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12/31

APPROVED
DEC 31 1974

Post in Colorado 12/31/74

To ARCHIVES
1/3/75

ACTION

THE WHITE HOUSE
WASHINGTON
December 27, 1974

Last Day: December 31

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill S. 2125
New Mexico Land Interest

Attached for your consideration is S. 2125, sponsored by Senator Domenici, which authorizes relinquishment of the reversionary interest of the United States in approximately one acre of land to the City of Albuquerque, New Mexico.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Phil Areeda and Max Friedersdorf both recommend approval.

RECOMMENDATION

That you sign S. 2125 (Tab B).





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

DEC 23 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2125 - New Mexico Land Interest
 Sponsor - Sen. Domenici (R) New Mexico

Last Day for Action

December 31, 1974 - Tuesday

Purpose

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

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

No objection (Informally)

Department of Justice

Defers to Interior

Discussion

Some years ago the U.S. conveyed to Albuquerque 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 U.S. A portion of that land, two tracts, aggregating about one acre, which are the subject of this bill are no longer suitable for park purposes so the city proposes to sell them for developmental purposes and use the proceeds to assist in the purchase of other land that is suitable for park purposes. S. 2125 would authorize relinquishment of the reversionary interest of the U.S. if the proceeds from the sale of the land at fair market value are applied to the purchase of other land for park purposes and subject to the further condition that any excess proceeds will be transferred to the U.S. and a reverter clause must be incorporated in the deed involving the purchased land.

Michael H. Russell
 Assistant Director for
 Legislative Reference



Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

ADVANCE

Dear Mr. Ash:

This responds to your request for the views of this Department on S. 2125, an enrolled bill "To amend the Act of June 9, 1906, entitled 'An Act granting land to the city of Albuquerque for public purposes', (34 Stat. 227), as amended."

We have no objection to Presidential approval of the enrolled bill.

S. 2125 would authorize the Secretary to relinquish a reversionary interest in two parcels of land totaling approximately one acre. The two parcels are part of a 640 acre tract conveyed to the city in 1906 by the Federal Government for park use, with a reversion if the land was used in an unauthorized manner. The conveyance contained in S. 2125 would be authorized only if the city can satisfy the Secretary that the two parcels are not suitable for park use, they will not be sold for less than fair market value, that the proceeds will be used to acquire other park land, and that any excess funds remaining after the purchase of the park property will be turned over to the U. S., and the present reversionary interest would be transferred to the new purchase.

In our report on S. 2125, we noted that the city of Albuquerque has assured the Department that the two new parcels are no longer suitable for park use and that the proceeds of the sale will go toward acquiring 135 acres of badly needed park land, thereby assuring that the purpose of the 1906 grant to provide park land is fulfilled. Therefore, we recommend Presidential approval of the enrolled bill.

Sincerely yours,

Ken M. Brown
Legislative Counsel

Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C. 20503

Department of Justice
Washington, D. C. 20530

Honorable Roy L. Ash
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill S. 2125, "To amend the Act of June 9, 1906, entitled 'An Act granting land to the city of Albuquerque for public purposes' (34 Stat. 227), as amended."

The instant bill would authorize the Secretary of the Interior to quitclaim to the City of Albuquerque, New Mexico, certain lands heretofore conveyed to that city for park or public purposes in which the United States retained a reversionary interest in the event the lands ceased to be so used. The authorization is conditioned upon several requirements being met by the city, to the satisfaction of the Secretary, assuring that the lands will be sold for not less than fair market value and the proceeds used to acquire other lands to be used for park or public purposes, as to which a deed is to be delivered providing that title thereto shall vest in the United States if they cease to be used for such purposes.

The Department of Justice defers to the Department of the Interior as to whether this enrolled bill should receive Executive approval.

Sincerely,



W. Vincent Rakestraw
Assistant Attorney General

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OFFICE OF MANAGEMENT
AND BUDGET

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United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 24 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on S. 2125, an enrolled bill "To amend the Act of June 9, 1906, entitled 'An Act granting land to the city of Albuquerque for public purposes', (34 Stat. 227), as amended."

We recommend that the President approve the enrolled bill.

