



**Stephanie Garcia Richard, Commissioner of Public Lands
State of New Mexico**

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Land Sale No. LE-1421
Sandoval County, New Mexico

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**Stephanie Garcia Richard, Commissioner of Public Lands
State of New Mexico**

EXHIBIT 1: BID INFORMATION SHEET

Land Sale No. LE-1421
Sandoval County, New Mexico

I. **GENERAL INFORMATION.** The New Mexico Commissioner of Public Lands (the “Commissioner”), through the New Mexico State Land Office (“State Land Office”), is accepting sealed bids to purchase 44.5267 acres, more or less (the “Land”). The Land is located in Rio Rancho, New Mexico adjacent and west of V. Sue Cleveland High School, north of Paseo del Volcan and east of Loma Colorado Boulevard, as described more particularly below. The minimum bid is \$3,921,000.00 (three million nine hundred twenty-one thousand dollars) (the “Minimum Bid”). Additional information regarding the Land, the Minimum Bid, requirements for submitting a bid, and the terms and conditions of bids is set forth below. The entire bid packet should be reviewed before submitting a bid.

The Land is offered for a cash sale (i.e., full payment in cash due at closing) as a single tract only. Bids for less than the entire tract will not be considered. The Commissioner reserves the right to reject all bids submitted and to re-offer the Land for lease, sale and/or exchange on the same or different terms.

Lessee Commitment to Provide Infrastructure. The Land is currently subject to a lease (Business Lease No. BL-1952, as amended) under which the lessee has performed certain real estate planning and development. Pursuant to the lease, which will be relinquished as to the Land at the closing of the proposed sale, the lessee is obligated to extend certain infrastructure and public streets to the boundary of the Land. In addition to existing infrastructure, the Commissioner is requiring the lessee to financially guaranty its obligation to construct the following additional public infrastructure (collectively, the “Base Infrastructure”): (i) extension of Fairmount Road roadway and the water line in Fairmount Road from Tract 15 to the Tract 17 boundary; and (ii) engineering for and construction of a gravity sanitary sewer main from the successful bidder’s western terminus to the Tract 16 boundary line, estimated to be approximately 250 feet. At or before closing, the lessee will post a financial guaranty acceptable to the Commissioner for the extension of the Base Infrastructure and, after closing, the lessee will remain obligated to complete such Base Infrastructure.

Closing. The closing will be scheduled no later than 90 days after the successful bidder is selected by the SLO.

Advertisement of Sealed Bid Auction. A Public Notice soliciting bids to purchase the Land has been published as required by law in The Santa Fe New Mexican, Santa Fe, NM, and The Rio Rancho Observer Rio Rancho, N.M. A copy of the Public Notice is included in the Bid Packet as Exhibit 2. The Public Notice and the Bid Packet are also posted on the State Land Office website, www.nmstatelands.org.

II. **BID SUBMISSION DEADLINE.** Sealed bids must be submitted to the State Land Office, 310 Old Santa Fe Trail, Santa Fe, NM, 87501 (courier service or personal delivery) or P.O. Box 1148, Santa Fe, NM 87504-1148 (USPS postal mail), Attention: Christopher Wolf, Special Projects Analyst. **BIDS MUST BE RECEIVED NO LATER THAN 12:00 P.M. on February 29, 2024.** The bid itself must be in a sealed package marked "Land Sale No. LE-1421." Information regarding the bid process can be obtained from Christopher Wolf, Special Projects Analyst, Commercial Resources Division, at the above address or by calling (505) 827-5095. Sealed bids will be opened on March 1, 2024 at 9:30 a.m. at the New Mexico State Land Office (Morgan Hall), 310 Old Santa Fe Trail, Santa Fe, New Mexico 87501.

III. **THE LAND.**

A. **Legal Description.** Tract 17 of Unit 17 as the same is shown and designated on the plat entitled "Paseo Gateway Parcel A, Tracts 1 thru 9, 10A, 10B, 10C, 11 thru 18, A and B-1A, a Replat of Portions of Tract C in the Town of Alameda Grant Unit Seventeen etc.," filed in the office of the County Clerk, Sandoval County, New Mexico on November 14, 2008 as Instrument No. 2008033908.

The Land is further described as follows:

A tract of land situated within Fractional Lots 2, 3 and 4, of Section 32, Township 13 North, Range 3 East, N.M.P.M., City of Rio Rancho, Sandoval County, New Mexico, more particularly described as follows:

BEGINNING at the northwest corner of the herein described tract, said point being on the centerline of Macao Road NE on the projection of the south line of Tract 15-B-1, Cleveland Heights, as the same is shown and designated on said plat, filed for record in the office of the County Clerk of Sandoval County, New Mexico, on October 18, 2018, in Volume 3, Folio 305, as Document No. 2018P01302 (RRE Book 28, Pages 34-36), from whence SCCS Monument and Benchmark bears N 21° 55' 29" W, 19690.31 feet;

THENCE along a line common to said Tract 15-B-1 and Tract 17, N 63° 04' 05" E, 1,496.23 feet to the northeast corner, said point being common with the southeast corner of said Tract 15-B-1 and further being on the west line of Tract B-1A of said Paseo Gateway;

THENCE along a line common to said Tract B-1A, S 24° 58' 53" E, 727.67 feet to a point;

THENCE continuing, S 40° 29' 41" E, 901.82 feet to the southeast corner, said point being common with the southwest corner of said Tract B-1A and further being on the north right-of-way line of Paseo Del Volcan NE;

THENCE along said north right-of-way line, 1,664.23 feet along a curve to the right, whose radius is 19,800.00 feet, through a central angle of 04° 48' 57" and whose long chord bears S 86° 45' 16" W, 1,663.82 feet to a point, said point being non-tangent;

THENCE continuing, N 89° 40' 35" W, 459.01 feet to the southwest corner, said point being common with the southeast corner of Tract 16 of said Paseo Gateway and further being on the centerline of said Macao Road NE;

THENCE along said centerline, N 00° 19' 25" E, 300.74 feet to a point of curvature;

THENCE continuing, 475.70 feet along a curve to the left, whose radius is 1,000.00 feet, through a central angle of 27° 15' 20" and whose long chord bears N 13° 18' 15" W, 471.22 feet to the point of beginning and containing 44.5267 acres, more or less;

Being and intended to be part of Lot 3 (34.9360 acres), part of Lot 4 (1.1106 acres), and part of Lot 2 (8.4801 acres), Section 32, Township 13 North, Range 3 East, N.M.P.M.

B. Current Land Use; Encumbrances. The Land is zoned R-4 (Single Family Residential) and is a part of the Paseo Gateway master plan area in Rio Rancho, NM. The Land will be subject to all valid and existing leases, easements, restrictions, and reservations. As noted above, an existing State Land Office lease (Business Lease No. BL-1952) will be relinquished as to the Land at or before the closing. Bidders are responsible for verifying encumbrances and the effect thereof on the Land.

C. Subdivision and development. The City of Rio Rancho may condition future subdivision of the Land, zoning site development plan approvals, and development permits upon dedication of rights of way and easements, and/or upon infrastructure improvements by the owner for water, sanitary sewer, streets, drainage, grading and parks in accordance with current resolutions, ordinances and policies in effect at the time for any specific proposal. In a letter dated October 11, 2023, attached to this Bid Information Sheet as Exhibit A, the City of Rio Rancho confirmed conditional water and waste water availability for Tract 17. In a letter to the Commissioner dated September 21, 2020, attached to this Bid Information Sheet as Exhibit B, the City of Rio Rancho set forth various requirements for further development of Tract 17, including (i) improvement of the channel along the east boundary of Tract 17 from the terminus of the previous channel improvement completed as part of the Tract 15 development to Paseo del Volcan

(NM 347), which is referenced in the approved Land Use Plan per the existing amendment # 2 to the Drainage Management Plan approved by The Southern Sandoval County Arroyo Flood Control Authority and the City on August 11, 2016; and (ii) engineering for and construction of a gravity sanitary sewer main from its current location within Tract 17, westward within an approved corridor to, at a minimum, the east boundary of Tract 16. In order to ensure appropriate sanitary sewer service and drainage for adjacent state trust lands in Tract 16, the Commissioner may reserve an easement for those purposes over and across the Land conveyed.

D. Inspection of the Land. Anyone wishing access to inspect the Land must obtain permission from the State Land Office personnel listed in Section II, above.

E. Land offered "AS IS"; Bidders Responsible for Due Diligence. The Land is offered "AS IS." The Commissioner makes no representation or warranty, express or implied, written or oral, with respect to the condition of the Land, or its fitness, suitability, or availability for any particular use. EACH BIDDER IS RESPONSIBLE FOR PERFORMING ITS OWN DUE DILIGENCE AND FOR BECOMING FULLY FAMILIAR WITH THE CONDITION OF THE LAND AND ANY APPLICABLE RESTRICTIONS OR OTHER CONDITIONS THAT MIGHT AFFECT USE OF THE LAND.

IV. **MINIMUM BID AND TYPES OF BIDS PERMITTED.**

The minimum bid is set at \$3,921,000.00 (three million nine hundred twenty-one thousand dollars). The cash price must be received at closing. Bids offering less than the minimum will not be considered. Bidders are encouraged to offer amounts greater than the minimum, with additional amounts in increments of \$10,000.00. Bids must offer cash, the full amount of which will be due at closing. Bids for less than the entire tract will not be considered. Further requirements for bids appear in Section V below.

V. **PAYMENT OF COSTS; DEPOSITS; BID REQUIREMENTS.**

A. Payment of All Costs. The successful bidder will be required to pay all costs associated with the transaction, including without limitation, surveys, appraisals, title insurance costs, settlement fees, and recordation costs.

