THE LAND FOR SUBDIVIDING:**

The commission shall not approve the subdivision of land if, following thorough investigations by all agencies concerned, it is determined that in the best interest of public health, safety or welfare, the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed topographically unsuitable for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for such uses as shall not be endangered by periodic or occasional inundation or shall produce unsatisfactory living conditions. (Ord. 99-05, 1999)

#### **16.24.010.5: COMMUNITY ASSETS:**

In all subdivisions, due regard shall be shown for all natural features such as natural vegetation, watercourses, acequias, historical and archaeological sites and structures and similar community assets which, if preserved, will add, in the opinion of the commission, attractiveness and value to the area. (Ord. 99-05, 1999)

#### **16.24.010.6: ACCEPTANCE OF PUBLIC LANDS:**

Approval of a subdivision by the commission shall not constitute an acceptance by the town or the county, as the case may be, of the streets, alleys, public ways, easements, parks or other public lands dedicated on the subdivision plat by the owners. The dedication of any or all of these lands for public use of any nature within the town may be accepted by the town by action of the town council only, or for dedicated lands lying outside the corporate limits of the town, by the county by action of the board of county commissioners of Taos County. (Ord. 99-05, 1999)

#### **16.24.020: REQUIRED IMPROVEMENTS:**

The required improvements listed in this section shall apply to all subdivisions within the town and the concurrent planning and platting jurisdiction. The required improvements should be designated and constructed in accordance with the development standards as listed in [chapter 16.20](#) of this title. (Ord. 09-19, 2009; Ord. 99-05, 1999)

##### **16.24.020.1: MONUMENTS:**

- A. All subdivision boundary corners and the intersections of street centerlines shall be marked with one-half inch ( $\frac{1}{2}$ " ) rebar with cap. A permanent bench mark shall be placed within the subdivision at a point accessible to the public. The elevation of this bench mark shall be referred to as USGS datum and said elevation shall be accurately noted on the final plat.
- B. In addition to permanent monuments as required above, other monuments of a type and design approved by the code administrator shall be located and installed at such points as may be required. (Ord. 99-05, 1999)

##### **16.24.020.2: UTILITY, STORM DRAINAGE AND STREET IMPROVEMENTS:**

- A. Public or private utility, storm drainage and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the schedules listed in subsection B of this section.
- B. See [chapter 16.20](#) of this title for all performance standards.
- C. Table 6-2.1 of this section shows the minimum standards for utility, storm drainage and street improvements by class of subdivision. Subdividers are encouraged to exceed the minimum standards whenever possible.

TABLE 6-2.1 MINIMUM STANDARDS FOR SUBDIVISIONS

Infrastructure Improvements

Subdivision Class	Town Water And Sewer	Community Water And Sewer	On Site Water And Sewer	Curb	Paving	Path	Sidewalk	Drainage	Utilities
Class A	X			X	X		X	X	X
Class B			X			X		X	X
Class C		X				X		X	X

Town water and sewer: Extend water and wastewater to subdivision from existing town of Taos lines.

Community water and sewer: Install community water and wastewater system.

On site water and sewer: Install individual water and wastewater systems.

Curb: Provide curb and gutter for all streets.

Paving: Pave streets.

Path: Install public walking and bicycle paths.

Sidewalk: Install sidewalks on all streets.

Drainage: Provide proposed drainage.

Utilities: Install utilities underground.

(Ord. 99-05, 1999)

**16.24.020.3: PUBLIC SITES AND OPEN SPACE:**

- A. Where a proposed park, playground, school or other public use is necessary in whole or in part in a subdivision, the commission may require the public dedication or private reservation of such area within the subdivision in those cases in which the commission deems such requirements to be reasonable.
- B. Where deemed essential by the commission, upon consideration of the particular type of development proposed in the subdivision, the commission shall require a dedication or reservation of open space, other areas or sites of a character, extent and location suitable to the needs created by such development for public purposes, and maintained by the owners.
- C. In all subdivisions, the commission shall require the public dedication or private reservation of at least ten percent (10%) of the total gross acreage for usable open space. For the subdivider who is willing to exceed the ten percent (10%) allocation of usable open space, the density bonus available in the cluster overlay zone may be applied.
- D. Where a watercourse traverses the subdivision, the commission shall require a minimum of twenty five feet (25') from the natural edges of the watercourse to be placed into a public easement.
- E. Lakes, ponds, creeks and similar areas may be accepted by the town of Taos for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such areas must also be approved by the Taos County planning and zoning commission and the Taos County board of commissioners, when located outside of the town limits. (Ord. 99-05, 1999)

