



OFFICIAL NOTICE OF DECISION

March 25, 2026

Gonzales David X & Gonzales Rebecca M
Trustees Gonzales RVT
5925 Edith Blvd. NE
Albuquerque, NM 87107-5051

Project #: PR-2025-020144

Application #

VAC-2026-00003 VACATION OF RIGHT-OF-WAY

LEGAL DESCRIPTION:

For all or a portion of:

**TR 47 MAP 32, 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, LT 13 (EXECPT SLY
PORT OUT TO R/W MONTANO RD) ZAPF - VAN ADDN
NO 10 CONT 18,748 SQ FT M/L zoned MX-M, located at
817 MONTANO RD NW, 907 MONTANO RD NW, 5616
GENE AVE NW containing approximately 3.03 acre(s).
(F-14)**

On March 25, 2026, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced application and approved the request, with conditions of approval, based on the following Findings:

1. This is a request to vacate the right-of-way of an existing 9' MRGCD acequia, a platted feature, shown on the Zapf-Van Addition No. 10 subdivision plat that was created 04/02/1924, D1-30.
2. A Sketch Plat was reviewed on December 10, 2025 in regards to platting and the vacation of acequia right-of way (ROW) shown on the proposed plat. It has been determined by MRGCD that the acequia is not active.
3. The subject property is zoned: R-A, MX-T, and R-1C. A Zoning Map Amendment was approved by the EPC on March 19, 2026 for the subject property to be re-zoned to MX-M.
4. 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.

The original purpose of the right-of-way in question was to serve as an acequia that was previously in use on the subject property. 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 property).

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 request will facilitate the redevelopment of two (2) vacant sites. The benefit to the public welfare of the redevelopment of vacant sites is greater than the minor detriment resulting from the Vacation, which is the retention 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.

5. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
6. A platting application for DHO review and approval must be submitted within one year of DHO approval of the Vacations (see Table 6-4-3 of the IDO).

CONDITIONS

- a. The applicant must contact Damon Bader damonbader@cabq.gov at Real Property regarding the potential purchase of the vacated acequia as approved by the DHO. Real Property will be required to sign the plat, which incorporates the vacated area into the properties.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **APRIL 10, 2026**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section § 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted electronically to [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*). A Non-Refundable filing fee will be calculated by staff in the Development Review Services Division of the City of Albuquerque Planning Department and will be payable online at [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*). The appeal fee must be paid in full no later than 48 hours after the appeal deadline, or the appeal will be rejected as untimely.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,

Robert L. Lucero, Jr.

Robert L. Lucero, Jr. (Apr 3, 2026 11:07:17 MDT)

Robert L. Lucero, Jr.

Development Hearing Officer

RLL/am/jr

Tierra West, 5571 Midway Park Pl. NE, Albuquerque, NM 87109

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Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaaszil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach''i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất kỳ quầy dịch vụ nào trong Sở của chúng tôi, tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。







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Final Audit Report

2026-04-03

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