The original documents are located in Box 56, folder "9/28/76 S2286 Land Conveyance New Mexico" of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED
SEP 28 1976

S 9/28/76

THE WHITE HOUSE

WASHINGTON

September 28, 1976

ACTION

Last Day: October 4

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: S. 2286 - Land Conveyance, New Mexico

Posted 9/29/76

archives 9/29/76

Attached for your consideration is S. 2286, sponsored by Senator Domenici.

The enrolled bill authorizes relinquishment of the reversionary interest in approximately 3 acres of land to the City of Albuquerque, New Mexico.

A detailed description of the enrolled bill is provided in OMB's bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2286 at Tab B.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 23 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2286 - Land conveyance, New Mexico
Sponsor - Sen. Domenici (R) New Mexico

Last Day for Action

October 4, 1976 - Monday

Purpose

Authorizes relinquishment of the reversionary interest in approximately 3 acres of land to the city of Albuquerque, New Mexico.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

In 1906, the United States conveyed to the city of Albuquerque, New Mexico, 640 acres of land with a reverter clause specifying that if any of the land was used for other than park purposes, title to it would revert to the United States.

Subsequently, two tracts comprising about one acre of that land became unsuitable for park purposes. With the Administration's acquiescence, an Act was passed in 1974 that authorized relinquishment of the reversionary interest of the United States in these two tracts, subject to the following conveyance

conditions:

-- sale of the land at not less than fair market value and only if it is no longer suitable for park or other public purposes;

-- use of proceeds from the sale to acquire similar property in Albuquerque;

-- payment to the United States of any amount by which the proceeds from the sale exceed the purchase price of the replacement property; and,

-- reversion to the United States of the replacement property if it ever ceases to be used for park or public purposes.

S. 2286 would enlarge one of the two tracts cited in the 1974 Act from 0.7 acre to approximately 3.7 acres. The conveyance conditions specified under the 1974 Act would apply to the enlarged tract.

In its report on S. 2286, the Senate Interior Committee expressed the view that this legislation was essentially a technical amendment to the 1974 Act. Moreover, the Committee noted that the tract in question:

> " ... is a compact area located next to the City Animal Shelter and is well suited to commercial development. The city has informed the Department of the Interior that the land is no longer suitable for park and other public purposes."

Contrary to the Committee view, Interior's attached enrolled bill letter characterizes the effect of S. 2286 as a significant amendment to the 1974 Act, but the Department notes that the bill's conveyance conditions will protect the public interest, and accordingly, recommends approval.

Paul H. O'Neill
Acting Director

Enclosure

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 22 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill S. 2286, "To amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, New Mexico."

We recommend that the President approve the enrolled bill.

As enrolled, S. 2286 would further amend the Act of June 9, 1906 (34 Stat. 227), as amended, to authorize the Secretary of the Interior to quitclaim to the City of Albuquerque the reversionary interest of the United States in a parcel of land containing approximately 3.7 acres.

The Act of June 9, 1906 (34 Stat. 227), authorized the conveyance of approximately 640 acres of land to the City of Albuquerque, New Mexico, for park and other public purposes with a reversionary interest in the United States if the property was used for unauthorized purposes. The Act was amended by the Act of August 16, 1950 (64 Stat. 448), which authorized the City to sell up to 1/2 of the 640 acres upon the condition that the proceeds therefrom be used for the construction of a public auditorium.

It appears that over a period of time, under the 1950 Act, the City conveyed into private ownership a total of about 217 acres, most of which was subdivided for residential use. The City has indicated that it is unable to convey the remaining 103 acres as authorized by the 1950 Act because the Civic Auditorium has been constructed and paid for.

The Act of December 31, 1974 (Public Law 93-574, 88 Stat. 1875) authorized the Secretary of the Interior to relinquish a reversionary interest in two parcels of land totalling approximately one acre, which were part of the 640-acre tract conveyed to the City under the 1906 Act. The conveyance was to be authorized only: if the two tracts were no longer suitable for park use; they would be sold for fair market value; the proceeds of sale would be used to acquire other park land; any excess funds remaining from the purchase of

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

the new park property would go to the United States; and the present reversionary interest would be transferred to the new purchase. The City informed this Department that the proceeds of sale from these two parcels would help cover the cost of purchasing a 135-acre tract to be used as a park.

Ordinarily, this Department opposes the relinquishment of a reversionary interest in land. Reverters are attached to land primarily to ensure that the land, usually conveyed gratis or at less than fair market value, will be used for the purpose it was originally conveyed. In this instance, however, because of the inclusion of the above conditions in the 1974 Act, we believed that the purpose of the 1906 Act would continue to be carried out and the United States would not lose an interest in land. Therefore, the Department did not object to the enactment or approval of the bill which became the 1974 Act.

Enrolled bill S. 2286 would modify the description of parcel 1 in the 1974 Act to describe 3.6586 acres rather than the .7041 acres now included in that parcel.

The tract in question, including the additional acreage proposed, is a compact area located next to the City Animal Shelter and is well suited to commercial development. The City has informed us that it is no longer suitable for park and other public purposes.

We believe that the public interest will be protected under S. 2286. This is consistent with our position on the bill which became Public Law 93-574, because of the protections and conditions therein (which would also be applicable to the subject additional acreage). Accordingly, we recommend that the President approve the enrolled bill.

Sincerely yours,

Assistant Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503

To-
J. Johnston
9-24-76
8:30 p.m.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 23 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2286 - Land conveyance, New Mexico
Sponsor - Sen. Domenici (R) New Mexico

Last Day for Action

October 4, 1976 - Monday

Purpose

Authorizes relinquishment of the reversionary interest in approximately 3 acres of land to the city of Albuquerque, New Mexico.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

In 1906, the United States conveyed to the city of Albuquerque, New Mexico, 640 acres of land with a reverter clause specifying that if any of the land was used for other than park purposes, title to it would revert to the United States.

