



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 a portion of Santa Clara Road NE, between Edith Blvd NE and High Street NE. The right-of-way is immediately adjacent to the applicant's property and has never been constructed as 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 3,494 square feet, as identified on the right-of-way exhibit. The proposed vacation of right-of-way does not exceed 5,000 square feet; however the request is for the entire width of the right-of-way, which requires City Council approval, as outlined in Section 14-16-6-6(M)(1)(b). 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)(2)(g).

The zone atlas map provides a vacation number, VO-79-107 in the area of Santa Clara Road, but since the zone atlas map also shows the right-of-way. It appears that a vacation of right-of-way was commenced for this portion of Santa Clara Road but may not have been officially incorporated into the subject property.

A companion application has also been submitted for the vacation of a portion of Odelia Road NE, which also appears to be part of the applicant's property. The property adjacent to this portion of Odelia Road appears to have setbacks and subdivision issues, which the applicant is

preparing to resolve. The companion application will help finalize the upcoming subdivision application.

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 around the right-of-way and structures have been 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, there is no evidence that this portion of Santa Clara Road had been constructed. There are no sidewalks, curb or gutters, nor is there asphalt for driving purposes, all typical of a public right-of-way. The area to the south of this portion of Santa Clara Road is not shown as being a public right-of-way, which may have been designated as right-of-way in the past, but has since been vacated as well.

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 revolves around clarifying the public maps that still show this area as being public right-of-way, but no constructed road at the site. This application will allow for consistency between public records and the subject site. 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 nonexistent.

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