



## **VACATION OF PUBLIC RIGHT-OF-WAY REQUEST**

I&A Project No.1883

July 13, 2017

Project: Old Tennyson Street

Zone Atlas Page: E-22

Legal: Tract N-2, Tanoan Properties together with Tract 18, High Desert

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### **Background:**

1. Mechenbier Construction Inc., (MCI) as the owner of the adjacent property located along the westerly boundary of said Tract 18 and to the east of said Tracts N-2 in Albuquerque, NM (the property) hereby requests the vacation of the City of Albuquerque right-of-way (the "Vacation"). The property was previously heard as part of a Sketch Plat by the Development Review Board as Project No 1008435. MCI desires to develop their properties which are divided by the vacant right-of-way.
2. The subject vacant right-of-way was originally decided to Bernalillo County for the construction of Panorama Boulevard on August 16, 1969 (Document No. 60821-921). In the past forty-eight (48) years, the City of Albuquerque Municipal Limits have expanded in the immediate vicinity, more particularly, to the north right-of-way line of San Antonio DR., being north and non-contiguous to the said vacant right-of-way. This request for the vacation is based on the following reasons.

### **Reasons:**

- A. A vacation is appropriate in this case as the property is vacant and would be better utilized being incorporated into the adjacent properties to provide housing and neighborhood offices and commercial services.
- B. The public improvements to Tramway Blvd. and Tennyson St. now make it practical for the vacation of the vacant right-of-way. As such, the City of Albuquerque has the right to act on this request by the joint agreement between the City of Albuquerque and Bernalillo County, whereby the disbursement of vacant right-of-way deemed suitable for third party acquisition lies with the jurisdiction having the subject property within their governing limits. Therefore, the City of Albuquerque has the right to sell the property upon vacation approval.

- C. 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 MCI would not be able to develop said Tract 18 due to its exceptional configuration.
- D. The granting of the Vacation will not significantly interfere with the enjoyment of the other lands in the vicinity.
- E. 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. MCI is a for profit corporation; but they wish to conduct business in the City of Albuquerque within the framework of their proven development methods.

**Request:**

Therefore, MCI respectfully request that a Vacation be allowed, whereas MCI would compensate the City for the value of the vacant land in accordance to the value set by the City of Albuquerque, Legal Department, Real Property Division.