

1 A JOINT MEMORIAL

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

10
11 WHEREAS, in 1941, under direction from the predecessor
12 agency to the taxation and revenue department, the Taos
13 county assessor drew a plat map for the Cristobal de la Serna
14 land grant-merced that awarded separate parcels of land to
15 each of the land grant heirs; and

16 WHEREAS, the parcels were drawn as three-foot-wide
17 strips, called *lineas*, some of which extended up to five
18 miles; and

19 WHEREAS, the resulting plat map of the land grant-merced
20 has been described variously as resembling spaghetti, flat
21 tree rings or a ball of string after a cat has played with
22 it; and

23 WHEREAS, concerns have been raised that the plat map was
24 created without consultation with the residents of the
25 Cristobal de la Serna community and was contrary to the

1 community's understanding of the ownership of its lands; and

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

4 WHEREAS, dividing parcels of land into miles-long,
5 three-foot strips would create land management issues for
6 most land uses, and this is particularly true for the
7 Cristobal de la Serna common lands because they are used for
8 grazing livestock and because cows and sheep like to wander;
9 and

10 WHEREAS, concerns have been raised that the individual
11 strips of land created by the 1941 plat map appear to have
12 been randomly assigned to the heirs of the Cristobal de la
13 Serna land grant-merced; and

14 WHEREAS, the Taos county assessor has testified that
15 proper valuation of property divided into *lineas* is
16 infeasible; and

17 WHEREAS, in a case involving dividing the common lands
18 of a land grant-merced into individual parcels, the New
19 Mexico supreme court held in *Armijo v. Town of Atrisco*, 62
20 N.M. 440, 312 P.2nd 2191 (S.Ct. 1941), that separate awards
21 of title were invalid as a matter of equity because some
22 parcels would inevitably be worth more than others; and

23 WHEREAS, aside from concerns about equity, dividing the
24 communal lands at the Cristobal de la Serna land grant-merced
25 may not have been a proper recognition of the property title

1 protected by the Treaty of Guadalupe Hidalgo and Article 2,
2 Section 5 of the constitution of New Mexico; and

3 WHEREAS, resolving the Cristobal de la Serna land grant-
4 merced title and property tax issues will benefit the members
5 of the Cristobal de la Serna community and allow for better
6 management of its land;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
8 STATE OF NEW MEXICO that the Guadalupe Hidalgo treaty
9 division of the office of the attorney general be requested
10 to collaborate with the taxation and revenue department, the
11 board of county commissioners of Taos county, the Taos county
12 assessor's office and the Cristobal de la Serna land grant-
13 merced to:

14 A. research the history and legal basis for the
15 creation of the 1941 plat map for the Cristobal de la Serna
16 land grant-merced; and

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

19 BE IT FURTHER RESOLVED that the Guadalupe Hidalgo treaty
20 division of the office of the attorney general be requested
21 to present a report with its findings and proposals to the
22 appropriate legislative interim committee by November 1,
23 2018; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the attorney general, the secretary of taxation HJM 1

1 and revenue, the board of county commissioners of Taos county,
2 the Taos county assessor and the president of the board of
3 trustees for the Cristobal de la Serna land grant-merced.=====

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