



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 17, 2007

1. **Project # 1001816**  
06DRB-01794 Major-Vacation of Public Easements

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 12-A, **NEW MEXICO TOWN CO. ORIGINAL TOWNSITE**, zoned SU-2/HDA, located on TIJERAS AVE NW, between LOMAS NW and CENTRAL NW containing approximately 1 acre(s). (J-13)

At the January 17, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

### FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

### CONDITIONS:

1. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

If you wish to appeal this decision, you must do so by February 1, 2007, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.



## OFFICIAL NOTICE OF DECISION

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You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

A handwritten signature in cursive script, reading "Sheran Matson", is positioned above the printed name.

Sheran Matson, AICP, DRB Chair

Cc: Jane Carlton, 800 Valverde SE, 87108

Kris Linton, 323 10<sup>th</sup> St NW, 87102

Alice & Roger Geesey, 909 Copper Ave NW, 87102

Bob Yuhas, 215 12<sup>th</sup> St NW, 87102

Robert Reck, 723 13<sup>th</sup> St NW, 87102

Jennifer de Garmo, 1021 Forrester Ave NW, 87102

Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.

File

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD – SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1001816**

**AGENDA ITEM NO: 1**

**SUBJECT:**

Vacation of Public Easements

**ACTION REQUESTED:**

**REV/CMT: ( )    APPROVAL: (X)    SIGN-OFF: ( )    EXTN: ( )    AMEND: ( )**

**ENGINEERING COMMENTS:**

No objection to Vacation request.

P.O. Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

**RESOLUTION:**

APPROVED **X**; DENIED \_\_\_; DEFERRED \_\_\_; COMMENTS PROVIDED \_\_\_; WITHDRAWN \_\_\_

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PRKS) (PLNG)

**SIGNED:** Bradley L. Bingham  
City Engineer / AMAFCA Designee

**DATE:** JANUARY 17, 2007

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1001816

AGENDA#: 1

DATE: 1/17/07

1. Name: Jane L. Walker Address: 8201 W. Wendover Zip: 87108

2. Name: KRIS LINTON Address: 323 10<sup>th</sup> St NW Zip: 87102

3. Name: Alice Geesey and Roger Address: 909 Copper Avenue Zip: 87102

4. Name: BOB JUDAS Address: 215 12<sup>th</sup> NW Zip: 87102

5. Name: ROBERT RECK Address: 723 13<sup>th</sup> St NW Zip: 87102

6. Name: Jenniferde Gormus Address: 1571 Forester Ave NW Zip: 87102

7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

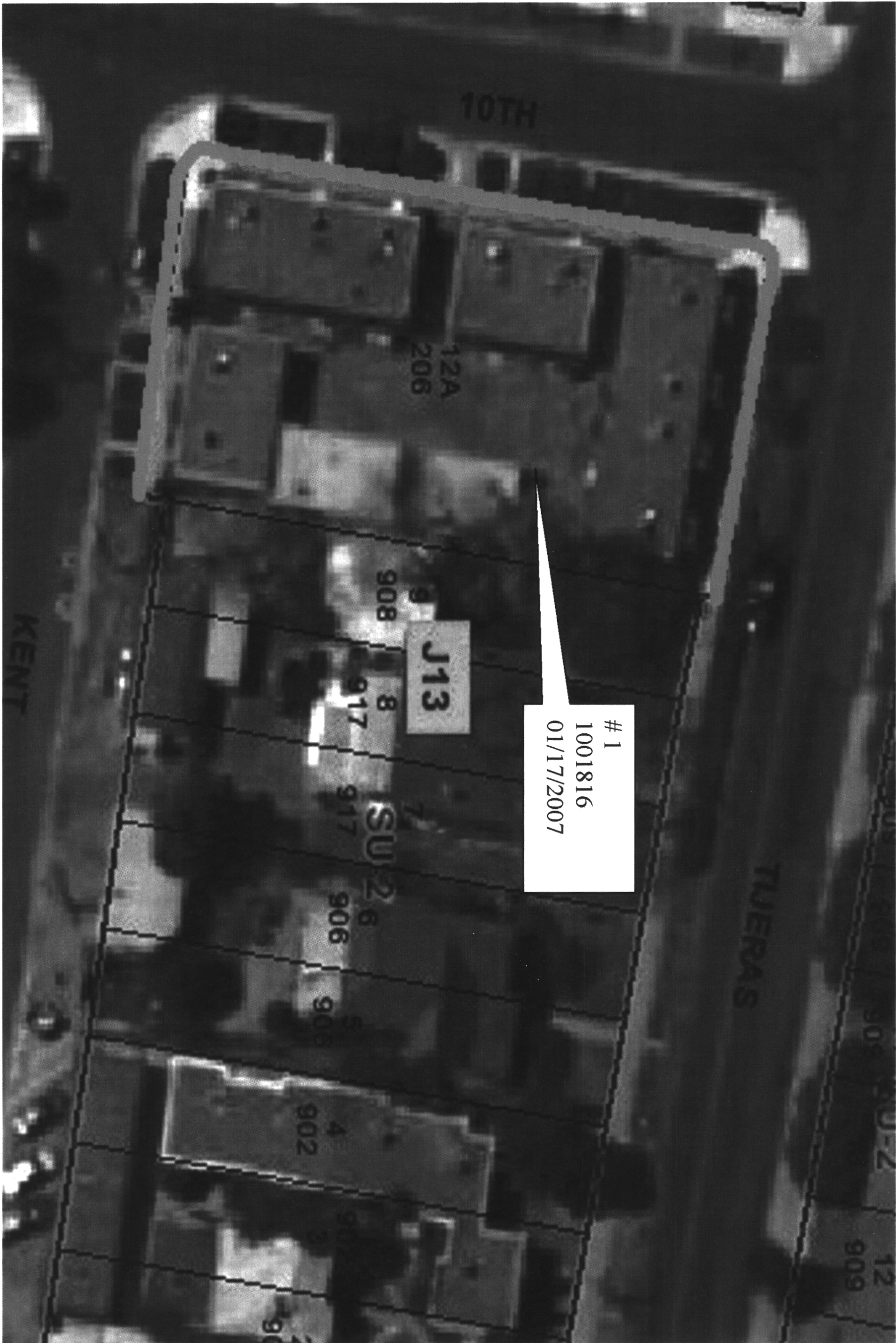
10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_



# 1  
1001816  
01/17/2007

J13

10TH

KENT

TUERRAS

12A  
206

908

917

917

906

902

12  
909



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 17, 2007

**Project # 1001816**

06DRB-01794 Major-Vacation of Public Easements

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AMAFCA

No adverse comments.

COG Tijeras Ave is designated a minor arterial on the Long Range Roadway System Map with an established right of way of 86 feet. Coordination with DMD is recommended to insure project conformity with this established policy of the MTB.

Transit Whether moved or not, sidewalks should be maintained or constructed to provide for pedestrian accessibility.

Zoning Enforcement

No adverse comments.

Neighborhood Coordination

Letters sent to Downtown NA (R).

APS The request to vacate a public easement for Lot 12-A, Block 54, **New Mexico Town Co. Original Townsite**, will have no adverse impacts to the APS district

Police Department

No crime prevention or CPTED comments at this time.

Fire Department

No adverse comments.

PNM Electric & Gas

No adverse comments.

Comcast

No comments received.

QWEST

No comments received.

Environmental Health

No comments received.

M.R.G.C.D.

No comments received.

Open Space Division

Open Space has no adverse comments.

City Engineer

The Hydrology section has no objection to the vacation request.

Transportation Development

Where is the vacation exhibit? Will the replat require the sidewalks to be moved? What will be the distance from the face of curb to the new property line? The new sidewalks will have to be on an infrastructure list and the location will need to meet DPM requirements.

Parks & Recreation

Defer to Transportation.

Utilities Development

Defer to Transportation.

Planning Department

There must be a sidewalk on all sides of this property that front a street. Defer to Transportation Development. If approved, applicant has one year to file the plat completing the vacation action.

Impact Fee Administrator

No comments regarding the proposed vacation of the sidewalk easement.

**IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING**

Cc: Jane Carlton, 800 Valverde SE, 87108







**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, January 17, 2007, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1001816**

06DRB-01794 Major-Vacation of Public Easements

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 12-A, **NEW MEXICO TOWN CO. ORIGINAL TOWNSITE**, zoned SU-2/HDA, located on TIJERAS AVE NW, between LOMAS NW and CENTRAL NW containing approximately 1 acre(s). (J-13)

**Project # 1004240**

06DRB-01782 Major-Vacation of Public Easements

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for VILLA LAS MANANITAS DEVELOPMENT LLC request(s) the above action(s) for Lot(s) 15-P2 & 16-P2, **VILLAS LAS MANANITAS SUBDIVISION**, zoned R-1 residential zone, located on WILDER LN NW, between MEADOW VIEW DR NW and RIO GRANDE BLVD NW containing approximately 1 acre(s). [REF: 06DRB-01042, 06DRB01524] (H-13)

**Project # 1005182**

06DRB-01784 Major-Preliminary Plat Approval

WILSON AND CO. agent(s) for LA CUENTISTA II, LLC request(s) the above action(s) for all or a portion of Tract(s) C, correction plat of the bulk land plat of La Cuentista Subdivision (to be known as **LA CUENTISTA SUBDIVISION UNIT 2**) zoned SU-2/SRSL, located on ROSA PARKS RD NW, between ALOE RD NW and KIMMICK DR NW containing approximately 36 acre(s). [REF: 06DRB-01428] (C-10/C-11)

Details of the application(s) may be examined at the Planning Department Development Services Center One Stop Shop, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 8:00 a.m. and 4:30 p.m., Monday through Friday except holidays. INDIVIDUALS WITH DISABILITIES needing special assistance to participate in this hearing should contact Claire Senova, Planning Department, at 924-3946. TTY users may call the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, JANUARY 1, 2007.**

**CITY OF PLANNING  
PLANNING DEPARTMENT  
PROPERTY OWNERSHIP LIST**

**Meeting Date:** January 17, 2007  
**Zone Atlas Page:** J-13  
**Notification Radius:** 100 Ft.

**Project# 1001816  
App#06DRB-01794**

**Cross Reference and Location: 918-924 TIJERAS NW, 200-208 10<sup>TH</sup>, 919-921  
KENT NW BETWEEN LOMAS AND CENTRAL**

**Applicant: JANE CARLTON  
800 VALVARDE SE  
ALBUQUERQUE, NM 87108**

**Agent:**

**Special Instructions:**

**Notice must be mailed from the  
City's 15 day's prior to the meeting.**

**Date Mailed: DECEMBER 29, 2006  
Signature: ERIN TREMLIN**

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

**SUBDIVISION**

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision Purposes
- for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: JANE CARLTON PHONE: 450 4989 or 868-7275  
 ADDRESS: 800 VAL VERDES SE FAX: 868-0644  
 CITY: ABQ STATE: NM ZIP: 87108 E-MAIL: jcarlton@aol.com  
 Proprietary interest in site: owner List all owners: Jane & Jimmy Carlton  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: vacation of easement created erroneously

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes  No

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No: Lot 12A Block: 54 Unit: \_\_\_\_\_  
 Subdiv. / Addn: New Mexico Town Company's Original Townsite  
 Current Zoning: SU2-HDA Proposed zoning: Same - no change  
 Zone Atlas page(s): T13 No. of existing lots: 1 No. of proposed lots: 1  
 Total area of site (acres): 1/2 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 101305849601240501 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near 918-924 Tenth W. 200-208 10th NW 919-921 Kent NW  
 Between: Thomas and Central

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): \_\_\_\_\_

1001816

Check-off if project was previously reviewed by Sketch Plat/Plan ?, or Pre-application Review Team ? . Date of review: Oct 2004

SIGNATURE: Jane Carlton DATE: 12/26/06  
 (Print) Jane Carlton  Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING				
<input checked="" type="checkbox"/> All checklists are complete	<u>06 DRB- 01794</u>	<u>VPE</u>	<u>✓</u>	<u>\$ 0</u>
<input checked="" type="checkbox"/> All fees have been collected				<u>\$</u>
<input checked="" type="checkbox"/> All case #'s are assigned				<u>\$</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				<u>\$</u>
<input checked="" type="checkbox"/> Case history #'s are listed				<u>\$</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				<u>\$</u>
				Total
				<u>\$ 0</u>

Hearing date: January 17, 2007  
 Planner signature / date: Andrew Juncos 12/26/06 Project #: 1001816

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE (PUBLIC HEARING CASE)**
- \_\_\_ Application for subdivision (Plat) on FORM S-3, including those submittal requirements. 24 copies of the plat are required. The Variance and subdivision should be applied for simultaneously.
  - \_\_\_ Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived.
  - \_\_\_ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
  - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - \_\_\_ Sign Posting Agreement
  - \_\_\_ Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
  - \_\_\_ Any original and/or related file numbers are listed on the cover application
- DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

- VACATION OF PUBLIC RIGHT-OF-WAY**
- VACATION OF PUBLIC EASEMENT**
- ✓ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
  - ✓ Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (not to exceed 8.5" by 14") 24 copies
  - ✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - ✓ Letter briefly describing, explaining, and justifying the request
  - ✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - ✓ Sign Posting Agreement
  - ✓ Fee (see schedule)
  - ✓ Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
- DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

- SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DPM)**
- SIDEWALK DESIGN VARIANCE**
- SIDEWALK WAIVER**
- \_\_\_ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") 6 copies
  - \_\_\_ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - \_\_\_ Letter briefly describing, explaining, and justifying the variance or waiver
  - \_\_\_ Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
- EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**
- \_\_\_ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") 6 copies
  - \_\_\_ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - \_\_\_ Letter briefly describing, explaining, and justifying the deferral or extension
  - \_\_\_ Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- VACATION OF PRIVATE EASEMENT**
- \_\_\_ The complete document which created the private easement (not to exceed 8.5" by 14") 6 copies
  - \_\_\_ Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
  - \_\_\_ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - \_\_\_ Letter briefly describing, explaining, and justifying the vacation
  - \_\_\_ Letter of authorization from the grantors and the beneficiaries
  - \_\_\_ Fee (see schedule)
  - \_\_\_ Any original and/or related file numbers are listed on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- VACATION OF RECORDED PLAT**
- \_\_\_ 6 copies of the recorded plat to be vacated.
  - \_\_\_ 6 copies of documents justifying the vacation.
  - \_\_\_ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - \_\_\_ Letter describing, explaining, and justifying the vacation
  - \_\_\_ Any original and/or related file numbers are listed on the cover application
  - \_\_\_ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

JANE CARLTON  
 Applicant name (print)  
Jane Carlton 12/28/06  
 Applicant signature / date



Form revised 4/03, 10/03 and APRIL 2006

Andrew Gueez 12/28/06  
 Planner signature / date

Project # 1001816

- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
 06DRB - 01794

R e c	UPC CODE	OWNER	OWNER ADDRESS	OWNE R CITY	OW NE R ST AT E	OWN ER Z I P C O D E	PRO PERT Y CLAS S	TAX DIST RICT	LEGAL	ACR ES
1	10130584 96012405 01	CARLTON JOHNNY & E JANE	800 VEL VERD E SE	ALBUQ UERQU E	NM	8710 8	RES	A1A M	LT 12- A BLK 54 PLAT OF LOT 12- A BLOCK 54 NEW MPANY S ORIGINAL TOWN	0.263 6759 3
2	10130575 02527150 10	SESSIONS STEVEN E &	122 10TH ST N W	ALBUQ UERQU E	NM	8710 2	COM M	A1A M	* 008 047NEW MEX TOWN SITE S45 FT N97 FT L8 T	0.131 3431 2
3	10130584 82014411 05	AVALON INVESTM ENTS INC	400 GOLD SW 750	ALBUQ UERQU E	NM	8710 2	VAC	A1A M	* 001 055N MT ADDN & L2 & 3	0.235 7461 8
4	10130585 17010405 04	ARAGON TED L	2775 SOUTH G RANT	ENGLE WOOD	CO	8011 0	RES	A1A M	* 001 054NMT ADDXLOTS 2 3 X4	0.283 8102 9
5	10130575 11525150 08	LOPEZ SAMUEL D I II & SHELLEY A	918 KENT AVE NW	ALBUQ UERQU E	NM	8710 2 291 4	RES	A1A M	* 006 047NEW MEX TOWN SITE & L7	0.164 0543 2
6	10130575 20528150 07	MARTINEZ KEVIN &	223 9TH ST N W	ALBUQ UERQU E	NM	8710 2	RES	A1A M	* C 047NEW MEX TOWN SI TE	0.138 4747 1
7	10130584 83037417 01	AVALON BUILDING GROUP LLC	400 GOLD SW 700	ALBUQ UERQU E	NM	8710 2	COM M	A1A M	LOTS 35 THROUGH 46 BL K 3 PEREA ADDN CONT 4 5,	1.060 5443
8	10130574 84525149 03	ALBUQ HOLD COR P	3800 RIO GRA NDE BLV NW 2 72	ALBUQ UERQU E	NM	8710 7	COM M	A1A M	* 001 056NEW MEX TOWN SITE THRU L4	0.537 8472 7
9	10130585 09012405 02	SANCHEZ ARSENI O LAWRENCE & CH U	908 TIJERAS A VE NW	ALBUQ UERQU E	NM	8710 2	RES	A1A M	* 007 054NMT ADDN & L8 & 9	0.239 8247 7
1 0	10130585 09011405 03	COFFEY LUCILLE R	906 TIJERAS NW	ALBUQ UERQU E	NM	8710 2	RES	A1A M	* 005 054NMT ADDN & L6	0.170 0965 6
1 1	10130585 09032412 02	WILLIAMS CHARLE S W ETAL	2444 LOUISIAN A BLV NE 225	ALBUQ UERQU E	NM	8711 0	RES	A1A M	LTS 6 & 7 & LTS 9 THRU 2 0 BLK 2 PEREA ADD	1.132 3524 9
1 2	10130575 03531150 09	124 TENTH STREE T CO	124 10TH ST N W	ALBUQ UERQU E	NM	8710 2	COM M	A1A M	047NMT ADD N 52 FT LTS 8 TO 12	0.133 1268 1

Or Current Resident  
ALBUQ HOLD CORP  
3800 RIO GRANDE BLV NW 272  
ALBUQUERQUE, NM 87107

Or Current Resident  
ARAGON TED L  
2775 SOUTH GRANT  
ENGLEWOOD, CO 80110

Or Current Resident  
AVALON BUILDING GROUP LLC  
400 GOLD SW 700  
ALBUQUERQUE, NM 87102

Or Current Resident  
AVALON INVESTMENTS INC  
400 GOLD SW 750  
ALBUQUERQUE, NM 87102

Or Current Resident  
CARLTON JOHNNY & E JANE  
800 VEL VERDE SE  
ALBUQUERQUE, NM 87108

Or Current Resident  
COFFEY LUCILLE R  
906 TIJERAS NW  
ALBUQUERQUE, NM 87102

Or Current Resident  
LOPEZ SAMUEL D III & SHELLEY A  
918 KENT AVE NW  
ALBUQUERQUE, NM 87102 2914

Or Current Resident  
MARTINEZ KEVIN &  
223 9TH ST NW  
ALBUQUERQUE, NM 87102

Or Current Resident  
SANCHEZ ARSENIO LAWRENCE &  
CHU  
908 TIJERAS AVE NW  
ALBUQUERQUE, NM 87102

Or Current Resident  
SESSIONS STEVEN E &  
122 10TH ST NW  
ALBUQUERQUE, NM 87102

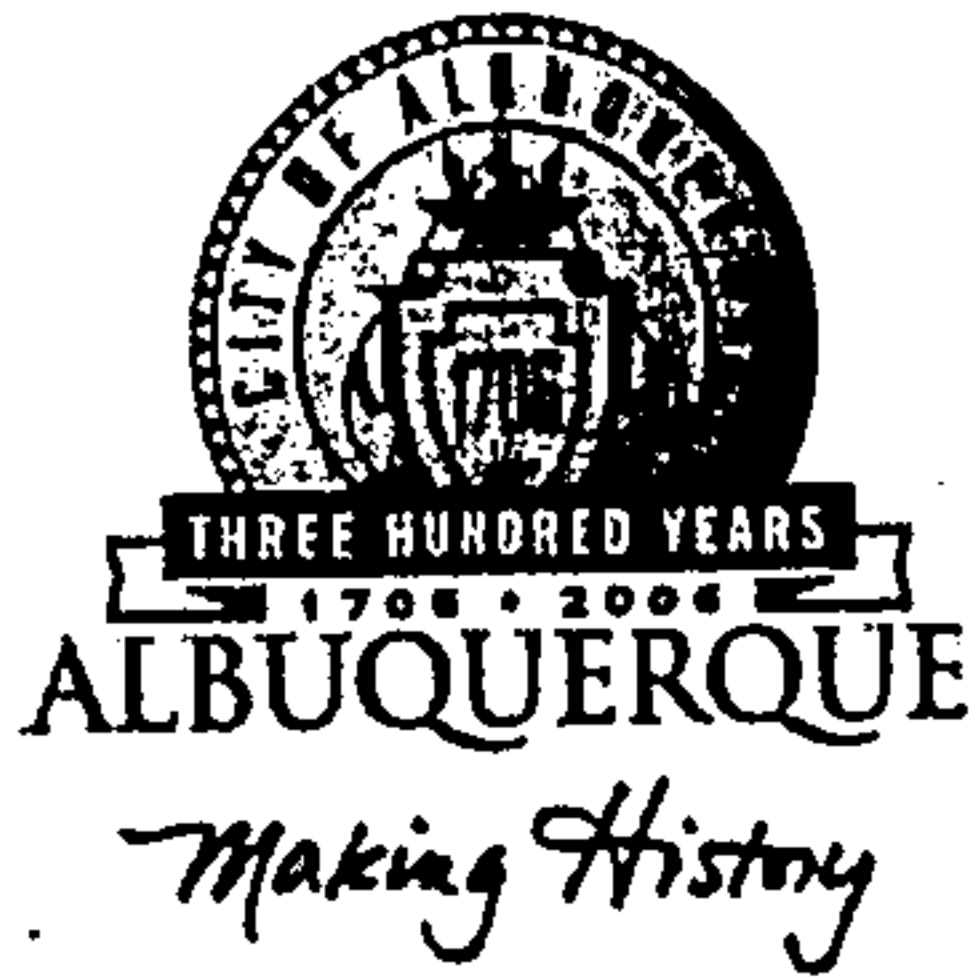
Or Current Resident  
WILLIAMS CHARLES W ETAL  
2444 LOUISIANA BLV NE 225  
ALBUQUERQUE, NM 87110

Or Current Resident  
124 TENTH STREET CO  
124 10TH ST NW  
ALBUQUERQUE, NM 87102

Project# 1001816  
JANE CARLTON  
800 VALVARDE SE  
ALBUQUERQUE, NM 87108

Project# 1001816  
JENNIFER DE GARMO  
Downtown N.A  
1021 FORRESTER ST NW  
ALBUQUERQUE, NM 87102

Project# 1001816  
STEVE MORROW  
Downtown N.A  
405 LUNA BLVD NW  
ALBUQUERQUE, NM 87102



City of Albuquerque

**PLEASE NOTE:** The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: December 22, 06

TO CONTACT NAME: Jane Carlton  
COMPANY/AGENCY: \_\_\_\_\_  
ADDRESS/ZIP: 800 Valverde SE  
PHONE/FAX #: 268-7275-450-4989

Thank you for your inquiry of 12-22-06 (date) requesting the names of **Recognized**

**Neighborhood Associations** who would be affected under the provisions of O-92 by your proposed project at Lot 12-A Block 54 New Mexico Town Company's Original townsite located on 10th + Tijeras NW - 200 10th thru zone map page(s) 5-13 203 tenth - 918-924 Tijeras NW + 919 thru 921 Kent NW

Our records indicate that the **Recognized Neighborhood Association(s)** affected by this proposal and the contact names are as follows:

Downtown N.A.  
Neighborhood Association  
Contacts: Jennifer de Carmo  
1021 Forrester St NW  
87102-244-9393(h)  
Steve Morrow  
405 Luna Blvd - NW/87102  
440-8470(h)

Neighborhood Association  
Contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**See reverse side for additional Neighborhood Association Information: YES { } NO**

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Dalaine J. Carmo  
OFFICE OF NEIGHBORHOOD COORDINATION

.....  
• Attention: Both contacts per  
• neighborhood association  
• need to be notified.  
.....

# NOTICE TO APPLICANTS

**Suggested Information for Neighborhood Notification Letters...** Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, LUCC, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT.** Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

**We recommend that the Notification Letter include the following information:**

- The street address of the subject property.
- The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
- A physical description of the location, referenced to streets and existing land uses.
- A complete description of the actions requested of the EPC:
- If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
- If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendments describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
- If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
- The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

## Information from the Office of Neighborhood Coordination (ONC)

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- [ ] ONC's "Official" Letter to the applicant **and** "Attachment A" (if there are associations). A copy must be submitted with application packet **-OR-**
- [ ] The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- [ ] Copies of Letters to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.
- [ ] Copies of the certified receipts to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.


**Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.**

\*\*\*\*\*

(Below this line for ONC use only)

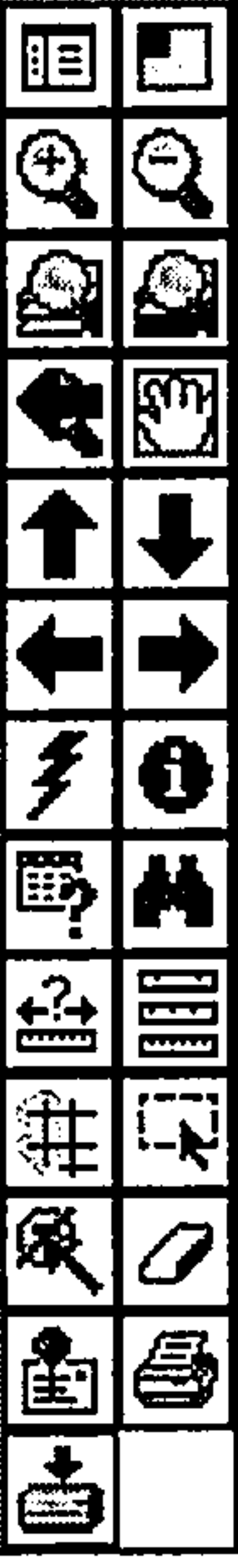
Date of Inquiry: 12-22-06 Time Entered: 9:46am ONC Rep. Initials: AL

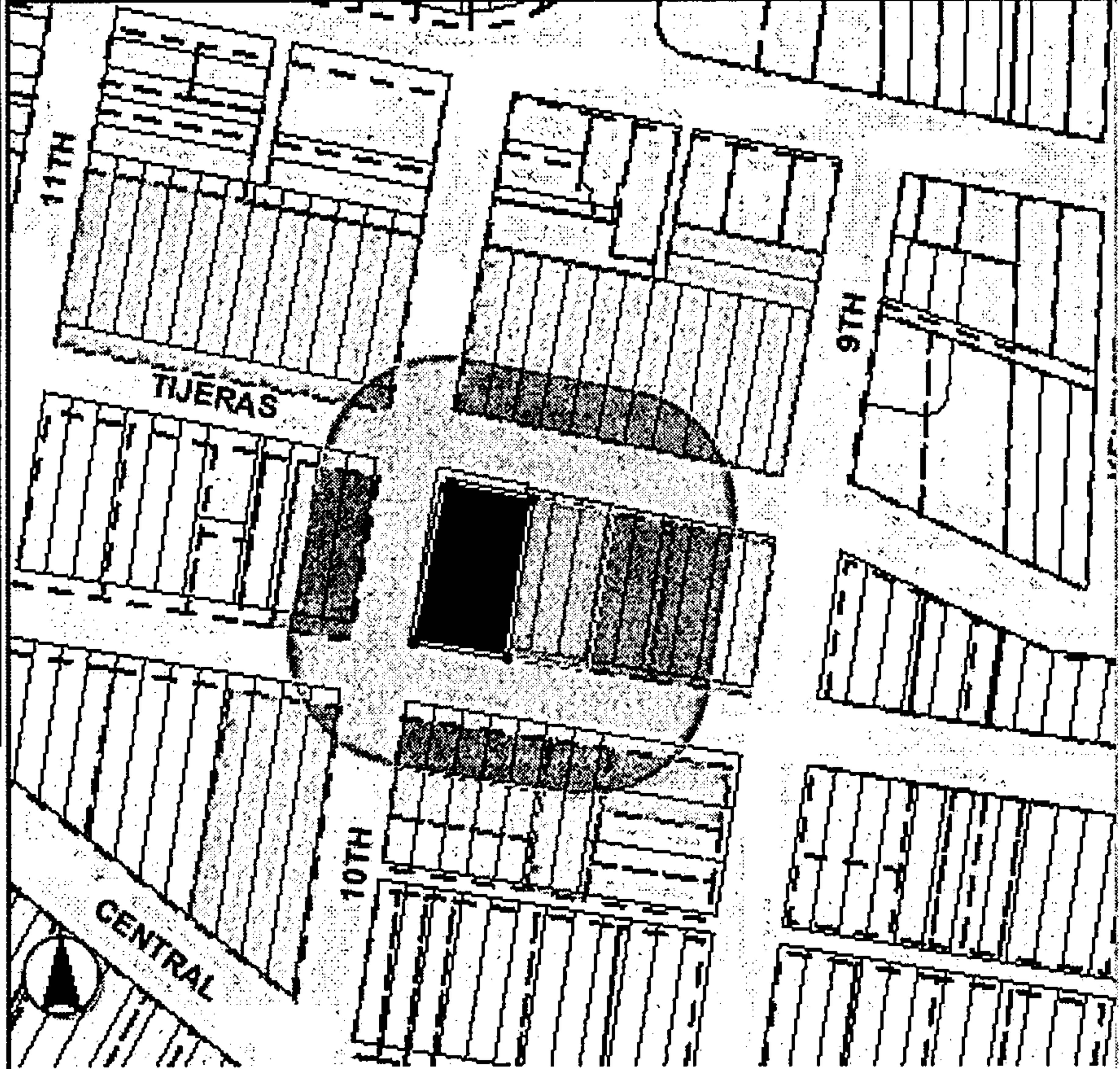




**CITY OF ALBUQUERQUE**  
www.cabq.gov

# ALBUQUERQUE GIS DATA WEBSITE





**LAYERS**

- STREETS
- BASEMAP
- PARCELS
- LOT NUMBERS
- METRO ADDRESS
- ZONING
- OWNERSHIP
- 2FT CONTOUR
- ADDRESS POINTS
- LANDUSE
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
- MUNICIPAL LIMITS
- ZONE GRID
- NEIGHBORHOODS
- METRO DEV AREA
- DASZ
- POLICE BEATS
- COUNCIL
- PARKS
- PETROGLYPH MNT
- BOSQUE SECTORS
- OPENSOURCE
- COMP PLAN
- AREA PLANS
- SECTOR PLANS
- SENATE DISTRICT
- REP. DISTRICTS
- PLANNING AREAS
- HISTORIC ZONES
- CORRIDORS
- ZIPCODES
- POVERTY POCKET
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
  - 2004 AIR PHOTO
  - 2002 AIR PHOTO
  - 1999 AIR PHOTO

**Refresh Map**

Auto Refresh

Help:

Closed group, click to open

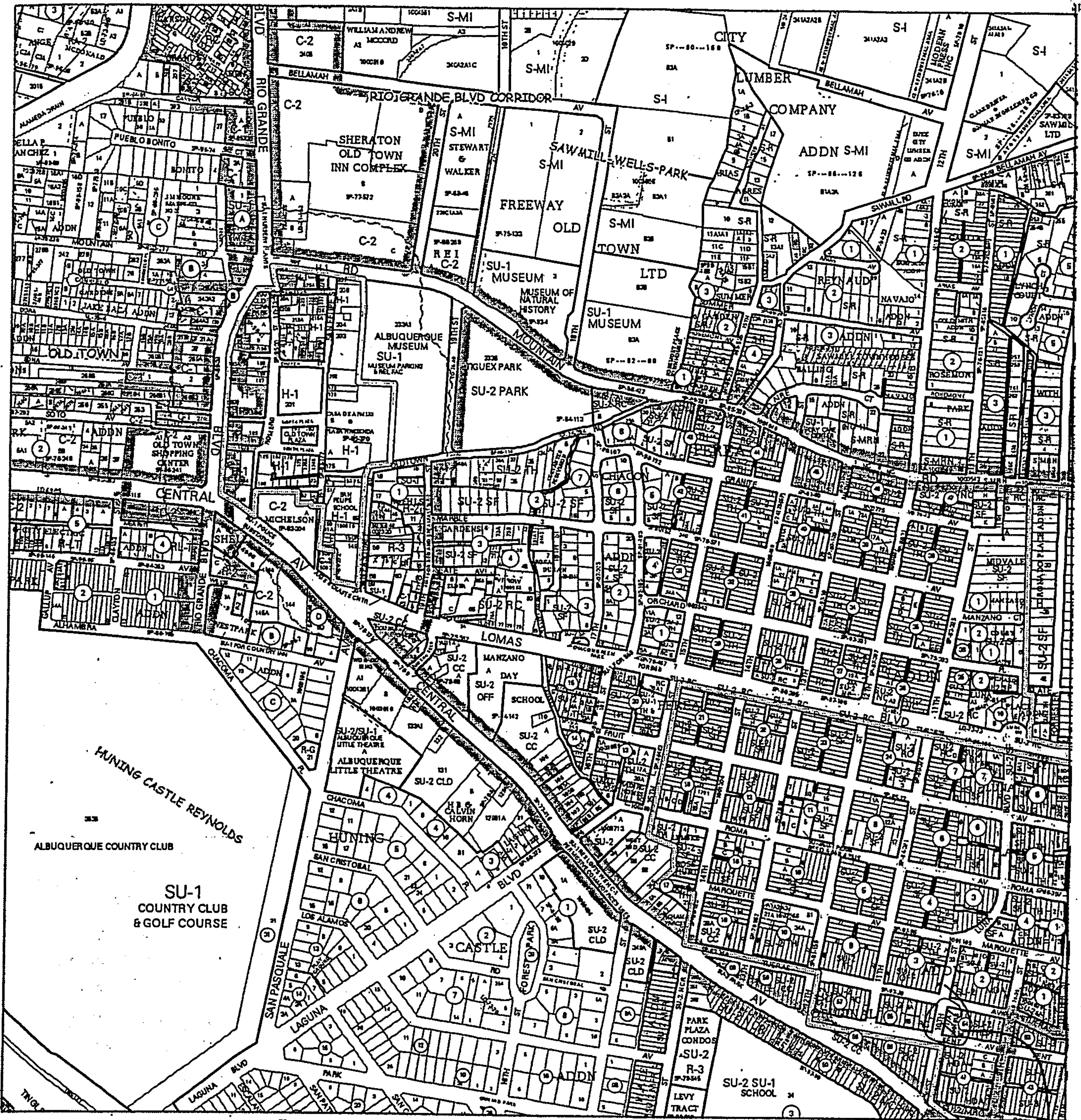
**OWNERSHIP**

Rec	UPC CODE	OWNER	OWNER AD
1	101305849601240501	CARLTON JOHNNY & E JANE	800 VEL VERDE
2	101305750252715010	SESSIONS STEVEN E &	122 10TH ST NW

Pan

[SEARCH](#) [REFRESH](#) [HELP](#) [INDEX PAGE](#)

[CONTACT](#)



For more current information and more details visit <http://www.cabq.gov/gis>

**SITE**

Albuquerque Geographic Information System

Map amended through: 9/5/2006

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**J-13-Z**

Selected Symbols

	SECTOR PLANS		Escarpment
	Design Overlay Zones		2 Mile Airport Zone
	City Historic Zones		Airport Noise Contours
	H-1 Buffer Zones		Wall Overlay Zone
	Petroglyph Mon.		

0 750 1,500 Feet

505-450-4989 or 268-7275

Eleanor J. Carlton  
800 Val Verde SE  
Albuquerque NM 87108

FAX 505-268-0644

December 22, 2006

Ms. Sheron Matson  
Development Review Board Chair  
Albuquerque NM 87103

Dear Ms. Matson:

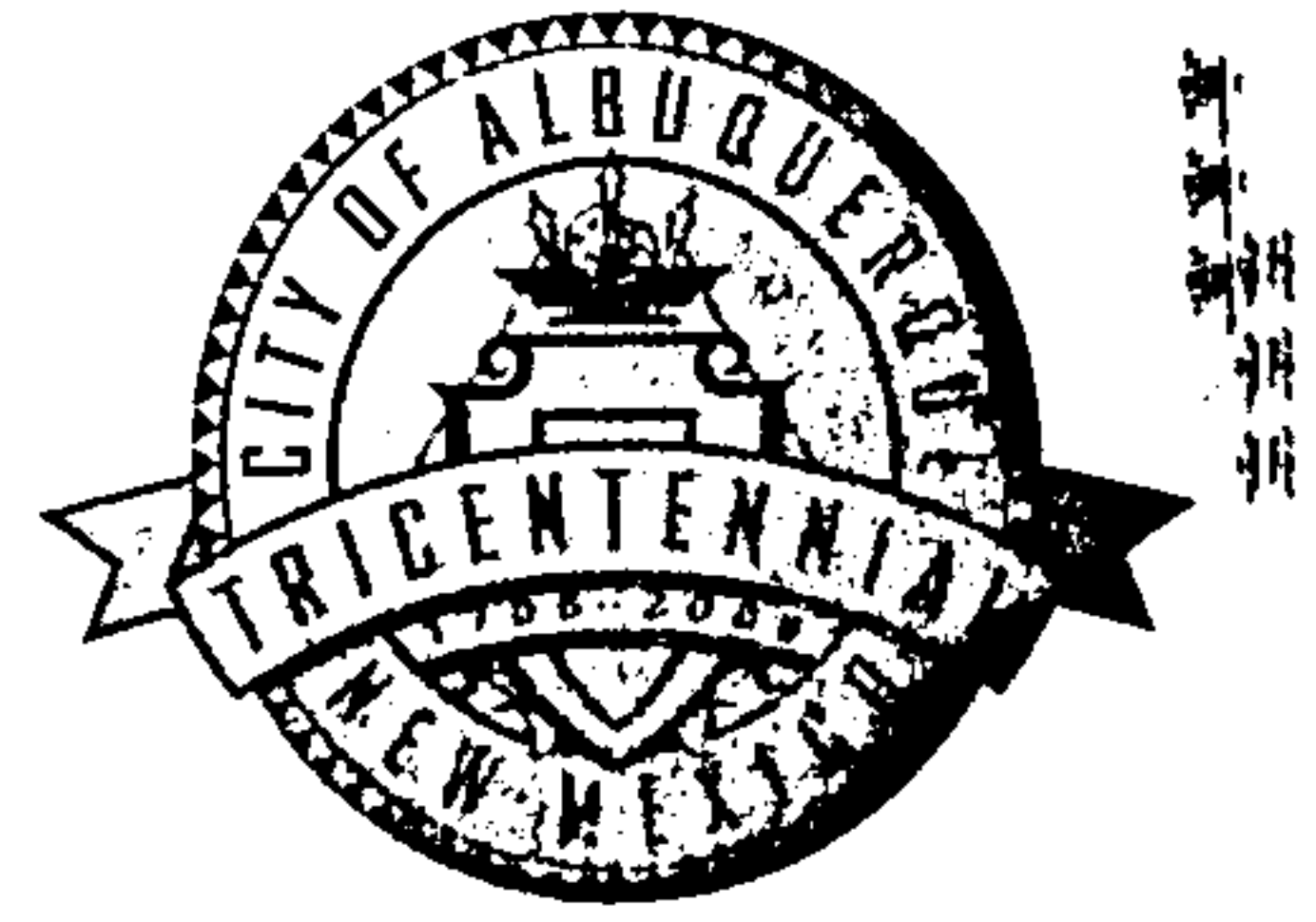
As you remember, Johnny and I purchased the right-of-way surrounding our apartments at Tenth, Tijeras and Kent in 2004. At that time City Planner Bob Paulsen testified before the Development Review Board (DRB) that, because our property was in the Fourth Ward Historic Overlay Zone, the sidewalks could not be moved. That was a lie. Because the public cannot use sidewalks on private property, the DRB required that we give the city a sidewalk easement. In November 2005 District Court Judge Clay Campbell rendered a summary judgment saying that our property was not legally included in the Historic Zone when it was created and that our property was to be removed from the Historic Zone. Recently the City Council voted not to appeal the Judgment. So this property is no longer in the Historic Zone.

Therefore we are requesting that the DRB vacate that easement which was created erroneously.

Sincerely,

  
Jane Carlton

# FYI



## **NOTIFICATION OF HEARING for the DEVELOPMENT REVIEW BOARD**

January 11, 2007

**TO:** Jennifer deGarmo and Steve Morrow, Downtown Neighborhoods Association

This letter will serve as your notification from the City of Albuquerque, under provisions of 0-92 pertaining to a request for: **Approximately one (1) acre(s) - Major Vacation of Public Easements for apartments.**

*Proposed by:* Jane Carlton at (505) 268-7275

*Agent for:* Jane Carlton

*For property located:* On or near Tijeras Avenue NW between Lomas Boulevard NW and Central Avenue NW.

*The case number(s) assigned is:* 06DRB-01794, Project # 1001816.

City Planning accepted application for this request on **December 26, 2006.**

The owner, applicant, and/or agent certified at the time of application acceptance that they notified you of the proposed action by *certified mail, return receipt requested.*

Please be advised that this application is scheduled for a hearing before the Development Review Board (DRB) at **9 a.m. on Wednesday, January 17, 2007** in the **Planning Hearing Room, Room 160, Plaza Del Sol Building, 600 Second St. NW.**

You should contact **Claire Senova** at **924-3946** to confirm this date, time, and to seek further information.

If you have any questions **-OR-** have not been contacted by the applicant, please call **Stephani Winklepleck** at **924-3902** or by e-mail at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov).

Sincerely,

***Stephani J. Winklepleck***

*Stephani I. Winklepleck*

Neighborhood Program Coordinator

OFFICE OF NEIGHBORHOOD COORDINATION

PLANNING DEPARTMENT

**cc: Claire Senova, DRB  
Administrative Assistant**

P.O. Box 1293

Albuquerque

New Mexico 87103

[www.cabq.gov](http://www.cabq.gov)

#9



# DRB CASE ACTION LOG

REVISED 2/5/04

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No. 040RB 01612 (P&F) Project # 1001816  
 Project Name W. Lane C. Plaza  
 Agent Forthauer-Jesse Phone No. 268-7275

Your request for (SDP for SUB), (SDP for BP), **(FINAL PLATS)**, (MASTER DEVELOP. PLAN), was approved on 10.27.04 by the DRB with delegation of signature(s) to the following departments.  
**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

- TRANSPORTATION: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- UTILITIES: Kindly add water meters to exhibit
- \_\_\_\_\_
- \_\_\_\_\_
- CITY ENGINEER / AMAFCA: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- PARKS / CIP: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- PLANNING (Last to sign): See previous comments
- \_\_\_\_\_
- \_\_\_\_\_

- Planning must record this plat. Please submit the following items:**
  - The original plat and a mylar copy for the County Clerk.
  - Tax certificate from the County Treasurer.
  - Recording fee (checks payable to the County Clerk) RECORDED DATE: \_\_\_\_\_
  - Tax printout from the County Assessor.
- Include 3 copies of the approved site plan along with the originals.
- County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required OK
- Copy of recorded plat for Planning.

Project Number

1001816

FINAL PLAT  
EXPIRED

8. **Project # 1003742**  
04DRB-01626 Minor-SiteDev Plan  
BldPermit/EPC

SHIVER CONSTRUCTION CO. agent(s) for SUPERIOR AMBULANCE SERVICE request(s) the above action(s) for all or a portion of Lot(s) 10, **LADERA BUSINESS PARK**, zoned SU-1 special use zone, located on UNSER BLVD NW, between I-40 and OURAY RD NW containing approximately 5 acre(s). [REF: 01EPC01405, PROJECT 1001523] [Russell Brito for Lola Bird, EPC Case Planner] (H-10) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR TIS UPDATE AND DIMENSIONING AND PLANNING TO CHECK IF EPC COMMENTS WERE ADDRESSED.**

**MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS**

9. **Project # 1001816**  
04DRB-01612 Minor-Prelim&Final Plat  
Approval

FORSTBAUER SURVEYING LLC agent(s) for JOHNNY & JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 10,11 and 12, Block(s) 54, **NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-2 HDA, located on TIJERAS AVE NW, between 9<sup>TH</sup> ST NW and 10<sup>TH</sup> ST NW containing approximately 1 acre(s). [REF: 04DRB01370, 04LUCC00112, 03DRB01640, 03DRB01503] (J-13) **PRELIMINARY PLAT APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT TO ADD WATER METERS TO EXHIBIT AND PLANNING TO ADDRESS PREVIOUS COMMENTS.**

10. **Project # 1001753**  
04DRB-01631 Minor-Final Plat Approval

MARK GOODWIN & ASSOCIATES agent(s) for MESA VERDE DEVELOPMENT CORP. request(s) the above action(s) for all or a portion of Lot(s) 1-11, Tract(s) 1, Block(s) 11, North Albuquerque Acres, Unit 3, (to be known as **DESERT RIDGE TRAILS EAST**) zoned R-D residential and related uses zone, developing area, located on FLORENCE AVE NE, between WYOMING BLVD NE and BARSTOW ST NE containing approximately 12 acre(s). [REF: 03DRB01998, 03DRB01999, 03DRB01884, 03DRB01885, 03DRB01128] (B-19) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PARKS FOR CASH-IN-LIEU AND DETACHED OPENS SPACE TABLE AND NOTE AND TO PLANNING FOR WALL ON FLORENCE WILL NEED TO BE ADDRESSED.**

11. **Project # 1003673**  
04DRB-01637 Minor-Prelim&Final Plat Approval  
04DRB-01638 Minor-Temp Defer SDWK

RIO GRANDE ENGINEERING agent(s) for ERIMY PROPERTIES LTD request(s) the above action(s) for all or a portion of Lot(s) 7, 8 and 9, Block(s) 3, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **OAKLAND SOUTH SUBDIVISION**) zoned RD, located on OAKLAND AVE NE, between VENTURA BLVD NE and BARSTOW BLVD NE containing approximately 3 acre(s). [REF: 04DRB01424] [Deferred from 10/27/04] (C-20) **DEFERRED AT THE AGENT'S REQUEST TO 11/3/04.**

12. **Project # 1003689**  
04DRB-01636 Minor-Prelim&Final Plat Approval

HALL SURVEYING agent(s) for GREG BOULOY request(s) the above action(s) for all or a portion of Lot(s) 1, 2 & 3, Block(s) 13, **PEREA ADDITION**, zoned SU-2 TH, located on 16<sup>TH</sup> STREET NE, between LOMAS BLVD NE and CENTRAL NE containing approximately 1 acre(s). [REF: 04DRB01464] (J-13) **PRELIMINARY AND FINAL PLAT WERE APPROVED AND SIGNED OFF BY THE BOARD.**



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**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**October 25, 2004**

**DRB Comments**

**ITEM # 9**

**PROJECT # 1001816**

**APPLICATION # 04-01612**

**RE: Lots 10 - 12, Block 54, NM Town Company's Original Town  
Site/minor plat**

At the time the vacation was approved, a condition of final plat was imposed. That condition was that the LUCC Notice of Decision approving the proposed change to the streetscape accompany the application for platting action.