Subsequently, two tracts comprising about one acre of that land became unsuitable for park purposes. With the Administration's acquiescence, an Act was passed in 1974 that authorized relinquishment of the reversionary interest of the United States in these two tracts, subject to the following conveyance

conditions:

-- sale of the land at not less than fair market value and only if it is no longer suitable for park or other public purposes;

-- use of proceeds from the sale to acquire similar property in Albuquerque;

-- payment to the United States of any amount by which the proceeds from the sale exceed the purchase price of the replacement property; and,

-- reversion to the United States of the replacement property if it ever ceases to be used for park or public purposes.

S. 2286 would enlarge one of the two tracts cited in the 1974 Act from 0.7 acre to approximately 3.7 acres. The conveyance conditions specified under the 1974 Act would apply to the enlarged tract.

In its report on S. 2286, the Senate Interior Committee expressed the view that this legislation was essentially a technical amendment to the 1974 Act. Moreover, the Committee noted that the tract in question:

> " ... is a compact area located next to the City Animal Shelter and is well suited to commercial development. The city has informed the Department of the Interior that the land is no longer suitable for park and other public purposes."

Contrary to the Committee view, Interior's attached enrolled bill letter characterizes the effect of S. 2286 as a significant amendment to the 1974 Act, but the Department notes that the bill's conveyance conditions will protect the public interest, and accordingly, recommends approval.

Paul H. O'Neill
Acting Director

Enclosure

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.:

Date: September 25 Time: 1030am

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 28 Time: noon

SUBJECT:

S.2286-Land Conveyance,New Mexico

ACTION REQUESTED:

____ For Necessary Action ____ For Your Recommendations

____ Prepare Agenda and Brief ____ Draft Reply

x For Your Comments ____ Draft Remarks

REMARKS:

please return to judy johnston,ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.:

Date: September 25 Time: 1030am

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 28 Time: noon

SUBJECT:

S.2286-Land Conveyance,New Mexico

ACTION REQUESTED:

____ For Necessary Action

____ For Your Recommendations

____ Prepare Agenda and Brief

____ Draft Reply

x For Your Comments

____ Draft Remarks

REMARKS:

please return to judy johnston,ground floor west wing

approve Kilberg 9/27/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM WASHINGTON LOG NO.:

Date: September 25 Time: 1030am

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 28 Time: noon

SUBJECT:

S.2286-Land Conveyance,New Mexico

ACTION REQUESTED:

____ For Necessary Action

____ For Your Recommendations

____ Prepare Agenda and Brief

____ Draft Reply

x For Your Comments

____ Draft Remarks

REMARKS:

please return to judy johnston,ground floor west wing

I recommend approval
Ford

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

September 27,1976

MEMORANDUM FOR: JIM CAVANAUGH

FROM: MAX L. FRIEDERSDORF

SUBJECT: S.2286 - Land Conveyance, New Mexico

The Office of Legislative Affairs concurs with the agencies that the subject bill be signed.

Attachments

Calendar No. 696

94TH CONGRESS, 2d Session } SENATE { REPORT No. 94-728

AMENDING THE ACT OF JUNE 9, 1906, CONCERNING CONVEYANCE OF CERTAIN LANDS TO THE CITY OF ALBUQUERQUE, N. MEX.

MARCH 31, 1976.—Ordered to be printed

Mr. HASKELL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 2286]

The Committee on Interior and Insular Affairs, to which was referred the bill, S. 2286 to amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the City of Albuquerque, N. Mex., having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill, as amended, do pass.

The amended is as follows:

On page 3, line 15 between "feet)" and "a" insert "a distance of 282.35 feet to".

PURPOSE

S. 2286 would correct an erroneous description of certain lands provided in the act of December 31, 1974, a measure enacted last Congress which amends the act of June 9, 1906. The 1974 act authorized the Secretary of the Interior to quitclaim the reversionary interest to these inaccurately identified lands to the City of Albuquerque. The new description would permit conveyance of approximately 3.7 acres instead of one acre.

BACKGROUND AND NEED

The act of June 9, 1906 (34 Stat. 227), authorized the conveyance of approximately 640 acres of land to the City of Albuquerque, N. Mex., for park and other public purposes with a reversionary interest in the United States if the property was used for unauthorized purposes. The act was amended by the act of August 16, 1950 (64 Stat. 448), which authorized the city to sell up to one-half of the 64[illegible]

acres upon the condition that the proceeds therefrom be used for the construction of a public auditorium.

Under the 1950 act, the city conveyed into private ownership a total of about 217 acres, most of which was subdivided for residential use. The city has indicated that it is unable to convey the remaining 103 acres as authorized by the 1950 act because the Civic Auditorium has been constructed and paid for.

The act of December 31, 1974 (88 Stat. 1875) authorized the Secretary of the Interior to relinquish a reversionary interest in two parcels of land, totalling approximately one acre, which were part of the 640-acre tract conveyed to the city under the 1906 act. The conveyance was to be authorized only: if the two tracts were no longer suitable for park use; they would be sold for fair market value; the proceeds of sale would be used to acquire other park land; any excess funds remaining from the purchase of the new park property would go to the United States; and the present reversionary interest would be transferred to the new purchase. These provisions would permit the city to use the proceeds of sale from these two parcels to help cover the cost of purchasing a 135-acre tract to be used as a park.

S. 2286 would modify the description of parcel 1 in the 1974 amendment to describe about 3.66 acres rather than the .7041 acres now included in parcel 1. The tract in question, including the additional acreage proposed, is a compact area located next to the City Animal Shelter and is well suited to commercial development. The city has informed the Department of Interior that the land is no longer suitable for park and other public purposes.

The committee regards this bill as providing a technical amendment to the 1974 act. It will insure that the basic purpose of the 1906 and 1974 acts—provision of suitable park land to the city while preserving the necessary reversionary interest—will be met.

Legislative History

Senator Domenici introduced S. 2286 on September 3, 1975. The Subcommittee on the Environment and Land Resources held a hearing on this measure on February 26, 1976. The Department of the Interior recommended the bill's enactment; there was no opposition to the measure.

Committee Recommendation

The Senate Committee on Interior and Insular Affairs, in open business session on March 23, 1976, by unanimous vote of a quorum present, recommends that the Senate pass S. 2286, if amended as described herein.

