

01103

Project 1002704  
03 DRB-00892

Quera Place  
NE

1

CURRENT REALITY

1. What ever could fail has failed since 1983 to date:

City has ripped up the street for sewer line upgrades.

Street has been re-surfaced.

All street lights work except for bulb failure.

2. Every necessary city vehicle has been able to respond to perform its duties:

Fire trucks respond to fire calls.

Ambulances respond to medical emergencies.

Garbage is picked up successfully once per week.

3. There is no history of any public, commercial or private vehicle crashing into anything on the street to date.

4. There is no history of car side swipes on the street by any commercial, city or private vehicle.

5. Large city dump trucks laden with gravel and dirt are currently navigating the street to improve the arroyo (Bear Canyon Arroyo)
6. Inter-state 18 wheel tractor trailer moving vans, the largest RVs (commercial coach size), the biggest local commercial delivery trucks (American Furniture), dump trucks, roofing trucks, landscaping trucks and U-Hauls of every size have navigated the street with no difficulty.
7. Fire trucks would like 14 feet of clearance, but in reality can safely maneuver in 8 feet. Fire trucks like all commercial vesicles are getting narrower and shorter and more efficient all the time.
8. All sidewalks are wheel chair accessible.

## DEEP POCKET ISSUES

1. What happens and who is liable if the home owners association simply fails, dissolves itself and ceases to collect dues to maintain the electric bill ?  
Who then becomes liable for an accident ? Who has the deepest pockets ?
2. If the city owns what is under the street, why does it not own what is on the surface and above the street ? If there were a catastrophic event like a water main break, or a gas line blow who would repair the damage and return the street to its prior integrity ?
3. Who becomes liable if there is no existing legal authority which compels under law that a home owners association must exist ? Is there such a statute? Has it been challenged ? The association has no power except a lien which can be in place for decades. A lien could be paid as a lump sum at the sale of the property long after an association exists to collect it or use it to quiet the lien.

4. If the association simply fails due to inability to collect sufficient dues, what happens to the individual home owner if there is an accident ? The city has placed each home owner at risk all the while collecting property taxes from which he cannot benefit in terms of liability or city services.
5. What errors and omissions in liability in association or individual home owner's liability insurance could lead directly back to the City and or County ? The home owners did not design the street.
6. Astute personal injury attorneys will have no problem tracing back the paper trail to the City which allowed the street to be built to accommodate a long-gone developer at the expense of a captive population of taxpayers. The City benefitted in increased revenue and decreased costs by allowing the original developer to get away with building a street without code compliance.

The same City now makes it difficult for the very source of its past, current and future tax base to receive the same benefits of all other home owners on dedicated City streets. This is probably unequal treatment under the law or taxation without services.

7. Precedent: What previously designated private streets have been successfully been dedicated back to the City ? None ? Two ? Ten ? If any have, how did the Design Review Board justify that design acceptance ?

## COST/BENEFIT AND REVENUES

1. Street is economically stable with houses selling for assessed values in good and bad real estate markets.
2. Street is unique, quaint and different from the rigid grid patterns that dominate most Northeast Heights streets. The architectural integrity of the street is a selling point.
3. Street in desirable school districts with stable long term home ownership.
4. Worst case scenario: The home owners association cannot collect enough money to keep the lights on or the street in repair and it becomes a derelict street costing the city hundreds of thousands of dollars to rehabilitate. Much of the South Valley, Downtown, and Old Town have streets as unique which are not private and which match many of the aspects of Osuna Place, NE.

**CITY OF ALBUQUERQUE**  
**Planning Department**  
**Development Review Board**  
**June 11, 2003 Comments**

#16

**Item # 16**

**Project # 1002704**

**Application # 03DRB-00892**

**Subject : Crestview Patio Homes, Dedication of street to City**

Defer to Transportation.

*Sheran Matson for*

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Sheran Matson, AICP DRB Chairperson  
924-3880 Fax 924-3864



**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: 1002704**

**AGENDA ITEM NO: 16**

**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 Development Plan |
| <b>(04)</b> Preliminary Plat   | <b>(09)</b> Infrastructure List | <b>(14)</b> Other                   |

**ACTION REQUESTED:**

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

**ENGINEERING COMMENTS:**

Infrastructure assessment req'd prior to replat.

