

# El Rancho residents protest valuations amid road dispute

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El Rancho residents protest property tax assessments amid road dispute with pueblo

Matthew Murray walks along Olive Lane on Tuesday. The county road in El Rancho provides access to his property to which he can't get title insurance because there is a dispute over who owns the road. Clyde Mueller/The New Mexican



The Santa Fe County assessor has advised Matthew Murray that his neatly groomed property and house in El Rancho are valued at \$265,000. Murray is telling the county his property is worth practically nothing.

He and at least 65 of his neighbors in this small Pojoaque Valley community north of Santa Fe are protesting their property tax valuations because the county is embroiled in a dispute with neighboring San Ildefonso Pueblo over who owns the roads that provide access to their properties. Santa Fe County residents have until May 1 to protest their property tax assessments.

With restricted or no title insurance, El Rancho property owners will find it tough to sell or take out loans on their properties. "Banks can't give loans to people who don't have legal ingress and egress to their properties. Essentially, that means our properties are worthless," Murray said. "That's why many of us are protesting the county property tax assessments."

The pueblo says Santa Fe County lacks the legal right to some old county roads (84, 84 A-D and Sandy Way) and is trespassing on pueblo land. The federal Bureau of Indian Affairs is backing the claim. Murray says the ramifications of this fight could affect county property tax revenues and the local school district's bond issues.

The road dispute is one of several between San Ildefonso and neighbors as the pueblo seeks payment for roads, power line rights of way and other infrastructure across land they believe is theirs.

San Ildefonso Pueblo Gov. James Mountain was unavailable for comment. Pueblo councilwoman Irene Tse-Pe said the easement dispute is a huge issue for everyone. “I think people perceive us as being selfish or having an advantage, where I see that we, as a pueblo, have lost so much over the years,” Tse-Pe said. “We’ve paid the price in a lot of loss of our land and our culture. Now we’re having to fight for what we have left as well as to govern ourselves and do what we think is best for our community.”

Unlike some of his neighbors, Murray doesn’t blame the pueblos for the situation. “The county and others have failed to address San Ildefonso’s concerns,” Murray said. “The pueblo should not have had to go to this extreme measure in order to get attention. They’ve been trying to settle this for a long time, without relief.”

But now he has to fight the pueblo that he has collaborated with on school bonds and other community projects because he, too, has a lot to lose. “It breaks my heart,” Murray said.

Murray, a Los Alamos National Laboratory technician and 40-year El Rancho resident, said he has always had title insurance and twice refinanced the home that he and his family built on his property without problems. A cancer diagnosis and a \$190,000 operation a year ago created a financial hardship.

In January, Murray’s application for a mortgage loan was denied because “a couple of tribes” are saying roads “are no longer public” and “they are threatening to shut them down,” according to a letter from his title company to the bank’s escrow officer in March.

John Fox, president of Southwestern Title and Escrow in Santa Fe, said title companies can grant title insurance to people who don’t have legal access, but with an “exception” written into the policy. “But a lender is not going to lend money on a property that doesn’t have legal access,” Fox said.

Murray’s inability to get a home loan has far-ranging consequences. If his water well goes out, he can’t get a loan to pay the thousands it would cost to repair it.

His electricity rates have gone up because of an easement battle between San Ildefonso Pueblo and other pueblos and the rural electric cooperative that serves the valley. If he

wants to avoid the mess and put a solar panel on his roof to make his own electricity, he won't be able to get a loan to finance that, he said.

"All my wealth is tied up in this property. If I die, my kids can't sell it," he said. "If I file for foreclosure, Fannie Mae [the Federal National Mortgage Association] and the bank are stuck with a worthless property. The ripple effect of this is incredibly broad."

Battles over landownership, easements and rights of way are not new in the valley, say Murray, other residents and pueblo officials. The fights date back decades and remain unresolved.

But the dispute over a couple of county roads has become increasingly tense in the last couple of years as San Ildefonso began tackling the issue on legal grounds.

Pueblo leaders have said they alerted Santa Fe County in 1999 that the county lacked a legal easement for some of the roads and alleged that some private landowners were trespassing on San Ildefonso land. The issue was raised again in 2012 and 2013, according to a letter from the federal Bureau of Indian Affairs, which has weighed in on the side of the pueblo.

The county and El Rancho residents who formed a group to advocate for property owners in several water and easement disagreements with neighboring pueblos say the 1924 Pueblo Lands Act and a 1989 agreement between the county and the pueblo settled the road rights-of-way questions.

The BIA and the pueblo disagree, saying that the agreement was "poorly drafted" and ambiguous.

The county has said that the BIA's claims have hurt the county's efforts to negotiate road easements and rights of way with four pueblos in the valley. The county said it has consistently maintained roads in El Rancho for decades in exchange for the public's right to use them. But a letter from Santa Fe County Manager Katherine Miller in January 2014 also acknowledged that disputes over the roads date back 80 years.

Santa Fe County officials said in a statement Wednesday that they "continue to dispute the allegations of trespass made by the Bureau of Indian Affairs. Moreover, the County continues to maintain the roads in question, and the public has not been denied access to their property."

The county will continue working with the pueblo, residents and the federal government "to address the legal status of these roads," said Kristine Mihelcic, the county's

spokeswoman. “In addition, the county is prepared to defend its claims to the roads if necessary.”

On Monday, Murray met with state Rep. Carl Trujillo and staff members of New Mexico’s congressional delegation to discuss the road and electric line easements.

Pueblo and tribal claims regarding road easements and other rights of way are getting national attention. The American Land Title Association, representing title companies around the United States, said its members are looking at the issue.

“We are concerned that through recent federal budget cuts, that the Bureau of Indian Affairs budget has been decreased enough that it’s much harder to work through the Bureau’s limited staff on issues affecting Native American lands,” said Wayne Stanley, the group’s public affairs manager.

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