

**CSI-Cartesian Surveys Inc.**  
PO Box 44414, Rio Rancho, NM 87174  
896-3050 Fax 891-0244

April 28, 2021

Development Review Board  
City of Albuquerque

**Re: Vacation of 3 Public Easements for Lot 8-A-1, Block 26, North Albuquerque Acres,  
Tract A, Unit B**

Members of the Board:

CSI - Cartesian Surveys Inc. is acting as an agent for the owner, Kassam Land Acquisition 9 LLC, and are requesting 3 existing easements be vacated in order to relocate the existing waterline and existing gas line located on the subject property and to vacate an electric and telephone easement with no lines located in within the easement. According to the IDO section 14-16-6-6(M) for vacating public easements in the City of Albuquerque the following criteria needs to be met:

**Easement number 5 as shown on the plat (PNM and MST&T easement)**

The easement was created as a PNM and telephone easement (MST&T) in 1973. In 1973, PNM as a courtesy to the telephone company, would include the phone company as beneficiary on most non-exclusive easements as it was common to share trenches as needed.

As stated above, PNM created the easement and the owners of the property did grant the easement by signing off on that easement document, in 2001, PNM released their interest in the easement. However, the only party able to release the easement is the grantees. So, the phone company, as beneficiary, must be the one to vacate this easement. Since PNM set the easement up for both utility companies' benefit, it requires both utilities, individually, to release their interest in the easement.

As per the IDO section for vacation of easements, section 6-6(M)(3)(a), justification that the public welfare does not require the easement to be retained:

While PNM may have probably used the easement for a period of time, there is no indication that the telephone even ever used the easement and certainly has no gear in place at this time.

PNM released their interest and now the phone company is prepared to release their interest in the easement with the signing of this plat.

The easement is not currently being used for the purpose it was created and all benefitting parties have either released the easement or agreed to release the easement and there is no future use anticipated.

As per the IDO section for vacation of easements, section 6-6(M)(3)(b), indicating that the development made possible by the vacation is clearly more beneficial than the minor detriment resulting from the vacation:

While the benefits of this project shall be identified separately, the detriment is zero. The easement is not being used and was created as a courtesy left only to formalize the vacation of this remnant nuisance easement. This vacation allows for the new development to utilize this area and regain usable space for their improvements.

**Easement Number 2 as shown on the plat (Water Easement) and Easement Number 1 as shown on the plat (Gas Easement)**

As per the IDO section for vacation of easements, section 6-6(M)(3)(a), justification that the public welfare does not require the easement to be retained:

The easements were created prior to the planned development of the subject property, however this easements were granted across this tract to benefit the rest of the tracts being replatted at that time to provide a waterline and gasline from Modesto Ave NE to Eagle Rock Ave NE.

This vacation allows for the new development to relocate the infrastructure to new locations to better accommodate the proposed development at the cost to the developer. It will also provide less cost to the public for maintenance purposes for the public easement and they will also be better constrained now. It will also allow new landscaping, trees, sidewalks, and architectural features which will make the area a lot better visually.

As per the IDO section for vacation of easements, section 6-6(M)(3)(b), indicating that the development made possible by the vacation is clearly more beneficial than the minor detriment resulting from the vacation:

Since the easements and the infrastructures that the easements are currently protecting are merely going to be realigned on the site, it will better accommodate the new development. The planned development requires the realignment of the waterlines and gaslines, and will result in new easements granted to protect the infrastructures in their new locations. There will no longer be a need to retain the easements for the old, unused alignment since they will no longer have the infrastructure. If not approved, this will cause issues with future surveys since the easements will encroach upon the future improvements, for example, buildings would encroach upon such easements.

Other benefits to the Public include the following:

- Property tax benefits from the resulting from the development of this property will be paid on an annual basis.
- Provide much needed family housing within the area
- Another net benefit to the public if vacation of such easements are approved would bring sidewalks, trees, landscaping which will improve the area visually and an extension of the waterline within Modesto Avenue to connect to the existing line in Glendale Avenue, hence, improving the water flow and water service to everyone in the neighborhood.

**In conclusion:**

- While we are formally vacating the gas and water easements, they are really being relocated with new easements and infrastructure. New waterline will be created within Modesto to extend and connect to the existing waterline in Glendale Ave NE.

- The PNM and telephone easement is no longer necessary, is no longer in use and is released by the phone company by this plat, as PNM has already released their interest in the easement. Therefore, there is no public easement needed.
- New landscaping and improvements will be added and sidewalks will be installed, hence improving the scenery and area.

Thank you for your time and consideration.

Denise King