

INTERNAL ROUTE

Done 4/20/04 CS.

Completed 4/29/04

APPLICATION NO.	04DRB-00606	PROJECT NO.	1002777
PROJECT NAME	GARCIA REPLAT		
EPC APPLICATION NO.	—		
APPLICANT / AGENT	KAREN MARCOTTE	PHONE NO.	764-9801
ZONE ATLAS PAGE	G-13 <del>P&amp;S</del>		
(SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEV PLAN), (IR), (AA)			
<b>ONE STOP COMMENT FORM LOG</b>			

IR

<b>HYDROLOGY DEV (505) 924-3986</b>		
PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED <i>bus</i>	DATE <i>4/20/04</i>	DATE
COMMENTS:		

<b>UTILITY DEV (505) 924-3989</b>		
PLANS DISAPPROVED <i>bus</i>	DATE <i>4/21/04</i>	DATE
PLANS APPROVED <i>P&amp;S</i>	DATE <i>4/27/04</i>	DATE
COMMENTS:		
<i>Public Water Line Easement must be retained over the vacated 50' Easement. See Staff Report.</i>		

<b>TRANSPORTATION DEV (505) 924-3990</b>		
PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED <i>UG</i>	DATE <i>4-20-04</i>	DATE
COMMENTS:		

<b>PARKS AND REC (505) 768-5328</b>		
PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED <i>UG</i>	DATE <i>4/21/04</i>	DATE
COMMENTS:		

<b>PLANNING (505) 924-3858</b>		
PLANS DISAPPROVED	DATE	DATE
PLANS APPROVED <i>AM</i>	DATE <i>4/29/04</i>	DATE
COMMENTS:		

Revised 3/3/04

(Return form with plat / site plan)

AGIS ELECTRONIC PLAT APPROVAL FORM

DRB Project Case # 1002 777

Subdivision Name Lands of Saturnino Gaccia 1A-4A

Surveyor George Marquez

Company/Agent Consensus Planning

Contact Person Karen Marcotte Phone # \_\_\_\_\_ email \_\_\_\_\_

\* DXF Received Date: \_\_\_\_\_

Hard-Copy Date: 4/26/04

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

\* waived - no digital data available

Neal Weinberg

4/26/04

Approved

Date

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

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

AGIS Use Only		
Copied cov <input checked="" type="checkbox"/> to agiscov.	Date: <input checked="" type="checkbox"/>	Contact person Notified on: <input checked="" type="checkbox"/>





Supplemental form		Supplemental form	
<b>SUBDIVISION</b>	<b>S</b>	<b>ZONING &amp; PLANNING</b>	<b>Z</b>
<input checked="" type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input checked="" type="checkbox"/> Minor Subdivision action - follow up plat to a vacation action		<input type="checkbox"/> County Submittal	
<input type="checkbox"/> Vacation		<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>STORM DRAINAGE</b>	<b>D</b>	<b>APPEAL / PROTEST of...</b>	<b>A</b>
<input type="checkbox"/> Storm Drainage Cost Allocation Plan		<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: Saturnino & Louisa Garcia & Neigh. Assoc. PHONE: 90764-9801  
 ADDRESS: P.O. Box 146, 3800 Rio Grande NW FAX: 90842-5495  
 CITY: Albuquerque STATE NM ZIP 87107 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: owners of property under easement List all owners: \_\_\_\_\_  
 AGENT (if any): Karen Marcotte PHONE: 764-9801  
 ADDRESS: 924 Park Avenue SW FAX: 842-5495  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: A pedestrian easement was vacated by the DRB on 7/30/03. This is the replat showing the vacated easement. No other changes.  
 Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No. PRELIM. & FINAL PLAT APPROVAL

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

Lot or Tract No. LOTS 1-4 NW (private road) Block: N/A Unit: N/A  
 Subdiv./Addn: LANDS OF SATURNINO & GARCIA  
 Current Zoning: RA-2 Proposed zoning: SAME  
 Zone Atlas page(s): G-13 No. of existing lots: 4 No. of proposed lots: 4  
 Total area of site (acres): only Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. N/A access easement only MRGCD Map No. \_\_\_\_\_

LOCATION OF PROPERTY BY STREETS: On or Near: vacated easement within Lual's Lane (private road)  
 Between: Candelaria NW and Avenida Entrada NW at Matthew Meadow northern boundary

CASE HISTORY: List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): #1002777, 03DRB-01056, V-93-54, V-79-37

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: \_\_\_\_\_  
 SIGNATURE Karen Marcotte DATE \_\_\_\_\_  
 (Print) Karen Marcotte \_\_\_\_\_ Applicant  Agent

**FOR OFFICIAL USE ONLY**

Form revised 9/01, 3/03, 7/03, 10/03, 3/04, 4/04

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04DRB - 00606</u>	<u>RAF</u>	<u>8(3)</u>	<u>\$ 425<sup>00</sup></u>
<input checked="" type="checkbox"/> All fees have been collected				\$
<input checked="" type="checkbox"/> All case #s are assigned		<u>CONFL. MGMT Fee</u>		<u>\$ 20<sup>00</sup></u>
<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				Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				<u>\$ 445<sup>00</sup></u>
<u>Boyer best</u>	Hearing date <u>04/19/04</u>	<u>INTERNAL ROUTED</u>		
Planner signature / date		<u>APR 1 2 25 PM 04 BOA</u>		
	Project #	<u>1002777</u>		



**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 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.**

*Vacation of access easement only - no lots or improvements*

**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~~ 4 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) *445.00*
- 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.** - existing lot lines remain same

**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.

Karen Marcotte  
 Applicant name (print)  
Karen Marcotte  
 Applicant signature / date



