

A Brief History of City of Albuquerque-Operated Open Spaces and Manzano/ Four Hills Open Space in Particular

Rusty Goetz
July, 2022

As residents of the City of Albuquerque (City) we are blessed by not only with a wide variety of Open Space lands, we have more acres of Open Space land per capita than any other major city in the United States (~50 acres/1,000 residents). Locally, Four Hills Village (FHV) is either adjacent to, or very close to Open Space lands on three sides of the community. The Manzano/Four Hills (M/FH) Open Space is located immediately east of FHV and has been adopted by the Four Hills Village Association (FHVA). Additional multiple large blocks of Open Space land that lie along the bottom of Tijeras Canyon are adjacent to, or, are within a half mile of the northern and western sides of our community. The City and County plan to acquire additional acreage along Tijeras Canyon and east of the M/FH Open Space to form one huge connected system of hiking trails and wildlife corridors. The most recent Tijeras Canyon Open Space purchase, made a few months ago, was of the old Koinonia Fellowship Church lands just south of old Rt 66 and west of the village of Carnuel. This will become the Tijeras Arroyo Biologic Zone Education Center and will have ADA accessible trails providing opportunities for all people to explore nature.

These lands are administered by the City of Albuquerque Parks and Recreation Department Open Space Division. The Open Space Division is responsible for the maintenance and development of over 30,000 acres of land and currently has a staff of about 40 people (and a few goats). The mission statement of this department reads:

The purpose of the Open Space Division is to acquire, protect, maintain, and manage significant natural landscapes and cultural resources for present and future generations. Open Space enhances the urban environment and protects wildlife habitat while offering opportunities for public enjoyment through outdoor education and low-impact recreation.

A very brief history of the development of Albuquerque Open Spaces and the Open Space Division

For centuries, the beautiful open mesas, mountains and bosque wetlands had been taken for granted and used almost freely by the residents of Albuquerque and the nearby towns and pueblos. But, beginning in the mid 1950's, the region entered a period of rapid residential and business growth. Rio Rancho had been founded and its developers were platting streets and homes right up to the volcanoes on the West Mesa. Numerous large neighborhoods were planned and were built in the Sandia and Manzano foothills (including FHV), and many developers were eyeing land higher in the Sandia foothills that was located above the 10^o slope limit that was then in force. This was also the era of drainage control and river management by concrete. The Middle Rio Grande Conservancy was making plans to straighten, concrete line, and riprap the banks of the Rio Grande through Albuquerque.

Several grass-root environmental groups formed and were very effective at stopping much of the construction in the remaining wild areas of Albuquerque. These groups were variously named: Save our Sandias, Save the Arroyos, Save the Volcanoes, and The Bosque Society. Fortunately, the city government and much of the voting public agreed in large part with these groups. In the Late 1970's, these groups were loosely united into what was called the Open Space Task Force that was nominally under the control of the City Council. Between 1973 and 1982, The City acquired 8,328 acres of undeveloped land, mostly in what became Volcano Park (and later, when the federal government joined in, renamed to Petroglyph National Monument and West Mesa Open Space), and along the Bosque. The plans to concrete in the Rio Grande were suspended.

It was threat of losing almost one-fourth the of the Sandia Mountain foothills (including Bear, Pino, and Domingo Baca Canyons) that galvanized the creation of the Albuquerque Open Space Division and established a methodology for continuing to acquire land for publicly available Open Spaces. This story is centered around the Elena Gallegos Grant sale in 1982. The history of the land grant and the subsequent machinations of the \$24,500,000 sale of about 8,000 acres by the Albuquerque Academy Board, who had inherited the land, would require a separate article. As a teaser, the story involves many nail-biting deadlines and unusual bedfellows, with subheadings detailing how the federal government stepped in, then out, then back in again. The players included the owner of Los Poblanos Farms, the US Forest Service, McDonald Douglas Corp., and various golf course, country club and subdivision developers from California and Colorado. The city put up a downtown parking garage structure as collateral for a 2-year option and almost lost it, except for a last minute reprieve in 1981, when:

It was determined that the city had an un-used 1/4 c gross receipts (sales) tax which could be enacted by the City Council and ratified by the Mayor. Such a tax could bring in more than the Academy's asking price for the Elena Gallegos land (\$24,500,000) in 3 years.

