

1 SENATE JOINT RESOLUTION 5

2 **46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

3 INTRODUCED BY

4 Don Kidd

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10 A JOINT RESOLUTION

11 AUTHORIZING THE SALE OF THE COTTONWOOD-WALNUT CREEK PROPERTY IN
12 EDDY COUNTY.

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14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 WHEREAS, Section 13-6-3 NMSA 1978 requires legislative
16 ratification and approval of a sale of real property of the
17 state for a consideration of one hundred thousand dollars
18 (\$100,000) or more; and

19 WHEREAS, the Cottonwood-Walnut Creek property was
20 purchased in 1972 for the purpose of creating a state park; and

21 WHEREAS, plans to proceed with a state park changed due to
22 the development of another state park in the same area and a
23 lack of progress in implementing a dam project originally
24 envisioned; and

25 WHEREAS, the state parks division of the energy, minerals

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1 and natural resources department has leased the Cottonwood-
2 Walnut Creek property for agricultural use from 1974 to 2004;
3 and

4 WHEREAS, the state parks division has terminated the lease
5 effective February 15, 2004 in expectation of disposing of the
6 property; and

7 WHEREAS, the state parks division plans to use the
8 proceeds from the sale of the Cottonwood-Walnut Creek property
9 to match federal funds for state park land acquisition and
10 development in other locations; and

11 WHEREAS, the Cottonwood-Walnut Creek property is located
12 in Eddy county and legally described as:

13 Township 16 South, Range 25 East, N.M.P.M.

14 Section 2: W $\frac{1}{2}$ SW $\frac{1}{4}$ (save and except that certain
15 tract described in Deed Book 51 at Page
16 479 of the records of Eddy County, New
17 Mexico, and described as follows:

18 Beginning 238 feet west of the southeast
19 corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence at right
20 angle north 144 feet, thence west 262
21 feet, thence south 150 feet, thence east
22 262 feet to the point of beginning)

23 SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

24 Section 3: Lots 12, 13, 14, 15 and 16, SW $\frac{1}{4}$ and SE $\frac{1}{4}$

25 Section 4: Lots 9, 10, 11, 14, 15 and 16, E $\frac{1}{2}$ SE $\frac{1}{4}$.

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1 TOGETHER WITH all water rights
2 appurtenant to the lands herein conveyed,
3 and all improvements thereon.
4 EXCEPTING all oil, gas and other minerals
5 heretofore reserved; And EXCEPTING,
6 FURTHER, and reserving to the grantor,
7 Geraldine L. Lumley, all oil gas and
8 other minerals not heretofore reserved;
9 and SUBJECT TO the oil and gas lease on
10 record on February 13, 1972, provided
11 however, that any future oil gas or
12 mineral leases or conveyances entered
13 into by the grantor Geraldine L. Lumley,
14 or her heirs or assigns, shall carry a
15 provision that said lessees or grantees
16 will not create, or permit to exist, any
17 unsightly excavation fills, or
18 installations, or drill for or explore
19 for oil, gas or any other minerals on the
20 said lands, or permit waste on said
21 property in any location which will
22 interfere with or create a condition that
23 would interfere with the use by the
24 grantee or the general public in the use
25 of said lands for park and recreation

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1 purposes, or which will impair the scenic
2 or esthetic value of such land.

3 With warranty covenants.";

4 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
5 STATE OF NEW MEXICO that the sale of the described property be
6 hereby ratified and approved pursuant to Section 13-6-3 NMSA
7 1978; and

8 BE IT FURTHER RESOLVED that copies of this resolution be
9 transmitted to the secretary of energy, minerals and natural
10 resources and the director of the state parks division.