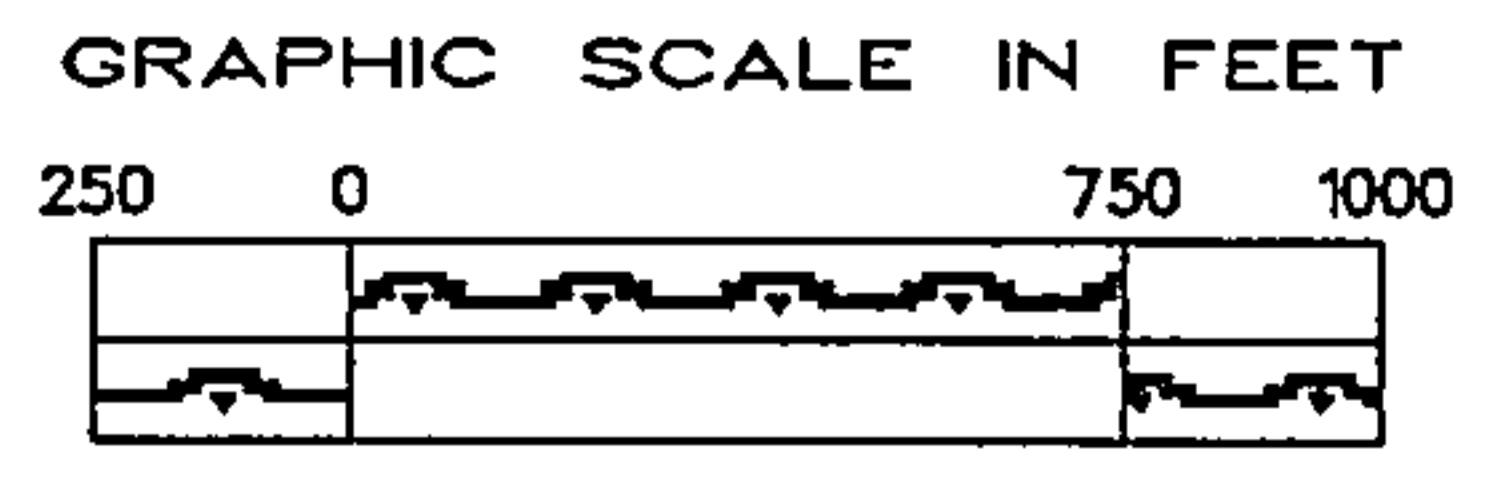
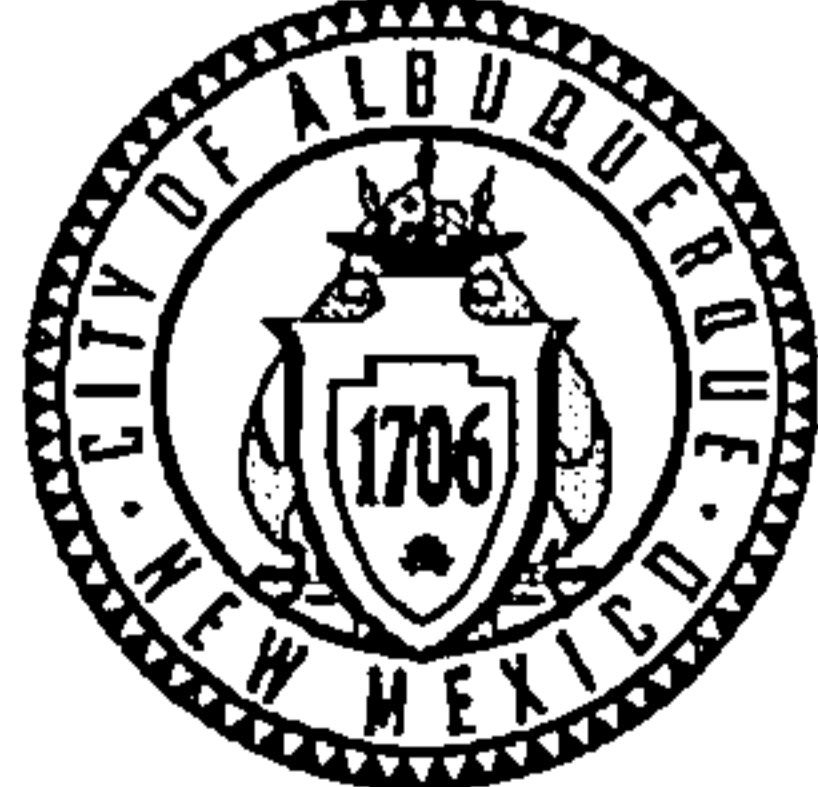
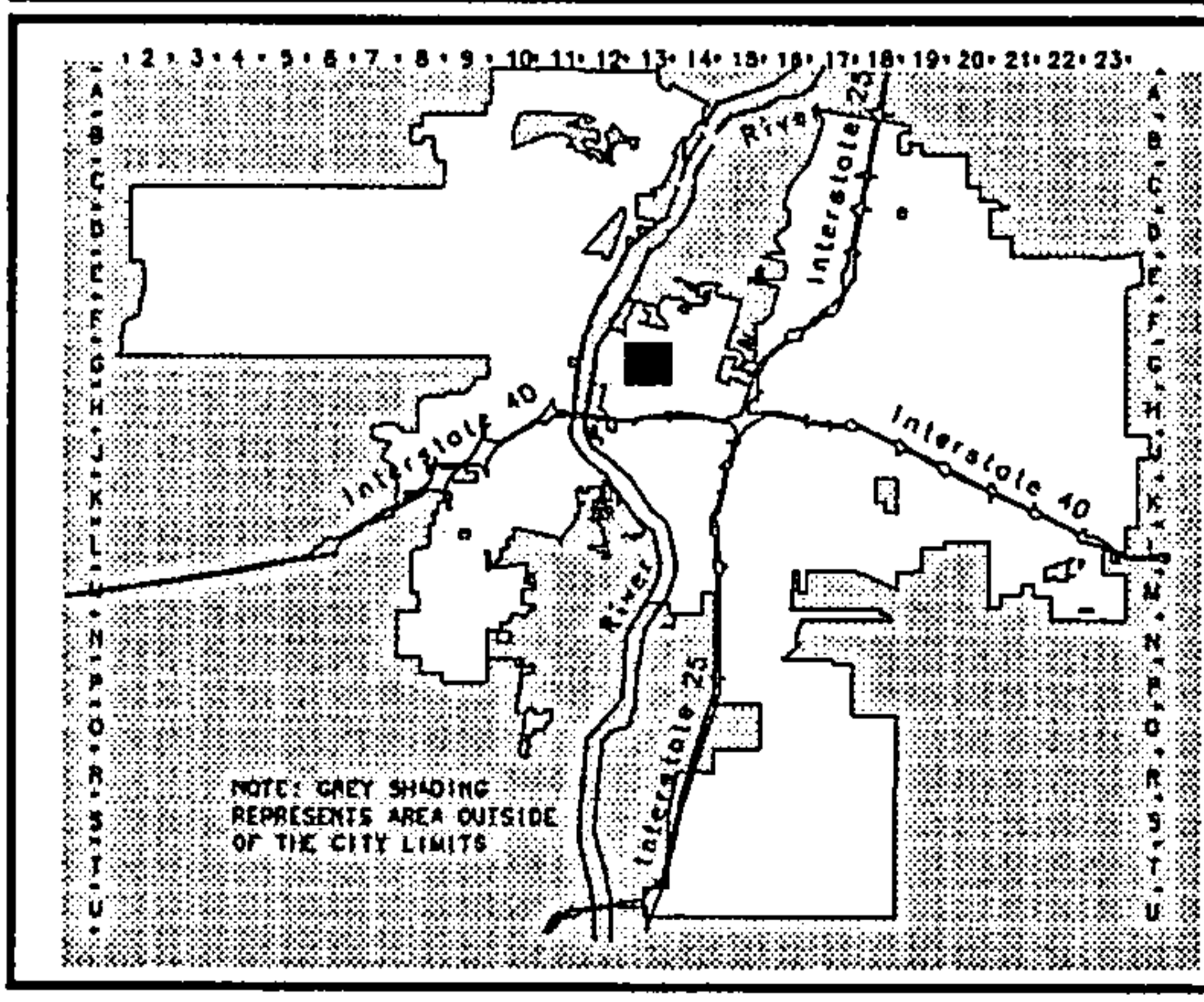
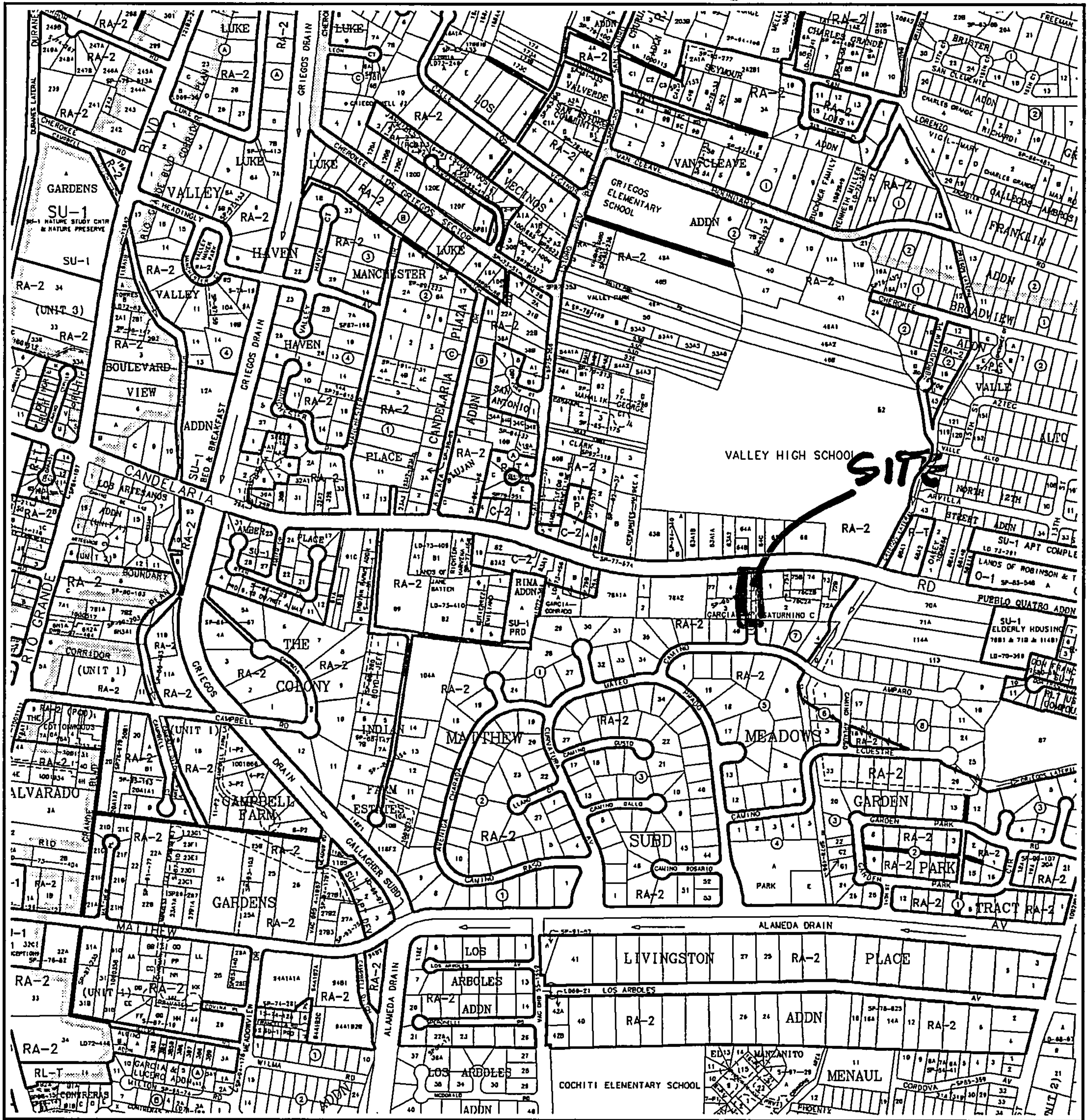
Form revised 3/03, 8/03 and 11/03