The plat cannot be approved without that LUCC notice of Decision.

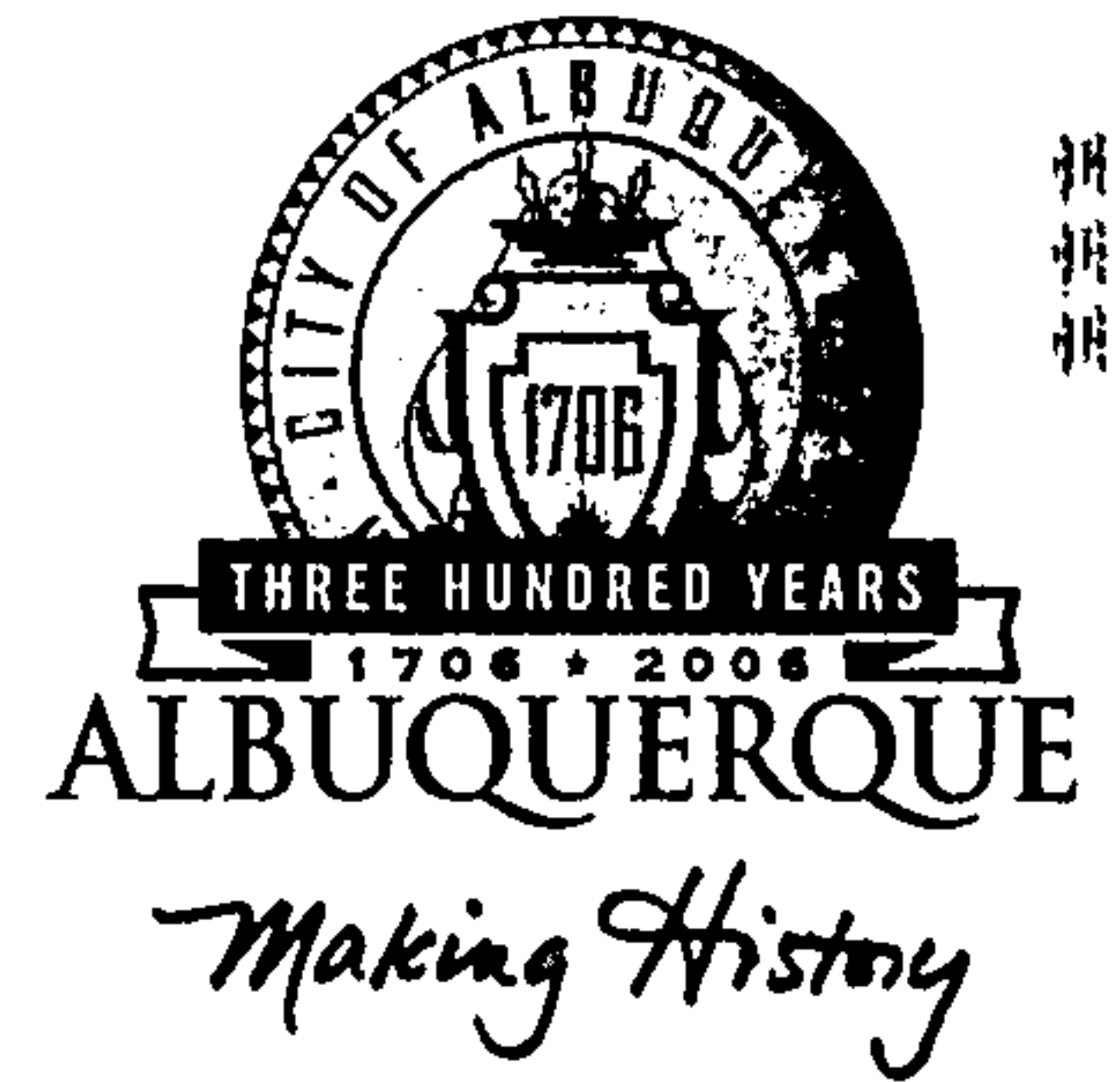


Sheran Matson, AICP DRB Chair

924-3880 Fax 924-3864

smatson@caq.gov

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD--SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1001816**

**AGENDA ITEM NO: 9**

**SUBJECT:**

- |                         |                          |                           |
|-------------------------|--------------------------|---------------------------|
| (01) Sketch Plat/Plan   | (05) Site Plan for Subd  | (10) Sector Dev Plan      |
| (02) Bulk Land Variance | (06) Site Plan for BP    | (11) Grading Plan         |
| (03) Sidewalk Variance  | (07) Vacation            | (12) SIA Extension        |
| (03a) Sidewalk Deferral | (08) Final Plat          | (13) Master Dev. Plan     |
| (04) Preliminary Plat   | (09) Infrastructure List | (14) Cost Allocation Plan |

**ACTION REQUESTED:**

P.O. Box 1293

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

Albuquerque

No adverse comments.

New Mexico 87103

**RESOLUTION:**

www.cabq.gov

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** October 27, 2004

AGIS ELECTRONIC APPROVAL FORM

DRB Project Case #: 1001816

Subdivision Name: NM Town Company's Original Townsite - Lot 12A, block 54

Surveyor: Ronald A Forstbauer

Company/Agent: Forstbauer Surveying

Contact Person: \_\_\_\_\_ E-mail: \_\_\_\_\_

Phone: 268-2112 Fax: \_\_\_\_\_

DXF Received Date: 10/14/2004

Hard-Copy Date: 10/14/2004

Coordinate system:  NMSP Grid (NAD 83)  NMSP Grid (NAD 27)  Ground rotated to NMSP Grid  Other

*Ronald A Forstbauer*

10/14/04

Approved

Date

\*The dxf file cannot be accepted at this time for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGIS Use Only

Copied cov1816 to agiscov on 10/14/2004. Contact person notified on 10/14/2004



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

**Plaza del Sol Hearing Room, Basement, Plaza del Sol Building**

October 27, 2004

9:00 a.m.

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

**NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.**

**NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.**

**NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.**

A. Call to Order: 9:00 a.m.

Adjourned: 10:45 a.m.

B. Changes and/or Additions to the Agenda

C. New or Old Business

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

1. **Project # 1000269**  
04DRB-01507 Major-Two Year SIA

TIERRA WEST LLC agent(s) for UNION PENSION TRANSACTION TRUST 93-2 NM request(s) the above action(s) for all or a portion of Tract(s) 5B2C1A1, **RENAISSANCE CENTER**, zoned SU-1 C-2 USES, located on MERCANTILE AVE NE, between MONTANO RD NE and CULTURE DR NE containing approximately 1 acre(s).[REF:DRB-96-242, 00DRB-00802, 02DRB01878] (F-16) **AN EXTENSION OF THE SUBDIVISION IMPROVEMENTS AGREEMENT WAS APPROVED TO JANUARY 8, 2005.**

2. **Project # 1003125**  
04DRB-01505 Major-Bulk Land Variance  
04DRB-01506 Minor-Prelim&Final Plat  
Approval

MOLZEN-CORBIN & ASSOCIATES agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D & S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN (OLD) NW and SHOOTING RANGE PARK RD NW containing approximately 300 acre(s). [*Deferred from 10/27/04*] [REF: 03EPC02054](F-6/G-6) **DEFERRED AT THE AGENT'S REQUEST TO 11/3/04.**

04DRB-01630 Minor-SiteDev Plan  
Subd/EPC

CONSENSUS PLANNING agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D, F AND S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN NW and SHOOTING RANGE ACCESS RD NW containing approximately 300 acre(s). [REF: 03EPC02054, 04DRB01505, 04DRB01506][Chris Hyer, EPC Case Planner] [*Deferred from 10/27/04*] (F-5/G-6) **DEFERRED AT THE AGENT'S REQUEST TO 11/3/04.**

3. **Project # 1003420**  
04DRB-01508 Major-Preliminary Plat  
Approval  
04DRB-01509 Minor-Temp Defer SDWK

ISAACSON & ARFMAN PA agent(s) for WINDMILL MANOR PLACE LLC request(s) the above action(s) for all or a portion of Tract(s) B-2, VOLCANO CLIFFS UNIT 3, (to be known as **SUNRISE RIDGE SUBDIVISION**) zoned R-LT, located on MONTANO RD NW, between TESUQUE DR NW and SHADOW RIDGE DR NW containing approximately 5 acre(s). [REF: 04EPC00682] [*Deferred from 10/27/04*] (E-10) **DEFERRED AT THE AGENT'S REQUEST TO 11/10/04.**

2. **Project # 1001656**  
03DRB-01591 Major-Bulk Land Variance  
03DRB-01592 Minor-Prelim&Final Plat  
Approval

SANTIAGO ROMERO JR. agent(s) for CITY OF ALBUQUERQUE, LINDA ADAMSKO request(s) the above action(s) for all or a portion of Tract(s) O & N, **DOUBLE EAGLE AIRPORT II**, zoned SU-1 special use zone, AIRPORT & RELATED FACILITIES, located NORTHWEST OF DOUBLE EAGLE AIRPORT NW, containing approximately 591 acre(s). [REF: 01EPC-01875, 03EPC-00915 & 16] *[Deferred from 10/22/03]* (C-4 & D-4) **DEFERRED AT THE AGENT'S REQUEST TO 11/5/03.**

3. **Project # 1001816**  
03DRB-01640 Major-Vacation of Pub  
Right-of-Way

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 10, 11 and 12, **NM TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-2 special neighborhood zone, HDA, located on the southside of TIJERAS AVE NW, between 9<sup>th</sup> ST NW AND 10<sup>th</sup> St NW containing approximately 1 acre(s). [REF: 02LUC-00952, 02CC-00446 & 00950 AP, Z-94-1, LUC92-3] *[Deferred from 10/22/03]* (J-13) **DEFERRED AT THE AGENT'S REQUEST TO 10/29/03.**

4. **Project # 1002714**  
03DRB-01634 Major-Vacation of Pub  
Right-of-Way

TIERRA WEST LLC agent(s) for ZANGARA DODGE request(s) the above action(s) for all or a portion of **EAST END ADDITION**, zoned C-2 community commercial zone, located on VIRGINIA ST NE, between LOMAS BLVD NE and MARBLE ST NE containing approximately ¼ acre(s). [REF: 03EPC-00917] (J-19) **WITHDRAWN AT THE AGENT'S REQUEST.**

5. **Project # 1003002**  
03DRB-01635 Major-Vacation of Pub  
Right-of-Way
- SURVEYS SOUTHWEST, LTD. agent(s) for DON HANOSH request(s) the above action(s) for all or a portion of Lot(s) 9-12, Block(s) 23, **CANADA VILLAGE, FIRST UNIT**, zoned C-2 community commercial zone, (SC) located south of CENTRAL AVE SE, and west of DORADO PL SE containing approximately 0.11 acre(s). [REF: ZA-76-273] (L-22) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**
6. **Project # 1002962**  
03DRB-01527 Major-Bulk Land Variance  
03DRB-01528 Minor-Prelim&Final Plat  
Approval  
03DRB-01529 Major-Vacation of Public  
Easements  
03DRB-01530 Major-SiteDev Plan Subd
- BOHANNAN HUSTON INC & DENISH-KLINE ASSOCIATES, agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 4 (to be known as **TRACT 4, BLACK RANCH**, zoned R-D, located on RAINBOW BLVD NW, between PASEO DEL NORTE BLVD NW and UNIVERSE BLVD NW containing approximately 100 acre(s). [REF: 03DRB-01432 (SK), 03DRB-01429 (SK)] [*Deferred from 10/8/03*] (C-9) **THE BULK LAND VARIANCE WAS APPROVED. THE PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE. THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE SITE PLAN FOR SUBDIVISION WAS APPROVED AND SIGNED OFF BY THE BOARD.**
7. **Project # 1002960**  
03DRB-01537 Major-Preliminary Plat  
Approval  
03DRB-01538 Major-Vacation of Pub  
Right-of-Way  
03DRB-01539 Major-Vacation of Public  
Easements  
03DRB-01540 Minor-Temp Defer SDWK  
03DRB-01541 Minor-Sidewalk Waiver
- MARK GOODWIN & ASSOCIATES, agent(s) for WESTLAND DEVELOPMENT CO., INC request(s) the above action(s) for all or a portion of Tract(s) J-2-A (to be known as **SUNDORO SOUTH, UNITS 1, 2 & 3**) WESTLAND NORTH SUBDIVISION, zoned SU-2 / R-LT, located on 98<sup>TH</sup> ST NW, between I-40 NW and LADERA DR NW containing approximately 35 acre(s). [*Deferred from 10/8/03 & 10/22/03*] (J-8) **DEFERRED AT THE AGENT'S REQUEST TO 11/5/03.**



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

**Plaza del Sol Hearing Room, Basement, Plaza del Sol Building**

October 22, 2003

9:00 a.m.

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

**NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.**

**NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.**

**NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.**

- A. Call to Order: 9:00 A.M.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

Adjourned: 12:20 P.M.



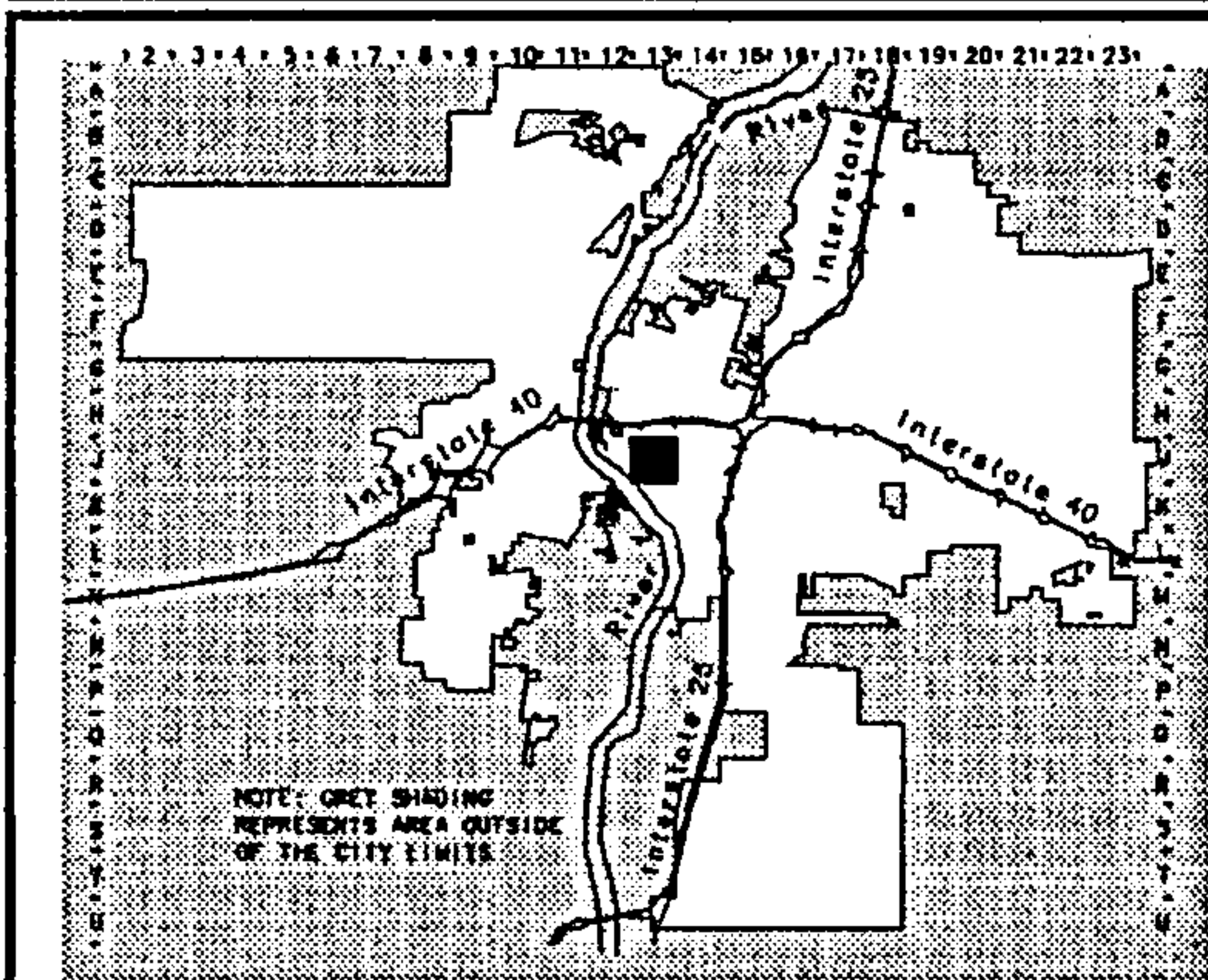
**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

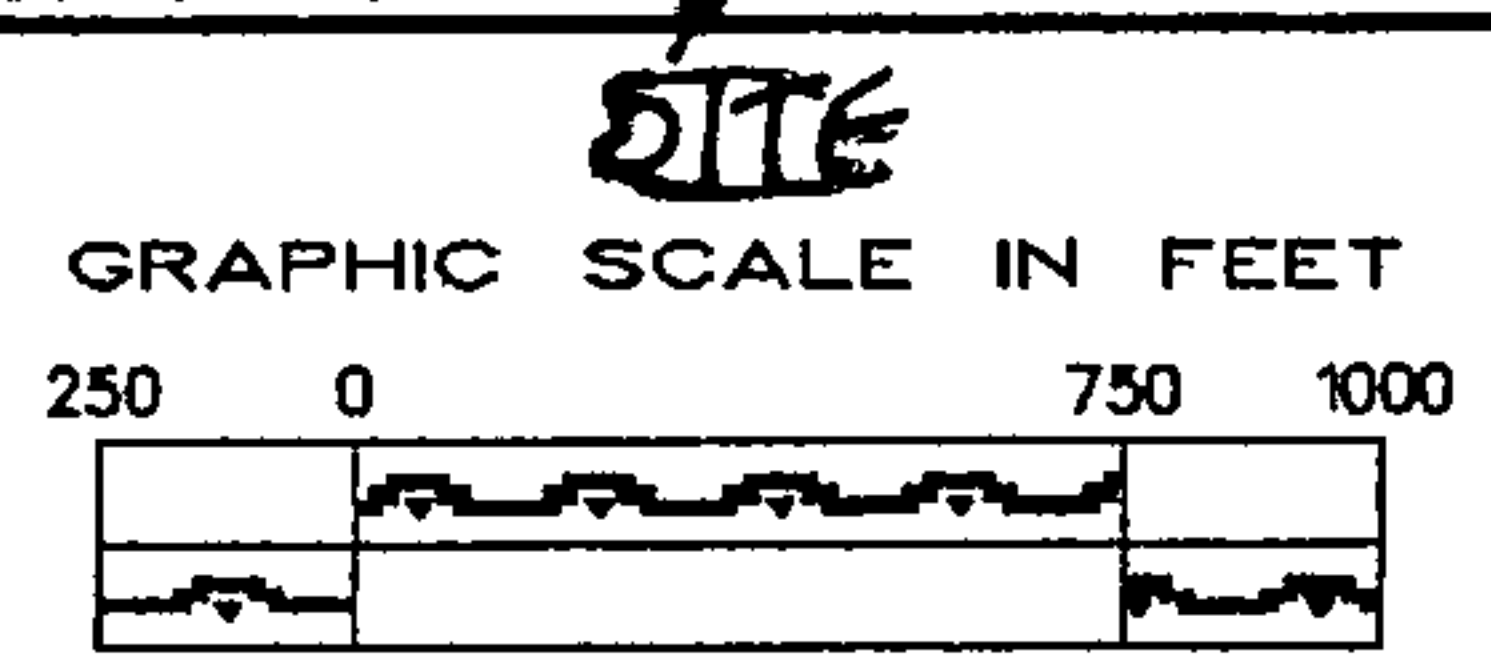
1. **Project # 1002640**

03DRB-01574 Minor-Amnd Prelim Plat  
Approval  
03DRB-00724 Major-SiteDev Plan Subd  
03DRB-00725 Minor-Subd Design (DPM)  
Variance  
03DRB-00726 Minor-Sidewalk Variance  
03DRB-00728 Minor-Temp Defer SDWK

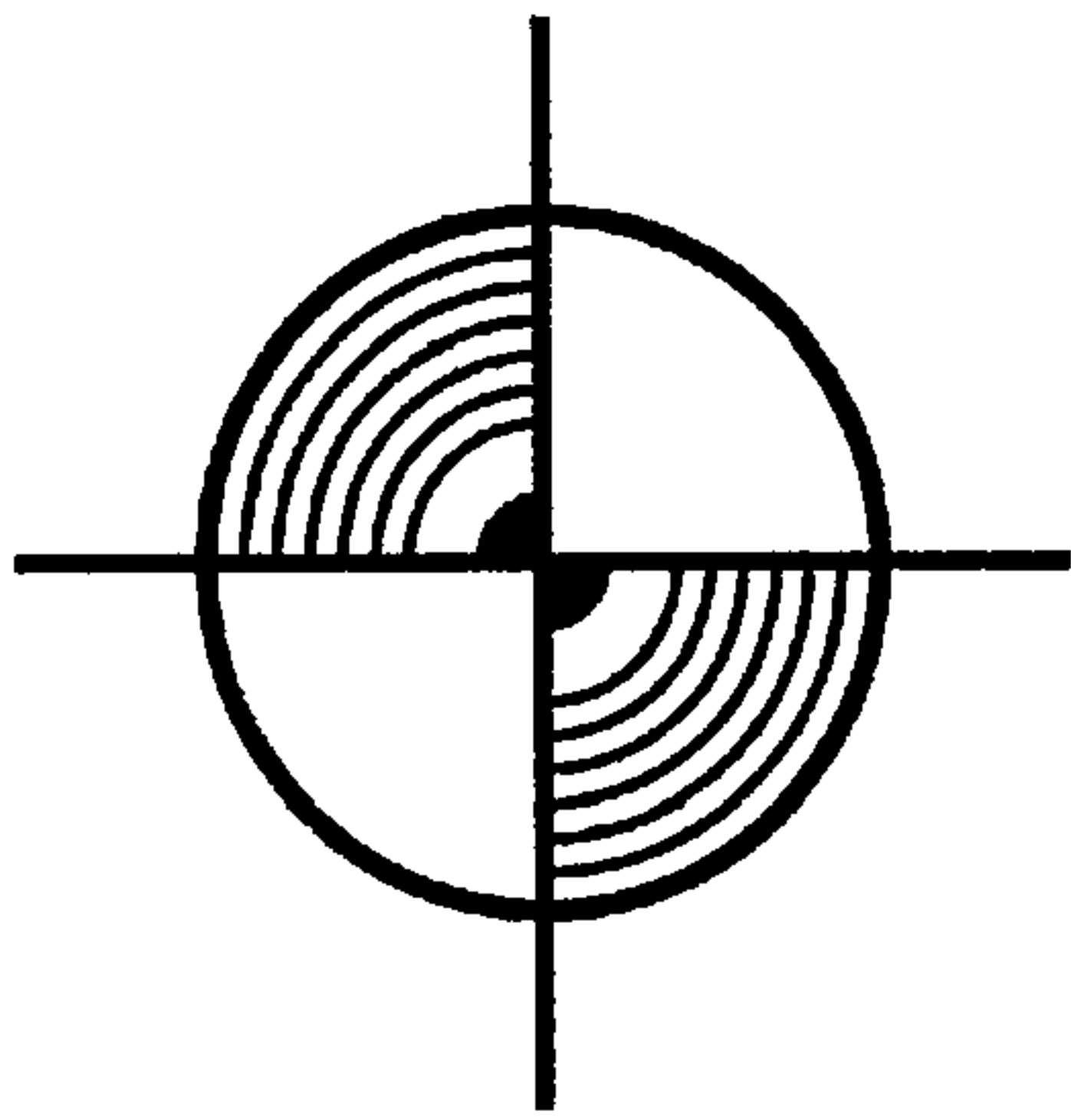
ISAACSON & ARFMAN agent(s) for BOYHAHN, LLC request(s) the above action(s) for all or a portion of Block(s) 3, Lot(s) 22-32, Tract(s) 2, NORTH ALBUQUERQUE ACRES, VISTA DEL AGUILA SUBDIVISION, UNIT 3, zoned RD (7 DU/AC), located on ALAMEDA BLVD NE, between LOUISIANA BLVD NE and WYOMING BLVD NE, containing approximately 11 acre(s). [REF: 03DRB-00723, AP-03EPC-01242] [REMAND FROM EPC] [*Deferred from 10/15/03*] (C-19) THE AMENDED PRELIMINARY PLAT WAS APPROVED WITH CONDITION OF FINAL PLAT: DISPOSITION OF THE PEDESTRIAN RIGHT-OF-WAY BE ADDRESSED AT FINAL PLAT BY EITHER AN EASEMENT ON THE ADJACENT LOT OR A TRACT DESIGNATED TO A HOMEOWNERS ASSOCIATION FOR MAINTENANCE. THE AMENDED INFRASTRUCTURE LIST DATED 10/22/03 WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE ALREADY APPROVED PRELIMINARY PLAT. THE SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGNOFF DELEGATED TO PLANNING FOR DESIGNATED TREES AND APPROVAL OF DESIGN ELEVATIONS AND CROSS SECTIONS OF PERIMETER WALLS BY THE DRB CHAIR. A SIDEWALK VARIANCE FROM DESIGN STANDARDS WAS APPROVED AS INDICATED IN EXHIBIT C IN THE PLANNING FILE. A SIDEWALK VARIANCE FOR WAIVER OF SIDEWALKS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.



CITY OF  
Albuquerque  
Albuquerque Geographic Information System  
PLANNING DEPARTMENT  
© Copyright 2003



**Zone Atlas Page**  
**J-13-Z**  
Map Amended through August 01, 2003



**Forstbauer  
Surveying  
Company, LLC**

*Professional Surveyor  
New Mexico • Arizona • Colorado  
United States Mineral Surveyor*

September 7, 2004

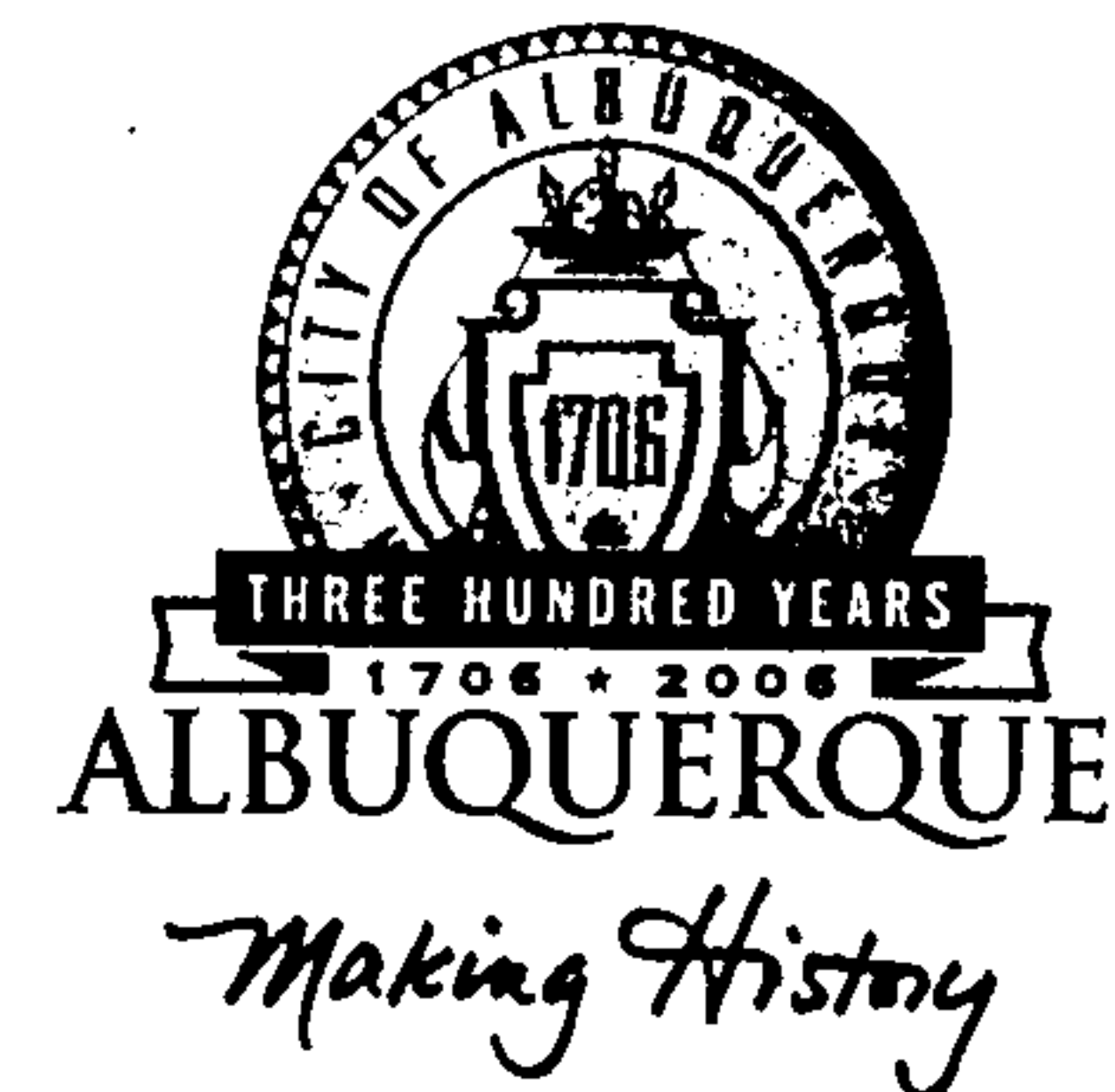
To: Development Review Board

Re: Carlton  
Lots 10, 11 & 12, Block 54  
New Mexico Town Company's Original Townsite

Forstbauer Surveying LLC requests DRB review and comments regarding proposed consolidation of Lots 10, 11 & 12, together with vacated right-of-way (approved Project # 1001816) into one tract as shown on the attached sketch.



# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
HYDROLOGY DEVELOPMENT SECTION**

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1001816**

**AGENDA ITEM NO: 14**

**SUBJECT:**

- |                                |                                 |                                  |
|--------------------------------|---------------------------------|----------------------------------|
| <b>(01)</b> Sketch Plat/Plan   | <b>(05)</b> Site Plan for Subd  | <b>(10)</b> Sector Dev Plan      |
| <b>(02)</b> Bulk Land Variance | <b>(06)</b> Site Plan for BP    | <b>(11)</b> Grading Plan         |
| <b>(03)</b> Sidewalk Variance  | <b>(07)</b> Vacation            | <b>(12)</b> SIA Extension        |
| <b>(03a)</b> Sidewalk Deferral | <b>(08)</b> Final Plat          | <b>(13)</b> Master Dev. Plan     |
| <b>(04)</b> Preliminary Plat   | <b>(09)</b> Infrastructure List | <b>(14)</b> Cost Allocation Plan |

**ACTION REQUESTED:**

P.O. Box 1293

REV/CMT:(x) APP:() SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

Albuquerque

No adverse comments.

New Mexico 87103

**RESOLUTION:**

www.cabq.gov

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED *discussed* X; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** September 15, 2004

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
September 15, 2004  
DRB Comments**

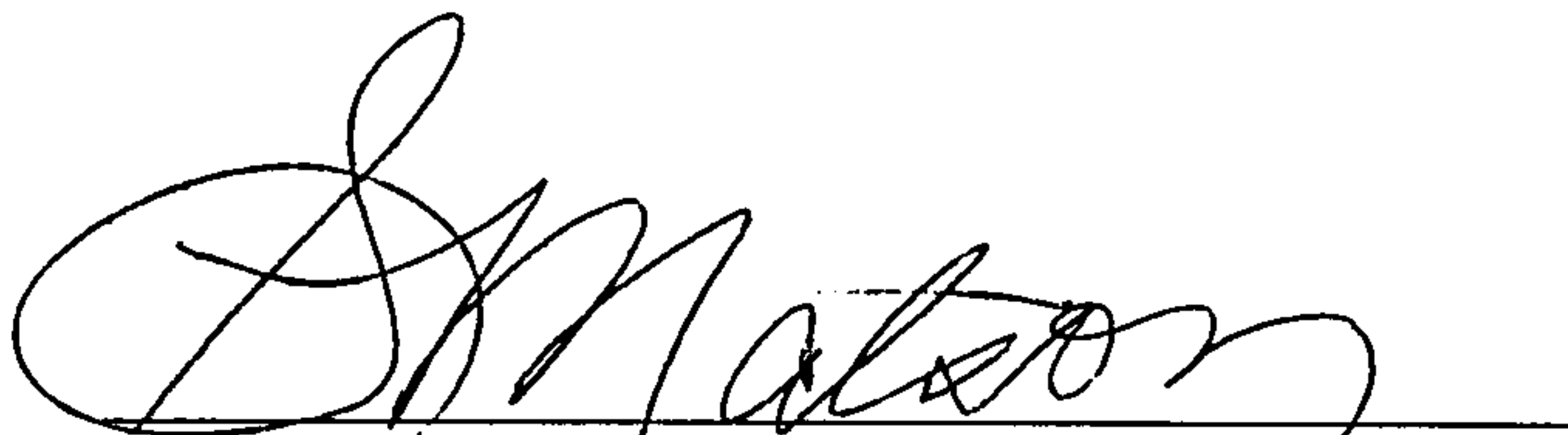
**ITEM # 14**

**PROJECT # 1001816**

**APPLICATION # 04-01370**

**RE: Lots 10-12, Block 54, NM Town Company's Original Townsite**

No objection.



Sheran Matson, AICP DRB Chair  
924-3880 Fax 924-3864 [smtason@cabq.gov](mailto:smtason@cabq.gov)

## PLANNING TRACKING LOG

Date	Project Name & #	Action Request	Action Taken
9/15/04	1001816 apts	sketch	comments



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

11-12-03

**8. Project # 1001816**  
03DRB-01640 Major-Vacation of Pub Right-of-Way

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 10, 11 and 12, **NM TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-2 special neighborhood zone, HDA, located on the southside of TIJERAS AVE NW, between 9<sup>th</sup> ST NW AND 10<sup>TH</sup> St NW containing approximately 1 acre(s). [REF: 02LUC-00952, 02CC-00446 & 00950 AP, Z-94-1, LUC92-3] [*Deferred from 10/22/03 & 10/29/03*] (J-13)

At the November 12, 2003, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file based on these findings:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. Final disposition shall be through the City Real Estate Office.
4. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

A condition of replat:

An infrastructure list will be required to remove and replace the sidewalk.

If you wish to appeal this decision, you must do so by November 27, 2003, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Division form, to the Planning Division, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.





OFFICIAL NOTICE OF DECISION  
PAGE 2

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

  
Sheran Matson, AICP, DRB Chair

cc: Jane Carlton, 800 Val Verde SE, 87108  
Chris Rasmussen, 1717 Louisiana Blvd NE, Suite 205, 87110  
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.  
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
File



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, October 22, 2003, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1001656**

03DRB-01591 Major-Bulk Land Variance  
03DRB-01592 Minor-Prelim&Final Plat  
Approval

SANTIAGO ROMERO JR. agent(s) for CITY OF ALBUQUERQUE, LINDA ADAMSKO request(s) the above action(s) for all or a portion of Tract(s) O & N, **DOUBLE EAGLE AIRPORT II**, zoned SU-1 special use zone, AIRPORT & RELATED FACILITIES, located NORTHWEST OF DOUBLE EAGLE AIRPORT NW, containing approximately 591 acre(s). [REF: 01EPC-01875, 03EPC-00915 & 16] (C-4 & D-4)

**Project # 1001816**

03DRB-01640 Major-Vacation of Pub Right-of-Way

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 10, 11 and 12, **NM TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-2 special neighborhood zone, HDA, located on the southside of TIJERAS AVE NW, between 9<sup>th</sup> ST NW AND 10<sup>TH</sup> St NW containing approximately 1 acre(s). [REF: 02LUC-00952, 02CC-00446 & 00950 AP, Z-94-1, LUC92-3] (J-13)

**Project # 1002714**

03DRB-01634 Major-Vacation of Pub Right-of-Way

TIERRA WEST LLC agent(s) for ZANGARA DODGE request(s) the above action(s) for all or a portion of **EAST END ADDITION**, zoned C-2 community commercial zone, located on VIRGINIA ST NE, between LOMAS BLVD NE and MARBLE ST NE containing approximately ¼ acre(s). [REF: 03EPC-00917] (J-19)

**Project # 1003002**

03DRB-01635 Major-Vacation of Pub Right-of-Way

SURVEYS SOUTHWEST, LTD. agent(s) for DON HANOSH request(s) the above action(s) for all or a portion of Lot(s) 9-12, Block(s) 23, **CANADA VILLAGE, FIRST UNIT**, zoned C-2 community commercial zone, (SC) located south of CENTRAL AVE SE, and west of DORADO PL SE containing approximately 0.11 acre(s). [REF: ZA-76-273] (L-22)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays. Individuals with disabilities who need special assistance to participate at this meeting should contact Claire Senova, Planning Department, at 924-3946. Hearing Impaired users may contact her via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

  
Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, OCTOBER 6, 2003.**



**City of Albuquerque**  
CITY OF ALBUQUERQUE  
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103  
PUBLIC WORKS DEPARTMENT  
DEVELOPMENT SERVICE  
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1001816**

**AGENDA ITEM NO: 17**

**SUBJECT:**

- |                         |                          |                              |
|-------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan   | (05) Site Plan for Subd  | (10) Sector Dev Plan         |
| (02) Bulk Land Variance | (06) Site Plan for BP    | (11) Grading Plan            |
| (03) Sidewalk Variance  | (07) Vacation            | (12) SIA Extension           |
| (03a) Sidewalk Deferral | (08) Final Plat          | (13) Master Development Plan |
| (04) Preliminary Plat   | (09) Infrastructure List | (14) Other                   |

**ACTION REQUESTED:**

REV/CMT:(x) APP:() SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

No adverse comments.

**RESOLUTION:**

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED *discussed* ; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** September 17, 2003



# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

## DEVELOPMENT REVIEW BOARD TRANSPORTATION DEVELOPMENT Standard Comment Sheet

DRB-1001816

Item No. 17

Zone Atlas J-13

DATE ON AGENDA 9-17-03

INFRASTRUCTURE REQUIRED (?)YES ( )NO

CROSS REFERENCE: \_\_\_\_\_  
\_\_\_\_\_

### TYPE OF APPROVAL REQUESTED:

- SKETCH PLAT ( ) PRELIMINARY PLAT ( ) FINAL PLAT
- ( ) SITE PLAN REVIEW AND COMMENT ( ) SITE PLAN FOR SUBDIVISION
- ( ) SITE PLAN FOR BUILDING PERMIT

No.	Comment
<input type="checkbox"/>	What is proposed?

If you have any questions or comments please call Richard Dourte at 924-3990. Meeting notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**City of Albuquerque**  
**Parks and Recreation Department**  
PO Box 1293, Albuquerque, New Mexico 87103  
Inter-Office Correspondence

Development Review Board Comments

**Project Number:** 1001816  
**Application Number:** 03DRB-01503

**DRB Date:** 9/17/03  
**Item Number:** 17

**Subdivision:**

Lots 10, 11, 12, Block 54, New Mexico Town Company  
Original Townsite

**Zoning:** SU-2 for HAD

**Zone Page:** J-13

**New Lots (or units) :** 0

**Request for:**


- Sketch Plat Review & Comment
- Bulk Land Variance
- Site Development Plan for Subdivision
- Site Development Plan for Building Permit
- Preliminary Plat
- Final Plat
- Vacation of Public RoW
- Vacation of Public Easement
- Vacation of Private Easement
- Temp. Deferral of Sidewalk Construction
- Sidewalk Variance
- SIA Extension
- Other

**Parks and Recreation Comments:**

No objection to the Vacation request.

No park dedication requirement because site is in the Central Urban Comprehensive Plan Area.

The park development requirement will be met via the payment of a fee prior to issuance of building permit for each new dwelling unit.

**Signed:**   
\_\_\_\_\_  
Christina Sandoval, (PRD)

Phone: 768-5328



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

**Plaza del Sol Hearing Room, Basement, Plaza del Sol Building**

September 17, 2003

9:00 a.m.

**MEMBERS:**

Sheran Matson, AICP, DRB Chair  
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

**NOTE:** UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

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**NOTE:** REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

- A. Call to Order: 9:00 A.M.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

Adjourned: 10:55 A.M.

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

**MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS**

1. **Project # 1000934**  
03DRB-01421 Major-Two Year SIA  
Procedure "B" Extension

BOHANNAN HUSTON, INC. agent(s) for LONGFORD HOMES request(s) the above action(s) for **SUNRISE RANCH WEST, UNIT 2**, zoned R-D, (9DU/AC) located on SUNSET GARDENS RD SW, between EUCARIZ AVE SW and 106<sup>th</sup> ST SW containing approximately 11 acre(s). [REF: 01DRB-00190 SK, 01DRB-01017 PPA, 01DRB-01686 FP, 02DRB-00038] (L-8) A **TWO-YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENTS AGREEMENT (SIA) WAS APPROVED.**

2. **Project # 1002593**  
03DRB-01376 Major-Vacation of Public Easements

BOHANNAN HUSTON, INC. agent(s) for LAS VENTANAS LIMITED PARTNERSHIP, request(s) the above action(s) for all or a portion of Tract(s) 29C, VENTANA RANCH, (to be known as **VISTA DE ARENAL @ VENTANA RANCH**) zoned R-LT residential zone, located on LAS VENTANAS RD NW, between RAINBOW BLVD NW and UNIVERSE BLVD NW containing approximately 7 acre(s). [REF: 03DRB-01186 PP, 02DRB-01009, 03DRB-00624, 03DRB-01158 SK] (B-9) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

3. **Project # 1000997**  
03DRB-01410 Major-Preliminary Plat Approval  
03DRB-01412 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for T S MCNANEY & ASSOCIATES request(s) the above action(s) for all or a portion of Lot(s) 1-40, VILLA DEL RIO (to be known as **RIVERVIEW ACRES**), zoned RA-1 residential and agricultural zone, semi-urban area, located on VILLA RIO CORTE NW, between GABALDON RD NW and RIVERSIDE DRAIN containing approximately 10 acre(s). [Deferred from 9/17/03] (H-12) **DEFERRED AT THE AGENT'S REQUEST TO 10/15/03.**

4. **Project # 1002885**  
03DRB-01355 Major-Vacation of Pub Right-of-Way  
03DRB-01354 Minor-Sketch Plat or Plan  
03DRB-01356 Major-Vacation of Public Easements

JEFF MORTENSEN & ASSOCIATES INC., agent(s) for DESERT RIDGE DEVELOPMENT LLC, request(s) the above action(s) for all or a portion of Lot(s) 10-24, Block(s) 18 and Lot(s) 7-10 and 12-15, Block(s) 20, Unit(s) 3, (NORTH ALBUQUERQUE ACRES, TRACT 3) **OCOTILLO SUBDIVISION**, zoned RD, (4 DU/A), located on HOLBROOK ST NE, CARMEL AVE NE and HOLLY AVE NE, between ANAHEIM AVE NE and PASEO DEL NORTE NE, containing approximately 24 acre(s). [REF: 02EPC-01353] [Deferred from 9/10/03] (C-21). **THE VACATION OF PUBLIC RIGHT-OF-WAY WAS APPROVED WITH ADDITIONAL CONDITIONS AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE VACATION OF PUBLIC EASEMENTS WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE SKETCH PLAT WAS REVIEWED AND COMMENTS WERE GIVEN. (SKETCH PLATS RECEIVE NO OFFICIAL ACTION ONLY COMMENTS)**

**NO ACTION IS TAKEN ON THESE CASES:**  
**APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING**

16. **Project # 1002962**  
03DRB-01483 Minor-Sketch Plat or Plan

BOHANNAN HUSTON, INC. AND DENISH-KLINE & ASSOCIATES, agent(s) for THE TRAILS LLC, request(s) the above action(s) for all or a portion of Tract(s) 4, A PORTION OF (TR. 4), **BLACK RANCH**, zoned R-D residential and related uses zone, developing area, located on RAINBOW BLVD NW, between PASEO DEL NORTE BLVD NW and UNIVERSE BLVD NW containing approximately 201 acre(s). [REF: 03DRB-01429] (C-9) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

17. **Project # 1001816**  
03DRB-01503 Minor-Sketch Plat or Plan

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 10, 11 and 12, Block(s) 54, **NEW MEXICO TOWN COMPANY ORIGINAL TOWNSITE**, zoned SU-2 special neighborhood zone, HDA, located on the southside of TIJERAS AVE NW, between 9<sup>TH</sup> ST NW and 11<sup>TH</sup> ST NW containing approximately 1 acre(s). [REF: 02LUC-00952, 02CC0-00446 & 00950 AP, Z-94-1, LUC92-3] (J-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. Approval of the Development Review Board Minutes for August 27 and September 3, 2003. **THE MINUTES WERE APPROVED SUBJECT TO CHANGES BY THE BOARD.**

ADJOURNED: 10:55 A.M.