Committee Amendment

The committee amendment inserted a distance figure similar to that provided in the other segment descriptions of the parcel in S. 2286.

Cost

Enactment of S. 2286 will not result in any expenditure of Federal funds.

Executive Communications

The pertienent legislative reports of the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations relating to S. 2286 are set forth below:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., February 25, 1976.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This responds to your request for the views of this Department on S. 2286, a bill "To amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, New Mexico."

We would have no objection to enactment of the bill if amended as suggested herein.

S. 2286 would further amend the Act of June 9, 1906 (34 Stat. 227), as amended, to authorize the Secretary of the Interior to quitclaim to the City of Albuquerque the reversionary interest of the United States in a parcel of land containing approximately 3.7 acres.

The Act of June 9, 1906 (34 Stat. 227), authorizes the conveyance of approximately 640 acres of land to the City of Albuquerque, New Mexico, for park and other public purposes with a reversionary interest in the United States if the property was used for unauthorized purposes. The Act was amended by the Act of August 16, 1950 (64 Stat. 448), which authorized the City to sell up to ½ of the 640 acres upon the condition that the proceeds therefrom be used for the construction of a public auditorium.

It appears that over a period of time, under the 1950 Act, the City conveyed into private ownership a total of about 217 acres, most of which was subdivided for residential use. The City has indicated that it is unable to convey the remaining 103 acres as authorized by the 1950 Act because the Civic Auditorium has been constructed and paid for.

The act of December 31, 1974 (Public Law 93–574, 88 Stat. 1875) authorized the Secretary of the Interior to relinquish a reversionary interest in two parcels of land totalling approximately one acre, which were part of the 640-acre tract conveyed to the City under the 1906 Act. The conveyance was to be authorized only: if the two tracts were no longer suitable for park use; they would be sold for fair market value; the proceeds of sale would be used to acquire other park land; any excess funds remaining from the purchase of the new park property would go to the United States; and the present reversionary interest would be transferred to the new purchase. The city informed this Department that the proceeds of sale from these two parcels would help cover the cost of purchasing a 135-acre tract to be used as a park.

Ordinarily, this Department opposes the relinquishment of a reversionary interest in land. Reverters are attached to land primarily to ensure that the land, usually conveyed gratis or at less than fair market value, will be used for the purpose it was originally conveyed.

In this instance, however, because of the inclusion of the above conditions in the 1974 act, we believed that the purpose of the 1906 act would continue to be carried out and the United States would not lose an interest in land. Therefore, the Department did not object to enactment of the bill which became the 1974 act.

S. 2286 would modify the description of parcel 1 in the 1974 act to describe 3.6586 acres rather than the .7041 acre now included in that parcel. We would point out, however, that this modification is not a relatively simple measure to correct an error in the land description for parcel 1 under the 1974 act. Enactment of S. 2286 would result in over five times the acreage in parcel 1, and would almost quadruple the total acreage of the two parcels conveyed under Public Law 93-574.

The tract in question, including the additional acreage proposed, is a compact area located next to the City Animal Shelter and is well suited to commercial development. The City has informed us that it is no longer suitable for park and other public purposes.

We believe that the public interest will be protected under S. 2286. This is consistent with our position on the bill which became Public Law 93-574, because of the protections and conditions therein (which would also be applicable to the subject additional acreage). Accordingly, we would have no objection to enactment of S. 2286.

We would note that the segment of the 3.7 acre parcel described on lines 10-17 on page 3 of the bill does not include a distance description. All the other segment descriptions of the parcel in the bill include such information. Accordingly, we recommend that the following language, including the correct distance in feet, be inserted after the closed parenthesis and before the word "a" on line 15, page 3: "a distance of _____ feet to."

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL P. REED,
Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 27, 1976.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your requests for the views of the Office of Management and Budget on the following bills:

1. S. 101, a bill "To direct the Secretary of the Interior to convey certain lands in Geary County, Kansas, to Margaret G. More" (requested January 16, 1976);

2. S. 155, a bill "To authorize the Secretary of the Interior to convey all right, title and interest of the United States in and to a tract of land located in Scotts Bluff County, Nebraska, to Robert L. Summerville of Scotts Bluff County, Nebraska" (requested January 23, 1976);

3. S. 301, a bill "Relating to lands in the Middle Rio Grande Conservancy District, New Mexico" (requested July 31, 1975);

4. S. 1365, a bill "To authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands" (requested June 12, 1975);

5. S. 2004, a bill "To eliminate a restriction on use of certain lands patented to the city of Hobart, Kiowa County, Oklahoma" (requested January 23, 1976);

6. S. 2286, a bill "To amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, New Mexico" (requested January 23, 1976);

7. S. 2798, a bill "For the relief of the city of Yakutat, Alaska" (requested January 23, 1976);

8. S. 2837, a bill "To amend the Act of August 30, 1890, to except a tract of ground located in Carbon County, Wyoming, from its restrictions" (requested January 23, 1976); and,

9. H.R. 4941, an Act "For the relief of Oscar H. Barnett" (requested January 23, 1976).

The Office of Management and Budget concurs in the views of the Department of the Interior in its reports on these bills, and accordingly: (a) we oppose the enactment of S. 101, S. 155, S. 301, and S. 2837, (b) we have no objection to the enactment of S. 1365 and S. 2286 if amended as suggested by the Department; (c) we oppose the enactment of S. 2004 and S. 2798, although we have no objection to enactment of the Department's substitute bills; and, (d) we recommend the enactment of H.R. 4941.

Sincerely yours,

JAMES M. FREY,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the standing rules of the Senate, changes in existing law made by the bill, S. 2286, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

The act of June 9, 1906 (Public Law 213, 34 Stat. 227), as amended by the act of August 16, 1950 (Public Law 695, 64 Stat. 448) and the act of December 31, 1974 (Public Law 93-574, 88 Stat. 1875).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a patent shall be, and hereby is, authorized to be issued to the city of Albuquerque, in the county of Bernalillo, Territory of New Mexico, for south half of section seventeen and north half of section twenty, in township ten north, of range four east, New Mexico principal meridian, containing six hundred and forty acres, more or less, upon the payment of one dollar and twenty-five cents per acre therefor, and upon the submission of due proof of the incorporation of said city, said land to be used for park and other public purposes only, and the patent to contain the provision that the land shall revert to the United

States whenever it shall not be used for the purposes mentioned in this Act.

