

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946

OFFICIAL NOTICE OF DECISION

Bernalillo County Metropolitan Court
P.O. Box 133
Albuquerque, NM 87103

Project# PR-2020-003485

Application#

VAC-2025-00029 VACATION OF PUBLIC RIGHT-
OF-WAY

VAC-2025-00030 VACATION OF PUBLIC RIGHT-
OF-WAY

LEGAL DESCRIPTION:

For all or a portion of:

**TRACT A-1 & LOT 8-A, BLOCK N, BC METRO
COURT/MANDELL BUS. & RESIDENCE
ADDITION** zoned **MX-M, MX-H, MX-FB-UD**
located at **401 LOMAS BLVD NW between
4TH ST and 5th ST** containing approximately
3.9 acre(s). (J-14)

On August 27, 2025, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications, and recommended approval of the Vacation of Right-of-Way requests, based on the following Findings:

VAC-2025-00029 VACATION OF PUBLIC RIGHT-OF-WAY

1. This is a request to vacate the entirety of Slate Avenue NW between 5th Street NW and 4th Street NW, comprising of 9,513 square feet of vacated right-of-way, as depicted on the Vacation Exhibit.

6-6(M)(3) Review and Decision Criteria

An application for a Vacation of Easement, Private Way, or Public Right-of-way shall be approved if it meets any of the following criteria.

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

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, which will be reinforced with the lot consolidation.

2. Pursuant to section 14-16-6-6(M)(1)(b) of the IDO, the DHO will be the recommending body to the City Council on the request because the Vacation is more than 5,000 square feet and the entire width of a street.
3. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
4. A platting application for DHO review and approval must be submitted within one year of City Council approval of the Vacation (see Table 6-4-3 of the IDO), and the platting application will only be accepted and placed on a DHO agenda upon City Council approval of the Vacation of Right-of-Way.

VAC-2025-00030 VACATION OF PUBLIC RIGHT-OF-WAY

1. This is a request to vacate the entirety of a 16-foot wide alley within the boundaries of the Bernalillo County Metropolitan Courthouse property, as depicted on the Vacation Exhibit.

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

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, which will be reinforced with the lot consolidation.

2. Pursuant to section 14-16-6-6(M)(1)(b) of the IDO, the DHO will be the recommending body to the City Council on this Vacation of Public Right-of way request because it is for the entire width of a platted alley.
3. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
4. A platting application for DHO review and approval must be submitted within one year of City Council approval of the Vacation (see Table 6-4-3 of the IDO), and the platting application will only be accepted and placed on a DHO agenda upon City Council approval of the Vacation of Right-of-Way.

Official Notice of Decision

Project # PR-2020-003485 Applications# VAC-2025-00029, VAC-2025-00030

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Sincerely,

Brennon Williams

[Brennon Williams \(Aug 31, 2025 10:40:28 MDT\)](#)

Brennon Williams

Development Hearing Officer

BW/am/jr

JAG Planning and Zoning / Juanita Garcia, P.O. Box 7857, Albuquerque, NM 87194







PR-2020-003485 August 27, 2025 Notice of Decision - DHO

Final Audit Report

2025-08-31

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