

1 A MEMORIAL

2 REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF RIO ARRIBA
3 COUNTY TO FACILITATE THE INCORPORATION OF SANTA CRUZ DE LA
4 CAÑADA AS A MUNICIPALITY; REQUESTING THE GUADALUPE HIDALGO
5 TREATY DIVISION OF THE ATTORNEY GENERAL'S OFFICE TO EXAMINE
6 THE LAND CLAIMS OF SANTA CRUZ DE LA CAÑADA AND REPORT TO THE
7 APPROPRIATE INTERIM LEGISLATIVE COMMITTEE THAT STUDIES LAND
8 GRANTS.

9
10 WHEREAS, the Villa Nueva de Santa Cruz de los Españoles
11 Méxicanos del Rey Don Carlos Segundo was founded on April 22,
12 1695 by Governor Don Diego de Vargas Zapata y Luján as the
13 second official Spanish municipality in New Mexico in
14 accordance with Spanish law and with the approval of the
15 Spanish crown; and

16 WHEREAS, Governor Don Diego de Vargas Zapata y Luján
17 defined the boundaries of the settlement as the tributaries
18 of the Santa Cruz river from the mountains to the "Río del
19 Norte", as the Rio Grande was called at the time, and "as far
20 as the pueblos of Nambé, Pojoaque, Jacona, San Ildefonso and
21 San Juan de los Caballeros and on the west the Río del
22 Norte"; and

23 WHEREAS, Governor Don Diego de Vargas Zapata y Luján
24 outlined the rights conveyed by the official establishment of
25 the settlement's boundaries as land that the settlement may

1 "enjoy, hold and have, and which I make a seat and town, and
2 also possession of the houses which may be given or assigned
3 to them in person"; and

4 WHEREAS, the boundaries defined by Governor Don Diego de
5 Vargas Zapata y Luján constituted the legal jurisdiction of
6 the Villa Nueva de Santa Cruz de los Españoles Mexicanos del
7 Rey Don Carlos Segundo; and

8 WHEREAS, over time, the Villa Nueva de Santa Cruz de los
9 Españoles Mexicanos del Rey Don Carlos Segundo became
10 generally referred to as Santa Cruz de la Cañada and is known
11 by that name today; and

12 WHEREAS, Santa Cruz de la Cañada maintained a town
13 council, referred to as a cabildo, under Spanish law from
14 1695 to 1821; and

15 WHEREAS, Santa Cruz de la Cañada maintained a town
16 council, referred to as a ayuntamiento, under Mexican law
17 from 1821 to 1848; and

18 WHEREAS, in 1848, in the peace treaty between the United
19 States of America and the United Mexican States, known as the
20 Treaty of Guadalupe Hidalgo, the lands that constitute
21 modern-day New Mexico were ceded to the United States; and

22 WHEREAS, in 1854, congress established the office of the
23 surveyor general for New Mexico and directed "That it shall
24 be the duty of the Surveyor-General . . . to ascertain the
25 origin, nature, character, and extent of all claims to lands

1 under the laws, usages, and customs of Spain and Mexico"; and

2 WHEREAS, the surveyor general characterized Santa Fe and
3 Albuquerque as official municipalities under the laws, usages
4 and customs of Spain and Mexico, but did not recognize Santa
5 Cruz de la Cañada as a municipality, but rather characterized
6 the settlement as a community land grant; and

7 WHEREAS, Santa Cruz de la Cañada is now an
8 unincorporated community and does not have the land planning
9 authority to manage its growth, land use or establish water,
10 sewer or refuse facilities; and

11 WHEREAS, Santa Cruz de la Cañada is now bisected by the
12 Rio Arriba-Santa Fe county line, but the dominant portion is
13 within Rio Arriba county;

14 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
15 REPRESENTATIVES OF THE STATE OF NEW MEXICO that Rio Arriba
16 county be encouraged to facilitate the incorporation of Santa
17 Cruz de la Cañada as a municipality in order to for it to
18 have adequate governing authority needed to protect the
19 health, safety and welfare of its residents; and

20 BE IT FURTHER RESOLVED that the Guadalupe Hidalgo treaty
21 division of the attorney general's office be requested to
22 examine the land claims of Santa Cruz de la Cañada and
23 whether there is cause to approach the United States
24 government to address claims to land that Santa Cruz de la
25 Cañada is making under the Treaty of Guadalupe Hidalgo; and

1 BE IT FURTHER RESOLVED that the Guadalupe Hidalgo treaty
2 division of the attorney general's office be requested to
3 present a report of its analysis to the appropriate interim
4 legislative committee that studies land grants prior to
5 November 1, 2019; and

6 BE IT FURTHER RESOLVED that copies of this memorial be
7 transmitted to the board of county commissioners of Rio Arriba
8 county and the attorney general. _____

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25