

1 SENATE BILL 439

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO STATE-OWNED PROPERTY; REQUIRING THE TRANSFER OF
12 CERTAIN REAL AND TANGIBLE PERSONAL PROPERTY ON THE FORT BAYARD
13 HOSPITAL CAMPUS TO THE VILLAGE OF SANTA CLARA; PROVIDING FOR
14 THE LEASE OF WATER RIGHTS BY THE VILLAGE OF SANTA CLARA.

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

17 SECTION 1. [NEW MATERIAL] LEGISLATIVE FINDINGS--FORT
18 BAYARD HOSPITAL CAMPUS--REAL AND TANGIBLE PERSONAL PROPERTY
19 TRANSFERRED TO THE VILLAGE OF SANTA CLARA--WATER RIGHTS
20 LEASE.--

21 A. The legislature finds that:

22 (1) the Fort Bayard hospital property, known
23 by the federal government as the veterans administration
24 hospital property, with water rights, was declared surplus
25 property and subsequently conveyed to the state of New Mexico

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1 in 1966 for and in consideration of the premises, the sum of
2 one million forty-two thousand four hundred sixty-five dollars
3 (\$1,042,465) paid by the state by earning a public benefit
4 allowance of one hundred percent of that sum, subject to
5 covenants, conditions, reservations and restrictions, namely
6 that for the period of twenty years from September 2, 1965, the
7 state would use the property continuously for public health
8 purposes, which the state did;

9 (2) certain property of the Fort Bayard
10 military reservation was excluded from the conveyance, namely
11 all of that part known as the Fort Bayard veterans
12 administration cemetery and building no. 263 and the land
13 underlying that building; and

14 (3) all minerals and mineral rights were
15 reserved to the United States.

16 B. The legislature finds further that:

17 (1) the state has not operated a hospital on
18 the Fort Bayard hospital property for many years, and a new
19 Fort Bayard medical center was built across the highway from
20 the Fort Bayard property and opened in 2010;

21 (2) the property has been designated as a
22 national historic landmark;

23 (3) currently, the property is unproductive,
24 and the historic buildings are deteriorating;

25 (4) the general services department has

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1 neither short- nor long-term plans to develop the property and
2 has been unable to sell it; and

3 (5) the village of Santa Clara, a local public
4 body, proposes to preserve certain historic buildings on the
5 property and establish a living heritage recreational complex,
6 thus providing economic development and tourism for an area of
7 the state that needs to diversify its economy.

8 C. The legislature finds further that:

9 (1) Sections 13-6-2 and 13-6-3 NMSA 1978 are
10 limitations on the sale, trade or lease of state property by
11 state agencies, and the sections do not apply to the
12 legislature;

13 (2) the legislature has plenary legislative
14 authority limited only by the state and federal constitutions;

15 (3) the only constitutional limitation on the
16 legislature's authority over real property owned by the state
17 is that those lands given to the state by the United States
18 congress as land grants are under the control of the
19 commissioner of public lands; and

20 (4) it is in the public interest to transfer
21 three hundred fifteen acres, more or less, of the Fort Bayard
22 hospital property to the village of Santa Clara to establish a
23 living heritage recreational complex and preserving Fort Bayard
24 as a national historic landmark.

25 D. The real property to be conveyed, part of the

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1 property known as the Fort Bayard hospital, Grant county, New
2 Mexico, is described in an unofficial survey as:

3 "Beginning at corner No. 1 of the division (center)
4 line that is a point on the north boundary of the
5 original deed survey between corner No. 1 and corner
6 No. 2 of the original deed survey, thence S. 29° W.,
7 480 feet to corner No. 2; thence N. 65° W., 250 feet
8 to corner No. 3; thence N. 25° E., 70 feet to corner
9 No. 4; thence N. 63° W., 150 feet to corner No. 5;
10 thence S. 29° W., 565 feet to corner No. 6 on the
11 south side of Fifth street; thence S. 66° E., 370
12 feet to corner No. 7; thence S. 28° W., 1,195 feet
13 to corner No. 8; thence S. 68° E., 250 feet to
14 corner No. 9; thence S. 34° W., 170 feet to corner
15 No. 10; thence S. 64° E., 160 feet to corner No. 11;
16 thence S. 29° W., 2,020 feet to corner No. 12;
17 thence S. 60° W., 420 feet to corner No. 13; thence
18 S. 85° W., 45 feet to corner No. 14; thence along
19 the northwest line between corners Nos. 8 and 9 on
20 the original deed survey; thence S. 28° 13' 00" E.,
21 1,133.80 feet to corner No. 8 of the original deed
22 survey; thence N. 89° 03' 00" E., 2,504.57 feet to
23 corner No. 7 of the original deed survey; thence N.
24 00° 00' 00" W., 615 feet to corner No. 6 of the
25 original deed survey; thence S. 90° 00' 00" W., 400

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1 feet to corner No. 5 of the original deed survey;
2 thence N. 23° 00' 00" E., 1,450 feet to corner No. 4
3 of the original deed survey; thence N. 47° 59' 00"
4 E., 1,573.40 feet to corner No. 3 of the original
5 deed survey; thence N. 18° 30' 00" W., 2,380 feet to
6 corner No. 2 of the original deed survey; thence
7 East along the north boundary of the original deed
8 survey 1,520 feet to corner No. 1 of the divisional
9 survey and the point of beginning.

10 Containing 314.804 acres more or less.

11 Including all buildings, improvements and materials
12 within the boundary.

13 This description was produced from scaling bearing
14 and distance from a map from the village of Santa
15 Clara, and bearings and distance from the original
16 deed boundary survey."

17 E. The transfer of the described property to the
18 village of Santa Clara does not include the donation or
19 transfer of water rights; provided, however, the general
20 services department, with the approval of the state engineer,
21 shall enter into a long-term lease with the village of Santa
22 Clara for at least thirty-five acre-feet of water per year for
23 fire suppression and other uses on that portion of the Fort
24 Bayard property transferred to the village.

25 F. The village of Santa Clara shall pay for an

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1 official survey as part of the transfer of the property from
2 the control of the general services department to the village
3 of Santa Clara.

4 G. The village of Santa Clara shall not sell, trade
5 or otherwise permanently dispose of the property transferred
6 without the approval of the legislature; provided that
7 "permanent disposal" means for longer than twenty-five years;
8 and provided further that the village may lease buildings or
9 other property to the federal, state or other local governments
10 and may lease portions of the recreational complex to
11 recreational providers. If the village of Santa Clara proposes
12 to use the property for any purposes other than as a living
13 heritage recreational complex, it must obtain the approval of
14 the legislature.