



City of Hamilton

SUBDIVISION EXEMPTION APPLICATION

920 New York Avenue
Hamilton, MT 59840
Phone: (406)363-6717
Fax: (406)375-1470

Instructions:

Please complete application, Items 1-7, for the following exemption requests:

1. Court-Ordered Division
2. Mortgage Security
3. Severed Interest
4. Cemetery Lot
5. Reservation of Life Estate
6. Agricultural Lease
7. Federal or Tribal Land
8. Right-of-way
9. Utility Site
10. Condominiums, Townhouses and Townhomes
11. State-owned Lands
12. Boundary Line Relocation
13. Family Transfer
14. Agricultural Covenant (including lifting of covenant)
15. Aggregation

You may contact the Subdivision Administrator to ask whether a division qualifies as an exemption from subdivision review.

Please make sure the following are included.

- Completed application
- Fee \$200 – may be paid via cash, check, or credit card
- Submit attachments required in Item 7a-c
- Applicable additional information
- Sign application and affidavit

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1. Applicant Information

\$200 Fee paid

| |
|-----------------|
| Landowner Name: |
| Street: |
| City/State/Zip: |
| Daytime Phone: |
| Email: |

| |
|------------------|
| Consultant Name: |
| Street: |
| City/State/Zip: |
| Daytime Phone: |
| Email: |

2. Additional Titleholder Information (for relocations of common boundaries, all owners must sign)

| | |
|------------|------------|
| Full Name: | Signature: |
| Full Name: | Signature: |

3. Property Information (For Each Affected Property)

1.) County Tax ID or Parcel Number: _____

Certificate of Survey Number: _____ Tract/Parcel _____

Subdivision Name: _____ Tract/Parcel _____

Legal Description: Section _____ Township _____ Range _____

2.) County Tax ID or Parcel Number: _____

Certificate of Survey Number: _____ Tract/Parcel _____

Subdivision Name: _____ Tract/Parcel _____

Legal Description: Section _____ Township _____ Range _____

Include additional properties if required

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4. Type of Exemption Requested (Please check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Relocation of Common Boundary | <input type="checkbox"/> Family Transfer |
| <input type="checkbox"/> Agricultural Covenant | <input type="checkbox"/> Mortgage Survey |
| <input type="checkbox"/> Utility Site | <input type="checkbox"/> Condominiums, Townhomes & Townhouses |
| <input type="checkbox"/> Other _____ | |

5. Prior Use of Subdivision Exemptions (if none, leave blank; attach additional pages if necessary)

| Tax ID/Parcel number or property information | Exemption used | Disposition of parcel (sold, retained ownership, etc.) |
|--|----------------|--|
| | | |
| | | |

6. Conflict of Interest Statement

Are there any financial, business, or personal relationships between the owner of the property, the selling agent, the purchasing agent, the brokerage firm, the developer or builder, consultants, and/or purchasers of the property and members of the City of Hamilton Planning Staff and/or the City of Hamilton Council Members?

- Yes No

If yes, please explain:

7. Attachments

- A. Provide an 11"x17" copy of the Certificate of Survey or plat (if a Certificate of Survey or plat is not yet available, a drawing will suffice) that clearly shows the existing boundary of the subject property and the proposed new configuration. Please represent the existing boundary with a dashed line and the new boundary with a solid line and label boundary lines as "existing" or "proposed." For Family Transfers, please identify which parcel(s) will be "gifted" and which will be the "remainder." *A plat prepared by a surveyor is not required to be submitted with this application.*
- B. An 11"x 17" aerial photograph that clearly shows the subject property and surrounding neighborhood.
- C. A valid Subdivision Guarantee or Title Report. The Subdivision Guarantee or Title Report document includes (but is not limited to) a current legal description of the property, current vesting, all filed easements, recorded liens, covenants, deed restrictions, and zoning for the properties involved.
The title insurance companies operating within Ravalli County all offer Subdivision Guarantees which include the information listed above. Please use the title insurance company of your choice.