The City would pass the 1/4c Gross Receipts tax for a 3-year term (by a yes vote by more than 60% of the vote, RG) which would raise an estimated \$26 million. The revenue would be used to purchase 7,600 acres of the Elena Gallegos land from the Albuquerque Academy. The City would then trade approximately 7,000 acres of the land to the US Forest Service (keeping 640 acres for a City Open Space Park) in exchange for the 17,000 acres of Federal Surplus Lands Those lands would become the corpus of an Open Space Trust Fund (Open Space Trust Lands) and would be sold to benefit the Fund. The Open Space Fund would also receive any excess revenues from the 3-year Gross Receipts Tax over and above the cost of buying the land. The principle of the fund would remain intact, but interest earnings could be used for acquisition and management of Open Space

(From: "A Blank Spot on the Map, Albuquerque's Open Space Story" by Rex Funk and Matt Schnader, a digital book posted on the One Albuquerque Open Space Division web site)

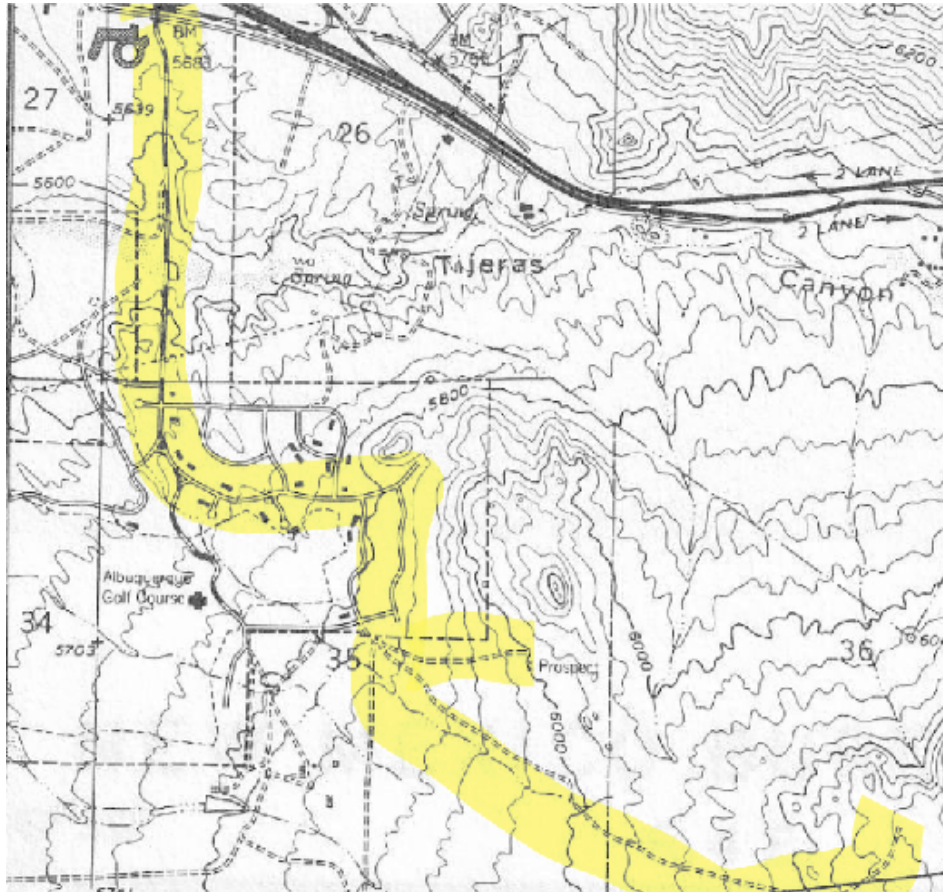
The purchase of the remaining portion of the Elena Gallegos Grant and create the Open Space Fund was a watershed event in the City's Open Space Program. It was a catalyst enabling the establishment of Rio Grande Valley State Park in 1982 and the formation of the Open Space Division within the Parks and Recreation Department in 1984. It also set a precedent for two more 1/4c. taxes which helped fund further open space acquisitions. The fund has grown and shrunk dramatically over the years as debts were paid off, the former federal lands sold off, and new blocks of Open Space land were acquired.