**RESOLUTION:**

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED 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:** June 11, 2003

*discussed*





# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

## DEVELOPMENT REVIEW BOARD TRANSPORTATION DEVELOPMENT Standard Comment Sheet

DRB-1002704

Item No. 16

Zone Atlas F-20

DATE ON AGENDA 6-11-03

INFRASTRUCTURE REQUIRED (?)YES ( )NO

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

**TYPE OF APPROVAL REQUESTED:**

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

No.	Comment
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- In order to dedicate this street to the City, it would need to meet current city standards. These include:
  - a: Right-of-way widths
  - b: Sidewalks (4ft wide)
  - c: Street lights
  - d: Engineer's certification for street section
  - e: Storm drainage
  - f: Replat will be required, dedication in fee simple with warranty covenants.

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

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



Supplemental form S

**SUBDIVISION**

- Major Subdivision action
- ~~Minor Subdivision action~~
- Vacation V
- Variance (Non-Zoning) [redacted]

**SITE DEVELOPMENT PLAN**

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

**ZONING & PLANNING**

- Annexation
- 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/Subdivision Regulations)

**APPEAL / PROTEST of...**

- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals A

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: Crestview Patio Homes PHONE:             
 ADDRESS: PO Box ~~20171~~ 20171 FAX:             
 CITY: Alb. STATE NM ZIP 87154 E-MAIL:           

Proprietary interest in site:             
 AGENT (if any): Jim Sacoman PHONE: 505-294-2668  
 ADDRESS: 9422 Osuna PINE FAX:             
 CITY: Albuquerque STATE NM ZIP 87111 E-MAIL: jsacoman@comcast.net

DESCRIPTION OF REQUEST: [redacted] request  
info. to dedicate street to City for maint. purposes.

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. Private Streets Block:            Unit:             
 Subdiv. / Addn. Crestview Patio Homes  
 Current Zoning: SU-1 PRD Proposed zoning: Single/Family Detached only  
 Zone Atlas page(s): F-20 No. of existing lots: 72 No. of proposed lots: 0  
 Total area of site (acres): 12 Density if applicable: dwellings per gross acre: 1 house / 1/6 gross dwellings per net acre: 6  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? (NO)  
 UPC No. NA MRGCD Map No. NA  
 LOCATION OF PROPERTY BY STREETS: On or Near: Between OSUNA PL and EUBANK BLVD. NE  
 Between: MOON ST. NE and EUBANK BLVD. NE

CASE HISTORY: Street addresses 9100 - 9439 Osuna PINE  
 List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): Z-74-6  
AX 76-4 [redacted] SP-8.3-120

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

SIGNATURE [Signature] DATE 6-3-03  
 (Print)                       Applicant            Agent           

**FOR OFFICIAL USE ONLY** Form revised 9/01, 3/03

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>03 DRB - 00892</u>	<u>SK</u>	<u>          </u>	\$ <u>          </u>
<input checked="" type="checkbox"/> All fees have been collected	<u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
<input checked="" type="checkbox"/> All case #s are assigned	<u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
<input checked="" type="checkbox"/> AGIS copy has been sent	<u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
<input checked="" type="checkbox"/> Case history #s are listed	<u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	<u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
<input type="checkbox"/> F.H.D.P. density bonus	<u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
<input type="checkbox"/> F.H.D.P. fee rebate	<u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
Hearing date <u>June 11</u>				Total \$ <u>          </u>

[Signature] 6/3/03 Planner signature / date Project # 1002704



**FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)**

**SKETCH PLAN REVIEW AND COMMENT**

- Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg setbacks, adjacent rights-of-way and street improvements, 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 request
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

**SITE DEVELOPMENT PLAN FOR SUBDIVISION**

- Scaled site plan and related drawings (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
  - Letter of authorization from the property owner if application is submitted by an agent
  - Copy of the document delegating approval authority to the DRB
  - Infrastructure List, if relevant to the site plan
  - 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

**SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. 6 copies.
  - Solid Waste Management Department signature on Site Plan
  - 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
  - Letter of authorization from the property owner if application is submitted by an agent
  - Copy of the document delegating approval authority to the DRB
  - Infrastructure List, if relevant to the site plan
  - Completed Site Plan for Building Permit Checklist
  - 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
  - Blue-line copy of Site Plan with Fire Marshal's stamp
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

**AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION**

**AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) Copies as needed above
  - 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
  - Letter of authorization from the property owner if application is submitted by an agent
  - Infrastructure List, if relevant to the site plan
  - Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
  - Fee (see schedule)
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. Your attendance is required.**

**D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for SUBDIVISION**

**D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for BUILDING PERMIT**

- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) 6 copies.
  - Solid Waste Management Department signature on Site Plan (not required for SDP for Subdivision)
  - Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
  - Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision
  - Infrastructure List, if relevant to the site plan
  - 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
  - Blue-line copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
  - Any original and/or related file numbers are listed on the cover application
- Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar to the meeting for sign-off. 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.

Jim Sacoman  
Applicant name (print)  
[Signature] 6/3/03  
Applicant signature / date

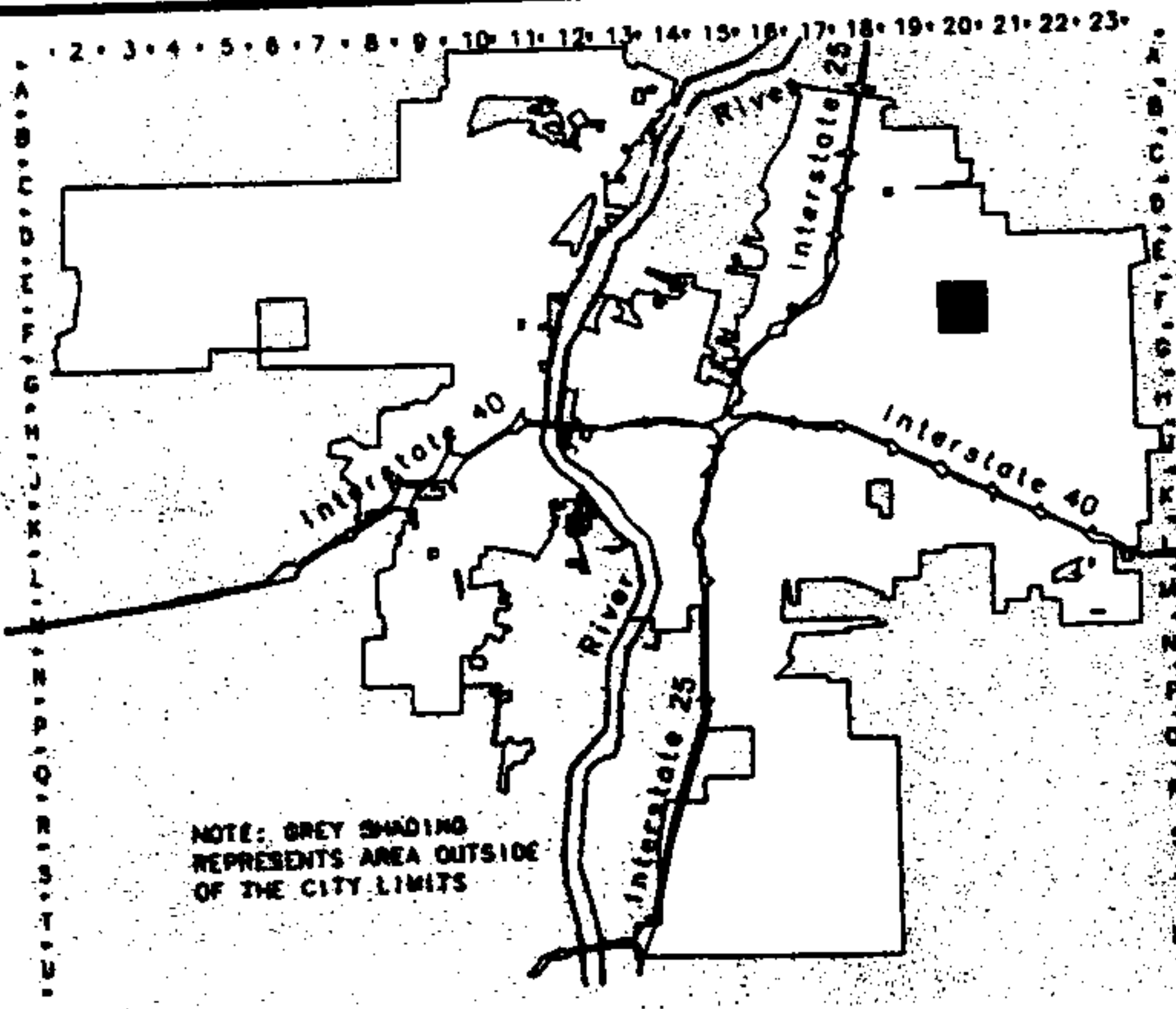
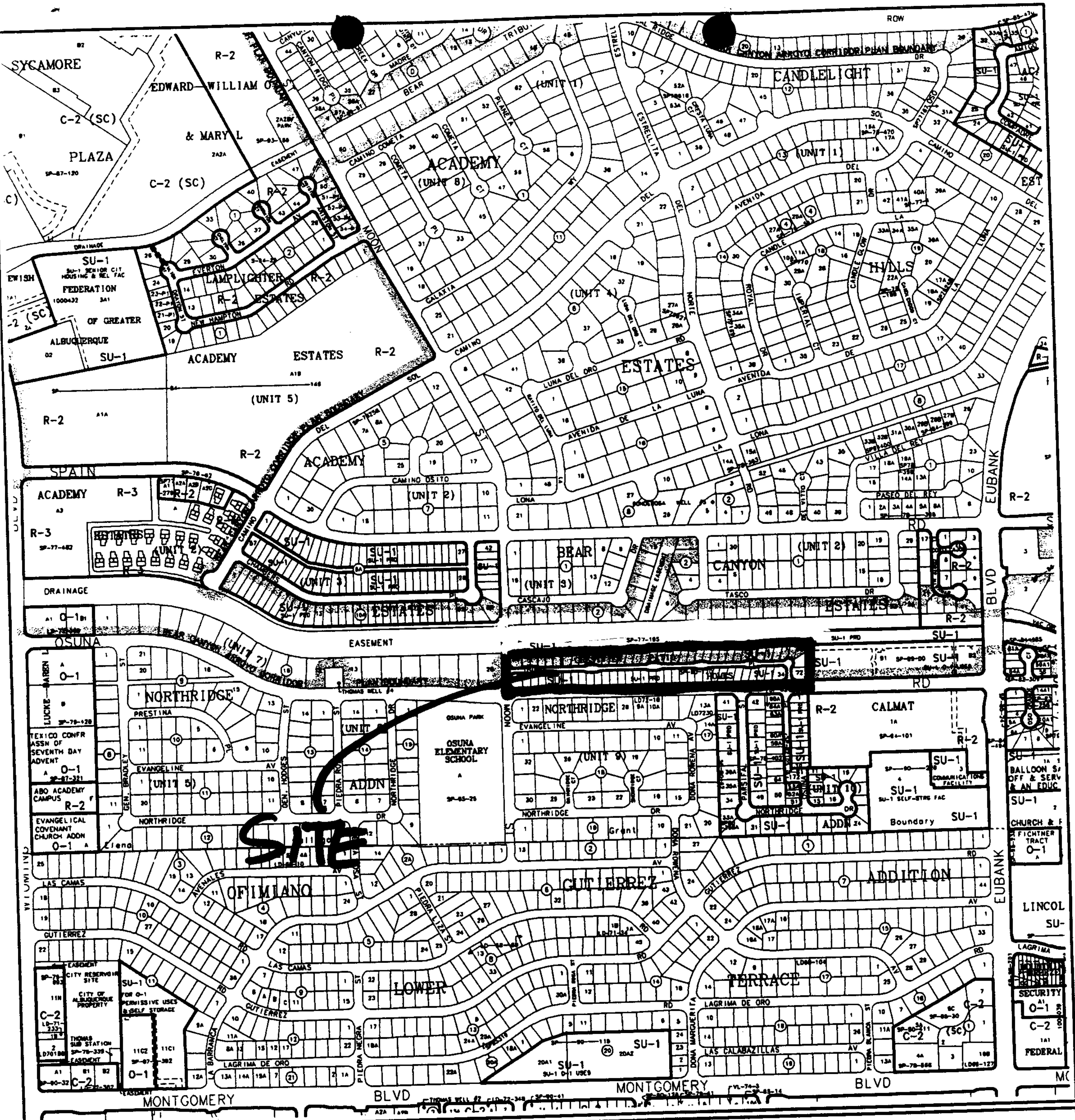


