

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 272

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Phillip A. Griego

AN ACT

RELATING TO LAND GRANTS; INCREASING THE POWERS OF THE BOARDS
OF TRUSTEES; PROVIDING THAT WATER RIGHTS AND THE LAND OF LAND
GRANTS SHALL NOT BE LOST BY PRESCRIPTION, ADVERSE POSSESSION
OR NONUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 49, Article 1 NMSA
1978 is enacted to read:

"NEW MATERIAL] COMMUNITY LAND GRANTS--TRUSTEES--
ADDITIONAL POWERS.--In addition to the powers conferred on
the board of trustees of a community land grant under the
provisions of Section 49-1-3 NMSA 1978, the board of trustees
of a community land grant shall have the following additional
general powers over lands within the grant:

A. for the purpose of promoting health, safety or
the general welfare, all the powers of a zoning authority,

.131563.1

underscored material = new
~~[bracketed material]~~ = delete

underscored material = new
[bracketed material] = delete

1 including the power to regulate and restrict within the grant
2 the:

3 (1) height, number of stories and size of
4 buildings and other structures;

5 (2) percentage of a tract of land that may
6 be occupied;

7 (3) size of yards, courts or other open
8 space;

9 (4) density of population; and

10 (5) location and use of buildings,
11 structures and land for trade, industry, residence and other
12 purposes;

13 B. the power to impose negative easements on lands
14 held in common within the exterior boundaries of the land
15 grant if the board deems that the negative easements will be
16 beneficial to the lands held in common; and

17 C. the power to impose property taxes pursuant to
18 the provisions of Paragraph (2) of Subsection C of Section
19 7-37-7 NMSA 1978 on the net taxable value of all real
20 property within the community land grant for the use of the
21 community land grant for general purposes."

22 Section 2. A new section of Chapter 49, Article 1 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] PRESCRIPTION AND ADVERSE POSSESSION.--
25 The rights of a community land grant to the waters of the
land grant, or the use thereof, or the land within the land
grant shall not be lost by the land grant by prescription or

underscoring material = new
~~[bracketed material] = delete~~

1 by adverse possession, or for nonuse of the waters."

2 Section 3. REPEAL.--Section 37-1-21 NMSA 1978 (being
3 Laws 1857-1858, p. 64, as amended) is repealed.

4 - 3 -
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25