

HOUSE JOINT RESOLUTION 12

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

INTRODUCED BY

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A JOINT RESOLUTION

AUTHORIZING THE PARTIAL TRANSFER OF THE PROPERTY COMPRISING THE
OLD FORT BAYARD FACILITY FROM THE FACILITIES MANAGEMENT
DIVISION OF THE GENERAL SERVICES DEPARTMENT TO THE VILLAGE OF
SANTA CLARA.

WHEREAS, Fort Bayard national historic landmark, known as
"Fort Bayard", is a significant historic facility in Grant
county that was founded in 1866; and

WHEREAS, Fort Bayard is listed on the state register of
cultural properties and the national register of historic
places and is subject to all state and federal historic
preservation laws, including the Cultural Properties Act, the
New Mexico Prehistoric and Historic Sites Preservation Act and
the federal National Historic Preservation Act; and

WHEREAS, as a certified local government pursuant to rules
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1 of the historic preservation division of the cultural affairs
2 department, the village of Santa Clara approved a preservation
3 ordinance in 2017 whereby the village agreed to follow state
4 and federal standards on undertakings that have the potential
5 to affect historic properties; and

6 WHEREAS, Fort Bayard, formerly a federal veterans
7 administration hospital, was declared surplus property by the
8 federal government and subsequently conveyed to the state in
9 1966, and title is now vested in the state; and

10 WHEREAS, the facilities management division of the general
11 services department has neither short- nor long-term plans for
12 the property and desires that a portion of Fort Bayard property
13 be transferred to the village of Santa Clara; and

14 WHEREAS, water rights associated with the portion of the
15 property proposed to be transferred shall not be transferred
16 and will remain in the ownership and control of the state; and

17 WHEREAS, the general services department, with the
18 approval of the state engineer, will consider entering into a
19 long-term lease with the village of Santa Clara for a yet-to-
20 be-determined amount of water per year for fire suppression,
21 operation and maintenance of the Fort Bayard complex. As a
22 condition of the lease for water rights, the village of Santa
23 Clara shall be responsible for all costs regarding the
24 installation of a meter to monitor the amount of water used
25 under any such lease as contemplated here. The village of

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1 Santa Clara shall comply with all requirements set forth by the
2 office of the state engineer, including but not limited to
3 obtaining the proper permits for any diversion or change in use
4 of said water rights and reporting requirements; and

5 WHEREAS, a legal description of the property will be made
6 in a survey to be conducted by a licensed surveyor or licensed
7 engineer. The facilities management division of the general
8 services department and the village of Santa Clara must agree
9 on the description of the property to be transferred as a
10 condition precedent to the donation of the property to the
11 village; provided that the following improvements, fixtures,
12 equipment and land shall be excluded from the property to be
13 transferred:

- 14 A. laundry facility;
- 15 B. medical adaptive equipment storage, which
16 includes two separate buildings;
- 17 C. two unoccupied houses located near the laundry
18 facility;
- 19 D. an area to be determined at the main entrance of
20 the property for future expansion and use by the department of
21 health;
- 22 E. a new lift station and land in and around the
23 station;
- 24 F. the pauper cemetery and surrounding land;
- 25 G. the water tank and the land around the tank;

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1 H. the land owned by the United States department
2 of veterans affairs for its veterans' cemetery;

3 I. the land containing the water springs that feed
4 the property located on United States forest service property;

5 J. the biomass boiler; and

6 K. all equipment and tangible personal property
7 located in and around the buildings that are currently used by
8 the department of health; and

9 WHEREAS, the state shall retain appropriate rights of way
10 and easements, and the transferred property shall be subject to
11 reservations, restrictions or easements of record; and

12 WHEREAS, an easement will be retained by the state for a
13 waterline from the water tank to the front entrance area of the
14 new Fort Bayard medical center facility; and

15 WHEREAS, an easement will be retained by the state from
16 Grant county for a waterline to cross the road that divides the
17 old Fort Bayard facility from the new Fort Bayard medical
18 center; and

19 WHEREAS, an easement will be retained by the state from
20 Grant county for a waterline to cross the property where the
21 Fort Bayard medical center is located and permission obtained
22 from Grant county for the waterline to tie into the Fort Bayard
23 medical center; and

24 WHEREAS, access to the property shall be as follows:

25 A. the state shall have unlimited access, with

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1 reasonable notice given to other parties that may occupy the
2 property;

3 B. the United States department of veterans affairs
4 and any associated agencies shall have unlimited access to the
5 national cemetery, and roads through the property shall be
6 maintained in order for burial processions to travel to the
7 cemetery; and

8 C. the village of Santa Clara shall grant access to
9 the United States bureau of land management and the United
10 States forest service as needed; and

11 WHEREAS, there are buildings on the property that are
12 currently being used by the department of health, which are
13 listed below, and shall be leased to the department of health
14 by the village of Santa Clara at no cost to the state for a
15 term to be determined by the department of health. As the
16 owner of the buildings, the village of Santa Clara shall be
17 responsible for the maintenance and repairs of the buildings in
18 accordance with their designated use by the department of
19 health, including any necessary capital improvements as needed
20 for the entire term of the department's occupancy or use:

- 21 A. motor pool;
- 22 B. maintenance shop;
- 23 C. electrical shop;
- 24 D. materials storage, which includes two separate
25 buildings; and

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1 E. warehouse; and

2 WHEREAS, the Grant county fire department currently has a
3 lease with the state for use of the fire house and one and
4 sixty-six hundredths acres of land, and the village of Santa
5 Clara shall enter into a new lease with the Grant county fire
6 department for continued use of this building and property; and

7 WHEREAS, the state has been notified by the United States
8 department of veterans affairs of its desire to expand the Fort
9 Bayard cemetery, and the village of Santa Clara shall work with
10 the department in an effort to promote this expansion; and

11 WHEREAS, the village of Santa Clara shall maintain and
12 keep current the appropriate insurance coverage on the property
13 either through the risk management division of the general
14 services department or an equivalent coverage through a private
15 entity or other program of insurance and shall annually provide
16 certificates and proof of coverage or participation to the risk
17 management division; and

18 WHEREAS, the purpose of the property is to continue as a
19 public facility with the preservation of its historical
20 significance maintained;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
22 STATE OF NEW MEXICO that the transfer of the property to the
23 village of Santa Clara be authorized by the legislature; and

24 BE IT FURTHER RESOLVED that the authorization be
25 contingent upon agreement by the parties in the conveyance

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1 document that if the village of Santa Clara ever decides that
2 the property is no longer needed by the village for any public
3 or public preservation purpose, or that the purpose has
4 changed, then the property, at the option of the state and at
5 no cost to the state, may be reconveyed by the village of Santa
6 Clara to the state. Any property reconveyed shall include all
7 improvements on the property whether constructed by the village
8 of Santa Clara or others; and

9 BE IT FURTHER RESOLVED that the property shall not be
10 transferred until it has been reviewed and approved by the
11 capitol buildings planning commission; and

12 BE IT FURTHER RESOLVED that the property shall not be
13 transferred until it has been reviewed and approved by the
14 state board of finance; and

15 BE IT FURTHER RESOLVED that copies of this resolution be
16 transmitted to the secretary of general services, the secretary
17 of health, the secretary of cultural affairs, the office of the
18 state engineer, the capitol buildings planning commission, the
19 mayor of the village of Santa Clara and the Grant county
20 manager.