B. Non-Refundable Sale Application Fee. The sealed bids must be accompanied by a \$3,000.00 non-refundable sale application fee and deposits in the amounts set forth below.

C. Deposits. The sealed bids must be accompanied by the deposits described below. The deposits of unsuccessful bidders will be refunded. Deposits must be made by cashier's check or other certified funds payable to the New Mexico Commissioner of Public Lands from a bank or other issuer, and in a form, acceptable in all respects to the Commissioner.

1. Transaction Cost Deposit. The sealed bid must be accompanied by a \$16,325.48 transaction cost deposit to be applied against the following transaction costs:

Advertising public auction (estimated)	\$5,005.60
Advertising Section 19-7-9.1 public meeting	\$996.23
Tract 17 appraisal and appraisal review	\$6,634.32
Tract 17 survey	\$3,689.33
Total Transaction Cost Deposit	<u>\$16,325.48</u>

2. Performance Deposit. The sealed bid must be accompanied by a performance deposit in the amount of \$392,100.00, representing 10% of the Minimum Bid, to be applied against the cash price due at closing. Upon the Commissioner and the selected bidder entering a written agreement for conveyance of the Land, the Performance Deposit of the selected bidder is subject to forfeit for failure to complete the proposed transaction.

D. Application and Bid to Purchase State Trust Land; Proof of Ability to Pay; Conformance to Rules. The sealed bids must be made on the Application and Bid to Purchase State Trust Land included in the bid packet as Exhibit “3” together with supporting documentation evidencing the ability to pay the amount due at closing. Supporting documentation for the ability to pay may take the form of a letter of credit or firm loan commitment from an issuer acceptable to the Commissioner, or bank or brokerage firm statements demonstrating sufficient cash deposits or liquid securities to pay the balance due at closing.

VI. RESERVATIONS; ADDITIONAL TERMS AND CONDITIONS.

A. Conveyance Subject to Reservations and Encumbrances; Reservation of all Minerals and Geothermal Resources and certain Water Rights; Surface Non-Disturbance Agreement. In conveying the Land, the Commissioner will reserve to the State:

- (1) all geothermal resources in, under or upon the Land;
- (2) all minerals of whatsoever kind in, under or upon the Land, including but not limited to, oil and natural gas, helium, carbon dioxide, coal and lignite, uranium, brine, salt, copper, iron, lead, talc, barite, gold and silver, precious and semi-precious stones and jewels, caliche, building stones, shale, clay, sand, gravel, and all commercially valuable rock; all of the foregoing whether or not now known to exist or to have value, of whatever form or type, at whatever depth, in whatever nature of deposit, whether solid, semi-solid, liquid, or gaseous, whether similar or dissimilar to any of those minerals enumerated, and regardless of the method of extraction, whether by wells (including input wells), mining (including by

subterranean, open-pit, or strip mines), surface or subsurface leaching or dissolution, or any other means now or hereafter known or employed);

(3) all rights to use present and future underground spaces in all strata under the Land, whether in caverns, fissures, pores, on the surface of formation rocks or otherwise, for any commercially valuable purpose whatever including but not limited to storage and/or sequestration and/or transport of fluids and gases (hereinafter, “pore space rights”); and

(4) (i) all rights of access and surface use necessary for or reasonably incident to exploration for and extraction, injection, and removal of the reserved geothermal resources and minerals or the development and use of reserved pore space rights; (ii) the right to execute leases, permits and other agreements for geothermal resource and mineral exploration, development, and operation, and the use of reserved pore space rights; (iii) the right to sell or dispose of the geothermal resources, minerals or reserved pore space rights; (iv) the right to grant rights-of-way or entry and easements for geothermal, mineral and reserved pore space rights purposes; (v) the right to prospect for, mine, produce, and remove geothermal resources and minerals, the right to prospect for and use reserved pore space rights; and (vi) the right to perform any and all acts necessary in connection with the foregoing reserved minerals, geothermal resources, and reserved pore space rights.

This is currently no oil, gas or mineral lease as to the Land. The Commissioner will offer to enter into a surface non-disturbance agreement as to any future exploration for or production of minerals for an additional payment of \$10,000.00 (ten thousand dollars).

B. Commissioner’s Right to Reject Bids. The Commissioner reserves the right to reject all bids and withdraw the Land from sale or to reinitiate the process of offering the Land for sale or exchange on the same or different terms.

C. Supplemental Information. The Commissioner reserves the right to require the submission of supplemental information and/or to conduct interviews with any or all bidders in the course of selecting the highest and best bid.

D. Bid Evaluation. In determining the highest and best bid, the Commissioner will evaluate qualifying bids based on the amount offered for the Land.

E. No Obligation Until Written Agreement Entered Into Following Selection; Closing. The Commissioner’s selection of a bid shall not constitute or be evidence of a contract between the Commissioner and the selected bidder. Neither the Commissioner nor any bidder will have any enforceable obligation to the other unless a bidder has been selected and the Commissioner and the bidder have entered into a written agreement setting forth the terms and conditions of the transaction, which must occur within forty-

five days after the Commissioner selects the successful bid. Closing shall occur no later than 90 days after the selection of the winning bid.

F. Disqualification of Successful Bidder; Selection of Alternate Bidder. The Commissioner may disqualify the selected bidder if: (1) the Commissioner discovers a material misrepresentation in the bidder's Application and Bid to Purchase State Trust Land or any information submitted therewith; (2) the bidder withdraws its bid within ten (10) days of being selected; or, (3) if the Commissioner and the bidder for any reason do not agree on the final terms of a written agreement and fail to execute such an agreement within forty-five (45) days of the bidder being selected. If the selected bidder is disqualified, the Commissioner may select the next highest and best bidder or select no bid. The return of deposits shall not prevent the Commissioner from selecting another bidder as provided for herein.

G. Form of Conveyance Instruments. Title to the Land will be conveyed by the Commissioner in the form of a patent. A sample patent is included in the bid packet as Exhibit "7."



Exhibit A to Bid Information Sheet

October 11, 2023

Sheldon Greer P.E.
7770 Jefferson NE, Suite 200
Albuquerque, NM 87109

**Re: Letter Granting Conditional Water and Wastewater Availability
Approval for Paseo Gateway LLC Subdivision State Land Office Phase 2
Additional 224 Dwelling Units.**

Dear Mr. Greer,

The Utilities Department confirms the Conditional Water and Wastewater Availability for the State Land Office, Paseo Gateway LLC Development, Phase 2 consisting of approximately 224 Dwelling Units in addition to the 210 Dwelling Units constructed in Phase 1 of the development. The Utilities Department can still serve up to 434 Dwelling Units.

The developer is responsible for water and wastewater modeling for any additional development requests after Phase 2. Sanitary Sewer Lift Station and sanitary sewer lines receiving flows from the development may need improvements prior to or in conjunction with additional development approvals. Similar conditions apply to the Water Supply (Wells). The developer is responsible for ensuring the site fire flow meets City of Rio Rancho Fire Marshall requirements for the proposed development. A water model paid for by the developer will be required to ensure adequate fire flow to the site. If the developer builds a looped water line, no issues are anticipated at this time. Please contact Nathan Roberts Bohannon Huston 505-823-1000 for modeling information.

Condition: Sanitary sewer is to be designed to service all of the Paseo Gateway State Land Office by gravity. The Water and Wastewater Availability for the 224 dwelling units and a total availability for 434 dwelling units is predicated on the award of this portion of the development by the State Land Office (SLO). The availability is to the SLO chosen developer and is was predicated on the SLO and SLO Developer meeting any additional conditions set forth through the Development Services Department.

Approval of this availability statement does not imply or suggest approval of zoning changes, construction plans, conceptual layouts, or any other requirements that may be conditions of approval for this development. This statement merely represents a commitment from the City that, if all other necessary approvals are obtained, and the completion of the proposed

water system improvements, this development will be allowed to be served by the City's water and wastewater systems as described above.

If a fire flow test is performed for the site, results are to be turned into the Utilities Department and Fire Marshall or designee. The test is to be coordinated with the System Maintenance Crews at 896-8287. The System Maintenance Crews are the only personnel authorized to operate valves in the City of Rio Rancho. The developer is responsible for paying for a fire flow test from a certified tester.

Please refer to the City of Rio Rancho Web Site for additional water and sewer information. Design Criteria and Standard Details are located on the following web address: <http://ci.riorancho.nm.us/index.asp?NID=482> Departments, Public Works, Design Criteria and Standards Details, Water and Wastewater.

