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HOUSE MEMORIAL 38

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Eliseo Lee Alcon and Joseph L. Sanchez and Andrea Romero

A MEMORIAL

REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF RIO ARRIBA COUNTY TO FACILITATE THE INCORPORATION OF SANTA CRUZ DE LA CAÑADA AS A MUNICIPALITY; REQUESTING THE GUADALUPE HIDALGO TREATY DIVISION OF THE ATTORNEY GENERAL'S OFFICE TO EXAMINE THE LAND CLAIMS OF SANTA CRUZ DE LA CAÑADA AND REPORT TO THE APPROPRIATE INTERIM LEGISLATIVE COMMITTEE THAT STUDIES LAND GRANTS.

WHEREAS, the Villa Nueva de Santa Cruz de los Españoles Mexicanos del Rey Don Carlos Segundo was founded on April 22, 1695 by Governor Don Diego de Vargas Zapata y Luján as the second official Spanish municipality in New Mexico in accordance with Spanish law and with the approval of the Spanish crown; and

WHEREAS, Governor Don Diego de Vargas Zapata y Luján

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1 defined the boundaries of the settlement as the tributaries of
2 the Santa Cruz river from the mountains to the "Río del Norte",
3 as the Rio Grande was called at the time, and "as far as the
4 pueblos of Nambé, Pojoaque, Jacona, San Ildefonso and San Juan
5 de los Caballeros and on the west the Río del Norte"; and

6 WHEREAS, Governor Don Diego de Vargas Zapata y Luján
7 outlined the rights conveyed by the official establishment of
8 the settlement's boundaries as land that the settlement may
9 "enjoy, hold and have, and which I make a seat and town, and
10 also possession of the houses which may be given or assigned to
11 them in person"; and

12 WHEREAS, the boundaries defined by Governor Don Diego de
13 Vargas Zapata y Luján constituted the legal jurisdiction of the
14 Villa Nueva de Santa Cruz de los Españoles Mexicanos del Rey
15 Don Carlos Segundo; and

16 WHEREAS, over time, the Villa Nueva de Santa Cruz de los
17 Españoles Mexicanos del Rey Don Carlos Segundo became generally
18 referred to as Santa Cruz de la Cañada and is known by that
19 name today; and

20 WHEREAS, Santa Cruz de la Cañada maintained a town
21 council, referred to as a cabildo, under Spanish law from 1695
22 to 1821; and

23 WHEREAS, Santa Cruz de la Cañada maintained a town
24 council, referred to as a ayuntamiento, under Mexican law from
25 1821 to 1848; and

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1 WHEREAS, in 1848, in the peace treaty between the United
2 States of America and the United Mexican States, known as the
3 Treaty of Guadalupe Hidalgo, the lands that constitute modern-
4 day New Mexico were ceded to the United States; and

5 WHEREAS, in 1854, congress established the office of the
6 surveyor general for New Mexico and directed "That it shall be
7 the duty of the Surveyor-General . . . to ascertain the origin,
8 nature, character, and extent of all claims to lands under the
9 laws, usages, and customs of Spain and Mexico"; and

10 WHEREAS, the surveyor general characterized Santa Fe and
11 Albuquerque as official municipalities under the laws, usages
12 and customs of Spain and Mexico, but did not recognize Santa
13 Cruz de la Cañada as a municipality, but rather characterized
14 the settlement as a community land grant; and

15 WHEREAS, Santa Cruz de la Cañada is now an unincorporated
16 community and does not have the land planning authority to
17 manage its growth, land use or establish water, sewer or refuse
18 facilities; and

19 WHEREAS, Santa Cruz de la Cañada is now bisected by the
20 Rio Arriba-Santa Fe county line, but the dominant portion is
21 within Rio Arriba county;

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
23 REPRESENTATIVES OF THE STATE OF NEW MEXICO that Rio Arriba
24 county be encouraged to facilitate the incorporation of Santa
25 Cruz de la Cañada as a municipality in order to for it to have

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1 adequate governing authority needed to protect the health,
2 safety and welfare of its residents; and

3 BE IT FURTHER RESOLVED that the Guadalupe Hidalgo treaty
4 division of the attorney general's office be requested to
5 examine the land claims of Santa Cruz de la Cañada and whether
6 there is cause to approach the United States government to
7 address claims to land that Santa Cruz de la Cañada is making
8 under the Treaty of Guadalupe Hidalgo; and

9 BE IT FURTHER RESOLVED that the Guadalupe Hidalgo treaty
10 division of the attorney general's office be requested to
11 present a report of its analysis to the appropriate interim
12 legislative committee that studies land grants prior to
13 November 1, 2019; and

14 BE IT FURTHER RESOLVED that copies of this memorial be
15 transmitted to the board of county commissioners of Rio Arriba
16 county and the attorney general.