

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE JOINT RESOLUTION 11

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

A JOINT RESOLUTION

APPROVING AN EASEMENT OF STATE GAME COMMISSION LAND LOCATED IN  
SAN MIGUEL COUNTY FOR A TERM GREATER THAN TWENTY-FIVE YEARS AND  
FOR CONSIDERATION THAT MAY EXCEED ONE HUNDRED THOUSAND DOLLARS  
(\$100,000).

WHEREAS, Section 13-6-3 NMSA 1978 requires ratification  
and approval of any sale, trade or lease for a period exceeding  
twenty-five years in duration of real property belonging to a  
state agency if the sale, trade or lease is for a consideration  
of one hundred thousand dollars (\$100,000) or more; and

WHEREAS, the state game commission intends to grant to San  
Ignacio Joint Venture a nonexclusive easement for the term of  
ninety-nine years for the sole and exclusive purpose of access  
along and through a nonestablished existing roadway, including  
construction and maintenance of underground utilities within

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1 the confines of the roadway; and

2 WHEREAS, the easement includes the right to enter upon the  
3 real estate hereafter described within the county of San Miguel  
4 to construct, maintain and repair the structures within the  
5 easement and to sub-assign this easement to not more than  
6 forty-five single-family residential lots, provided each sub-  
7 assignment is appurtenant only to each residential lot; and

8 WHEREAS, the easement is located within the NW 1/4 of  
9 Township 16N, Range 12E, Section 19, N.M.P.M., San Miguel  
10 county, New Mexico and is more specifically an easement 30 feet  
11 in width along the now existing roadway that is approximately  
12 2,525 feet in length; and

13 WHEREAS, the state game commission proposes to grant San  
14 Ignacio Joint Venture access to the easement for a term of  
15 ninety-nine years for a one-time consideration of twenty-five  
16 thousand dollars (\$25,000) of which five thousand five hundred  
17 thirty-six dollars ten cents (\$5,536.10) has already been  
18 received and applied to the sum of the consideration; and

19 WHEREAS, if San Ignacio Joint Venture or its assignees  
20 avail themselves of the right to install utilities within the  
21 easement, additional consideration shall be payable commencing  
22 with the date construction of the utilities begins in an amount  
23 set forth in the grant of easement; and

24 WHEREAS, because the exact consideration associated with  
25 the easement cannot be predetermined and because it is possible

1 that the total consideration payable by San Ignacio Joint  
2 Venture and its assignees during the ninety-nine year term of  
3 the easement may exceed one hundred thousand dollars  
4 (\$100,000), this easement comes within the provisions of  
5 Section 13-6-3 NMSA 1978;

6 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
7 STATE OF NEW MEXICO that the grant of an easement by the state  
8 game commission to San Ignacio Joint Venture for consideration  
9 that may, during the ninety-nine year term of the easement,  
10 exceed one hundred thousand dollars (\$100,000) be approved  
11 pursuant to Section 13-6-3 NMSA 1978; and

12 BE IT FURTHER RESOLVED that copies of this joint  
13 resolution be transmitted to the chair of the state game  
14 commission, the attorney general and the business manager of  
15 San Ignacio Joint Venture.

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