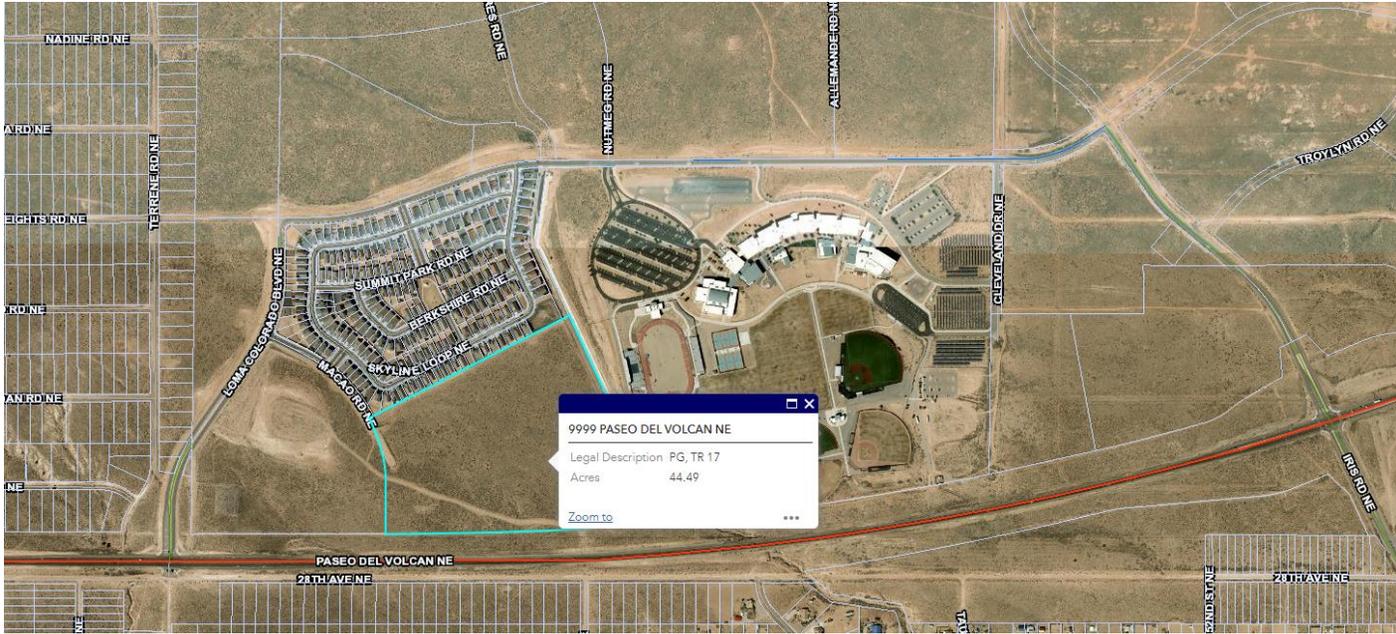
Contacts for additional information and guidance: Development Services: 505-891-5005 Engineering Division: 505-891-5016 Environmental: **Backflow Prevention 505-896-8816 and Industrial Pollution Pretreatment Program (Commercial Wastewater Survey and Grease Interceptors) 505-891-5017.** Water pressure will need to be verified by the developer. If water pressure exceeds 80 psi, individual pressure reducing valves will be needed on the homes or business at the cost and responsibility of the customers.

The Availability Statement will expire unless construction starts within 18 months of approval and is complete within 3 years of approval. If you have questions regarding this Availability Statement please contact me at 505-891-5046.

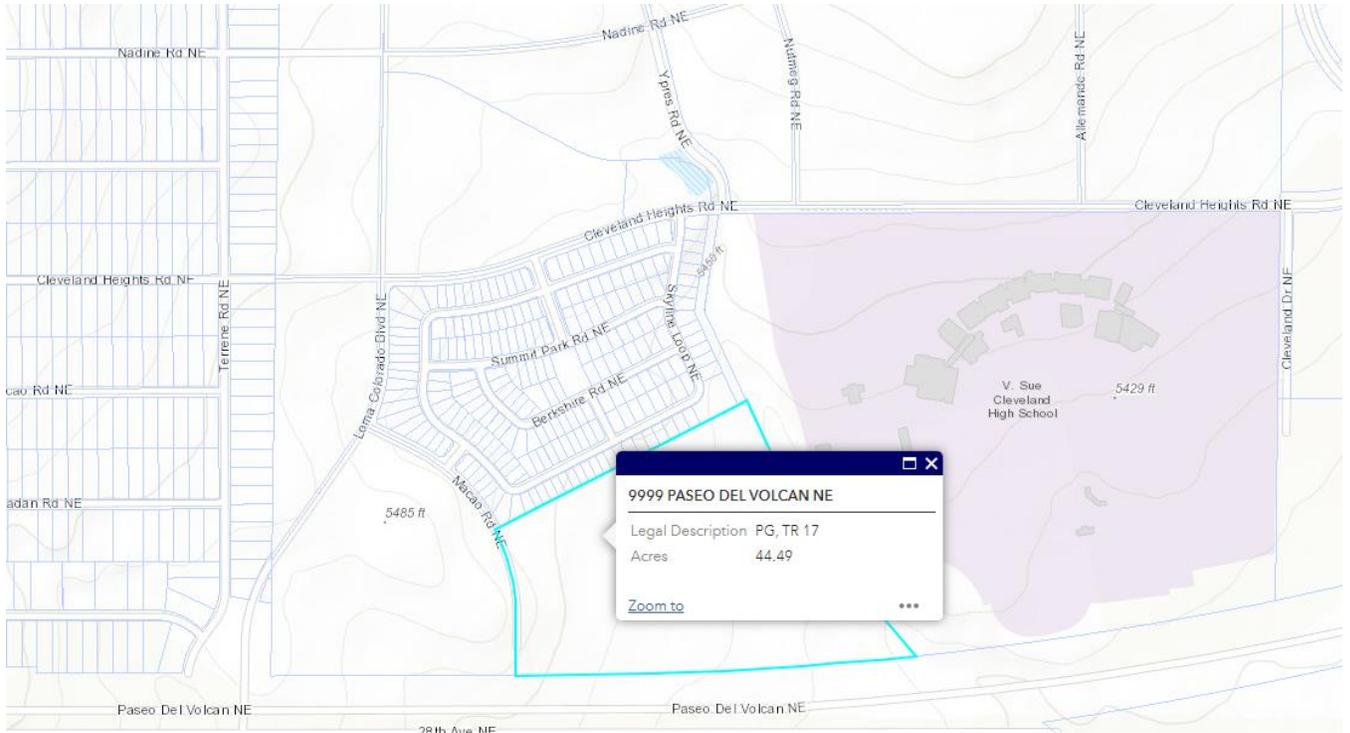
Sincerely,

Steve Gallegos

Steve Gallegos
Deputy Director
Utilities Department



3200 Civic Center Circle NE • Rio Rancho, New Mexico 87124
Office (505) 896-8715 • Fax (505) 891-5201



3200 Civic Center Circle NE • Rio Rancho, New Mexico 87124
Office (505) 896-8715 • Fax (505) 891-5201



Exhibit B

to Bid Information Sheet

September 21, 2020

Stephanie Garcia Richard, Commissioner
New Mexico State Land Office
P.O. Box 1148
Santa Fe, NM 87504-1148

via Regular Mail

Re: Tract 17 of the *Paseo Gateway Parcel A, Tracts 1 thru 9, 10A, 10B, 10C, 11 Thru 18, A and B-1A* subdivision (recorded on November 14, 2008, Volume 3, Folio 1977-A, Rio Rancho Estates Plat Book 21, Pages 121-124)

Dear Commissioner Garcia Richard:

The Planning and Development leaseholder for Tract 17 Paseo Gateway has requested the City of Rio Rancho develop a list of the minimum offsite infrastructure requirements for the residentially zoned property held in Trust by the Commissioner of Public Lands. The Development Services Department has reviewed the request, and to the extent possible, has developed the list. This letter identifies the requirements and identifies the process for development of Tract 17.

The City recognizes the unique nature of the relationship between your office and the leaseholder related to development of the property. The City is supportive of development that complies with and follows the Paseo Gateway Master Plan. Because the State Land Office (SLO) is precluded by law from spending or committing money to improve its land, the City agrees to accept phased development of infrastructure improvements in such a way as to insure the safety and wellbeing of its citizens.

The proposed development of Tract 17 as zoned will provide housing in an area where there are increasing job opportunities. It is hoped the development will also spur development of additional job opportunities as well as recreational and retail opportunities for the entire community. The development will be subject to the City's development review and approval processes. The City will accept the following described base off-site infrastructure improvements to be funded and constructed by the successful bidder. The location of these improvements is also graphically identified on Attachment I. These additions, along with the existing infrastructure in the area, will be sized to accommodate future development in the area and are adequate to fully serve the completed development of Tract 17 as it is currently zoned. Notwithstanding, the development review and approval process may identify additional on- and off-site public infrastructure improvements. That is, this following list shall not be construed as all encompassing.

1. The successful bidder will complete the engineering for and improve the channel along the east boundary of Tract 17 from the terminus of the previous channel improvement completed as part of the Tract 15 development to Paseo del Volcan (NM 347) which is referenced in the approved Land Use Plan per the existing amendment # 2 to the Drainage Management Plan approved by the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) and the City on August 11, 2016. The City, SSCAFCA and New Mexico Department of Transportation

- (NMDOT) retains the right to approve the final construction plans prior to any construction in accordance with City, SCAFCA, and NMDOT regulations, policies and procedures.
2. The successful bidder will complete the engineering for and construct a gravity sanitary sewer main from its current location within Tract 17, westward within an approved corridor to, at a minimum, the east boundary of Tract 16. The City will approve the final construction plans in accordance with City regulations, policies and procedures.
 3. The successful bidder, will have a traffic impact analysis (TIA) prepared and any mitigation required by the TIA will be completed as part of the Tract 17 development. In the event the TIA does not require constructed improvements, traffic mitigation, at a minimum, will include a fair share amount payment to the City for the future construction of a traffic signal and intersection improvements at the intersection of Paseo del Volcan (NM 347) and Loma Colorado Blvd. intersection for when improvements are warranted due to the cumulative impact of this and future developments. The City and NMDOT retain the right to approve the final TIA and construction plans prior to any construction in accordance with City, and NMDOT regulations, policies and procedures.

