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HOUSE JOINT MEMORIAL 18

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

INTRODUCED BY

Matthew McQueen and Tomás E. Salazar

A JOINT MEMORIAL

REQUESTING THAT THE TREATY OF GUADALUPE HIDALGO DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL COLLABORATE WITH THE TAXATION AND REVENUE DEPARTMENT, THE BOARD OF COUNTY COMMISSIONERS OF TAOS COUNTY, THE TAOS COUNTY ASSESSOR'S OFFICE AND THE CRISTOBAL DE LA SERNA LAND GRANT-MERCED IN AN ANALYSIS OF THE CREATION OF THE PLAT MAP FOR CRISTOBAL DE LA SERNA LAND GRANT-MERCED AND REPORT ON POSSIBLE METHODS TO RECTIFY THE CURRENT LAND TITLE SITUATION.

WHEREAS, in 1941, under direction from the predecessor agency to the taxation and revenue department, the Taos county assessor drew up a plat map for the Cristobal de la Serna land grant-merced that awarded separate parcels of land to each of the land grant heirs; and

WHEREAS, the parcels were drawn as three-foot-wide strips,

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1 called *lineas*, some of which extended up to five miles; and

2 WHEREAS, "bizarre" might be a good word to describe the  
3 resulting plat map, which has been described variously as  
4 looking like spaghetti, flat tree rings or a ball of string  
5 after a cat has played with it; and

6 WHEREAS, the plat map was evidently created without any  
7 consultation with the residents of the Cristobal de la Serna  
8 community and was contrary to the community's understanding of  
9 the ownership of its lands; and

10 WHEREAS, traditionally, the Cristobal de la Serna  
11 community managed and used its lands as common lands; and

12 WHEREAS, dividing parcels of land into miles-long, three-  
13 foot strips would create land management nightmares for most  
14 land uses, and this is particularly true for the Cristobal de  
15 la Serna common lands because they are used for grazing  
16 livestock and because cows and sheep like to wander; and

17 WHEREAS, the individual strips of land created by the 1941  
18 plat map appear to have been randomly assigned to the heirs of  
19 the Cristobal de la Serna land grant-merced; and

20 WHEREAS, the Taos county assessor has testified that  
21 proper valuation of property divided into *lineas* is infeasible;  
22 and

23 WHEREAS, in a case involving dividing the common lands of  
24 a land grant-merced into individual parcels, the New Mexico  
25 supreme court held in *Armijo v. Town of Atrisco*, 62 N.M. 440;

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1 312 P.2nd 2191 (S.Ct. 1941) that separate awards of title were  
2 invalid as a matter of equity because some parcels would  
3 inevitably be worth more than others; and

4 WHEREAS, aside from concerns about equity, dividing the  
5 communal lands at Cristobal de la Serna may not have been a  
6 proper recognition of the property title protected by the  
7 Treaty of Guadalupe Hidalgo and Article 2, Section 5 of the  
8 constitution of New Mexico; and

9 WHEREAS, resolving the Cristobal de la Serna title and  
10 property tax issues will benefit the members of the Cristobal  
11 de la Serna community and allow for better management of its  
12 land;

13 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
14 STATE OF NEW MEXICO that the Treaty of Guadalupe Hidalgo  
15 division of the office of the attorney general be requested to  
16 collaborate with the taxation and revenue department, the board  
17 of county commissioners of Taos county, the Taos county  
18 assessor's office and the Cristobal de la Serna land grant-  
19 merced to:

20 A. research the history and legal basis for the  
21 creation of the 1941 plat map for the Cristobal de la Serna  
22 land grant-merced; and

23 B. develop a proposal for how the property titles  
24 and boundaries for the land may be rationalized; and

25 BE IT FURTHER RESOLVED that the Treaty of Guadalupe

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1 Hidalgo division of the office of the attorney general be  
2 requested to present a report with its findings and proposals  
3 to the appropriate legislative interim committee by November 1,  
4 2017; and

5 BE IT FURTHER RESOLVED that copies of this memorial be  
6 transmitted to the attorney general, the secretary of taxation  
7 and revenue, the board of county commissioners of Taos county,  
8 the Taos county assessor and the president of the board of  
9 trustees for the Cristobal de la Serna land grant-merced.