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- D. It is recommended that the applicant attach written responses regarding the general evasion criteria and/or any specific rebuttable presumptions that apply to this exemption request. If a written explanation is not provided, the applicant may be asked to respond to the criteria and rebuttable presumptions.

Signature of Applicant

Printed Name of Applicant

Date Signed

Additional Information Required for Mortgage Release:

- A. A statement of how many interests within the original tract will be created by use of the exemption.
- B. A statement explaining who will have title to and possession of the balance of the original parcel after title to the exempted interest is conveyed.
- C. A signed statement from a lending institution that the creation of the interest is necessary to secure a loan.

Additional Information Required for Family Transfer:

- A. Please fill out the table below.

| | |
|------------------------|---------------|
| Name of Family Member: | Relationship: |
| Name of Family Member: | Relationship: |
| Name of Family Member: | Relationship: |
| Name of Family Member: | Relationship: |

- B. The original landowner (grantor) must provide evidence of the familial relationship with the grantee.

Additional Information Required for Condominiums, Townhomes and Townhouses:

- 1. A preliminary declaration, setting forth as many of the particulars required by 70-23-301 as may then be practicable, may be recorded before construction of the building described in the declaration is completed. The preliminary declaration shall not relieve the owner from the necessity of filing the declaration as required by 70-23-301. A copy of the declaration only must be filed with the City Clerk and Planning Office at the time of recording.
- 2. Statement by engineer, architect, or surveyor certifying the plans are an accurate copy of the set filed with and approved by the City officer that has the jurisdiction to issue building permits. MCA § 70-23-306.
- 3. Certificate of Subdivision Plat Approval from the Department of Environmental Quality or letter of Certification of Non-Applicability.

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In addition to the above required items, the following will be required to file at Ravalli County Clerk & Recorder's office.

1. Declaration of Condominium Unit Ownership. MCA § 70-23-307.
2. Floor Plans. MCA § 70-23-306. Ravalli County prefers one blueprint and one mylar copy, but will accept blueprint.
3. Bylaw of Condominium Unit Approval. MCA § 70-23-307.
4. Declaration from Department of Revenue that the name of the condominium unit is proper and that all taxes and assessments due and payable have been paid. MCA § 70-23-304.
5. Covenants.

You may submit electronic copies of the signed and completed application, affidavit, and all accompanying materials by email to:

Email: pwclerk@cityofhamilton.net

Within 10 days of electronic submission, hard copies of the signed and completed application, affidavit, applicable fees and all accompanying materials must be submitted to:

City of Hamilton, Subdivision Administrator
920 New York Ave.
Hamilton, MT 59840
Phone: (406) 363-6717
Fax: (406) 375-1470

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AFFIDAVIT

I/We understand that this Affidavit seeks approval of the use of an exemption to subdivision review to divide property. I/we are not using this subdivision exemption process in an attempt to evade the subdivision review process and recognize that I/we may be subject to penalties if my/our actions are deemed to be an effort to evade subdivision review, as set forth in Montana law.

I/We understand that approval of the use of the exemption does not mean the division is approved for zoning compliance, building permit, floodplain, sewer system connection, health code compliance, or compliance with other applicable regulations or availability of public services.

I/we understand that this exemption is being reviewed for adequate physical and legal access.

Under penalties of perjury, I/we declare that I/we have examined this form, including any accompanying documents, and to the best of my/our knowledge and belief it is true, correct, complete, and in compliance with all Montana State laws and City of Hamilton or Ravalli County ordinances or resolutions and the transfer of property will occur as represented.

Applicant's Agent

Applicant

License No., if applicable

Applicant

Applicant

STATE OF MONTANA)

: ss.

County of Ravalli)

Applicant

On this _____ day of _____, _____, before me the undersigned Notary Public, personally appeared _____

(Applicants)

known to me to be the one whose name is subscribed to this instrument, and acknowledged to me that they executed the same.

Notary Public for the State of _____;

Residing at _____;
My Commission expires _____