**Bob Paulsen**  
09/17/03 08:27 AM

To: Mary Piscitelli-Umphres/PLN/CABQ@COA  
cc: Richard H. Dourte/PWD/CABQ@COA  
Subject: Re: comments to sketch plat

Thanks Mary.

I do not think it would be a good idea to allow a change in the traditional (and historic) arrangement of curb, planting strip and sidewalk to be approved at this location.

Secondly, would the LUCC have to approve such a vacation? Or, if not the vacation, essentially the effect of the vacation, ie the change in the relationship between curb, planting strip (utility area) and sidewalk? Let me know.

--Bob



**Mary  
Piscitelli-Umphres**  
09/16/2003 04:30 PM

To: Bob Paulsen/PLN/CABQ@COA  
cc:  
Subject: comments to sketch plat

The overview of the request states that the applicant is seeking a vacation of the right-of-way planting strip and sidewalk located on 10th Street.

At a previous LUCC hearing, the proposal for this site involved a building, with the sidewalk moved to the back of the curb and the planting strip absorbed into the site for required landscaping. At that time, the Transportation Comments received stated that a vacation was not likely since excess right of way is necessary for public utilities (above and below ground) location.

At this sketch plat stage, the drawing shows a driveway access with curb cuts and aprons at opposite ends of the site, facing 10th Street. If the vacation is approved, a public utility easement is suggested for the vacated right of way. Retention of a public sidewalk is suggested as well.

As this applicant is aware, this lot is contained within the Fourth WArD Historic Overlay Zone and is subject to the design requirements of that zone, and is subject to a Certificate of Appropriateness for the new construction authorized by the Landmarks and URban Conservation Commission.

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
Development Review Board  
September 17, 2003 Comments**

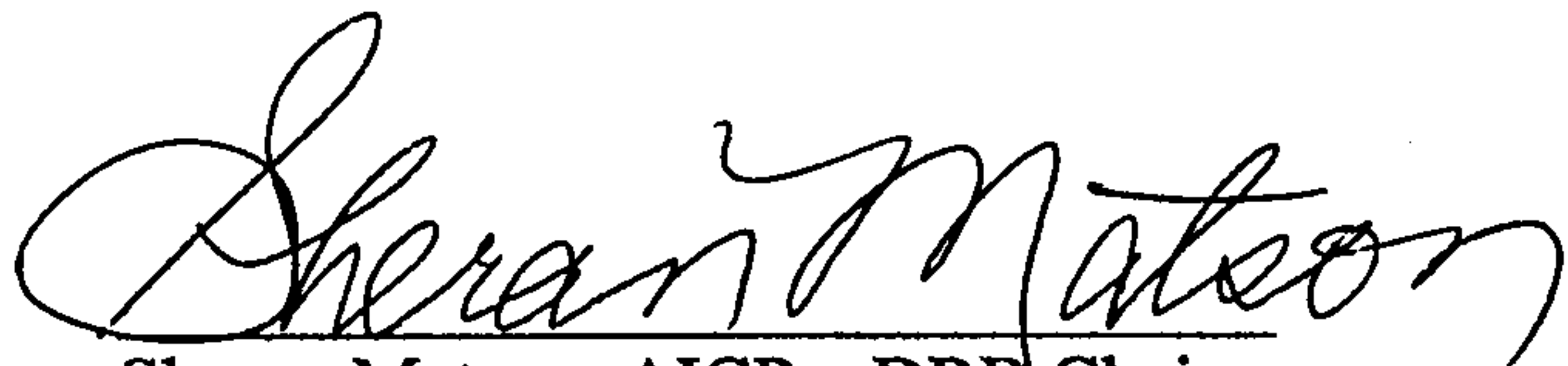
**ITEM # 17**

**PROJECT # 1001816**

**APPLICATION # 03DRB-01503**

**RE: New Mexico Town Company Original Townsite, Lots 11 & 12, Block 54**

Defer to Transportation Development for comments and Mary Piscitelli for LUCC related comments & concerns.



Sheran Matson, AICP DRB Chair  
924-3880 Fax 924-3864 smatson@cabq.gov

11001816

Until late February of 2003, when they were given a revised version of R-4 Zoning regulations, by City staff, Johnny and Jane Carlton had relied on a copy of R-4 zoning that was given to them by Zoning on 8/8/2001 which said: "set-backs: none." While not conceding that their reliance was erroneous, the Carltons are willing to comply with the new Code regulations, which call for set-backs, and increase open space requirements by 50%.

The Carltons have been working with respected Albuquerque architect Chris Rasmussen trying to come up with a plan that will provide sufficient parking and open space to allow them to build near the potential offered by their High Density Apartment (HDA) zoning. They are grappling with the problem of providing a location for the dumpster which also serves the block to the south of their property. For 18 years the Carltons have provided and paid for a dumpster for businesses in the block south of them and they are willing to continue to do so. But if they cannot provide ample space in a location that does not require neighboring businesspeople to trespass to dump their garbage, the whole neighborhood will suffer.

Mrs. Carlton has discussed a proposal for a few outside parking spaces with Richard Douhrte who suggested that the Carltons purchase land from the city so that cars would not have to drive on city land to park.

Mrs. Carlton and Mr. Rasmussen met with Linda Adamsko and Scott Howell on August 26 to discuss vacating the right-of-way. They seemed to feel that a vacation was a good idea.

Following are reasons to approve the vacation of right-of-way:

The Carltons' plan moves most of their proposed parking garage back several feet from the required set-back on Tenth Street, but it requires a few tenants to drive on what is now city property to get to their parking spaces which will be screened by landscaping or a fence.

The plan will make it possible for the Carltons to put the neighborhood dumpster inside an attractive enclosure on their property while permitting neighbors to use it without trespassing.

Approval of the vacation will allow the Carltons to comply with the new, drastically increased open space requirements without decreasing heated floor area allowed in HDA zoning.

Both Ms. Piscitelli and Mr. Douhrte suggested that the Carltons "buy land from the City."

In 2001 when architect Joe Slagle wanted to build townhouses on the land across the street from this property on Tenth Street, he was granted a variance to allow him to build almost to the sidewalk. The businesses in the block to the south have high walls abutting the sidewalk/property line. An apartment building in that block is built up against the sidewalk. These properties all have HDA zoning. The office building diagonally across from the Carlton's property sits right next to the sidewalk and has a fence next to sidewalk around the parking lot - with no screening.

The Carltons spent months trying to find a competent architect who was willing to go before the Landmarks Commission, but he cannot continue work on the plans until this issue is resolved.

# DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1001816 AGENDA#: 8 DATE: 11.12

1. Name: JANE CARTER Address: PO BOX VERDE SE Zip: 87108

2. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

3. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

4. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

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7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_



**City of Albuquerque**  
**CITY OF ALBUQUERQUE**  
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103  
**PUBLIC WORKS DEPARTMENT**  
**DEVELOPMENT SERVICE**  
**HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD--SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1001816**

**AGENDA ITEM NO: 8**

**SUBJECT:**

- |                         |                          |                              |
|-------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan   | (05) Site Plan for Subd  | (10) Sector Dev Plan         |
| (02) Bulk Land Variance | (06) Site Plan for BP    | (11) Grading Plan            |
| (03) Sidewalk Variance  | (07) Vacation            | (12) SIA Extension           |
| (03a) Sidewalk Deferral | (08) Final Plat          | (13) Master Development Plan |
| (04) Preliminary Plat   | (09) Infrastructure List | (14) Other                   |

**ACTION REQUESTED:**

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

The Hydrology Section has no objection to the vacation request.

**RESOLUTION:**

APPROVED ; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee

**DATE:** November 12, 2003

*Refer 11/12/03*

# DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1001816 AGENDA#: 8 DATE: 10/29/03

1. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

2. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

3. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

4. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

6. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_



**City of Albuquerque**  
 CITY OF ALBUQUERQUE  
 P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103  
**PUBLIC WORKS DEPARTMENT**  
**DEVELOPMENT SERVICE**  
 HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1001816**

**AGENDA ITEM NO: 8**

**SUBJECT:**

- |                         |                          |                              |
|-------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan   | (05) Site Plan for Subd  | (10) Sector Dev Plan         |
| (02) Bulk Land Variance | (06) Site Plan for BP    | (11) Grading Plan            |
| (03) Sidewalk Variance  | (07) Vacation            | (12) SIA Extension           |
| (03a) Sidewalk Deferral | (08) Final Plat          | (13) Master Development Plan |
| (04) Preliminary Plat   | (09) Infrastructure List | (14) Other                   |

**ACTION REQUESTED:**

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

The Hydrology Section has no objection to the vacation request.

**RESOLUTION:**

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED X; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
 City Engineer/AMAFCA Designee

**DATE:** October 29, 2003

# DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1001816 AGENDA#: 3 DATE: 10.22.03

1. Name: John Perdue Address: 800 W. Main St SE Zip: 97108

2. Name: CHRIS RASMUSEN Address: 1717 LOUISIANA BLVD NE S205 Zip: 87110

3. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

4. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

6. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

9. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

10. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

12. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

13. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

14. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_





**City of Albuquerque**  
**CITY OF ALBUQUERQUE**  
 P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103  
**PUBLIC WORKS DEPARTMENT**  
**DEVELOPMENT SERVICE**  
**HYDROLOGY DEVELOPMENT SECTION**

**DEVELOPMENT REVIEW BOARD--SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1001816**

**AGENDA ITEM NO: 3**

**SUBJECT:**

- |                         |                          |                              |
|-------------------------|--------------------------|------------------------------|
| (01) Sketch Plat/Plan   | (05) Site Plan for Subd  | (10) Sector Dev Plan         |
| (02) Bulk Land Variance | (06) Site Plan for BP    | (11) Grading Plan            |
| (03) Sidewalk Variance  | (07) Vacation            | (12) SIA Extension           |
| (03a) Sidewalk Deferral | (08) Final Plat          | (13) Master Development Plan |
| (04) Preliminary Plat   | (09) Infrastructure List | (14) Other                   |

**ACTION REQUESTED:**

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

**ENGINEERING COMMENTS:**

The Hydrology Section has no objection to the vacation request.

**RESOLUTION:**

*10-29-03*

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED X; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN

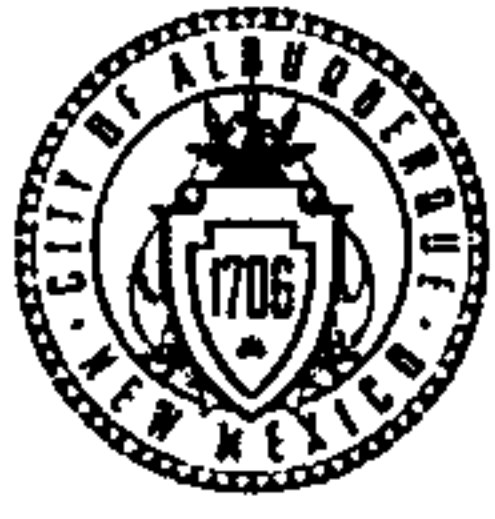
SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

**SIGNED:** Bradley L. Bingham  
 City Engineer/AMAFCA Designee

**DATE:** October 22, 2003



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

October 22, 2003

**Project # 1001816**  
03DRB-01640 Major-Vacation of Pub Right-of-Way

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 10, 11 and 12, **NM TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-2 special neighborhood zone, HDA, located on the southside of TIJERAS AVE NW, between 9<sup>th</sup> ST NW AND 10<sup>TH</sup> St NW containing approximately 1 acre(s). [REF: 02LUC-00952, 02CC-00446 & 00950 AP, Z-94-1, LUC92-3] (J-13)

AMAFCA	No adverse comments.
COG	No adverse comments.
Transit	No adverse comments.
Zoning Enforcement	Reviewed, no comment.
Neighborhood Coord.	Letter sent to Downtown (R) Neighborhood Assn.
APS	No comments received.
Police Department	No comments at this time.
Fire Department	No adverse comments
PNM Gas	Approves.
PNM Electric	Approves.
Comcast	No comments received.
QWEST	No comments received.
Environmental Health	Site is not within 1000 feet of a landfill. No comment.
M.R.G.C.D.	No comments received.
Open Space Division	No adverse comments.
City Engineer	No adverse comments.

Transportation Development

Provide curve data (radius). Is proposed access at same location? Defer to Utilities for easements needing to remain.

Parks & Recreation

Defer to Transportation.

Utilities Development

No objection to Vacation request.

Planning Department

If the vacation is approved, Planning will attach the following condition to that approval:

“The Landmarks & Urban Conservation Commission has jurisdiction over exterior alterations to buildings, sites and structures, including streets & streetscapes within this area, designated as the Fourth Ward Historic Overlay Zone. For this reason, any plat submitted to DRB for approval must be accompanied by the LUCC Notice of Decision.”

**IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING**

cc: Jane Carlton, 800 Val Verde SE, 87108





**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, October 22, 2003, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1001656**

03DRB-01591 Major-Bulk Land Variance  
03DRB-01592 Minor-Prelim&Final Plat  
Approval

SANTIAGO ROMERO JR. agent(s) for CITY OF ALBUQUERQUE, LINDA ADAMSKO request(s) the above action(s) for all or a portion of Tract(s) O & N, **DOUBLE EAGLE AIRPORT II**, zoned SU-1 special use zone, AIRPORT & RELATED FACILITIES, located NORTHWEST OF DOUBLE EAGLE AIRPORT NW, containing approximately 591 acre(s). [REF: 01EPC-01875, 03EPC-00915 & 16] (C-4 & D-4)

**Project # 1001816**

03DRB-01640 Major-Vacation of Pub Right-of-Way

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 10, 11 and 12, **NM TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-2 special neighborhood zone, HDA, located on the southside of TIJERAS AVE NW, between 9<sup>th</sup> ST NW AND 10<sup>TH</sup> St NW containing approximately 1 acre(s). [REF: 02LUC-00952, 02CC-00446 & 00950 AP, Z-94-1, LUC92-3] (J-13)

**Project # 1002714**

03DRB-01634 Major-Vacation of Pub Right-of-Way

TIERRA WEST LLC agent(s) for ZANGARA DODGE request(s) the above action(s) for all or a portion of **EAST END ADDITION**, zoned C-2 community commercial zone, located on VIRGINIA ST NE, between LOMAS BLVD NE and MARBLE ST NE containing approximately ¼ acre(s). [REF: 03EPC-00917] (J-19)

**Project # 1003002**

03DRB-01635 Major-Vacation of Pub Right-of-Way

SURVEYS SOUTHWEST, LTD. agent(s) for DON HANOSH request(s) the above action(s) for all or a portion of Lot(s) 9-12, Block(s) 23, **CANADA VILLAGE, FIRST UNIT**, zoned C-2 community commercial zone, (SC) located south of CENTRAL AVE SE, and west of DORADO PL SE containing approximately 0.11 acre(s). [REF: ZA-76-273] (L-22)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays. Individuals with disabilities who need special assistance to participate at this meeting should contact Claire Senova, Planning Department, at 924-3946. Hearing Impaired users may contact her via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

  
Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, OCTOBER 6, 2003.**

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
PROPERTY OWNERSHIP LIST**

**Meeting Date:** October 22, 2003  
**Zone Atlas Page:** J-14-Z  
**Notification Radius:** 100 Ft.

**Project#** 1001816  
**App#** 03DRB-01640

**Cross Reference and Location:** N/A

**Applicant:** JANE CARLTON  
**Address:** 800 VAL VERDE SE  
ALBUQUERQUE NM 87108

**Agent:**  
**Address:**

**Special Instructions:**

**Notice must be mailed from the  
City's 15 day prior to the meeting.**

**Date Mailed:** Oct. 3, 2003

**Signature:** Kyle Tsethlikai







LAND USE: PROPERTY ADDR: 00000 1001 CENTRAL AVE NW  
OWNER NAME: ALBUQ HOLD CORP  
OWNER ADDR: 00901 RIO GRANDE BL NW

ALBUQUERQUE NM 87104  
0101305750152115011 LEGAL: 047N MT A DDN S 45 FT LTS 8 TO 12  
LAND USE: PROPERTY ADDR: 00000 120 10TH ST SW  
OWNER NAME: CHAVEZ SANDRA O  
OWNER ADDR: 00215 9TH ST NW

ALBUQUERQUE NM 87102  
0101305750252715010 LEGAL: \* 00 8 04 7NEW MEX TOWNSITE S45 FT N97 FT L8 THRU  
L1 LAND USE: PROPERTY ADDR: 00000 122 10TH ST NW  
OWNER NAME: SESSIONS STEVEN E & SESSIONS  
OWNER ADDR: 00122 10TH ST NW

ALBUQUERQUE NM 87102  
1 R E C O R D S W I T H L A B E L S PAGE  
2  
0101305750353115009 LEGAL: 047N MT A DD N 52 FT LTS 8 TO 12  
LAND USE: PROPERTY ADDR: 00000 124 10TH ST NW  
OWNER NAME: 124 TENTH STREET CO  
OWNER ADDR: 00124 10TH ST NW

ALBUQUERQUE NM 87102  
0101305751152515008 LEGAL: \* 00 6 04 7NEW MEX TOWNSITE & L7  
LAND USE: PROPERTY ADDR: 00000 913 KENT AVE NW  
OWNER NAME: LOPEZ SAMUEL D III & SHELLEY A  
OWNER ADDR: 00913 KENT AV NW

ALBUQUERQUE NM 87102  
0101305752052815007 LEGAL: \* C 047N EW MEX TOWNSITE  
LAND USE: PROPERTY ADDR: 00000 223 9TH ST NW  
OWNER NAME: MARTINEZ KEVIN & OROZCO-MARTIN  
OWNER ADDR: 00223 9TH ST NW

ALBUQUERQUE NM 87102  
0101305751952315006 LEGAL: \* 00 B 04 7NEW MEX TOWNSITE SUBD L1 THRU L5  
LAND USE: PROPERTY ADDR: 00000 219 09TH ST NW  
OWNER NAME: MARTINEZ ANTHONY K & MONICA  
OWNER ADDR: 01711 SAN CARLOS SW

ALBUQUERQUE NM 87104  
0101305751851915005 LEGAL: \* 00 A 04 7NEW MEX TOWNSITE SUBD L1 THRU L5  
LAND USE: PROPERTY ADDR: 00000 215 9TH ST NW  
OWNER NAME: CHAVEZ SANDRA O  
OWNER ADDR: 00215 9TH ST NW

ALBUQUERQUE NM 87102

QUIT



\*\*\*\* WELCOME TO \*\*\*\*  
 UNIVERSITY POSTAL STORE  
 Albuquerque, NM 87196-9998  
 1-800-ASK-USPS  
 09/26/03 10:18AM

Store USPS Trans 12  
 Wkstn sys5004 Cashier KK26T4  
 Cashier's Name DAN  
 Stock Unit Id WINDAN  
 PO Phone Number 800-275-8777  
 USPS # 3401500106

1. First Class 87102  
 Destination: 0.700z  
 Weight: PVI  
 Postage Type: 4.42  
 Total Cost: 0.37  
 Base Rate: 2.30  
 SERVICES  
 Certified Mail 2.30  
 70031010000496368837 1.75  
 Return Receipt 4.42

2. First Class 87102  
 Destination: 0.600z  
 Weight: PVI  
 Postage Type: 4.42  
 Total Cost: 0.37  
 Base Rate: 2.30  
 SERVICES  
 Certified Mail 2.30  
 70031010000496368820 1.75  
 Return Receipt 4.42

Subtotal 8.84  
 Total 8.84

CreditCard

Number of Items Sold: 2  
 new window hrs 8:30am-5:30pm Mon-  
 Thank You  
 Please come again!

7003 1010 0004 9636 8837

0299 9636 8820

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 ALBUQUERQUE, NM 87102

Postage	\$ 0.37	UNIT ID: 0106
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>	



Sent To: *Perry Wilkes*  
 Street, Apt. No.; or PO Box No. *918 Mountain Rd*  
 City, State, ZIP+4 *Albu, NM 87102*

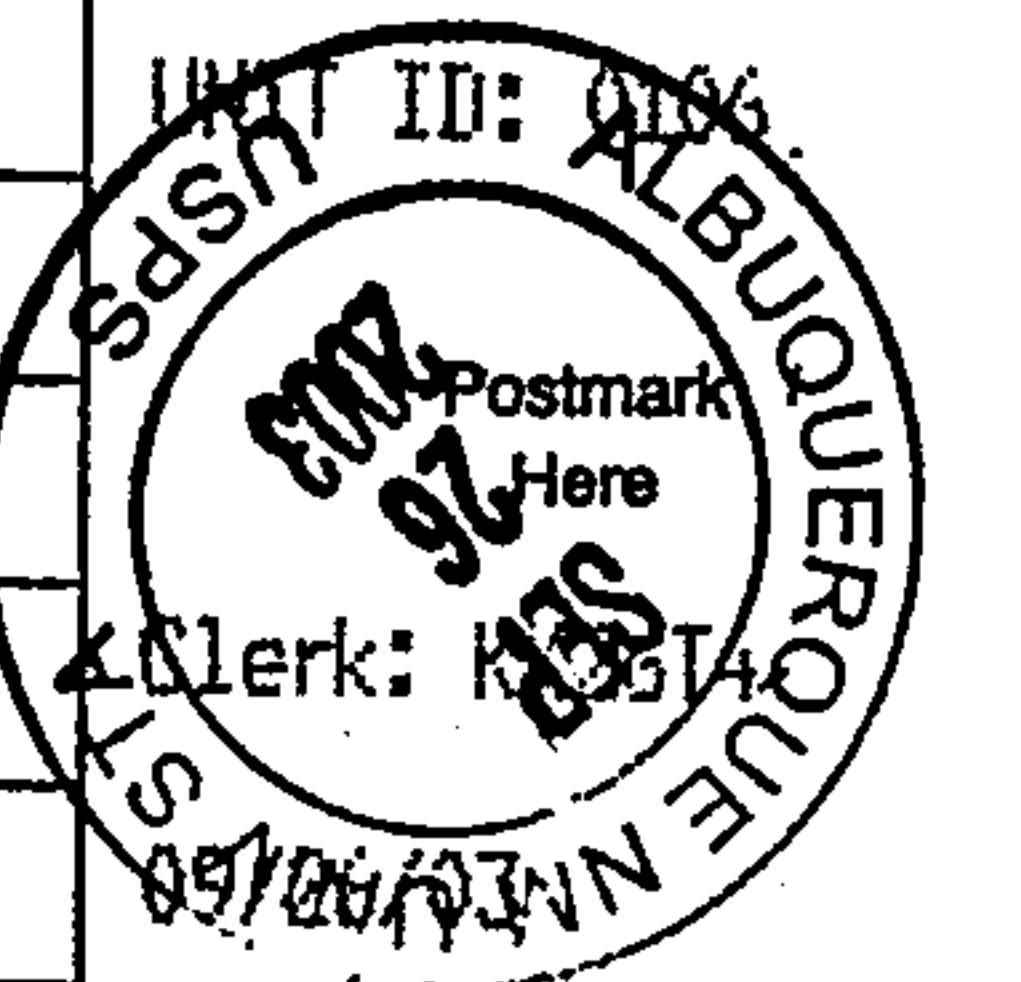
PS Form 3800, June 2002 See Reverse for Instructions

**U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**  
 ALBUQUERQUE, NM 87102

Postage	\$ 0.37	UNIT ID: 0106
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>	



Sent To: *Joe Sabetti*  
 Street, Apt. No.; or PO Box No. *PO Box 1111*  
 City, State, ZIP+4 *Albu, NM 87102*

PS Form 3800, June 2002 See Reverse for Instructions

Project # 1001816

JANE CARLTON  
800 VAL VERDE SE  
ALBUQUERQUE NM 87108

101305849501340501

CARLTON JOHNNY & E JANE  
800 VEL VERDE SE  
ALBUQUERQUE NM 87108

101305851701040504

ARAGON TED L  
2775 SOUTH GRANT  
ENGLEWOOD CO 80110

101305848303741701

THE LEGCY GROUP C/O BILL CHAP  
6001 INDIAN SCHOOL RD NE  
ALBUQUERQUE NM 87110

101305750252715010

SESSIONS STEVEN E & SESSIONS  
122 10TH ST NW  
ALBUQUERQUE NM 87102

101305752052815007

MARTINEZ KEVIN & OROZCO-MART  
223 9TH ST NW  
ALBUQUERQUE NM 87102

PERRY WILKES  
Downtown Neigh. Assoc.  
718 MOUNTAIN RD NW  
ALBUQUERQUE NM 87102

101305850901240502

SANCHEZ FAMILY TRUST  
908 TIJERAS AV NW  
ALBUQUERQUE NM 87102

101305848201441105

ALB HLDG  
901 RIO GRANDE BL NW  
ALBUQUERQUE NM 87104

101305850903241202

WILLIAMS CHARLES W ETAL  
2444 LOUISIANA BL NE  
ALBUQUERQUE NM 87110

101305750353115009

124 TENTH STREET CO  
124 10TH ST NW  
ALBUQUERQUE NM 87102

101305751952315006

MARTINEZ ANTHONY K & MONICA  
1711 SAN CARLOS SW  
ALBUQUERQUE NM 87104

JOE SACKETT  
Downtown Neigh. Assoc.  
905 FRUIT AVE NW  
ALBUQUERQUE NM 87102

101305850901140503

COFFEY LUCILLE R C/O COFFEY L  
906 TIJERAS NW  
ALBUQUERQUE NM 87102

101305847701541104

BANK ONE  
C/O MOSS, CODILIS, STA  
1655 PALM BEACH LAKES BL  
WEST PALM BEACH FL 33401  
101305750152115011

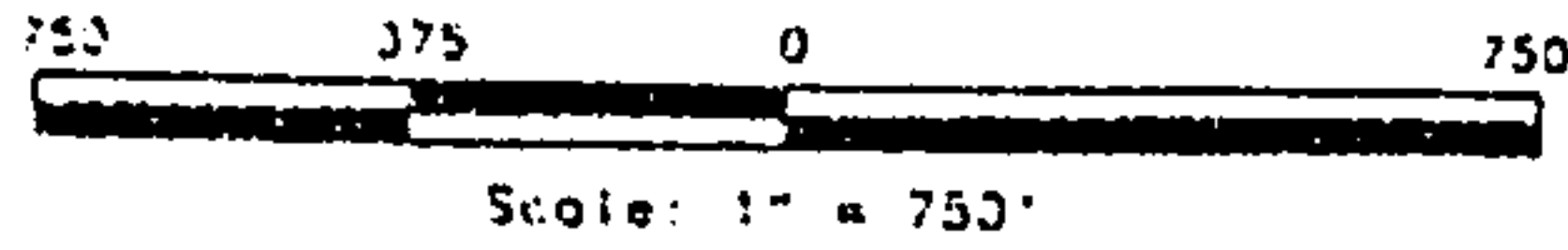
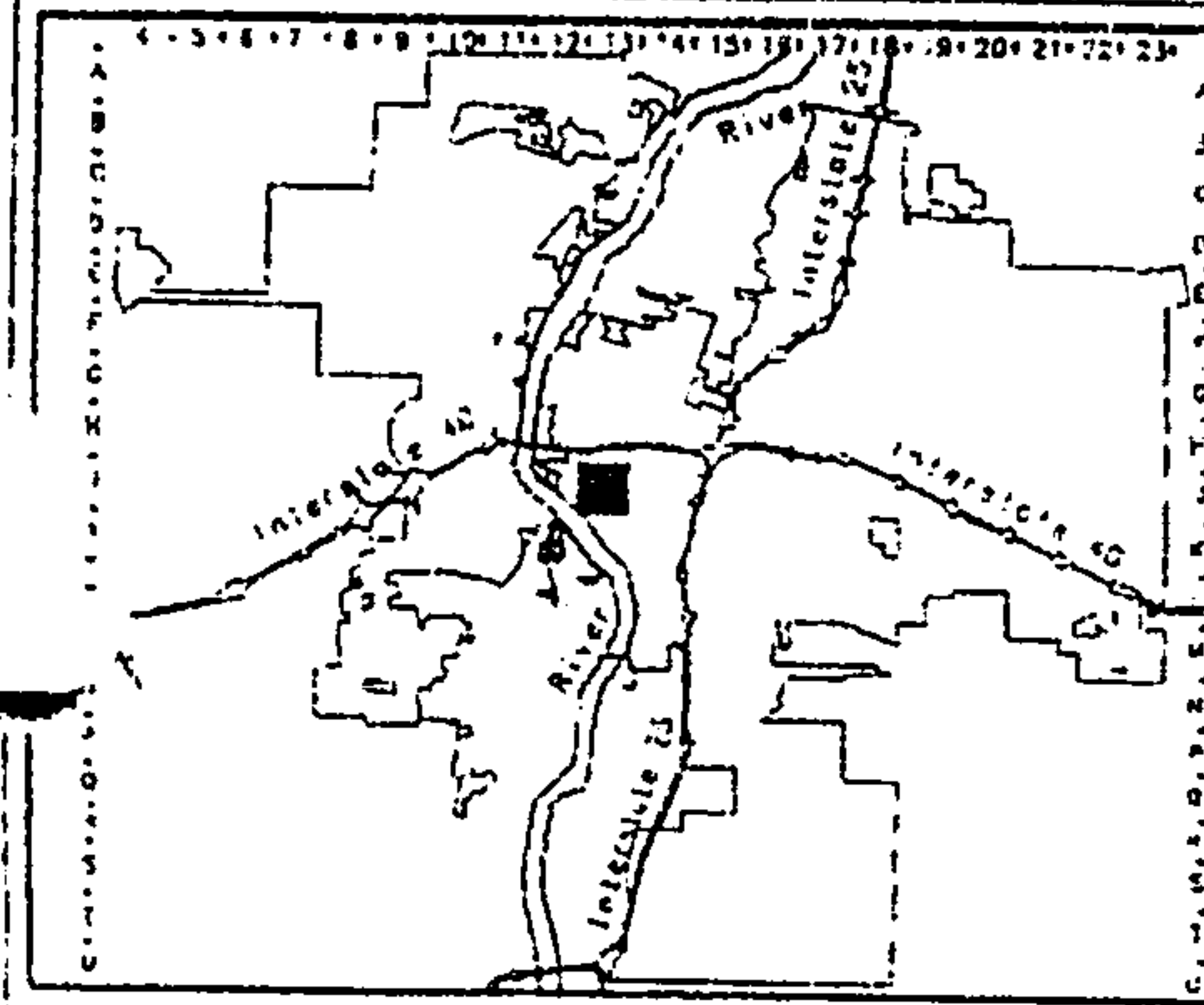
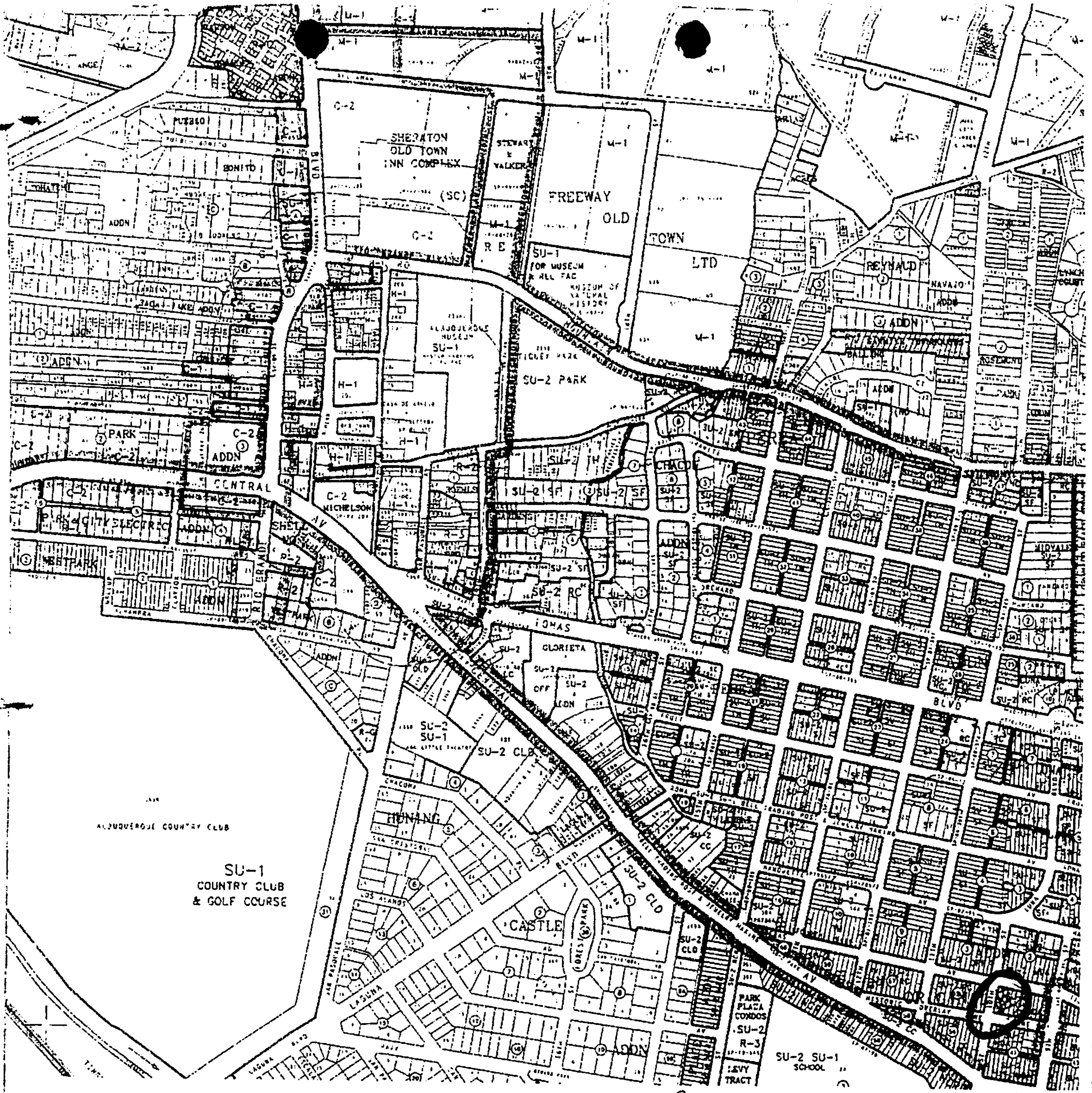
CHAVEZ SANDRA O  
215 9TH ST NW  
ALBUQUERQUE NM 87102

101305751152515008

LOPEZ SAMUEL D III & SHELLEY  
913 KENT AV NW  
ALBUQUERQUE NM 87102

101305751851915005

CHAVEZ SANDRA O  
215 9TH ST NW  
ALBUQUERQUE NM 87102



**A G I S**  
 Geographic Information System  
 City of Albuquerque

© Planning Department July 07, 1993

*Received from Planning  
 12-94*

LEGAL DESCRIPTION  
 T10N  
 R3E  
 SEC 18

UNIFORM PROPERTY CODE  
 1-013-058

**J-13-Z**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, January 17, 2007, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1001816**

06DRB-01794 Major-Vacation of Public Easements

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 12-A, **NEW MEXICO TOWN CO. ORIGINAL TOWNSITE**, zoned SU-2/HDA, located on TIJERAS AVE NW, between LOMAS NW and CENTRAL NW containing approximately 1 acre(s). (J-13)

**Project # 1004240**

06DRB-01782 Major-Vacation of Public Easements

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for VILLA LAS MANANITAS DEVELOPMENT LLC request(s) the above action(s) for Lot(s) 15-P2 & 16-P2, **VILLAS LAS MANANITAS SUBDIVISION**, zoned R-1 residential zone, located on WILDER LN NW, between MEADOW VIEW DR NW and RIO GRANDE BLVD NW containing approximately 1 acre(s). [REF: 06DRB-01042, 06DRB01524] (H-13)

**Project # 1005182**

06DRB-01784 Major-Preliminary Plat Approval

WILSON AND CO. agent(s) for LA CUENTISTA II, LLC request(s) the above action(s) for all or a portion of Tract(s) C, correction plat of the bulk land plat of La Cuentista Subdivision (to be known as **LA CUENTISTA SUBDIVISION UNIT 2**) zoned SU-2/SRSL, located on ROSA PARKS RD NW, between ALOE RD NW and KIMMICK DR NW containing approximately 36 acre(s). [REF: 06DRB-01428] (C-10/C-11)

Details of the application(s) may be examined at the Planning Department Development Services Center One Stop Shop, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 8:00 a.m. and 4:30 p.m., Monday through Friday except holidays. **INDIVIDUALS WITH DISABILITIES** needing special assistance to participate in this hearing should contact Claire Senova, Planning Department, at 924-3946. TTY users may call the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, JANUARY 1, 2007.**

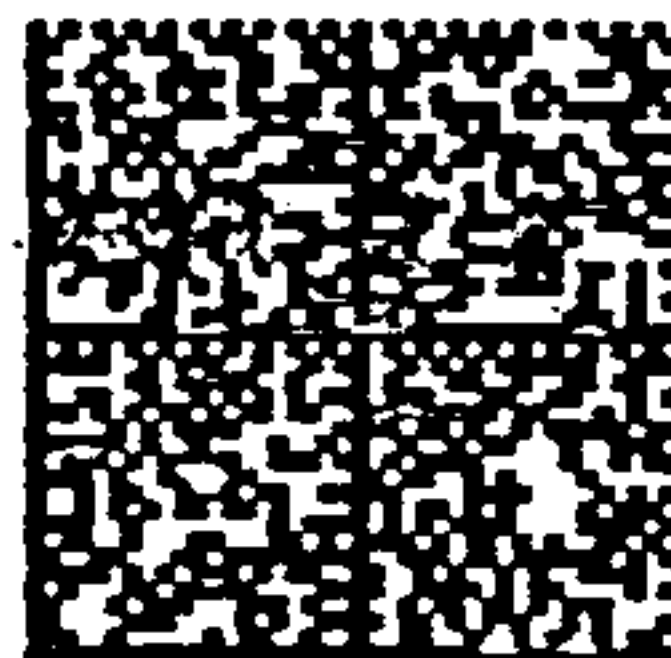


Planning Department

DRB

# CITY OF ALBUQUERQUE

29 DEC 2006



ALBUQUERQUE NM 871  
 UNITED STATES POSTAL SERVICE  
 FITNEY BOWLES  
 02 1M \$ 00.39<sup>0</sup>  
 0004219022 DEC 29 2006  
 MAILED FROM ZIP CODE 87102



# VACANT

Or Current Resident  
 AVALON INVESTMENTS INC  
 400 GOLD SW 750  
 ALBUQUERQUE, NM 87102

●  
 VAC

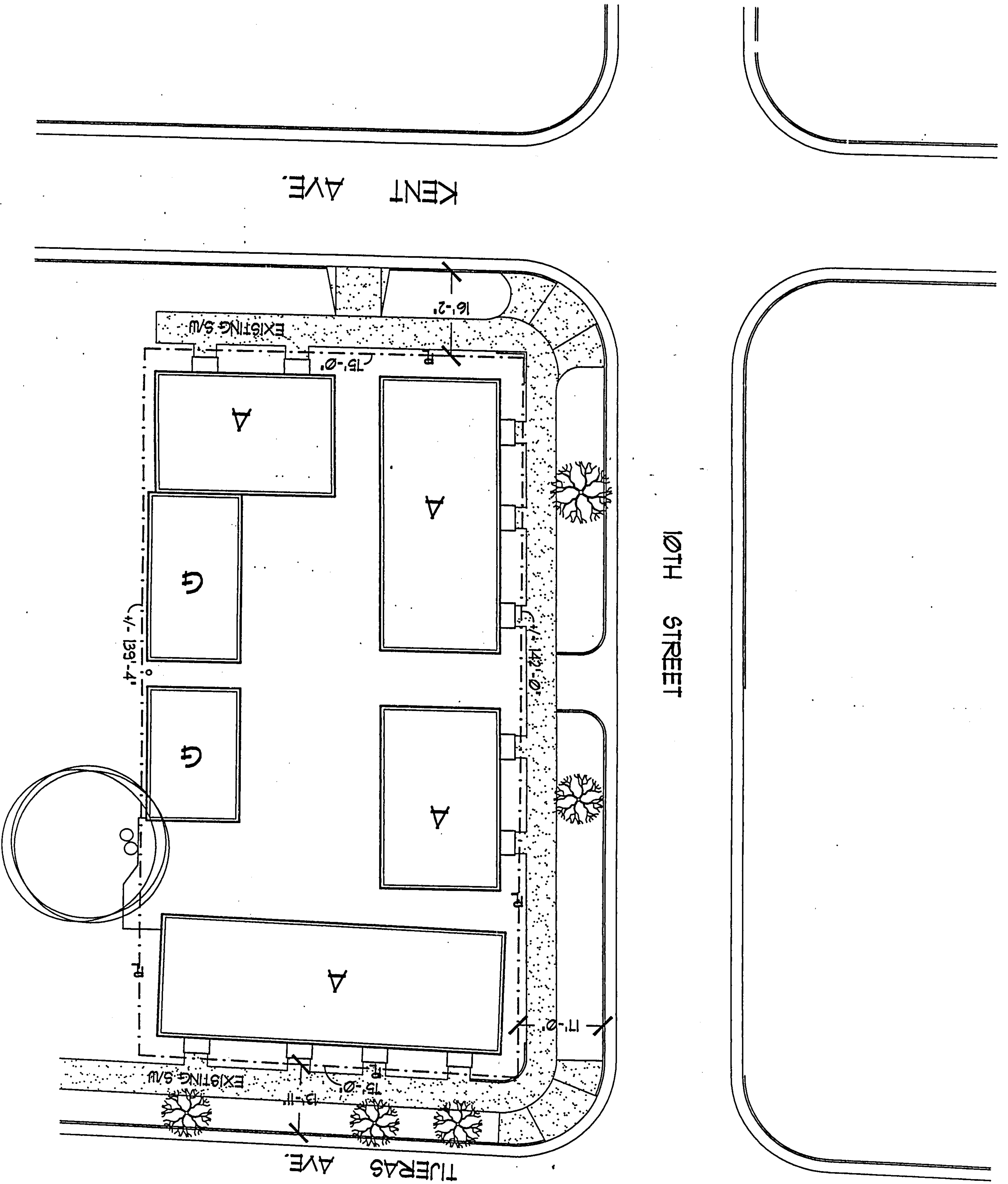
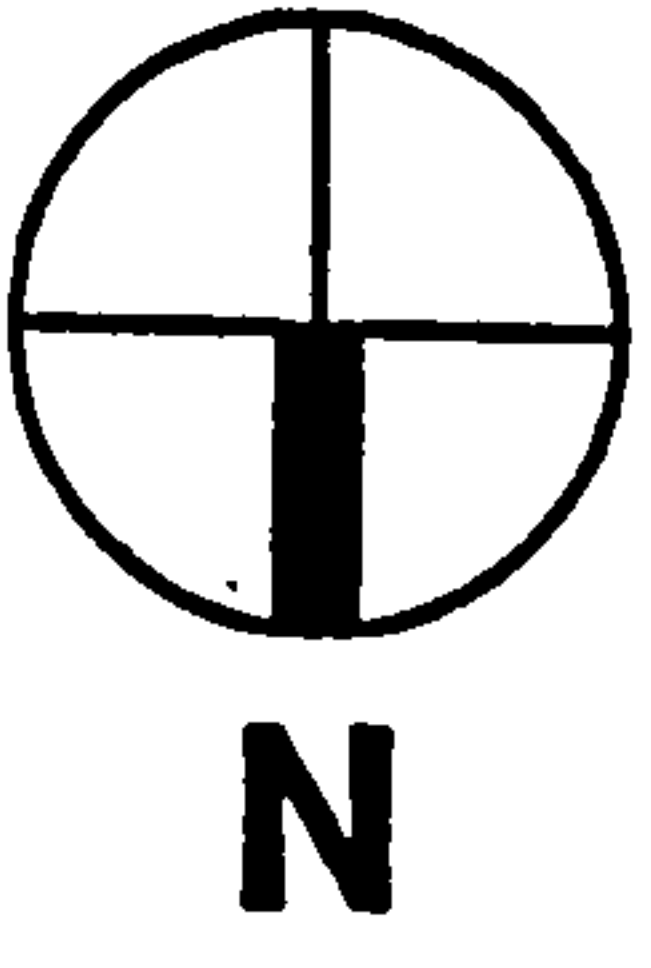
87102+4233



P O Box 1293 Albuquerque, New Mexico 87103

CARLTON APARTMENTS  
 JOHNNY AND JANE CARLTON  
 KENT AVENUE AND TENTH STREET  
 ALBUQUERQUE, NEW MEXICO

Ⓐ EXISTING SITE PLAN  
 1-20-01  
 9-16-03





SECOND JUDICIAL DISTRICT  
BERNALILLO COUNTY  
STATE OF NEW MEXICO

JOHNNY CARLTON AND JANE CARLTON,  
husband and wife,

Plaintiffs,

vs.