SEC. 2. The city of Albuquerque is authorized to convey, without restrictions as to use, not to exceed one-half of the acreage patented under this Act: *Provided, however*, That all the proceeds derived from such sale or sales shall be used for the construction of a public auditorium, erected either under the sole sponsorship of the city of Albuquerque or, if located upon land owned by the University of New Mexico, as a joint project with that university.

SEC. 3. (a) Notwithstanding the provisions of section 1 hereof, the Secretary of the Interior is authorized to transfer by quitclaim deed or other appropriate means to the city of Albuquerque, New Mexico, all right, title, and interest remaining in the United States in the following described lands.

PARCEL 1

[A parcel of land situated within the northwest quarter of section 20, township 10 north, range 4 east of the New Mexico principal meridian and within tract numbered 1 of the Municipal Addition numbered 2, an addition to the city of Albuquerque, New Mexico, said parcel of land being more particularly described as follows:

Beginning at the northwest corner of said tract numbered 1, said northwest corner being the same as shown on the plat of said addition filed for record in the office of the county clerk of Bernalillo County, New Mexico, on July 12, 1955, from which point the northwest corner of said section 20 bears north 89 degrees 29 minutes 40 seconds west, a distance of 1355.11 feet;

thence south 0 degrees 23 minutes 20 seconds west, a distance of 220.88 feet to a point on a curve on the new southerly right-of-way line of Lomas Boulevard Northeast as shown on the New Mexico State Highway Department right-of-way map for project numbered I-040-3(1)163, and the true point of beginning;

thence southeasterly along said southerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 1461.13 feet, a central angle of 2 degrees 37 minutes 42 seconds, and a long chord which bears south 88 degrees 17 minutes 40 seconds east, a distance of 67.02 feet) a distance of 67.03 feet to a New Mexico State Highway Department right-of-way marker (station 14+47.46) and a point on the westerly right-of-way line of Herndon Street Northeast;

thence south 1 degree 49 minutes 00 seconds west, along said westerly right-of-way line, a distance of 11.81 feet to the point of curve marked by a New Mexico State Highway Department right-of-way marker (station 0+50).

thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 330.71 feet, a central angle of 48 degrees 55 minutes 00 seconds and a long chord which bears south 22 degrees 38 minutes 30 seconds east, a distance of 273.85 feet) a distance of 282.35 feet to a New Mexico State Highway Department right-of-way marker (station 2+89.89);

thence north 43 degrees 02 minutes 30 seconds east, along said westerly right-of-way line, a distance of 10.00 feet to a New Mexico

State Highway marker (station 2+89.89) and a point on a curve;

thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the southwest, having a radius of 242.58 feet, a central angle of 33 degrees 46 minutes 00 seconds and a long chord which bears south 30 degrees 04 minutes 30 seconds east, a distance of 140.09 feet) a distance of 142.96 feet to a New Mexico State Highway Department right-of-way marker (station 4+56);

thence north 64 degrees 32 minutes 30 seconds west, a distance of 278.27 feet to the westerly boundary line of said track 1;

thence north 0 degrees 23 minutes 20 seconds east along said westerly boundary line, a distance of 259.86 feet to the true point of beginning.

Said parcel of land containing 0.7041 acre more or less.]

A parcel of land situated within the northwest quarter of section 20, township 10 north, range 4 east of the New Mexico principal meridian and within tract numbered 4 and tract numbered 1 of the municipal addition numbered 2, an addition to the city of Albuquerque, New Mexico, said parcel of land being more particularly described as follows:

Beginning at the northwest corner of tract numbered 1 of said addition, said northwest corner being the same as shown on the plat of said addition filed for record in the offices of the county clerk of Bernalillo County, New Mexico, on July 12, 1955, from which point the northwest corner of said section 20 bears north 89 degrees 29 minutes 40 seconds west, a distance of 1,355.1 feet; thence south 0 degrees 23 minutes 20 seconds west, a distance of 220.88 feet to a point on a curve on the new southerly right-of-way line of Lomas Boulevard Northeast as shown on the New Mexico State Highway Department right-of-way map for project numbered I-040-3(1)163, and the true point of beginning;

thence southeasterly, along said southerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 1,461.13 feet, a central angle of 2 degrees 37 minutes 42 seconds, and a long chord which bears south 88 degrees 17 minutes 40 seconds east, a distance of 67.02 feet) a distance of 67.03 feet to a New Mexico State Highway Department right-of-way marker (station 14+47.46) and a point on the westerly right-of-way of Herndon Street Northeast;

thence south 1 degree 49 minutes 00 seconds west, along said westerly right-of-way line, a distance of 11.81 feet to the point of curve marked by a New Mexico State Highway Department right-of-way marker (station 0+50);

thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 330.71 feet, a central angle of 48 degrees 55 minutes 00 seconds, and a long chord which bears south 22 degrees 38 minutes 30 seconds east, a distance of 273.85 feet) a distance of 282.35 feet to a New Mexico State Highway Department right-of-way marker (station 2+89.89);

thence north 43 degrees 02 minutes 30 seconds east, along said westerly right-of-way line, a distance of 10.00 feet to a New Mex-

ico State Highway marker (station 2+89.89) and a point on a curve;

thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the southwest, having a radius of 242.58 feet, a central angle of 33 degrees 46 minutes 00 seconds and a long chord which bears south 30 degrees 04 minutes 30 seconds east, a distance of 140.09 feet) a distance of 142.96 feet to a New Mexico State Highway Department right-of-way marker (station 4+56);

thence north 64 degrees 32 minutes, 30 seconds west, a distance of 1,343.09 feet to a point on a curve on the said southerly right-of-way line of Lomas Boulevard Northeast;

thence southeasterly, along said southerly right-of-way line on a curve (said curve being concave to the southwest, having a radius of 1,361.94 feet, a central angle of 15 degrees 31 minutes 33 seconds and a long chord which bears south 79 degrees 46 minutes 46 seconds east, a distance of 367.93 feet) a distance of 369.04 feet to a New Mexico State Highway Department right-of-way marker (station 7+83.81);

thence south 72 degrees 01 minutes 00 seconds east, along said southerly right-of-way line, a distance of 200.00 feet to a New Mexico State Highway Department right-of-way marker (station 9+83.81) and the point of curve;

thence southeasterly, along said southerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 1,461.13 feet, a central angle of 61 degrees 24 minutes 18 seconds and a long chord which bears south 80 degrees 13 minutes 09 seconds east, a distance of 416.93 feet) a distance of 418.35 feet to the true point of beginning.

