

110TH CONGRESS  
1ST SESSION

# S. 2370

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

NOVEMBER 15, 2007

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, San Gabriel Park, or the BioPark Parcels  
2 to the City, thereby removing a potential cloud on the  
3 City's title to these lands.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

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

8 (2) BIOPARK PARCELS.—The term “BioPark  
9 Parcels” means a certain area of land containing  
10 19.16 acres, more or less, situated within the Town  
11 of Albuquerque Grant, in Projected Section 13,  
12 Township 10 North, Range 2 East, N.M.P.M., City  
13 of Albuquerque, Bernalillo County, New Mexico,  
14 comprised of the following platted tracts and lot,  
15 and MRGCD tracts:

16 (A) Tracts A and B, Albuquerque Biologi-  
17 cal Park, as the same are shown and designated  
18 on the Plat of Tracts A & B, Albuquerque Bio-  
19 logical Park, recorded in the Office of the  
20 County Clerk of Bernalillo County, New Mexico  
21 on February 11, 1994 in Book 94C, Page 44;  
22 containing 17.9051 acres, more or less.

23 (B) Lot B-1, Roger Cox Addition, as the  
24 same is shown and designated on the Plat of  
25 Lots B-1 and B-2 Roger Cox Addition, re-

1 corded in the Office of the County Clerk of  
2 Bernalillo County, New Mexico on October 3,  
3 1985 in Book C28, Page 99; containing 0.6289  
4 acres, more or less.

5 (C) Tract 361 of MRGCD Map 38, bound-  
6 ed on the north by Tract A, Albuquerque Bio-  
7 logical Park, on the east by the westerly right-  
8 of-way of Central Avenue, on the south by  
9 Tract 332B MRGCD Map 38, and on the west  
10 by Tract B, Albuquerque Biological Park; con-  
11 taining 0.30 acres, more or less.

12 (D) Tract 332B of MRGCD Map 38;  
13 bounded on the north by Tract 361, MRGCD  
14 Map 38, on the west by Tract 32A-1-A,  
15 MRGCD Map 38, and on the south and east by  
16 the westerly right-of-way of Central Avenue;  
17 containing 0.25 acres, more or less.

18 (E) Tract 331A-1A of MRGCD Map 38,  
19 bounded on the west by Tract B, Albuquerque  
20 Biological Park, on the east by Tract 332B,  
21 MRGCD Map 38, and on the south by the  
22 westerly right-of-way of Central Avenue and  
23 Tract A, Albuquerque Biological Park; con-  
24 taining 0.08 acres, more or less.

1           (3) MIDDLE RIO GRANDE CONSERVANCY DIS-  
2           TRICT.—The terms “Middle Rio Grande Conser-  
3           vancy District” and “MRGCD” mean a political  
4           subdivision of the State of New Mexico, created in  
5           1925 to provide and maintain flood protection and  
6           drainage, and maintenance of ditches, canals, and  
7           distribution systems for irrigation and water delivery  
8           and operations in the Middle Rio Grande Valley.

9           (4) MIDDLE RIO GRANDE PROJECT.—The term  
10          “Middle Rio Grande Project” means the works asso-  
11          ciated with water deliveries and operations in the  
12          Rio Grande basin as authorized by the Flood Con-  
13          trol Act of 1948 (Public Law 80–858; 62 Stat.  
14          1175) and the Flood Control Act of 1950 (Public  
15          Law 81–516; 64 Stat. 170).

16          (5) SAN GABRIEL PARK.—The term “San Ga-  
17          briel Park” means the tract of land containing  
18          40.2236 acres, more or less, situated within Section  
19          12 and Section 13, T10N, R2E, N.M.P.M., City of  
20          Albuquerque, Bernalillo County, New Mexico, and  
21          described by New Mexico State Plane Grid Bearings  
22          (Central Zone) and ground distances in a Special  
23          Warranty Deed conveying the property from  
24          MRGCD to the City, dated November 25, 1997.

1           (6) TINGLEY BEACH.—The term “Tingley  
2 Beach” means the tract of land containing 25.2005  
3 acres, more or less, situated within Section 13 and  
4 Section 24, T10N, R2E, and secs. 18 and 19,  
5 T10N, R3E, N.M.P.M., City of Albuquerque,  
6 Bernalillo County, New Mexico, and described by  
7 New Mexico State Plane Grid Bearings (Central  
8 Zone) and ground distances in a Special Warranty  
9 Deed conveying the property from MRGCD to the  
10 City, dated November 25, 1997.

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

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

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

21           (c) NO ADDITIONAL PAYMENT.—The City shall not  
22 be required to pay any additional costs to the United  
23 States for the value of San Gabriel Park, Tingley Beach,  
24 and the BioPark Parcels.

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

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

7 (b) **ONGOING LITIGATION.**—Nothing contained in  
8 this Act shall be construed or utilized to affect or other-  
9 wise interfere with any position set forth by any party in  
10 the lawsuit pending before the United States District  
11 Court for the District of New Mexico, 99-CV-01320-JAP-  
12 RHS, entitled Rio Grande Silvery Minnow v. John W.  
13 Keys, III, concerning the right, title, or interest in and  
14 to any property associated with the Middle Rio Grande  
15 Project.

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