

108TH CONGRESS
1ST SESSION

S. 213

To clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2003

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Albuquerque Biological
5 Park Title Clarification Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that:

8 (1) In 1997, the City of Albuquerque, New
9 Mexico paid \$3,875,000 to the Middle Rio Grande

1 Conservancy District to acquire two parcels of land
2 known as Tingley Beach and San Gabriel Park.

3 (2) The City intends to develop and improve
4 Tingley Beach and San Gabriel Park as part of its
5 Albuquerque Biological Park Project.

6 (3) In 2000, the United States claimed title to
7 Tingley Beach and San Gabriel Park by asserting
8 that these properties were transferred to the United
9 States in the 1950's as part of the establishment of
10 the Middle Rio Grande Project.

11 (4) The City's ability to continue developing the
12 Albuquerque Biological Park Project has been hin-
13 dered by the United States claim of title to these
14 properties.

15 (5) The United States claim of ownership over
16 the Middle Rio Grande Project properties is disputed
17 by the City and MRGCD in *Rio Grande Silvery Min-*
18 *now v. John W. Keys, III*, No. CV 99-1320 JP/
19 RLP-ACE (D. N.M. filed Nov. 15, 1999).

20 (6) Tingley Beach and San Gabriel Park are
21 surplus to the needs of the Bureau of Reclamation
22 and the United States in administering the Middle
23 Rio Grande Project.

24 (b) PURPOSE.—The purpose of this Act is to direct
25 the Secretary of the Interior to issue a quitclaim deed con-

1 veying any right, title, and interest the United States may
2 have in and to Tingley Beach or San Gabriel Park to the
3 City, thereby removing the cloud on the City's title to
4 these lands.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) CITY.—The term “City” means the City of
8 Albuquerque, New Mexico.

9 (2) MIDDLE RIO GRANDE CONSERVANCY DIS-
10 TRICT.—The terms “Middle Rio Grande Conser-
11 vancy District” and “MRGCD” mean a political
12 subdivision of the State of New Mexico, created in
13 1925 to provide and maintain flood protection and
14 drainage, and maintenance of ditches, canals, and
15 distribution systems for irrigation and water delivery
16 and operations in the Middle Rio Grande Valley.

17 (3) MIDDLE RIO GRANDE PROJECT.—The term
18 “Middle Rio Grande Project” means the works asso-
19 ciated with water deliveries and operations in the
20 Rio Grande basin as authorized by the Flood Con-
21 trol Act of 1948 (Public Law 80–858; 62 Stat.
22 1175) and the Flood Control Act of 1950 (Public
23 Law 81–516; 64 Stat. 170).

24 (4) SAN GABRIEL PARK.—The term “San Ga-
25 briel Park” means the tract of land containing

1 40.2236 acres, more or less, situated within Section
 2 12 and Section 13, T10N, R2E, N.M.P.M., City of
 3 Albuquerque, Bernalillo County, New Mexico, and
 4 described by New Mexico State Plane Grid Bearings
 5 (Central Zone) and ground distances in a Special
 6 Warranty Deed conveying the property from
 7 MRGCD to the City, dated November 25, 1997.

8 (5) TINGLEY BEACH.—The term “Tingley
 9 Beach” means the tract of land containing 25.2005
 10 acres, more or less, situated within Section 13 and
 11 Section 24, T10N, R2E, N.M.P.M., City of Albu-
 12 querre, Bernalillo County, New Mexico, and de-
 13 scribed by New Mexico State Plane Grid Bearings
 14 (Central Zone) and ground distances in a Special
 15 Warranty Deed conveying the property from
 16 MRGCD to the City, dated November 25, 1997.

17 **SEC. 4. CLARIFICATION OF PROPERTY INTEREST.**

18 (a) REQUIRED ACTION.—The Secretary of the Inte-
 19 rior shall issue a quitclaim deed conveying any right, title,
 20 and interest the United States may have in and to Tingley
 21 Beach and San Gabriel Park to the City.

22 (b) TIMING.—The Secretary shall carry out the ac-
 23 tion in subsection (a) as soon as practicable after the date
 24 of enactment of this title and in accordance with all appli-
 25 cable law.

1 (c) NO ADDITIONAL PAYMENT.—The City shall not
2 be required to pay any additional costs to the United
3 States for the value of San Gabriel Park and Tingley
4 Beach.

5 **SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAF-**
6 **FFECTED.**

7 (a) IN GENERAL.—Except as expressly provided in
8 section 4, nothing in this Act shall be construed to affect
9 any right, title, or interest in and to any land associated
10 with the Middle Rio Grande Project.

11 (b) ONGOING LITIGATION.—Nothing contained in
12 this Act shall be construed or utilized to affect or other-
13 wise interfere with any position set forth by any party in
14 the lawsuit pending before the United States District
15 Court for the District of New Mexico, No. CV 99–1320
16 JP/RLP–ACE, entitled Rio Grande Silvery Minnow v.
17 John W. Keys, III, concerning the right, title, or interest
18 in and to any property associated with the Middle Rio
19 Grande Project.

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