

RESOLUTION # 96-3

WHEREAS, there is a growing interest by area residents in the multi-use of the RailRoad bed between Moriarty and Estancia, and

WHEREAS, the Moriarty to Estancia TrailRoad would provide an alternate transportation route for walkers, bicycles and equestrians and help encourage economic growth in these communities.

WE HEREBY, endorse the Salt Missions Trails MainStreet efforts to pursue the possibility for development of this TrailRoad for the use of the citizens of Torrance County.

NOW THEREFORE, be it resolved that the Torrance County Commission support the Salt Missions Trails MainStreet in these development efforts.

Done, at Estancia, Torrance County, New Mexico, this the 24th day of January, 1996.

Torrance County Commission

Bill R. Will
Chairman

Ray Spear
Member

Attest:

Rocky Lamer
Member

Carla Clayton
Clerk of the Board

(Torrance County Commission, etc.)

DRAFT

January XX, 1996

Mr. Pete Rahn, Secretary
New Mexico State Highway Department
P.O. Box 1149
Santa Fe, NM 87504

re: New Mexico Central Railway roadbed

Dear Mr. Rahn:

In 1975, the New Mexico Central Railway Company quitclaimed the railroad bed it had recently abandoned between the corporate limits of Moriarty and Estancia to your department.

Questions about the ownership of this property have been raised by adjacent owners along the roadbed. On July 6, 1994, Robert Lopez of your right-of-way bureau responded to those questions in a letter to then Torrance County Assessor Walter R. Glazewski. In that letter, he maintained that your department has ownership of the old right-of-way by virtue of the quitclaim deed and a Santa Fe County district court case, SF-77-2001.

The Salt Missions Trails MainStreet program is interested in promoting and developing a "rails to trails" project to turn this unused roadbed into a trail for biking, hiking, equestrian and other non-motorized activities. The ownership question has again been raised in connection with this project.

If Torrance County were to support this project (which of course would require cooperation from your department), we wish to know if your department is willing and ready to defend its ownership of the roadbed. It would be pointless to continue without the guarantee of the department's support.

This is not a moot question. One property owner has already fenced in a portion of the roadbed which is adjacent to other property he owns (except for the old and new NM-41 highways), based on federal law that gives adjacent owners abandoned railroad beds. Other owners are discussing the matter, and litigation is possible.

We would appreciate knowing what your department's position is regarding this roadbed. The MainStreet program has been in contact with F.S. Friedman and Henry Gonzales of your department in the initial stages of discussion of the "rails to trails" concept. Before the county commits to any support of the concept, the ownership question must be resolved.

Thank you for your consideration. (etc.)