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

Application case numbers  
040RB - 00606  
 \_\_\_\_\_  
 \_\_\_\_\_

V. G. [Signature]  
 Planner signature / date  
**Project # 1002777**





**A**lbuquerque **G**eographic **I**nformation **S**ystem  
**PLANNING DEPARTMENT**

© Copyright 2004

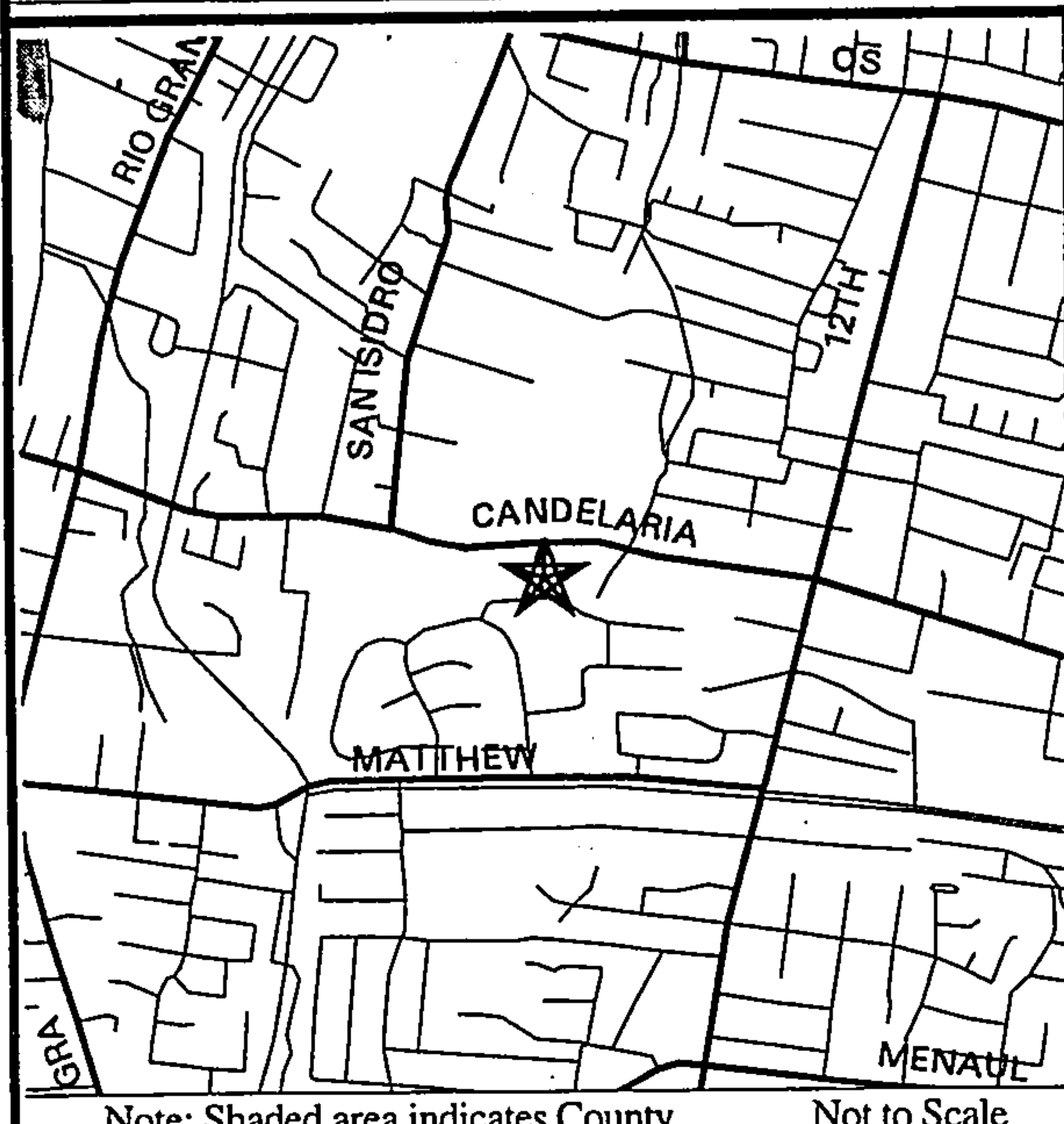
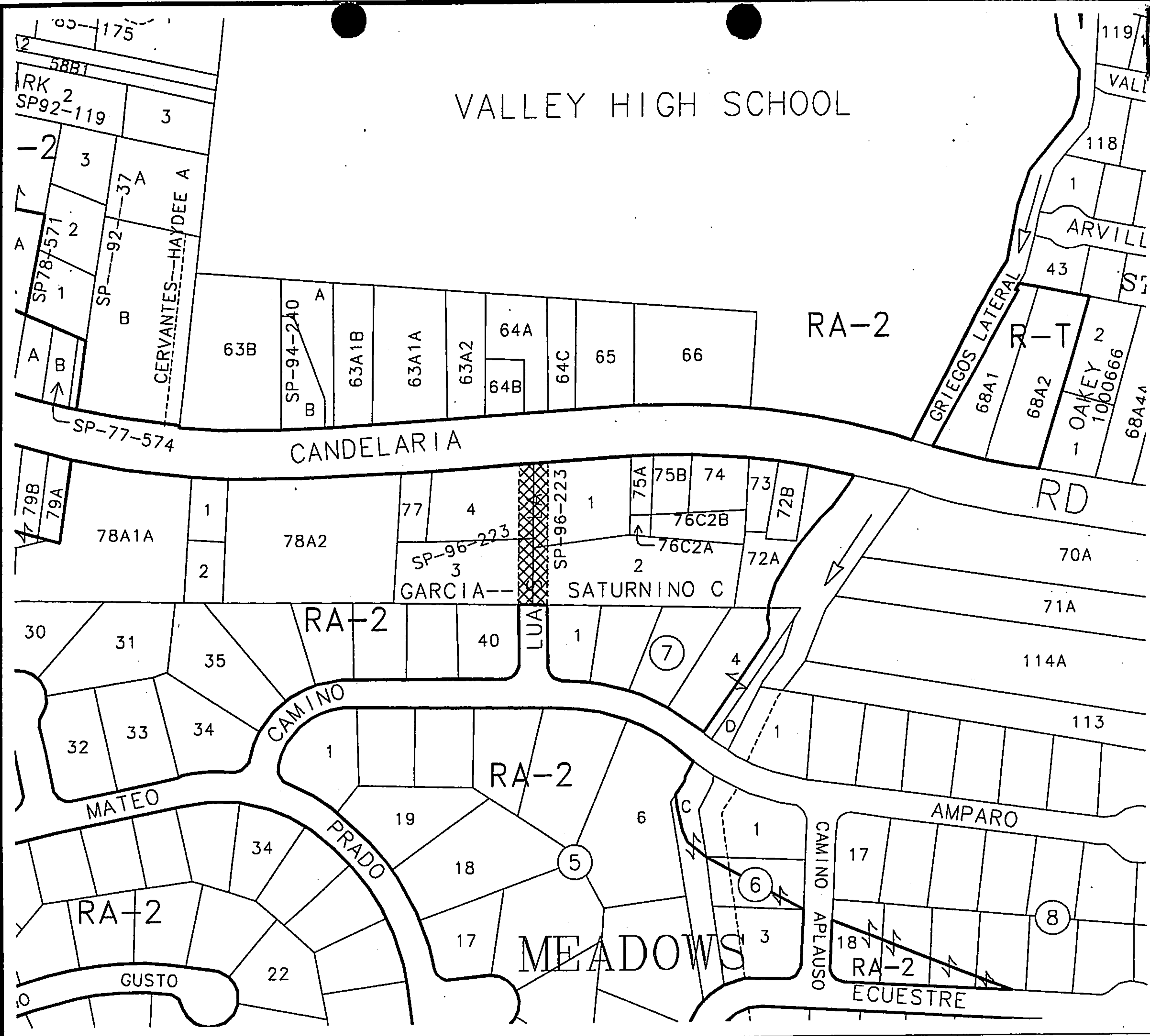
**Zone Atlas Page**