The estimated development process for the improvements will be as follows:

1. The property will be offered for sale through the State Land Office process anticipated for the fall of 2020.
2. The successful bidder will begin the engineering planning for the infrastructure and execute a financial guarantee acceptable to the Commissioner of Public Lands and the City of Rio Rancho.
3. If an acceptable bid is approved by the Commissioner, the development review and approval process for the subdivision and infrastructure will progress pursuant to City of Rio Rancho development review and approval process.
4. The successful bidder will at the outset of construction of the subdivision contract for the development of the required and approved infrastructure.
5. The infrastructure improvements will be subject to City inspection and acceptance in accordance with City regulations, policies and procedures.

If you have questions or require additional information, please do not hesitate to contact me or Development Services Department Engineering Division Manager David Serrano. Mr. Serrano can be reached at 505-891-5059 or email dserrano@rrnm.gov.

Sincerely,



Peter Wells
Acting City Manager

Attachments: I – Location of base infrastructure improvements

cc: Matt Geisel, Acting Development Services Director (via email); David Serrano, Engineering Division Manager (via email); Bo K. Johnson, Cleveland Heights LLC (via email - bo@bokayconst.com); Jim Rogers, Managing Member of Tract 17 LLC (via email - jimr@sunlandnm.com)



**Stephanie Garcia Richard, Commissioner of Public Lands
State of New Mexico**

EXHIBIT 2: NOTICE OF PUBLIC AUCTION

**COMMISSIONER OF PUBLIC LANDS
NOTICE OF SEALED BID PUBLIC AUCTION
FOR SALE OF LAND**

Land Sale LE-1421, 44.5267± acres

Sandoval County, New Mexico

The Commissioner of Public Lands ("Commissioner") gives notice of a sealed bid auction pursuant to the New Mexico Enabling Act (36 Stat. 557) and NMSA 1978, Sections 19-7-1 and 19-7-2 to sell 44.5267± acres of state trust lands (the "Land") located in Sandoval County, New Mexico, more particularly described as follows:

Tract 17 of Unit 17 as the same is shown and designated on the plat entitled "Paseo Gateway Parcel A, Tracts 1 thru 9, 10A, 10B, 10C, 11 thru 18, A and B-1A, a Replat of Portions of Tract C in the Town of Alameda Grant Unit Seventeen etc.," filed in the office of the County Clerk, Sandoval County, New Mexico on November 14, 2008 as Instrument No. 2008033908;

Being and intended to be part of Lot 3 (34.9360 acres), part of Lot 4 (1.1106 acres), and part of Lot 2 (8.4801 acres), Section 32, Township 13 North, Range 3 East, N.M.P.M.

The Land is located in the Paseo Gateway master plan area, within the municipal boundaries of the City of Rio Rancho in Sandoval County, west of V. Sue Cleveland High School, north of Paseo del Volcan and east of Loma Colorado Boulevard.

The Land is offered "AS IS"; the Commissioner does not make any representations or provide any warranties regarding title to the Land or its condition or fitness for any purpose. The Land is offered for a cash sale (i.e., full payment in cash due at closing) as a single tract; bids for less than the entire tract will not be considered.

Details regarding the auction, potential sale, applicable rules, bidding instructions and forms are set forth in the bid packet, which can be obtained by writing the State Land Office, P.O. Box 1148, Santa Fe, NM 87504, Attention: Christopher Wolf, Special Project

Analyst, by telephone at 505-827-5095, or by e-mail to cwolf@slo.state.nm.us. The bid packet also is posted on the State Land Office website, www.nmstatelands.org. **The bid packet is incorporated in this notice by reference and should be reviewed in detail before submitting a bid.**

The Minimum Bid to purchase the Land is \$3,921,000.00 (three million nine hundred twenty-one thousand dollars). Bids offering less than the minimum will not be considered. Bidders are encouraged to offer amounts greater than the Minimum Bid, with additional amounts in increments of \$10,000.00.

Sealed bids must be accompanied by a \$3,000.00 non-refundable sale application fee and deposits in the amounts set forth below. Deposits must be in the form specified in the Bid Information Sheet (Exhibit "1" of the bid packet). Failure to include the sale application fee and required deposits will result in disqualification. In addition to making the required transaction cost deposit, the successful bidder will be required to pay all costs associated with the auction and sale. The deposits of unsuccessful bidders will be refunded. See the bid packet for additional information and requirements regarding the required deposits.

Transaction Cost Deposit:	
Advertising public auction (estimated)	\$5,005.60
Advertising Section 19-7-9.1 public meeting	\$996.23
Tract 17 appraisal and appraisal review	\$6,634.32
Tract 17 survey	<u>\$3,689.33</u>
Total Transaction Cost Deposit	\$16,325.48

The sealed bid must be accompanied by **both** a \$16,325.48 transaction cost deposit **and** a performance deposit in the amount of \$392,100.00, representing 10% of the Minimum Bid.

Bids must conform strictly to the requirements set forth in the bid packet and be submitted in a sealed package marked "Land Sale No. LE-1421."

Sealed bids must be submitted to the State Land Office, 310 Old Santa Fe Trail, Santa Fe, NM, 87501 (courier service or personal delivery) or P.O. Box 1148, Santa Fe, NM 87504-1148 (USPS postal mail), Attention: Christopher Wolf, Special Projects Analyst. **BIDS MUST BE RECEIVED NO LATER THAN 12:00 P.M. on February 29, 2024.**

Sealed bids will be opened on March 1, 2024 at 9:30 a.m. at the New Mexico State Land Office (Morgan Hall), 310 Old Santa Fe Trail, Santa Fe, New Mexico 87501.

The Commissioner reserves the right to reject all bids and withdraw the Land from sale or to reinstate the process of offering the Land for sale or exchange on the same or different terms at a future date. The Commissioner's selection of a bid shall not constitute or be evidence of a contract between the Commissioner and the selected bidder. The Commissioner will have no obligation to any bidder unless and until the Commissioner and that bidder execute a written agreement for conveyance of the Land. Closing shall occur no later than 90 days after the selection of the winning bid.

Upon satisfaction of all of the conditions for completing the sale, the Commissioner will convey the Land subject to all valid easements and other encumbrances shown in the records of the State Land Office and the Sandoval County Clerk's Office. Bidders are responsible for verifying encumbrances and their effect on the Land. The Commissioner will further reserve to the State all minerals of whatsoever kind, geothermal resources, and certain water rights, together with rights of access and surface use necessary for or incident to exploration for and extraction and removal of such minerals, geothermal resources, and water rights. Bidders may request that the Commissioner enter into a surface non-disturbance agreement for a separately agreed upon fee.

Disabled individuals requiring aid to bid may call (505) 827-5095; FAX 827-6157 or TTY (800) 659-8331. Upon request, this notice may be available in other formats.

Stephanie Garcia Richard /SS
Stephanie Garcia Richard
Commissioner of Public Lands





**Stephanie Garcia Richard, Commissioner of Public Lands
State of New Mexico**

EXHIBIT 3: APPLICATION AND BID TO PURCHASE STATE TRUST LAND

Land Sale No. LE-1421
Sandoval County, New Mexico

NOTE: BEFORE SUBMITTING A BID, BIDDERS SHOULD REVIEW THE ENTIRE BID PACKET.

This completed Application and Bid to Purchase State Trust Land and all required information and deposits must be received at the address below **no later than 12:00 p.m. (MST) on Thursday February 29, 2024.**

To: New Mexico State Land Office
Attn: Commercial Resources Division - Christopher Wolf

Mail Address: P.O. Box 1148, Santa Fe, NM 87504
Street Address: 310 Old Santa Fe Trail, Santa Fe, NM 87501
(personal delivery, courier service, or drop box located near street entrance)

Date of submission: _____

APPLICANT/BIDDER: _____

Address:

Phone: _____

E-mail: _____

State of incorporation or organization (business entities only): _____

Name of parent corporation/business entity, if any (business entities only):

NOTE: If the Applicant/Bidder is not an individual, this Application and Bid to Purchase State Trust Land must be signed by a representative of the Applicant/Bidder who is duly authorized to do so.

Bid Amount

Bidder hereby places a bid of _____ dollars (\$_____).

Cash price due in full at closing.

Enclosed with this Application and Bid to Purchase State Trust Land please find (i) a \$3,000.00 non-refundable sale application fee; (ii) the required transaction cost deposit of \$16,325.48 (as detailed more fully in the Bid Information Sheet); and (iii) the required performance deposit of \$392,100.00.

DESCRIPTION OF STATE TRUST LAND: A certain tract of land in Sandoval County, New Mexico described as follows:

Tract 17 of Unit 17 as the same is shown and designated on the plat entitled "Paseo Gateway Parcel A, Tracts 1 thru 9, 10A, 10B, 10C, 11 thru 18, A and B-1A, a Replat of Portions of Tract C in the Town of Alameda Grant Unit Seventeen etc.," filed in the office of the County Clerk, Sandoval County, New Mexico on November 14, 2008 as Instrument No. 2008033908.

Being and intended to be part of Lot 3 (34.9360 acres), part of Lot 4 (1.1106 acres), and part of Lot 2 (8.4801 acres), Section 32, Township 13 North, Range 3 East, N.M.P.M.

1. Applicant/Bidder is an individual over the age of eighteen years, or a business organization authorized, and in good standing, to do business in New Mexico or a governmental entity acting in accordance with legal authority.

2. Applicant/Bidder hereby applies to purchase the Land, has reviewed and understands the bid packet, the terms of which are incorporated herein by this reference.

3. Applicant/Bidder is ready, willing and able to pay the full amount of the bid offered above; and agrees to the terms and conditions set forth in the bid packet. Enclosed herewith is documentation evidencing Applicant/Bidder's ability to pay the amount due at closing, in accordance with paragraph V, section D of the Bid Information Sheet.

