

1 HOUSE JOINT RESOLUTION 8

2 49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

3 INTRODUCED BY

4 Ben Lujan

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10 A JOINT RESOLUTION

11 GRANTING APPROVAL TO THE CULTURAL AFFAIRS DEPARTMENT FOR THE
12 LEASE-PURCHASE OF REAL PROPERTY IN SANTA FE COUNTY OWNED BY THE
13 STATE FOR CASH OR CASH-EQUIVALENT IN AN AMOUNT EXCEEDING ONE
14 HUNDRED THOUSAND DOLLARS (\$100,000).

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

21 WHEREAS, the Santa Fe opera, hereafter referred to as "the
22 opera", seeks to enter into a lease-purchase agreement with the
23 state for the following described real property owned by the
24 cultural affairs department:

25 All that portion of Tract A, recorded in Plat Book

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1 435 Page 032, Santa Fe County, New Mexico, which
2 portion may be more particularly described as
3 follows:
4 Beginning at a point at the North East corner of the
5 parcel of land as described hereon;
6 said point lies S 80° 47' 37" W
7 a distance of 297.43 feet from an iron pipe found at
8 the North East corner of Tract A;
9 thence S 06° 08' 50" E a distance of 98.10 feet;
10 thence N 89° 31' 25" W a distance of 119.42 feet;
11 thence N 00° 28' 35" E a distance of 58.63 feet;
12 thence N 90° 00' 00" E a distance of 25.12 feet;
13 thence N 13° 50' 44" E a distance of 38.85 feet;
14 thence N 89° 50' 44" E a distance of 74.01 feet;
15 to a point which is the Point of Beginning,
16 containing an area of 9906 square feet, more or
17 less; and

18 WHEREAS, subject to available appropriations from the
19 legislature and adequate funding from other sources, an open-
20 air rehearsal facility is being constructed for use by the
21 opera and members of the public on the land that the opera
22 seeks to lease and ultimately purchase; and

23 WHEREAS, the opera will lease the rehearsal facility for
24 cash consideration equivalent to the facility's fair market
25 value, and will simultaneously provide separate, distinct and

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1 additional consideration in cash or cash-equivalent in the form
2 of in-kind services toward the purchase of the rehearsal
3 facility at its fair market value; and

4 WHEREAS, the lease-purchase agreement provides that the
5 rehearsal facility shall be sold at its fair market value as
6 established by an independent appraiser using generally
7 accepted appraisal techniques for this type of property for
8 good and valuable consideration, including cash or cash-
9 equivalent in the form of in-kind services; and

10 WHEREAS, on receipt of consideration from the opera in
11 cash or cash-equivalent in the form of in-kind services
12 equaling the fair market value of the real property, the
13 cultural affairs department will transfer the real property
14 with improvements to the opera; and

15 WHEREAS, the cultural affairs department and the opera
16 have agreed upon a sales price, which will be based upon the
17 appraised value, as established by an independent appraiser
18 using generally accepted appraisal techniques for this type of
19 property, but which in any event shall not be less than one
20 million four hundred fifty thousand dollars (\$1,450,000) or
21 such amount as the legislature appropriates to the cultural
22 affairs department for development of the open-air rehearsal
23 facility, such price being satisfied by cash or cash-equivalent
24 in the form of in-kind services, pursuant to the lease-purchase
25 agreement, provided by the opera; and

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1 WHEREAS, the cultural affairs department and the opera
2 seek the ratification and approval of the lease-purchase
3 agreement and ultimate sale to the opera of the real property
4 with improvements upon it;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
6 STATE OF NEW MEXICO that the lease-purchase agreement and sale
7 of the open-air rehearsal facility and the land on which it is
8 located by the cultural affairs department to the opera upon
9 the payment of valuable consideration pursuant to the lease-
10 purchase agreement in an amount equal to at least one million
11 four hundred fifty thousand dollars (\$1,450,000) or such amount
12 as the legislature appropriates to the cultural affairs
13 department for development of the open-air rehearsal facility,
14 such price being satisfied by the value of cash or cash-
15 equivalent in the form of in-kind services provided by the
16 opera, is ratified and approved pursuant to Section 13-6-3 NMSA
17 1978; and

18 BE IT FURTHER RESOLVED that copies of this resolution be
19 transmitted to the secretary of cultural affairs, the state
20 board of finance, the attorney general and the chairman of the
21 board of directors of the opera.

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