Said parcel of land containing 3.6586 acres more or less.

PARCEL 2

A parcel of land situated within the northeast quarter of section 20, township 10 north, range 4 east, of the New Mexico principal meridian and within tract 4 municipal addition numbered 2 an addition to the city of Albuquerque, New Mexico, said parcel of land being more particularly described as follows:

Beginning at the northeast corner of tract numbered 2 said tract numbered 2 being the same as shown onth e plot of said addition filed for record in the office of the county clerk of Bernalillo County, New Mexico, on July 12, 1955, from which point the northeast corner of said section 20 bears north 52 degrees 15 mintes 18 seconds east, a distance of 80.97 feet;

thence south 1 degree 8 minutes 10 seconds east, along the westerly right-of-way line of Eubank Boulevard northeast, a distance of 208.78 feet to the point of beginning;

thence, south 1 degree 8 minutes 10 seconds east, along said westerly right-of-way line, a distance of 150.20 feet, from which point the State highway department right-of-way marker (station 20+00 end of construction Eubank) bears south 1 degree 8 minutes 10 seconds east, a distance of 85.18 feet;

thence south 88 degrees 51 minutes 50 seconds west, a distance of 108.00 feet to the easterly boundary of a 10-foot public service company easement;

thence north 1 degree 8 minutes 10 seconds west, along said easterly boundary, a distance of 150.20 feet;

thence north 88 degrees 51 minutes 50 seconds east, a distance of 108.00 feet, to the true point of beginning.

Said parcel of land containing 0.3724 acre more or less.

(b) No conveyance shall be made under this section unless the city of Albuquerque has shown to the satisfaction of the Secretary of the Interior (i) that the lands described in subsection (a) are no longer suitable for park and other public purposes; (ii) that the city of Albuquerque will sell such lands at not less than fair market value; (iii) that the proceeds from the sale thereof will be spent to acquire lands located in the North Valley area of the city of Albuquerque bounded on the west by the Middle Rio Grande Conservancy District right-of-way, on the south by Candelaria Road, on the east by private residential areas along the west boundary of Rio Grande Boulevard, on the north by privately owned lands and containing 134.975 acres more or less; (iv) that any lands acquired with such proceeds are suitable for park and other public purposes; and (v) that any amount by which the proceeds from the sale of the lands described in subsection (a) exceeds the purchase price of the lands acquired will be paid to the United States.

(c) If the requirements of subsection (b) are satisfied, the Secretary is authorized to enter into an agreement or agreements with the city of Albuquerque whereby, in consideration of a quitclaim deed to the city of Albuquerque of all right, title, and interest remaining in the United States in and to the lands described in subsection (a) which have been conveyed to the city of Albuquerque, the city of Albuquerque agree that (i) title to any land acquired with the proceeds of the sale of the lands described in subsection (a) will vest in the United States if such acquired lands ever cease to be used for park and other public purposes, and (ii) that the city of Albuquerque will, within ninety days after acquiring such lands, execute a deed to this effect and deliver said deed to the Secretary.

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94TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 94–1538

AMENDING THE ACT OF JUNE 9, 1906, PROVIDING FOR A DESCRIPTION OF CERTAIN LANDS TO BE CONVEYED BY THE UNITED STATES TO THE CITY OF ALBUQUERQUE, N. MEX.

SEPTEMBER 14, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 2286]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 2286) to amend the Act of June 9, 1966, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, New Mexico, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of S. 2286 is to correct the description in the lands covered by the Act of June 9, 1906, which granted lands to the City of Albuquerque, New Mexico.

LEGISLATIVE HISTORY

S. 2286 was passed by the Senate on April 1, 1976. A similar bill had been introduced by Mr. Lujan, H.R. 8432, in the House on July 8, 1975. The Subcommittee on Public Lands held a hearing and on August 31, 1976, reported H.R. 8432 to the Full Committee for favorable consideration. The Interior Committee voted to report S. 2286 in lieu of H.R. 8432.

EXPLANATION

The Act of June 9, 1906 (34 Stat. 227), authorized the conveyance of approximately 640 acres of land to the city of Albuquerque, New Mexico, for park and other public purposes, with a reversionary interest in the United States if the property should be used for unauthorized purposes. The Act was amended in 1950 to authorize the city to sell up to one half of the 640 acres upon condition that the proceeds from the sale be used to construct a public auditorium.

The city conveyed into private ownership about 217 acres. It indicates that it is unable to convey the remaining 103 acres as authorized by the 1950 Act because the Civic Auditorium has been constructed and paid for.

The Act of December 31, 1974 (88 Stat. 1875), authorized the Secretary of the Interior to relinquish the reversionary interest in two parcels of the land conveyed under the 1906 Act, totaling approximately one acre. The conveyance was to be made under conditions requiring that it could only be made if the lands were no longer needed for park purposes. The lands were to be sold at fair market value, with the proceeds to be used to purchase other land for park purposes and with any excess funds remaining after the purchase of new park land to go to the United States.

S. 2286 would amend the 1974 Act to modify the land description to describe about 3.66 acres rather than the .7041 acres now included in parcel 1.

OVERSIGHT STATEMENT

Pursuant to Rule X, clause 2(b)(1), the Committee on Interior and Insular Affairs exercises legislative and oversight responsibility over matters of this kind and will continue to have responsibility for the administration of the Act of June 9, 1906, and subsequent amendments to it. No recommendations were forwarded to the Committee pursuant to Rule X, clause 2(b)(2).