4. Applicant/Bidder is offering to purchase the Land with the understanding that it constitutes the surface estate only. Applicant/Bidder is not seeking to obtain title to any mineral resources including, but not limited to: (1) geothermal resources in, under or upon the Land; (2) minerals of whatsoever kind in, under or upon the Land, including but not limited to, oil and natural gas, helium, carbon dioxide, coal and lignite, uranium, brine, salt, copper, iron, lead, talc, barite, gold and silver, precious and semi-precious stones and jewels, caliche, building stones, shale, clay, sand, gravel, and all commercially valuable rock; all of the foregoing whether or not now known to exist or to have value, of whatever form or type, at whatever depth, in whatever nature of deposit, whether solid, semi-solid, liquid, or gaseous, whether similar or dissimilar to any of those minerals enumerated, and regardless of the method of extraction, whether by wells (including input wells), mining (including by subterranean, open-pit, or strip mines), surface or subsurface leaching or dissolution, or any other means now or hereafter known or employed); (3) rights to use present and future underground spaces in all strata under the Land, whether in caverns, fissures, pores, on the surface of formation rocks or otherwise, for any commercially valuable purpose whatever including but not limited to storage and/or sequestration and/or transport of fluids and gases (hereinafter, "pore space rights").

I, _____, the above bidder (if bidder is an individual) or signatory on behalf of the above bidder (if bidder is a business entity), affirm under penalty of perjury that each and every statement made in this Bid Application is true and correct to the best of my knowledge and belief.

Signature

Date

Print or Type Name

Title (if acting in a representative capacity)

ACKNOWLEDGMENT

FOR A PERSON SIGNING IN AN INDIVIDUAL CAPACITY

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
20____, by _____.

(Name or names of person acknowledging)

Notary Public

My Commission Expires: _____

**ACKNOWLEDGMENT
FOR A PERSON SIGNING IN A REPRESENTATIVE CAPACITY**

STATE OF _____)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of
_____, 20__, by _____ (name),
_____ (title)_____
of _____ (name of party)).

Notary Public



**Stephanie Garcia Richard, Commissioner of Public Lands
State of New Mexico**

EXHIBIT 4: ENCUMBRANCES

**COMMISSIONER OF PUBLIC LANDS
ACTIVE ENCUMBRANCES ON PREMISES
SANDOVAL COUNTY, New Mexico
Land Sale No. LE-1421**

NOTE: INTERESTED PERSONS ARE RESPONSIBLE FOR PERFORMING THEIR OWN DUE DILIGENCE. The State Land Office provides this list of encumbrances for informational purposes only. Interested persons are responsible for verifying encumbrances in the records of the New Mexico State Land Office and the effect thereof on the Land. No search has been made of any records other than those of the State Land Office. Interested persons are responsible for searching other records which might contain relevant information, including those relating to real property, personal property, tax records, Uniform Commercial Code filings, etc., in any relevant city, county, state, and federal agency's files.

Township, Range	Section	Subdivision	Acres	Leases	Rights of Way	Beneficiary
13N03E	32	Tract 17	44.5267 acres	BL-1952 ¹	None	01- Common Schools

¹ To be relinquished at or before closing.

TRACT 17, PASEO GATEWAY

EXHIBIT 5: LAND SURVEY

DESCRIPTION

A tract of land situate within, Fractional Lots 2, 3 and 4, of Section 32, Township 13 North, Range 3 East, New Mexico Principal Meridian, City of Rio Rancho, Sandoval County, New Mexico, being all TRACT 17, PASEO GATEWAY, as the same is shown and designated on said plat, filed for record in the office of the County Clerk of Sandoval County, New Mexico, on November 14, 2008, in Volume 3, Folio 2977-A, as Document No. 2008033908 (Book 411, Page 33908) (RRE Book 21, Pages 121-124) and being more particularly described as follows:

BEGINNING at the northwest corner of the herein described tract, said point being on the centerline of Macao Road NE on the projection of the south line of Tract 15-B-1, Cleveland Heights, as the same is shown and designated on said plat, filed for record in the office of the County Clerk of Sandoval County, New Mexico, on October 18, 2018, in Volume 3, Folio 4305, as Document No. 2018P01302 (RRE Book 28, Pages 34-36), from whence SCCS Monument and Benchmark bears N 21°55'29" W, 19690.31 feet;

THENCE along a line common to said Tract 15-B-1 and Tract 17, N 63°04'05" E, 1,496.23 feet to the northeast corner, said point being common with the southeast corner of said Tract 15-B-1 and further being on the west line of Tract B-1A of said Paseo Gateway;

THENCE along a line common to said Tract B-1A, S 24°58'53" E, 727.67 feet to a point;

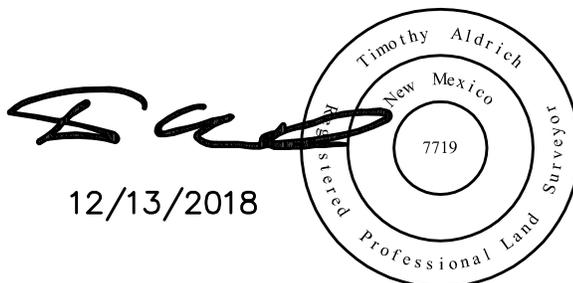
THENCE continuing, S 40°29'41"E, 901.82 feet to the southeast corner, said point being common with the southwest corner of said Tract B-1A and further being on the north right-of-way line of Paseo Del Volcan NE;

THENCE along said north right-of-way line, 1,664.23 feet along a curve to the right, whose radius is 19,800.00 feet, through a central angle of 04°48'57" and whose long chord bears S 86°45'16" W, 1,663.82 feet to a point, said point being non-tangent;

THENCE continuing, N 89°40'35" W, 459.01 feet to the southwest corner, said point being common with the southeast corner of Tract 16 as said Paseo Gateway and further being on the centerline of said Macao Road NE;

THENCE along said centerline, N 00°19'25" E, 300.74 feet to a point of curvature;

THENCE continuing, 475.70 feet along a curve to the left, whose radius is 1,000.00 feet, through a central angle of 27°15'20" and whose long chord bears N 13°18'15" W, 471.22 feet to the point of beginning and containing 44.5267 acres more or less.



12/13/2018

EXHIBIT "A"

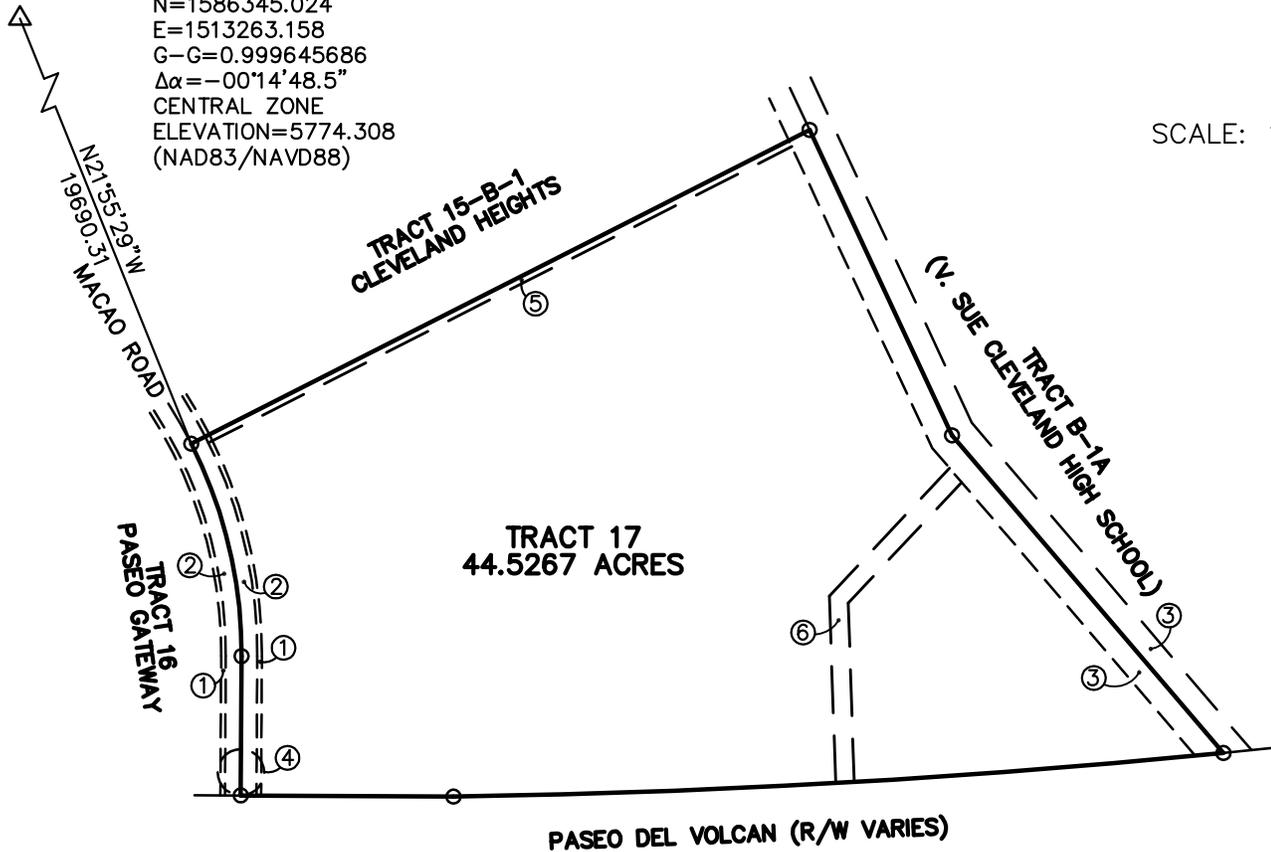


TRACT 17, PASEO GATEWAY

SCCS MONUMENT
AND BENCHMARK
"260-09"
N=1586345.024
E=1513263.158
G-G=0.999645686
 $\Delta\alpha=-00^{\circ}14'48.5''$
CENTRAL ZONE
ELEVATION=5774.308
(NAD83/NAVD88)



