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A JOINT RESOLUTION

GRANTING PRIOR APPROVAL TO THE PROPERTY CONTROL DIVISION OF THE GENERAL SERVICES DEPARTMENT TO EXCHANGE STATE-OWNED LAND FOR PRIVATE LAND ADJACENT TO THE FEDERAL BORDER CROSSING FACILITY AT SANTA TERESA IN DONA ANA COUNTY.

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

WHEREAS, Laws 1998, Chapter 7, Section 32 appropriated nine hundred thousand dollars (\$900,000) to "make site improvements and purchase and erect a modular office building and equip a port-of-entry facility near Santa Teresa" on approximately twelve and five hundred twenty-seven thousandths acres of land donated to the state in October 2000, which is located approximately one-half mile north of the Santa Teresa federal border crossing facility in Dona Ana county; and

WHEREAS, the state-owned land improvements include paved access from Booth road to the Pete Domenici highway, with a paved curb-and-gutter parking lot to accommodate approximately fifty semi-trucks; connection to the local water system; a septic system and leach field; and electric power with a one hundred KVA transformer; and

WHEREAS, a modular office building of approximately one thousand four hundred forty gross square feet, provided by the federal motor carrier safety administration, is located on the property, has an Americans with Disabilities Act of 1990-compliant entry ramp and is wired for telephone and data, which may be donated to the state when a new permanent facility is completed; and

1           WHEREAS, inspections conducted at the federal port of  
2 entry include compliance with federal requirements for  
3 customs, immigration, agriculture and homeland security, but  
4 do not include vehicle safety inspection; and

5           WHEREAS, the state conducts vehicle safety inspections  
6 at the state port of entry, issues permits and collects fees  
7 and other revenue owed to the state by commercial vehicles;  
8 and

9           WHEREAS, Booth road, which connects the federal and  
10 state ports of entry, intersects with Cattlemen's drive  
11 (recently renamed "Bi-national avenue") and therefore can be  
12 used by vehicles to circumvent the state port of entry  
13 vehicle safety inspection, permits and fees collection; and

14           WHEREAS, proposed development will include another  
15 opportunity for uninspected vehicles to circumvent the state  
16 port of entry; and

17           WHEREAS, the permanent state port of entry requires  
18 approximately twenty acres; and

19           WHEREAS, a private owner owns approximately eighteen and  
20 eight hundred fifty thousandths acres of undeveloped land  
21 immediately adjacent to the federal border crossing facility  
22 intersected by Cattlemen's drive; and

23           WHEREAS, Dona Ana county owns Cattlemen's drive, and  
24 approximately one and nineteen hundredths acres of that road  
25 will be required for the new port-of-entry project; and

          WHEREAS, relocating the state port of entry adjacent to  
the federal port of entry removes the possibility of vehicles  
avoiding safety inspections, permits, fees and taxes; and

          WHEREAS, the private owner is willing to trade the  
parcel adjacent to the federal facility for the site of the  
current state port of entry;

          NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE

1 STATE OF NEW MEXICO that the trade of the state-owned land  
2 currently used as a state port of entry in Dona Ana county,  
3 described as a certain parcel of land containing twelve and  
4 five hundred twenty-seven thousandths acres more or less,  
5 situated within Section 7, Township 29S, Range 3E, New Mexico  
6 Principal Meridian, Dona Ana county, New Mexico, and more  
7 particularly described in a survey dated and recorded with  
8 the Dona Ana county clerk on January 21, 2001 in book 249,  
9 pages 1350 to 1352, in exchange for private land adjacent to  
10 the federal port of entry facility be ratified and approved  
11 pursuant to the provisions of Section 13-6-3 NMSA 1978; and

12 BE IT FURTHER RESOLVED that the trade is contingent on  
13 Dona Ana county transferring title to the property control  
14 division of the general services department that portion of  
15 Cattlemen's drive that intersects the proposed port of entry  
16 site; and

17 BE IT FURTHER RESOLVED that both parcels shall be  
18 appraised by one appraiser that is mutually agreeable to the  
19 property control division of the general services department,  
20 the private owner and the property tax division of the  
21 taxation and revenue department; and

22 BE IT FURTHER RESOLVED that the appraisal of both  
23 parcels shall be reviewed and validated by the property tax  
24 division of the taxation and revenue department; and

25 BE IT FURTHER RESOLVED that the agreement between the  
parties shall provide that, if the state-owned property is  
not appraised at the same value as the private property, the  
difference between the value of the parcels to be exchanged  
shall be paid from the owner of the property with a lower  
value to the owner of the property with the higher value; and

BE IT FURTHER RESOLVED that copies of this resolution be  
transmitted to the property control division of the general

1 services department, the border authority, the property tax  
2 division of the taxation and revenue department and the  
3 private landowner. \_\_\_\_\_

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