Today, the value of the principle of the Open Space Fund is about \$12 million. Although the Open Space Division continues to draw additional funds from the city for property management, etc., the mechanism of using gross receipts tax (or sale tax) as an income basis for Open Space Land has become a respected management model copied by many other cities. An informative video about the history of Albuquerque Open Space Lands is posted on the One Albuquerque Open Space Division web site, on the Open Space history tab: <https://youtu.be/Ev1L5DhaKDQ>

Manzano/Four Hills Open Space Block

The land that today makes up the Manzano/Four Hills Open Space block and the FHV neighborhood and golf course was confirmed to the State of New Mexico in 1910. The rugged land was used only for grazing and occasional mineral prospecting. An old dirt wagon trail or ranch road, 15 to 20 feet in width, had existed in the area since before the 1930's. It extended in a wandering fashion, in a southeasterly direction from old Rt 66, near the current Four Hills Rd intersection, across what then the Speakman Ranch (now the FHV subdivision and M/FH Open Space), and ending on the land immediately east of today's M/FH Open Space boundary in what was then the Epps Ranch. Portions of this dirt road were

later paved to become sections of the current Stagecoach Rd and La Cabra Dr. This road became the locus of multiple complex court cases over a period of more than a decade...more on that later.



The old ranch road shown on 1961 USGS Tijeras Quad topographic map.

In the mid 1950's the Speakman ranch, located in Section 35, T10N, R4E, was sold to the investors of the Four Hills Development Corporation, who became the developers of FHV and the Four Hills Country Club (now the Canyon Club), only the second course to be developed in Albuquerque. At that time the Four Hills Country Club and FHV subdivision development, and other acreage in the area had not yet been incorporated into the City of Albuquerque. Between 1958 and 1981, the FHV development and its country club, mostly located within Section 35, T10N, R4E, was annexed by the City of Albuquerque in 11 Installments. In 1958 the State auctioned off lands in Section 36, T10N, R4E, immediately east of the platted lands of FHV subdivision (Bernalillo County, FHV, 11th installment). Various companies purchased these lands (including the Epps Ranch) expecting to be able to use and develop the old dirt ranch road as access for these potential subdivisions, there being no other access roads to the area.

In 1979 the City of Albuquerque entered into a three-year installment contract with the developers of FHV subdivision to purchase the tracts of unimproved land immediately east of the developed sections of FHV, along the eastern edge of Section 35. This block of land became known as the Manzano Open Space (MOS). At that time, Stagecoach Rd. and La Cabra Dr. were "dead-ended" with "road closed" signs at the western boundary of the MOS and the City built the Four Hills Diversion Channel and the 5-foot-high earthen berm along the western boundary of the MOS. The project goal was to divert storm water

flowing west out of Section 36 and the MOS from FHV homes and streets, into the Four Hills Arroyo for safe drainage. Around 1984, after the city received title to the Open Space, the city installed locked gates on the roads and placed various barricades along the western boundary of the MOS to stop unauthorized vehicles from entering and to prevent trash dumping. It was then that the legal “fireworks” started in earnest... from 1988 until 2007 there were multiple court cases of different parties suing each other and the City. The pivotal battle began in 1998 when the city attempted to condemn additional acreage for expansion of the MOS and block access on the old dirt road crossing the MOS into Section 36.