Form revised September 2001

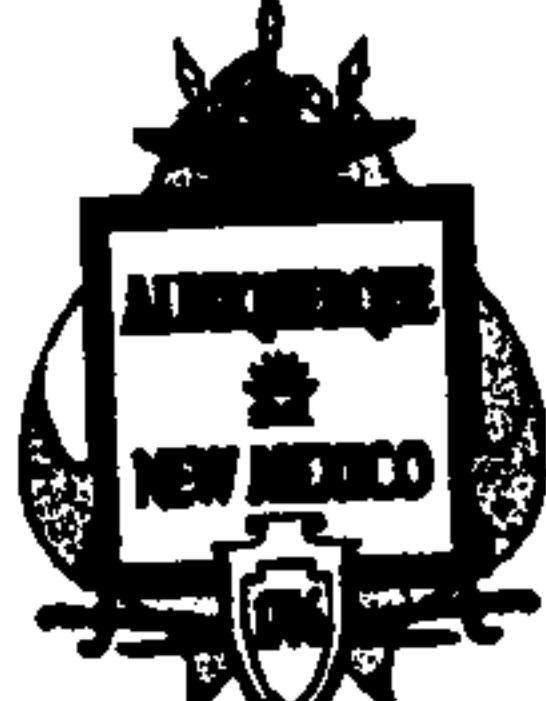
- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
03 DRB - 00892

MARCH 6/3/03  
[Signature]  
Planner signature / date  
**Project #** 1002704

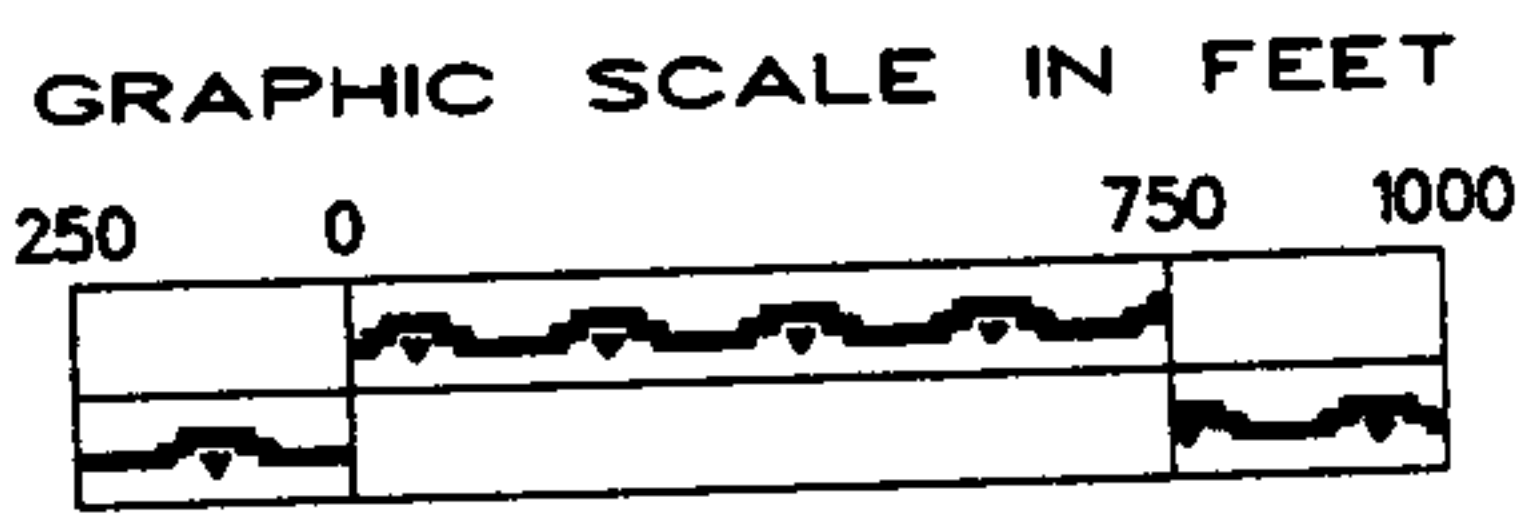




NOTE: GREY SHADING REPRESENTS AREA OUTSIDE OF THE CITY LIMITS



CITY OF  
Albuquerque  
Geographic Information System  
PLANNING DEPARTMENT  
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Zone Atlas Page  
**F-20-Z**  
Map Amended through April 03, 2002



June 3, 2003

City of Albuquerque  
City/County Building  
Albuquerque, NM

Dear Sirs, DRB Members: SHERAN MATSON DRB CHAIR 

We the undersigned constitute a committee of the Crestview Patio Homes Owners Association pursuing the goal of returning Osuna Place, NE to the City of Albuquerque for all customary and necessary maintenance.