**G-13-Z**

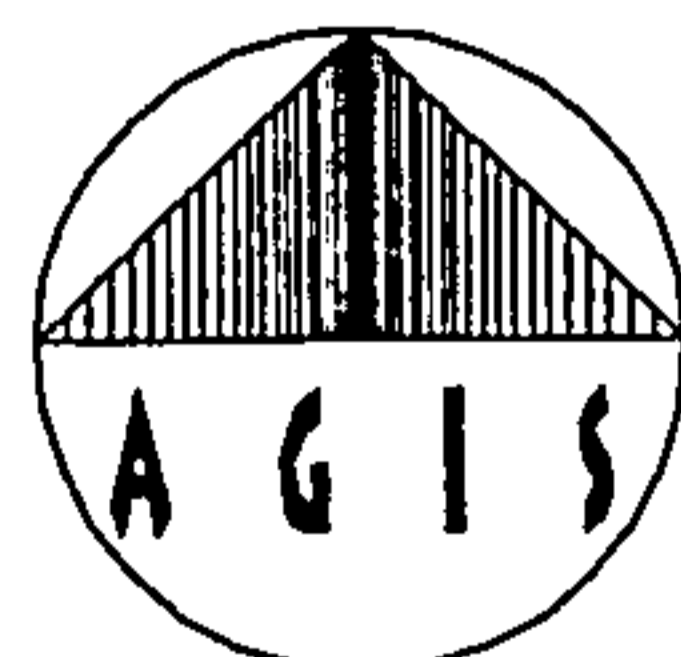
Map Amended through April 02, 2004



# VALLEY HIGH SCHOOL



## ZONING MAP



Scale 1" = 252'

PROJECT NO.  
1002777

HEARING DATE  
7-23-03

MAP NO.  
G-13

ADDITIONAL CASE NUMBER(S)  
03DRB-01056

Note: Shaded area indicates County Not to Scale



April 19, 2004

Development Review Board  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

Re: Project #1002777, Previous Vacation of Access Easement and Follow-Up  
Replat to Show Vacated Easement

Dear DRB Representatives:

I am the agent for Saturnino and Luisa Garcia and the Matthew Meadows Neighborhood Association regarding the vacation of a pedestrian access easement on Lua's Lane NW, a private road that crosses the property owned by Saturnino and Luisa Garcia. The access easement was vacated by the DRB on July 30, 2003. This is the replat of the property showing the vacated easement. We are requesting internal routing of the plat to obtain the final signatures and recordation of the plat. The property owners, City Surveyor, and other non-City agencies have already signed the plat.

The recently vacated easement was created in September of 1979 (V-79-37) and placed over a former public right-of-way. After the public right-of-way was vacated by V-79-37, Saturnino and Luisa Garcia purchased the underlying property and renamed the former public street as "Lua's Lane", a private drive that provides access to their 4 lots. The Garcia property and the quitclaim deed file number for Lua's Lane are shown on a plat of their property that was filed on 10/16/96 (Book 96C, page 433). This is the plat that is being amended to show the vacation of the access easement. (The public pedestrian access easement had remained in place over the private road until last July, 2003 when the DRB vacated the remaining public access easement with Project #1002777.)

This replat is only to show the recent vacation of the public access easement. The underlying land is already privately owned by the Garcia's. No new lots or structures have been created. We appreciate your signature and recordation of this plat to finalize the vacation action on the easement. Please feel free to call me with any questions at 764-9801. Thank you.



Karen Marcotte, Agent





## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

7-31-2003

**6. Project # 1002777**  
03DRB-01056 Major-Vacation of Public Easements

KAREN MARCOTTE agent(s) for MATTHEW MEADOW NEIGHBORHOOD ASSOCIATION, request(s) the above action(s) for all or a portion of Lot(s) 1 and 40, **MATTHEW MEADOWS SUBDIVISION**, zoned RA-2 residential and agricultural zone, located on N. OF LUA'S LANE NW, between 12<sup>th</sup> ST NW and SAN ISIDRO NW [REF: V-93-54, V-79-37, DRB-93-249, DRB-96-466]. [Deferred from 7/23/03] (G-13)

At the July 30, 2003, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file, subject to these provisions:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements, or:
2. There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.
3. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
4. Final disposition shall be through the City Real Estate Office.
5. 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 August 14, 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. 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.



