

1 A JOINT RESOLUTION

2 PROPOSING TO EXTEND THE LEASE FOR THE DOWNS AT ALBUQUERQUE,
3 INCORPORATED.

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5 WHEREAS, Section 13-6-3 NMSA 1978 requires ratification
6 and approval by the legislature of a lease for a period
7 exceeding twenty-five years in duration of real property
8 belonging to a state agency, which lease shall be for a
9 consideration of one hundred thousand dollars (\$100,000) or
10 more; and

11 WHEREAS, the Downs at Albuquerque, incorporated, has,
12 since January 11, 1985, leased from the New Mexico state fair
13 the racetrack, grandstand and casino area of the state
14 fairgrounds, which is operated by the lessee as the Downs at
15 Albuquerque, incorporated, at 300 San Pedro drive NE,
16 Albuquerque, New Mexico; and

17 WHEREAS, the consideration paid for the lease by the
18 Downs at Albuquerque, incorporated, since January 11, 1985,
19 has been one hundred thousand dollars (\$100,000) or more; and

20 WHEREAS, the current lease between the parties commenced
21 on January 12, 2012, for a term of three hundred months, or
22 twenty-five years; and

23 WHEREAS, as a result of the public health orders issued
24 by the department of health in response to the coronavirus
25 disease 2019 pandemic, the Downs at Albuquerque,

1 incorporated, was required to cease all operations effective
2 March 16, 2020; and

3 WHEREAS, on April 1, 2020, the Downs at Albuquerque,
4 incorporated, served formal notice of a force majeure event
5 pursuant to the terms of the lease; and

6 WHEREAS, the parties desire to enter into an agreement
7 and release of claims to address issues arising under the
8 lease due to the cessation of the operations of the Downs at
9 Albuquerque, incorporated, during the coronavirus disease
10 2019 pandemic; and

11 WHEREAS, as a term of the agreement and release of
12 claims, the parties agree that fifty percent of the April
13 2020 rent, including rent paid under Sections 2.2, 4.3,
14 4.3.3, 6.1 and 6.2 of the lease, will be abated and the
15 remaining fifty percent of the rent will be deferred; rent
16 will be deferred for the additional months that the Downs
17 at Albuquerque, incorporated, remained closed; rent will also
18 be deferred for six months after the Downs at Albuquerque,
19 incorporated, was allowed to reopen; and all deferred rent
20 will be paid by the Downs at Albuquerque, incorporated, in
21 equal monthly installments over the extended term of the
22 lease; and

23 WHEREAS, as a term of the agreement and release of
24 claims, the parties agree to release and discharge each other
25 from any and all outstanding liabilities, obligations,

1 claims, rights, demands, damages, suits or causes of action
2 relating to matters addressed within the agreement and
3 release of claims; provided that the matters are resolved as
4 provided for in the agreement and release of claims; and

5 WHEREAS, as a term of the agreement and release of
6 claims, the parties desire to extend the current lease for an
7 additional one hundred twenty months to February 28, 2047;

8 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
9 STATE OF NEW MEXICO that an extension of the lease between
10 the New Mexico state fair and the Downs at Albuquerque,
11 incorporated, for the racetrack, grandstand and casino area
12 of the state fairgrounds, which is operated by the lessee
13 as the Downs at Albuquerque, incorporated, until
14 February 28, 2047 be hereby ratified and approved; and

15 BE IT FURTHER RESOLVED that a copy of this resolution be
16 transmitted to the state fair commission. _____

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