**16.24.030: THE SUBDIVISION APPROVAL PROCESS; THREE STEP PROCEDURE:**

#### **16.24.030.1: SKETCH PLAN PROCEDURE:**

- A. Prior to filing an application for approval of a preliminary plat, the subdivider shall confer with the code administrator to become acquainted with this title and other applicable regulations. The subdivider should then submit to the code administrator a sketch plan complying with this section in order to determine the feasibility of the subdivision plan. It is recommended that the subdivider employ a competent land planner, land surveyor or engineer to assist in the development of the proposed subdivision.
- B. The submittal of a sketch plan does not require a formal application, fee, or the filing of a plat, but is a formal step in the subdivision approval process. Furthermore, the code administrator does not assume any responsibility for a lack of understanding of this title or any other applicable regulations on the part of the subdivider. Any advice or opinion as to the feasibility of the proposal expressed by the code administrator shall not bind the town regarding any subsequent actions of the code administrator or the commission relative to the proposal.
- C. Within thirty (30) days from submittal, the code administrator shall inform the subdivider that the sketch plan and data, as submitted or as modified, apparently do or do not meet the objectives of this title and other applicable regulations. If the code administrator finds that the sketch plan and supplementary data do not meet the objectives of this title and other applicable regulations, then the code administrator should provide information in writing to the subdivider in order to aid the subdivider in bringing the plan into conformance.
- D. Following review by the code administrator, the sketch plan shall be reviewed by the planning and zoning commission at a preliminary presentation, pursuant to subsection [16.12.040.5D](#) of this title. (Ord. 99-05, 1999)

#### **16.24.030.2: PRELIMINARY PLAT APPROVAL PROCEDURE:**

- A. After review of the sketch plan has been completed, the subdivider shall prepare or cause to be prepared a preliminary plat of subdivision, together with improvement plans and other supplementary material as required by this title.
- B. A sufficient number of copies of the preliminary plat and supplementary material and a completed application for approval of the preliminary plat shall be submitted to the code administrator not less than fifteen (15) days prior to the commission meeting at which it is to be considered. The number of required copies will be determined by the code administrator.
- C. The code administrator shall review the preliminary plat and supplementary materials submitted, for conformity thereof to this title and all other applicable regulations and the code administrator shall provide the commission with written findings together with a recommendation that the preliminary plat be either approved, conditionally approved, or disapproved. A recommendation to conditionally approve shall contain the conditions, and a recommendation for disapproval shall contain the reasons therefor.
- D. The subdivider shall provide public notice pursuant to subsections [16.12.040.5H](#) and [I](#) of this title and notify, by registered mail, return receipt requested, all owners of property located in whole or in part, within two hundred feet (200') of the parcel to be subdivided, notifying said property owners of the time and place of the public hearing at which the preliminary plat is to be considered and describing the proposed subdivision. The applicant shall further provide the code administrator with all return receipts received as proof of notice. Where a proposed subdivision faces on existing public streets, the measurement of two hundred feet (200') shall be made from points on either side of the street, excluding the street from the two hundred foot (200') measurement.
- E. The commission shall review the preliminary plat and other material submitted in support of the application, consider the code administrator's report and recommendations; and review negotiations



with the subdivider on changes deemed advisable and the kind and extent of improvements proposed. The commission shall, within thirty five (35) days, act on the preliminary plat as submitted or modified, unless an extension of time is applied for in writing by the subdivider and granted by the commission. If the preliminary plat is conditionally approved, the commission shall express the conditions, or if disapproved, it shall state the reasons therefor.