SCALE: 1" = 400'



EXISTING EASEMENTS

- ① EXISTING 10' PUBLIC UTILITY EASEMENT
(11-14-2008, VOL. 3, FOLIO 2977-A)
- ② EXISTING 34' PUBLIC ACCESS, PUBLIC UTILITY AND DRAINAGE EASEMENT
(11-14-2008, VOL. 3, FOLIO 2977-A)
- ③ EXISTING 50' DRAINAGE AND PUBLIC UTILITY EASEMENT
(11-14-2008, VOL. 3, FOLIO 2977-A)
- ④ EXISTING 50' RADIUS TEMPORARY TURN-AROUND EASEMENT
(11-14-2008, VOL. 3, FOLIO 2977-A)
- ⑤ EXISTING 15' SLOPE AND CONSTRUCTION EASEMENT
FOR THE USE AND BENEFIT OF TRACT 15 TO BE
MAINTAINED BY THE TRACT 15 H.O.A. UNTIL TRACT
17 IS DEVELOPED.
(03-16-2018, VOL. 3, FOLIO 4199)
- ⑥ EXISTING 40' SANITARY SEWER AND PUBLIC UTILITY EASEMENT
FOR THE USE AND BENEFIT OF THE CITY OF RIO RANCHO
TO BE MAINTAINED BY THE CITY OF RIO RANCHO
(03-16-2018, VOL. 3, FOLIO 4199)

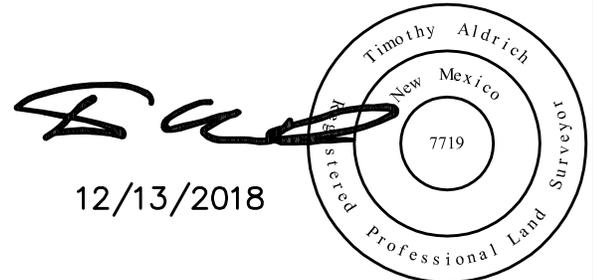


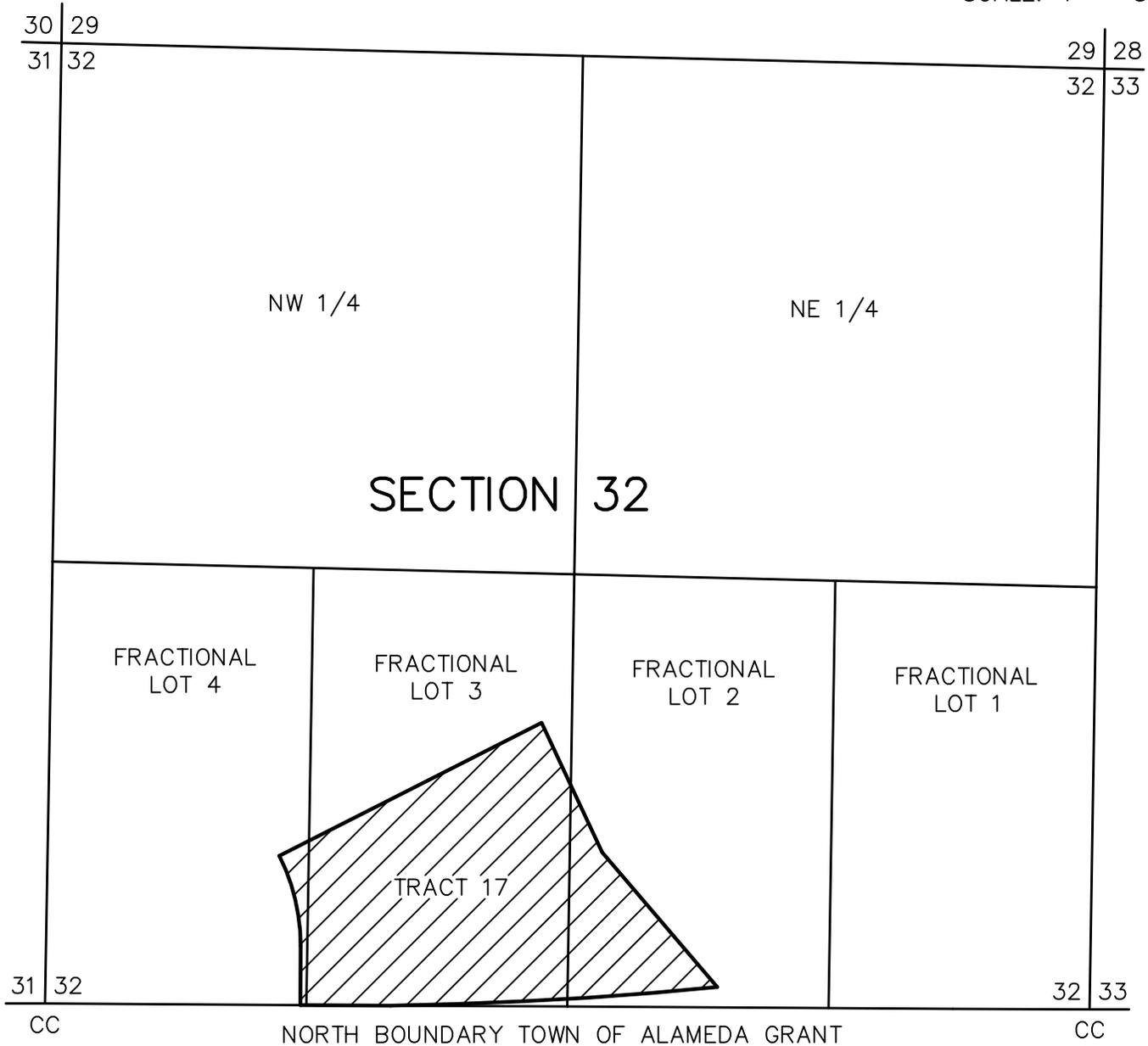
EXHIBIT "A"

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBU., N.M. 87190
505-884-1990

TRACT 17, PASEO GATEWAY



SCALE: 1" = 800'



12/13/2018

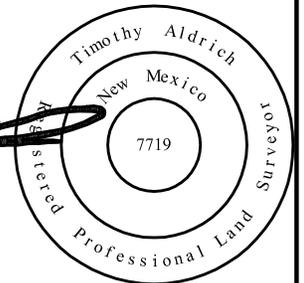


EXHIBIT "A"

ALDRICH LAND SURVEYING
P.O. BOX 30701, ALBU., N.M. 87190
505-884-1990



**Stephanie Garcia Richard, Commissioner of Public Lands
State of New Mexico**

EXHIBIT 6: SAMPLE PATENT

Land Sale No. LE-1421
Sandoval County, New Mexico

SAMPLE ONLY

**THIS SAMPLE PATENT IS SUBJECT TO REVISION TO REFLECT THE TERMS
AND CONDITIONS OF ANY TRANSACTION ENTERED INTO BY THE COMMISSIONER
OF PUBLIC LANDS**

STATE OF NEW MEXICO
PATENT FOR STATE TRUST LAND

No. _____

For consideration, the receipt and sufficiency of which is hereby acknowledged, the State of New Mexico, acting by and through the Commissioner of Public Lands (the "Commissioner"), trustee under the Act of June 20, 1910, 36 Stat. 557, Ch. 310 (the "State") does hereby grant to _____ the land in Sandoval County, New Mexico described below, subject to the conditions and reservations set forth or referred to in this Patent:

Tract 17 of Unit 17 as the same is shown and designated on the plat entitled "Paseo Gateway Parcel A, Tracts 1 thru 9, 10A, 10B, 10C, 11 thru 18, A and B-1A, a Replat of Portions of Tract C in the Town of Alameda Grant Unit Seventeen etc.," filed in the office of the County Clerk, Sandoval County, New Mexico on November 14, 2008 as Instrument No. 2008033908.

Being and intended to be a tract of land situate within Fractional Lots 2, 3 and 4, of Section 32, Township 13 North, Range 3 East, N.M.P.M., City of Rio Rancho, Sandoval County, New Mexico, more particularly described as follows:

BEGINNING at the northwest corner of the herein described tract, said point being on the centerline of Macao Road NE on the projection of the south line of

Tract 15-B-1, Cleveland Heights, as the same is shown and designated on said plat, filed for record in the office of the County Clerk of Sandoval County, New Mexico, on October 18, 2018, in Volume 3, Folio 305, as Document No. 2018P01302 (RRE Book 28, Pages 34-36), from whence SCCS Monument and Benchmark bears N 21° 55' 29" W, 19690.31 feet;

THENCE along a line common to said Tract 15-B-1 and Tract 17, N 63° 04' 05" E, 1,496.23 feet to the northeast corner, said point being common with the southeast corner of said Tract 15-B-1 and further being on the west line of Tract B-1A of said Paseo Gateway;

THENCE along a line common to said Tract B-1A, S 24° 58' 53" E, 727.67 feet to a point;

THENCE continuing, S 40° 29' 41" E, 901.82 feet to the southeast corner, said point being common with the southwest corner of said Tract B-1A and further being on the north right-of-way line of Paseo Del Volcan NE;

THENCE along said north right-of-way line, 1,664.23 feet along a curve to the right, whose radius is 19,800.00 feet, through a central angle of 04° 48' 57" and whose long chord bears S 86° 45' 16" W, 1,663.82 feet to a point, said point being non-tangent;

THENCE continuing, N 89° 40' 35" W, 459.01 feet to the southwest corner, said point being common with the southeast corner of Tract 16 of said Paseo Gateway and further being on the centerline of said Macao Road NE;

THENCE along said centerline, N 00° 19' 25" E, 300.74 feet to a point of curvature;

THENCE continuing, 475.70 feet along a curve to the left, whose radius is 1,000.00 feet, through a central angle of 27° 15' 20" and whose long chord bears N 13° 18' 15" W, 471.22 feet to the point of beginning and containing 44.5267 acres, more or less;

Being and intended to be part of Lot 3 (34.9360 acres), part of Lot 4 (1.1106 acres), and part of Lot 2 (8.4801 acres), Section 32, Township 13 North, Range 3 East, N.M.P.M.