S. 2125 would authorize the Secretary to relinquish a reversionary interest in two parcels of land totaling approximately one acre. The two parcels are part of a 640 acre tract conveyed to the city in 1906 by the Federal Government for park use, with a reversion if the land was used in an unauthorized manner. The conveyance contained in S. 2125 would be authorized only if the city can satisfy the Secretary that the two parcels are not suitable for park use, that they will not be sold for less than fair market value, that the proceeds will be used to acquire other park land, that any excess funds remaining after the purchase of the park property will be turned over to the United States, and the present reversionary interest would be transferred to the new purchase.

In our report on S. 2125, we noted that the city of Albuquerque has assured the Department that the two new parcels are no longer suitable for park use and that the proceeds of the sale will go toward acquiring 135 acres of badly needed park land, thereby assuring that the purpose of the 1906 grant to provide park land is fulfilled. Therefore, we recommend that the President approve the enrolled bill.

Sincerely yours,


Assistant Secretary of the Interior

Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C. 20503



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OFFICE OF MANAGEMENT
AND BUDGET

74 DEC 24 AM 10:18

RECEIVED

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 828

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval *oh*
Max Friedersdorf *oh*
Phil Areeda *no okj*

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill S. 2125 - New Mexico Land Interest

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

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
WASHINGTON

12/23/74

TO: WARREN HENDRIKS

RDL

Robert D. Linder

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: ~~828~~ 829

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda

OK Ross

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill S. 2125 - New Mexico Land Interest

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- 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.

Warren K. Hendriks
For the President

THE WHITE HOUSE
WASHINGTON

December 26, 1974

MEMORANDUM FOR: WARREN HENDRIKS
FROM: *Max Friedersdorf* MAX L. FRIEDERSDORF
SUBJECT: Action Memorandum - Log No. 829
Enrolled Bill S. 2125 - New Mexico Land Interest

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 829
828

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill S. 2125 - New Mexico Land Interest

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No Objections
P. Areeda

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.

Warren K. Hendriks
For the President

AUTHORIZING RELINQUISHMENT OF A REVERSIONARY INTEREST IN CERTAIN LANDS IN THE CITY OF ALBUQUERQUE, N. MEX.

JULY 22, 1974.—Ordered to be printed

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

REPORT

[To accompany S. 2125]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 2125) to amend the Act entitled "An Act granting land to the city of Albuquerque for public purposes", approved June 9, 1906, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike all after the enacting clause and insert in lieu thereof the following language:

That the Act of June 9, 1906, entitled "An Act granting land to the city of Albuquerque for public purposes" (34 Stat. 227), as amended, is further amended by adding at the end thereof the following new section:

"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 1-040-3(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 tract 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.

"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 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 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 true 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 market (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 agrees that (i) title to any lands 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."

2. Amend the title so as to read: "To amend the Act of June 9, 1906, entitled 'An Act granting land to the city of Albuquerque for public purposes' (34 Stat. 227), as amended."

I. PURPOSE OF S. 2125

S. 2125, as ordered reported, would authorize the Secretary of the Interior to relinquish a reversionary interest in two parcels of land totaling approximately one acre and located in Albuquerque, New Mexico.

II. BACKGROUND, DESCRIPTION, AND LEGISLATIVE HISTORY OF S. 2125

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 were used for unauthorized purposes pursuant to the Act. The President issued patent for the land to Albuquerque on November 23, 1914. In 1950, the 81st Congress passed Public Law 695 (64 Stat. 448) which amended the 1906 Act and authorized the city to sell up to one half of the 640 acres upon the condition that the proceeds therefrom be used for the construction of a public auditorium.

Over time, the city, pursuant to the 1950 Act, has conveyed into private ownership approximately 217 acres, most of which was subdivided for residential use. Public streets, alleys, easements, schools, etc. for the subdivision required the dedication of an additional 120 acres. Thus less than half of the original 640 acre tract remains. The City calculates that a total of about 217 acres have been conveyed under the 1950 Act, but it is unable to convey any of the remaining 103 acres as authorized by the 1950 Act because the public auditorium has been constructed and paid for.

S. 2125, as ordered reported, would authorize the Secretary to relinquish a reversionary interest in two parcels of land totaling

approximately one acre located with the original 640 acre tract. The conveyance would be authorized only if the city shows to the satisfaction of the Secretary of the Interior that the two parcels are no longer suitable for park and other public purposes, that the two parcels will be sold at not less than fair market value, that the proceeds from the sale of the parcels will be used to acquire another specified tract which is suitable for park and other public purposes, and that any amount by which the proceeds of sale of the two parcels exceeds the purchase price of the other tract will be paid to the United States. In addition, the reversionary interest which presently exists on the two parcels would be transferred to the tract acquired with the proceeds of the sale of the two parcels.