- F. The action of the commission shall be noted on two (2) copies of the preliminary plat, and such action dated and verified thereon by the signature of the chairperson of the commission. Conditions, if any, shall be referenced thereon and attached thereto. One copy shall be returned to the subdivider and the other retained in the files of the code administrator.
- G. Approval or conditional approval of a preliminary plat shall not constitute approval of the final plat of subdivision. Rather, approval of the preliminary plat shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval by the commission and for recording upon fulfillment of the requirements of these regulations and the conditions, if any, of a conditional approval of the preliminary plat. (Ord. 99-05, 1999)

### **16.24.030.3: FINAL PLAT APPROVAL PROCEDURE:**

- A. The final plat shall be presented to the commission as a continuance of the public hearing of the preliminary plat.
- B. The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that part of the approved or conditionally approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that the final plat and the portion of the land to be subdivided conform to all requirements of this title and all applicable town ordinances and regulations; and provided further that the commission may require the subdivider to include in or exclude from the final plat whatever part of the lands included in the preliminary plat which it deems necessary for orderly development.
- C. An application for approval of the final plat shall be submitted in writing to the code administrator not less than fifteen (15) days prior to the commission meeting at which it is to be considered. The code administrator shall also determine that all required filing and review fees have been paid in full, and that the town or the county, as the case may be, has received a proposed deed for public lands for park and recreation facilities and/or proposed acceptable private reservation. Such proposed deed or proposed private reservation shall not be recorded and shall not take effect until and unless the final plat is recorded. The code administrator shall submit written findings together with a recommendation to approve or disapprove the final plat at the same time the final plat is submitted for consideration by the commission.
- D. The original drawing of the final plat and sufficient copies of it and all other exhibits required for approval shall be prepared as specified in section [16.24.030.6](#) of this chapter and shall be submitted with the application for final plat approval within twelve (12) months after approval or conditional approval of the preliminary plat. The number of copies will be determined by the code administrator. Otherwise, such preliminary plat approval or conditional approval shall become null and void unless an extension of time is applied for in writing by the subdivider and granted by the commission. If an extension of time is applied for, such application shall be submitted to the code administrator not less than seven (7) days prior to the commission meeting at which it is to be considered.
- E. The commission shall approve or disapprove a final plat within forty five (45) days from the date of the meeting at which it first considers such plat, which date shall be considered as the date of final submission of the final plat, unless an extension of time is applied for in writing by the subdivider and granted by the commission.
- F. If the final plat is approved by the commission, such approval shall be recorded on the face of the original drawing of the final plat and on two (2) copies thereof and such approval shall be dated and

verified thereon by the signature of the chairperson of the commission in the spaces provided, and such date and signatures shall be with black ink; or if the final plat is disapproved by the commission, the reasons for disapproval shall be referenced and attached to two (2) copies of the final plat and such action shall be dated and verified by the signature of the chairperson of the commission affixed to said copies. In either event, one of the said signed copies shall be returned to the subdivider and the other shall become part of the files of the code administrator. If a final plat is approved, the original drawing of the same shall be used in part for recordation purposes and thereafter retained in the files of the code administrator. If the final plat is disapproved, the original drawing shall be returned to the subdivider. None of the requirements of this subsection shall be modified or waived.

G. Final plats shall be recorded with the Taos County clerk along with any and all deeds, private reservations, easements, covenants and restrictions. Final plats shall be recorded within five (5) days after the acceptance by the town council or the Taos County commissioners as the case may be, of the public dedications, if any, shown thereon, but not until such acceptance. The acceptance of a public dedication by either the town or the county does not necessarily imply the maintenance of such dedication. (Ord. 99-05, 1999)

#### **16.24.030.4: CONTENTS OF SKETCH PLAN:**

A. General subdivision information shall describe or outline the existing site conditions and the proposed development, as necessary to supplement the drawings required in this chapter.

