



July 7, 2017

Mr. Jack Cloud, DRB Chair
City of Albuquerque
600 2nd St NE
Albuquerque, NM 87102

**RE: Vacation of Public Waterline Easement
Lot 9, McMahan Marketplace (A-11)**

Dear Mr. Cloud;

Isaacson & Arfman, P.A., as agent for JMD - McMahan, LLC, (the Developer) hereby request entry into the DRB process for consideration of vacating a 15' Waterline Easement running through Lot 9 of McMahan Marketplace as further designated in the attached application.

Background:

1. JMD - McMahan, LLC is Owner and developer of the parcel containing the easement.
2. The subject 15 foot wide easement was originally granted to the ABCWUA on the plat for Lots 5, 6-A, 8 & 9; McMahan Marketplace, recorded Sept. 24, 2010, Bk. 2010C, Pg. 112.
3. The easement contains an 8" public waterline.

Justifications to Vacate:

- A. The Albuquerque Bernalillo County Water Utility Authority (Water Authority) has determine that he easement width is insufficient in width and should be vacated and a replacement easement granted to the Water Authority as a 20 foot wide easement along a different alignment to correspond to the realigned waterline.
- B. The granting of this Vacation is appropriate to prevent the unnecessary hardship that would result if the Vacation is not allowed. In this case, if the vacation is not allowed; then the Developer would not be able to develop the property as approved by the City of Albuquerque Planning Commission.
- C. The granting of the Vacation will not significantly interfere with the enjoyment of the other lands in the vicinity.
- D. The granting of the Vacation would be consistent with the spirit of the Albuquerque's development process, substantial justice and the general interest of the public. Financial gain or loss is not the sole determining factor in requesting the Vacation. The Owner is a for profit LLC; but they wish to conduct business in the City of Albuquerque within the framework of their proven development methods.

Request:

Therefore, JMD – McMahon, LLC respectfully request that the requested vacation be allowed in order for the surrounding commercial development to progress.

Sincerely,
ISAACSON & ARFMAN P.A.



Fred C. Arfman, PE
FA/ fca