THE CITY OF ALBUQUERQUE, NEW MEXICO  
a municipal corporation,  
THE CITY COUNCIL, its governing body,  
THE LANDMARKS AND URBAN CONSERVATION  
COMMISSION, a commission of  
the City of Albuquerque, and its current  
Commissioners EDITH CHERRY, BARBARA MADDOX,  
VIRGINIA KUPFERMAN, AL STOTTS, WILLIAM DODGE,  
AND CHARLES PRICE III,  
in their official capacities,  
KRISTINA SLY-LENTON, in her individual  
and official capacity as Commissioner  
of the Landmarks and Urban Conservation Commission,  
and MARY PISCITELLI, in her individual  
and official capacity as city planner  
for the City of Albuquerque,

Defendants.

**ORDER GRANTING PLAINTIFFS' FIRST MOTION FOR SUMMARY JUDGMENT  
AND TO STRIKE DEFENSE OF FAILURE TO APPEAL**

This matter has come before the Court with respect to the Plaintiffs' Amended Motion for Partial Summary Judgment No. 1: Motion for Summary Declaratory Judgment that the Purported Rezoning of Plaintiffs' Property to Include Such Property into the Fourth Ward Historic Overlay Zone is Void and Motion to Strike Defendants' Purported Defense that Plaintiffs Failed to Appeal the Purported Rezoning. Having considered the record and the arguments of counsel on August 30, 2005, the Court holds as follows:

RECORDED  
FILED IN MY OFFICE THIS

NOV. 04 2005

Quaintanilla  
CLERK DISTRICT COURT

CV- 2002-08374

THE COURT FINDS that there are no issues of material fact and that the March 6, 1991 letter that the Defendants claim gave rezoning notice to the Carltons is ambiguous and insufficient to provide adequate notice as a matter of law.

IT IS THEREFORE ORDERED AND DECLARED that the City unlawfully rezoned the Carltons' property by including their non-historic property in the Fourth Ward Historic Overlay Zone without giving the Carltons adequate notice, and therefore the rezoning is void.

IT IS FURTHER ORDERED that the Defendants' alleged defense that the Plaintiffs failed to appeal the purported rezoning is hereby stricken.

CLAY CAMPBELL

THE HONORABLE CLAY CAMPBELL  
District Judge

Approved:

LANDRY & LUDEWIG, L.L.P.

By:

  
Stephanie Landry  
Margaret C. Ludewig

1007 Marquette NW  
Albuquerque, NM 87102  
(505) 243-6100  
*Attorney for the Plaintiffs*

Campbell & Wells, P.A.

By: Telephonic approval on November 2, 2005 by John S. "Jack" Campbell

John S. "Jack" Campbell  
2155 Louisiana Blvd. NE #10300  
Albuquerque, New Mexico 87110-5414

and

City of Albuquerque Legal Department  
John E. Dubois  
One Civic Plaza, 4<sup>th</sup> Floor, Room 4015  
Albuquerque, New Mexico 87102

*Attorney for the Defendants*

## SETTLEMENT AGREEMENT

This Settlement Agreement, which includes all exhibits hereto, ("Agreement") is entered into this 5th day of October, 2006 by and between the parties to this Agreement ("Parties") JOHNNY AND JANE CARLTON (hereinafter collectively referred to as the "Carltons") and the CITY OF ALBUQUERQUE, through its Risk Management Division and Chief Administrative Officer, who are acting on behalf of the City and the remainder of the Defendants in the case styled *Johnny Carlton and Jane Carlton v. the City of Albuquerque, a municipal corporation, the City Council, its governing body, the Landmarks and Urban Conservation Commission, a commission of the City of Albuquerque, and its current Commissioners Edith Cherry, Barbara Maddox, Virginia Kupferman, Al Stotts, William Dodge, and Charles Price III, in their official capacities as Commissioners of the Landmarks and Urban Conservation Commission, Kristina Sly-Linton, in her individual and official capacity as Commissioner of the Landmarks and Urban Conservation Commission, and Mary Piscitelli, in her individual and official capacity as city planner for the City of Albuquerque* (which defendants are hereinafter collectively referred to as the "City Defendants") in the Second Judicial District Court, No. CV-2002-08374 ("the Action").

WHEREAS, in the Action, the Carltons brought claims against the City Defendants, among other things, for what the Carltons claimed was the unlawful inclusion into the Fourth Ward Historic Overlay Zone ("Historic Zone") of the Carltons' property (and for what the Carltons claimed was the unlawful application of the Fourth Ward Historic Overlay Zone guidelines to the Carltons' property), known as 918 Tijeras NW and also known as 200 Tenth NW, now more particularly described as:

Lot 12-A, Block 54, New Mexico Town Company's Original Townsite, being a replat of Lots 10, 11 & 12 and vacated right-of-way, Block 54 Original Townsite within Town of Albuquerque Grant, Projected Section 7, T.10N., R.3E., N.M.P.M., Albuquerque, Bernalillo County, New Mexico October 2004, and recorded in Bk-2004C Pg-353, Document # 2004156088, of the real property records of the Bernalillo County Clerk, Bernalillo County, New Mexico (hereinafter referred to as the "Property");

WHEREAS, in a separate proceeding, the Carltons appealed a decision by the City Council of the City of Albuquerque styled *Johnny Carlton and Jane Carlton v. Arsenio Sanchez and Laura Sanchez*, Second Judicial District Court, CV-2006-03275, which proceeding is hereinafter referred to as the "Variance Appeal";

WHEREAS, the City Defendants deny liability and assert that the settlement evidenced by this Agreement is a compromise to avoid further expenses of litigation;

WHEREAS, the Parties wish to settle the Action and the Variance Appeal subject to the following terms and conditions, and

IT IS HEREBY AGREED by and between the Parties as follows:

**Section 1. City Council Approval.** The Parties' obligations hereunder are conditioned upon approval by the City of Albuquerque City Council of the City's obligation and agreement under Section 2(a) below. In the event that the City Council does not approve the City's obligation and agreement under Section 2(a) of this Agreement on or before December 4, 2006, this Agreement shall be of no force and effect and no Party shall have any obligation to any other Party hereunder. The execution of this Agreement by the City's Chief Administrative Officer will have the effect of satisfying the condition of City Council approval and this Agreement will be binding on all Parties,

subject to the conditions set forth in paragraphs 3(b) and 6.

The City will present this Settlement Agreement to the City Council for its approval of the City's obligation and agreement under paragraph 2(a) at the first available public meeting of the City Council after execution of this Agreement by all Parties (with the exception of execution of this Agreement by the City's Chief Administrative Officer). The Carltons understand that the deadline for getting an item from the administration on the agenda is 10:00 a.m. of the Tuesday preceding the scheduled Council meeting. Regular Council meetings are on the 1st and 3rd Monday of each month. As currently scheduled they are: 10/16, 11/6, 11/20, and 12/4.

**Section 2. Obligations of the City.**

(a) The City will not appeal the Carlton's Summary Judgment. The City acknowledges and agrees that, pursuant to the Carlton's Summary Judgment, the Carltons' Property is no longer in the Fourth Ward Historic Overlay Zone or subject to the Fourth Ward Historic Overlay Zone Design Guidelines.

(b) The City shall no later than 14 days after the date that the City Council approves the City's obligation under Section 2(a), deliver to the Carltons' attorneys a check in the amount of [REDACTED] payable to the Landry & Ludewig Attorney Trust Account.

**Section 3. Obligations of the Carltons.**

(a) The Carltons will dismiss all of their claims and demands in the Action other than the Carlton's Summary Judgment, with prejudice, against all City Defendants. The Parties agree to the form of Order of Dismissal attached hereto as Exhibit A.

(b) The Carltons will dismiss the Variance Appeal, with prejudice upon the following condition: agreement by Arsenio and Laura Sanchez as required in Section 4 herein. The Parties agree to the form of Order of Dismissal attached hereto as Exhibit B.

**Section 4. Matters Relating to the Variance Appeal.** The City acknowledges the subject matter of the Variance Appeal is the Carltons' application for a variance from the SU-2/HDA height limitation as to two stairwell enclosures and one elevator enclosure on the Carltons' proposed development of the Carltons' Property as a high density apartment building (the "Proposed Development"). As well, the City Defendants hereby agree that the City Council's decision on the two variances requested by the Carltons, that is, the variances sought for the two stairwell enclosures and the elevator enclosure, was only a denial of variances for the two stairwell enclosures and the elevator enclosure and such decision did not address any other portion of the high density apartment building proposed by the Carltons for the Property. This Agreement is contingent upon an agreement by Arsenio and Laura Sanchez within a reasonable time from the date of execution of this Agreement that the City Council's decision on the two variances requested by the Carltons, that is, the variances sought for the two stairwell enclosures and elevator enclosure was only a denial of those two variances and that such decision did not address any other portion of the high density building proposed by the Carltons for the Property. The Carltons will seek such an agreement from the Sanchezes upon the execution of this Agreement.

**Section 5. Vested Rights.** Nothing contained in this Agreement shall be deemed to bind the City to the approval of the Proposed Development or any aspect of the Proposed Development.

Nothing contained in this Agreement shall be deemed an agreement by the City that the Carltons have a vested right to any portion of the Proposed Development, including the height thereof. The Carltons acknowledge that the City, by executing this Agreement, does not assure the approval of the issuance of a building permit or any other required approval. The issuance of a building permit and any other approvals required as a condition of commencing the Proposed Development will be given by departments having jurisdiction over the Property pursuant to the requirements of municipal law in force at the time the permit or other approval is applied for. Notwithstanding the foregoing the Final Order that the Property is not in the Historic Zone is binding on the City and its departments.

**Section 6. Approval Contingencies.** This Agreement is contingent upon approval by the Court of Exhibits A and B and upon the Sanchezes' agreement as required in Sections 3(b) and 4 of this Agreement and upon the Sanchezes' approval of Exhibit B.

**Section 7. Mutual Releases.** This Agreement and the undertakings of the Parties constitutes a compromise and settlement of all claims and demands that Carltons have against the City arising out of the acts, omissions and occurrences described in the First Amended Complaint and Supplemental Complaint filed by the Carltons in the Action. The City and all other City Defendants deny all of the Carltons' claims and nothing contained herein shall be construed as an admission by the City or other City Defendant as to any of the Carltons' claims, which are disputed. In settlement of such claims, the Parties mutually release one another as follows:

(a) **By the Carltons.** The Carltons for and in consideration of the agreements contained herein, do hereby forever release, acquit, exonerate and discharge the City Defendants, and each of them, their employees, officers, elected officials, appointed members, agents and attorneys, of and from all manner of claims, damages and actions which the Carltons have, ever had or may hereafter have on account of or by reason of (a) any and every matter involving or arising out of the subject matter of the Action, including the allegations made in the First Amended Complaint and Supplemental Complaint; (b) any and every matter involving the application for Certificate of Appropriateness for the Carltons' Property; (c) any allegations that could have been made in the Action relating to the zoning of the Carltons' Property prior to the date hereof, including the inclusion of the Carltons' Property in the Fourth Ward Historic Overlay Zone; (d) the application of the Fourth Ward Historic Design Guidelines to the Carltons' Property; and (e) the denial of the Carltons' variance application. This release includes and comprises the Carltons' covenant not to sue or to file with any state or federal court any claims, counterclaims, third party claims or cross claims or suits of any nature against the City Defendants for damages or any equitable or other relief arising out of the foregoing. This release does not affect the enforceability of this Agreement or the orders entered under this Agreement, nor does it affect any claim involving the Carltons' Property based upon acts or omissions of the City Defendants first occurring after the date hereof.

(b) **By the City Defendants.** For and in consideration of the covenants and agreements contained herein, the City Defendants do hereby forever release, acquit, exonerate and discharge the Carltons and their agents, officers, directors, persons and entities, of and from all manner of counterclaims or demands which City Defendants had or could have raised in any lawsuit commenced by the Carltons arising out of the subject matter of this Agreement as of the date hereof. This release includes and comprises the City Defendants' covenant not to sue or to file with any state or federal court any claims, counterclaims, third party claims or cross claims or suits of any nature against the Carlton's for damages or any equitable or other relief arising out of the foregoing.

It is the intent of the Parties entering into this Settlement Agreement to fully and effectively dismiss and release any and all claims that either party may have, or all other persons or entities claiming by, through, or under either party, for any and all damage, loss or injury arising out of or resulting from the acts, omissions and transactions described in this paragraph. The Parties hereby agree that this Settlement Agreement shall operate as an absolute legal bar to any and every lawsuit, or claim of every nature which either party could, or might sustain as against each other, their attorneys or employees by reason of acts, omissions and transactions described in this paragraph. This Agreement is intended to have the broadest possible effect so that the disputes between the Parties will be finally and forever put to rest. It is understood and agreed that the purpose of this Settlement Agreement, insofar as to the claims of either party, is for a resolution of all issues which are or may be in controversy between the Parties, and for damages resulting from tort, or any other claim of any nature, arising from the acts, omissions and transactions described in this paragraph, and is to fully protect and release all Parties, their agents, attorneys, employees, directly or indirectly, for damages resulting from any aforementioned claims or conduct.

The Parties understand and agree that the City's payment to the Carltons' and its agreement not to appeal the Carltons' Summary Judgment are in full accord and satisfaction of disputed and unliquidated claims. Nothing contained herein is intended to be an admission of any liability or of any allegation made by either party in their pleadings in the Action or Variance Appeal.

The terms of this Settlement Agreement are contractual and not mere recitals and no representations have been made which are not contained herein. If any party institutes an action or other proceeding to enforce any right arising under this Settlement Agreement, the prevailing party shall be entitled to recover all reasonable costs and attorneys fees.

In the event of the failure of the express contingencies set forth in Section 6, the mutual releases contained in this Section 7 shall have no force or effect whatsoever.

Section 8. The Parties acknowledge that the negotiation, review and execution of this Agreement hereto have been entirely voluntary.

Section 9. This Agreement shall not be altered, modified, changed or amended except by written agreement executed by the Parties hereto.

Section 10. This Agreement shall be governed by the laws of the State of New Mexico.

Section 11. The below signatories for the City Defendants represent and warrant that they have the authority to execute this Agreement on behalf of all of the City Defendants (as listed in the first paragraph of this agreement) and to bind the City Defendants thereto and have followed all appropriate procedures in obtaining approvals for this Agreement.

Section 12. The Parties hereto shall execute and deliver any additional documents and do any and all things reasonably necessary to carry out the intent of the Parties pursuant to this Settlement Agreement.

Section 13. The signatures to this Agreement may be executed in counterparts and a telefaxed copy of the signature shall be as effective as the original.

Section 14. The invalidation or unenforceability of this Agreement, or any part thereof, or Exhibits A or B, or any part thereof, by a court of competent jurisdiction, shall give the Carltons the right to resurrect all of the Carltons' claims against the City Defendants. In such case, all of the City's obligations hereunder will be deemed void and of no force or effect and the Carltons shall return the payment made by the City pursuant to Section 2(b). In the event that the Carltons elect to resurrect their claims, the Parties agree that Exhibits A and B will be set aside by the court and neither the Carltons nor the City Defendants will oppose any motion to set aside such orders. A breach of this Agreement by the City shall not be deemed to constitute the invalidation or unenforceability of this Agreement.

Section 15. This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof and it supersedes all prior understandings, oral or written, and is the exclusive agreement of the terms agreed to by the Parties.

Section 16. This Agreement shall inure to the benefit of and be binding upon the Parties and their respective heirs, successors, executors, administrators and assigns and runs with the Property.

IN WITNESS WHEREOF this Agreement has been executed by the Parties on and as of the date first written above.

**Separate Signature Pages Attached**

Settlement Agreement—Carlton v. City of Albuquerque  
Carltons' Signature Page

By: *Johnny Carlton*  
Johnny Carlton

By: *Jane Carlton*  
Jane Carlton

ACKNOWLEDGMENTS

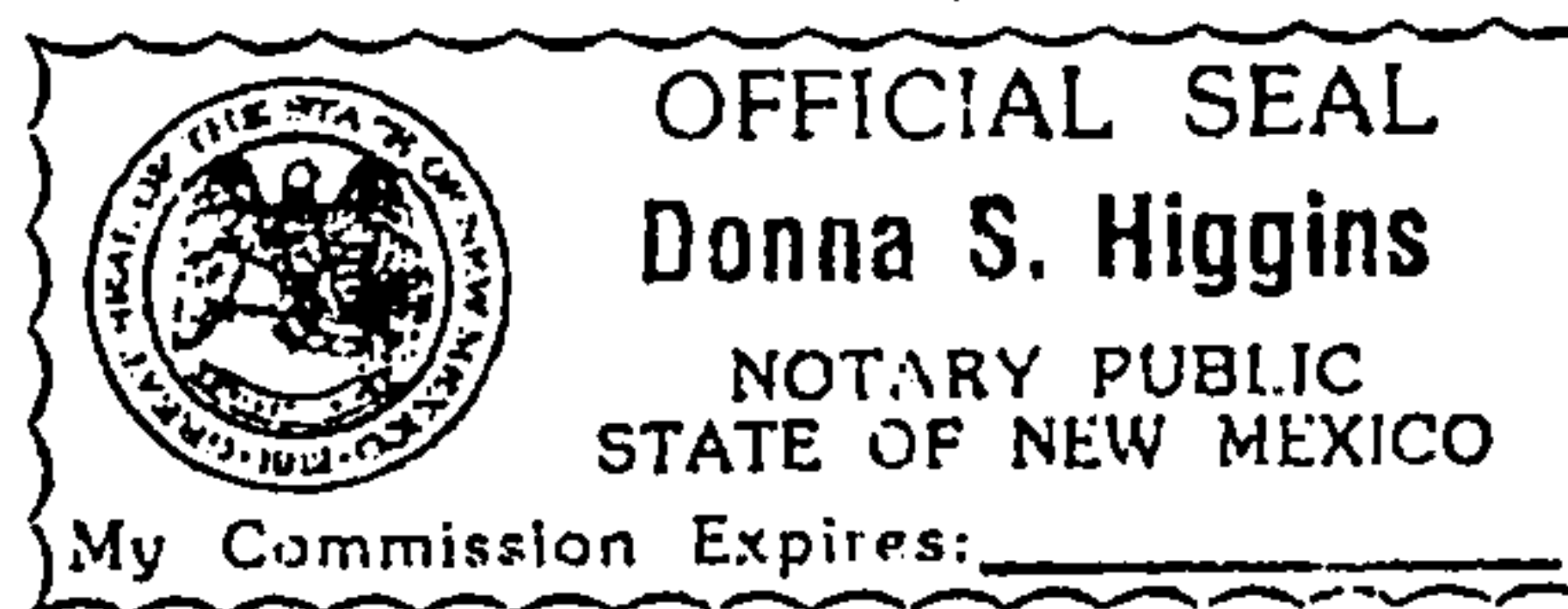
STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

)  
) ss.  
)

EXECUTED AND ACKNOWLEDGED before me on this 5th day of October, 2006 by Johnny Carlton and Jane Carlton, husband and wife.

*Donna S. Higgins*  
Notary Public

My commission expires: June 24, 2007





Settlement Agreement—Carlton v. City of Albuquerque  
City's Signature Page

CITY OF ALBUQUERQUE  
A municipal corporation

By:   
Name: Bruce J. Perlman, Ph.D.  
Title: Chief Administrative Officer

ACKNOWLEDGMENT

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF BERNALILLO        )

EXECUTED AND ACKNOWLEDGED before me on this 14 day of November, 2006 by Bruce J. Perlman, Ph.D., the Chief Administrative Officer for the City of Albuquerque, who represents that this is executed with the appropriate authority from the City of Albuquerque and the Landmarks and Urban conservation Commission and its Commissioners.

  
Notary Public

My commission expires: 1-27-2010

Settlement Agreement—Carlton v. City of Albuquerque  
Piscitelli's Signature Page

By: Mary Piscitelli-Umphres  
Mary Piscitelli (Umphres)

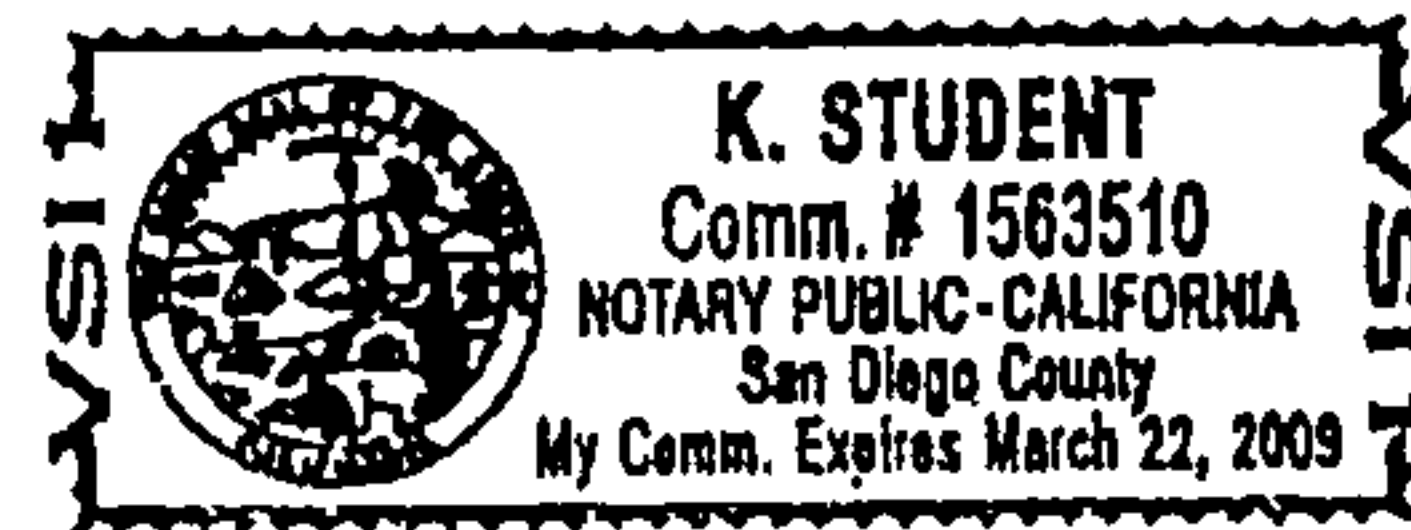
ACKNOWLEDGMENTS

STATE OF CALIFORNIA )  
COUNTY OF San Diego ) ss.

EXECUTED AND ACKNOWLEDGED before me on this 30<sup>th</sup> day of October, 2006 by Mary Piscitelli (Umphres).

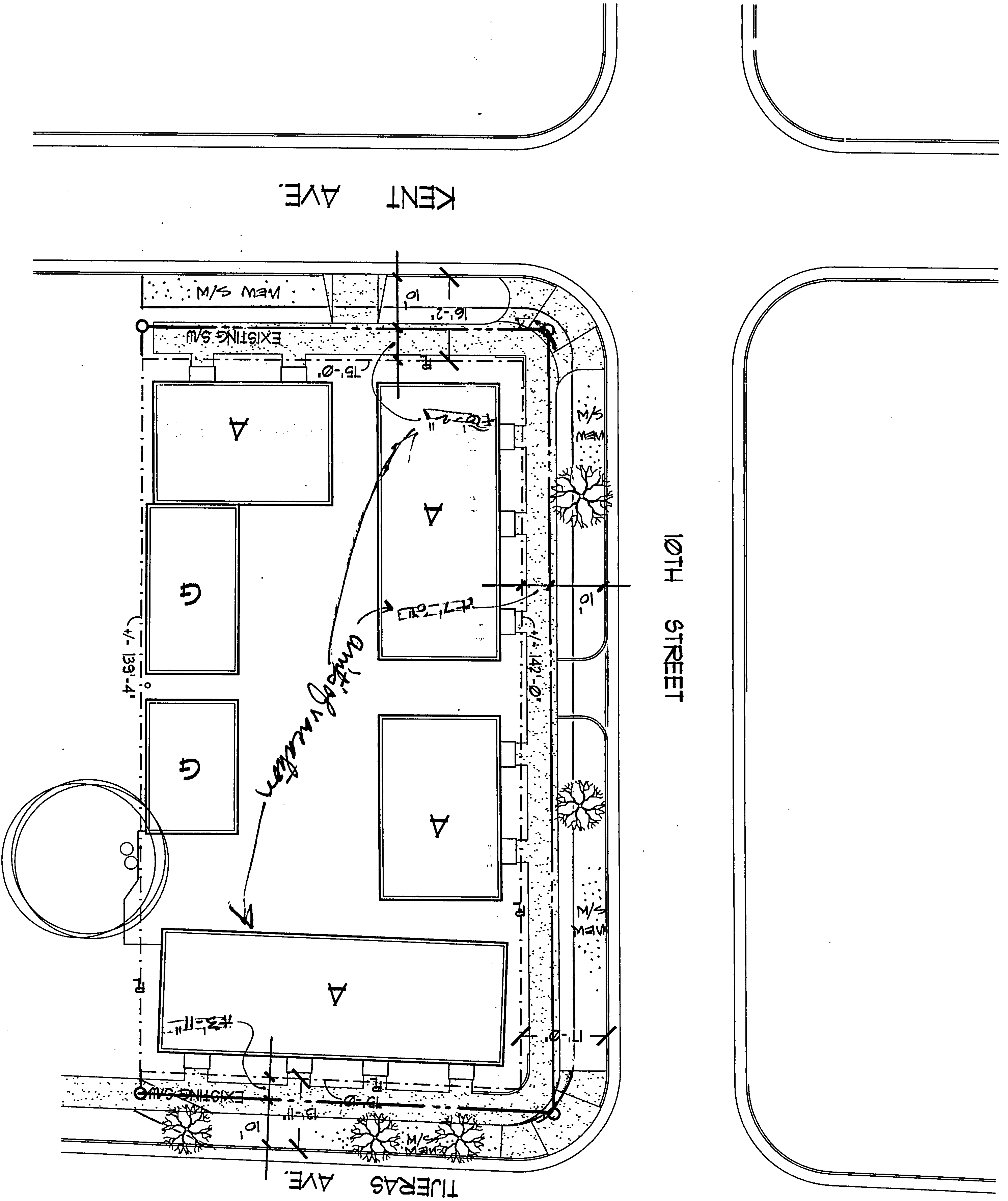
[Signature]  
Notary Public

My commission expires: 3/22/09



CARLTON APARTMENTS  
 JOHNNY AND JANE CARLTON  
 KENT AVENUE AND TENTH STREET  
 ALBUQUERQUE, NEW MEXICO

⊙ EXISTING SITE PLAN  
 1-20-01  
 9-16-03  
 WITH REQUESTED ACQUISITION  
 (1820.50 SF / .04 AC)  
 N



ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME

AGENT

ADDRESS

PROJECT & APP #

PROJECT NAME

Jane Castro

1001816

NM Town Co Ord. Townsite

\$ 441032/3424000 Conflict Management Fee

\$ 500 441006/4983000 DRB Actions *type*

\$ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 441018/4971000 Public Notification

\$ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY\*\*\*  
( ) Major/Minor Subdivision ( ) Site Development Plan ( ) Bldg Permit  
( ) Letter of Map Revision ( ) Conditional Letter of Map Revision  
( ) Traffic Impact Study

\$ 500 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

\*\*\*DUPLICATE\*\*\*  
City Of Albuquerque  
Treasury Division

1/26/2007 4:13PM LOC: ANNX  
RECEIPT# 00070318 WSH 008 TRANSH 0057  
Account 441006 Fund 0110  
Activity 4983000 TRSMSP  
Trans Amt \$5.00  
J24 Misc \$5.00  
VI \$5.00  
CHANGE \$0.00

Thank You

rec'd 1/17/07

January 17 2007

323 10<sup>th</sup> St. NW  
Albuquerque, 87102

Albuquerque Design Review Board  
600 Second St. NW, 87102

To whom it may concern,

As a neighbor for 13 years of the new apartment complex proposed at 10<sup>th</sup> and Tijeras, I would like to express my opposition that the planting strip be removed on the property.

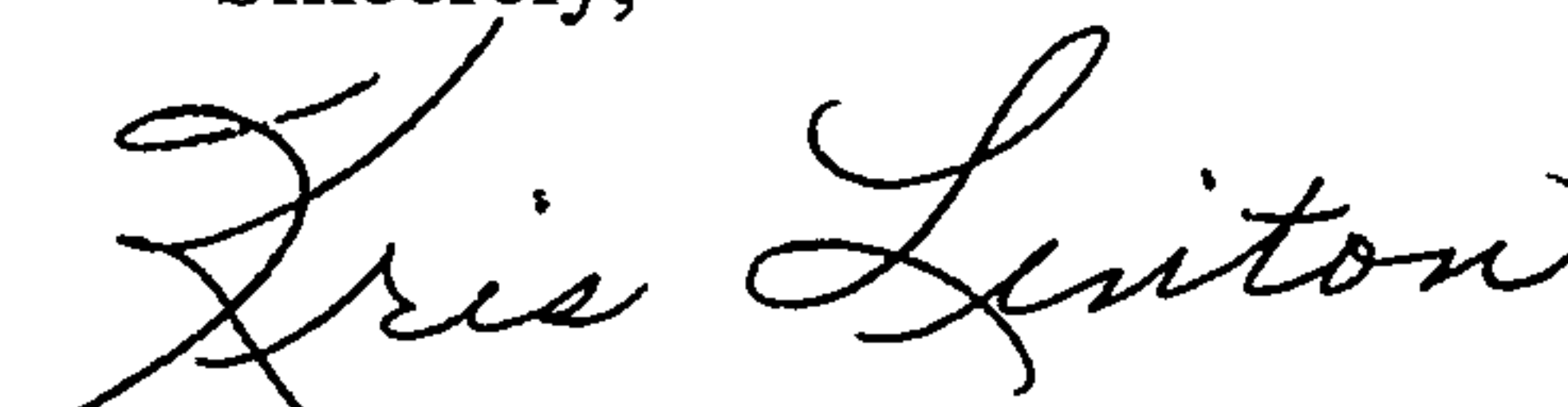
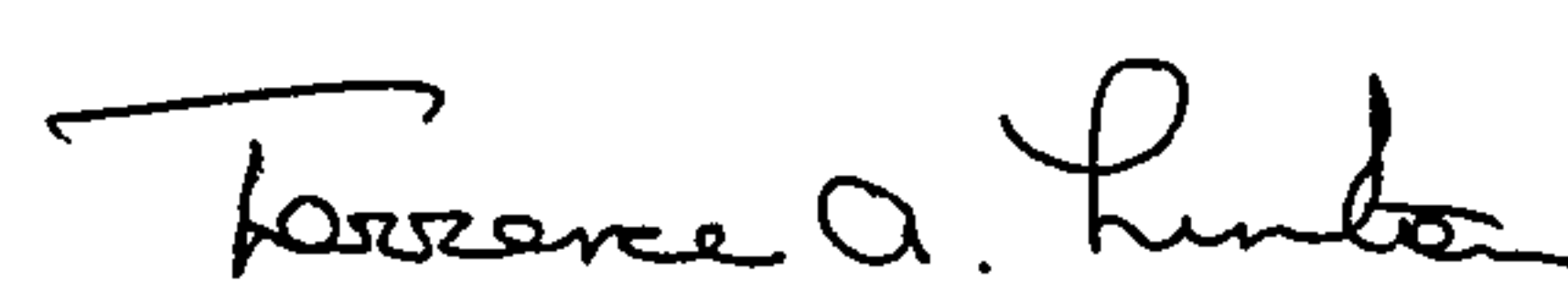
Although the owners, the Carltons, defend this proposal saying that the property is a buffer zone between the historic overlay zone and Central, all of the homes and businesses in the area still have planting strips. The one exception is the 909 apartments across the street from their property but it still has the traditional wide sidewalk with a deep grass lawn before the building itself. It has a generous and well landscaped set back.

This neighborhood still has many pedestrians and I think the wide sidewalks and planting strips adds to the charm and historical nature of the neighborhood. The residents directly east of the proposed apartments consist of a traditional Victorian and one story apartments that have the planting strips. This would be a strange alteration to that block's sidewalk layout if half of the block suddenly had a structure a few feet off of the curb.

Many of the pedestrians are elderly and they shop in the area or take frequent walks. Narrow sidewalks, especially those that suddenly appear where all others are wide, can be a little dangerous in this situation.

Thank you for your consideration in this matter. For those of us that live in this neighborhood and appreciate it's design that encourages pedestrian use, this would be a detriment to the nature of the area and a precedent that might allow more infill projects to randomly seek the same exception.

Sincerely,

   
Kris and Terry Linton

Reed  
1/17/07

January 17, 2007

Madam Chairman,

My name is Jennifer de Garmo. I'm here today representing the Downtown neighborhood association regarding project number 1001816 (06DRB-01794 Major-vacation of Public Easements).

The DNA unanimously voted to oppose this request for vacation of easement to move the sidewalk. Requiring a planting strip is a buffer between pedestrian and traffic. A sidewalk with a planting strip is especially important because 10th street is the route from our neighborhood for kids walking to Washington Middle School. The two major crosswalks for kids to get to Washington Middle School are at 10th and 14th.

Good quality sidewalks are important in our neighborhood as we are a neighborhood of people who value walkability. We walk to Java Joe's, Washington Park, Main Library, Mary Fox Park, and to Robinson Park for the farmer's market. It is important to maintain the pedestrian facilities of the downtown neighborhood of which this development will be a part.

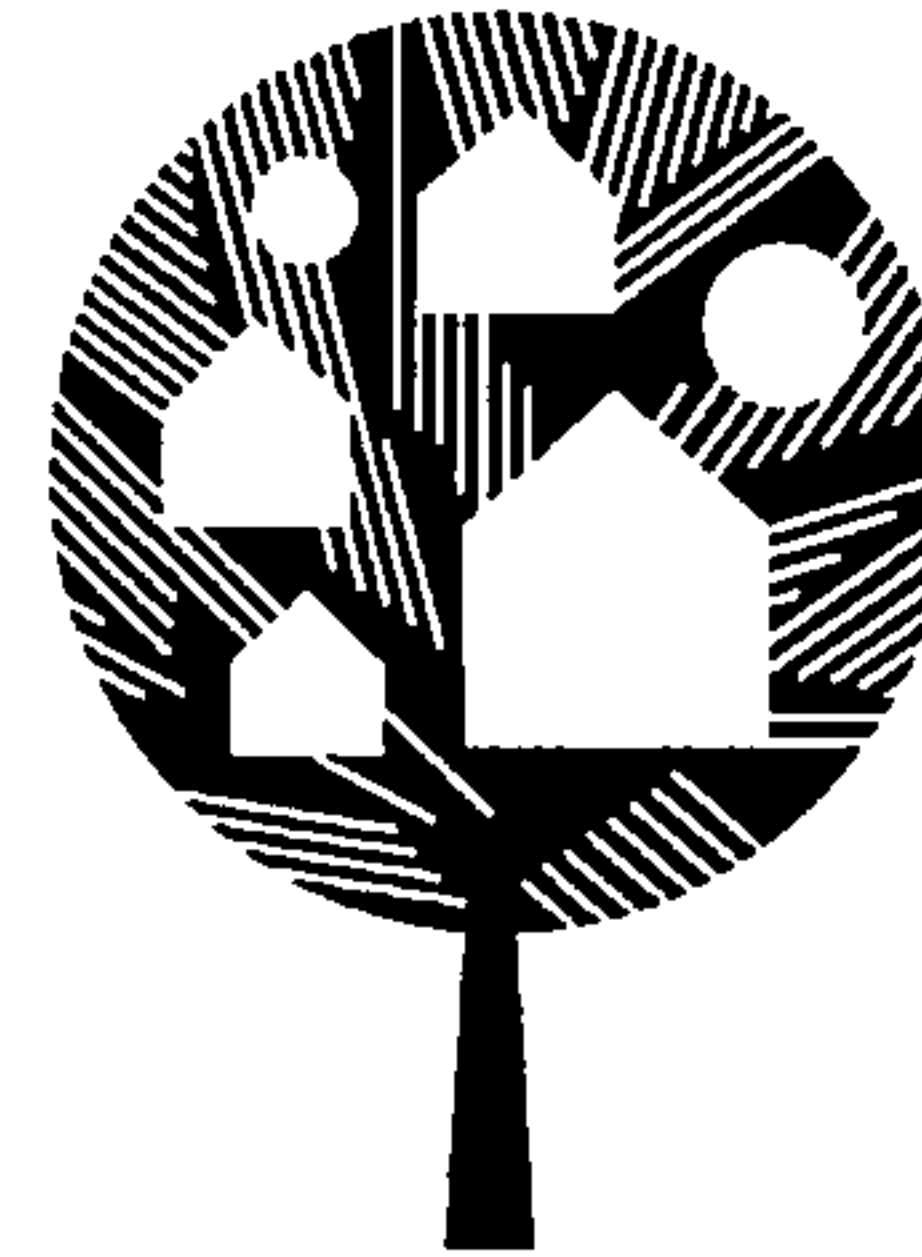
I understand the city is encouraging new developments to allow enough room for sidewalks with planting strips. If the DRB allows Ms. Carlton to move the sidewalk, we respectfully request the new sidewalk be ADA accessible or wide enough to allow two people to walk side by side.

Thank you for taking my comments into consideration.

Sincerely,

Jennifer de Garmo  
DNA, Co-chair

# The Downtown Neighborhoods Association



## POSITION STATEMENT

### Property & Request Description:

**Project Number:** 1001816

**Property Address:** 208 10th. St. NW, 918-924 Tijeras NW, 919-921 Kent NW

**Owner:** Jane Carlton

**Request:** Vacation of Sidewalk Easement

**Hearing Date:** January 17, 2007

### Association Recommendation:

The Downtown Neighborhoods Association board voted unanimously at its monthly meeting to recommend **REJECTION** of the owner's request for a sidewalk easement vacation.

The association requests that the DRB require that the owner maintain the existing sidewalk widths and planting strip widths on all streets that bound the subject project.

Thanks to the foresight of planners in the 1920's, our neighborhood, with its wide sidewalks and planting strips is one of the most pedestrian friendly, walkable neighborhoods in the City. The Downtown Neighborhoods Association asks the City to protect our fine sidewalks and planting strips by rejecting this and any other requests to alter the existing street sections in our neighborhood.

Thank you for considering our recommendation. If you have any questions please call me at 842-8364.

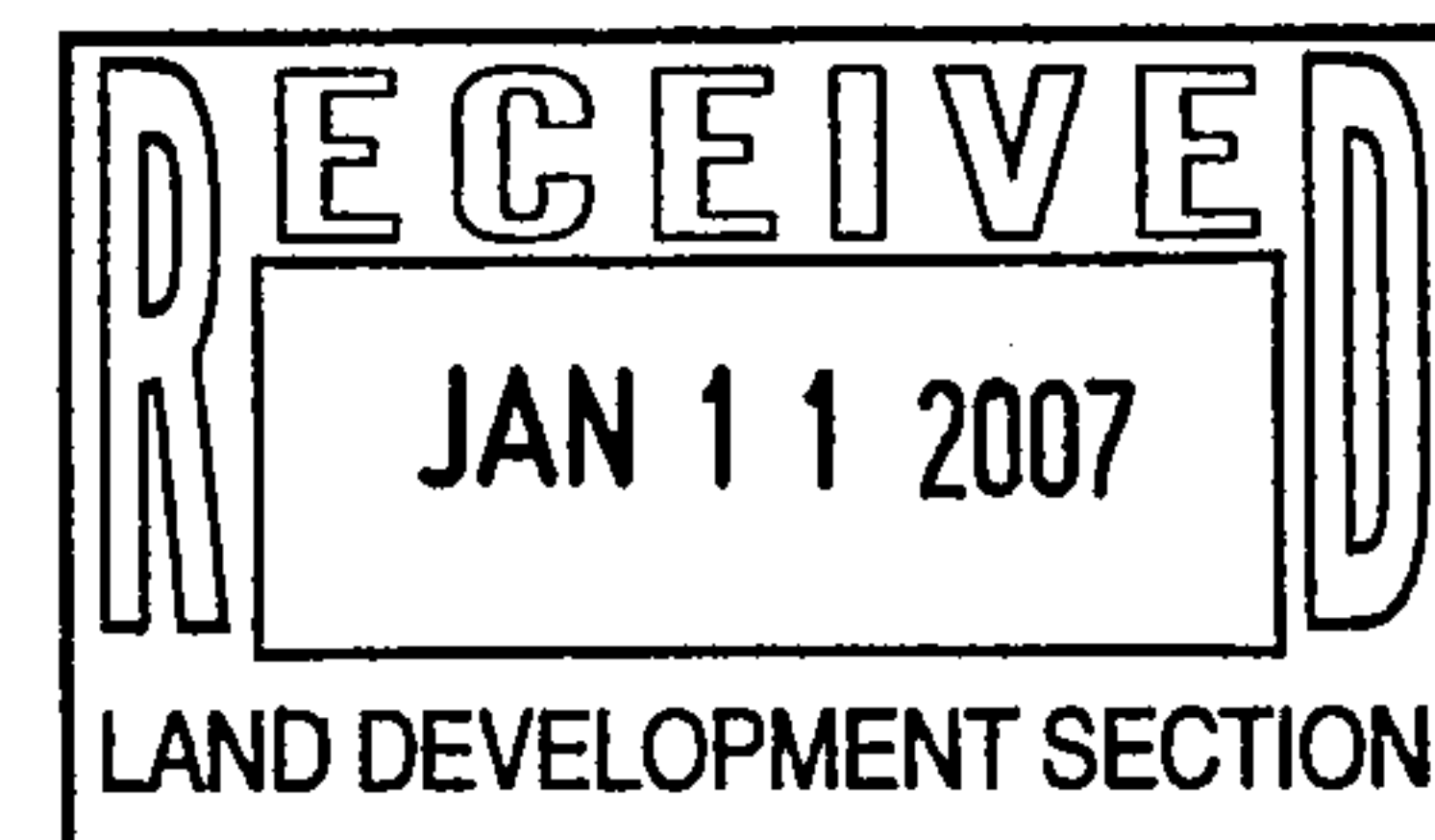
Sincerely,

A handwritten signature in black ink, appearing to read "Terry Brunner". The signature is fluid and cursive.

