

Calendar No. 654

107TH CONGRESS
2D SESSION**S. 2696**

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

JUNE 27, 2002

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

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To clear title to certain real property in New Mexico associ-
ated 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”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) ~~FINDINGS.~~—The Congress finds that:

3 (1) In 1997, the City of Albuquerque, New
4 Mexico paid \$3,875,000 to the Middle Rio Grande
5 Conservancy District to acquire two parcels of land
6 known as Tingley Beach and San Gabriel Park.

7 (2) The City intends to develop and improve
8 Tingley Beach and San Gabriel Park as part of its
9 Albuquerque Biological Park Project.

10 (3) In 2000, the City's title to Tingley Beach
11 and San Gabriel Park was clouded by the Bureau of
12 Reclamation's assertion that MRGCD had earlier
13 transferred its assets, including Tingley Beach and
14 San Gabriel Park, to the United States as part of
15 a 1953 grant of easement associated with the Middle
16 Rio Grande Project.

17 (4) The City's ability to continue developing the
18 Albuquerque Biological Park Project has been hin-
19 dered by the cloud on its title.

20 (5) The United States' claim of ownership is
21 disputed by the City and MRGCD in Rio Grande
22 Silvery Minnow v. John W. Keys, III, No. CV 99–
23 1320 JP/RLP-ACE (D. N.M. filed Nov. 15, 1999).

24 (6) Tingley Beach and San Gabriel Park are
25 surplus to the needs of the Middle Rio Grande
26 Project.

1 (b) **PURPOSE.**—The Purpose of this Act is to disclaim
 2 on behalf of the United States, any right, title, and inter-
 3 est it may have in and to Tingley Beach or San Gabriel
 4 Park, thereby removing the cloud on the City's title to
 5 these lands.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

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

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

18 (3) **MIDDLE RIO GRANDE PROJECT.**—The term
 19 “Middle Rio Grande Project” means the Federal
 20 reclamation project on the Middle Rio Grande au-
 21 thorized by the Flood Control Act of 1948 (Public
 22 Law 80–858; 62 Stat. 1179) and the Flood Control
 23 Act of 1950 (Public Law 81–516).

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 querque, 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. DISCLAIMER OF PROPERTY INTEREST.**

18 ~~(a)~~ IN GENERAL.—As of the date of enactment of
 19 this Act, the United States—

20 ~~(1)~~ disclaims any right, title, and interest it
 21 may have in and to Tingley Beach and San Gabriel
 22 Park; and

23 ~~(2)~~ recognizes as valid the special warranty
 24 deeds dated November 25, 1997, conveying Tingley

1 Beach and San Gabriel Park from MRGCD to the
2 City.

3 (b) ~~OTHER FEDERAL ACTION.~~—The Secretary of the
4 Interior shall take any and all actions to ensure that fu-
5 ture maps, property descriptions, or other relevant docu-
6 ments generated in association with the Middle Rio
7 Grande Project, are consistent with this Act.

8 **SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAF-**
9 **FECTED.**

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

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

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Albuquerque Biological*
24 *Park Title Clarification Act”.*

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) *FINDINGS.*—*The Congress finds that:*

3 (1) *In 1997, the City of Albuquerque, New Mex-*
 4 *ico paid \$3,875,000 to the Middle Rio Grande Conser-*
 5 *vancy District to acquire two parcels of land known*
 6 *as Tingley Beach and San Gabriel Park.*

7 (2) *The City intends to develop and improve*
 8 *Tingley Beach and San Gabriel Park as part of its*
 9 *Albuquerque Biological Park Project.*

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

15 (4) *The City's ability to continue developing the*
 16 *Albuquerque Biological Park Project has been hin-*
 17 *dered by the United States claim of title to these*
 18 *properties.*

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

24 (6) *Tingley Beach and San Gabriel Park are*
 25 *surplus to the needs of the Bureau of Reclamation*

1 *and the United States in administering the Middle*
 2 *Rio Grande Project.*

3 (b) *PURPOSE.*—*The purpose of this Act is to direct the*
 4 *Secretary of the Interior to issue a quitclaim deed conveying*
 5 *any right, title, and interest the United States may have*
 6 *in and to Tingley Beach or San Gabriel Park to the City,*
 7 *thereby removing the cloud on the City's title to these lands.*

8 **SEC. 3. DEFINITIONS.**

9 *In this Act:*

10 (1) *CITY.*—*The term “City” means the City of*
 11 *Albuquerque, New Mexico.*

12 (2) *MIDDLE RIO GRANDE CONSERVANCY DIS-*
 13 *TRICT.*—*The terms “Middle Rio Grande Conservancy*
 14 *District” and “MRGCD” mean a political subdivi-*
 15 *sion of the State of New Mexico, created in 1925 to*
 16 *provide and maintain flood protection and drainage,*
 17 *and maintenance of ditches, canals, and distribution*
 18 *systems for irrigation and water delivery and oper-*
 19 *ations in the Middle Rio Grande Valley.*

20 (3) *MIDDLE RIO GRANDE PROJECT.*—*The term*
 21 *“Middle Rio Grande Project” means the works associ-*
 22 *ated with water deliveries and operations in the Rio*
 23 *Grande basin as authorized by the Flood Control Act*
 24 *of 1948 (Public Law 80–858; 62 Stat. 1179) and the*
 25 *Flood Control Act of 1950 (Public Law 81–516).*

1 (4) *SAN GABRIEL PARK.*—*The term “San Gabriel*
 2 *Park” means the tract of land containing 40.2236*
 3 *acres, more or less, situated within Section 12 and*
 4 *Section 13, T10N, R2E, N.M.P.M., City of Albu-*
 5 *querque, Bernalillo County, New Mexico, and de-*
 6 *scribed by New Mexico State Plane Grid Bearings*
 7 *(Central Zone) and ground distances in a Special*
 8 *Warranty Deed conveying the property from MRGCD*
 9 *to the City, dated November 25, 1997.*

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

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

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

24 (b) *TIMING.*—*The Secretary shall carry out the action*
 25 *in subsection (a) as soon as practicable after the date of*

1 *enactment of this Act and in accordance with all applicable*
 2 *law.*

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

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

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

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

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