SUBJECT TO all valid and existing rights, restrictions, reservations, covenants, conditions, rights-of-way, and easements affecting the Land, including but not limited to matters on file in the records of the New Mexico State Land Office.

AND FURTHER SUBJECT TO a reservation by the State of New Mexico of:

(1) all geothermal resources in, under or upon the Land;

(2) all minerals of whatsoever kind in, under or upon the Land, including but not limited to, oil and natural gas, helium, carbon dioxide, coal and lignite, uranium, brine, salt, copper, iron, lead, talc, barite, gold and silver, precious and semi-precious stones and jewels, caliche, building stones, shale, clay, sand, gravel, and all commercially valuable rock; all of the foregoing whether or not now known to exist or to have value, of whatever form or type, at whatever depth, in whatever nature of deposit, whether solid, semi-solid, liquid, or gaseous, whether similar or dissimilar to any of those minerals enumerated, and regardless of the method of extraction, whether by wells (including input wells), mining (including by subterranean, open-pit, or strip mines), surface or subsurface leaching or dissolution, or any other means now or hereafter known or employed);

(3) all rights to use present and future underground spaces in all strata under the Land, whether in caverns, fissures, pores, on the surface of formation rocks or otherwise, for any commercially valuable purpose whatever including but not limited to storage and/or sequestration and/or transport of fluids and gases (hereinafter, “pore space rights”); and

(4) (i) all rights of access and surface use necessary for or reasonably incident to exploration for and extraction, injection, and removal of the reserved geothermal resources and minerals or the development and use of reserved pore space rights; (ii) the right to execute leases, permits and other agreements for geothermal resource and mineral exploration, development, and operation, and the use of reserved pore space rights; (iii) the right to sell or dispose of the geothermal resources, minerals or reserved pore space rights; (iv) the right to grant rights-of-way or entry and easements for geothermal, mineral and reserved pore space rights purposes; (v) the right to prospect for, mine, produce, and remove geothermal resources and minerals, the right to prospect for and use reserved pore space rights; and (vi) the right to perform any and all acts necessary in connection with the foregoing reserved minerals, geothermal resources, and reserved pore space rights.

AND FURTHER SUBJECT TO a reservation by the State of New Mexico of any and all water rights vested in the State of New Mexico as of the date of sale or exchange which are located on or derived from the Land, any and all water rights appurtenant to or riparian to the Land as of the date of sale or exchange, and the right to renew and extend any water easements, water leases or water rights existing as of the date of sale or exchange together with the right to

receive the rents and revenues therefrom, together with all rights of access and surface use necessary for or reasonably incident to developing and utilizing such water rights.

Executed under seal this _____ day of _____, 20____.

STATE OF NEW MEXICO

By: _____
Stephanie Garcia Richards
COMMISSIONER OF PUBLIC LANDS

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 2 STATE TRUST LANDS
PART 14 PERTAINING TO LAND SALES

19.2.14.1 ISSUING AGENCY: Commissioner of Public Lands, New Mexico State Land Office, 310 Old Santa Fe Trail, P. O. Box 1148, Santa Fe, New Mexico 87501, Phone: (505) 827-5713
[12/31/1999; 19.2.14.1 NMAC - Rn, 19 NMAC 3. SLO 14.1, 9/30/2002]

19.2.14.2 SCOPE: This rule pertains to the sale of lands, resources or other assets held in trust by the commissioner of public lands under the terms of the Enabling Act and subsequent legislation (trust lands). There are certain exceptions to this rule as follows: applications to purchase received between August 1st and September 30th may be rejected summarily as set out in subsection B of 19.2.14.8 NMAC below.
[12/31/1999; 19.2.14.2 NMAC - Rn, 19 NMAC 3. SLO 14.2, 9/30/2002]

19.2.14.3 STATUTORY AUTHORITY: The commissioner's authority to manage the state trust lands is found in N.M. Const., Art. XIII, Section 2, and in Section 19-1-1 NMSA 1978. The authority to promulgate this rule is found in Section 19-1-2 NMSA 1978.
[12/31/1999; 19.2.14.3 NMAC - Rn, 19 NMAC 3. SLO 14.3, 9/30/2002]

19.2.14.4 DURATION: Permanent.
[12/31/1999; 19.2.14.4 NMAC - Rn, 19 NMAC 3. SLO 14.4, 9/30/2002]

19.2.14.5 EFFECTIVE DATE: September 5, 1985, unless a later date is cited at the end of a section.
[12/31/1999; 19.2.14.5 NMAC - Rn, 19 NMAC 3. SLO 14.5, 9/30/2002; A, 6/30/2016]

19.2.14.6 OBJECTIVE: The objective of 19.2.14 NMAC is to provide for the orderly and lawful sale of state trust lands, assets and resources.
[12/31/1999; 19.2.14.6 NMAC - Rn, 19 NMAC 3. SLO 14.6, 9/30/2002]

19.2.14.7 DEFINITIONS: “**Schedule of fees**” means a list of fees that must be paid for performance of certain administrative functions. The schedule of fees shall be published on the state land office website and is subject to change at the discretion of the commissioner. Unless otherwise noted in the schedule of fees or in this rule, the fee shall be non-refundable.
[12/31/1999; 19.2.14.7 NMAC - Rn, 19 NMAC 3. SLO 14.7, 9/30/2002; A, 6/30/2016]

19.2.14.8 LAND SUBJECT TO SALE: All lands, including lands acquired by escheat, shown upon the New Mexico state land office tract books to be open for sale, may be sold at public auction, at the discretion of the commissioner. All minerals of whatsoever kind, including but not limited to oil and gas, coal, sand and gravel, clay, shale, caliche and building stone, will be reserved to the state of New Mexico, together with the right to use so much of the surface as may be reasonably necessary to explore for and remove same. Such rights are subject to the right of the purchaser to be compensated for the purchaser’s improvements lawfully placed upon the land. Geothermal resources are reserved under the same terms and conditions as minerals.

A. The beneficiary institution shall be advised of the receipt of any application to purchase.

B. All applications filed between August 1 and September 30 each year will be summarily rejected unless it is determined that they will not interfere with the annual surface lease renewal program.
[12/31/1999; 19.2.14.8 NMAC - Rn, 19 NMAC 3. SLO 14.8, 9/30/2002; A, 6/11/2019]

19.2.14.9 APPLICATION FEES - COST - REQUIREMENTS: Applications to purchase state trust lands shall be:

A. Made under oath, in ink, or typewritten upon forms prescribed and furnished by the commissioner.

B. Accompanied by the application fee as set forth in the schedule of fees and a deposit against the expense of advertising and sale as set forth in the schedule of fees. The successful bidder shall pay the total cost of advertising, appraising, and sale, and will be billed for any cost in excess of the deposit. The deposit of unsuccessful bidders will be refunded.

C. Accompanied by an appraisal of the land by a disinterested and creditable person familiar with the land, and said appraisal shall be based upon personal knowledge and not information and belief. Such appraisal shall not be binding upon the commissioner.

D. Signed by the original applicant or by the applicant's agent or attorney duly authorized by written power of attorney. Applications not made in conformity with these rules are subject to rejection and in the event any application is withdrawn or rejected, the applicant shall pay the cost incurred up to that time. When special circumstances warrant, the commissioner, upon notice to the applicant, may add additional requirements. Nothing in these rules contained shall be construed as preventing the commissioner on the commissioner's own initiative at any time from offering for sale all or part of any lands of the state when the commissioner determines that such sale is in the best interest of the trust.

[12/31/1999; 19.2.14.9 NMAC - Rn, 19 NMAC 3. SLO 14.9, 9/30/2002; A, 6/30/2016; A, 6/11/2019]

19.2.14.10 APPRAISAL OF LAND AND IMPROVEMENTS:

A. Upon receipt of a proper application to purchase, and upon a preliminary determination that the sale might be advantageous to the trust, the commissioner will cause an appraisal of the land and the authorized improvements to be made. Thereafter, if the commissioner determines to offer the land for sale, a copy of the appraisal will be furnished to the applicant and to the owner of the improvements as well as to any other interested parties requesting same. Any party in interest aggrieved by the decision of the commissioner in setting the value of the improvements may appeal to the district court within 60 days as provided by law.

B. Upon receipt of the appraisal, the applicant shall notify the commissioner in writing as to whether the applicant is agreeable to starting the bidding upon the land at the appraised price. If not, the unused portion of the deposit shall be refunded to the applicant and the application rejected. If the applicant is agreeable with the appraisal of the land and the improvements, the applicant shall file with the commissioner a sum equal to the appraised value of the improvements or a waiver of payment signed by the owner thereof. If the applicant disagrees with the appraisal of the improvements the applicant may post bond with the commissioner to assure payment and appeal the appraisal as provided by law. Upon payment or posting of the bond the commissioner may proceed to advertise the sale.