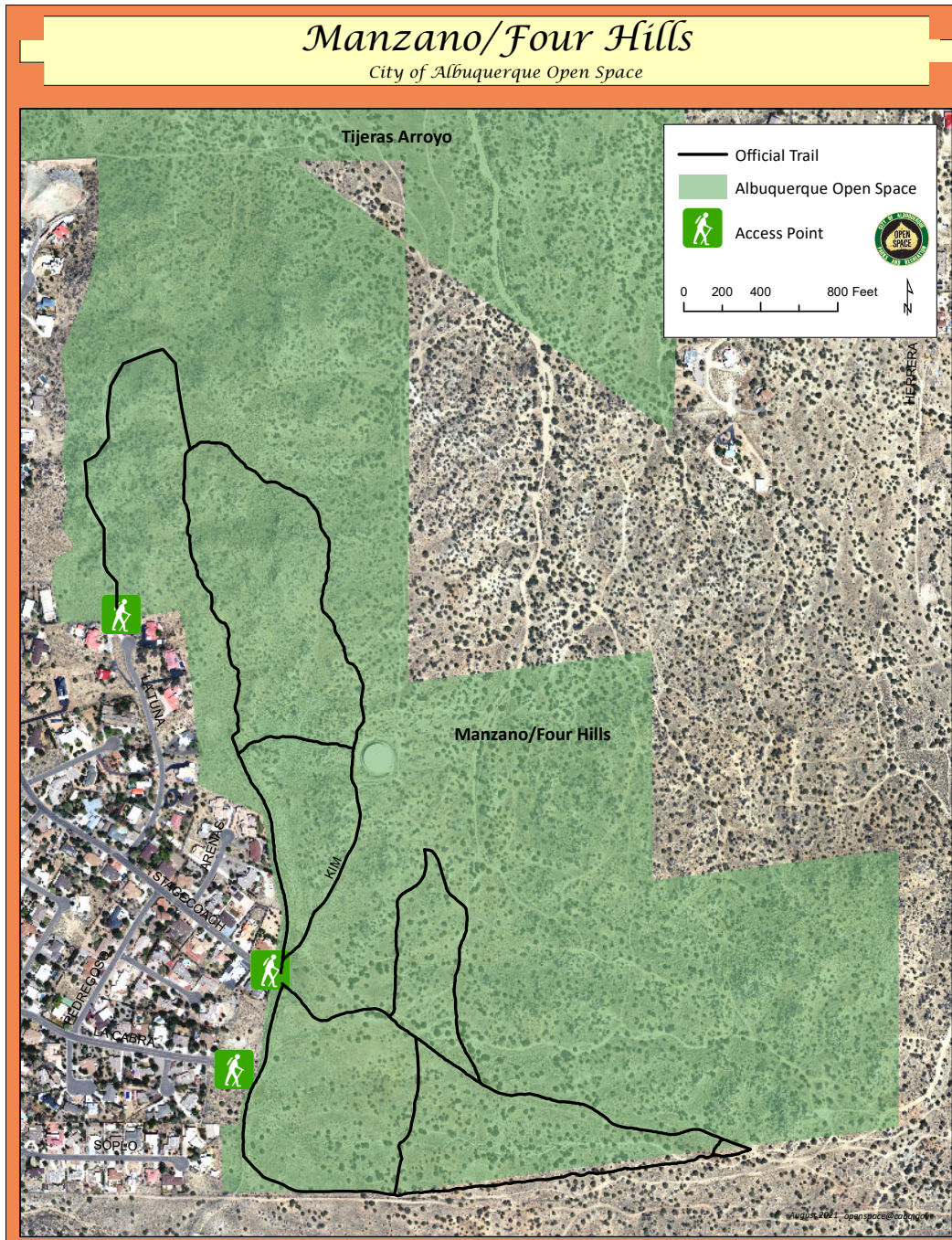
To boil arguments down to the basics, The investors in the land east of the MOS (Sec 36) thought that they had egress rights and a guarantee to build a 50 ft wide road westward, across the MOS, into FHV and then tie into Stagecoach Rd, based on the existence of the old ranch road. The city claimed that no one had rights to cross the MOS with a road, and wanted to condemn additional acreage in Section 36 for an extension of the Open Space. The majority of residents of FHV and the then extant FHV Homeowners Association did not want any throughgoing traffic in their neighborhood. In the course of the various court trials, the residents of FHV and their Homeowners Association were ruled out as litigants. however, they stayed involved, and continued on as a friend of the city. From 2000 until at least 2002, the FHV Homeowners Association paid out nearly \$6,000 in legal fees and a later record in the minutes of the Homeowners Association suggests that individual residents contributed a total of another \$6,000 for the city’s legal fees.

In 2002, the City abandoned its effort to condemn lands within Section 36, and in February of 2002, Judge Wendy York delivered her 16-page verdict on the final case. To put the Court’s decision into plain English: “You all screwed up!” For the investor litigants in Section 36, the Court found that at the time of the 1958 State land auction, there was no guarantee of egress by any roads into Section 36, T10N, R4E. The argued fifty-foot-wide easement for the old ranch road existed only in an agreement within Section 36 and did not apply to the portion of the dirt road within Section 35 that the city owned as the Manzano Open Space block. The Court found that the city messed up by not verifying the prior existence of a semi-public road within the land it purchased. The Court found that the old roadway must continue to exist up to the common boundary of Section 35 and 36, but it may not exceed 20 feet in width, per the original dirt road width. Concerning possible damages caused by the City’s attempted condemnation of land and blockage of the old dirt road, the Court found no actual damages to the Section 36 litigants, other than the recovery of legal fees. The Court held that during that time period, there were no existing businesses on the Section 36 land, and that residential development was only speculative, and furthermore, that it was “highly problematic that there ever would be” any residential development on the involved Section 36 holdings

Over the years, there were many more arguments about whether or not locked gates could be placed along the western boundary of the MOS. In 2007, the Mayor’s Office intervened and ordered the construction of the existing locked pipe gate closing off the very eroded 20 ft wide dirt road where it exits the M/FH Open Space and joins Stagecoach Rd. The city has its sets of lock keys and the investment company which holds the acreage (Epps Ranch) on the immediate east end of the road, in Section 36, holds the other set of keys to the gate. The road access is currently limited to emergency and Open Space maintenance vehicles.