INFLATIONARY IMPACT

The enactment of S. 2286 will have no inflationary impact on the national economy.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs on September 8, 1976, by voice vote, recommended the enactment of S. 2286.

DEPARTMENTAL REPORT

The Department of the Interior by letter dated August 27, 1976, reported that it would not object to enactment of the proposed legislation. The Department suggested that H.R. 8432 be amended to correct a deficiency in the land description or that the Committee substitute S. 2286, which contains the correct description and is otherwise identical to H.R. 8432. The report, in its entirety follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 27, 1976.

Hon. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 8432, a bill "To amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, New Mexico."

We would have no objection to enactment of the bill if amended as suggested herein.

H.R. 8432 would further amend the Act of June 9, 1906 (34 Stat. 227), as amended, to authorize the Secretary of the Interior to quitclaim to the City of Albuquerque the reversionary interest of the United States in a parcel of land containing approximately 3.7 acres.

The Act of June 9, 1906 (34 Stat. 227), authorized the conveyance of approximately 640 acres of land to the City of Albuquerque, New Mexico, for park and other public purposes with a reversionary interest in the United States if the property was used for unauthorized purposes. The Act was amended by the Act of August 16, 1950 (64 Stat. 448), which authorized the City to sell up to ½ of the 640 acres upon the condition that the proceeds therefrom be used for the construction of a public auditorium.

It appears that over a period of time, under the 1950 Act, the City conveyed into private ownership a total of about 217 acres, most of which was subdivided for residential use. The City has indicated that it is unable to convey the remaining 103 acres as authorized by the 1950 Act because the Civic Auditorium has been constructed and paid for.

The Act of December 31, 1974 (Public Law 93–574, 88 Stat. 1875) authhorized the Secretary of the Interior to relinquish a reversionary interest in two parcels of land totalling approximately one acre, which were part of the 640-acre tract conveyed to the City under the 1906 Act. The conveyance was to be authorized only: if the two tracts were no longer suitable for park use; they would be sold for fair market value; the proceeds of sale would be used to acquire other park land; any excess funds remaining from the purchase of the new park property would go to the United States; and the present reversionary interest would be transferred to the new purchase. The City informed this Department that the proceeds of sale from these two parcels would help cover the cost of purchasing a 135-acre tract to be used as a park.

Ordinarily, this Department opposes the relinquishment of a reversionary interest in land. Reverters are attached to land primarily to ensure that the land, usually conveyed gratis or at less than fair market value, will be used for the purpose it was originally conveyed. In this instance, however, because of the inclusion of the above conditions in the 1974 Act, we believed that the purpose of the 1906 Act would continue to be carried out and the United States would not lose an interest in land. Therefore, the Department did not object to enactment of the bill which became the 1974 Act.

H.R. 8432 would modify the description of parcel 1 in the 1974 Act to describe 3.6586 acres rather than the .7041 acres now included in that parcel. We would point out, however, that this modification is not a relatively simple measure to correct an error in the land description for parcel 1 under the 1974 Act. Enactment of H.R. 8432 would result in over five times the acreage in parcel 1, and would almost quadruple the total acreage of the two parcels conveyed under Public Law 93–574.

The tract in question, including the additional acreage proposed, is a compact area located next to the City Animal Shelter and is

well suited to commercial development. The City has informed us that it is no longer suitable for park and other public purposes.

We believe that the public interest will be protected under H.R. 8432. This is consistent with our position on the bill which became Public Law 93–574, because of the protections and conditions therein (which would also be applicable to the subject additional acreage). Accordingly, we would have no objection to enactment of H.R. 8432.

We would note that the segment of the 3.7 acre parcel described on lines 10–17 on page 3 of the bill does not include a distance description. All the other segment descriptions of the parcel in the bill include such information. Accordingly, we recommend that the following language, including the correct distance in feet, be inserted after the closed parenthesis and before the word "a" on line 15, page 3: "a distance of —— feet to."

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF JUNE 9, 1906 (PUBLIC LAW 213, 34 STAT. 227), AS AMENDED BY THE ACT OF AUGUST 16, 1950 (PUBLIC LAW 695, 64 STAT. 448) AND THE ACT OF DECEMBER 31, 1974 (PUBLIC LAW 93–547, 88 STAT. 1875)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a patent shall be, and hereby is, authorized to be issued to the city of Albuquerque, in the county of Bernalillo, Territory of New Mexico, for south half of section seventeen and north half of section twenty, in township ten north, of range four east, New Mexico principal meridian, containing six hundred and forty acres, more or less, upon the payment of one dollar and twenty-five cents per acre therefor, and upon the submission of due proof of the incorporation of said city, said land to be used for park and other public purposes only, and the patent to contain the provision that the land shall revert to the United States whenever it shall not be used for the purposes mentioned in this Act.

SEC. 2. The city of Albuquerque is authorized to convey, without restrictions as to use, not to exceed one-half of the acreage patented under this Act: *Provided, however*, That all the proceeds derived from such sale or sales shall be used for the construction of a public auditorium, erected either under the sole sponsorship of the city of Albuquerque or, if located upon land owned by the University of New Mexico, as a joint project with that university.

SEC. 3. (a) Notwithstanding the provisions of section 1 hereof, the Secretary of the Interior is authorized to transfer by quitclaim deed or other appropriate means to the city of Albuquerque, New Mexico, all right, title, and interest remaining in the United States in the following described lands.