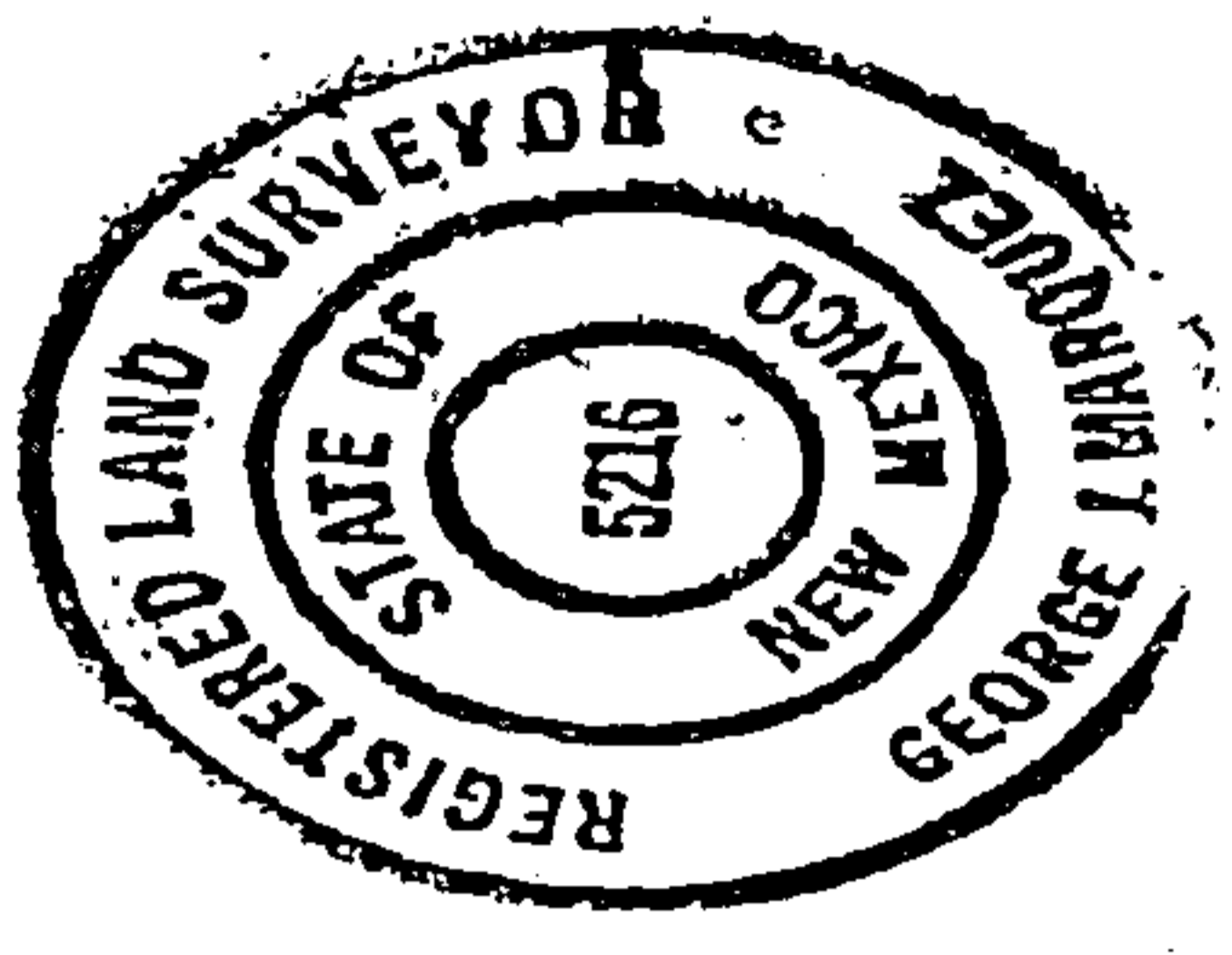
AIR ACCESS

BOUNDING ISMELA AXM  
NIND PARKS  
*Blaise Debat*

N/A PNM-EI  
N/A U.S. VE  
N/A PNM-GI  
N/A CABE  
N/A BERNAL  
N/A BERNALI  
N/A BERNAL

N/A BERN  
SURVEYOR'S CERTI  
I, GEORGE J. MARQU  
CERTIFY THAT THIS  
AND MEETS THE MII  
IN THE CITY OF AL  
AD THE BEST OF

BERNALILLO COUNTY  
MARQU  
CALC BY: GM



A.C.S. MONUMENT '5-G13A'  
X=377612.26  
Y=1500430.51  
ELEVATION=4967.94  
GROUND TO GRID=0.9996795  
Δ=-00'14'08"  
SLD 1929, NAD 1927

50' PUBLIC EASEMENT FOR  
PEDESTRIAN/BICYCLE WAY, UTILITY  
WHETHER MUNICIPAL OR PRIVATE  
AND PRIVATE ACCESS FOR LOTS 1 THRU  
4, TO BE MAINTAIN JOINTLY.

LOT 1  
(0.5632 AC)G  
(0.4763 AC)N

LOT 2  
(0.9517 AC)G  
(0.8927 AC)N

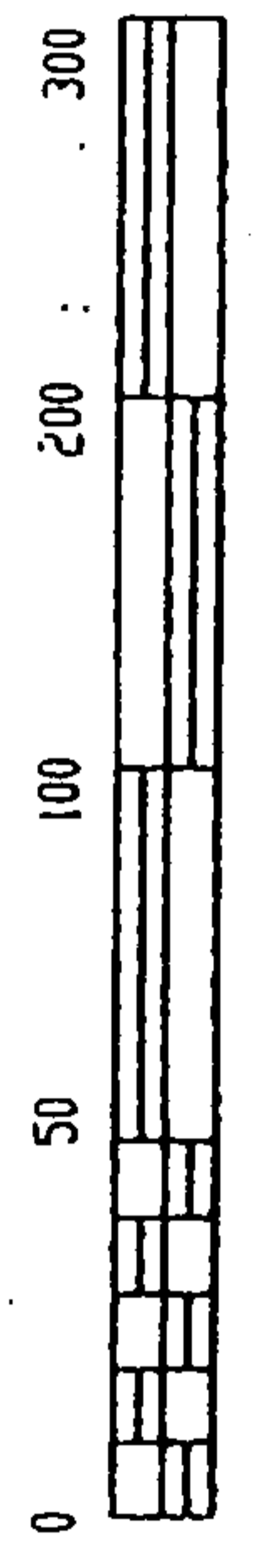
LOT 4  
(0.5400 AC)G  
(0.4646 AC)N

LOT 3  
(0.6100 AC)G  
(0.5446 AC)N

*Mrs. Garcia's private  
property north of  
the gate*

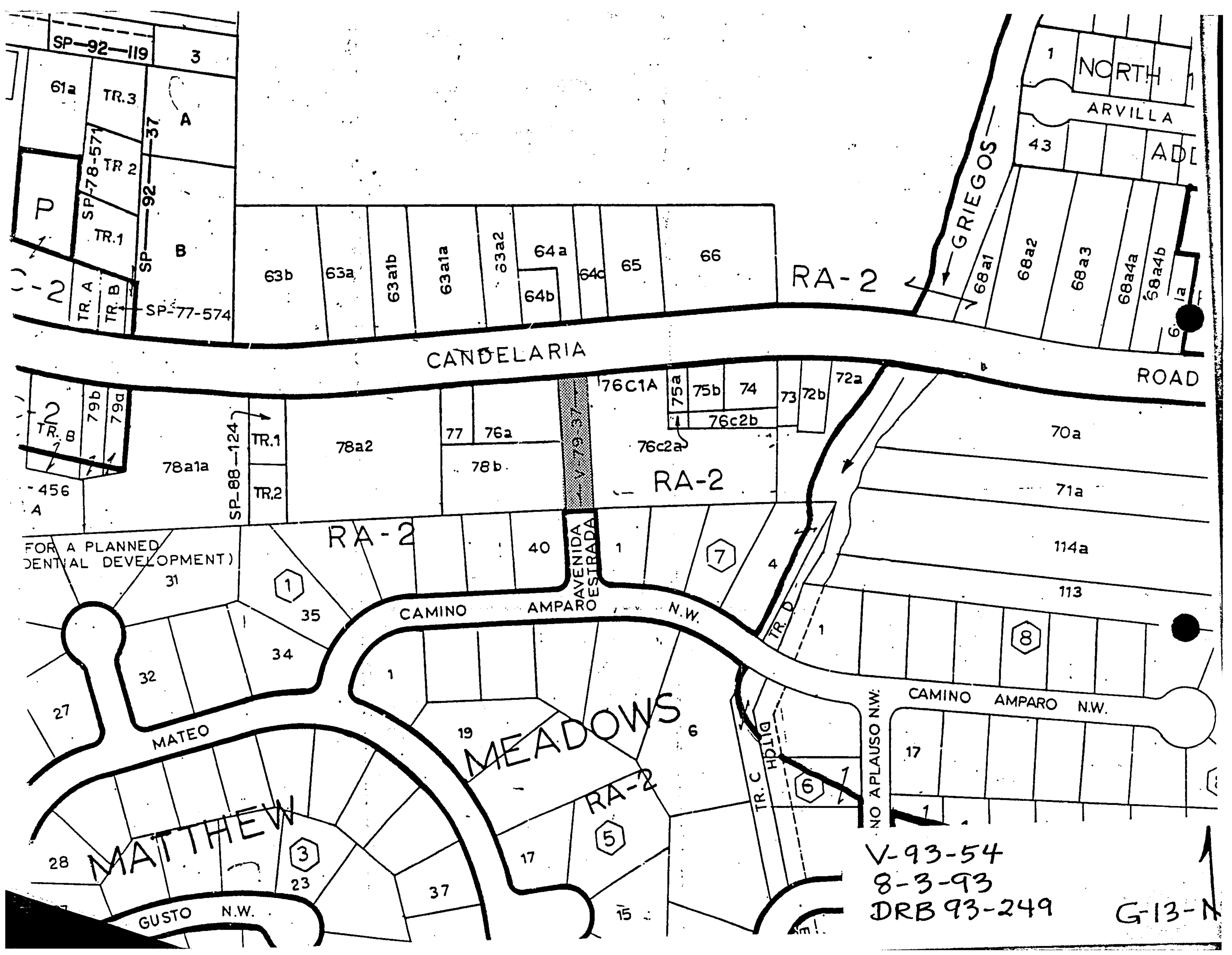
MATTHEW MEADOW  
FILED NOVEMBER 22, 1977  
VOL. D8, FOLIO 49

