

HOUSE JOINT RESOLUTION 11

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Edward C. Sandoval

A JOINT RESOLUTION

APPROVING A LEASE FOR AN EASEMENT OF DEPARTMENT OF GAME AND FISH LAND LOCATED IN SAN MIGUEL COUNTY FOR GREATER THAN TWENTY-FIVE YEARS AND FOR CONSIDERATION THAT MAY EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000).

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

WHEREAS, the department of game and fish conveys to San Ignacio Joint Venture a nonexclusive easement for the term of ninety-nine years for the sole and exclusive purpose of access along and through a nonestablished existing roadway, including construction and maintenance of underground utilities within

.172478.2

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 the confines of the roadway; and

2 WHEREAS, such conveyance includes the right to enter upon  
3 the real estate hereafter described within the county of San  
4 Miguel to construct, maintain and repair the structures within  
5 the easement and to sub-assign this easement to not more than  
6 forty-five single-family residential lots, provided each sub-  
7 assignment is appurtenant only to each residential lot; and

8 WHEREAS, the description of the easement is: "The NW 1/4  
9 of Township 16N, Range 12E, Section 19, N.M.P.M., San Miguel  
10 county, New Mexico and is more specifically an easement 30 feet  
11 in width along the now existing roadway that is approximately  
12 2,525 feet in length as recorded in survey of Homestead entry  
13 No. 5665 as filed for record in the office of the San Miguel  
14 county clerk in Plat Book 2, page 193, as document 6933."; and

15 WHEREAS, the department of game and fish grants access  
16 rights to the easement to the lessee for twenty-five thousand  
17 dollars (\$25,000) consideration of which five thousand five  
18 hundred thirty-six dollars ten cents (\$5,536.10) has already  
19 been received and applied to the sum of the consideration; and

20 WHEREAS, if San Ignacio Joint Venture or its assignees  
21 avail themselves of the right to install utilities within the  
22 easement, additional consideration shall be payable commencing  
23 with the date construction of the utilities begins in an amount  
24 set forth in the grant of easement between the two parties; and

25 WHEREAS, because the exact costs associated with the

.172478.2

underscoring material = new  
[bracketed material] = delete

1        easement cannot be predetermined and because it is possible  
2        that the costs to San Ignacio Joint Venture and the assignees  
3        during the ninety-nine year term of the lease may exceed one  
4        hundred thousand dollars (\$100,000) that this lease of an  
5        easement comes within the provisions of Section 13-6-3 NMSA  
6        1978;

7                NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
8        STATE OF NEW MEXICO that the grant of an easement by the  
9        department of game and fish to San Ignacio Joint Venture for  
10       consideration that may, during the ninety-nine year term of the  
11       lease, total to an excess of one hundred thousand dollars  
12       (\$100,000) be ratified and approved pursuant to Section 13-6-3  
13       NMSA 1978; and

14                BE IT FURTHER RESOLVED that copies of this joint  
15       resolution be transmitted to the director of game and fish,  
16       the attorney general and the chairman of the board of San  
17       Ignacio Joint Venture.