

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2696

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

JUNE 27, 2002

Mr. BINGAMAN 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. 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 City's title to Tingley Beach  
7 and San Gabriel Park was clouded by the Bureau of  
8 Reclamation's assertion that MRGCD had earlier  
9 transferred its assets, including Tingley Beach and  
10 San Gabriel Park, to the United States as part of  
11 a 1953 grant of easement associated with the Middle  
12 Rio Grande Project.

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

16 (5) The United States' claim of ownership is  
17 disputed by the City and MRGCD in *Rio Grande*  
18 *Silvery Minnow v. John W. Keys, III*, No. CV 99-  
19 1320 JP/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 Middle Rio Grande  
22 Project.

23 (b) PURPOSE.—The Purpose of this Act is to disclaim  
24 on behalf of the United States, any right, title, and inter-  
25 est it may have in and to Tingley Beach or San Gabriel

1 Park, thereby removing the cloud on the City's title to  
2 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 in the Middle Rio  
14 Grande Valley.

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

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

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

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

14 **SEC. 4. DISCLAIMER OF PROPERTY INTEREST.**

15 (a) IN GENERAL.—As of the date of enactment of  
16 this Act, the United States—

17 (1) disclaims any right, title, and interest it  
18 may have in and to Tingley Beach and San Gabriel  
19 Park; and

20 (2) recognizes as valid the special warranty  
21 deeds dated November 25, 1997, conveying Tingley  
22 Beach and San Gabriel Park from MRGCD to the  
23 City.

24 (b) OTHER FEDERAL ACTION.—The Secretary of the  
25 Interior shall take any and all actions to ensure that fu-

1 ture maps, property descriptions, or other relevant docu-  
2 ments generated in association with the Middle Rio  
3 Grande Project, are consistent with this Act.

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

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

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

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