

108TH CONGRESS
2^D SESSION

S. 213

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Referred to the Committee on Resources

AN ACT

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”.

1 **SEC. 2. PURPOSE.**

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

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

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

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

19 (3) MIDDLE RIO GRANDE PROJECT.—The term
20 “Middle Rio Grande Project” means the works asso-
21 ciated with water deliveries and operations in the
22 Rio Grande basin as authorized by the Flood Con-
23 trol Act of 1948 (Public Law 80–858; 62 Stat.
24 1175) and the Flood Control Act of 1950 (Public
25 Law 81–516; 64 Stat. 170).

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

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

20 (a) REQUIRED ACTION.—The Secretary of the Inte-
 21 rior shall issue a quitclaim deed conveying any right, title,
 22 and 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 ac-
 25 tion in subsection (a) as soon as practicable after the date

1 of enactment of this title and in accordance with all appli-
2 cable law.

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

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

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

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

1 in and to any property associated with the Middle Rio
2 Grande Project.

Passed the Senate May 19, 2004.

Attest: EMILY J. REYNOLDS,
Secretary.