



January 26, 2026

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

Development Hearing Officer:

JAG Planning & Zoning, agent for Cristina Chavez Cook, 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 the southern portion of Odelia Road NE, between Edith Blvd NE and High Street NE. The right-of-way is immediately adjacent to the applicant's property appears to be excess right-of-way. The interest in the vacation of this portion of the roadway is to allow the applicant the opportunity to utilize the area for residential purposes.

The vacation amount is approximately 7112.71 square feet, as identified on the right-of-way exhibit. As a result of exceeding the 5,000 square foot threshold for vacation of right-of-way, this request will need City Council approval. If granted approval the applicant is prepared to submit a subdivision plat within a one-year time limit, in accordance with Section 14-16-6-6(M).

A companion application has also been submitted for the vacation of Santa Clara Street, which appears to be part of the applicant's property. The zone atlas maps provides a vacation number, VO-79-107, but since the zone atlas map also shows the right-of-way, it appears that the vacated road was not officially incorporated into the subject property. The companion application will finalize the vacation of Santa Clara Ave NE.

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.

The public welfare does not require that the public right-of-way be retained. This portion of Odelia Road appears to be incorporated with the applicant's property since a fence was placed within the right-of-way, unbeknownst by the applicant. The property is part of a family estate, and the applicant is working toward resolving encroachment and subdivision issues that have existed on the property for many years.

In addition, this portion of Odelia Road appears to be excess right-of-way and appears to be a part of the applicant's property given the slope of the right-of-way. This portion of Odelia Road has a slope that is not consistent with the grading of the street. The proposed vacated area maintains a slope that would cause a substantial grade change between the subject site and the existing right-of-way, if Odelia was to be developed to the applicant's property line.

Finally, this portion of Odelia Road is not used by the public for commuting since the street has existing 6' wide sidewalks that are used for pedestrians. The area between the sidewalk and the applicant's property line is what is being proposed for vacation, still allowing the public to utilize the current parts of the right-of-way that is constructed for pedestrian use.

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 clear pedestrian passage within the right-of-way, which is why the applicant is only seeking a vacation of the area outside of the area dedicated for sidewalks. The vacation of right-of-way will be more beneficial to the public welfare and will not abridge any substantial property rights since the area proposed to be vacated appears to be excess right-of-way.

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