PARCEL 1

[A parcel of land situated within the northwest quarter of section 20, township 10 north, range 4 east of the New Mexico principal meridian and within tract numbered 1 of the Municipal Addition numbered 2, an addition to the city of Albuquerque, New Mexico, said parcel of land being more particularly described as follows:

Beginning at the northwest corner of said tract numbered 1, said northwest corner being the same as shown on the plat of said addition filed for record in the office of the county clerk of Bernalillo County, New Mexico, on July 12, 1955, from which point the northwest corner of said section 20 bears north 89 degrees 29 minutes 40 seconds west, a distance of 1355.11 feet;

thence south 0 degrees 23 minutes 20 seconds west, a distance of 220.88 feet to a point on a curve on the new southerly right-of-way line of Lomas Boulevard Northeast as shown on the New Mexico State Highway Department right-of-way map for project numbered I–040–3(1)163, and the true point of beginning;

thence southeasterly along said southerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 1461.13 feet, a central angle of 2 degrees 37 minutes 42 seconds, and a long chord which bears south 88 degrees 17 minutes 40 seconds east, a distance of 67.02 feet) a distance of 67.03 feet to a New Mexico State Highway Department right-of-way marker (station 14+47.46) and a point on the westerly right-of-way line of Herndon Street Northeast;

thence south 1 degree 49 minutes 00 seconds west, along said westerly right-of-way line, a distance of 11.81 feet to the point of curve marked by a New Mexico State Highway Department right-of-way marker (station 0+50).

thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 330.71 feet, a central angle of 48 degrees 55 minutes 00 seconds and a long chord which bears south 22 degrees 38 minutes 30 seconds east, a distance of 273.85 feet) a distance of 282.35 feet to a New Mexico State Highway Department right-of-way marker (station 2+89.89);

thence north 43 degrees 02 minutes 30 seconds east, along said westerly right-of-way line, a distance of 10.00 feet to a New Mexico State Highway marker (station 2+89.89) and a point on a curve;

thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the southwest, having a radius of 242.58 feet, a central angle of 33 degrees 46 minutes 00 seconds and a long chord which bears south 30 degrees 04 minutes 30 seconds east, a distance of 140.09 feet) a distance of 142.96 feet to a New Mexico State Highway Department right-of-way marker (station 4+56);

thence north 64 degrees 32 minutes 30 seconds west, a distance of 278.27 feet to the westerly boundary line of said track 1;

thence north 0 degrees 23 minutes 20 seconds east along said westerly boundary line, a distance of 259.86 feet to the true point of beginning.

Said parcel of land containing 0.7041 acre more or less.]

A parcel of land situated within the northwest quarter of section 20, township 10 north, range 4 east of the New Mexico principal meridian and within tract numbered 4 and tract numbered 1 of the municipal addition numbered 2, an addition to the city of Albuquerque, New Mexico, said parcel of land being more particularly described as follows:

Beginning at the northwest corner of tract numbered 1 of said addition, said northwest corner being the same as shown on the plat of said addition filed for record in the offices of the county clerk of Bernalillo County, New Mexico, on July 12, 1955, from which point the northwest corner of said section 20 bears north 89 degrees 29 minutes 40 seconds west, a distance of 1,355.1 feet;

thence south 0 degrees 23 minutes 20 seconds west, a distance of 220.88 feet to a point on a curve on the new southerly right-of-way line of Lomas Boulevard Northeast as shown on the New Mexico State Highway Department right-of-way map for project numbered I-040-3(1)163, and the true point of beginning;

thence southeasterly, along said southerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 1,461.13 feet, a central angle of 2 degrees 37 minutes 42 seconds, and a long chord which bears south 88 degrees 17 minutes 40 seconds east, a distance of 67.02 feet) a distance of 67.03 feet to a New Mexico State Highway Department right-of-way marker (station 14+47.46) and a point on the westerly right-of-way of Herndon Street Northeast;

thence south 1 degree 49 minutes 00 seconds west, along said westerly right-of-way line, a distance of 11.81 feet to the point of curve marked by a New Mexico State Highway Department right-of-way marker (station 0+50);

thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 330.71 feet, a central angle of 48 degrees 55 minutes 00 seconds, and a long chord which bears south 22 degrees 38 minutes 30 seconds east, a distance of 273.85 feet) a distance of 282.35 feet to a New Mexico State Highway Department right-of-way marker (station 2+89.89);

thence north 43 degrees 02 minutes 30 seconds east, along said westerly right-of-way line, a distance of 10.00 feet to a New Mexico State Highway marker (station 2+89.89) and a point on a curve;

thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the southwest, having a radius of 242.58 feet, a central angle of 33 degrees 46 minutes 00 seconds and a long chord which bears south 30 degrees 04 minutes 30 seconds east, a distance of 140.09 feet) a distance of 142.96 feet to a New Mexico State Highway Department right-of-way marker (station 4+56);

thence north 64 degrees 32 minutes 30 seconds west, a distance of 1,343.09 feet to a point on a curve on the said southerly right-of-way line of Lomes Boulevard Northeast;

thence southeasterly, along said southerly right-of-way line on a curve (said curve being concave to the southwest, having a radius of 1,361.94 feet, a central angle of 15 degrees 31 minutes 33 seconds and a long chord which bears south 79 degrees 46 minutes 46 seconds east, a distance of 367.93 feet) a distance of 369.04 feet to a New Mexico State Highway Department right-of-way marker (station 7+83.81);

thence south 72 degrees 01 minutes 00 seconds east, along said southerly right-of-way line, a distance of 200.00 feet to a New Mexico State Highway Department right-of-way marker (station 9+83.81) and the point of curve;

thence southeasterly, along said southerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 1,461.13 feet, a central angle of 61 degrees 24 minutes 18 seconds and a long chord which bears south 80 degrees 13 minutes 09 seconds east, a distance of 416.93 feet) a distance of 418.35 feet to the true point of beginning.

Said parcel of land containing 3.6586 acres more or less.

PARCEL 2

A parcel of land situated within the northeast quarter of section 20, township 10 north, range 4 east, of the New Mexico principal meridian and within tract 4 municipal addition numbered 2 an addition to the city of Albuquerque, New Mexico, said parcel of land being more particularly described as follows:

Beginning at the northeast corner of tract numbered 2 said tract numbered 2 being the same as shown on the plot of said addition filed for record in the office of the country clerk of Bernalillo County, New Mexico, on July 12, 1955, from which point the northeast corner of said section 20 bears north 52 degrees 15 minutes 18 seconds east, a distance of 80.97 feet;

thence south 1 degree 8 minutes 10 seconds east, along the westerly right-of-way line of Eubank Boulevard northeast, a distance of 208.78 feet to the point of beginning;

thence, south 1 degree 8 minutes 10 second east, along said westerly right-of-way line, a distance of 150.20 feet, from which point the State highway department right-of-way marker (station 20+00 end of construction Eubank) bears south 1 degree 8 minutes 10 seconds east, a distance of 85.18 feet;

thence south 88 degrees 51 minutes 50 seconds west, a distance of 108.00 feet to the easterly boundary of a 10-foot public service company easement;

thence north 1 degree 8 minutes 10 seconds west, along said easterly boundary, a distance of 150.20 feet;

thence north 88 degrees 5-1 minutes 50 seconds east, a distance of 108.00 feet, to the true point of beginning.