*Filed Bk 96C page 433  
ON 10-06-96*



RADIUS	CHORD LENGTH	CHORD BEARING
38.92		N 87°06'05" E





SP-92-119

3

61a TR.3

A

SP-78-571 TR.2

37

TR.1

B

SP-92-37

SP-77-574

63b

63a

63a1b

63a1a

63a2

64a

64b

64c

65

66

RA-2

GRIEGOS

68a1

68a2

68a3

68a4a

68a4b

61a

NORTH

ARVILLA

43

ADL

ROAD

TR. B 79b 79c

456 A

SP-88-124

TR.1

78a2

77

76a

78b

76c1a

75a

75b

74

73

72b

72a

76c2b

76c2a

RA-2

70a

71a

FOR A PLANNED DENTAL DEVELOPMENT)

31

RA-2

40

AVENIDA OESTRADA V-79-37

1

7

4

114a

113

CAMINO AMPARO N.W.

MATEO

32

34

35

19

MEADOWS

6

RA-2

5

17

37

15

NO APLAUSO N.W.

CAMINO AMPARO N.W.

17

V-93-54

8-3-93

DRB 93-249

G-13-N

MATTHEW

GUSTO N.W.

3

23

28

27



90 0145

6-13

528

V-79-37  
September 21, 1979

ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD RESOLUTION

VACATING AVENIDA ENTRADA N.W. FROM THE NORTH LOT LINE OF LOT 40, BLOCK 1, MATTHEW MEADOW, TO THE SOUTH RIGHT-OF-WAY LINE OF CADELARIA ROAD.

WHEREAS, there has heretofore been dedicated and conveyed to the City of Albuquerque, New Mexico a certain easement for street purposes, more particularly described below; and

WHEREAS, a portion of said right-of-way is not needed for public use except for easements reserved in Section 2 hereof;

NOW, THEREFORE, BE IT ENACTED BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD OF THE CITY OF ALBUQUERQUE UNDER ARTICLE XI, CHAPTER 7 OF THE REVISED ORDINANCES OF ALBUQUERQUE, NEW MEXICO, 1974, BEING ORDINANCE NO. 97-1973, AS AMENDED.

SECTION 1. Avenida Entrada N.W. from the north lot line of Lot 40, Block 1, Matthew Meadow Subdivision, to the south right-of-way line of Candelaria Road, as filed in the office of the County Clerk of Bernalillo County, New Mexico on October 13, 1977 is hereby closed and vacated subject to easements reserved in Section 2 hereof.

SECTION 2. The City hereby reserves the full width of the vacated right of way as an easement for a pedestrian/bicycle way, and for public utilities, whether municipally or privately owned, which are necessary for public use and benefit at the present time or in the future.

SECTION 3. Immediately upon the filing of this resolution in the office of the County Clerk of Bernalillo County, New Mexico the land above-described shall be effectively vacated, and the City of Albuquerque by this resolution disclaims from such date any further interest therein except for easements reserved in Section 2 hereof.

ADOPTED AT A PUBLIC HEARING BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD, CITY OF ALBUQUERQUE, NEW MEXICO ON SEPTEMBER 21, 1979.

APPROVED:

Authorized Representative of  
The City Planner, City of  
Albuquerque, New Mexico

Subscribed and sworn to before me this 29th day of January, 1980 by Gene Maras, authorized representative of The City Planner, City of Albuquerque, New Mexico.

Notary Public

My Commission Expires: 10/1/82

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

JAN 30 10 13 AM '80

FILED  
BX  
C2-CLERK  
ALBUQUERQUE, N.M.



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

PAID RECEIPT

APPLICANT NAME SATURINO & LOUISA GARCIA  
AGENT KAREN MARCOTTE  
ADDRESS 924 PARK AV. SW. 87102  
PROJECT & APP # 1002777 / 04DRB-00606  
PROJECT NAME GARCIA REPLAT

\$ 20<sup>00</sup> 469099/4916000 Conflict Management Fee  
\$ 425 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  
\$ 445<sup>00</sup> 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

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

04/19/2004 3:57PM LOC: ANNX  
RECEIPT# 00022578 WSH 008 TRANSH 0036  
Account 469099 Fund 0110  
Activity 4916000 TRSDMM  
Trans Amt \$445.00  
J24 Misc \$20.00

04/19/2004 3:58PM LOC: ANNX  
RECEIPT# 00022579 WSH 008 TRANSH 0036  
Account 441006 Fund 0110  
Activity 4983000 TRSDMM  
Trans Amt \$445.00  
J24 Misc \$425.00  
VI \$445.00  
CHANGE \$0.00

Thank You

Thank You





## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

7-31-2003

**6. Project # 1002777**  
03DRB-01056 Major-Vacation of Public Easements

KAREN MARCOTTE agent(s) for MATTHEW MEADOW NEIGHBORHOOD ASSOCIATION, request(s) the above action(s) for all or a portion of Lot(s) 1 and 40, **MATTHEW MEADOWS SUBDIVISION**, zoned RA-2 residential and agricultural zone, located on N. OF LUA'S LANE NW, between 12<sup>th</sup> ST NW and SAN ISIDRO NW [REF: V-93-54, V-79-37, DRB-93-249, DRB-96-466]. [Deferred from 7/23/03] (G-13)

At the July 30, 2003, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file, subject to these provisions:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements, or:
2. There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.
3. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
4. Final disposition shall be through the City Real Estate Office.
5. 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 August 14, 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. 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  
PAGE 2**

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:Matthew Meadow Neighborhood Association and The Garcias, P.O. Box 146, 3800  
Rio Grande Blvd NW, 87107

Karen Marcotte, 924 Park Avenue SW, Suite C, 87107

Jim Johansen, 1500 Camino Amparo NW, 87107

Bob Perovich, 1521 Camino Amparo NW, 87107

Steve & Mary Spensley, 1517 Camino Amparo NW, 87107

Sgt. Salazar, APD Substation 400 Roma NW, 87102

Virginia Sando, 3520 Avenida Charado NW, 87107

Annette Baca, 3619 Mateo Prado NW, 87107

Sammie Oaks, 3530 Avenida Charado NW, 87107

Ron Poindexter, 6812 La Drillo NE, 87113

Dennis Umshler, 1504 Camino Amparo NW, 87107

Peter Robinson, 1804 Llano Ct NW, 87107

William Darling, 1301 Camino Amparo NW, 87107

Gary Mallory, 1415 Camino Ecuestre NW, 87107

Nino Garcia and Louisa Garcia, 3620 Lua's Lane NW, 87107

Phillip Garcia, 1700 Mesa Vista NE, 87106

Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.

Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
File

1st Sheet

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1002777 AGENDA#: 6 DATE: 7.30.03

1. Name: Karen Marcotte Address: 1323 Camino Amparo NW Zip: 87107

1580 Camino Amparo NW

2. Name: Jim Johansen Address: Zip: 87107

3. Name: Bob Perovich Address: 1521 Camino Amparo NW Zip: 87107

4. Name: STEVE SPENSEY Address: 1517 Camino Amparo Zip: 87107

400 Room 2 NW

5. Name: Sgt. Soloyz Address: APD Zip:

not speaking SANDO

6. Name: Engineer Sando Address: 3520 Avenida Chaco Zip: 87107

PRADO N.W

7. Name: Arnette Baez Address: 3619 Mateo Peat Zip: 87107 not speaking

8. Name: Sammie Oaks Address: 3530 Ave Cherokee NW Zip: 87107 speaking

Didn't come forward

9. Name: Ron Jandryk Address: 1812 La Dribe NE Zip: 67113

10. Name: Dennis Umshler Address: 1504 Camino Amparo NW Zip: 87107

11. Name: Peter Robinson Address: 1804 Claret NW Zip: 87107 speaking

NOT

12. Name: MARY SPENSEY Address: 1517 Camino Amparo Zip: 87107

SPEAKING

13. Name: William Darding Address: 1301 Camino Amparo NW Zip: 87107

14. Name: GARY MALLON Address: 1415 Camino Zip: 87107

12 CHESTER NW



Hand  
Sheet

# DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1002777 AGENDA#: 6 DATE: 7/30/03

1. Name: NINO Garcia Address: 3620 Luas Lane Zip: 87107

NOT  
SPEAKING

2. Name: Laura Garcia Address: 3620 Luas Lane Zip: 87107

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: 1002777

AGENDA ITEM NO: 6

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: July 30, 2003



# DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1002777 AGENDA#: 4 DATE: 7.23.03

Karen Marcotte 924 Park Ave SW 87102  
1517 NW

1. Name: STEESESESEY Address: CAMINO AMPARO Zip: 87107

2. Name: Dennis Umshler Address: 1504 Camino Amparo NW Zip: 87107

3. Name: Phillip Garcia Address: 1700 mesa NE Vista WE Zip: 87106

4. Name: Louisa Marcia Address: 3620 ~~Laurel~~ Luais Ln Zip: 87107 NOTICE ONLY

3A1-0025

5. Name: Bob Perovich Address: 1521 Camino Amparo NW Zip: 87107

6. Name: Pete Robinson Address: 1804 Clano Ct NW Albuquerque Zip: 87107 NOTICE ONLY

7. Name: ANNETTE BACA Address: 3619 MATEO PRADO N.W. Zip: 87107

8. Name: Bill Darling Address: 1301 Camino Amparo NW Zip: 87107

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: 1002777**

**AGENDA ITEM NO: 4**

**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  | <b>(07)</b> 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:**

7-30-03

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:** July 23, 2003





CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 23, 2003

**Project # 1002777**  
03DRB-01056 Major-Vacation of Public Easements

KAREN MARCOTTE agent(s) for MATTHEW MEADOW NEIGHBORHOOD ASSOCIATION, request(s) the above action(s) for all or a portion of Lot(s) 1 and 40, **MATTHEW MEADOWS SUBDIVISION**, zoned RA-2 residential and agricultural zone, located on N. OF LUA'S LANE NW, between 12<sup>th</sup> ST NW and SAN ISIDRO NW [REF: V-93-54, V-79-37, DRB-93-249, DRB-96-466]. (G-13)

AMAFCA

No adverse comments.

COG The Long Range Bikeway System proposes a bike lane on Candelaria Road. MRCOG staff believes that the pedestrian/bike connection to Candelaria provides access to the bike lane on Candelaria and thereby encourages the use of bicycles as a mode of transportation. There is also a bus route on Candelaria with two bus stops near this pedestrian connection. This pedestrian/bike connection to Candelaria clearly serves a purpose for promoting transportation alternatives to the automobile. One of the goals of the recently adopted Metropolitan Transportation Plan is to make land use decisions that will promote alternative modes of transportation. MRCOG strongly recommends retaining this pedestrian/bike connection.

Transit

No comments received.

Zoning Enforcement

Reviewed, no comment.

Neighborhood Coor.

Letters sent to Los Griegos (R) and Matthew Meadows HOA Neighborhood Assns.

APS

No comments received.

Police Department

A review of following case(s) indicates the following problems or crimes may occur or that the following concerns may need to be evaluated or addressed on this site or in this area. These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur. Traffic volume, lighting issues, maintenance of landscaping, other - a block wall does not provide adequate visibility - recommend installing wrought iron fence, etc.

Fire Department

No adverse comments.

PNM Gas

Approves.

PNM Electric

PNM approves the vacation of the pedestrian way on Avenida Entrada. But retains and reserves all rights and easements for gas and electric for the total width of the street.

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 The Hydrology section has no objection to the vacation request.

Transportation Development

What is proposed?

Parks & Recreation

No adverse comments.

Utilities Development

No objection to Vacation request provided that the public water line easement is retained.

Planning Department

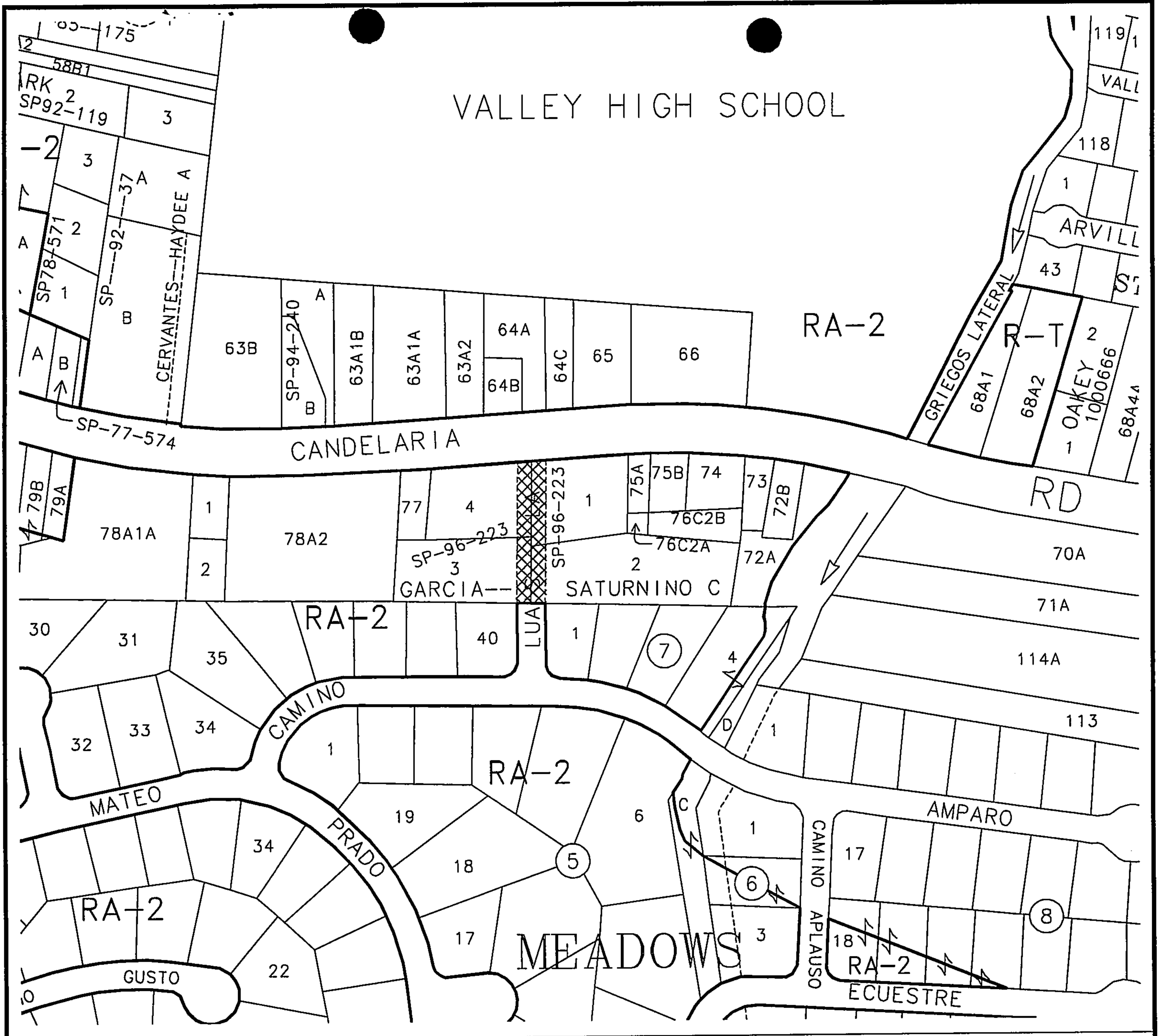
Defer to Transportation Development.

