

1 SENATE JOINT MEMORIAL 23

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THAT THE GENERAL SERVICES DEPARTMENT TRANSFER PART
12 OF THE FORT BAYARD HOSPITAL CAMPUS TO THE VILLAGE OF SANTA
13 CLARA AND LEASE WATER RIGHTS FOR DEVELOPMENT AND OPERATION OF
14 THE PROPERTY AS A LIVING HERITAGE RECREATIONAL COMPLEX AND TO
15 PRESERVE FORT BAYARD AS A NATIONAL HISTORIC LANDMARK.

16
17 WHEREAS, the Fort Bayard hospital property, known by the
18 federal government as the veterans administration hospital
19 property, with water rights, was declared surplus property and
20 subsequently conveyed to the state of New Mexico in 1966 for
21 and in consideration of the premises, the sum of one million
22 forty-two thousand four hundred sixty-five dollars (\$1,042,465)
23 paid by the state by earning a public benefit allowance of one
24 hundred percent of that sum, subject to covenants, conditions,
25 reservation and restrictions, namely that for the period of

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1 twenty years from September 2, 1965, the state would use the
2 property continuously for public health purposes, which the
3 state did; and

4 WHEREAS, certain property of the Fort Bayard military
5 reservation was excluded from the conveyance, namely all of the
6 part known as the Fort Bayard veterans administration cemetery
7 and building no. 263 and the land underlying that building, and
8 the federal government reserved the right to all minerals and
9 mineral rights; and

10 WHEREAS, the legislature finds that the state has not
11 operated a hospital on the Fort Bayard hospital property for
12 many years, and a new Fort Bayard medical center was built in
13 2010 across the highway from the Fort Bayard property; and

14 WHEREAS, the Fort Bayard hospital property has been
15 designated as a national historic landmark, which, while listed
16 properties are not necessarily protected from damage or
17 deterioration, did indicate the state's commitment to the
18 historic nature of the property and its recognition of its
19 importance to the history of southwestern New Mexico; and

20 WHEREAS, currently, the property is unproductive and the
21 historic buildings are deteriorating and the historic hospital
22 building has been razed; and

23 WHEREAS, the general services department has neither
24 short- nor long-term plans to develop the property and has been
25 unable to sell it; and

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1 WHEREAS, the village of Santa Clara, a local public body,
2 wants to preserve certain historic buildings on the property,
3 such as the commandant's and officers' housing, and establish a
4 living heritage recreational complex on part of the property,
5 thus providing economic development and tourism for an area of
6 the state that needs to diversify its economy; and

7 WHEREAS, it is in the public interest to transfer three
8 hundred fifteen acres, more or less, of the Fort Bayard
9 hospital property to the village of Santa Clara to establish a
10 living heritage recreational complex and to preserve Fort
11 Bayard as a national historic landmark;

12 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
13 STATE OF NEW MEXICO that the general services department be
14 requested to convey certain real and tangible property on the
15 Fort Bayard hospital campus to the village of Santa Clara; and

16 BE IT FURTHER RESOLVED that the real property to be
17 conveyed, consisting of three hundred fifteen acres, more or
18 less, of the property known as the Fort Bayard hospital, Grant
19 county, New Mexico, is described in an unofficial survey as:

20 "Beginning at corner No. 1 of the
21 division (center) line that is a point on
22 the north boundary of the original deed
23 survey between corner No. 1 and corner
24 No. 2 of the original deed survey, thence
25 S. 29° W., 480 feet to corner No. 2;

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1 thence N. 65° W., 250 feet to corner No.
2 3; thence N. 25° E., 70 feet to corner
3 No. 4; thence N. 63° W., 150 feet to
4 corner No. 5; thence S. 29° W., 565 feet
5 to corner No. 6 on the south side of
6 Fifth street; thence S. 66° E., 370 feet
7 to corner No. 7; thence S. 28° W., 1,195
8 feet to corner No. 8; thence S. 68° E.,
9 250 feet to corner No. 9; thence S. 34°
10 W., 170 feet to corner No. 10; thence S.
11 64° E., 160 feet to corner No. 11; thence
12 S. 29° W., 2,020 feet to corner No. 12;
13 thence S. 60° W., 420 feet to corner No.
14 13; thence S. 85° W., 45 feet to corner
15 No. 14; thence along the northwest line
16 between corners Nos. 8 and 9 on the
17 original deed survey; thence S. 28° 13'
18 00" E., 1,133.80 feet to corner No. 8 of
19 the original deed survey; thence N. 89°
20 03' 00" E., 2,504.57 feet to corner No. 7
21 of the original deed survey; thence N.
22 00° 00' 00" W., 615 feet to corner No. 6
23 of the original deed survey; thence S.
24 90° 00' 00" W., 400 feet to corner No. 5
25 of the original deed survey; thence N.

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1 23° 00' 00" E., 1,450 feet to corner No.
2 4 of the original deed survey; thence N.
3 47° 59' 00" E., 1,573.40 feet to corner
4 No. 3 of the original deed survey; thence
5 N. 18° 30' 00" W., 2,380 feet to corner
6 No. 2 of the original deed survey; thence
7 East along the north boundary of the
8 original deed survey 1,520 feet to corner
9 No. 1 of the divisional survey and the
10 point of beginning.

11 Containing 314.804 acres more or less,
12 and including all buildings, improvements
13 and materials within the boundary.

14 This description was produced from
15 scaling bearing and distance from a map
16 from the village of Santa Clara, and
17 bearings and distance from the original
18 deed boundary survey."; and

19 BE IT FURTHER RESOLVED that while the transfer of the
20 described property to the village of Santa Clara does not
21 include the donation or transfer of water rights, the general
22 services department, with the approval of the state engineer,
23 be requested to enter into a long-term lease with the village
24 of Santa Clara for at least thirty-five acre-feet of water per
25 year for fire suppression and construction, operation and

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1 maintenance of the Fort Bayard living heritage recreational
2 complex on that portion of the Fort Bayard property transferred
3 to the village; and

4 BE IT FURTHER RESOLVED that the general services
5 department be requested to provide water as needed by the
6 village of Santa Clara during the time between conveyance of
7 the property and the finalized lease of water rights; and

8 BE IT FURTHER RESOLVED that prior to the transfer, the
9 village of Santa Clara shall pay for an official survey of the
10 real property to be transferred to the village, to be filed
11 with the county clerk as the official recorded plat of survey
12 and the official survey shall be used as the survey that
13 determines the property to be conveyed; and

14 BE IT FURTHER RESOLVED that the transfer include the
15 following provisions:

16 A. the village of Santa Clara shall not sell, trade
17 or otherwise permanently dispose of any part of the property
18 transferred without the approval of the legislature; provided
19 that permanent disposal means for longer than twenty-five
20 years;

21 B. the village of Santa Clara may lease buildings
22 or other property to the federal, state or other local
23 governments and may lease portions of the recreational complex
24 to recreational providers; and

25 C. if the village of Santa Clara proposes to use

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1 the property for any purposes other than as a living heritage
2 recreational complex, it must obtain prior approval of the
3 legislature; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the general services department and the village
6 of Santa Clara.