The city of Albuquerque has informed the Committee that the two parcels are no longer suitable for park and other public purposes and that it desires to sell the land to help cover the cost of purchasing a 135-acre tract to be used as a park. The city believes that the 135-acre tract is located in an area where there is an urgent need for park land.

S. 2125 as introduced by Senator Domenici on July 9, 1973, and later co-sponsored by Senator Montoya, would have authorized the city of Albuquerque to sell any acreage that was not sold under the authority of the 1950 Act (approximately 103 acres), if the proceeds therefrom were used to acquire lands for public park purposes. No such sale could have been made, however, until the Secretary of the Interior had been provided satisfactory assurances of compliance with this condition.

In the Interior Department's negative report on S. 2125 as introduced, Assistant Secretary John Kyl stated:

"The preservation of lands for use as parks and recreation areas, particularly within urban areas, is a basic principle of sound land use planning. While we do not wish to deny the city some measure of flexibility in utilization of the subject lands, we do not favor a change in land use dedication as to lands conveyed under the Recreation and Public Purposes Act, 44 Stat. 741, 43 U.S.C. § 869, or under private laws such as the Act of June 9, 1906, unless it is shown that the lands are no longer suitable for public purposes and unless provisions are included to carry out to the greatest degree feasible the general purpose of the legislation under which the grant was made. Without this showing and absent such provisions, we feel that enactment of S. 2125 would be contrary to the intent of the 1906 Act."

Subsequent to the October 10, 1973, Public Lands Subcommittee hearing on S. 2125, Senators Domenici and Montoya introduced an amendment in the nature of a substitute to S. 2125 (amendment No. 1230). The amendment, among other things, limited the sale authority to two tracts comprising less than one acre and transferred the reversionary interest to park lands to be purchased with the proceeds of the sale of the two parcels. Both the Committee and the Department, in a new report favorable to the amendment, believe that the amendment, together with certain technical amendments, would insure that the original purpose of the 1906 Act would continue to be carried out.

III. COMMITTEE VOTE

The amendment and technical amendments were presented to the Committee on Interior and Insular Affairs by Public Lands Subcommittee Chairman in open mark-up on July 15, 1974. The Committee by unanimous voice vote ordered reported an amendment in the nature of a substitute. This vote was taken in open public session and, because it was previously announced by the Committee in accord with the provisions of Section 133(b) of the Legislative Reorganization Act of 1946, as amended, it is not necessary that the vote be tabulated in the Committee Report.

IV. COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that S. 2125, as ordered reported, be enacted.

V. COST OF S. 2125

In accordance with subsection (a) of section 252 of the Legislative Reorganization Act of 1970, the Committee notes that no additional budgetary expenditures are involved in the enactment of S. 2125.

VI. EXECUTIVE COMMUNICATIONS

Set forth below are the reports from the Department of the Interior and the Office of Management and Budget on S. 2125 and amendment No. 1230.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 10, 1973.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on S. 2125, a bill "To amend the Act entitled 'An Act granting land to the city of Albuquerque for public purposes', approved June 9, 1906."

We do not favor enactment of the bill.

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.

S. 2125 would authorize the city of Albuquerque to sell any acreage that was not sold under the authority of the 1950 Act if the proceeds therefrom are used to acquire lands for public park purposes. No such sale could be made, however, until the Secretary of the Interior had been provided satisfactory assurances of compliance with this condition.

Under the 1950 Act, it appears that over a period of time the City conveyed into private ownership a total of about 217 acres, most of which was subdivided for residential use. Public streets, alleys, easements, schools, etc. for the subdivision required the dedication of an additional 120 acres. Thus less than half of the original 640 acre tract remains. The City calculates that a total of about 217 acres have been conveyed under the 1950 Act, but it is unable to convey any of the remaining 103 acres as authorized by the 1950 Act because the Civic Auditorium has been constructed and paid for. It appears that S. 2125 would authorize the sale of the other 103 acres, further diminishing the original 640 acre tract.

