

109TH CONGRESS  
1ST SESSION

# S. 229

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2005

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

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## 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. PURPOSE.**

7 The purpose of this Act is to direct the Secretary of  
8 the Interior to issue a quitclaim deed conveying any right,  
9 title, and interest the United States may have in and to

1 Tingley Beach or San Gabriel Park to the City, thereby  
2 removing the cloud on the City's title to these lands.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

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

22 (4) SAN GABRIEL PARK.—The term “San Ga-  
23 briel Park” means the tract of land containing  
24 40.2236 acres, more or less, situated within Section  
25 12 and Section 13, T10N, R2E, N.M.P.M., City of

1 Albuquerque, Bernalillo County, New Mexico, and  
2 described by New Mexico State Plane Grid Bearings  
3 (Central Zone) and ground distances in a Special  
4 Warranty Deed conveying the property from  
5 MRGCD to the City, dated November 25, 1997.

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

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

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

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

24 (c) NO ADDITIONAL PAYMENT.—The City shall not  
25 be required to pay any additional costs to the United

1 States for the value of San Gabriel Park and Tingley  
2 Beach.

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

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

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

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