Terry Brunner

Chair

Downtown Neighborhoods Association



# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

**SUBDIVISION**

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN**

- for Subdivision Purposes
- for Building Permit
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

**STORM DRAINAGE**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
- D**  Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: JANE CARLTON PHONE: 450 4989 or 868-7275  
 ADDRESS: 800 VAL VERDES SE FAX: 868-0644  
 CITY: ABQ STATE: NM ZIP: 87108 E-MAIL: jcarl1000@aol.com  
 Proprietary interest in site: owner List all owners: Jane & Jimmy Carlton  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: vacation of easement created erroneously

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No: Lot 12 A Block: 54 Unit: \_\_\_\_\_  
 Subdiv. / Addn: New Mexico Town Company's Original Townsite  
 Current Zoning: SH2-HDA Proposed zoning: Same - no change  
 Zone Atlas page(s): J 13 No. of existing lots: 1 No. of proposed lots: 1  
 Total area of site (acres): 1/2 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 101305849601240501 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near 918-924 Tijeras W. 200-208-10th NW 919-921 Kent NW  
 Between: Tomos and Central

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): \_\_\_\_\_

1001816

Check-off if project was previously reviewed by Sketch Plat/Plan ?, or Pre-application Review Team ? . Date of review: Oct 2004

SIGNATURE: Jane Carlton DATE: 10/28/06  
 (Print) Jane Carlton  Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING				
<input checked="" type="checkbox"/> All checklists are complete	<u>06 DRB . 01794</u>	<u>VPE</u>	<u>✓</u>	<u>\$ 0</u>
<input checked="" type="checkbox"/> All fees have been collected				
<input checked="" type="checkbox"/> All case #'s are assigned				
<input checked="" type="checkbox"/> AGIS copy has been sent				
<input checked="" type="checkbox"/> Case history #'s are listed				
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				
<input checked="" type="checkbox"/> F.H.D.P. density bonus				
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				
	Hearing date <u>January 17, 2007</u>			Total <u>\$ 0</u>

Andrew Juncos 12/26/06  
 Planner-signature / date

Project # 1001816



FORM V: SUBDIVISION VARIANCES & VACATIONS

BULK LAND VARIANCE

(PUBLIC HEARING CASE)

- Application for subdivision (Plat) on FORM S-3, including those submittal requirements. 24 copies of the plat are required. The Variance and subdivision should be applied for simultaneously.
- Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived.
- Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
- Any original and/or related file numbers are listed on the cover application

**DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

VACATION OF PUBLIC RIGHT-OF-WAY

VACATION OF PUBLIC EASEMENT

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (not to exceed 8.5" by 14") 24 copies
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement

*Sandy A.*

- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

**DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DPM)

SIDEWALK DESIGN VARIANCE

SIDEWALK WAIVER

- Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") 6 copies
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the variance or waiver
- Any original and/or related file numbers are listed on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

- Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") 6 copies
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the deferral or extension
- Any original and/or related file numbers are listed on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

VACATION OF PRIVATE EASEMENT

- The complete document which created the private easement (not to exceed 8.5" by 14") 6 copies
- Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the vacation
- Letter of authorization from the grantors and the beneficiaries
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

VACATION OF RECORDED PLAT

- 6 copies of the recorded plat to be vacated.
- 6 copies of documents justifying the vacation.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter describing, explaining, and justifying the vacation
- Any original and/or related file numbers are listed on the cover application
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

JANE CARLTON  
Applicant name (print)  
Jane Carlton 12/26/06  
Applicant signature / date



Form revised 4/03, 10/03 and APRIL 2006

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
06DRB - -01794

Andrew Garcia 12/26/06  
Planner signature / date  
Project # 1001816

# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from January 2, 2007 To January 17, 2007

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Jane Carter  
(Applicant or Agent)

12/26/06  
(Date)

I issued 3 signs for this application, 12/26/06  
(Date)

Andrew Janusz  
(Staff Member)

DRB PROJECT NUMBER: 1001816

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form	S	Supplemental form	Z
<b>SUBDIVISION</b>		<b>ZONING &amp; PLANNING</b>	
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input checked="" type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
<b>SITE DEVELOPMENT PLAN</b>	P	<input type="checkbox"/> Sector Plan (Phase I, II, III)	
<input type="checkbox"/> ...for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan	
<input type="checkbox"/> ...for Building Permit		<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)	
<input type="checkbox"/> IP Master Development Plan			
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L	<b>APPEAL / PROTEST of...</b>	A
		<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: JOHNNY & JANE CARLTON PHONE: 268-7275  
 ADDRESS: 1 800 VEL VERDE FAX: 268-0644  
 CITY: ALBUQUERQUE STATE NM ZIP 87108 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: OWNER List all owners: \_\_\_\_\_  
 AGENT (if any): FORSTRAUER SURVEYING LLC PHONE: 268-2112  
 ADDRESS: 4116 LOMAS BL NE FAX: 268-2032  
 CITY: ALBUQUERQUE STATE NM ZIP 87110 E-MAIL: FORSTRAUER@AOL.COM

DESCRIPTION OF REQUEST: CONSOLIDATE lots 10, 11 & 12 TOGETHER WITH VACATED RIGHT OF WAY INTO 1 LOT (VAC. APPROVED Proj # 1001816) WITH PRELIMINARY Plat  
 Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. lots 10, 11 & 12 Block: 54 Unit: \_\_\_\_\_  
 Subdiv. / Adn. N.M. TOWN COMPANY'S ORIGINAL TOWNSITE  
 Current Zoning: S4-2 HDA Proposed zoning: \_\_\_\_\_  
 Zone Atlas page(s): J13 No. of existing lots: 3 No. of proposed lots: 1  
 Total area of site (acres): 0.2799 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 101305849501340501 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: (On or Near) TIJERAS AV NW  
 Between 9TH ST NW and 10TH ST NW

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 03DRB 01503  
Proj # 1001816 03 DLB-01640 04DRB 01370, 04LUCC 00112  
 Check off if project was previously reviewed by Sketch Plat/Plan  or Pre-application Review Team . Date of review: 9/15/04

SIGNATURE <u>[Signature]</u>	DATE <u>10/14/04</u>	Form revised 9/01, 3/03, 7/03, 10/03, 3/04
FOR OFFICIAL USE ONLY	Applicant _____ Agent _____	
<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action S.F. Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04DRB -01612</u>	<u>PEF (3) \$ 215.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF \$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned		\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent		\$ _____
<input type="checkbox"/> Case history #s are listed		\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill		\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus	Hearing date <u>10-27-04</u>	Total \$ <u>235.00</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate		

[Signature] 10-14-04 Project # 1001816  
 Planner signature / date

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

SKETCH PLAT REVIEW AND COMMENT

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. Sketches are not reviewed through internal routing.
  - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT

- Preliminary Plat reduced to 8.5" x 11"
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Copy of previous D.R.B. approved infrastructure list
  - Copy of the Official D.R.B. Notice of approval
  - Any original and/or related file numbers are listed on the cover application
- Extensions are not reviewed through internal routing.**  
 Extension of preliminary plat approval expires after one year.  
 DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

MAJOR SUBDIVISION FINAL PLAT APPROVAL

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
  - Property owner's and City Surveyor's signatures on the Mylar drawing
  - SIA financial guaranty verification
  - Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
  - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
  - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
  - Property owner's and City Surveyor's signatures on the Mylar drawing
  - N/A Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

AMENDMENT TO PRELIMINARY PLAT (with minor changes)

AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)

AMENDMENT TO GRADING PLAN (with minor changes)

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing

- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
  - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
  - Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
  - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.  
 DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

FORSTBAUER SURVEYING LLC by RONALD FORSTBAUER  
 Applicant name (print)

[Signature]  
 Applicant signature / date

10/14/04

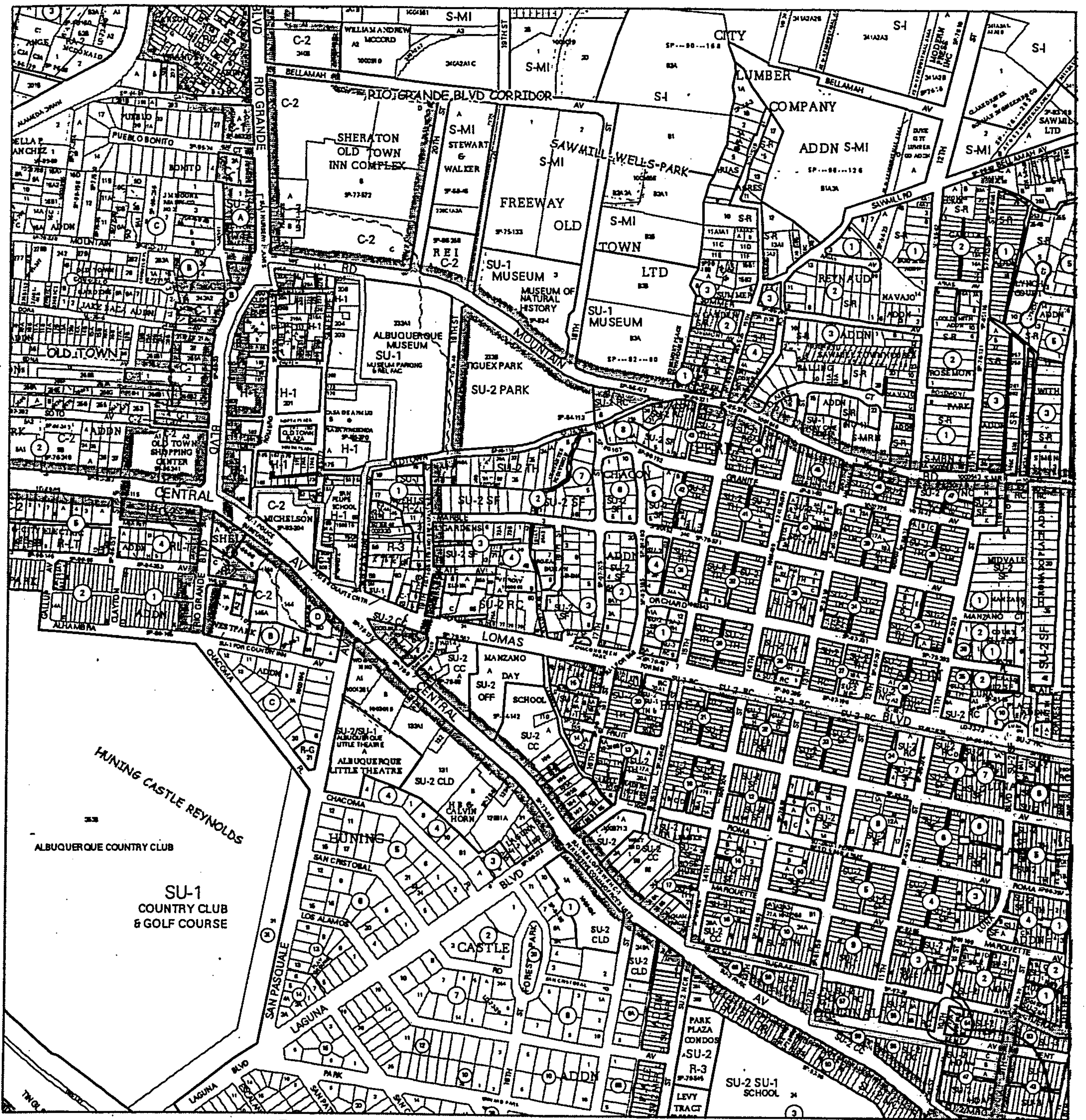


Form revised September 2001

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
04DRB - 01612

[Signature] 10-14-04  
 Planner signature / date  
 Project # 1001816

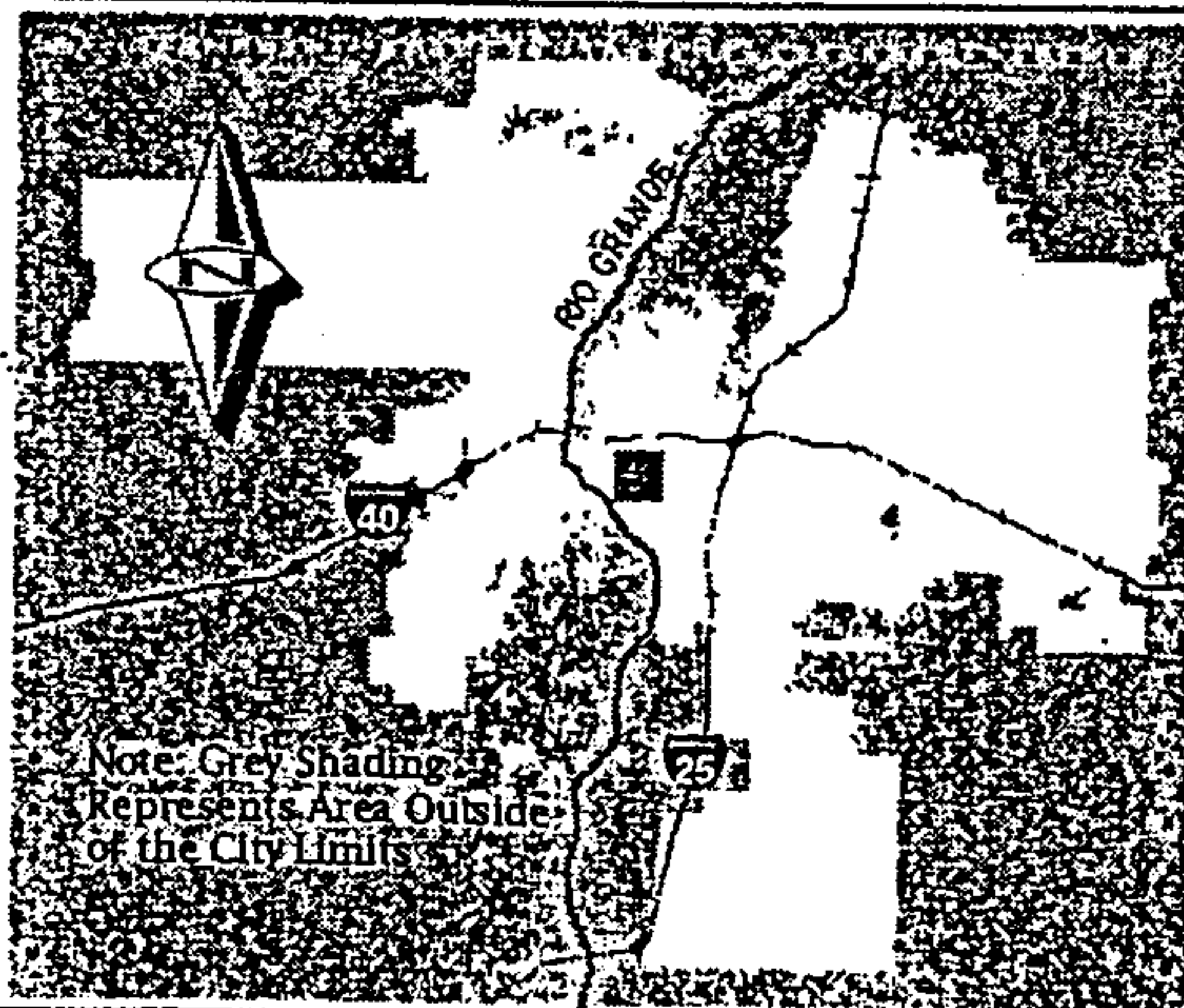


For more current information and more details visit: <http://www.cabq.gov/gis>

**SITE**



Map amended through: 9/5/2006

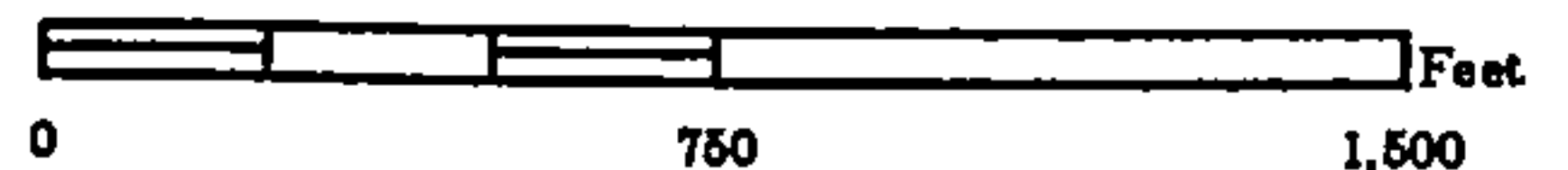


Zone Atlas Page:

**J-13-Z**

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone



505-450-4989 or 268-7275

Eleanor J. Carlton  
800 Val Verde SE  
Albuquerque NM 87108

FAX 505-268-0644

December 22, 2006

Ms. Sheron Matson  
Development Review Board Chair  
Albuquerque NM 87103

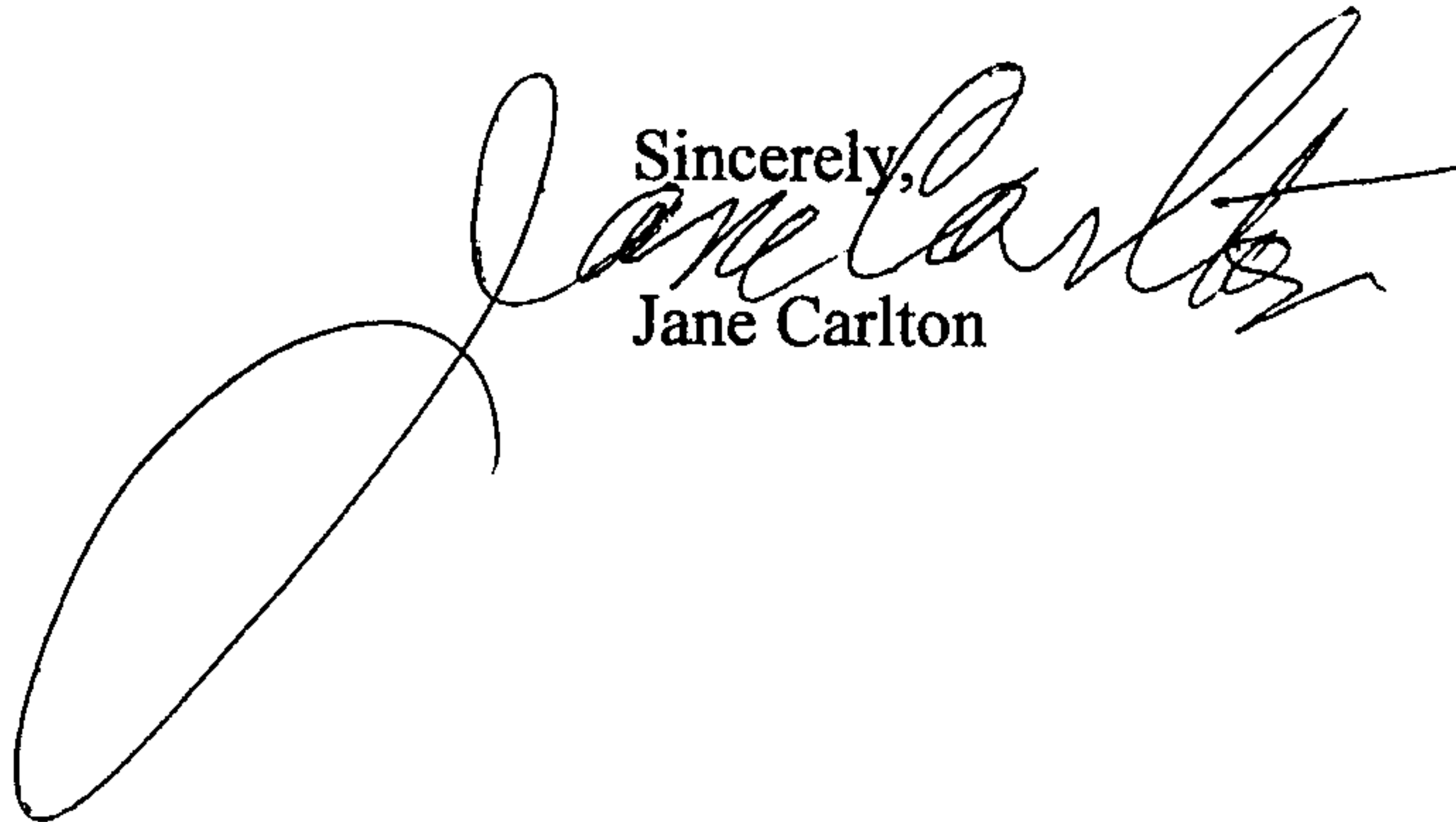
Dear Ms. Matson:

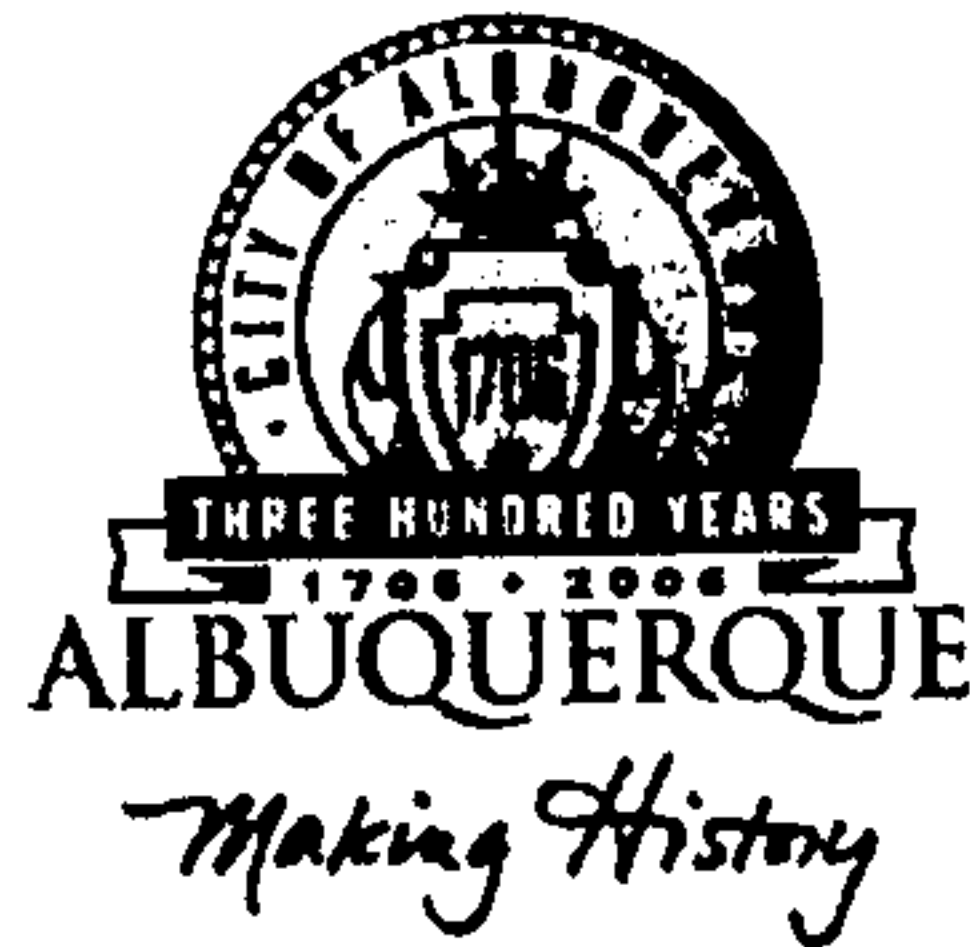
As you remember, Johnny and I purchased the right-of-way surrounding our apartments at Tenth, Tijeras and Kent in 2004. At that time City Planner Bob Paulsen testified before the Development Review Board (DRB) that, because our property was in the Fourth Ward Historic Overlay Zone, the sidewalks could not be moved. That was a lie. Because the public cannot use sidewalks on private property, the DRB required that we give the city a sidewalk easement. In November 2005 District Court Judge Clay Campbell rendered a summary judgment saying that our property was not legally included in the Historic Zone when it was created and that our property was to be removed from the Historic Zone. Recently the City Council voted not to appeal the Judgment. So this property is no longer in the Historic Zone.

Therefore we are requesting that the DRB vacate that easement which was created erroneously.

Sincerely,

Jane Carlton

A large, stylized handwritten signature in black ink, appearing to read 'Jane Carlton', is written over the typed name. The signature is fluid and cursive, with a large loop at the end.



# City of Albuquerque

**PLEASE NOTE:** The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: December 22, 06

TO CONTACT NAME: Jane Carlton  
COMPANY/AGENCY: \_\_\_\_\_  
ADDRESS/ZIP: 800 Valverde SE  
PHONE/FAX #: 268-7275-450-4989

Thank you for your inquiry of 12-22-06 (date) requesting the names of **Recognized**

**Neighborhood Associations** who would be affected under the provisions of O-92 by your proposed project at Lot 12-A Block 54 New Mexico Town Company's Original townsite located on 10th + Tijeras NW - 200 10th thru zone map page(s) 5-13 . 203 tenth - 918-924 Tijeras NW + 919 thru 921 Kent NW

Our records indicate that the **Recognized Neighborhood Association(s)** affected by this proposal and the contact names are as follows:

Downtown N.A.

**Neighborhood Association**  
Contacts: Jennifer de Carmo  
1021 Forrester St - NW  
87102-244-9393(h)  
Steve Morrow  
405 Luna Blvd - NW/87102  
440-8470(h)

**Neighborhood Association**  
Contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**See reverse side for additional Neighborhood Association Information: YES { } NO**

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Dalaina J. Carmo  
OFFICE OF NEIGHBORHOOD COORDINATION

.....  
Attention: Both contacts per neighborhood association need to be notified.  
.....

# NOTICE TO APPLICANTS

**Suggested Information for Neighborhood Notification Letters...** Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, LUCC, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

**We recommend that the Notification Letter include the following information:**

- The street address of the subject property.
- The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
- A physical description of the location, referenced to streets and existing land uses.
- A complete description of the actions requested of the EPC:
- If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
- If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendments describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
- If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
- The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

## Information from the Office of Neighborhood Coordination (ONC)

The following information should always be in **each** application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant **and** "Attachment A" (if there are associations). A copy must be submitted with application packet **-OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.
- Copies of the certified receipts to Neighborhood Associations (if there are associations). A copy must be submitted with application packet.

**Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.**

\*\*\*\*\*

(Below this line for ONC use only)

Date of Inquiry: 12-22-06 Time Entered: 9:46am ONC Rep. Initials: OC



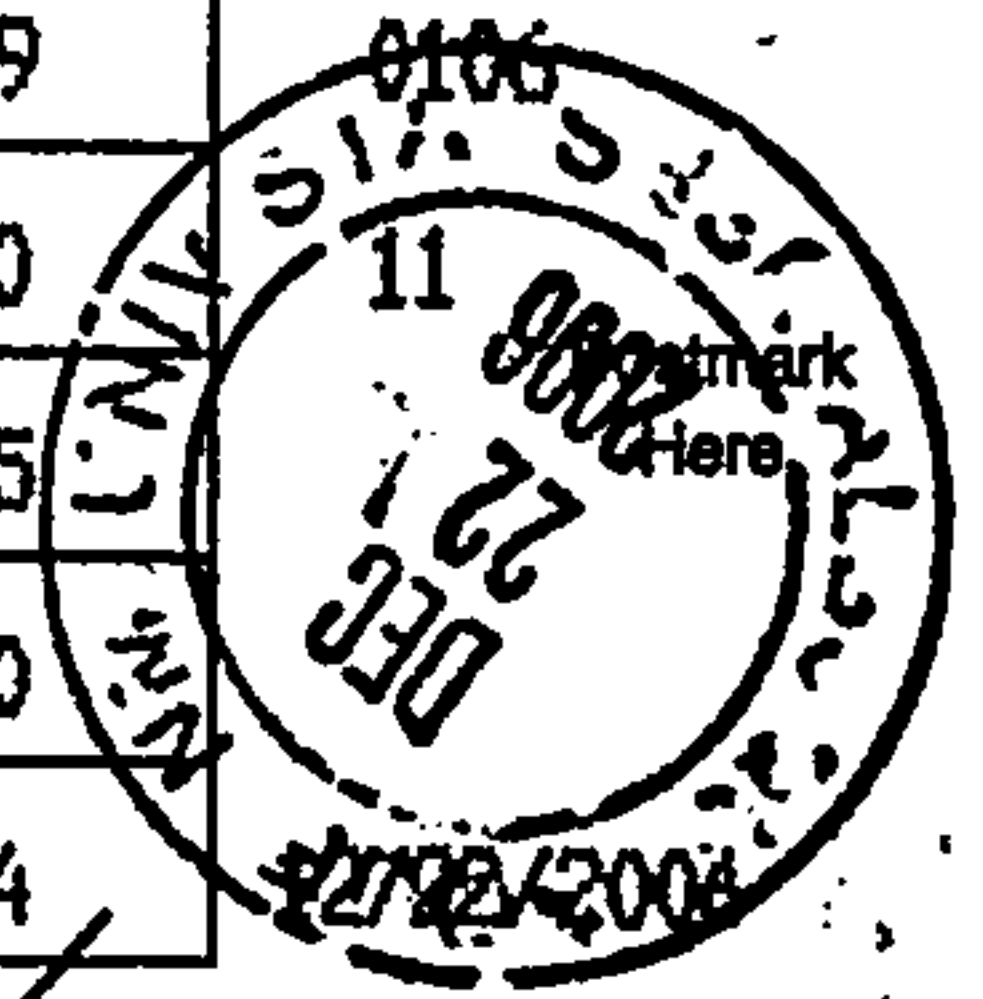
7005 3110 0000 01TE 5002

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
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Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$4.64</b>



Sent To: *Steven Harlow*  
 Street, Apt. No., or PO Box No.: *PO Box 10*  
 City, State, ZIP+4: *ALBUQUERQUE NM 87102*

PS Form 3800, June 2002 See Reverse for Instructions

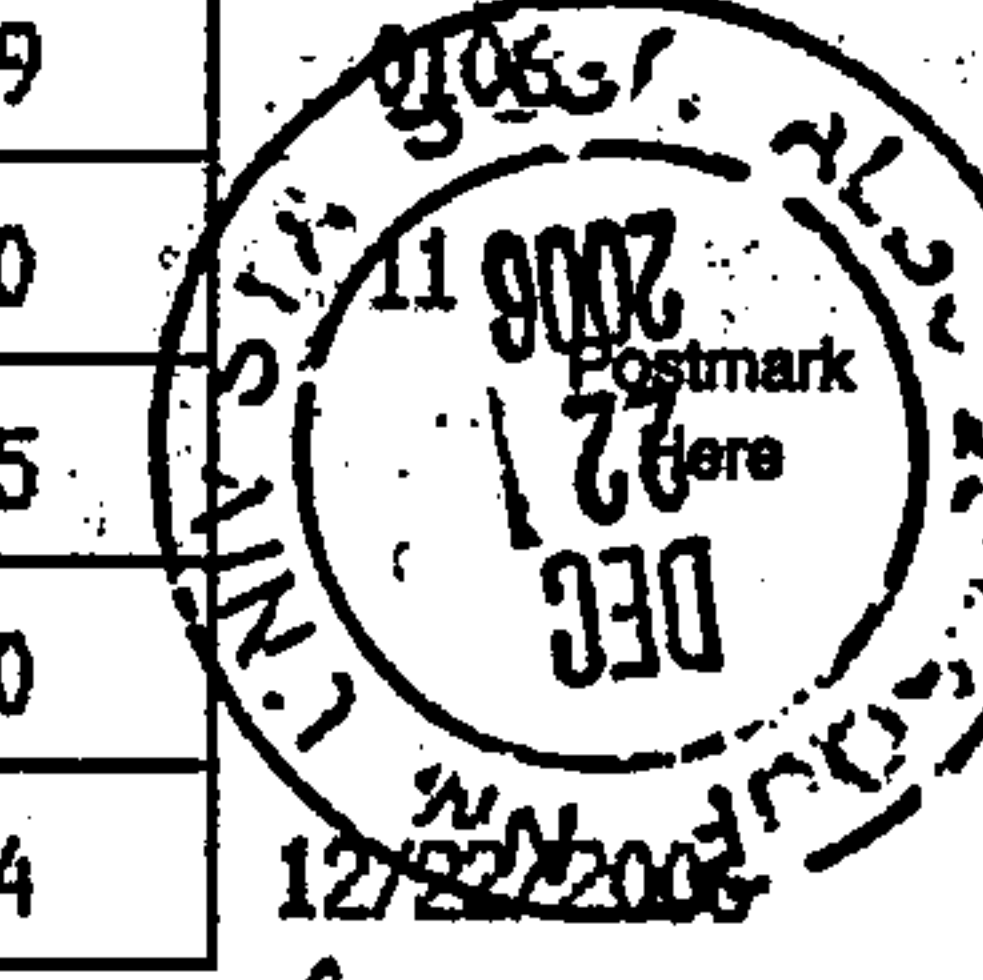
7005 3110 0000 01TE 5002

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<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$4.64</b>



Sent To: *Lennifer de la Riva*  
 Street, Apt. No., or PO Box No.: *PO Box 10*  
 City, State, ZIP+4: *ALBUQUERQUE NM 87102*

PS Form 3800, June 2002 See Reverse for Instructions

505-450-4989 or 268-7275

Eleanor J. Carlton  
800 Val Verde SE  
Albuquerque NM 87108

FAX 505-268-0644

December 22, 2006

Steve Morrow  
405 Luna NW  
Albuquerque NM 87102

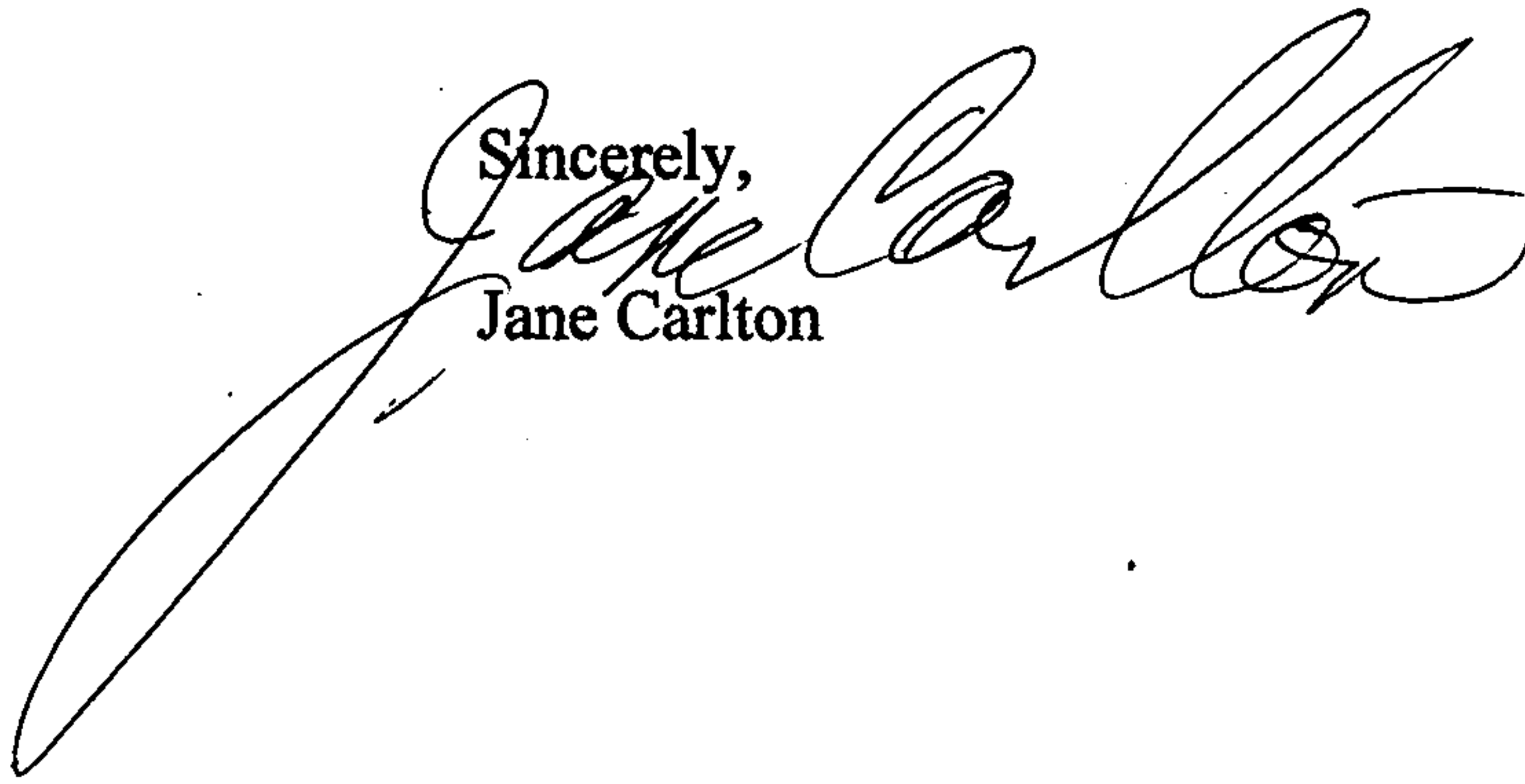
Dear Ms. Morrow:

As you know, we purchased the right-of-way surrounding our apartments at Tenth, Tijeras and Kent in 2004. At that time City Planner Bob Paulsen testified before the Development Review Board (DRB) that, because our property was in the Fourth Ward Historic Overlay Zone, the sidewalks could not be moved. That was a lie. Because the public cannot use sidewalks on private property, the DRB required that we give the city a sidewalk easement. Since then a District Court judge rendered a summary judgment saying that our property was not legally included in the Historic Zone and that it was to be removed from the Historic Zone. Recently the City Council voted not to appeal the Judgment. So this property is no longer in the Historic Zone.

Therefore we are requesting that the DRB vacate that easement which was created erroneously.

Sincerely,

Jane Carlton

A large, stylized handwritten signature in black ink, appearing to read 'Jane Carlton', is written over the typed name. The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

505-450-4989 or 268-7275

Eleanor J. Carlton  
800 Val Verde SE  
Albuquerque NM 87108

FAX 505-268-0644

December 22, 2006

Ms. Jennifer de Garmo  
1021 Forrester NW  
Albuquerque NM87102

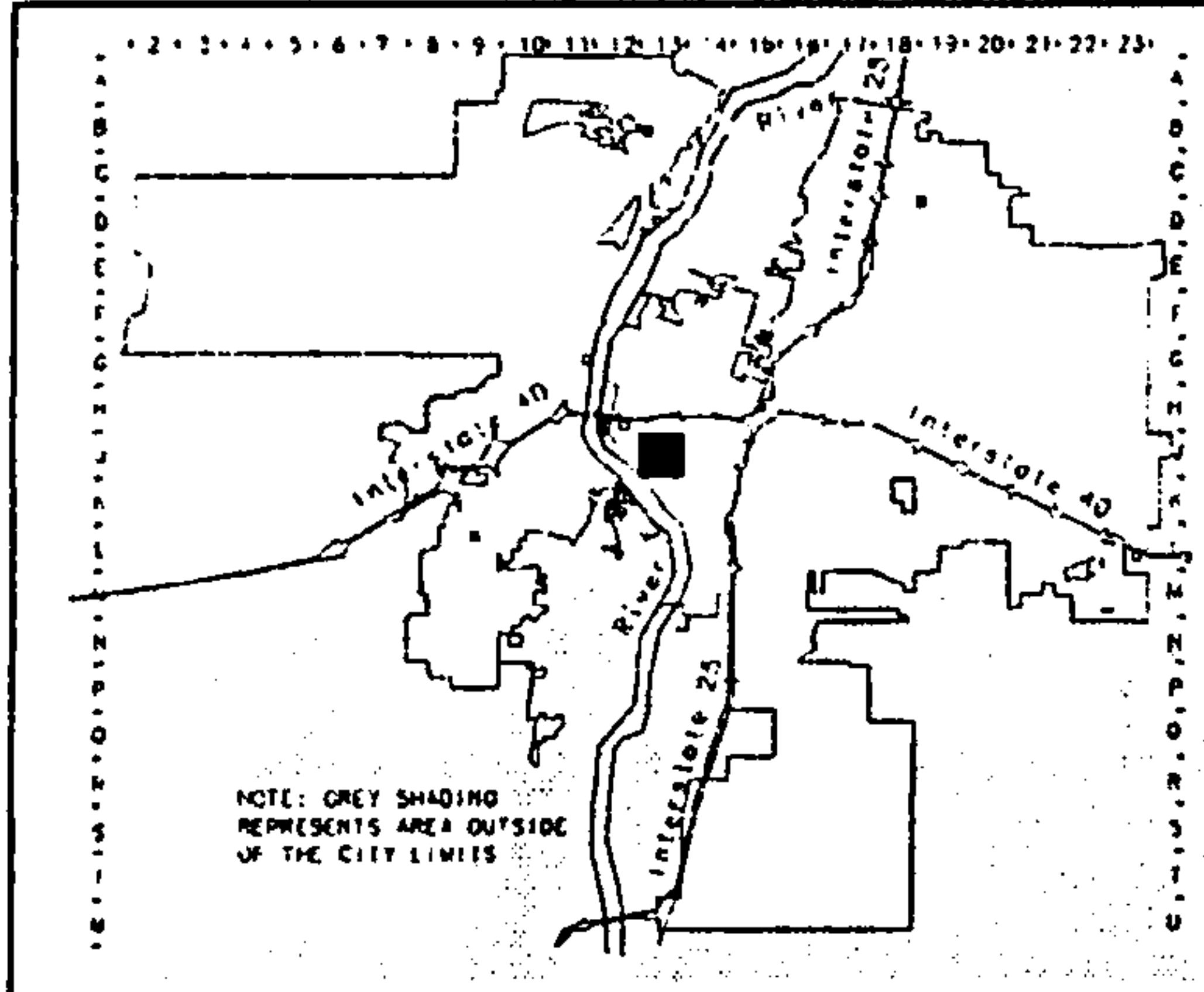
Dear Ms. De Garmo:

As you remember, Johnny and I purchased the right-of-way surrounding our apartments at Tenth, Tijeras and Kent in 2004. At that time City Planner Bob Paulsen testified before the Development Review Board (DRB) that, because our property was in the Fourth Ward Historic Overlay Zone, the sidewalks could not be moved. That was a lie. Because the public cannot use sidewalks on private property, the DRB required that we give the city a sidewalk easement. In November 2005 District Court Judge Clay Campbell rendered a summary judgment saying that our property was not legally included in the Historic Zone when it was created and that our property was to be removed from the Historic Zone. Recently the City Council voted not to appeal the Judgment. So this property is no longer in the Historic Zone.

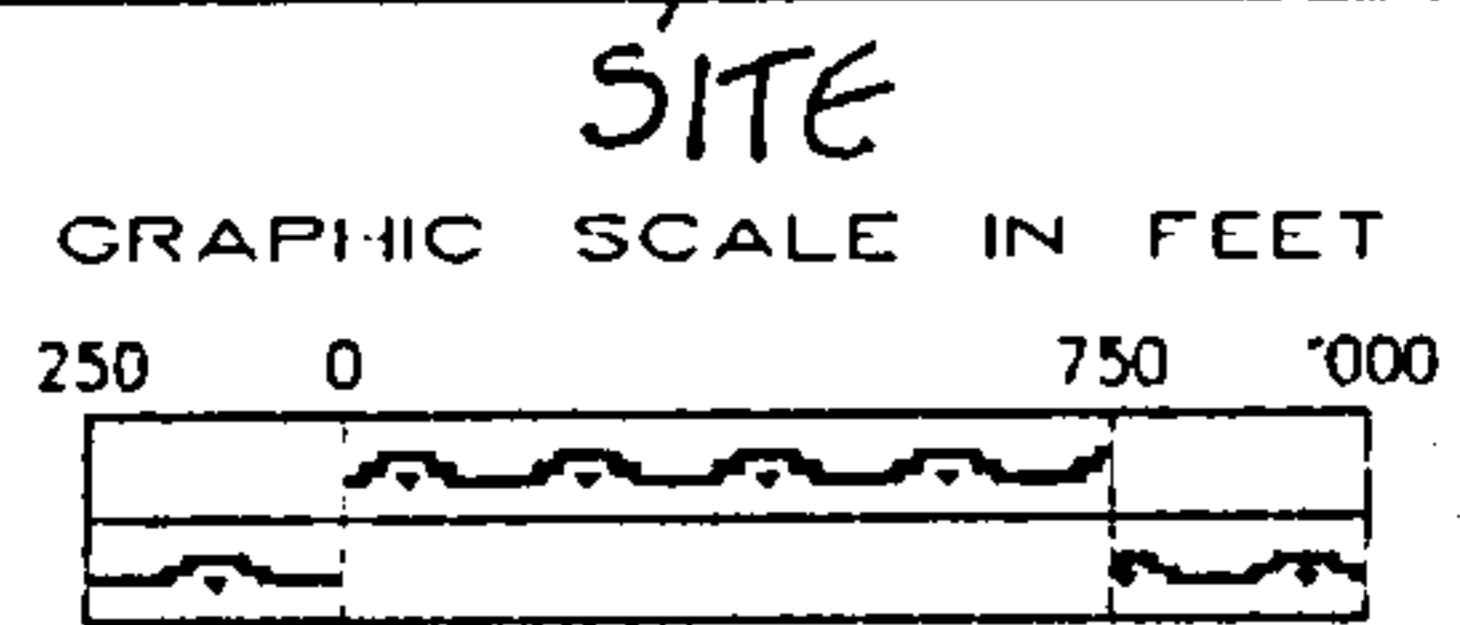
Therefore we are requesting that the DRB vacate that easement which was created erroneously.

Sincerely,

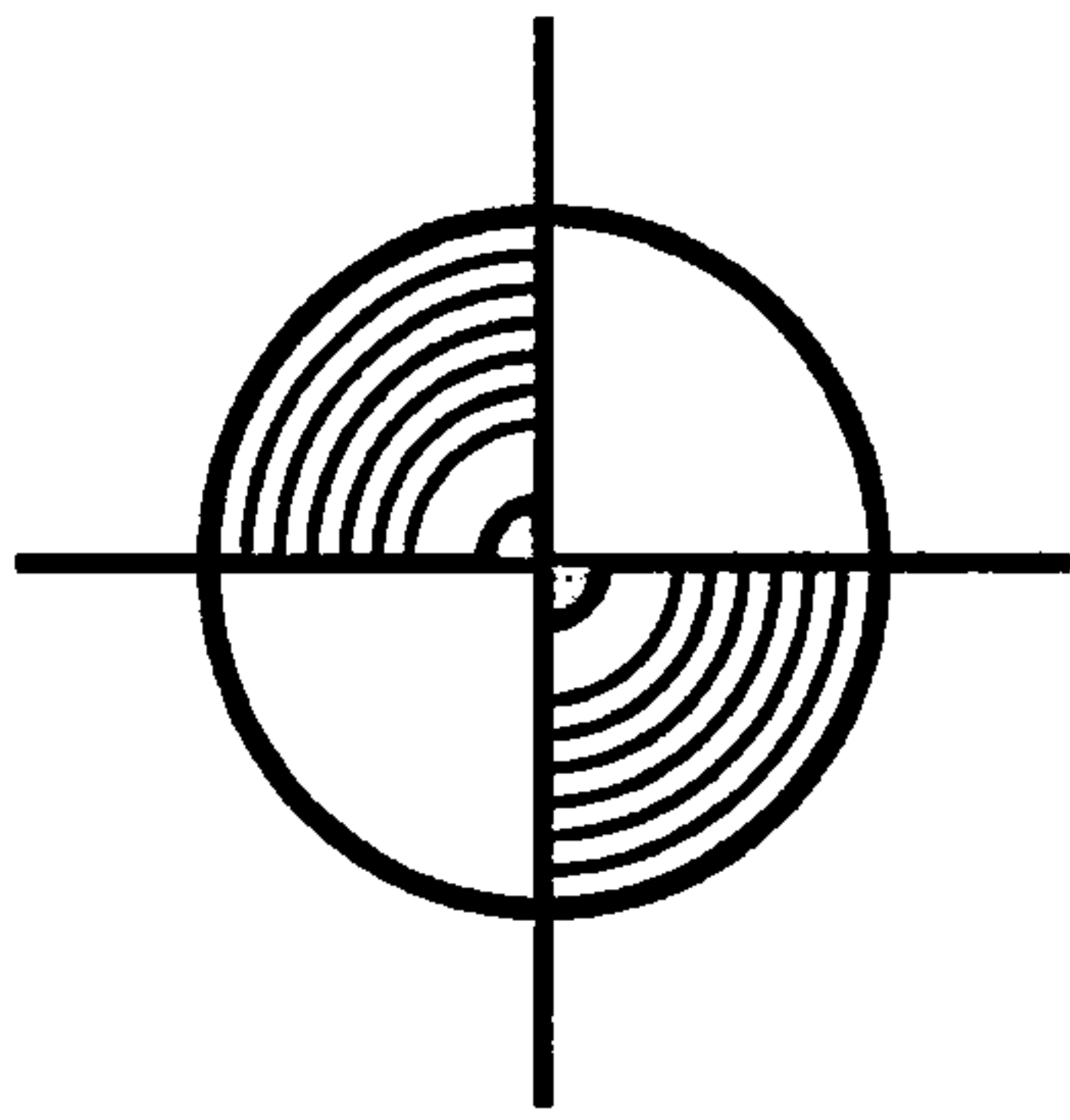
  
Jane Carlton



CITY OF  
Albuquerque  
A Bureau Geographic Information System  
PLANNING DEPARTMENT  
© Copyright 2003



Zone Atlas Page  
**J-13-Z**  
Map Amended through August 01, 2003



# **Forstbauer Surveying Company, LLC**

*Professional Surveyor  
New Mexico • Arizona • Colorado  
United States Mineral Surveyor*

October 13, 2004

To: Development Review Board

Re: DRB Project 1001816 (Carlton)

Forstbauer Surveying LLC requests Preliminary / Final Plat Approval regarding the consolidation of Lots 10, 11 & 12 together with vacated right of way into one lot (vacation approved Project # 1001816). As shown on the attached sketch the property use is consistent with this request. The property owner has opted to grant an easement to the City of Albuquerque for the existing sidewalk – in lieu of removal of said sidewalk and construction of a new sidewalk.