We understand that the City presently desires to sell several small parcels totalling about four to six acres which it claims are not suitable for public purposes. It proposes to use the proceeds for public park purposes. The lands which we understand to be proposed for sale are unimproved and are located along a main road system south of the area which has been subdivided. The parcels are within a park and a golf course. The following are descriptions of these tracts and rough estimates of their value:

(1) Located at the southeast corner of Lomas and Wyoming Boulevard. Approximately one acre. \$125,000.

(2) Area fronting Lomas and next to the City Animal Shelter. Approximately 3.66 acres. Because of its shape, a buyer may not want the narrow west end. About 2½ acres would be of use to a purchaser. \$150,000.

(3) Located on the west side of Eubank, just north of I-40 Interchange. Approximately ½ acre. \$100,000.

We recognize that changing times and conditions may lead to changes in appropriate land use. However, the City of Albuquerque has not shown that the three tracts or other lands which may be authorized to be conveyed under S. 2125 are no longer appropriate for public purposes.

The preservation of lands for use as parks and recreation areas particularly within urban areas, is a basic principle of sound land use planning. While we do not wish to deny the City some measure of flexibility in utilization of the subject lands, we do not favor a change in land use dedication as to lands conveyed under the Recreation and Public Purposes Act, 44 Stat. 741, 43 U.S.C. § 869, or under private laws such as the Act of June 9, 1906, unless it is shown that the lands are no longer suitable for public purposes and unless provisions are included to carry out to the greatest degree feasible the general purpose of the legislation under which the grant was made. Without this showing and absent such provisions, we feel that enactment of S. 2125 would be contrary to the intent of the 1906 Act.

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 H. KYL,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 10, 1973.

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. 184, "To authorize and direct the Secretary of the Interior to sell interests of the United States in certain lands located in the State of Alaska to the Gospel Missionary Union" (requested March 8, 1973);

2. S. 194, "To authorize the Secretary of the Interior to convey to the city of Anchorage, Alaska, interests of the United States in certain lands" (requested June 14, 1973);

3. S. 1111, "To quitclaim the interest of the United States to certain lands in Bonner County, Idaho" (requested September 25, 1973);

4. S. 1582, "To provide for the conveyance of certain public lands in Klamath Falls, Oregon, to the occupants thereof, and for other purposes" (requested September 25, 1973);

5. S. 2125, "To amend the Act entitled 'An Act granting land to the city of Albuquerque for public purposes', approved June 9, 1906" (requested July 24, 1973); and,

6. S. 2343, "To authorize the Secretary of the Interior, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands" (requested September 25, 1973).

The Office of Management and Budget concurs in the views of the Department of the Interior in its reports on these bills and accordingly has no objection to the enactment of S. 184. We have no objection to the enactment of S. 194, S. 1582, and S. 2343 if amended as suggested by the Department. However, we recommend against the enactment of S. 1111 and S. 2125.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 17, 1974.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: In a report sent to you on October 10, 1973, this Department stated that it opposed enactment of S. 2125, a bill "To amend the Act entitled 'An Act granting land to the city of Albuquerque for public purposes', approved June 9, 1906." On May 1, 1974 Senators Domenici and Montoya introduced Amendment No. 1230 to S. 2125. In a letter to the Department dated May 1, 1974, Senator Domenici requested that we report to you whether or not the Department would find S. 2125 to be acceptable if Amendment No. 1230 is adopted.

This is to inform you that we would have no objection to enactment of S. 2125 if Amendment No. 1230 is adopted.

With the amendment, S. 2125 would authorize the Secretary to relinquish a reversionary interest in two parcels of land totaling approximately one acre and located in Albuquerque, New Mexico. The conveyance would be authorized only if the city shows to the satisfaction of the Secretary that the two parcels are no longer suitable for park and other public purposes, that the two parcels will be sold at not less than fair market value, that the proceeds from the sale of the parcels will be used to acquire another specified tract which is suitable for park and other public purposes and that any amount by which the proceeds of sale of the two parcels exceeds the purchase price of the other tract will be paid to the United States. In addition, the reversionary interest which presently exists on the two parcels would be transferred to the tract acquired with the proceeds of the sale of the two parcels.

The two parcels are part of a 640-acre tract conveyed to the city on the condition that the land will revert to the United States if it is not used for park and other public purposes. The city has informed us that the two parcels are no longer suitable for park and other public purposes and that it desires to sell the land to help cover the cost of purchasing a 135-acre tract to be used as a park. We understand that the 135-acre tract is located in an area where there is an urgent need for park land.

