

Calendar No. 439

108TH CONGRESS
2^D SESSION

S. 213

[Report No. 108-229]

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

JANUARY 23, 2004

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

MARCH 9, 2004

Reported by Mr. DOMENICI, with an amendment

[Omit the part struck through and insert the part printed in *italie*]

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”.

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 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
14 the 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/
23 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 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~~

4 **SEC. 2. PURPOSE.**

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

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

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

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

22 (3) MIDDLE RIO GRANDE PROJECT.—The term
 23 “Middle Rio Grande Project” means the works asso-
 24 ciated with water deliveries and operations in the
 25 Rio Grande basin as authorized by the Flood Con-

1 trol Act of 1948 (Public Law 80–858; 62 Stat.
 2 1175) and the Flood Control Act of 1950 (Public
 3 Law 81–516; 64 Stat. 170).

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

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

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

23 (a) REQUIRED ACTION.—The Secretary of the Inte-
 24 rior shall issue a quitclaim deed conveying any right, title,

1 and interest the United States may have in and to Tingley
2 Beach and San Gabriel Park to the City.

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

7 (c) NO ADDITIONAL PAYMENT.—The City shall not
8 be required to pay any additional costs to the United
9 States for the value of San Gabriel Park and Tingley
10 Beach.

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

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

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

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