ONE STOP SHOP  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT  
Development & Building Services

PAID RECEIPT

APPLICANT NAME Johnny & Jane Carlton  
 AGENT Forstbauer Surveying  
 ADDRESS 4116 Lomas Blvd NE  
 PROJECT & APP # 1001816/04DRB 01612  
 PROJECT NAME NINTOWN Company's Orig. Trussite

\$ 20.00 441032/3424000 Conflict Management Fee

\$ 215.00 441006/4983000 DRB Actions

\$ \_\_\_\_\_ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ \_\_\_\_\_ 441018/4971000 Public Notification

\$ \_\_\_\_\_ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY\*\*\*  
 Major/Minor Subdivision     Site Development Plan     Bldg Permit  
 Letter of Map Revision     Conditional Letter of Map Revision  
 Traffic Impact Study

\$ 235.00 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.

City Of Albuquerque  
Treasury Division

City Of Albuquerque  
Treasury Division

10/14/2004      1:48PM      LOC: ANNX  
 RECEIPT# 00030723 WSH 006    TRANSH 0034  
 Account 441006      Fund 0110  
 Activity 4983000      TRSEJA  
 Trans Amt              \$235.00  
 J24 Misc Counterreceipt.doc 6/21/04    \$215.00  
 CK                      \$235.00  
 CHANGE                \$0.00

10/14/2004      1:48PM      LOC: ANNX  
 RECEIPT# 00030722 WSH 006    TRANSH 0034  
 Account 441032      Fund 0110  
 Activity 3424000      TRSEJA  
 Trans Amt              \$235.00  
 J24 Misc                \$20.00

Thank You

Thank You



**Sheran A. Matson**  
09/16/04 04:21 PM

To: ForstSurv@aol.com@PUBCABQ  
cc:  
cc: smatson@cabq.gov  
Subject: Re: DRB - 1001816 (Carlton)

Unfortunately, the sidewalk easement would have to be vacated at a public hearing. The easement has to be granted by way of platting action & removed the same way...vacation & replatting.

Even though they don't want to relocate the sidewalk, that might be the less painful option at this point. At any rate, they should probably wait until their LUCC action is completed just to be sure they can develop the property in the way they have in mind.

Sorry.



**ForstSurv@aol.com**  
09/16/04 04:17 PM

To: smatson@cabq.gov  
cc:  
Subject: DRB - 1001816 (Carlton)

Dear Sheran,

The clients are considering whether to proceed with the replat after receiving comments at 9/15/04 hearing. There is some concern regarding the existing sidewalk (which would be within the vacated right-of-way). The clients do not wish to relocate the sidewalk at this time. They do not object to a temporary sidewalk easement – in place until the sidewalk is relocated. I'm wondering if there is any way to grant the sidewalk easement prior to platting without needing to return to DRB to vacate the sidewalk easement upon relocation of the sidewalk (note on the plat?).

Thank you for your help.

**Terese Forstbauer**  
**Forstbauer Surveying LLC**  
**4116 Lomas Boulevard N.E.**  
**Albuquerque, NM 87110**  
**Phone: 505-268-2112**  
**Fax: 505-268-2032**

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
<b>SUBDIVISION</b>	<b>S</b>	<b>ZONING &amp; PLANNING</b>	<b>Z</b>
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input checked="" type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input type="checkbox"/> Vacation	<b>V</b>	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>	<input type="checkbox"/> Sector Plan (Phase I, II, III)	
<input type="checkbox"/> ...for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan	
<input type="checkbox"/> ...for Building Permit		<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)	
<input type="checkbox"/> IP Master Development Plan			
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<b>L</b>	<b>APPEAL / PROTEST of...</b>	<b>A</b>
		<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: JOHNNY & JANE CARLTON PHONE: 268-7275  
 ADDRESS: 1800 VEL VERDE FAX: 268-0644  
 CITY: ALBUQUERQUE STATE NM ZIP 87108 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: OWNER List all owners: \_\_\_\_\_  
 AGENT (if any): FORSTNER SURVEYING LLC PHONE: 268-2112  
 ADDRESS: 4116 LOMAS BL NE FAX: 268-2032  
 CITY: ALBUQUERQUE STATE NM ZIP 87110 E-MAIL: FORSTNER@AOL.COM

DESCRIPTION OF REQUEST: CONSOLIDATE lots 10, 11 & 12 TOGETHER WITH VACATED RIGHT OF WAY INTO 1 LOT (VAL. APPROVED PROJ # 1001816)  
 Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes  No

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. lots 10, 11 & 12 Block: 54 Unit: \_\_\_\_\_  
 Subdiv. / Addn. N.M. TOWN COMPANY'S ORIGINAL TOWNSITE  
 Current Zoning: S4-2 HDA Proposed zoning: \_\_\_\_\_  
 Zone Atlas page(s): J13 No. of existing lots: 3 No. of proposed lots: 1  
 Total area of site (acres): 0.2799 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 101305849501340501 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: (On or Near: TIJERAS AV NW (918)  
 Between: 9TH ST NW and 10TH ST NW

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.):  
Proj # 1001816 03 DLB-01640  
 Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: \_\_\_\_\_

SIGNATURE	DATE	Form revised 9/01, 3/03, 7/03, 10/03, 3/04	
<u>Ronald Forstner</u>		Applicant	Agent
(Print) <u>RONALD FORSTNER</u>		Fees	
<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	S.F.	
<input checked="" type="checkbox"/> All checklists are complete	<u>040RB - 01370</u>	<u>SK</u>	<u>S(3)</u>
<input checked="" type="checkbox"/> All fees have been collected			\$ <u>0</u>
<input checked="" type="checkbox"/> All case #s are assigned			\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent			\$ _____
<input checked="" type="checkbox"/> Case history #s are listed			\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill			\$ _____
<input type="checkbox"/> F.H.D.P. density bonus			\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate			\$ _____
	Hearing date <u>Sept. 15, 04</u>	Total	\$ <u>0</u>
<u>Ronald Forstner</u>	<u>9/7/04</u>	Project #	<u>1001816</u>
Planner signature / date			



FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

**SKETCH PLAT REVIEW AND COMMENT**

**YOUR ATTENDANCE IS REQUIRED.**

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. Sketches are not reviewed through internal routing. *SHOWN ON SITE SKETCH*
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Any original and/or related file numbers are listed on the cover application

**MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT**

**Your attendance is required.**

- Preliminary Plat reduced to 8.5" x 11"
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Copy of previous D.R.B. approved infrastructure list
  - Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
  - Any original and/or related file numbers are listed on the cover application
- Extensions are not reviewed through internal routing.  
Extension of preliminary plat approval expires after one year.

**MAJOR SUBDIVISION FINAL PLAT APPROVAL**

**Your attendance is required.**

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
  - Design elevations & cross sections of perimeter walls
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
  - Property owner's and City Surveyor's signatures on the Mylar drawing
  - SIA financial guaranty verification
  - Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
  - Any original and/or related file numbers are listed on the cover application
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

**MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL**

**Your attendance is required.**

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
  - Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
  - Property owner's and City Surveyor's signatures on the Mylar drawing
  - Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
  - Infrastructure list if required (verify with DRB Engineer) **NO INTERNAL ROUTING**
- DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

**AMENDMENT TO PRELIMINARY PLAT (with minor changes)**

**Your attendance is required.**

**AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**

**AMENDMENT TO GRADING PLAN (with minor changes)**

- PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings.
  - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter briefly describing, explaining, and justifying the request
  - Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
  - Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
  - Any original and/or related file numbers are listed on the cover application
- Amended preliminary plat approval expires after one year.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

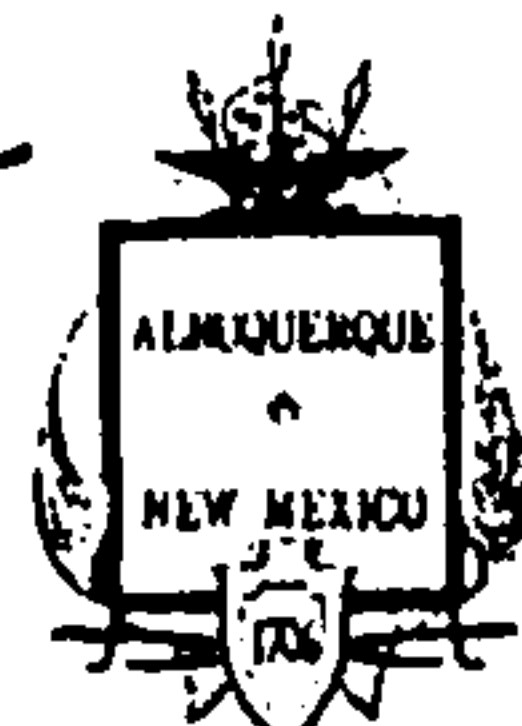
RONALD A. FORSTBAUER, FORSTBAUER SURVEYING LLC

Applicant name (print)

*Ronald A. Forstbauer*

Applicant signature / date

9/7/04



Form revised 3/03, 8/03 and 11/03

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers

04DRB - 01370

\_\_\_\_\_

Forstbauer 9/7/04

Planner signature / date

**Project #** 1001816



Sheran A. Matson

11/03/03 10:43 AM

To: DRB

cc:

cc:

Subject: Finding & Conditions of Vacation & Replat...Jane Carlton #  
1001816

For those of you who care!?! Is this the right language? I wanted to give this to Claire prior to the hearing so she has it.

Finding:

This property lies within the Fourth Ward Historic Overlay Zone. This vacation approval in no way waives LUCO or any other board or commission's approval requirement for redevelopment of the property.

Conditions of Replat:

1. The new sidewalk location must meet the existing sidewalk that abuts this property line.
2. The new 6' sidewalk must appear on the infrastructure list.
3. Financial guarantees for associated improvements (the new sidewalk) are required at the time of final plat application unless the sidewalk is constructed prior to final plat application.



**Sheran A. Matson**  
10/17/03 03:52 PM

To: Chungnatina@aol.com@PUBCABQ, DRB  
cc:  
cc: SMatson@cabq.gov  
Subject: Re: Project # 1001816 03DRB-01640 Major-Vacation of Public Right-of-Way

I have already sent the first e-mail to DRB members & am copying them with this reply.



**Chungnatina@aol.com**  
10/17/03 03:38 PM

To: SMatson@cabq.gov  
cc:  
Subject: Re: Project # 1001816 03DRB-01640 Major-Vacation of Public Right-of-Way

**Thank you for replying to the e-mail regarding the subject above. Please understand that we are against / oppose any action approval by the DRB regarding the vacation of right of way hearing on the 22nd of October.**

**We understand that all other issues including opposition to a multi story apartment building is not within our jurisdiction.**

**Please secure and share all commits mentioned earlier and the above commit with the rest of the DRB committe...**

**Thanks...**

**Arsenio L. Sanchez**



**Bob Paulsen**

10/02/03 02:40 PM

To: smatson@cabq.gov

cc:

Subject: Condition relating to vacation of right-of-way by Jane Carlton

Sheran:

As we recently discussed, as to the vacation of right-of-way as requested by Jane Carlton that is before the DRB, please include a Condition that final approval is subject to approval by the Landmarks and Urban Conservation Commission.

Bob Paulsen

*Dumpster?*  
*Mailbox?*



**DEVELOPMENT REVIEW BOARD  
FAX FORM**

TO: Arsenio Sanchez

FAX NUMBER: 246-8997 # PAGES 1 attached

SENT BY: Sheran Matson, DRB Chair DATE: 10/9/03

PHONE NUMBER: 924-3880 FAX # 924-3864

PROJECT NO: 1001816 APPLICATION NO: \_\_\_\_\_

\*\*\*\*\*

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
<b>SUBDIVISION</b>	<b>S</b>	<b>ZONING &amp; PLANNING</b>	<b>Z</b>
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input type="checkbox"/> Vacation	<b>V</b>	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>	<input type="checkbox"/> Sector Plan (Phase I, II, III)	
<input type="checkbox"/> ...for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan	
<input type="checkbox"/> ...for Building Permit		<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)	
<input type="checkbox"/> IP Master Development Plan			
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<b>L</b>		
		<b>APPEAL / PROTEST of...</b>	<b>A</b>
		<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: JANE CARLTON PHONE: 450-4989(C) 268-7275  
 ADDRESS: 800 VAL VERDE SE FAX: 268-0644  
 CITY: ABQ STATE NM ZIP 87108 E-MAIL: Jcarl1000@AOL  
 Proprietary interest in site: OWNER  
 AGENT (if any): Chris Rasmussen PHONE: 821-0235  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: SKETCH PLAN STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: VACATION OF RIGHT-OF-WAY at 918-924 Tijeras, 200-208 10th & 919-921 Kent NW

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No. 4th WARD PR.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. LOTS 10, 11 & 12 Block: 54 Unit: \_\_\_\_\_  
 Subdiv. / Addn. NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNSITE (NICHO LAST PA 542, HDA)  
 Current Zoning: HDA Proposed zoning: SAME BOWDEN  
 Zone Atlas page(s): J-13 No. of existing lots: 3 No. of proposed lots: same  
 Total area of site (acres): 0.14 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 1 013 058 495 013 40501 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: 10th, TIJERAS & KENT NW  
 Between: DOWNTOWN 9th St and OLD TOWN 12th St NW

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1001816 for LUCC-00952  
02 CC 00-46 Ap 00950 LUC 92-3 AP-91-50 LUC-91-18 Z-94-1 (1002045?)

Check-off if project was previously reviewed by Sketch Plat/Plan  or Pre-application Review Team . Date of review: 9/1/03  
 SIGNATURE Jane Carlton DATE 9/1/03  
 (Print) JANE CARLTON Applicant \_\_\_\_\_ Agent \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

Form revised 9/01, 3/03, 7/03

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>03 DRB - 01503</u>	<u>Sketch</u>	<u>3(3)</u>	<u>\$ 0</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>Sept. 17<sup>th</sup> 03</u>			Total \$ <u>0</u>
	<u>Boerbert 9/9/03</u>	Project # <u>1001816</u>		

Planner signature / date

**FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING**

**SKETCH PLAT REVIEW AND COMMENT**

**YOUR ATTENDANCE IS REQUIRED.**

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. Sketches are not reviewed through internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Any original and/or related file numbers are listed on the cover application

**MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT**

**Your attendance is required.**

- Preliminary Plat reduced to 8.5" x 11"
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Copy of previous D.R.B. approved infrastructure list
- Copy of the Official D.R.B. Notice of approval
- Any original and/or related file numbers are listed on the cover application

**Extensions are not reviewed through internal routing.**

Extension of preliminary plat approval expires after one year.

**MAJOR SUBDIVISION FINAL PLAT APPROVAL**

**Your attendance is required.**

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Design elevations & cross sections of perimeter walls
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- SIA financial guaranty verification
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Any original and/or related file numbers are listed on the cover application

**DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

**MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL**

**Your attendance is required.**

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing
- Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application

Infrastructure list if required (verify with DRB Engineer) **NO INTERNAL ROUTING**

**DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

**AMENDMENT TO PRELIMINARY PLAT (with minor changes)**

**Your attendance is required.**

**AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**

**AMENDMENT TO GRADING PLAN (with minor changes)**

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings, 4 copies for internal routing.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
- Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
- Any original and/or related file numbers are listed on the cover application

Amended preliminary plat approval expires after one year.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

*Janie Carlton*

Applicant name (print)

Applicant signature / date



Form revised 3/03 and 8/03

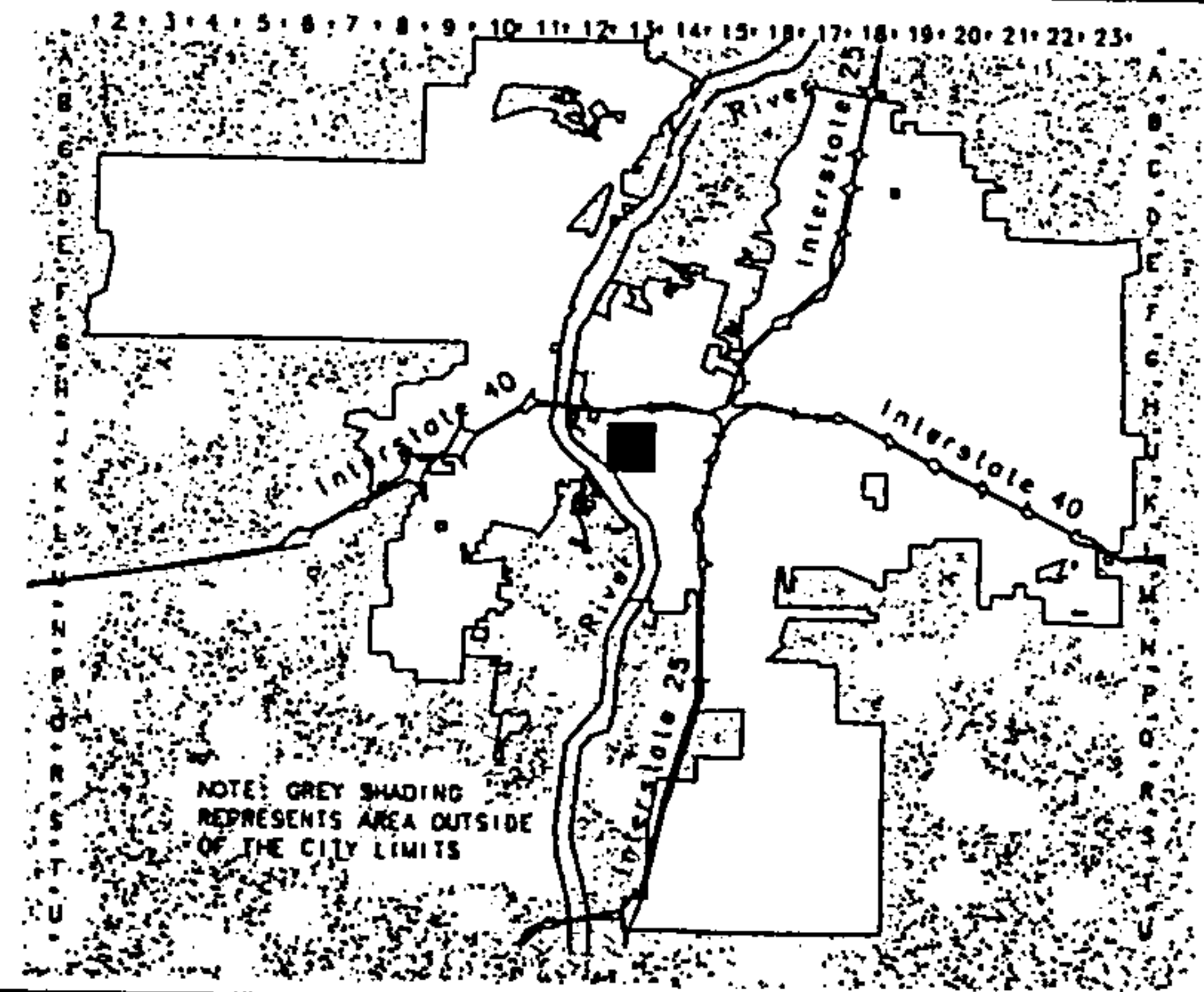
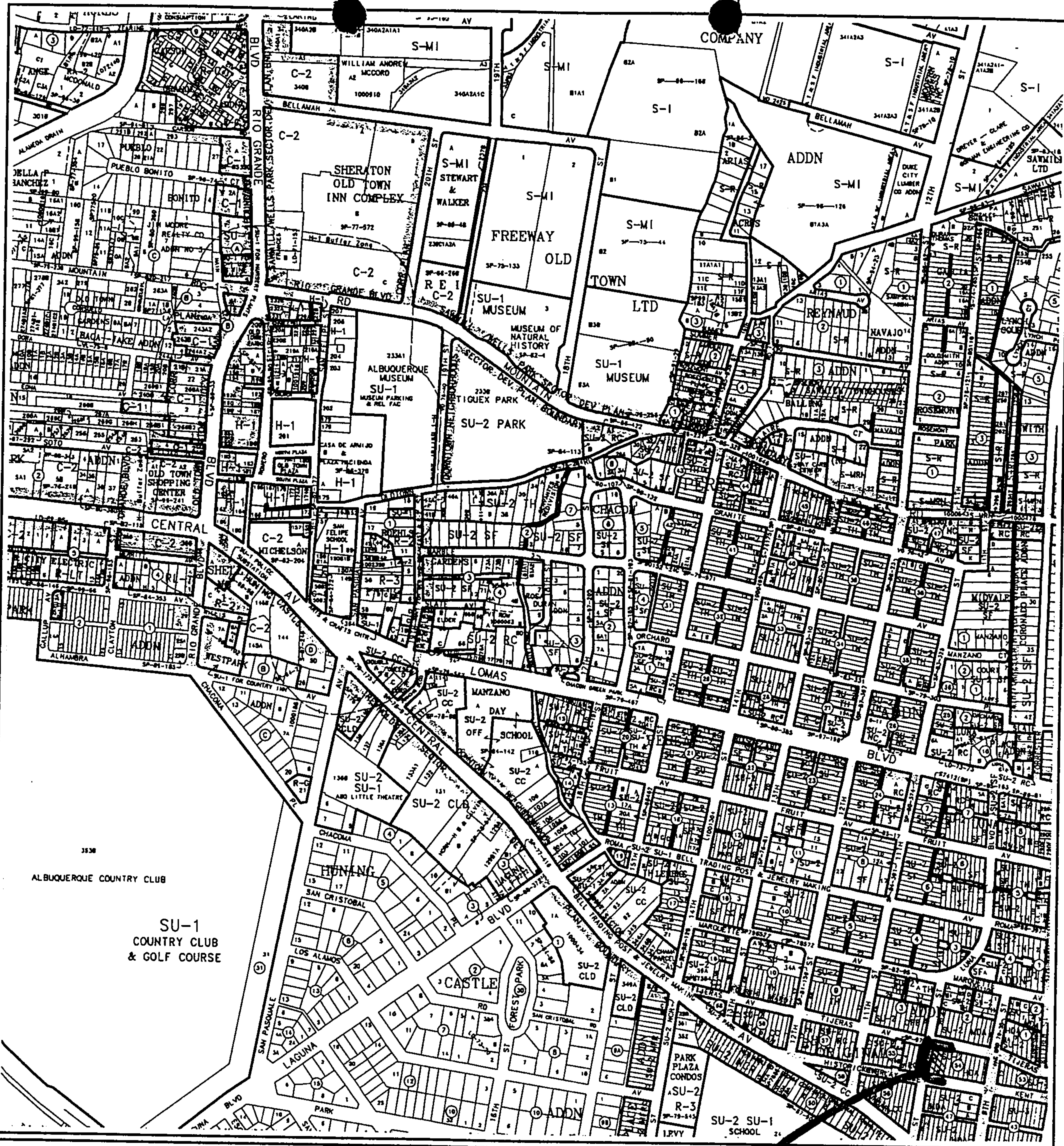
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
03DRB - 01503  
 - -  
 - -

*Boyer* 9-9-03

Planner signature / date

**Project #** 1001816

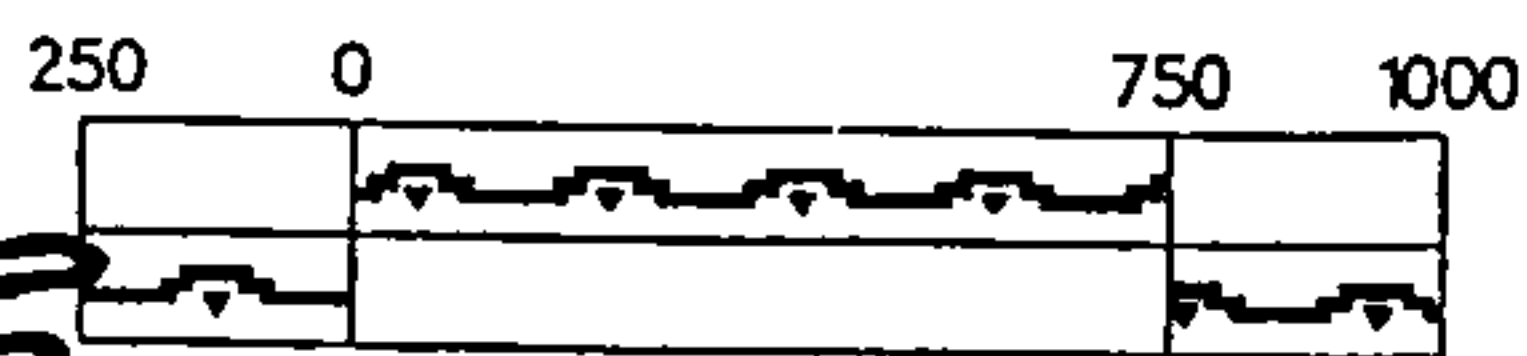


CITY OF  
Albuquerque

Albuquerque Geographic Information System  
PLANNING DEPARTMENT

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GRAPHIC SCALE IN FEET



**SITE**

Zone Atlas Page

**J-13-Z**

Map Amended through July 10, 2003



# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
<b>SUBDIVISION</b>	<b>S</b>	<b>ZONING &amp; PLANNING</b>	<b>Z</b>
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input checked="" type="checkbox"/> Vacation	<b>V</b>	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>	<input type="checkbox"/> Sector Plan (Phase I, II, III)	
<input type="checkbox"/> ...for Subdivision Purposes		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan	
<input type="checkbox"/> ...for Building Permit		<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)	
<input type="checkbox"/> IP Master Development Plan			
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<b>L</b>		
		<b>APPEAL / PROTEST of...</b>	<b>A</b>
		<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: JANE CARLTON PHONE: 268-7275  
 ADDRESS: 800 VAL VERDE SE FAX: 268-0644  
 CITY: ABQ STATE: NM ZIP: 87108 E-MAIL: jcarlton@aol.com  
 Proprietary interest in site: OWNER  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: VACATION OF RIGHT-OF-WAY @ 918-924 TISERAS, 200-208 10th NW, 919-921 KENT NW

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. LOTS 10, 11, 12 Block: 54 Unit: \_\_\_\_\_  
 Subdiv. / Addn. NEW MEXICO TOWN COMPANY'S ORIG. TOWNSITE (NICHOLAS + BOWDEN)  
 Current Zoning: SU-2 - HDA Proposed zoning: SAME  
 Zone Atlas page(s): J-13 No. of existing lots: 3 No. of proposed lots: SAME  
 Total area of site (acres): @ 1/4 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 1 D13 058 495013-40501 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: 10th TISERAS & KENT  
 Between: DOWNTOWN and OLD TOWN

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.):  
02ec 0446 AP LUC 92-3 AP 91-50 LUC 91-18 2:94-1 (1002045?)

Check-off if project was previously reviewed by Sketch Plan , or Pre-application Review Team . Date of review: 9-25-03

SIGNATURE Jane Carlton DATE 9-25-03  
 (Print) JANE CARLTON  Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 9/01, 3/03, 7/03

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>03DRB</u>	<u>VPR</u>		\$ <u>300.<sup>00</sup></u>
<input type="checkbox"/> All fees have been collected		<u>Adv. Fee</u>		\$ <u>75.<sup>00</sup></u>
<input type="checkbox"/> All case #s are assigned				\$ _____
<input type="checkbox"/> AGIS copy has been sent				\$ _____
<input type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	Hearing date <u>Oct. 22, 2003</u>			Total \$ <u>375.<sup>00</sup></u>

Ma Kito Hill  
 Planner signature / date

Project # 1001846

**FORM V: SUBDIVISION VARIANCES & VACATIONS**

**BULK LAND VARIANCE**

(Public Hearing Case)

- Application for subdivision (Plat) on FORM S-3, including those submittal requirements. Variance and subdivision should be applied for simultaneously.
- Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived.
- Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
- Any original and/or related file numbers are listed on the cover application

**DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

**VACATION OF PUBLIC RIGHT-OF-WAY**

**VACATION OF PUBLIC EASEMENT**

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 24 copies
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

**DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.**

**SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DEVELOPMENT PROCESS MANUAL)**

**SIDEWALK DESIGN VARIANCE**

**SIDEWALK WAIVER**

- Scale drawing showing the proposed variance or waiver (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the variance or waiver
- Any original and/or related file numbers are listed on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

**TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

**EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION**

- Drawing showing the sidewalks subject to the proposed deferral or extension (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the deferral or extension
- Any original and/or related file numbers are listed on the cover application

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

**VACATION OF PRIVATE EASEMENT**

- The complete document which created the private easement (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings. These actions are not approved through internal routing.
- Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the vacation
- Letter of authorization from the grantors and the beneficiaries
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

**DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

*JANE CARLTON*  
 Applicant name (print)  
*Jane Carlton* 9/26/03  
 Applicant signature / date

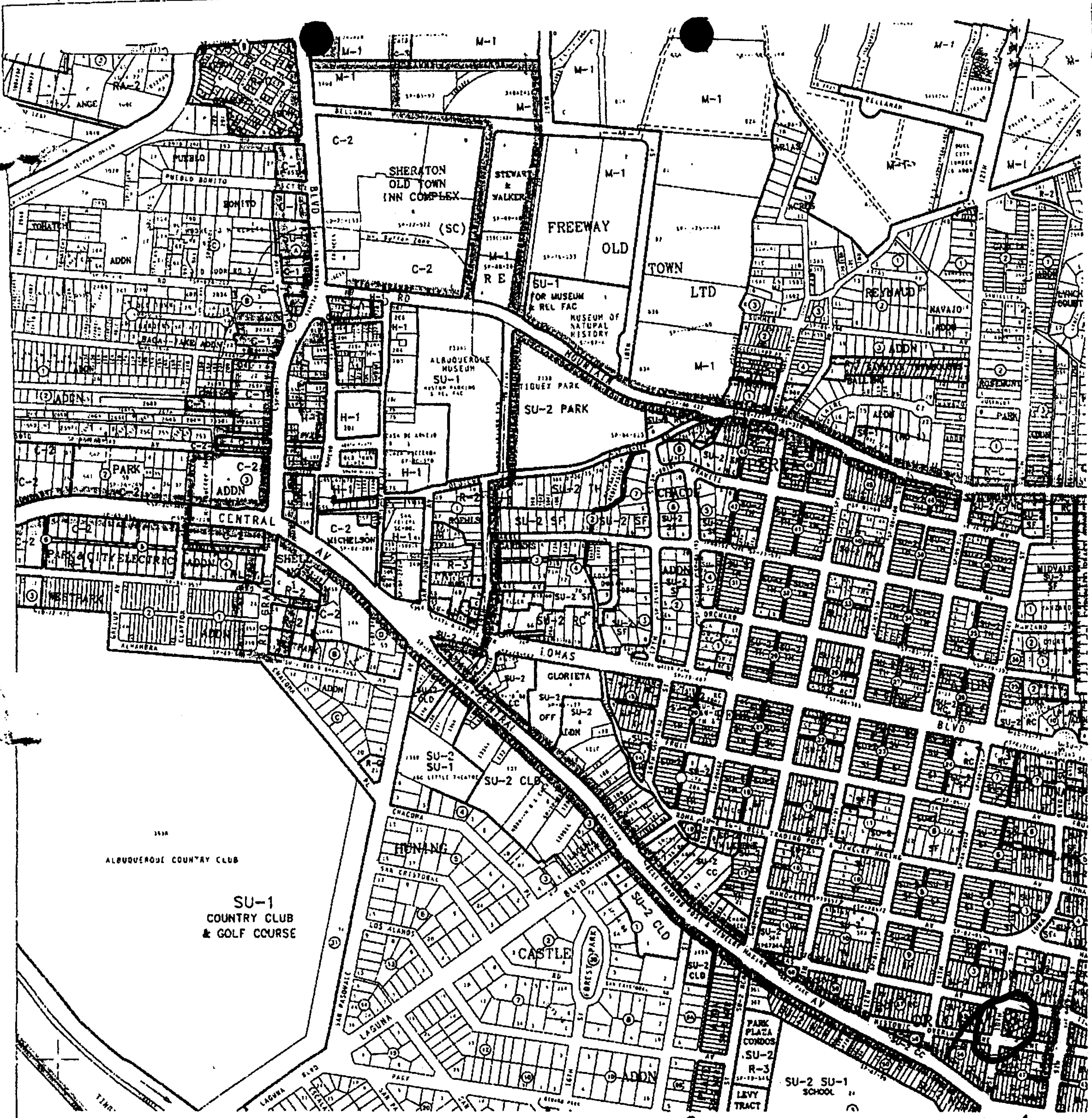


Form revised April 2003

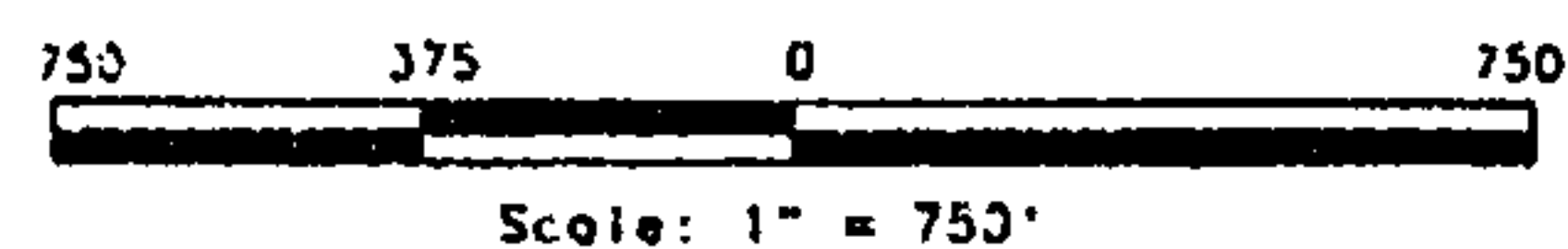
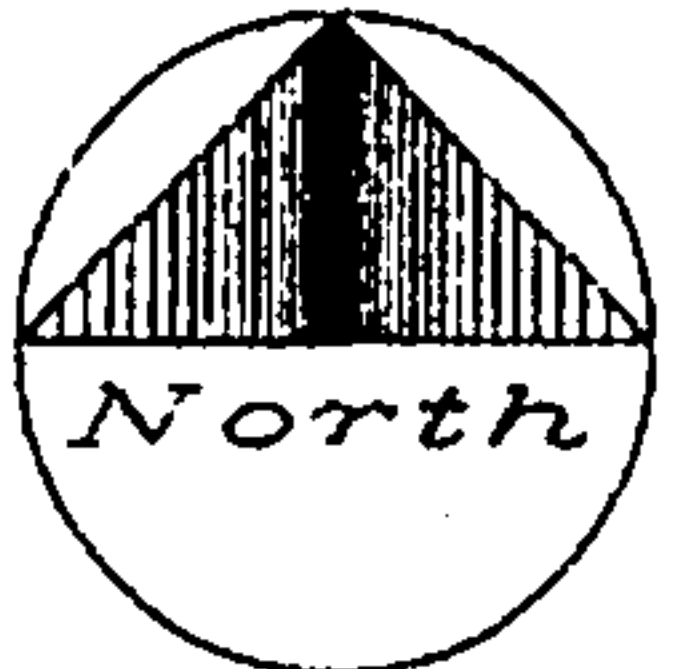
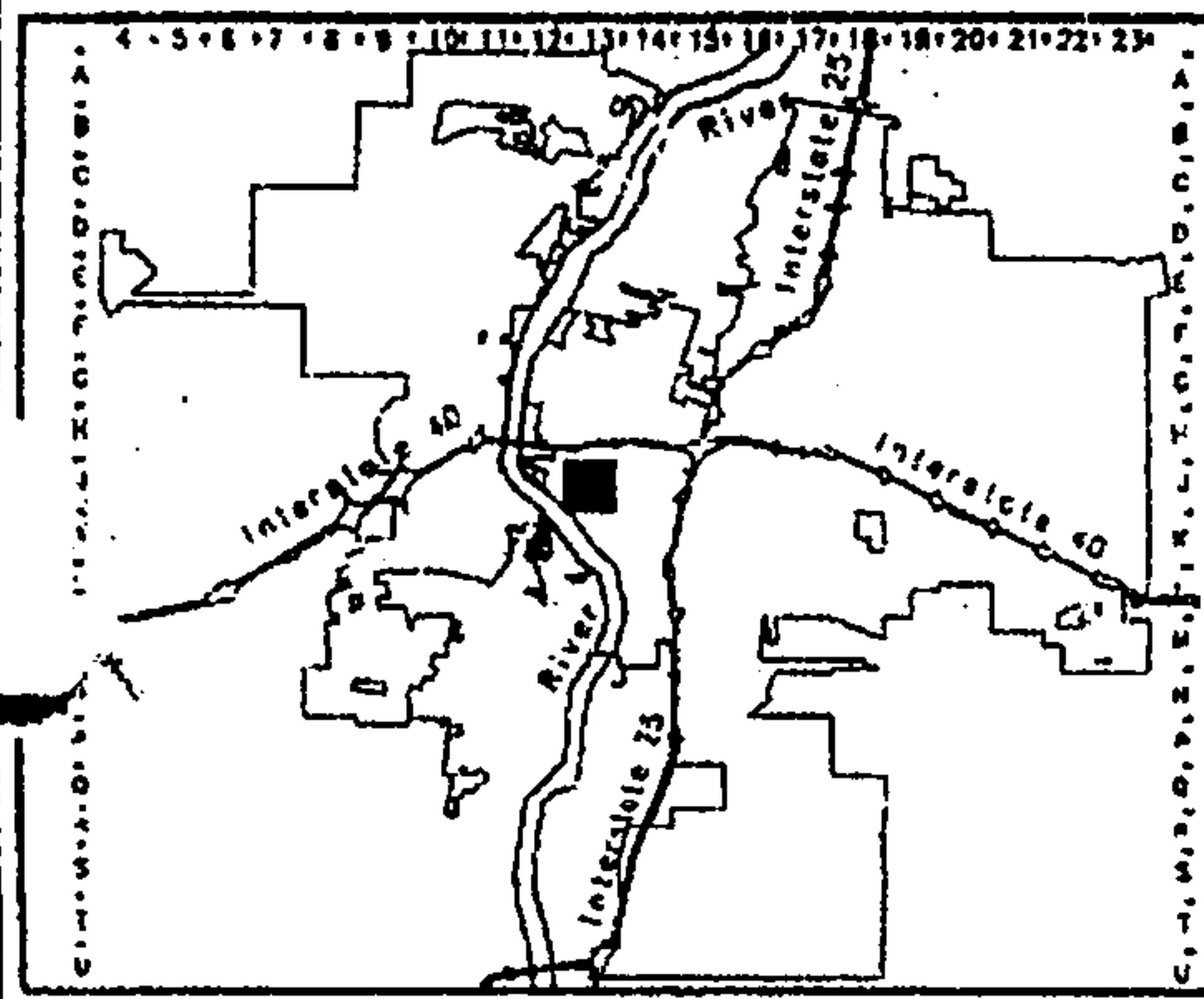
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
 03008 - 01640

*Melita Hill*  
 Planner signature / date  
 Project # 1001816



*Received from planning  
12-94*



Scale: 1" = 750'

**A G I S**  
Aurique Geographic Information System  
City of Albuquerque

© Planning Department July 07, 1993

LEGAL DESCRIPTION

T10N  
R3E  
SEC 18

UNIFORM PROPERTY CODE

1-013-058

**J-13-Z**

Until late February of 2003, when they were given a revised version of R-4 Zoning regulations, by City staff, Johnny and Jane Carlton had relied on a copy of R-4 zoning that was given to them by Zoning on 8/8/2001 which said: "set-backs: none." While not conceding that their reliance was erroneous, the Carltons are willing to comply with the new Code regulations, which call for set-backs, and increase open space requirements by 50%.

The Carltons have been working with respected Albuquerque architect Chris Rasmussen trying to come up with a plan that will provide sufficient parking and open space to allow them to build near the potential offered by their High Density Apartment (HDA) zoning. They are grappling with the problem of providing a location for the dumpster which also serves the block to the south of their property. For 18 years the Carltons have provided and paid for a dumpster for businesses in the block south of them and they are willing to continue to do so. But if they cannot provide ample space in a location that does not require neighboring businesspeople to trespass to dump their garbage, the whole neighborhood will suffer.

Mrs. Carlton has discussed a proposal for a few outside parking spaces with Richard Douhrte who suggested that the Carltons purchase land from the city so that cars would not have to drive on city land to park.

Mrs. Carlton and Mr. Rasmussen met with Linda Adamsko and Scott Howell on August 26 to discuss vacating the right-of-way. They seemed to feel that a vacation was a good idea.

Following are reasons to approve the vacation of right-of-way:

The Carltons' plan moves most of their proposed parking garage back several feet from the required set-back on Tenth Street, but it requires a few tenants to drive on what is now city property to get to their parking spaces which will be screened by landscaping or a fence.

The plan will make it possible for the Carltons to put the neighborhood dumpster inside an attractive enclosure on their property while permitting neighbors to use it without trespassing.

Approval of the vacation will allow the Carltons to comply with the new, drastically increased open space requirements without decreasing heated floor area allowed in HDA zoning.

Both Ms. Piscitelli and Mr. Douhrte suggested that the Carltons "buy land from the City."

In 2001 when architect Joe Slagle wanted to build townhouses on the land across the street from this property on Tenth Street, he was granted a variance to allow him to build almost to the side walk. The businesses in the block to the south have high walls abutting the sidewalk/property line. An apartment building in that block is built up against the sidewalk. These properties all have HDA zoning. The office building diagonally across from the Carlton's property sits right next to the sidewalk and has a fence next to sidewalk around the parking lot – with no screening.

The Carltons spent months trying to find a competent architect who was willing to go before the Landmarks Commission, but he cannot continue work on the plans until this issue is resolved.

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0.70oz  
PVI  
4.42  
0.37  
4.42

1. First Class  
Destination: 87102  
Weight: 0.70oz  
Postage Type: PVI  
Total Cost: 4.42  
Base Rate: 0.37  
2.30  
Certified Mail  
70031010000496368837  
Return Receipt 1.75  
4.42

2. First Class  
Destination: 87102  
Weight: 0.60oz  
Postage Type: PVI  
Total Cost: 4.42  
Base Rate: 0.37  
2.30  
Certified Mail  
70031010000496368820  
Return Receipt 1.75

Subtotal 8.84  
Total 8.84  
CreditCard

Number of Items Sold: 2  
new window hrs 8:30am-5:30pm Mon-  
Thank You  
Please come again!

7003 1010 0004 9636 889

7003 1010 0004 9636 889

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Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>	

Sent To: *Barry Wilkes*  
Street, Apt. No., or PO Box No.: *918 Mountain Rd*  
City, State, ZIP+4: *Albuquerque, NM 87102*

PS Form 3800, June 2002 See Reverse for Instructions

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Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>	

Sent To: *Joey Akhetti*  
Street, Apt. No., or PO Box No.: *PO Box 1111*  
City, State, ZIP+4: *Albuquerque, NM 87102*

PS Form 3800, June 2002 See Reverse for Instructions



# City of Albuquerque

**PLEASE NOTE:** The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: September 26, 2003

TO CONTACT NAME: Jane Carlton  
 COMPANY/AGENCY: \_\_\_\_\_  
 ADDRESS/ZIP: 800 Val Verde SE 87108  
 PHONE/FAX #: 268-7275 / 268-0644

Thank you for your inquiry of 9-26-03 (date) requesting the names of Recognized

Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at lots 10, 11, 12, Block 54; New Mexico Town  
Company original townsite (Nicholas + Bowden)  
 zone map page(s) J-13

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

Downtown  
 Neighborhood Association  
 Contacts: Perry Wilkes  
718 Mountain Rd NW  
842-8626 (w) 87102  
Joe Sackett  
905 Fruit Ave. NW  
247-8679 (w) 87102

Neighborhood Association  
 Contacts: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

See reverse side for additional Neighborhood Association Information: YES { } NO

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,  
Dalaina A. Carmona  
 OFFICE OF COMMUNITY AND NEIGHBORHOOD COORDINATION

Attention: Both contacts per neighborhood association need to be notified.

planning.recognized.na.form(05/08/01)

(below this line for OCNC use only)

Date of Inquiry: 9-26-03 Time Entered: 2:30pm OCNC Rep. Initials: DC

# DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Community and Neighborhood Coordination (OCNC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second St. NW, Fax – 924-3913 – will need the following information **BEFORE** neighborhood association information will be released to the applicant / developer on any project being presented to the Planning Department. If you have any questions, please feel free to contact our office at 924-3914. Your request is for the following: Cell Tower [ ] Private Development  City Project [ ] -OR- Other [ ] Vacation of right-of-way

(specify)

CONTACT NAME: Jane Carlton

COMPANY NAME: \_\_\_\_\_

ADDRESS: 800 Val Verde SE

ZIP CODE: 87108

PHONE: ( ) 268-7275 CELL: ( ) 450-4989

FAX: ( ) 268-0644

## NEIGHBORHOOD ASSOCIATION INFORMATION

PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD ASSOCIATIONS IN

THE AREA OF THE PROPERTY DESCRIBED AS Lots 10, 11, 12

Block 57, New Mexico Town Company's Original Townsite  
(LEGAL DESCRIPTION) (Mebbas + Bowden)

LOCATED ON 918-924 Tijeras, 200-208 10th, 919-924 Kent  
(STREET NAME OR OTHER IDENTIFYING LANDMARK)

BETWEEN downtown AND  
(STREET NAME OR OTHER IDENTIFYING LANDMARK)

Old Town  
(STREET NAME OR OTHER IDENTIFYING LANDMARK)

THE SITE IS LOCATED ON THE FOLLOWING ZONE ATLAS PAGE(S) (\_\_\_\_\_).