Ordinarily the 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 conveyed. In this instance, however, because of the conditions in Amendment No. 1230, the purpose for the conveyance of the two parcels to the city would in essence continue to be carried out and the United States would not lose an interest in land.

We suggest one technical change. Amendment No. 1230 should be revised to include lines 3 through 7 on page 1 of S. 2125 as it was originally introduced.

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,

JACK HORTON,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., May 21, 1974.

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 request of May 9, 1974, for the views of the Office of Management and Budget on Amendment No. 1230 to S. 2125, a bill "To amend the Act entitled 'An Act granting land to the city of Albuquerque for public purposes,' approved June 9, 1906."

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on Amendment No. 1230 to S. 2125, and accordingly has no objection to enactment of S. 2125 if Amendment No. 1230 is adopted.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

VII. CHANGES IN EXISTING LAW

In compliance with subsection (4) of XXIX of the Standing Rules of the Senate, the Committee notes that the following change in existing law is made by the bill, S. 2125.

The Act of June 9, 1906 (P.L. 213, 34 Stat. 227), as amended by the Act of August 16, 1950 (P.L. 695, 64 Stat. 448).

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 tract 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.

PARCEL 2

A parcel of land situate 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 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 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 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 agrees 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.

AMENDING THE ACT OF JUNE 9, 1906, ENTITLED "AN ACT GRANTING LAND TO THE CITY OF ALBUQUERQUE FOR PUBLIC PURPOSES" (34 Stat. 227), AS AMENDED

DECEMBER 13, 1974.—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. 2125]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 2125) to amend the act of June 9, 1906, entitled "An Act granting land to the city of Albuquerque for public purposes" (34 Stat. 227), as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF S. 2125

S. 2125 would authorize the Secretary of the Interior to relinquish a reversionary interest in two parcels of land totaling approximately one acre of land located in Albuquerque, New Mexico.

EXPLANATION AND NEED OF S. 2125

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 were used for unauthorized purposes pursuant to the Act. The President issued patent for the land to Albuquerque on November 23, 1914. Public Law 695 (64 Stat. 448) was passed in 1950 amending the 1906 Act and authorizing the city to sell up to one half of the 640 acres upon the condition that the proceeds therefrom be used for the construction of a public auditorium.

Since the passage of the 1950 Act, the city has conveyed into private ownership about 217 acres, most of which was subdivided for residential use. An additional 120 acres was required by the subdivision for public streets, alleys, schools, etc. Thus, less than half of the original 640 acre tract remains. The city is therefore, unable to convey any of

the remaining 103 acres of the 320 as authorized by the 1950 Act because the public auditorium has been constructed and paid for.

The City of Albuquerque has indicated that two parcels of land totaling approximately one acre located with the original 640 acre tract are no longer suitable for park and other public purposes. The city desires to sell the land to help cover the cost of purchasing a 135 acre tract to be used as a park. The city believes that the 135 acre tract is located in an area where there is an urgent need for park land.

S. 2125 would authorize the Secretary of the Interior to relinquish a reversionary interest in two parcels of land totaling approximately one acre and located with a 640 acre tract conveyed to the City of Albuquerque in 1906. The conveyance would be authorized only if the city shows to the satisfaction of the Secretary of the Interior that the two parcels are no longer suitable for park and other public purposes, that the two parcels will be sold at not less than fair market value, that the proceeds from the sale of the parcels will be used to acquire another specified tract which is suitable for park and other public purposes, and that any amount by which the proceeds of sale of the two parcels exceeds the purchase price of the other tract will be paid to the United States. In addition, the reversionary interest which presently exists on the two parcels would be transferred to the tract acquired with the proceeds of the sale of the two parcels.

COMMITTEE AMENDMENTS

There were no Committee amendments to S. 2125.

COST

There will be no additional expenditures necessary by the Federal Government if S. 2125 is enacted into law.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends by voice vote that the bill, S. 2125, be enacted.

(H.R. 5970, introduced by Congressman Lujan, is a House companion bill to S. 2125. Legislative action was taken on S. 2125 to expedite consideration of this legislation which passed the Senate on July 24, 1974.)

DEPARTMENTAL REPORTS

The report received by the Committee from the Department of the Interior, dated December 8, 1974, follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., December 8, 1974.