Said parcel of land containing 0.3724 acre more or less.

(b) No conveyance shall be made under this section unless the city of Albuquerque has shown to the satisfaction of the Secretary of the

Interior (i) that the lands described in subsection (a) are no longer suitable for park and other public purposes; (ii) that the city of Albuquerque will sell such lands at not less than fair market value; (iii) that the proceeds from the sale thereof will be spent to acquire lands located in the North Valley area of the city of Albuquerque bounded on the west by the Middle Rio Grande Conservancy District right-of-way, on the south by Candelaria Road, on the east by private residential areas along the west boundary of Rio Grande Boulevard, on the north by privately owned lands and containing 134.975 acres more or less; (iv) that any lands acquired with such proceeds are suitable for park and other purposes; and (v) that any amount by which the proceeds from the sale of the lands described in subsection (a) exceeds the purchase price of the lands acquqired will be paid to the United States.

(c) If the requirements of subsection (b) are satisfied, the Secretary is authorized to enter into an agreement or agreements with the city of Albuquerque whereby, in consideration of a quitclaim deed to the city of Albuquerque of all right, title, and interest remaining in the United States in and to the lands described in subsection (a) which have been conveyed to the city of Albuquerque, the city of Albuquerque agree that (i) title to any land acquired with the proceeds of the sale of the lands described in subsection (a) will vest in the United States if such acquired lands ever cease to be used for park and other public purposes, and (ii) that the city of Albuquerque will, within ninety days after acquiring such lands, execute a deed to this effect and deliver said deed to the Secretary.

O

S. 2286

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the nineteenth day of January, one thousand nine hundred and seventy-six

An Act

To amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Act entitled "An Act granting land to the city of Albuquerque for public purposes", approved June 9, 1906 (34 Stat. 227), as amended, is further amended by striking out "A parcel of land situated within the northwest quarter" and all that follows through "containing 0.7041 acre more or less." and inserting in lieu thereof the following:

"A parcel of land situated within the northwest quarter of section 20, township 10 north, range 4 east of the New Mexico principal meridian and within tract numbered 4 and tract numbered 1 of the municipal addition numbered 2, an addition to the city of Albuquerque, New Mexico, said parcel of land being more particularly described as follows:

"Beginning at the northwest corner of tract numbered 1 of said addition, said northwest corner being the same as shown on the plat of said addition filed for record in the offices of the county clerk of Bernalillo County, New Mexico, on July 12, 1955, from which point the northwest corner of said section 20 bears north 89 degrees 29 minutes 40 seconds west, a distance of 1,355.11 feet;

"thence south 0 degrees 23 minutes 20 seconds west, a distance of 220.88 feet to a point on a curve on the new southerly right-of-way line of Lomas Boulevard Northeast as shown on the New Mexico State Highway Department right-of-way map for project numbered I-040-3(1)163, and the true point of beginning;

"thence southeasterly, along said southerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 1,461.13 feet, a central angle of 2 degrees 37 minutes 42 seconds, and a long chord which bears south 88 degrees 17 minutes 40 seconds east, a distance of 67.02 feet) a distance of 67.03 feet to a New Mexico State Highway Department right-of-way marker (station 14+47.46) and a point on the westerly right-of-way of Herndon Street Northeast;

"thence south 1 degree 49 minutes 00 seconds west, along said westerly right-of-way line, a distance of 11.81 feet to the point of curve marked by a New Mexico State Highway Department right-of-way marker (station 0+50);

"thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 330.71 feet, a central angle of 48 degrees 55 minutes 00 seconds, and a long chord which bears south 22 degrees 38 minutes 30 seconds east, a distance of 273.85 feet) a distance of 282.35 feet to a New Mexico State Highway Department right-of-way marker (station 2+89.89);

"thence north 43 degrees 02 minutes 30 seconds east, along said westerly right-of-way line, a distance of 10.00 feet to a New Mexico State Highway marker (station 2+89.89) and a point on a curve;

"thence southeasterly, along said westerly right-of-way line on a curve (said curve being concave to the southwest, having a radius of 242.58 feet, a central angle of 33 degrees 46 minutes 00 seconds and a long chord which bears south 30 degrees 04 minutes 30 seconds east, a distance of 140.09 feet) a distance of 142.96 feet to a New Mexico State Highway Department right-of-way marker (station 4+56);

"thence north 64 degrees 32 minutes 30 seconds west, a distance of 1,343.09 feet to a point on a curve on the said southerly right-of-way line of Lomas Boulevard Northeast;

"thence southeasterly, along said southerly right-of-way line on a curve (said curve being concave to the southwest, having a radius of 1,361.94 feet, a central angle of 15 degrees 31 minutes 33 seconds and a long chord which bears south 79 degrees 46 minutes 46 seconds east, a distance of 367.93 feet) a distance of 369.04 feet to a New Mexico State Highway Department right-of-way marker (station 7+83.81);

"thence south 72 degrees 01 minutes 00 seconds east, along said southerly right-of-way line, a distance of 200.00 feet to a New Mexico State Highway Department right-of-way marker (station 9+83.81) and the point of curve;

"thence southeasterly, along said southerly right-of-way line on a curve (said curve being concave to the northeast, having a radius of 1,461.13 feet, a central angle of 16 degrees 24 minutes 18 seconds and a long chord which bears south 80 degrees 13 minutes 09 seconds east, a distance of 416.93 feet) a distance of 418.35 feet to the true point of beginning.

Said parcel of land containing 3.6586 acres more or less.".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.