**PLEASE HATCH OUT ZONE MAP WHERE PROPERTY IS LOCATED**  
(ZONE MAP MUST BE PROVIDED WITH REQUEST)

0299 9696 4000 0101 0002

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Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>



Sent To: *Dr. Albert*  
 Street, Apt. No.,  
 or PO Box No. *PO Box 1111*  
 City, State, ZIP+4 *Albuquerque, NM 87102*

PS Form 3800, June 2002. See Reverse for Instructions

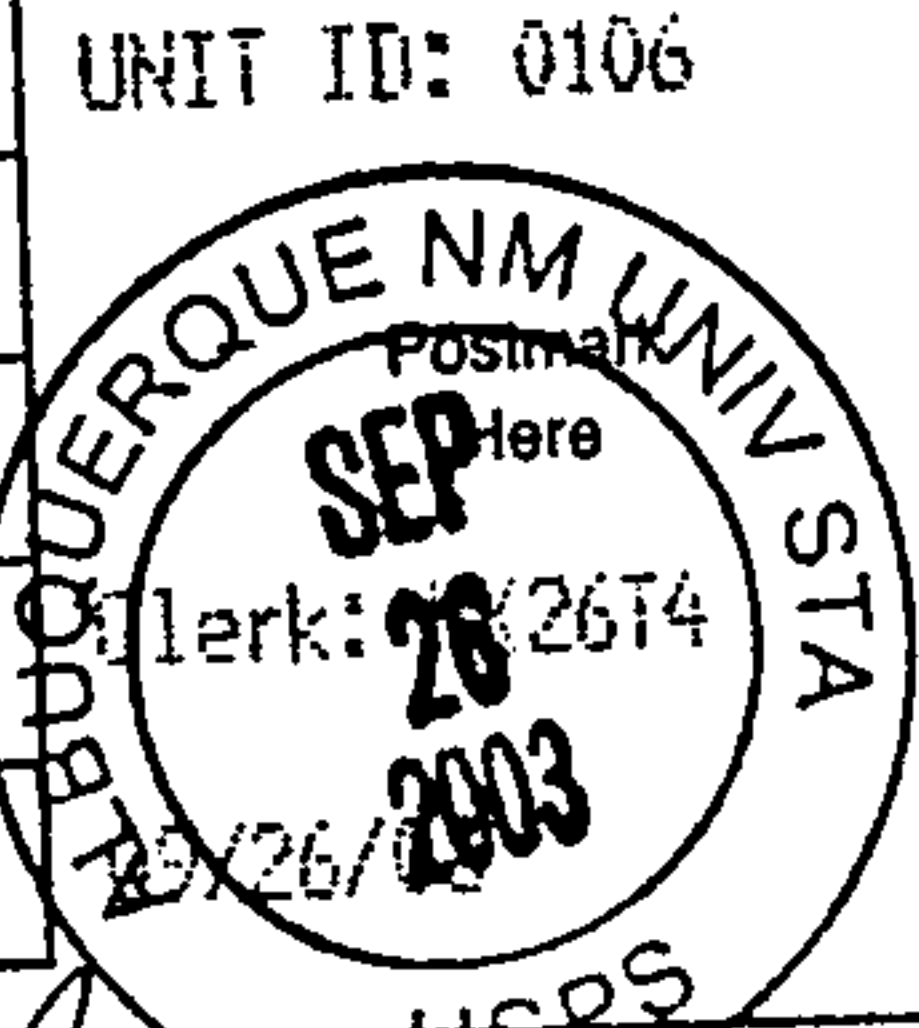
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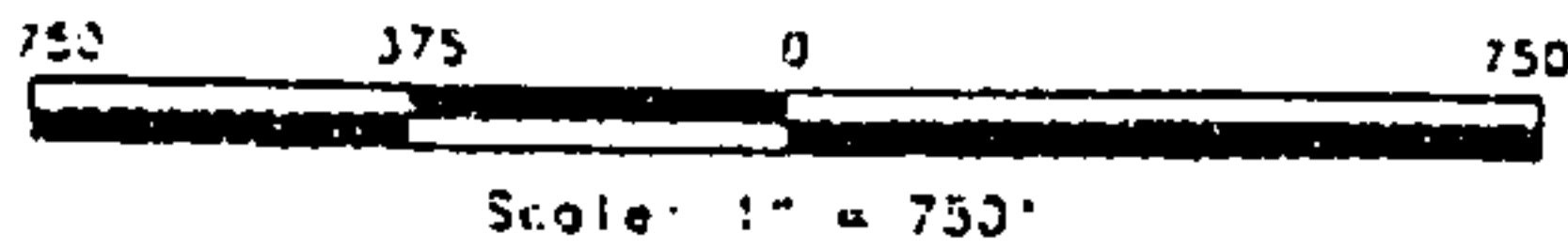
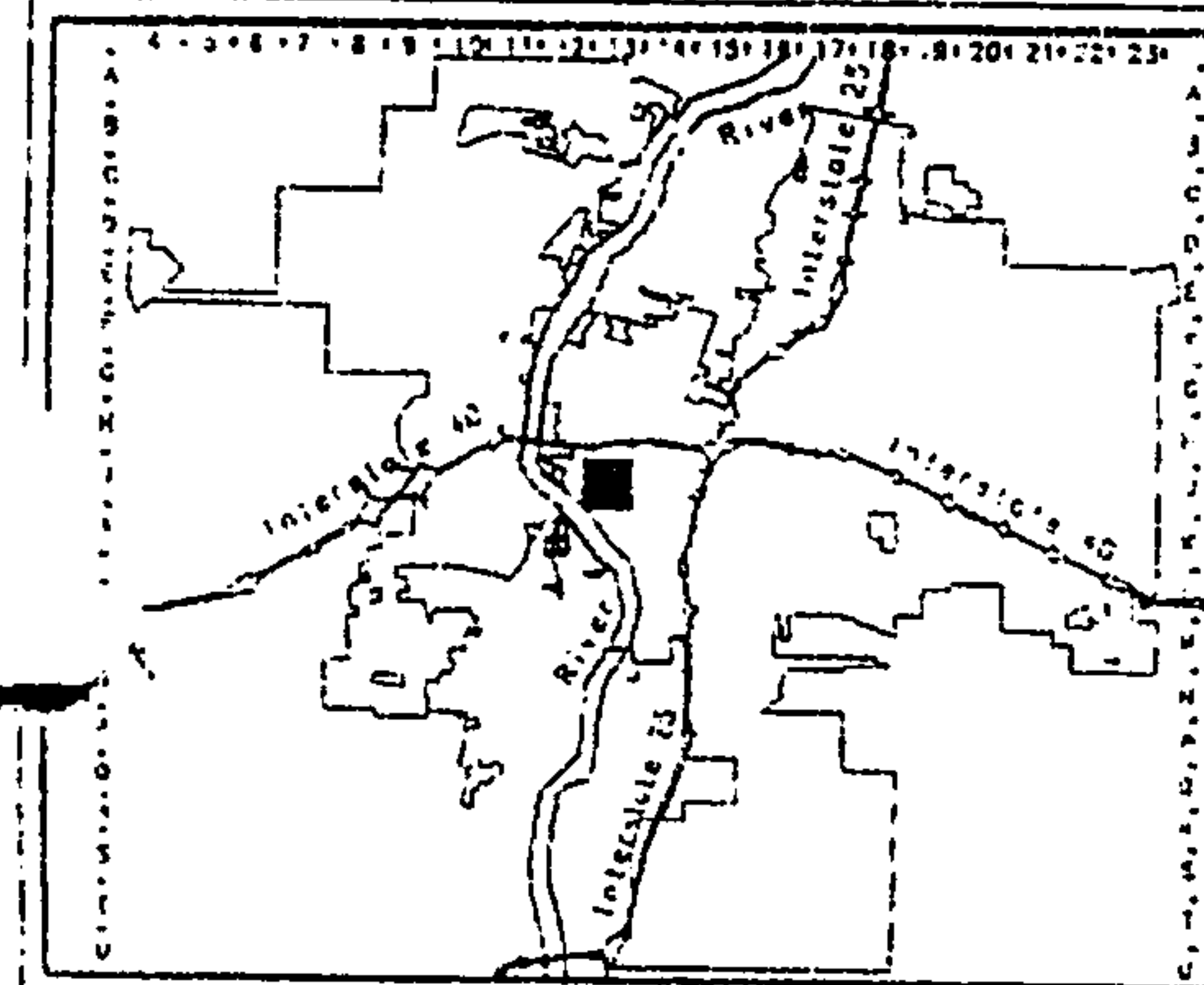
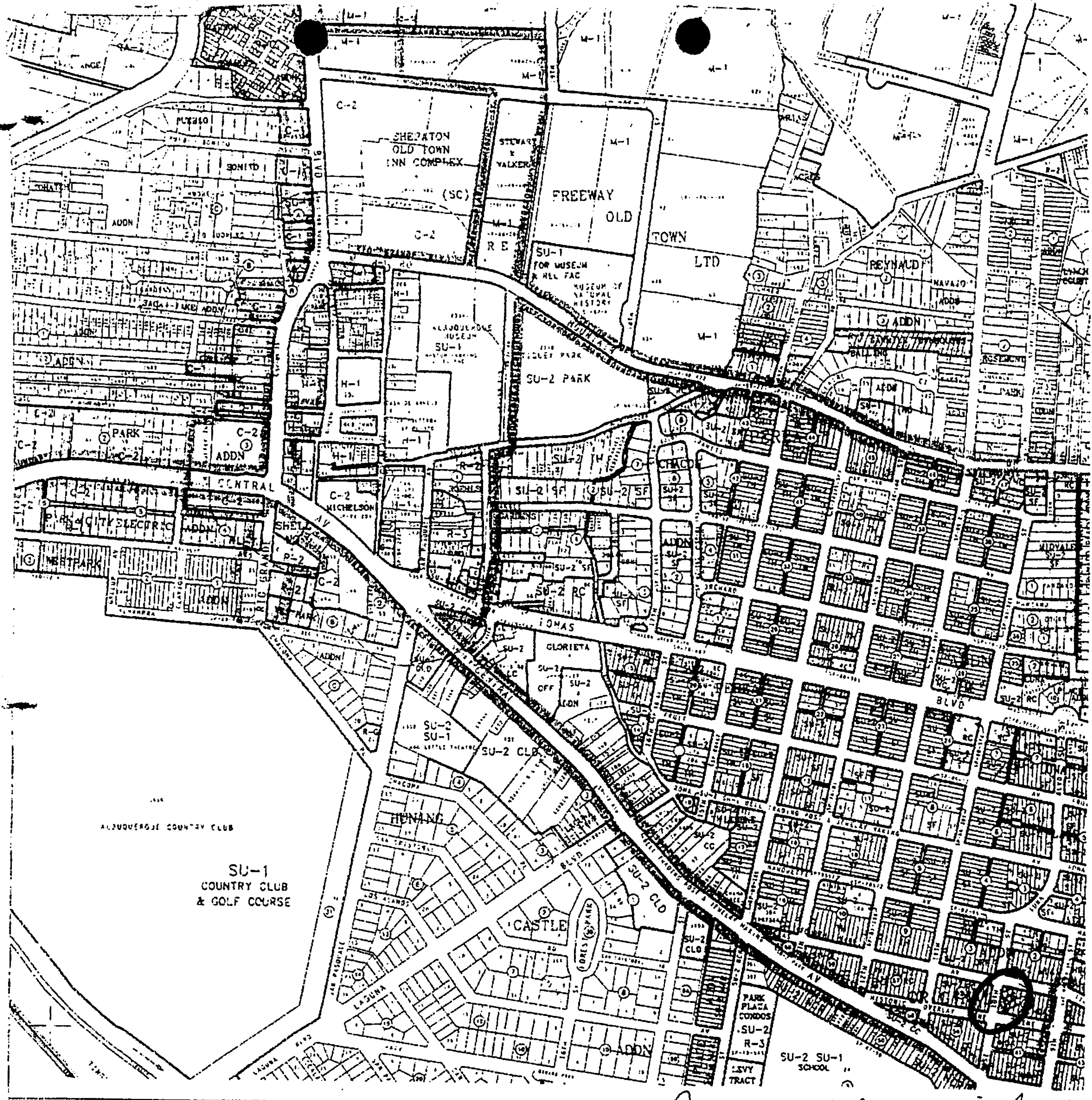
Postage	\$ 0.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 4.42</b>



Sent To: *Carol Wilkes*  
 Street, Apt. No.,  
 or PO Box No. *418 Newman Rd*  
 City, State, ZIP+4 *Albuquerque, NM 87102*

PS Form 3800, June 2002. See Reverse for Instructions





Scale: 1" = 750'

**A** Geographic Information System  
**C**ITY OF ALBUQUERQUE

© Planning Department July 07, 1993

*Received from planning  
12-94*

LEGAL DESCRIPTION  
 T10N  
 R3E  
 SEC 18

UNIFORM PROPERTY CODE  
 1-013-058

**J-13-Z**

JANE CARLTON  
800 Val Verde SE  
Albuquerque NM 87108  
505-268-7275

September 25, 2003

Dear DNA Officer:

This letter is to inform you that I am applying to the Development Review Board for a vacation of right-of-way on the property marked on the enclosed Zone Atlas map. If you have any questions you may call me at 268-7275.

Sincerely,

Jane Carlton

A handwritten signature in cursive script that reads "Jane Carlton". The signature is written in black ink and is positioned to the right of the typed name "Jane Carlton".

ONE STOP SHOP . . . FRONT COUNTER  
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)  
LAND DEVELOPMENT COORDINATION SECTION (LDC)  
Plaza Del Sol - 2nd & 4<sup>th</sup> Floor West - 600 2nd St NW 87102  
Front Counter Main Number (505) 924-3858 or 924-3895  
Main Fax (505) 924-3864

**PAID RECEIPT**

**APPLICANT NAME**

Jane Carlton

**AGENT**

Jane Carlton

**ADDRESS**

**PROJECT NO.**

1001816

**APPLICATION NO.**

03DRB-01640

\$ 110<sup>00</sup> 441006 / 4983000 (DRB Cases)

\$ \_\_\_\_\_ 441006 / 4971000 (EPC & AA / LUCC / Appeals)

\$ \_\_\_\_\_ 441018 / 4971000 (Notification)

\$ 110<sup>00</sup> Total amount due

*Regerral Fee*

\*\*\*DUPLICATE\*\*\*  
City Of Albuquerque  
Treasury Division

10/24/2003 3:35PM LOC: ANNX  
RECEIPT# 00014710 WSH 006 TRANSH 0030  
Account 441006 Fund 0110  
Activity 4983000 TRSEJA  
Trans Amt \$110.00  
J24 Misc \$110.00  
VI \$110.00  
CHANGE 10/28/02 \$0.00

ONE STOP SHOP ••• FRONT COUNTER  
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)  
LAND DEVELOPMENT COORDINATION SECTION (LDC)  
Plaza Del Sol - 2nd & 4<sup>th</sup> Floor West - 600 2nd St NW 87102  
Front Counter Main Number (505) 924-3858 or 924-3895  
Main Fax (505) 924-3864

### PAID RECEIPT

APPLICANT NAME

Jane Carlton

AGENT

Same

ADDRESS

800. Val Verde SE

PROJECT NO.

1001816 /

APPLICATION NO.

03DRB 01640

\$ 300.<sup>00</sup> 441006 / 4983000 (DRB Cases)

\$ \_\_\_\_\_ 441006 / 4971000 (EPC & AA / LUCC / Appeals)

\$ 75.<sup>00</sup> 441018 / 4971000 (Notification)

\$ 375.<sup>00</sup> Total amount due

\*\*\*DUPLICATE\*\*\*  
City Of Albuquerque  
Treasury Division

\*\*\*DUPLICATE\*\*\*  
City Of Albuquerque  
Treasury Division

09/26/2003 11:44AM LOC: ANN  
X  
RECEIPT# 00015024 WSH# 008 TRANSH# 0014  
Account 441006 Fund 0110  
Activity 4983000 TRSDMM  
Trans Amt \$375.00  
J24 Misc \$300.00

counterreceipt doc

Thank You

09/26/2003 11:44AM LOC: ANN  
X  
RECEIPT# 00015025 WSH# 008 TRANSH# 0014  
Account 441018 Fund 0110  
Activity 4971000 TRSDMM  
Trans Amt \$375.00  
J24 Misc \$75.00  
VI \$375.00  
CHANGE 10/28/02 \$0.00

Thank You

# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.50 each.

#### 1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

#### 2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

#### 3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

#### 4. TIME

Signs must be posted from Oct. 7 2003 To Oct. 22 2003

#### 5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

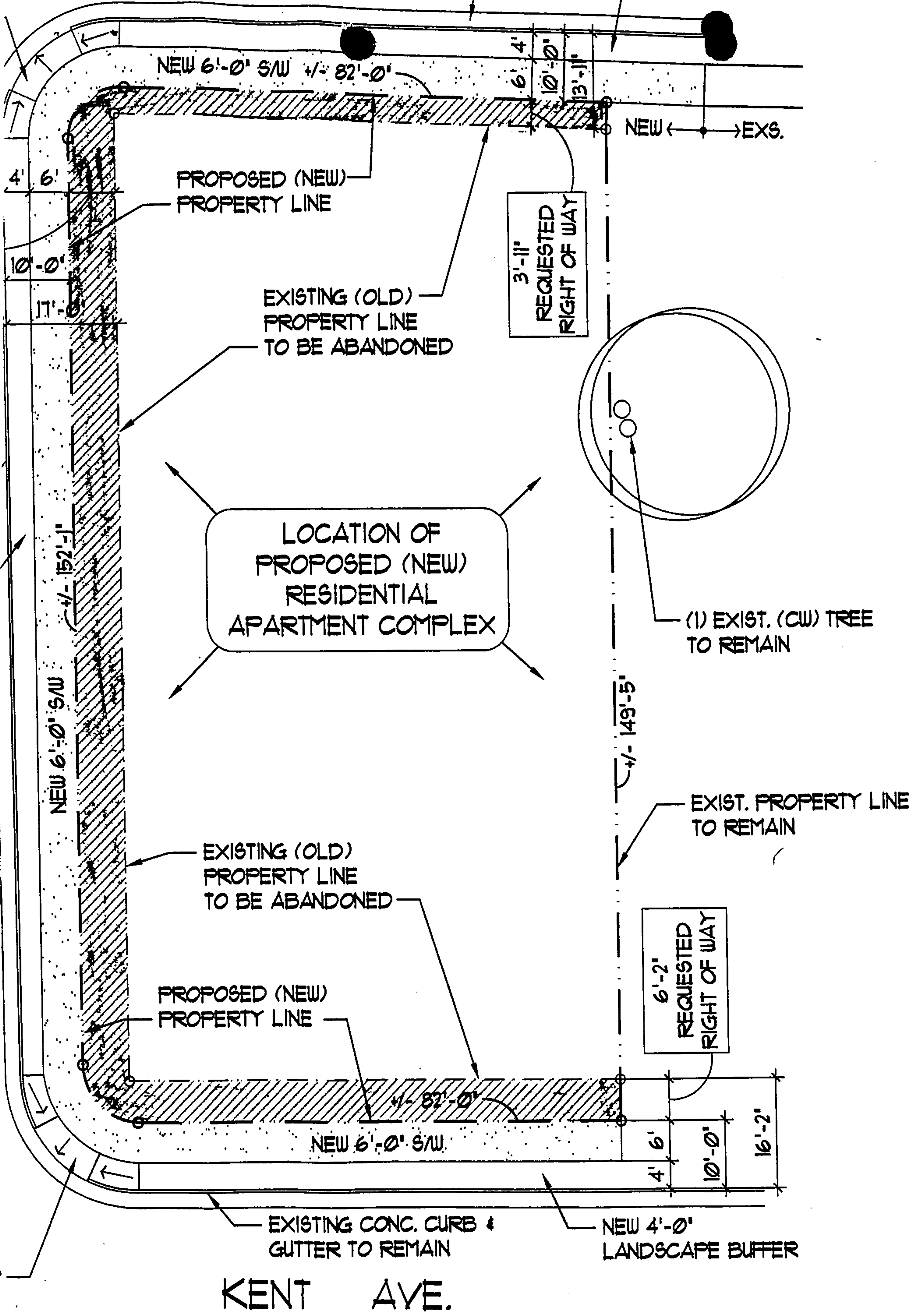
I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Law Carlton  
(Applicant or Agent)

9/26/03  
(Date)

I issued 3 signs for this application, 9/26/03, Melita Hill  
(Date) (Staff Member)

DRB PROJECT NUMBER: 1001816



3-11"

**GREER**

**LANDSCAPE ARCHITECTS**

#1001816



**Sheran A. Matson**  
10/17/03 03:23 PM

To: Chungnatina@aol.com@PUBCABQ  
cc:  
Subject: Re: Project # 1001816 03DRB-01640 Major-Vacation of Public Right-of-Way

Thank you for the e-mail. I will put a copy in the project file. Please note that the only action DRB is hearing on the 22nd of October is the vacation of right of way. All other issues including opposition to a multi story apartment building is not within our jurisdiction.



**Chungnatina@aol.com**  
10/17/03 03:12 PM

To: SMatson@cabq.gov  
cc:  
Subject: Project # 1001816 03DRB-01640 Major-Vacation of Public Right-of-Way

I am the owner of the Victorian three story Historical House located at 908 Tijeras Avenue NW that is next/adjacent to the apartments that John and Jane Carlton own and operate. Miss Lucille Coffey (resident at 906 Tijeras Avenue NW), Ted Aragon (Owner of the Apartment complex at 902 Tijeras Avenue NW), and my family of four are totally against and oppose all city development approval that will make this action possible in any preliminary or final action. We do not want any sidewalk to be moved to the edge of the street or any changes that would change the current configuration of the entire block (10th street, Tijeras Avenue, 9th street, and Kent Street between 9th and 10th street). I have currently a row of bushes that run along the street on Tijeras and do not want a sidewalk to dead-end into my landscape. The Carlton's ultimate goal is to build a two to three story building on questioned property and we are all opposed too that final goal.

The following individuals can be reached at the following telephone numbers for verification.  
The Sanchez Family 505-246-8994  
Miss Lucille Coffey 505-243-6480  
Ted Aragon 303-886-4536



# *City of Albuquerque*

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

## DEVELOPMENT REVIEW BOARD - NOTIFICATION OF HEARING

October 9, 2003

To: Perry Wilkes & Joe Sackett: **Downtown Neighborhood Association,**

This letter will serve as your notification from the City of Albuquerque, under provisions of 0-92 pertaining to a request for: **Vacation of Public Right of Way.**

Proposed by: **Jane Carlton at 268-7275** Agent for: **Self**

For property located: **On the southeast corner of 10<sup>th</sup> Street NW and Tijeras NW.**

The case number assigned is: **03DRB-01640, Project # 1001816**

City Planning accepted application for this request on September 25, 2003.

The owner, applicant, and/or agent certified at the time of application acceptance that they notified you of the proposed action by *certified mail, return receipt requested.*

Please be advised that this application is scheduled for a hearing before the Development Review Board at 9:00 a.m. on **WEDNESDAY, OCTOBER 22, 2003** at the **Plaza del Sol Hearing Room, Lower Concourse Level, Plaza Del Sol, 600 Second St. NW.**

You should contact Claire Senova @ 924-3946 to confirm this date, time, and to seek further information.

If you have any questions-**OR-** have not been contacted by the applicant, please call Don Newton at 924-3906.

Sincerely,

Don Newton

OFFICE OF COMMUNITY & NEIGHBORHOOD COORDINATION



JANE CARLTON  
800 Val Verde SE  
Albuquerque NM 87108  
505-268-7275

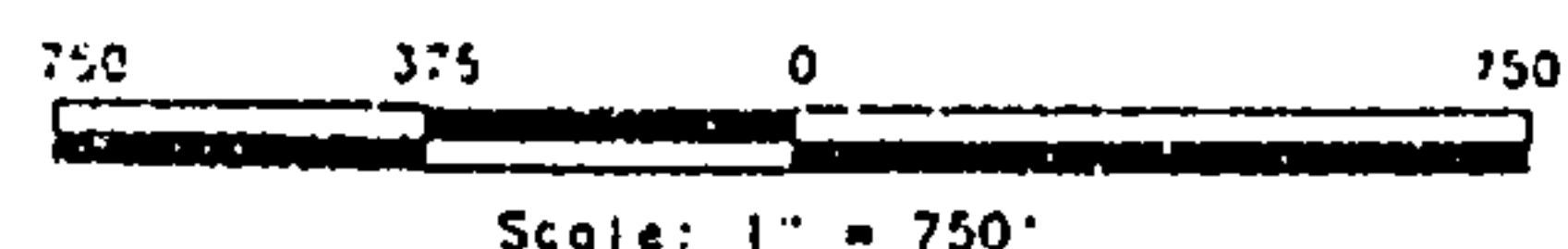
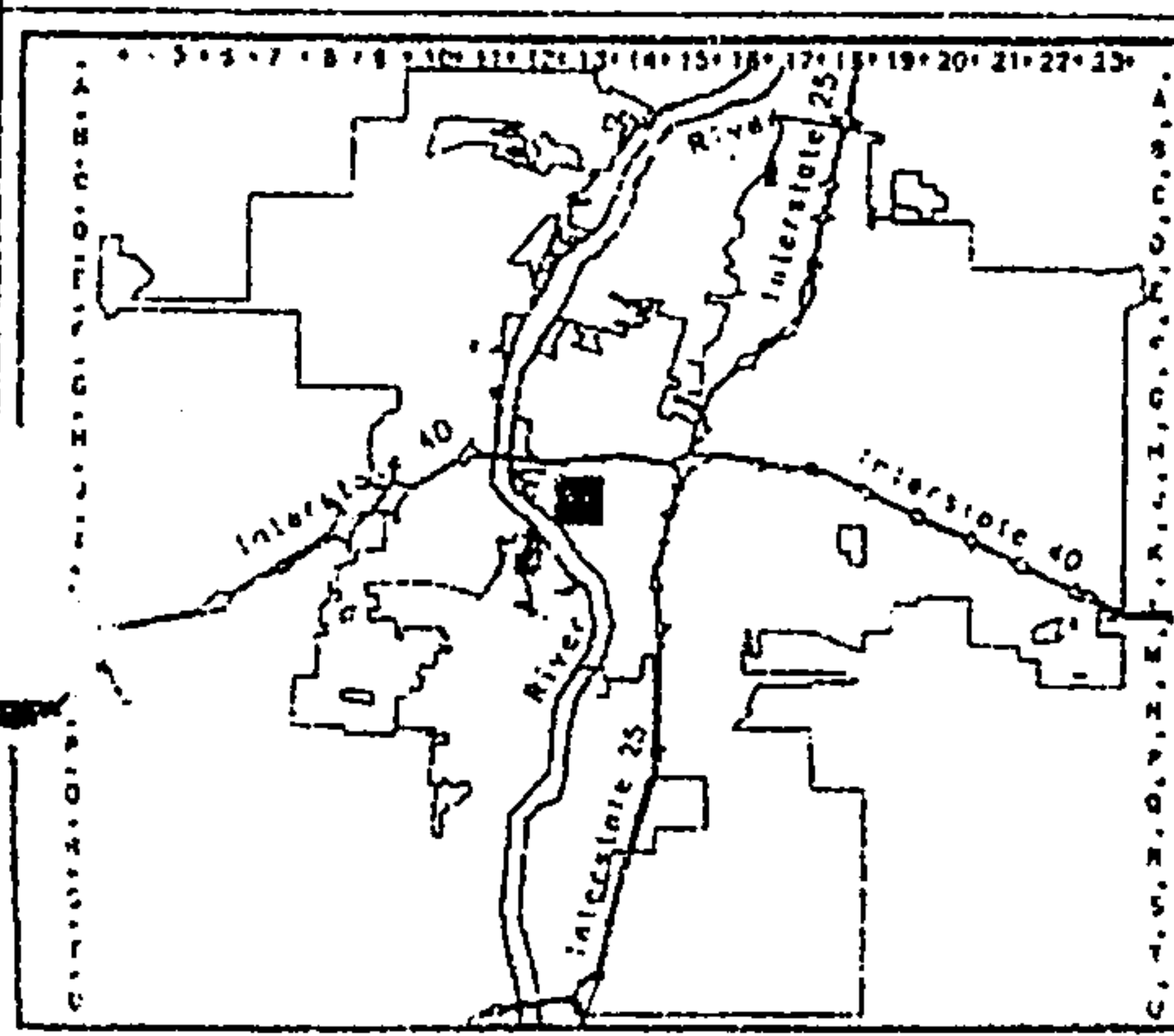
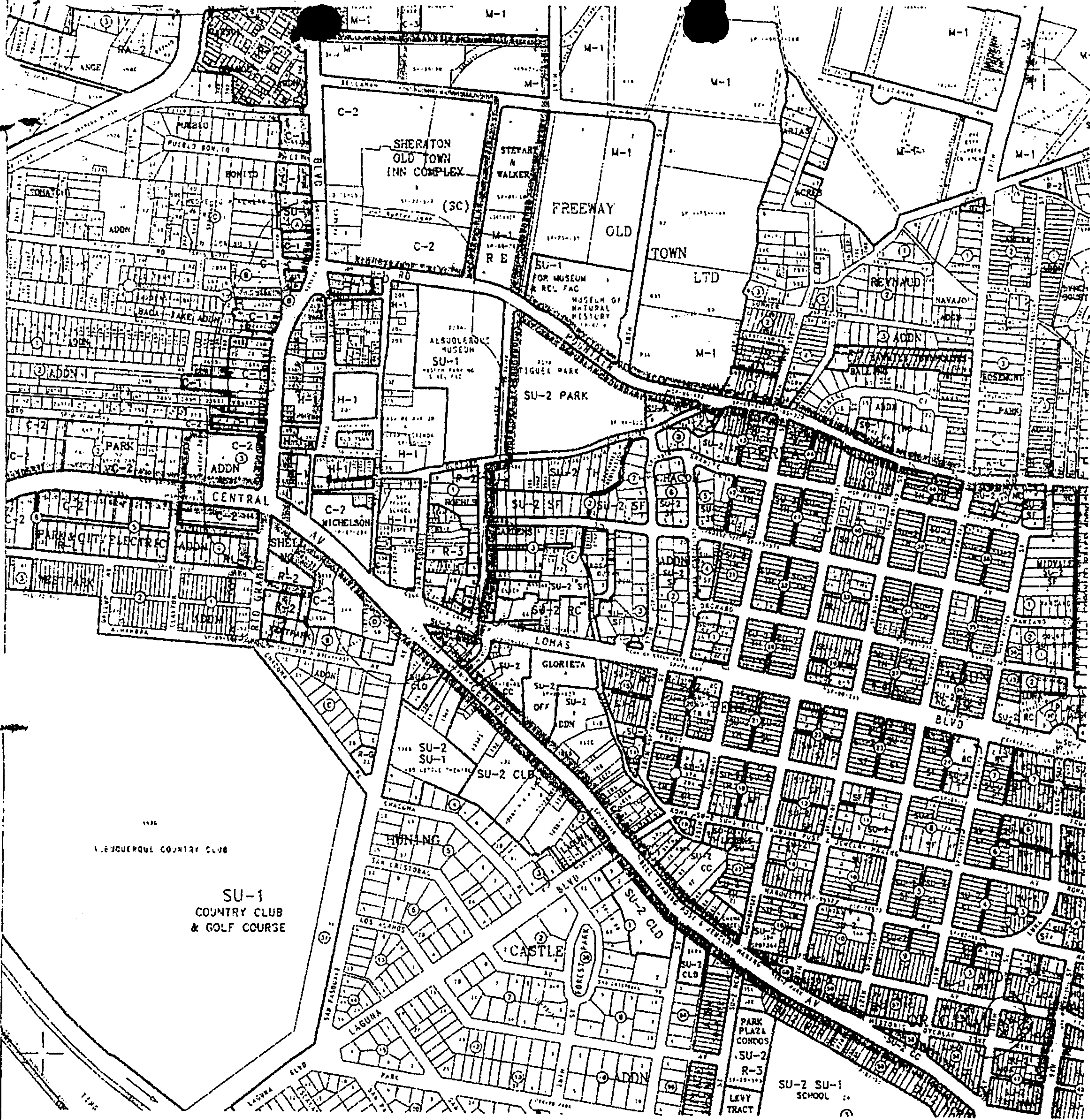
September 25, 2003

Dear DNA Officer:

This letter is to inform you that I am applying to the Development Review Board for a vacation of right-of-way on the property marked on the enclosed Zone Atlas map. If you have any questions you may call me at 268-7275.

Sincerely,

  
Jane Carlton



Scale: 1" = 750'

**A G I S**  
 Albuquerque Geographic Information System  
 CITY OF ALBUQUERQUE

© Planning Department July 07, 1993

*Received from planner  
 12-94*

LEGAL DESCRIPTION

T10N  
 R3E  
 SEC 18

UNIFORM PROPERTY CODE

1-013-058

**J-13-Z**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, October 22, 2003, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1001656**

03DRB-01591 Major-Bulk Land Variance  
03DRB-01592 Minor-Prelim&Final Plat  
Approval

SANTIAGO ROMERO JR. agent(s) for CITY OF ALBUQUERQUE, LINDA ADAMSKO request(s) the above action(s) for all or a portion of Tract(s) O & N, **DOUBLE EAGLE AIRPORT II**, zoned SU-1 special use zone, AIRPORT & RELATED FACILITIES, located NORTHWEST OF DOUBLE EAGLE AIRPORT NW, containing approximately 591 acre(s). [REF: 01EPC-01875, 03EPC-00915 & 16] (C-4 & D-4)

**Project # 1001816**

03DRB-01640 Major-Vacation of Pub Right-of-Way

JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 10, 11 and 12, **NM TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-2 special neighborhood zone, HDA, located on the southside of TIJERAS AVE NW, between 9<sup>th</sup> ST NW AND 10<sup>th</sup> St NW containing approximately 1 acre(s). [REF: 02LUC-00952, 02CC-00446 & 00950 AP, Z-94-1, LUC92-3] (J-13)

**Project # 1002714**

03DRB-01634 Major-Vacation of Pub Right-of-Way

TIERRA WEST LLC agent(s) for ZANGARA DODGE request(s) the above action(s) for all or a portion of **EAST END ADDITION**, zoned C-2 community commercial zone, located on VIRGINIA ST NE, between LOMAS BLVD NE and MARBLE ST NE containing approximately ¼ acre(s). [REF: 03EPC-00917] (J-19)

**Project # 1003002**

03DRB-01635 Major-Vacation of Pub Right-of-Way

SURVEYS SOUTHWEST, LTD. agent(s) for DON HANOSH request(s) the above action(s) for all or a portion of Lot(s) 9-12, Block(s) 23, **CANADA VILLAGE, FIRST UNIT**, zoned C-2 community commercial zone, (SC) located south of CENTRAL AVE SE, and west of DORADO PL SE containing approximately 0.11 acre(s). [REF: ZA-76-273] (L-22)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays. Individuals with disabilities who need special assistance to participate at this meeting should contact Claire Senova, Planning Department, at 924-3946. Hearing Impaired users may contact her via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

  
Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, OCTOBER 6, 2003.**

JANE CARLTON  
800 VAL VERDE SE  
ALBUQUERQUE NM 87108  
505-268-7275

October 21, 2003

Development Review Board  
City of Albuquerque  
600 2<sup>nd</sup> Street NW  
Albuquerque, New Mexico 87103

Re: Project # 1001816 Major-Vacation of Public Right-of-Way

Dear Members of the DRB:

I received a some materials from the City regarding my request for vacation of public right of way for my property bordered by Kent, Tenth Street, and Tijeras. I note that there were no adverse comments to the vacation. However, the Planning Department has requested a condition to the approval that "any plat submitted to the DRB for approval must be accompanied by the LUCC Notice of Decision" regarding a new building that I may be proposing for the property.

I respectfully object to such a condition because (1) I am requesting the vacation of the right-of-way even if I do not ultimately erect a new building on my property, (2) the vacation of a right-of-way has nothing to do with the LUCC and is therefore not within its authority. The LUCC can address any issues within its authority regarding the type of building that is constructed on the property when I submit the new building plans to the LUCC.

Therefore, I request approval of the vacation without condition.

Sincerely,

Jane Carlton

~~LUCC has authority over street scape matters in distance overlay zone~~

LUCC Section 6.21 of guidelines

X



**Sheran A. Matson**  
10/17/03 03:23 PM

To: Chungnatina@aol.com@PUBCABQ  
cc:  
Subject: Re: Project # 1001816 03DRB-01640 Major-Vacation of Public Right-of-Way

Thank you for the e-mail. I will put a copy in the project file. Please note that the only action DRB is hearing on the 22nd of October is the vacation of right of way. All other issues including opposition to a multi story apartment building is not within our jurisdiction.



**Chungnatina@aol.com**  
10/17/03 03:12 PM

To: SMatson@cabq.gov  
cc:  
Subject: Project # 1001816 03DRB-01640 Major-Vacation of Public Right-of-Way

I am the owner of the Victorian three story Historical House located at 908 Tijeras Avenue NW that is next/adjacent to the apartments that John and Jane Carlton own and operate. Miss Lucille Coffey (resident at 906 Tijeras Avenue NW), Ted Aragon (Owner of the Apartment complex at 902 Tijeras Avenue NW), and my family of four are totally against and oppose all city development approval that will make this action possible in any preliminary or final action. We do not want any sidewalk to be moved to the edge of the street or any changes that would change the current configuration of the entire block (10th street, Tijeras Avenue, 9th street, and Kent Street between 9th and 10th street). I have currently a row of bushes that run along the street on Tijeras and do not want a sidewalk to dead-end into my landscape. The Carlton's ultimate goal is to build a two to three story building on questioned property and we are all opposed too that final goal.

The following individuals can be reached at the following telephone numbers for verification  
The Sanchez Family 505-246-8994  
Miss Lucille Coffey 505-243-6480  
Ted Aragon 303-886-4536



Chungnatina@aol.com

10/25/03 11:18 AM

To: SMatson@cabq.gov

cc:

Subject: Re: Project # 1001816 03DRB-01640 Major-Vacation of Public Right-of-Way

Hello Sheran,

Tijeras Avenue (northwest) between 12th and 9th street is a neighborhood street with abundant of traffic. The City of Albuquerque Neighborhood Traffic Section has conducted an investigation on the traffic speeding problem and has documented by mobile radar that this section of Tijeras Avenue logged in more than 500 speeding violations per day. This section of Tijeras Avenue has had numerous accidents especially on the intersection of Tijeras and 10th street where the Carlton's property is located (please feel free to research the number of accidents at Tijeras & 10th Street). I have personally witnessed two accidents at that corner that caused vehicles to jump curb and actually land and damages the Carlton's apartment complex along with destroying the US Postal Service Cluster Boxes at the same time. Moving the pedestrians sidewalk curb up to the street curb would definitely further expose human life's closure to the collision of vehicles in that area.

Therefore, due to the safety concerns and to continuing to maintain and enhance our quality of life, it is requested that your office not pass or approve any action to vacation any requested action from the Carlton's.

Furthermore, Mr. and Mrs. Lopez along with their five children are also against and oppose all city development approval that will make this action possible in any preliminary or final action. The Lopez brand new home is located on 918 Kent Avenue NW, which is in front of area where the Carlton's want to move the sidewalk up to the curb on Kent Avenue. The Lopez family information is below if you desire to contact them.

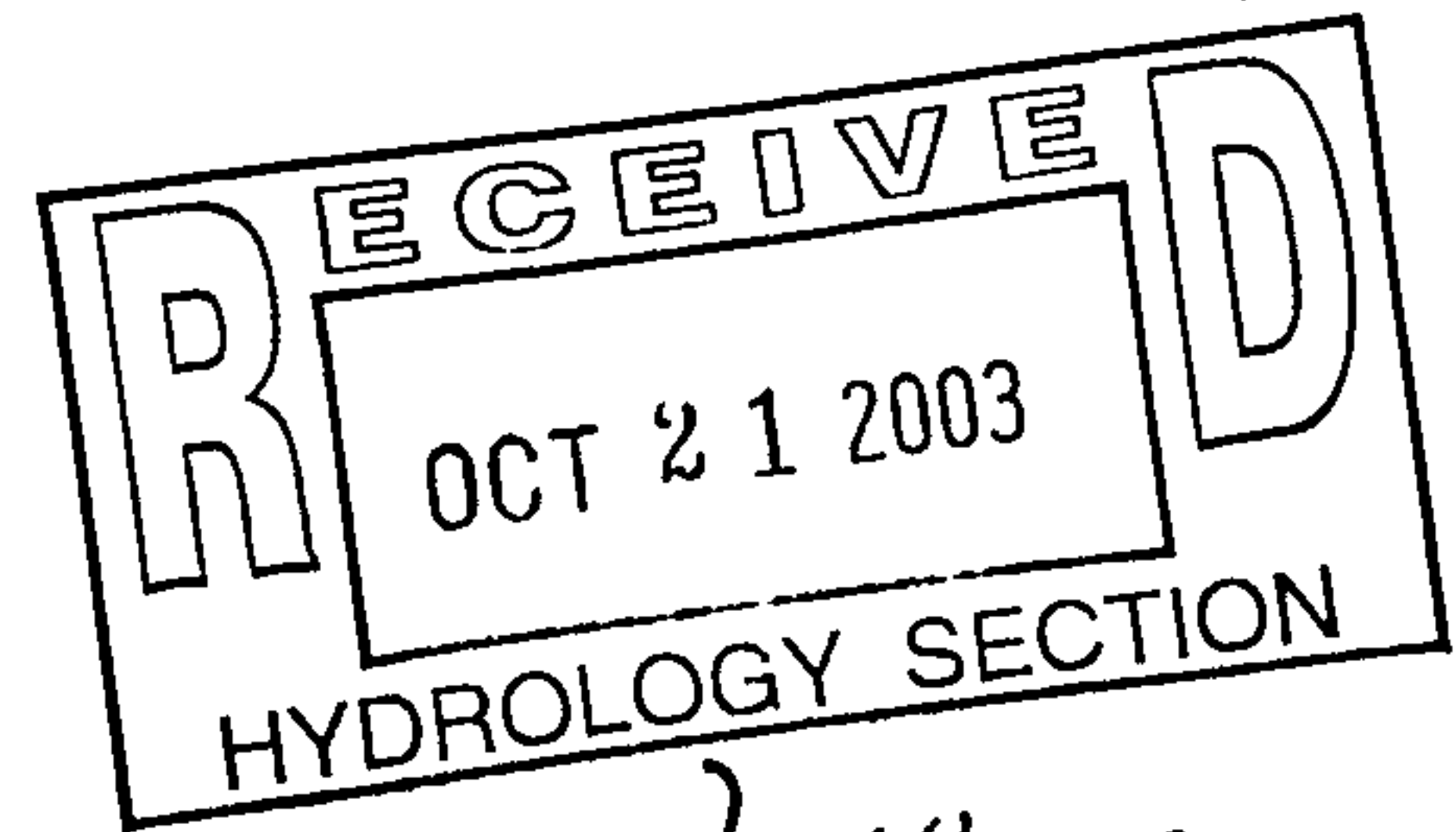
Miss Lucille Coffey 243-6480 (Resident at 906 Tijeras Avenue NW),  
Ted Aragon 303-886-4536 (Owner of the Apartment complex at 902 Tijeras Avenue NW),  
The Sanchez Family 505-246-8994  
Miss Lucille Coffey 505-243-6480  
Ted Lopez Family 242-9372 (Resident at 918 Kent Avenue NW),

#3

JANE CARLTON  
800 VAL VERDE SE  
ALBUQUERQUE NM 87108  
505-268-7275

October 21, 2003

Development Review Board  
City of Albuquerque  
600 2<sup>nd</sup> Street NW  
Albuquerque, New Mexico 87103



4:20 pm

Re: Project # 1001816 Major-Vacation of Public Right-of-Way

Dear Members of the DRB:

I received a some materials from the City regarding my request for vacation of public right of way for my property bordered by Kent, Tenth Street, and Tijeras. I note that there were no adverse comments to the vacation. However, the Planning Department has requested a condition to the approval that "any plat submitted to the DRB for approval must be accompanied by the LUCC Notice of Decision" regarding a new building that I may be proposing for the property.

I respectfully object to such a condition because (1) I am requesting the vacation of the right-of-way even if I do not ultimately erect a new building on my property, (2) the vacation of a right-of-way has nothing to do with the LUCC and is therefore not within its authority. The LUCC can address any issues within its authority regarding the type of building that is constructed on the property when I submit the new building plans to the LUCC.