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

DEAR MR. CHAIRMAN: This is in response to your request for this Department's views on H.R. 5970, a bill to amend the act entitled "An Act granting land to the city of Albuquerque for public purposes," ap-

proved June 9, 1906, and S. 2125, an act to amend the act of June 9, 1906, entitled "An Act granting land to the city of Albuquerque for public purposes" (34 Stat. 227, as amended).

We do not favor enactment of H.R. 5970, and we would have no objection to enactment of S. 2125 as passed by the Senate.

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. The city calculates that a total of about 217 acres have been conveyed under the 1950 Act, but it is unable to convey any of the remaining 103 acres as authorized by the 1950 Act because the auditorium has been constructed and paid for.

H.R. 5970

This bill would authorize the city of Albuquerque to sell any acreage that was not sold under the authority of the 1950 Act if the proceeds therefrom are used to acquire lands for public park purposes. No sale could be made, however, until the Secretary of the Interior had been provided satisfactory assurances of compliance with this condition.

The preservation of lands for use as parks and recreation areas, particularly within urban areas, is a basic principle of sound land use planning. While we do not wish to deny the city some measure of flexibility in utilization of the subject lands, we do not favor a change in land use dedication as to lands conveyed under the Recreation and Public Purposes Act, 44 Stat. 741, 43 U.S.C. 8869, or under private laws such as the Act of June 9, 1906, unless it is shown that the lands are no longer suitable for public purposes and unless provisions are included to carry out to the greatest degree feasible the general purpose of the legislation under which the grant was made. Without this showing and absent such provisions, we feel that enactment of H.R. 5970 would be contrary to the intent of the 1906 Act.

S. 2125

As passed by the Senate, S. 2125 would authorize the Secretary to relinquish a reversionary interest in two parcels of land totaling approximately one acre. The two parcels are part of the 640-acre tract conveyed to the city under the 1906 Act described above. The conveyance would be authorized only if the city shows to the satisfaction of the Secretary that the two parcels are no longer suitable for park and other public purposes, that the two parcels will be sold at not less than fair market value, that the proceeds from the sale of the parcels will be used to acquire another specified tract which is suitable for park and other public purposes, and that any amount by which the proceeds of sale of the two parcels exceeds the purchase price of the other tract will be paid to the United States. In addition, the reversionary interest which presently exists on the two parcels would be transferred to the tract acquired with the proceeds of the sale of the two parcels.

The city has informed this Department that the two parcels are no longer suitable for use for park and other public purposes as required by the 1906 Act and that it desires to sell the parcels to help cover the cost of purchasing a 135-acre tract to be used as a park. We understand that the 135-acre tract is located in an area where there is an urgent need for park land.

As explained above, the Department ordinarily 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 conveyed. Under S. 2125, instead of being relinquished, the reverter would be transferred to a different tract of land on the condition that the city shows that the two parcels are no longer suitable for park or other public purposes. The purpose of the 1906 Act would therefore continue to be carried out and the United States would not lose an interest in land.

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 H. 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 italic, existing law in which no change is proposed is shown in roman):

Act of June 9, 1906 (P.L. 213, 34 Stat. 227), as amended by the Act of August 16, 1950 (P.L. 695, 64 Stat. 448).

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 tract 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.

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 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 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 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 sent 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 agrees 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.



Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To amend the Act of June 9, 1906, entitled "An Act granting land to the city of Albuquerque for public purposes" (34 Stat. 227), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 9, 1906, entitled "An Act granting land to the city of Albuquerque for public purposes" (34 Stat. 227), as amended, is further amended by adding at the end thereof the following new section:

"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 tract 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.

"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 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 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 true 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 agrees that (i) title to any lands 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.”.

Speaker of the House of Representatives.

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

December 19, 1974

Dear Mr. Director:

The following bills were received at the White House on December 19th:

✓ S.J. Res. 234	S. 2838 ✓	S. 3578 ✓
S. 184 ✓	S. 3341 ✓	S. 3615 ✓
S. 194 ✓	S. 3397 ✓	H.R. 3538 ✓
S. 1283 ✓	S. 3418 ✓	H.R. 14401 ✓
S. 1357 ✓	S. 3489 ✓	H.R. 15912 ✓
S. 2125 ✓	S. 3518 ✓	H.R. 16609 ✓
S. 2594 ✓	S. 3574 ✓	H.R. 16901 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.