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HOUSE JOINT MEMORIAL 1

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Matthew McQueen and Carlos R. Cisneros

FOR THE LAND GRANT COMMITTEE

A JOINT MEMORIAL

REQUESTING THAT THE GUADALUPE HIDALGO TREATY 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 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, the resulting plat map of the land grant-merced
3 has been described variously as resembling spaghetti, flat tree
4 rings or a ball of string after a cat has played with it; and

5 WHEREAS, concerns have been raised that the plat map was
6 created without consultation with the residents of the
7 Cristobal de la Serna community and was contrary to the
8 community's understanding of the ownership of its lands; and

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

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

16 WHEREAS, concerns have been raised that the individual
17 strips of land created by the 1941 plat map appear to have been
18 randomly assigned to the heirs of the Cristobal de la Serna
19 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 the Cristobal de la Serna land grant-merced
6 may not have been a proper recognition of the property title
7 protected by the Treaty of Guadalupe Hidalgo and Article 2,
8 Section 5 of the constitution of New Mexico; and

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

13 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
14 STATE OF NEW MEXICO that the Guadalupe Hidalgo treaty division
15 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 Guadalupe Hidalgo treaty

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1 division of the office of the attorney general be requested to
2 present a report with its findings and proposals to the
3 appropriate legislative interim committee by November 1, 2018;
4 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.