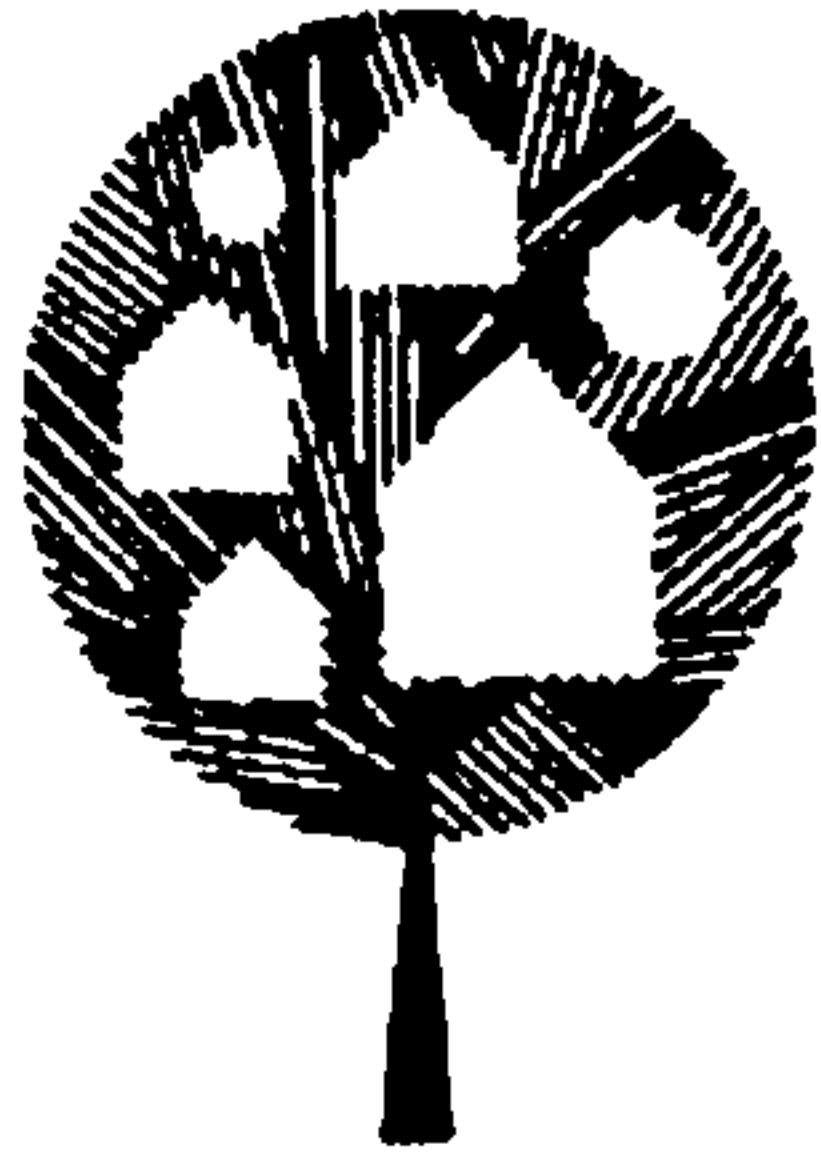
Therefore, I request approval of the vacation without condition.

Sincerely,

A handwritten signature in cursive script that reads "Jane Carlton".

Jane Carlton

U



# DOWNTOWN NEIGHBORHOODS ASSOCIATION

*Protecting and Promoting Residential Life In Downtown Albuquerque Since 1972*

Date: October 19, 2003  
To: Sheran Matson, Chair, Development Review Board  
From: Joe Sackett, Downtown Neighborhoods Association  
Subject: Two notifications regarding requests for vacation  
Cc: Kevin J. Murtaugh  
Jane Carlton  
Perry Wilkes (DNA)  
Enclosures

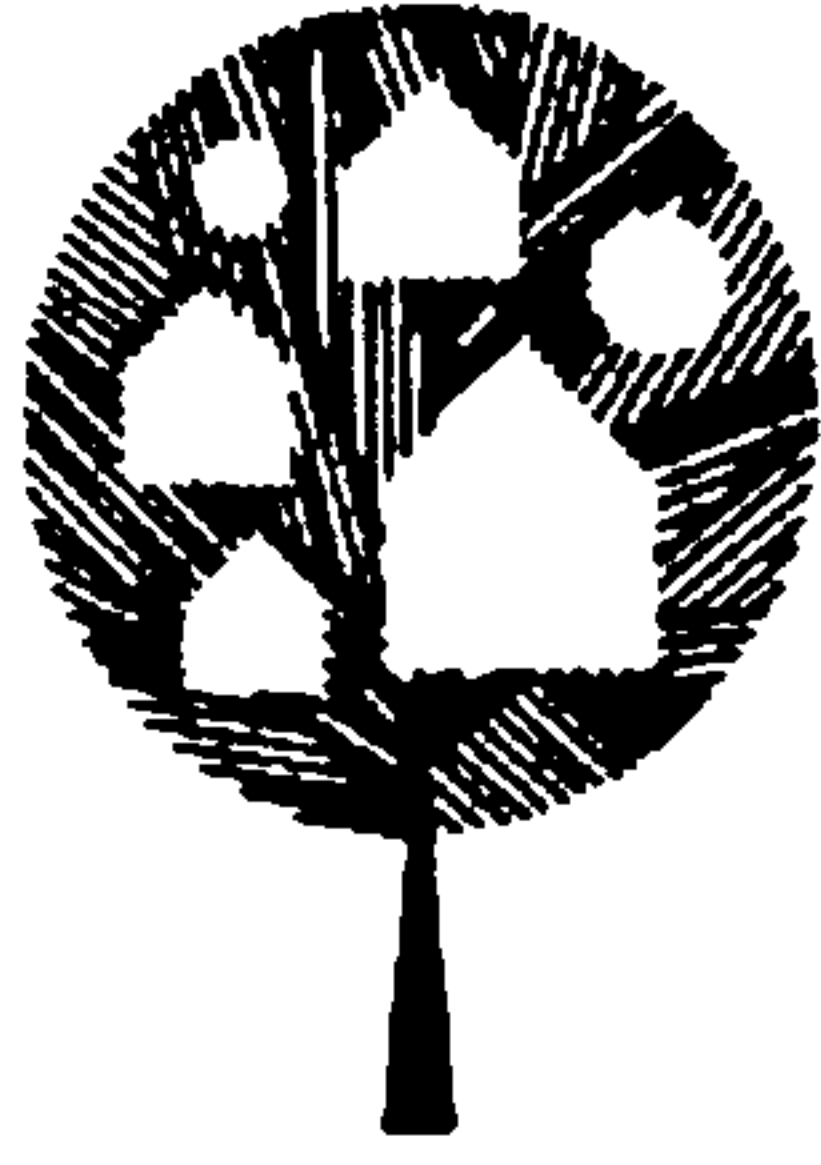
Enclosed you will find copies of two letters and accompanying documents received by officers of the Downtown Neighborhoods Association (DNA) regarding requests for vacation of right-of-way for properties within the boundaries of the DNA.

The first notification letter, from Mr. Kevin J. Murtagh, explains the proposed vacation action and includes drawings to support the explanation. The DNA has no objection to this request, assuming Mr. Murtagh's immediate neighbors also have no objection.

The second notification, from Ms. Jane Carlton, does not explain the proposed action, nor does it include drawings, other than a general zone page map with the property not indicated. To my knowledge, Ms. Carlton has made no attempt to explain the proposed vacation at monthly meetings of the DNA or through any other avenue. We request that action on this request ((Project #1001816, case number 03DRB-01640) be postponed to allow Ms. Carlton to meet with the neighborhood association to explain the nature of the request.

Thank you for your attention to this matter.





# DOWNTOWN NEIGHBORHOODS ASSOCIATION

*Protecting and Promoting Residential Life In Downtown Albuquerque Since 1972*

Date: October 27, 2003  
To: Sheran Matson, Chair, Development Review Board  
From: Joe Sackett, Downtown Neighborhoods Association  
Subject: Carlton request  
Cc: Jane Carlton  
Perry Wilkes (DNA)  
Enclosures

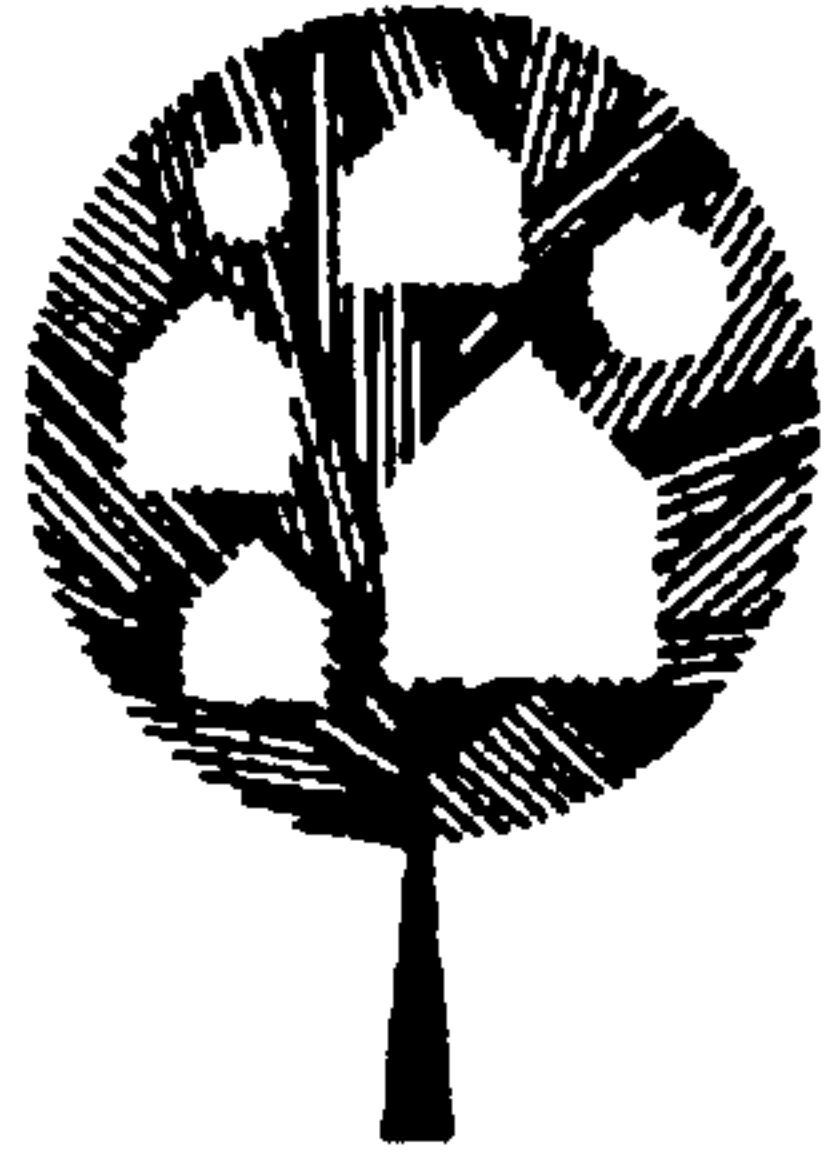
Re: Case # 03DRB-01640, Project #1001816

This is a request by Jane Carlton for vacation of public right of way and property line changes.

The Downtown Neighborhoods Association has no objection to this request, on the condition that immediate neighbors do not object.

I have enclosed copies of documents provided to DNA by Ms. Carlton, as well as a copy of an e-mail from me to the DNA board discussing this request.

Thank you for your attention to this matter.



# DOWNTOWN NEIGHBORHOODS ASSOCIATION

*Protecting and Promoting Residential Life In Downtown Albuquerque Since 1972*

Date: November 10, 2003  
To: Sheran Matson, Chair, Development Review Board  
From: Joe Sackett, Downtown Neighborhoods Association  
Subject: Carlton request  
Cc: Jane Carlton  
Sam Lopez (DNA)

Re: Case # 03DRB-01640, Project #1001816

This is a request by Jane Carlton for vacation of public right of way and property line changes.

In a memo dated October 27, 2003, I stated that the Downtown Neighborhoods Association has no objection to this request, on the condition that immediate neighbors do not object. This conclusion was reached after an electronic poll of the board members.

At the DNA regular board meeting of November 5, objections to the request were voiced by Mr. Sam Lopez, who is an immediate neighbor to the Carlton property. Mr. Lopez is also a member of the board of DNA. Mr. Lopez had not had an opportunity to read or respond to previous electronic communications concerning this request.

The purpose of this memo is to provide additional information in this case and to make it clear that some members of the DNA board do object to what is proposed.

Thank you for your attention to this matter.

## Joe Sackett

---

**From:** Joe Sackett [leftyy@earthlink.net]  
**Sent:** Sunday, October 26, 2003 11:56 AM  
**To:** 'dnaboard@yahoogleroups.com'  
**Subject:** Jane Carlton request for vacation of public right of way

Attached you will find PDF-format copies of documents hand-delivered to my house by Jane Carlton. The Development Review Board instructed her to meet with DNA to explain her request to the DRB for vacation of public right of way and changes to property lines at her property on 10th between Kent and Tijeras. Carlton called me; I informed her that the DNA Zoning Committee will meet on October 29 and the full board on November 5. These dates were not convenient for her. I offered her the option of sending me a complete explanation by e-mail, so I could forward the information to the board and get consensus that way. She chose to deliver the attached documents by hand. The documents include:

- \* A letter from Jane Carlton
- \* A drawing detailing the requested changes
- \* Several paragraphs of explanation written by an anonymous author
- \* A zone map page with the property circled
- \* A zone map page sent with the original letter I received from Jane Carlton, in which the property is NOT indicated. (Her letter accuses me of making false statements about this zone map, so I have included it.)

I suggest that we offer no objections to the changes proposed. If you have objections, please respond via e-mail before 5:00 p.m. on Monday, October 27 indicating what your objections are. If there are no objections, I will write a letter to the DRB indicating that fact and deliver it to DRB Tuesday morning. If there are objections, I'll write a letter saying that and suggesting that Carlton attend the full board meeting on November 5 to address the board's concerns.

Joe Sackett  
247-8679



Jane Carlton vacation  
request....

JANE CARLTON  
800 Val Verde SE  
Albuquerque NM 87108  
505-268-7275

October 23, 2002

Joe Sackett  
Downtown Neighborhoods Association  
905 Fruit Avenue NW  
Albuquerque NM 87102

Dear Mr. Sackett:

Thank you for returning my call this morning. Since you were at work, and I hated to take too much of your time, I failed to get an e-mail address. (I've had it but didn't save it.)

After we discussed our alternatives my husband, Johnny, decided that I should never again be subjected to the taunts I endured last time we attended a DNA meeting. Perry Wilkes kept taunting me with, "Do you think you're an architect? You're not an architect, are you?" etc. before the small group of people assembled to hear our proposal -- which had nothing to do with architecture. (Actually I have had some architectural training and a lot of building experience.)

Despite our reluctance to go to the DNA, because the Development Review Board asked us to talk to the neighborhood association, we had decided to obey. Since you said we could submit our proposal and let the zoning board review it without being personally present, we have chosen that option and deferred the hearing till November 5, though we won't be there to defend our position. This will give the zoning committee a week to discuss it.

As I mentioned in my message on your voice mail, we expected to hear from the DNA during the time between filing our application in September and the hearing on October 22. If you had called, we would have appeared or given you a description of our proposal. Your letter says "Mrs. Carlton has made no attempt to explain the proposed vacation..." Since the DNA president works for the planning department, I thought he would know what a vacation of right-of-way is. I had no idea that an explanation was necessary. If he chose not to talk to me, he could have asked Claire for a copy of our submittal.

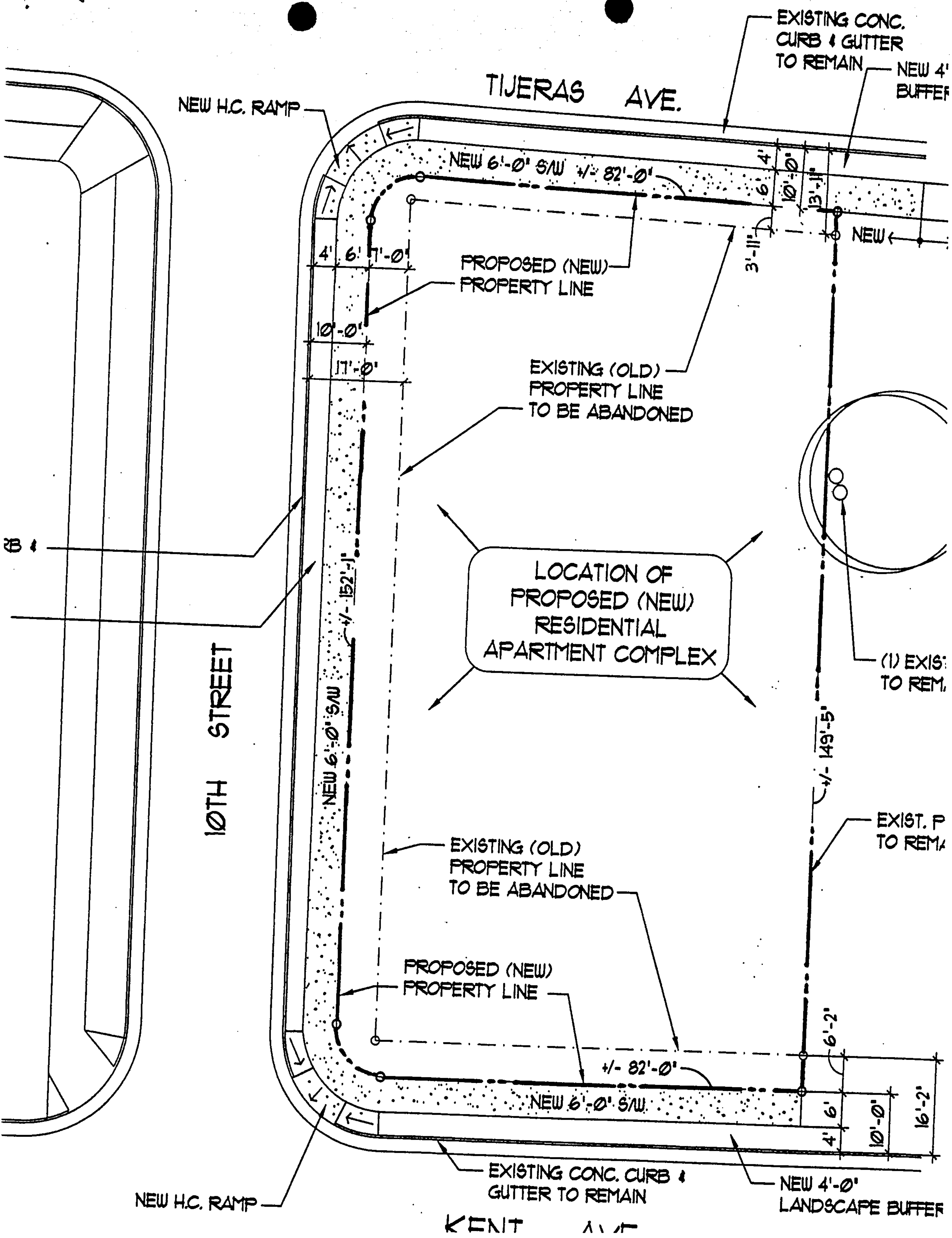
Your statement that our property was not marked on the map was false. The map is tiny and it is very hard to hatch it clearly -- so I circled it too. (Every member of the DNA board is aware of the location of our property in the Fourth Ward, so you had constructive notice even if you couldn't find it on the map.) To prevent any confusion, I am enclosing the map the city put in our packet. I have also copied the plat, done by an architect, with the right-of-way we want vacated clearly marked, along with the proposal we submitted at the DRB "sketch plat" hearing and a later explanation submitted with the application.

It is apparent that Mr. Wilkes has no problem with a vacation of right-of-way since, after the hearing in which he belittled me, he called and said he could get us a variance. Relying on the version of R-4 zoning given to me by zoning, I answered, "We don't need a variance." We are still rejecting Mr. Wilkes's offer, preferring to buy right-of-way from the city.

Sincerely,

Jane Carlton

*Please send me a copy of your zoning board's comments before 11/3/02. Our E-mail address is jcarl1000@aol.com (Jane 1000) FAX is 268-0644.*



Until late February of 2003, when they were given a revised version of R-4 Zoning regulations, by City staff, Johnny and Jane Carlton had relied on a copy of R-4 zoning that was given to them by Zoning on 8/8/2001 which said: "set-backs: none." While not conceding that their reliance was erroneous, the Carltons are willing to comply with the new Code regulations, which call for set-backs, and increase open space requirements by 50%.

The Carltons have been working with respected Albuquerque architect Chris Rasmussen trying to come up with a plan that will provide sufficient parking and open space to allow them to build near the potential offered by their High Density Apartment (HDA) zoning. They are grappling with the problem of providing a location for the dumpster which also serves the block to the south of their property. For 18 years the Carltons have provided and paid for a dumpster for businesses in the block south of them and they are willing to continue to do so. But if they cannot provide ample space in a location that does not require neighboring businesspeople to trespass to dump their garbage, the whole neighborhood will suffer.

Mrs. Carlton has discussed a proposal for a few outside parking spaces with Richard Douhrte who suggested that the Carltons purchase land from the city so that cars would not have to drive on city land to park.

Mrs. Carlton and Mr. Rasmussen met with Linda Adamsko and Scott Howell on August 26 to discuss vacating the right-of-way. They seemed to feel that a vacation was a good idea.

Following are reasons to approve the vacation of right-of-way:

The Carltons' plan moves most of their proposed parking garage back several feet from the required set-back on Tenth Street, but it requires a few tenants to drive on what is now city property to get to their parking spaces which will be screened by landscaping or a fence.

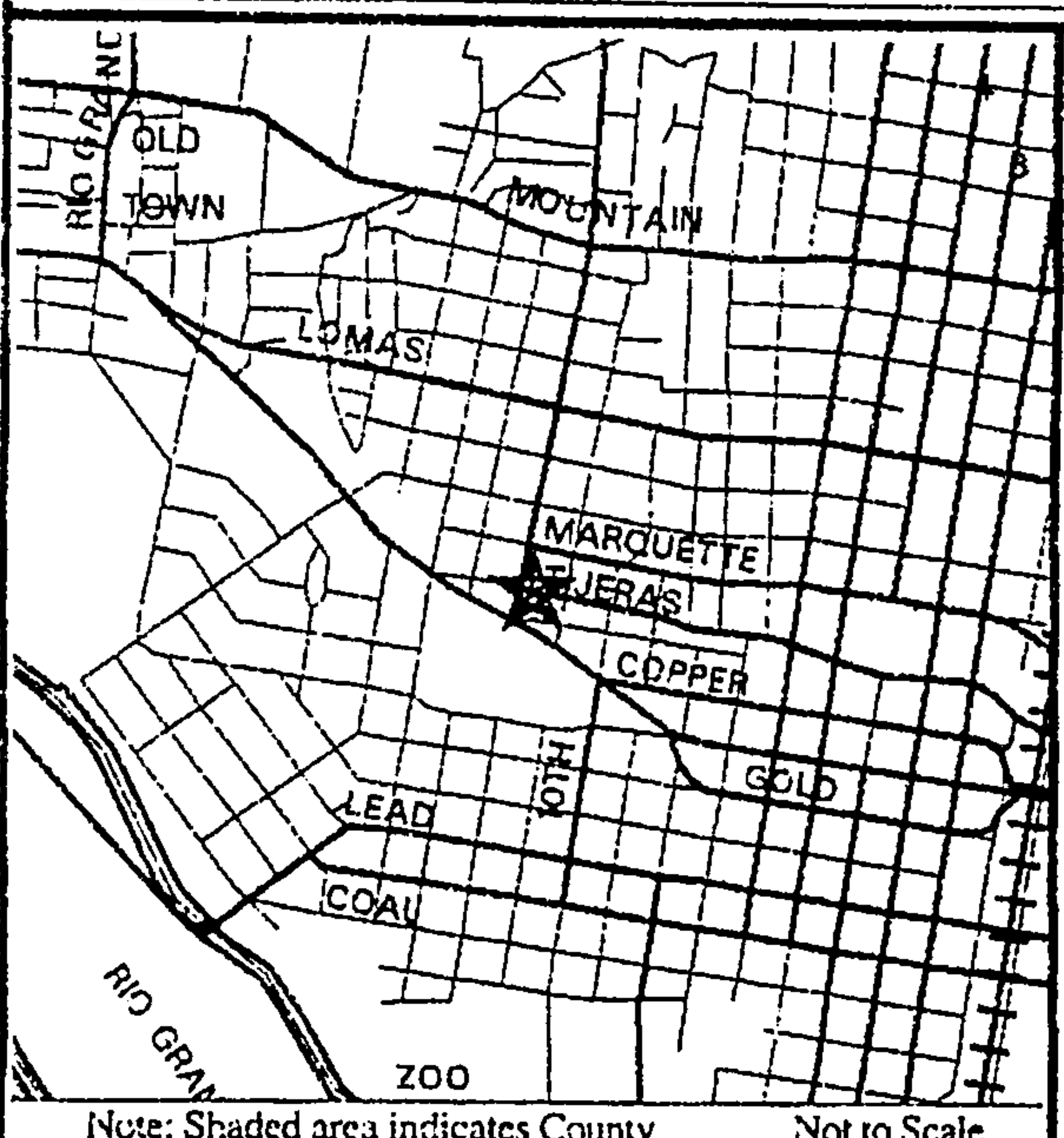
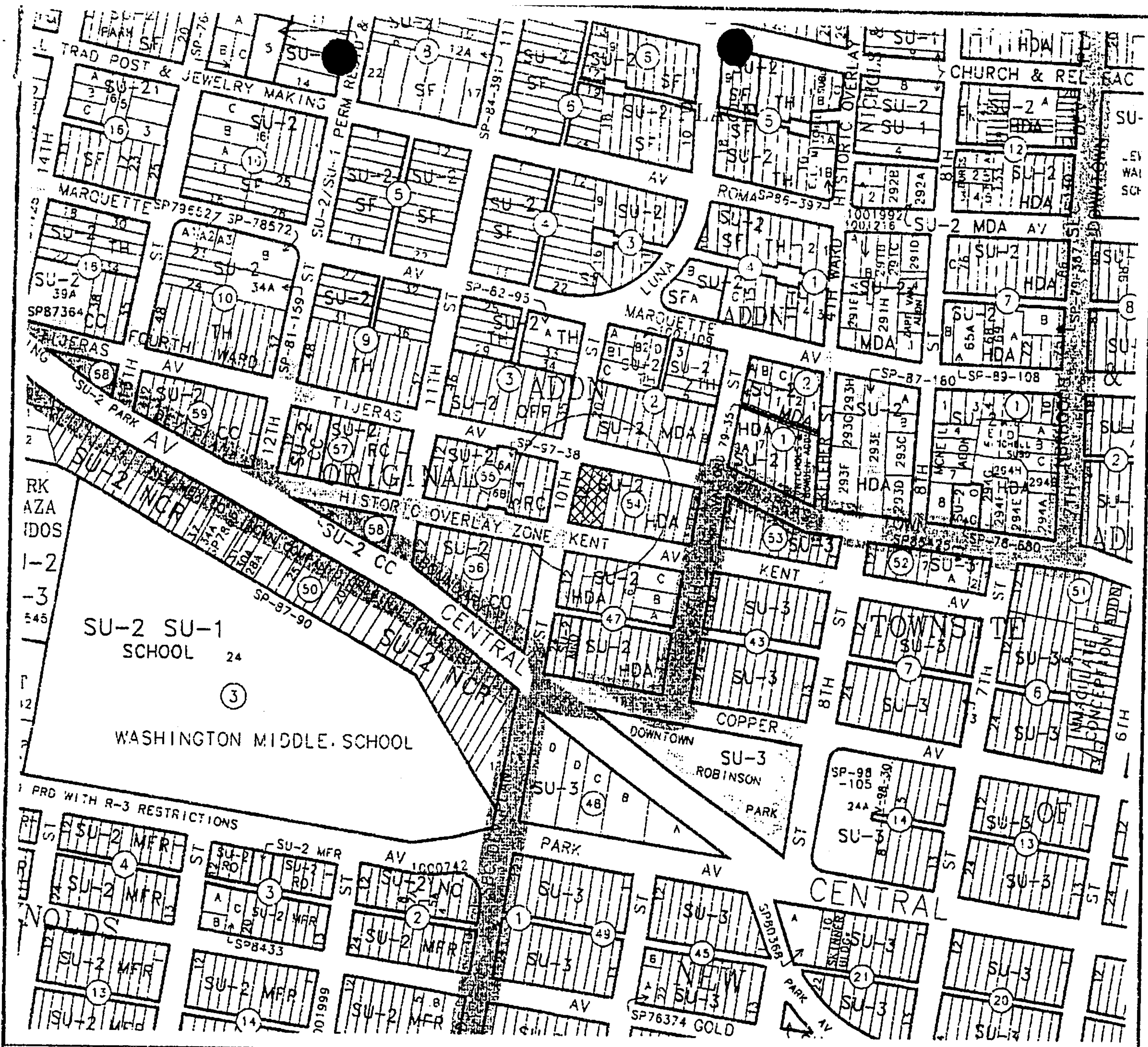
The plan will make it possible for the Carltons to put the neighborhood dumpster inside an attractive enclosure on their property while permitting neighbors to use it without trespassing.

Approval of the vacation will allow the Carltons to comply with the new, drastically increased open space requirements without decreasing heated floor area allowed in HDA zoning.

Both Ms. Piscitelli and Mr. Douhrte suggested that the Carltons "buy land from the City."

In 2001 when architect Joe Slagle wanted to build townhouses on the land across the street from this property on Tenth Street, he was granted a variance to allow him to build almost to the sidewalk. The businesses in the block to the south have high walls abutting the sidewalk/property line. An apartment building in that block is built up against the sidewalk. These properties all have HDA zoning. The office building diagonally across from the Carlton's property sits right next to the sidewalk and has a fence next to sidewalk around the parking lot – with no screening.

The Carltons spent months trying to find a competent architect who was willing to go before the Landmarks Commission, but he cannot continue work on the plans until this issue is resolved.



**ZONING MAP**



Scale 1"=345'

PROJECT NO.  
1001816

HEARING DATE  
10-22-03

MAP NO.  
J-13

ADDITIONAL CASE NUMBER(S)  
03DRB-01640

Note: Shaded area indicates County Not to Scale

JANE CARLTON  
800 VAL VERDE SE  
ALBUQUERQUE NM 87108  
505-268-7275

October 24, 2003

Development Review Board  
City of Albuquerque 600 2<sup>nd</sup> Street NW  
Albuquerque NM 87102

Re: Project # 1001816 Major - Vacation of Public Right of Way

Dear Members of the DRB:

As soon as we got home from our hearing on Wednesday, October 22, I called Mr. Sackett, the Downtown Neighborhoods Association Board member who had written to you alleging that my notice to the DNA had been deficient [which it was not]. I asked him to call and make an appointment for the board to meet with me. He returned my call yesterday, from his place of employment, and told me that the DNA board meets only on the 3rd Wednesday of each month and so my proposal could not be examined by the full board until the next scheduled meeting. He did say that I could submit my proposal to the DNA's Zoning Board which will meet the evening of October 29. (Our hearing was scheduled for that morning.) I chose that alternative which will save a few weeks. Also, Bob Paulsen has not yet arranged a meeting with city attorneys. I want to be able to have my attorney present when I meet with them.

I therefore respectfully request that our hearing be postponed until ~~Wednesday,~~ November 12. Since Mr. Sackett did not sign and return the Certified Mail Card I sent him on September 26, until October 17, I am hand delivering the packet of materials for DNA review to be sure he gets it. It includes copies of the letters submitted to the DRB a map, clearly hatched and circled, and a plat.

After the hearing we contacted Arsenio Sanchez, the neighbor who wrote you a letter which we did not learn about until the hearing, but he was resting and has not yet called us. We talked to Ted Aragon who owns the property at the corner of Ninth and Tijeras. He gave me a little insight on a possible explanation of the reason for Sanchez's concern. Evidently Mr. Sanchez read the city's legal advertisement which said that we wanted to buy one acre between Ninth and Tenth on Tijeras. (As soon as I saw that, I called Claire and objected, but as far as I know the city has not run a correction.) Ted Aragon thought possibly Mr. Sanchez had believed we were trying to buy up all of the right-of-way in the block. Ted was shocked that his name had been attached to a letter protesting our purchase of right-of-way and made it very clear that he did know about the letter and he has no objection to a vacation.. He also commented, "Your property is so well kept, it sets the standard for the neighborhood." If he doesn't write the city to correct this matter, the DRB should contact him before making a decision based on a false letter. We have not been able to reach Ms. Coffey.

Sincerely,

  
Jane Carlton





Chungnatina@aol.com

11/12/03 07:21 AM

To: "Joe Sackett"leftyy@earthlink.net, leftyy@earthlink.net]  
cc: SMatson@cabq.gov, ssllopez3@msn.com  
Subject: [DNA Board] Jane Carlton request for vacation of public right of way

The Sanchez family of four owns and live on the Victorian three story Historical House located at 908 Tijeras Avenue NW. This property is next/adjacent to the apartment complex that John and Jane Carlton own and operate. We do not want the sidewalk to be moved to the edge of the street or any changes that would change the current configuration of the entire block (10th street, Tijeras Avenue, 9th street, and Kent Street between 9th and 10th street). I have currently a row of bushes that run along the street on Tijeras and do not want a sidewalk to dead-end into our landscape.

We all know that the Carlton's ultimate goal is to build a two to three story building on questioned property and we are all opposed too that final goal. Our Kitchen is located on the second floor on the westside and given the Carlton's permission to eventually build a two to three story apartment complex would devastate our quality of life. Presently we enjoy the beautiful sunrises and sunsets from our kitchen. By letting the Carlton's do what they want would take away/deprive from us this beautiful sunrises and sunsets that we have enjoyed for fifteen years and would want to continue to enjoy in the future. Given the Carlton's permission would also increase the car pollution and motorcycle noises that currently come from the Carlton's apartment complex. We can smell the exhaustion/pollution from the vehicles that tenants run while tenants warm up their vehicles and become startled or awaken when tenants crank or start their vehicles or motorcycle especially when we are sleeping.

In addition to the above, Tijeras Avenue (northwest) between 12th and 9th street is a neighborhood street with abundant of traffic. The City of Albuquerque Neighborhood Traffic Section has conducted an investigation on the traffic speeding problem and has documented by mobile radar that this section of Tijeras Avenue logged in more than 500 speeding violations per day. This section of Tijeras Avenue has had numerous accidents especially on the intersection of Tijeras and 10th street where the Carlton's property is located (please feel free to research the number of accidents at Tijeras & 10th Street). I have personally witnessed two accidents at that corner that caused vehicles to jump curb and actually land and damages the Carlton's apartment complex along with destroying the US Postal Service Cluster Boxes at the same time. Moving the pedestrians sidewalk curb up to the street curb would definitely further expose human life's closure to the collision of vehicles in that area. In summation, the below individuals want to continue to maintain the quality of life as is. Miss Lucille Coffey, (resident at 906 Tijeras Avenue NW), Ted Aragon, (Owner of the 902 Tijeras Southwesterner Apartments), the Lopez family of seven, and the Sanchez family of four are totally against and oppose all city development approval that will make this action possible in any preliminary or final action. Therefore, we are requesting that the DNA disapprove any action requested by the Carlton's regarding vacation the right of way.

The following individuals can be reached at the following telephone numbers for verification.

Miss Lucille Coffey 243-6480 (Resident at 906 Tijeras Avenue NW),

Ted Aragon 303-886-4536 (Owner of the Apartment complex at 902 Tijeras Avenue NW),

Miss Lucille Coffey 505-243-6480

Ted Lopez Family 242-9372 (Resident at 918 Kent Avenue NW),

The Sanchez Family 505-246-8994

A similar request was sent to [SMatson@cabq.gov](mailto:SMatson@cabq.gov) on 10/17/03.

**Why didn't a representative from the DNA organization come to visit us to solicit input?**

## Request to DRB for vacation of right-of-way

On September 19, 2003 the applicant appeared for a "sketch plat hearing." As she and her architect, Chris Rasmussen, sat down to testify, she was handed 5 pages from planning staff.

No board member expressed any opposition to the proposed vacation of right-of-way until Richard Dourte spoke. He mentioned that both Mary Piscitelli-Umphries and Bob Paulsen had opposed approval of the vacation and asked Mrs. Carlton and Mr. Rasmussen to go and talk to Mr. Paulsen. They did.

Mr. Paulsen said that he personally saw no problem with the vacation but that Mrs. Carlton should apply to the Landmarks and Urban Conservation Commission (LUCC). Mrs. Carlton said that waiting for LUCC approval would mean that she could not apply for permission to build until 2004. Mr. Paulsen said that he would talk to the LUCC chairman, Barbara Maddox. He said he thought the purchase would be approved if the plat showed a planting strip at the curb. Mr. Rasmussen agreed to draw it that way.

Mr. Paulsen called Mrs. Carlton a few days later and said that, in order to purchase land from the city, she would have to be the agent for the city. Then he said, "You need to talk to Richard Dourte." Then he said that he would talk to Dourte. The next day, Mrs. Carlton called him to find out what he had learned from both Dourte and Maddox. He has not yet returned her call. Mrs. Carlton decided to go ahead and apply for the vacation.

It is ironic that Mary Piscitelli opposed this application because she is the person who originally mentioned it. When Mrs. Carlton took plans to her in September 2002, she said, "You have to have 15% landscaping."

Mrs. Carlton said, in reliance on the copy of R-4 zoning she had been given by planning in 2001, "But we have no set-backs. Fifteen percent of nothing is nothing."

Ms. Piscitelli said, "Then you'll have to buy land from the city."

The Carltons want to do as Ms. Piscitelli told them to do.

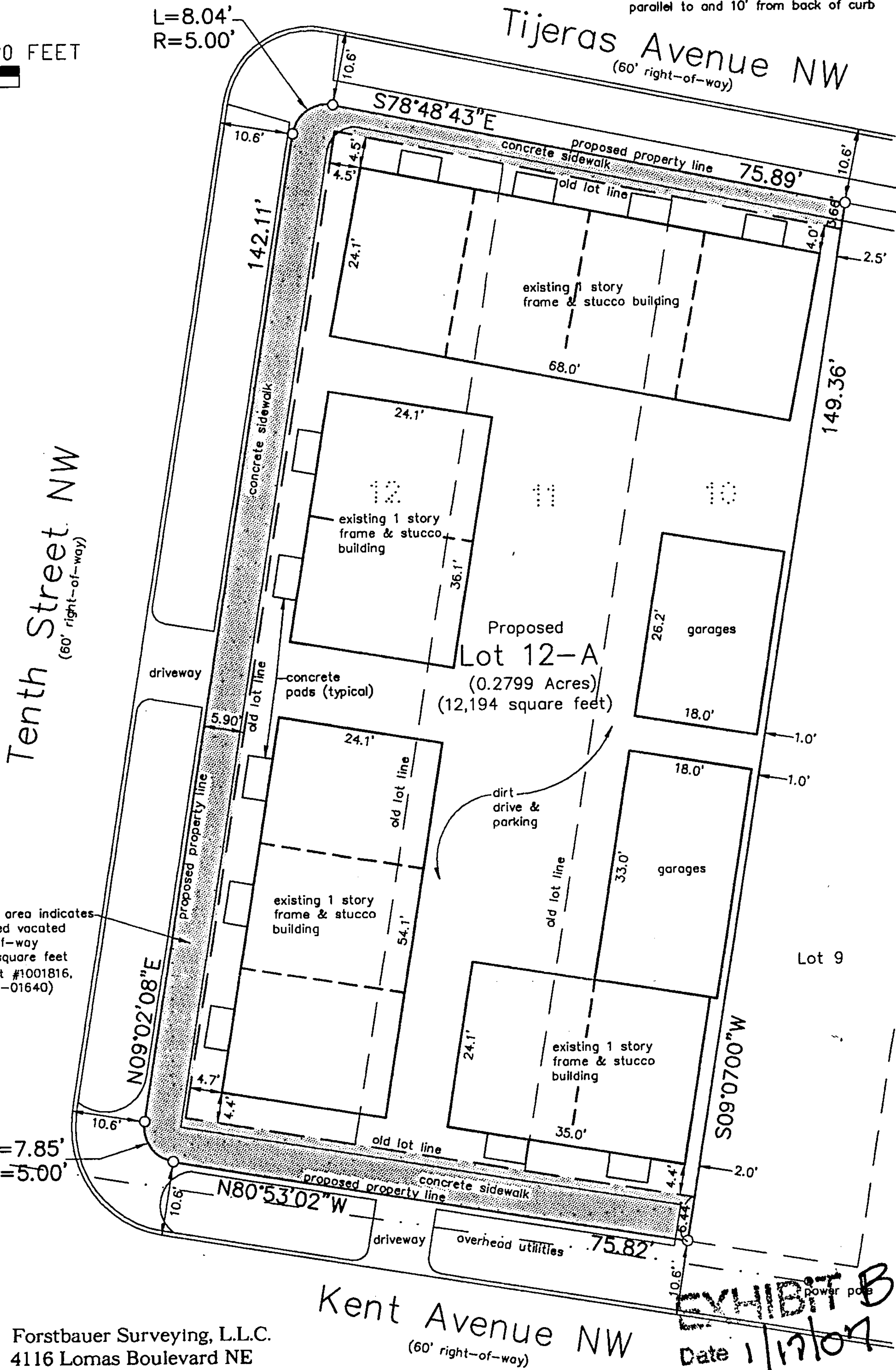
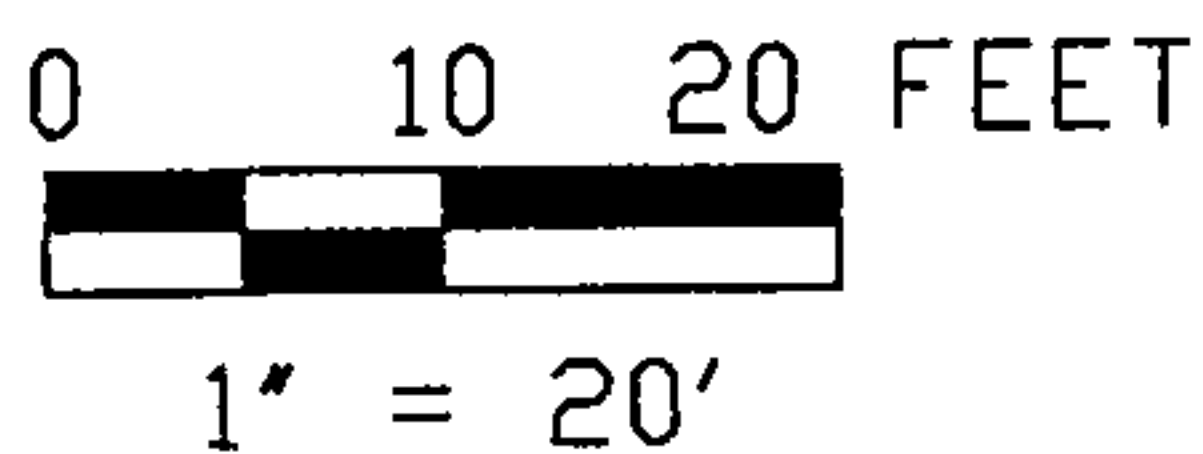
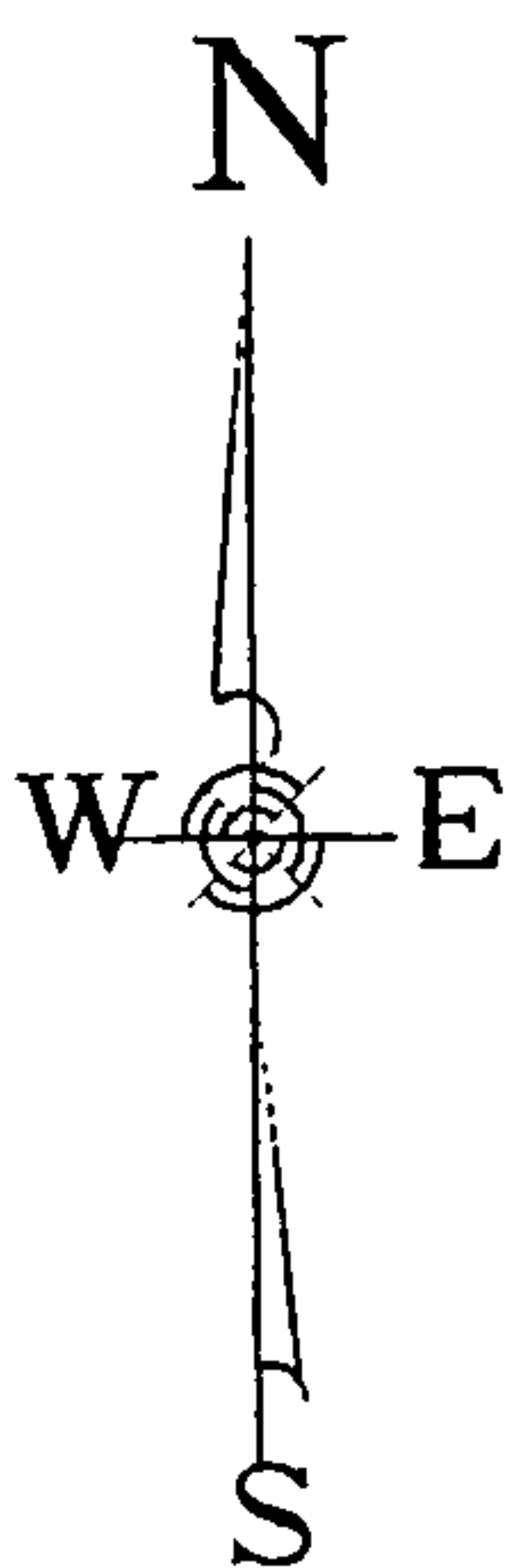
10018/6

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Sketch Plat  
 Proposed Lot 12-A  
 New Mexico Town Company's Original Townsite  
 Being a Replat of  
 Lots 10, 11 & 12  
 New Mexico Town Company's Original Townsite  
 Projected Section 7, T.10N., R.3E., N.M.P.M.  
 City of Albuquerque, Bernalillo County, New Mexico  
 September 2004

The purpose of this plat is to vacate the existing lot lines and to acquire existing right-of-way to create a single lot.

note: the proposed property line is parallel to and 10' from back of curb



shaded area indicates proposed vacated right-of-way 1,644 square feet (Project #1001816, 03DRB-01640)

Forstbauer Surveying, L.L.C.  
 4116 Lomas Boulevard NE  
 Albuquerque, New Mexico 87110  
 (505) 268-2112 Fax 268-2032

Kent Avenue NW  
 (60' right-of-way)

**EXHIBIT B**  
 Date 1/17/07