



February 4, 2026

Development Hearing Officer  
600 Second NW  
Albuquerque, NM 87102

**RE: REQUEST FOR VACATION OF PUBLIC RIGHT-OF-WAY – DHO  
MAP 32 TR 68-A-2-C & ZAPF-VAN ADDN NO. 10 LT 14 & LT 15 EXCTHE W 80 FT &  
EXC THE S'LY POR OUT TO R/W CONT 1.0263 AC907 MONTANO RD NW, ABQ, NM,  
87107 AND LT 13 (EXECPT SLY PORT OUT TO R/W MONTANO RD) ZAPF - VAN  
ADDN NO 10,817 MONTANO RD NW, ABQ,NM, 87107  
ZONE ATLAS PAGE: F-14-Z**

Dear Mr. Hearing Officer:

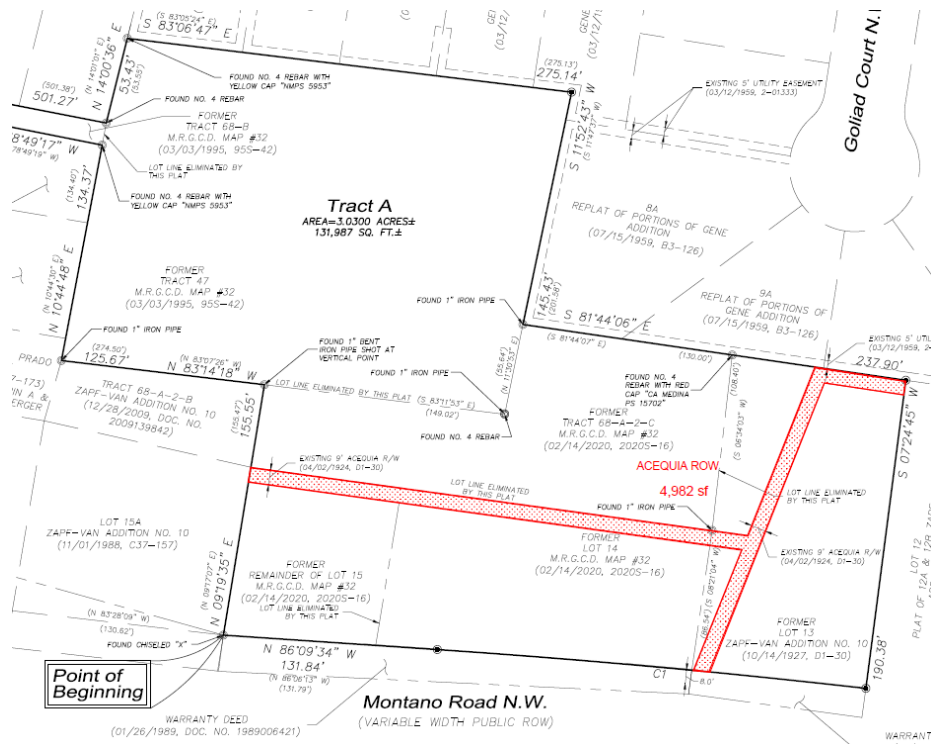
Tierra West, LLC, on behalf of David Gonzales, is submitting for a Vacation of Public Right-of-Way existing on two (2) adjacent properties. The properties are legally described as MAP 32 TR 68-A-2-C & ZAPF-VAN ADDN NO. 10 LT 14 & LT 15 EXCTHE W 80 FT & EXC THE S'LY POR OUT TO R/W CONT 1.0263 AC and LT 13 (EXECPT SLY PORT OUT TO R/W MONTANO RD) ZAPF - VAN ADDN NO 10 and are addressed as follows: 907 Montano Rd NW, and 817 Montano Rd NW, ABQ, NM, 87107, respectively (the subject site)...

**Planning Context:**

907 Montano Rd is currently zoned as MX-T and is developed with a single-family dwelling, and 817 Montano Rd is currently zoned as R-1C and is developed with single family residential (per AGIS). The property owner of the subject site is aiming to subdivide the said lots along with the adjacent 5626 Gene Ave lot into one parcel for redevelopment. The Vacation of Public Right-of-Way will allow both of the following actions to take place: Zoning Map Amendment- EPC and Subdivision of Land – Minor.

**Public Right of way to be vacated:**

The right-of-way was established for an acequia on the subject site that is no longer maintained or in operation. The right of way crosses both parcels described as the subject site. The area of the public right of way to be vacated is approximately 4,982 square feet as shown in Figure 1 below. Per the IDO Section 6-6(M)(1), the DHO will conduct a hearing and decide the vacation of any public right of way under 5,000 square feet and does not vacate the entire width of a street. The request does not meet the threshold for review and decision by the City Council as it only vacates acequia right of way, and not street nor alley right of way.



**Figure 1: Exhibit of Right-of-Way to be Vacated**

**IDO 14-16-6-6(M)(3) – Review and Decision Criteria for General Vacation Approvals**

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

The original purpose of the right-of-way in question was to serve as an acequia that was previously in use on the subject site. However, this acequia is no longer operating or maintained by the MRGCD, meaning that there is no current public use for the right-of-way, the acequia is not present on the subject site. Therefore, there is no longer an advantage to the public welfare to retain the right-of-way in question, as there is no acequia within the right of way (or at all on the subject site).

*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 or the right.*

. The request, if approved, will facilitate the redevelopment of two (2) vacant sites. The benefit to the public welfare of the redevelopment of vacant sites is clearly greater than the minor detriment resulting from the Vacation which is the retainment of an obsolete right-of-way.

The right-of-way lies on private land and is no longer serving an acequia – a public utility. Therefore, the right-of-way no longer serves a public amenity and only has the potential for private use. The owner of the site does not see a benefit of retaining the right-of-way for any

private use and is thus pursuing the vacation. Therefore, the request is aligned with the will and rights of the property owner.

**Conclusion:**

Tierra West respectfully requests approval to vacate one (1) public right-of-way totaling approximately **4,982 square feet** across two (2) adjacent parcels, as depicted in the submitted exhibits. Approval of this request will allow for orderly redevelopment consistent with the goals of the Integrated Development Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Lozoya', with a long horizontal flourish extending to the right.

Sergio Lozoya  
Sr. Planner

JN 2025109  
sl/kn