

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2438

To provide for the conveyance of lands to certain individuals in Gunnison County, Colorado, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1995

Mr. McINNIS introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for the conveyance of lands to certain individuals in Gunnison County, Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—The Congress finds and declares  
5 that—

6 (1) certain landowners in Gunnison County,  
7 Colorado, who own property adjacent to the Raggeds  
8 Wilderness Area, White River National Forest;

9 (2) these landowners have occupied or improved  
10 their property in good faith and in reliance on the

1 erroneous surveys of their properties that they be-  
2 lieved were accurate; and

3 (3) the 1993 Forest Service resurvey of the  
4 Raggeds Wilderness Area, White River National  
5 Forest, correctly established accurate boundaries be-  
6 tween such forest and private lands.

7 (b) PURPOSE.—It is the purpose of this Act to au-  
8 thorize and direct the Secretary of Agriculture to convey,  
9 without consideration, certain lands in Gunnison County,  
10 Colorado, to landowners determined by the Secretary to  
11 have been adversely affected by the erroneous private land  
12 surveys.

13 **SEC. 2. DEFINITIONS.**

14 For the purposes of this Act—

15 (1) the term “affected lands” means those Fed-  
16 eral lands located in the Raggeds Wilderness Area,  
17 White River National Forest in Gunnison County,  
18 Colorado, situated in the SW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Sec-  
19 tion 28, Township 11 South, Range 88 West of the  
20 6th Principal Meridian described as follows:

21 Beginning at the Northeast One-Sixteenth  
22 section corner of said Section 28 monumented  
23 with an aluminum cap on pipe, thence N. 89°  
24 59′ W. along the latitudinal center line of the  
25 Northeast Quarter of Section 28 a distance of

1           75 feet; thence S. 0° 46' E. a distance of 500  
2           feet more or less to a point on the extension of  
3           the south line of Lot 1, Crystal Meadows Sub-  
4           division; thence S. 89° 59' E. 75 feet to the  
5           intersection of the longitudinal centerline of the  
6           Northeast ¼ of Section 28 with the south line  
7           of said Lot 1 of the subdivision; thence N. 0°  
8           46' W. 500 feet more or less to the Northeast  
9           One-Sixteenth section corner of Section 28,  
10          being the point of beginning, containing 0.86  
11          acres, more or less;

12          (2) the term “affected landowner” means an  
13          owner of real property in Gunnison County, Colo-  
14          rado, whose real property adjoins the White River  
15          National Forest lands described in subsection 2(a),  
16          who claims to have been deprived by the United  
17          States of title to property as a result of previous er-  
18          roneous surveys which were not performed by the  
19          United States; and

20          (3) the term “Secretary” means the Secretary  
21          of Agriculture.

22       **SEC. 3. CONVEYANCE OF LANDS.**

23          Notwithstanding any other provision of law, the Sec-  
24          retary is authorized and directed to convey, without con-  
25          sideration, all right, title, and interest of the United States

1 in and to affected lands as described in section 2(a), to  
2 any affected landowner pursuant to the provisions of sec-  
3 tion 4.

4 **SEC. 4. TERMS AND CONDITIONS OF CONVEYANCE.**

5 (a) NOTIFICATION.—Not later than three years after  
6 the date of enactment of this Act, affected landowners  
7 shall notify the Secretary, through the Forest Supervisor  
8 of the White River National Forest, in writing, of any  
9 claim to affected lands. Such claim shall be accompanied  
10 by—

- 11 (1) a description of the affected lands claimed;
- 12 (2) information relating to the claim of owner-  
13 ship of such lands; and
- 14 (3) such other information as the Secretary  
15 may require.

16 (b) ISSUANCE OF DEED.—(1) Upon a determination  
17 by the Secretary that issuance of a deed for affected lands  
18 is consistent with the purpose and requirements of this  
19 Act, the Secretary shall issue a quitclaim deed to such af-  
20 fected landowner for the parcel to be conveyed.

21 (2) Prior to the issuance of any such deed as provided  
22 in paragraph (1), the Secretary shall ensure that—

- 23 (A) the parcel or parcels to be conveyed have  
24 been surveyed in accordance with the Memorandum  
25 of Understanding between the Forest Service and

1 the Bureau of Land Management, dated November  
2 11, 1989;

3 (B) all new Federal property lines established  
4 by such surveys have been monumented and marked;

5 (C) the proportionate costs of the survey have  
6 been paid by the affected landowner; and

7 (D) all terms and conditions necessary to pro-  
8 tect third party and Government Rights-of-Way or  
9 other interests are included in the deed.

10 (3) The Federal Government shall survey Federal  
11 property lines and mark and post the boundaries nec-  
12 essary to implement this subsection. The costs of such sur-  
13 veys shall be shared equally by the affected landowners  
14 to whom a deed is issued pursuant to this section.

15 (c) NOTIFICATION TO BLM.—The Secretary shall  
16 submit to the Secretary of the Interior a copy of the sur-  
17 vey plat and an authenticated copy of each deed issued  
18 pursuant to this Act no later than thirty days after the  
19 date such deed is issued.

20 (d) RELEASE.—Notwithstanding section 120(h) of  
21 the Comprehensive Environmental Response, Compensa-  
22 tion and Liability Act of 1980, the affected landowners,  
23 upon transfer of the property described in section 2(a),  
24 shall agree in writing to hold the United States harmless

1 from any and all claims resulting from hazardous material  
2 on the conveyed land.

3 **SEC. 5. WILDERNESS MODIFICATION.**

4 The Congress hereby determines and directs that the  
5 boundary of the Raggeds Wilderness, Colorado, as des-  
6 ignated by Public Law 96-560, is hereby modified to ex-  
7 clude from the wilderness a parcel of land approximately  
8 1-acre in size situated in the SW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section  
9 28, Township 11 South, Range 88 West of the 6th Prin-  
10 cipal Meridian described as follows:

11 Beginning at the Northeast One-Sixteenth sec-  
12 tion corner of said Section 28 monumented with an  
13 aluminum cap on pipe, thence N. 89° 59' W. along  
14 the latitudinal center line of the Northeast Quarter  
15 of Section 28 a distance of 75 feet; thence S. 0° 46'  
16 E. a distance of 500 feet more or less to a point on  
17 the extension of the south line of Lot 1, Crystal  
18 Meadows Subdivision; thence S. 89° 59' E. 75 feet  
19 to the intersection of the longitudinal centerline of  
20 the Northeast <sup>1</sup>/<sub>4</sub> of Section 28 with the south line  
21 of said Lot 1 of the subdivision; thence N. 0° 46'  
22 W. 500 feet more or less to the Northeast One-Six-  
23 teenth section corner of Section 28, being the point  
24 of beginning, containing 0.86 acres, more or less.

1           The Secretary may correct clerical and typo-  
2           graphical errors in such legal description.

3 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

4           There are authorized to be appropriated such sums  
5 as may be necessary to carry out the purposes of this Act.

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