B. Location map which shall show the following:

1. Existing community facilities which serve or influence the proposed development to include main traffic arteries, public transportation lines, utilities, commercial facilities, schools, parks, employment centers and other public or quasi-public facilities;
2. Existing land characteristics which may influence the proposed development;
3. Existing homes, other buildings, and existing zoning on surrounding property.

C. Sketch plan map shall show in simple sketch form the proposed layout of streets, lots, proposed commercial, industrial or public areas and open spaces. (Ord. 99-05, 1999)

#### **16.24.030.5: CONTENTS OF PRELIMINARY PLAT:**

A. General subdivision information shall describe or outline the proposed development as necessary to supplement the drawings required below.

B. Topographic data required as a basis for the preliminary plat shall include existing conditions as follows:

1. Ground elevations on the tract:
  - a. For land that slopes less than twenty percent (20%), elevation contours shall be drawn at no more than two foot (2') intervals;
  - b. For land that slopes more than twenty percent (20%), either:
    - (1) Show contours with an interval of not more than five feet (5') if ground slope is regular and such information is sufficient for planning purposes; or
    - (2) Show contours with an interval of not more than two feet (2') if necessary because of irregular terrain or the need for more detailed data for preparing plans and construction drawings.

2. Subsurface conditions on the tract, if required by the commission: location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet (5'); and location and results of soil percolation tests if individual sewage disposal systems are proposed.
3. Other conditions on the tract, if required by the commission: watercourses, marshes, rock outcrops, wooded areas, isolated preservable trees one foot (1') or more in diameter, houses, barns, shacks, and any other significant features.
4. Other conditions on adjacent land, if required by the commission: approximate direction and gradient of ground slope, including any embankments or retaining walls.

C. Location map shall show the following:

1. Boundary lines;
2. Easements: location, width, purpose, and owner;
3. Streets on and adjacent to the tract: name, right of way width and location; type, width, and elevation of surfacing; legally established centerline elevation; walks, curbs, gutters, culverts, etc;
4. Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and streetlights; if water mains and sewers are not on or adjacent to the tract, indicate the direction, distance to, and size of nearest ones, showing invert elevation of sewers;
5. Structures on and adjacent to the tract: character and location of buildings; other nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recording date and number, and show approximate percent of development, typical lot size and dwelling type; zoning on and adjacent to the tract;
6. Proposed public improvements on or adjacent to the tract: highways or other major improvements planned by public authorities for future construction on or near the tract.

D. The preliminary plat is to be drawn at a scale of one inch (1") to one hundred feet (100') and shall show at least, the following:

1. All significant features determined from the topographic and location maps;
2. Features of the proposed subdivision, including:
  - a. Streets: Names, right of way and widths; approximate grades and gradients; similar data for alleys, if any;
  - b. Right Of Way Or Easements: Other right of way or easements; location, width and purpose;
  - c. Utilities: Location of utilities, if not shown on other exhibits;
  - d. Lots: Lot lines, lot numbers and block numbers;
  - e. Nonpublic Sites: Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;

- f. Public Sites: Sites to be reserved or dedicated for parks, playgrounds, open space, schools or other public uses;
  - g. Minimum Setback Lines: Minimum setback lines;
  - h. Site Data: Site data, including number of residential lots, typical lot size and acres in public uses;
  - i. Acreage: Total acreage of tract; and
  - j. Other: Title (name of subdivision), developer, scale, north arrow, and date.
3. Additional information to include:
- a. Title And Certificates: Present tract designation according to official records in the office of the Taos County clerk; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, and location of bench marks, certification number of the registered civil engineer or land surveyor, and a metes and bounds legal description of the tract;
  - b. Profiles: When required by the commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading; roadways and sidewalks, and preliminary plans of proposed sanitary and storm sewers with grades and sizes indicated;
  - c. Developer Regulate Land Use: Draft of easement, covenants, conditions and restrictions, whereby the developer proposes to regulate land use in the subdivision and otherwise protect the proposed environment to be recorded; and
  - d. Improvements To Subdivision: Draft of agreement to complete infrastructure improvement, whereby the developer declares his intention to make agreed upon improvements to the subdivision. Such obligation shall be secured by an acceptable bond or letter of credit. (Ord. 99-05, 1999)

