

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE JOINT MEMORIAL 8

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Luis M. Terrazas and Stefani Lord and Siah Correa Hemphill and
James G. Townsend and Jenifer Jones

A JOINT MEMORIAL

REQUESTING THE GENERAL SERVICES DEPARTMENT TO CONSENT TO THE
ANNEXATION OF THE FORT BAYARD MILITARY RESERVATION BY THE
VILLAGE OF SANTA CLARA.

WHEREAS, the New Mexico legislature has granted authority
to New Mexico municipalities for the incorporation of
contiguous property into the municipality after following
statutory annexation procedures, which procedures include
adequate notice to landowners and the public; and

WHEREAS, annexation does not grant the municipality
ownership over the land, water rights or other rights
appurtenant to the annexed property; and

WHEREAS, when federal, state or county governments own
annexed property, municipal ordinances do not apply and
property taxes remain abated; and

.223950.2

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 WHEREAS, except for the Fort Bayard national cemetery, in
2 1966 the United States conveyed to New Mexico the historic Fort
3 Bayard military reservation in Grant county; and

4 WHEREAS, annexation of contiguous property obligates and
5 places a burden upon a municipality to provide municipal
6 services to the land annexed; and

7 WHEREAS, the village of Santa Clara, a New Mexico
8 municipality, is located contiguous to Fort Bayard and has been
9 associated with Fort Bayard since its establishment in 1866;
10 and

11 WHEREAS, the village of Santa Clara cemetery contains
12 remains of Fort Bayard soldiers dating back to 1868; and

13 WHEREAS, the village of Santa Clara has expended
14 approximately three million dollars (\$3,000,000) obtained by
15 the village through federal and state grants and private
16 donations to maintain, conserve and reasonably develop the
17 historic Fort Bayard military reservation; and

18 WHEREAS, in 2015, the village of Santa Clara was willing
19 and capable of providing the necessary utility and other
20 municipal services to the Fort Bayard military reservation upon
21 annexation; and

22 WHEREAS, in 2015, the village of Santa Clara officially
23 requested the state's consent to annex part of the historic
24 Fort Bayard military reservation, which request was denied by
25 the general services department; and

.223950.2

underscoring material = new
~~[bracketed material] = delete~~

1 WHEREAS, prior to 2015, and continuing through to the
2 present time, the village of Santa Clara:

3 A. provides backup police, fire and animal control
4 services to the Fort Bayard military reservation;

5 B. maintains the grounds of the Fort Bayard
6 military reservation pursuant to an agreement with the general
7 services department; and

8 C. provides sewer and public water service to
9 entities located on the southern boundary of the Fort Bayard
10 military reservation, which infrastructure, if needed, can
11 readily be connected to utility lines within the Fort Bayard
12 military reservation, as well as upgraded electric and natural
13 gas services through the public service company of New Mexico
14 and the New Mexico gas company; and

15 WHEREAS, prior to 2015 and continuing through to the
16 present time, the village of Santa Clara has maintained and
17 installed buildings and grounds' improvements within the Fort
18 Bayard military reservation, but without annexation, the
19 village cannot adequately protect or maintain those
20 improvements; and

21 WHEREAS, in December 2019, the village of Santa Clara
22 executed a ninety-nine-year lease from the state of the Fort
23 Bayard military reservation; and

24 WHEREAS, since December 2019, the village has accomplished
25 the following improvements, enhancements and maintenance within
.223950.2

underscored material = new
~~[bracketed material] = delete~~

1 the Fort Bayard military reservation:

2 A. installed steps, interior handrails and federal
3 Americans with Disabilities Act of 1990-compliant ramps,
4 removed asbestos and initiated electrical upgrades at the
5 museum;

6 B. repaired windows and doors at the theater;

7 C. completed the pre-design for future occupation
8 by the United States department of agriculture forest service
9 of four buildings;

10 D. generally maintained the grounds; and

11 E. obtained the services of AmeriCorps and New
12 Mexico youth conservation corps volunteers, whose achievements
13 include:

14 (1) painting and boarding up more than two
15 hundred fifty windows and seventy-five doors to protect
16 buildings from vandalism;

17 (2) removing lead paint and painting all of
18 the small houses located at the entrance of the Fort Bayard
19 military reservation;

20 (3) installing a nationally sanctioned disk
21 golf course;

22 (4) adding a federal Americans with
23 Disabilities Act of 1990-compliant restroom to the New Deal
24 theater;

25 (5) cleaning out all buildings on the Fort

.223950.2

underscoring material = new
~~[bracketed material] = delete~~

1 Bayard military reservation of trash, debris and old
2 furnishings; and

3 (6) clearing the grounds of the Fort Bayard
4 military reservation of fire hazards; and

5 WHEREAS, the village of Santa Clara has shown its
6 capability to provide adequate municipal utilities and services
7 to the Fort Bayard military reservation as required pursuant to
8 the New Mexico annexation statutes and its ongoing commitment
9 to the conservation and sensible development of the Fort Bayard
10 military reservation; and

11 WHEREAS, the annexation of the Fort Bayard military
12 reservation by the village of Santa Clara would benefit the
13 state rather than be detrimental;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
15 STATE OF NEW MEXICO that the general services department be
16 requested to reconsider its prior opposition to the proposed
17 annexation of the Fort Bayard military reservation by the
18 village of Santa Clara; and

19 BE IT FURTHER RESOLVED that the general services
20 department be requested to consent to the village of Santa
21 Clara proceeding with the annexation of the Fort Bayard
22 military reservation pursuant to the municipal boundary
23 commission method provided in Sections 3-7-11 through 3-7-17
24 NMSA 1978; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

.223950.2

underscored material = new
~~[bracketed material] = delete~~

1 transmitted to the governor, the secretary of general services
2 and the mayor of the village of Santa Clara.

3 - 6 -
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

.223950.2