Sometime during all this legal hubbub, the FHV Homeowners Association officially adopted the Manzano Open Space. The city then changed the block’s name to the Manzano/Four Hills Open Space and erected an adoption sign at the end of Stagecoach Rd. When the FHV Homeowners Association changed its name and function to the Four Hills Village Association, it continued its role as the adopted caretaker of the Open Space. For the last few years many FHVA Board Members have been actively lobbying the

Open Space Division for a corrected adoption sign and for additional educational signage to be placed within the M/FH area. This summer a corrected adoption sign was installed at the Stagecoach Rd entrance. Our responsibility, as the adoptive parent of the M/FH Open Space, is to monitor it for any trail or wildlife damage and report it to the City Open Space Division. We are also obligated to execute two sanctioned cleanups a year.



Current CABQ acreage of M/FH Open Space shown in green with official hiking trails shown in black (from CABQ Open Space website).

The M/FH Open space currently contains about 2 miles of maintained trails. As part of the ongoing Tijeras Creek Cultural Corridor Development Plan, more Open Space acreage and trails are being linked up with the M/FH area. It is now possible to hike from the M/FH Open Space, across Tijeras Canyon, to old Rt 66 and stay entirely within Albuquerque Open Space lands.

The rules to use the M/FH Open Space are simple and are posted at the Stagecoach Road entrance. The general rules of use are also posted at www.cabq.gov/openspace. Trail etiquette is based on safety and common sense.:

- Restrict travel to designated trails only
- Stay on the right side of trail
- Bicyclists and in-line skaters must yield to other trail users
- All trail users must yield to equestrians (*If you do encounter trail riders, stand aside quietly and in clear view of the horse. In general, horses can be pretty stupid when it comes to perceiving predators. If you are partially hidden or are making noise rustling through brush, a horse may assume you are a bear or a mountain lion and bolt down the trail, possibly causing harm to the rider or to another hiker. I know, because I've been dumped off a horse a few times, R.G.*)
- Travel at appropriate speeds on the trails
- All pets must be on a leash at all times while in the Open Space (*This is to ensure compliance with the City's Humane and Ethical Animal Rules & Treatment (HEART) Ordinance, <http://www.cabq.gov/pets/animal-protection-services/heart-ordinance/heart-ordinance-text>; as well as for the safety of other hikers and their pets from possible attacks, whether in play or for real. It also is for the safety of your pet as these areas are not city parks and there are significant wildlife threats to your domesticated pet. Keeping your pet on a leash also insures you know where your pet pooped so you can clean it up! R.G*)
- Leave no trace - pack out all trash, including dog waste (*There are Mutt-Mitts available at most Open Space trail heads. Domestic dog feces carry E-Coli that will eventually wash down into our streams and rivers and cost all of us tax money to cleanup. R.G*)
- Motorized Vehicles are prohibited with in the Open Spaces except for city vehicles (*E-bikes are now included under this heading as they are both quieter and much faster that pedal-powered bicycles, substantially increasing the potential for a hiker/E-bike collision on a hidden curve of the R.G*)

There is an additional request from the Albuquerque Open Space Division, with regard to "artwork", a.k.a., graffiti. Unfortunately, there are those individuals who think their artwork with spray can paint is more beautiful than Nature's own creations. If you do spot paint vandalism (or any other type of vandalism), take a picture with your smart phone. Most new smart phones will automatically record the GPS data for the location which will be used by Open Space cleanup crews to find and restore the area. DO NOT call 311. Instead, call or email the Open Space Division with the information and photos. If you do call 311, city maintenance crews will come out and put even more paint over the offending vandalized area in an effort to camouflage it. This will make it even harder for Open Space Division crews to strip off the paint and return the area to its natural state.

Now get out there and enjoy our Open Spaces!