**16.24.030.6: CONTENTS OF FINAL PLAT:**

- A. Minimum Requirements: The final plat shall be drawn in ink on Mylar, and shall be at a scale of one inch (1") to one hundred feet (100'). Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. Sheets should be no larger than that required for recording. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the commission. The final plat shall show, at least, the following:
- 1. Primary control points, approved by the commission, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred;
  - 2. Tract boundary lines, right of way lines of streets, easements, and other rights of way, and property lines of residential lots and other sites; with accurate dimensions, bearing or deflection angles, and radii, arcs, and central angles of all curves;
  - 3. Name of each street and width of right of way;
  - 4. Location, dimensions and purpose of any easements;
  - 5. Number to identify each lot;
  - 6. Purpose for which sites, other than residential lots, are dedicated or reserved;

7. Minimum building setback line on all lots;
8. Location and description of monuments;
9. Names of record owners of adjoining land;
10. Reference to recorded subdivision plats of adjoining platted land by record name, date and number;
11. Certification by surveyor or engineer certifying to accuracy of survey and plat;
12. Certification of title showing that the applicant is the landowner;
13. Statement by owner dedicating streets, rights of way and any sites for public uses; and
14. Title, scale, north arrow and date.

B. Streets: Cross section and profiles of streets showing grades approved by the commission.

C. Certificate: A certificate by a registered engineer certifying that the subdivider has complied with one of the following alternatives:

1. All improvements have been installed in accord with the requirements of these regulations and with the action of the commission giving conditional approval of the preliminary plat; or
2. A bond or irrevocable unconditional bank letter of credit has been posted, which is available to the town, and in sufficient amount to assure such completion of all required improvements.

D. Protective Restrictions: Protective easement, covenants condition, restrictions in a form for recording.

E. Disclosure Statement: A disclosure statement containing the information listed in section [16.08.020.3](#) of this title, or section 47-5-4 New Mexico Statutes Annotated, 1978, if different.

F. Other Data: Such other certificates, affidavits, endorsements or deductions as may be required by the commission in the enforcement of these regulations. (Ord. 99-05, 1999)

#### **16.24.030.7: REPLATTING:**

Every person who desires to resubdivide land shall furnish a plat of the proposed resubdivision, prepared by a registered, licensed surveyor of New Mexico; except that the resubdivision of platted tracts, which are less than one acre and which are contiguous with each other, for the purpose of increasing or reducing the size required by the political subdivision, shall not require the furnishing of a plat of the proposed resubdivision, provided that a certificate of survey setting forth the legal description of tracts resulting from such redivision shall be filed with the commission, the county clerk and the county assessor, and such filing shall be considered as a rededication of said described lots in all respects. The resubdivision plat shall refer to permanent monuments and shall accurately describe each lot, number each lot in progression, give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of lots fronting or adjacent to the land. Descriptions of the lots by numbers and plat designation are valid for conveyances and for the purpose of taxation. (Ord. 99-05, 1999)

#### **16.24.035: FAMILY TRANSFERS:**

A. Intent: The intent of this section is to provide families within the town of Taos municipal boundaries with a means of conveying real property between immediate family members as defined below, and in a manner consistent with the New Mexico subdivision act and the town of Taos subdivision regulations.

Any person who desires to transfer residential real estate property to an "immediate family member", who is hereby defined as a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece. Shall, at a minimum, meet the following criteria.

B. Criteria: The following items shall be provided as part of the application process:

1. A survey plat showing the proposed lot configuration(s) of the family transfer shall be submitted which complies with the minimum requirements of the "Standards For Land Surveys In New Mexico" as adopted by the New Mexico state board of registration for professional engineers and land surveyors, 12.8.2 NMAC.
2. Copies of deeds showing that the property has been in the possession of the grantor for a minimum of five (5) years.
3. The transfer of property can only be made from a grantor to an immediate family member, specifically, "immediate family member" shall include a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece.