C. Authorized improvements shall include water rights and all permanent improvements placed upon the land in compliance with the provisions of Section 19-7-51 NMSA 1978; all improvements placed upon the land prior to March 1, 1955, whether or not prior written permission of the commissioner was obtained; and all improvements approved by the commissioner under the provisions of Section 19-7-51 NMSA 1978.

D. Upon completion of the sale, the commissioner shall pay to the owner of the authorized improvements the value thereof as hereinabove determined; provided, however, in the event the lease provides for removal of improvements, either permanent or removable, the terms of the lease shall take precedence over this Rule.

[12/31/1999; 19.2.14.10 NMAC - Rn, 19 NMAC 3. SLO 14.10, 9/30/2002; A, 6/11/2019]

19.2.14.11 ADVERTISEMENT: Notice of sale shall be published once each week for ten (10) consecutive weeks in a newspaper of general circulation published locally at the state capital, and a newspaper of like circulation which shall be locally published nearest the lands so offered for sale. Said notice shall set forth the nature, time and specific place of the sale, which place shall be at the county seat wherein the lands or the major portion thereof are located.

[12/31/1999; 19.2.14.11 NMAC - Rn, 19 NMAC 3. SLO 14.11, 9/30/2002]

19.2.14.12 QUALIFICATION OF BIDDERS: In order to qualify as a bidder, the prospective bidder shall deposit with the commissioner:

A. A deposit to cover the cost of sale, as set forth in the notice of sale.

B. Ten percent of the appraised value of the lands.

C. The appraised value of the improvements, a waiver of payment of such amount signed by the owner of the improvements, or a bond sufficient to cover the appraised value if an appeal is to be taken, unless the prospective bidder is the owner of the improvements.

[12/31/1999; 19.2.14.12 NMAC - Rn, 19 NMAC 3. SLO 14.12, 9/30/2002; A, 6/30/2016]

19.2.14.13 AUCTION SALE TO HIGHEST BIDDER: No preference right to purchase shall be given to any bidder upon the advertised land. If sold at all, the land shall be sold to the highest and best bidder at public auction. Said auction may be conducted by oral auction or by the acceptance of sealed bids, which shall be opened at

the time of the auction. Should there be identical sealed bids, those submitting them shall be allowed to orally bid until there is a highest and best bidder. Bids must be for all of the land offered in a given tract.
[12/31/1999; 19.2.14.13 NMAC - Rn, 19 NMAC 3. SLO 14.13, 9/30/2002]

19.2.14.14 CONTRACTS AND PATENTS:

A. On the date of sale the successful bidder, if any, shall be required to pay the full amount bid, unless the commissioner has given notice that the commissioner will accept payment by purchase contract. If a purchase contract is permitted, the successful bidder shall be required to pay at least ten percent of the purchase price. Upon making such payment, together with the cost of sale, if any, such purchaser shall be entitled to a 30 year contract whereunder the balance of the principal shall be payable in 30 equal annual installments with interest in advance on the deferred principal balance at a rate set by the commissioner in the notice of auction sale published as required by law. The first principal and interest payment shall be due on or before the date possession of the premises is established. This date shall serve as the anniversary date of the contract on which all successive payments shall be due. Purchaser at purchaser's option may, however, pay cash in full and receive a patent. No extension of the 30 year term of the contract will be granted. In case of death of a contract purchaser, the commissioner may upon written application by an heir, devisee or personal representative of the deceased, defer the due date of the next payment for one year. Deposit of unsuccessful bidders will be refunded. Sample copies of a standard purchase contract agreement and patent will be furnished prospective bidders upon request.

B. Holders of purchase contracts may pay off the contract balance at any time. Interest payments made in advance cannot be refunded. In case of the final discharge of the obligation before maturity date, interest must be paid to the date when the contract is paid in full. No patent covering any portion of state trust land under contract will be issued until the total purchase price of the contract is paid in full regardless of the number of assignments outstanding, except the commissioner will issue patents to separate assignments in instances where the assignments were approved by the commissioner prior to September 4, 1956.

[12/31/1999; 19.2.14.14 NMAC - Rn, 19 NMAC 3. SLO 14.14, 9/30/2002; A, 6/11/2019]

19.2.14.15 ASSIGNMENT OF PURCHASE CONTRACTS:

A. Any purchaser of state trust lands under purchase contract, which contract is in good standing, may assign a part or all of the purchaser's right, title and interest under any such contract, provided that a certified copy of such assignment shall be filed with the commissioner before the same shall become effective. The approval or disapproval by the commissioner of an assignment or a partial assignment of a state contract is not required. The filing of a certified copy of the assignment or partial assignment with the commissioner completes the assignment, provided, however, if the contract is under collateral assignment the approval of the commissioner is required and such permission shall not be given unless the assignee agrees in writing to assume or take the contract subject to the rights of any collateral assignee. No relinquishment of a purchase contract shall be approved unless the collateral assignee shall join in said relinquishment.

B. No patent shall be issued to any contract holder or assignee thereto until the entire bid price for the entire tract bid upon is paid in full, except for contracts assigned with the approval of the commissioner prior to September 4, 1956.

C. Each assignment shall be accompanied by a fee of sixty dollars (\$60.00).

D. The mailing address of the assignee shall be clearly shown upon the assignment and a copy of the assignor's purchase contract shall accompany the assignment.

E. The assignment must show the marital status of the assignor and, if married, both husband and wife must join in the execution of the assignment which signatures must be acknowledged as in the case of conveyances of other real estate.

[12/31/1999; 19.2.14.15 NMAC - Rn, 19 NMAC 3. SLO 14.15, 9/30/2002; A, 6/11/2019]

19.2.14.16 COLLATERAL ASSIGNMENT (MORTGAGE) OF CONTRACTS:

A. With the consent of the commissioner the owner of a purchase contract may mortgage the owner's interest in the contract together with the improvements upon the land by means of assigning the owner's interest as collateral security to insure the payment of an indebtedness specified in said assignment. Upon approval of such collateral assignment by the commissioner, the assignee shall have a lien upon the said interests of the assignor and thereafter no contract so assigned shall be transferred free and clear except after release of said collateral assignment.

B. Collateral assignments shall be made only upon forms prescribed by the commissioner, which forms shall meet the other specified requirements of law.

C. Collateral assignments may be foreclosed by the assignee in the manner provided by law for the foreclosure of mortgages on real estate and the purchaser at such foreclosure sale shall, if otherwise qualified to purchase state trust land, be entitled to the purchase contract and the improvements located upon the land subject to prior collateral assignments, if any there be.

[12/31/1999; 19.2.14.16 NMAC - Rn, 19 NMAC 3. SLO 14.16, 9/30/2002; A, 6/11/2019]

19.2.14.17 CANCELLATION FOR DEFAULT - RELINQUISHMENT:

A. In the event the purchaser shall fail to comply with the terms and conditions of contract of purchase the commissioner may, at the commissioner's option, declare a forfeiture of such contract after 30 days' notice given as provided under Section 19-7-50 NMSA 1978, unless the purchaser shall comply with the demands made in such notice in which case cancellation shall not be made. A purchaser may consent to the cancellation by waiver of notice of intention to cancel.

B. Late interest payments shall bear interest at the rate of one percent per month until paid.

C. In case of forfeiture all monies theretofore paid under any such contract, together with improvements upon the land, shall remain and become the property of the state of New Mexico.

D. Any contract executed by the commissioner which has been obtained by fraud or executed through mistake, or without authority at law, may be canceled after 30 days' notice by registered mail upon order to show cause as provided by Section 19-7-8 NMSA 1978.

[12/31/1999; 19.2.14.17 NMAC - Rn, 19 NMAC 3. SLO 14.17, 9/30/2002; A, 6/11/2019]

19.2.14.18 COUNTY BOND LANDS: The rules applicable to the sale of other lands are generally applicable to the sale of county bond lands.

[12/31/1999; 19.2.14.18 NMAC - Rn, 19 NMAC 3. SLO 14.18, 9/30/2002]

19.2.14.19 WATER RIGHTS:

A. Water Pertinent to Irrigated Land. Water used on state trust land and the right to use same upon said land shall never be severed or transferred from the land without the written consent of the commissioner. Because title to lands under purchase contract remains in the state of New Mexico until the land is paid for and a patent is issued, the written permission of the commissioner must be secured in order to transfer or sever water rights from the lands under purchase contract.

B. Permission to Transfer. Any purchase contract holder desiring to apply for permission to change the use of water from state trust lands to other lands, including other state trust lands but not excluding privately owned lands; or to change the method of use of such water; or to change the location of a well; or to change the point of diversion of surface waters from any stream or arroyo shall comply with 19.2.12 NMAC.

[12/31/1999; 19.2.14.19 NMAC - Rn, 19 NMAC 3. SLO 14.19, 9/30/2002]

HISTORY OF 19.2.14 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

CPL 69-5, Rules and Regulations Concerning the Sale, Lease, and Other Disposition of State Trust Lands, filed 9/02/1969;

CPL 71-2, filed 12/16/1971;

CPL 77-1, filed 1/7/1977;

Rule 14, Pertaining to Land Sales, filed 3/11/1981;

SLO Rule 14, filed 1/20/1984;

SLO Rule 14, Amendment No. 1, filed 6/24/1985;

SLO Rule 14, filed 9/5/1985.

History of Repealed Material: [RESERVED]