Osuna Place, NE was originally developed in 1982/1983 by a Canadian real estate developer. This individual submitted plans, which were approved at that time by all the appropriate city and county zoning and building departments. The street was built to its current dimensions with that approval.

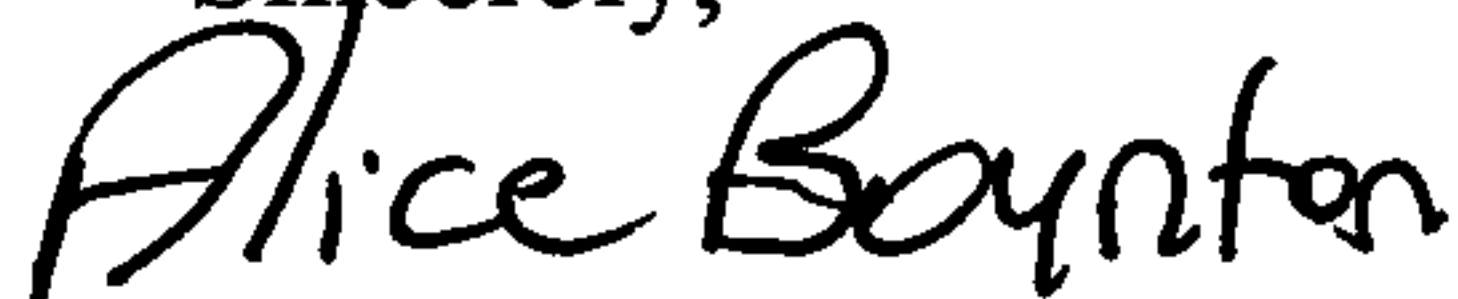
The Crestview Patio Home Owners Association with its annual dues has maintained the street surface, its lighting and improvements (speed humps) ever since.

The Crestview Patio Homes Owners Association dues are a failing remedy. An increasing number of homeowners (for their own reasons) refuse to pay their annual dues, which will lead to the inability of fees collected to cover services and repairs. We are near that point now and have exhausted our accumulated funds on past maintenance. The association is comprised of elected officers and has little enforcement ability to collect the annual dues needed to run the association and maintain the street. All we can do at the present time is to make leans on the delinquent members.

We seek your assistance to remedy this situation by guiding us through the process of returning the street to the city and ending its current status as a private street. The street is currently in good repair and will not pose a burden to the City in terms of street integrity. (See fact sheet).

The residents of Osuna Place pay property taxes from which all other property owners in Albuquerque benefit except those of Osuna Place. (See Fact sheet attached). We are in essence paying taxes twice, once to the City from which we receive no benefits in terms of street maintenance and lighting and once to the Crestview Patio Home Owners Association which has been forced to maintain the street due to its status as a private street. While the status of the street as a private street was approved at its inception, the future consequences of this approval were not considered. (See Fact sheet).

Sincerely,



Alice Boynton



Thea Skyer



Jim Sacoman

## Fact Sheet

1. Osuna Place Street is 704 yards long.
2. The street is 21 feet wide at it's narrowest and 34 feet wide at it's widest.
3. Five streetlights.
4. 62 homes.
5. Average property taxes paid by each homeowner \$900/year. ( $\$900.00 \times 62 = \$55800$ ).
6. 62 residents have been paying \$55,800 in taxes per year for 19 years. ( $\$55,800 \times 19 = \$1,060,200$ ).
7. The city uses 6.45% of property taxes for street maintenance so our share of the property taxes used for street maintenance for the last 19 years is \$68,383. ( $\$1,060,200 \times 6.45\% = \$68383$ ).
8. No history of accidents involving either public or private vehicles on the street as presently configured.
9. Street lighting and underground wiring have been stable for 19 years. The only maintenance has been bulb replacement at a rate of 1 per 24 months for the last 19 years (a total of 8 bulbs).