Birth certificates or any other reasonable documentation to show relationship to the claimed persons shall be submitted as part of the application. Baptismal certificates are not acceptable documentation.

4. The lots on the plat must show recorded easements for utilities and access to all parcels that comply with all of the applicable criteria as stated in the town of Taos land use development code and other applicable town of Taos municipal ordinances.
5. All parcels shown on the plat must meet the development standards for the zoning district the property is located in.

C. Application Review Process:

1. Upon receipt of a completed application, the town of Taos' development review committee shall review the family transfer application and shall receive a written approval from the individual departments which comprise this committee prior to approving the application and the applicant shall demonstrate through the proposed survey plat, warranty deeds, and other applicable legal documentation that compliance with all of the requirements of the development review committee prior to the code administrator approving the proposed family transfer.
2. The code administrator shall approve the new deeds after recordation of the approved easements.

D. Future Transfers: No further family transfers may occur with any parcel transferred pursuant to this section for not less than five (5) years from the recording of a deed completing the initial transfer.

E. Penalties: Failure to comply with the requirements of the town of Taos' development review committee, the code administrator, and any applicable Taos County, state of New Mexico, or federal regulations shall be cause for the code administrator to revoke the approved family transfer and shall constitute a violation of this section subjecting the owner of record to any remedies or penalties available as a matter of law and equity. (Ord. 12-09, 2012)

#### **16.24.040: ALTERNATE SUMMARY PROCEDURE:**

##### **16.24.040.1: INTENT AND PURPOSE:**

The purpose of this section [16.24.040](#) is to provide a summary procedure for the approval of subdivisions

resulting in not more than two (2) parcels of land. Subdivisions which meet these criteria are exempt from the other procedural requirements set forth in this chapter. (Ord. 15-07, 2015)

**16.24.040.2: APPLICATIONS AND APPROVAL:**

Applications for approval shall be submitted to the code administrator on forms prepared by the town. The code administrator shall review applications for:

- A. Subdivisions consisting of not more than two (2) parcels of land for sale;
  
- B. Any additional split of the same property cannot be applied for at intervals of less than every five (5) years; and
  
- C. All other subdivision applications must meet all the procedural requirements of this chapter. (Ord. 99-05, 1999)

**16.24.040.3: COMPLIANCE REQUIRED:**

The code administrator shall administratively approve those subdivisions which substantially comply with the requirements of this title, and any applicable state law and deny all others. Items to be reviewed shall include: property access, availability of utilities and lot sizes according to zones in [chapter 16.16](#) of this title. (Ord. 99-05, 1999)

**16.24.040.4: REFERRAL PERMITTED:**

Notwithstanding any of the foregoing, the code administrator may refer any application for approval under this alternate summary procedure to the commission. (Ord. 99-05, 1999)

**16.24.040.5: PUBLIC WORKS APPROVAL:**

The code administrator shall submit all subdivision plats to the public works department for approval. The cost of relocating or changing any town utilities shall be the sole responsibility of the applicant. (Ord. 99-05, 1999)

**16.24.040.6: PLAT ENDORSEMENT:**

Approval by this summary procedure shall be endorsed on the plat by the code administrator (or on the instrument of conveyance in lieu of a plat) and such endorsement shall be conclusive evidence of such approval. Such plat shall be recorded. (Ord. 99-05, 1999)



Owner's Affidavit

(To be completed only when an applicant has an agent)

State of New Mexico )

) SS.

Town of Taos )

We/I \_\_\_\_\_  
(Please print full name(s))

Being duly sworn, depose and say that (I am) (we are) requesting a permit or application through the Town of Taos. Furthermore, (I) (we) hereby appoint \_\_\_\_\_  
To act as our authorized agent on our behalf on all matters pertaining to the processing and obtaining of said permit with the exception of legal documents for recording purposes.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Address

Subscribed and sworn to before me this  
\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission Expires: \_\_\_\_\_