



August 27, 2025

Development Hearing Officer (DHO)
City of Albuquerque, Planning Department
600 2nd Street NW, Albuquerque NM 87102

Development Hearing Officer:

JAG Planning & Zoning, agent for Bernalillo County Metropolitan Court, respectfully requests your review and recommendation of approval of a vacation of right-of-way in accordance with Section 14-16-6-6 (M) of the Integrated Development Ordinance (IDO).

Request

The applicant is requesting approval of a Vacation of Right-of-Way for a portion of Slate Ave, immediately east of 5th Street and located adjacent to 401 Lomas Blvd NW. The right-of-way is a dead end and currently serves as access to Court staff members who park in a secure parking structure. The interest in the vacation of this portion of the alley is to officially allow the Court to restrict access to authorized personnel in a more secure manner.

The vacation amount is approximately 9,513 square feet. As a result of exceeding the 5,000 square foot threshold for vacation of right-of-way, this request will need City Council approval. A similar application was recommended for approval by the Development Hearing Officer on June 21, 2023 (PR-2020-003485, SD-2023-00066) and ultimately approved by City Council (EC-2023-300); however, a subdivision plat was not completed within a one-year time limit, in accordance with Section 14-16-6-6(M). If granted approval, the vacated right-of-way will be incorporated with the proposed plat for Bernalillo County Metropolitan Court plat which will be forthcoming.

A companion application has also been submitted for the vacation of a 16' wide alley that is only accessible through this portion of Slate Ave. The vacation of the 16' wide alley does not exceed 5,000 square feet and does not need to be approved by the City Council. A Development Hearing Officer approved the vacation of the alley on April 26, 2023 (PR-2020-003485, SD-2023-00064)

In accordance with Section 14-16-6-6(M)(3) Review and Decision Criteria for a Vacation of Right-of-Way, the criteria are met in the following manner:

14-16-6-6(M)(3)(a) - The public welfare does not require that the public right-of-way or easement be retained.

As a result of the Vacation, the public welfare does not require retention of the public right-of-way in that the Courthouse owns the property surrounding the proposed vacation site. As previously mentioned, control of the property in conjunction with the proposed lot consolidation will allow the Court to address safety concerns and trespassing that have impacted the public, Court employees and judges. Completion of the Vacation will allow the Court to secure the property more effectively with limited access. The proposed Vacation will also complete the vacation of Slate Avenue between 4th Street and 5th Street along with the opportunity to further secure the property supporting these criteria.

14-16-6-6(M)(3)(b) - There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

The net benefit to the public welfare continues to revolve around reinforcing safety and security by limiting access to the property to members of the public who have official business at the Courthouse either as an employee or judge. Issues regarding the Court's inability to control access from the existing public right-of-way have been a concern as Slate Avenue currently ends on the subject property. The completed Vacation will be more beneficial to the public welfare, nor will any substantial property rights be abridged since the Court owns the surrounding property and will be reinforced with the lot consolidation.

Neighborhood and Adjacent Property Owner Notification

The vacation of right-of-way request will meet the applicable standards of the IDO, DPM and other City requirements. Notification requirements for this request, as specified in Table 6-1-1 of the IDO have also been met. Letters were sent to the affected neighborhood associations prior to application submission. As of date, the applicant has not heard from any of the affected neighborhood associations to determine if a meeting is to be requested.

In addition, property owners within 100 feet of this request were also notified of this request prior to the application date. Information from the City of Albuquerque Planning Department

includes a list of property owners within 100 feet of the subject site and a boundary map of the property owners. As of date, the applicant has not heard from adjacent owners.

Thank you for your consideration on this matter.

Sincerely,

Juanita Garcia

Juanita Garcia
Principal
JAG Planning and Zoning, LLC