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HOUSE BILL 1080

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

ROBERTO J. GONZALES

AN ACT

RELATING TO COMMUNITY LAND GRANTS; ENACTING SECTIONS OF THE NMSA 1978 TO ENLARGE THE POWERS OF THE BOARD OF TRUSTEES OF COMMUNITY LAND GRANTS TO PERMIT ZONING AND IMPOSITION OF NEGATIVE EASEMENTS AND TO AUTHORIZE THE LEVY AND COLLECTION OF PROPERTY TAXES ON THE NET TAXABLE VALUE OF PROPERTY WITHIN THE LAND GRANT; PROHIBITING CLAIM OF TITLE TO LANDS WITHIN THE GRANT BY ADVERSE POSSESSION; PROVIDING FOR NONFORFEITURE OF WATER RIGHTS BY PRESCRIPTION OR FOR NONUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. COMMUNITY LAND GRANTS--TRUSTEES--ADDITIONAL POWERS.--In addition to the powers conferred on the board of trustees of a community land grant under the provisions of Section 49-1-3 NMSA 1978, the board shall have the following general powers over lands held in common:

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1 A. to have, for the purpose of promoting health,
2 safety or the general welfare, all the powers of a zoning
3 authority and the board may regulate and restrict within the
4 grant the:

- 5 (1) height, number of stories and size of
6 buildings and other structures;
7 (2) percentage of a tract of land that may be
8 occupied;
9 (3) size of yards, courts or other open space;
10 (4) density of population; and
11 (5) location and use of buildings, structures
12 and land for trade, industry, residence and other purposes;

13 B. to impose negative easements on lands held in
14 common within the exterior boundaries of the community land
15 grant that the board deems beneficial to the lands held in
16 common; and

17 C. to levy and collect property taxes on and against
18 the net taxable value of all property within the community land
19 grant.

20 Section 2. CERTAIN ADVERSE CLAIMS PROHIBITED. -- Hereafter,
21 descendants of the original owners and proprietors of a
22 community land grant cannot claim title to community land grant
23 property by adverse possession.

24 Section 3. WATER RIGHTS--NONFORFEITURE. -- The rights of any
25 community land grant subject to regulation under the provisions

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1 of Chapter 49 NMSA 1978 or the use thereof, shall not be lost by
2 the community land grant by prescription or for nonuse of the
3 waters.

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