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

cc:Matthew Meadow Neighborhood Association, 3800 Rio Grande Blvd NW, P.O. Box 146, 87107

Karen Marcotte, 924 Park Ave SW, Suite #C, 87107





VALLEY HIGH SCHOOL

RA-2

CANDELARIA RD

RA-2

MEADOWS

ZONING MAP



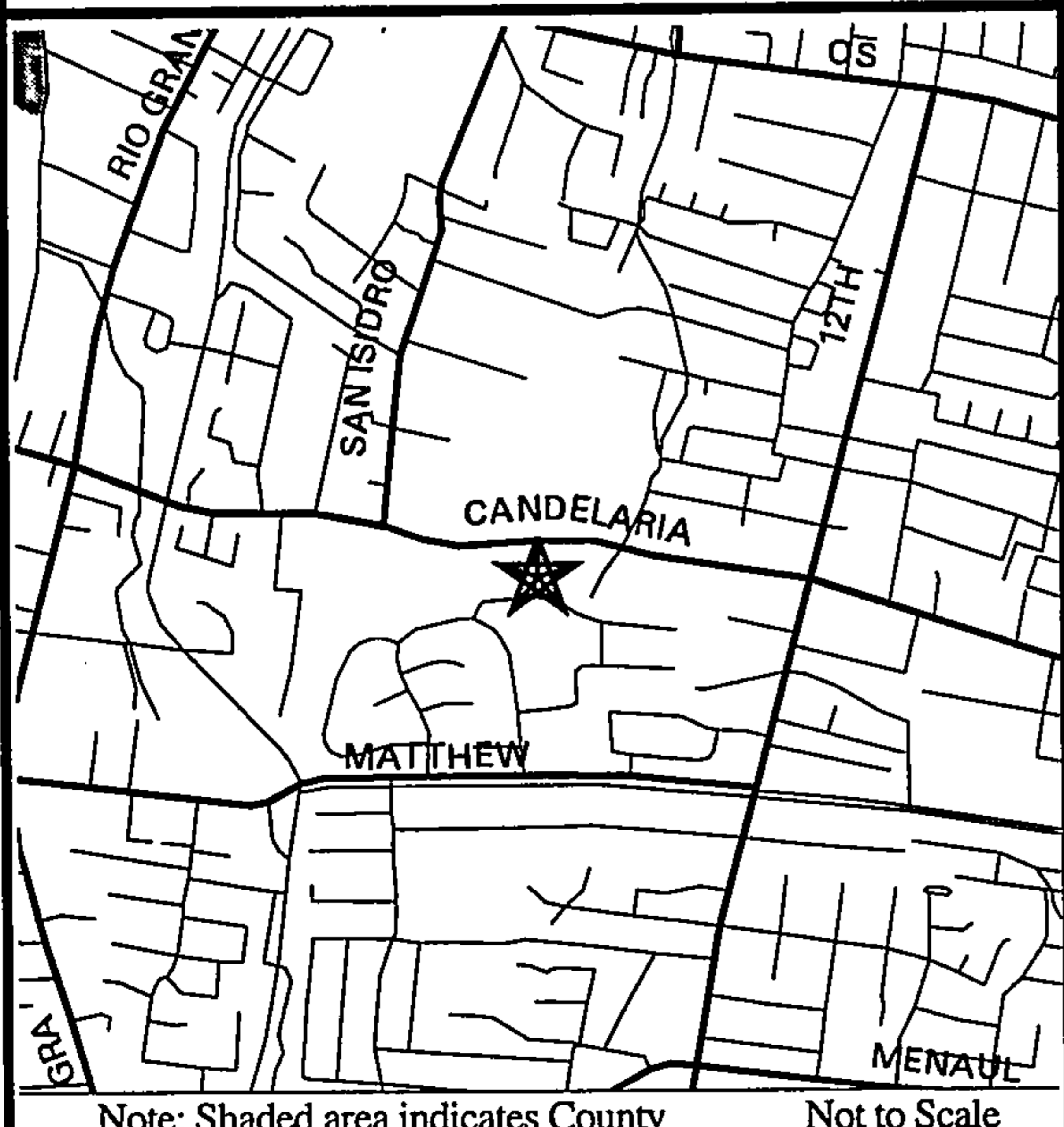
Scale 1" = 252'

PROJECT NO.  
1002777

HEARING DATE  
7-23-03

MAP NO.  
G-13

ADDITIONAL CASE NUMBER(S)  
03DRB-01056



Note: Shaded area indicates County Not to Scale



**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, July 23, 2003, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1000400**

03DRB-01033 Major-Two Year SIA

LEROY ORTIZ agent(s) for ST PETER & PAUL CHURCH request(s) the above action(s) for all or a portion of Tract(s) 336, **TOWN OF ATRISCO GRANT - UNIT 8**, zoned SU-1 - Church, located on OURAY NW, between COORS NW and LADERA NW containing approximately 5 acre(s). [REF: 01DRB-00995] (H-11)

**Project # 1002322**

03DRB-01050 Major-SiteDev Plan Subd

MULE BARN ENTERPRISES, agent(s) for ACME REAL ESTATE FUND, LLC request(s) the above action(s) for all or a portion of Block(s) 11, Tract(s) 23, **ORIGINAL TOWNSITE OF WESTLAND**, zoned SU-2 special neighborhood zone, IP, located on Sunset Gardens SW between 90<sup>th</sup> St SW and 94<sup>th</sup> St SW containing approximately 8 acre(s). [REF: 02DRB-01666, 03DRB-00420, 03DRB-00349] (L-9)

**Project # 1002771**

03DRB-01036 Major-Vacation of Pub Right-of-Way


ADELE HUNDLEY, agent(s) for GERTRUDE ZACHARY request(s) the above action(s) for all or a portion of Lot(s) 19-24 and 13-18, Block(s) 36, **NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-3 and located on 2<sup>nd</sup> St SW between Coal Ave SW and Lead Ave SW. (K-14)

**Project # 1002777**

03DRB-01056 Major-Vacation of Public Easements

KAREN MARCOTTE agent(s) for MATTHEW MEADOW NEIGHBORHOOD ASSOCIATION, request(s) the above action(s) for all or a portion of Lot(s) 1 and 40, **MATTHEW MEADOWS SUBDIVISION**, zoned RA-2 residential and agricultural zone, located on N. OF LUA'S LANE NW, between 12<sup>th</sup> ST NW and SAN ISIDRO NW [REF: V-93-54, V-79-37, DRB-93-249, DRB-96-466]. (G-13)

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, JULY 7, 2003.**



405  
CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT - DEVELOPMENT SERVICES DIVISION  
PROPERTY OWNERSHIP LIST

Meeting Date: 7-23-03

Zone Atlas Page: B-13-2

Notification Radius: 100 Ft.

App#	<u>23D23-01056</u>
Proj#	<u>102777</u>
Other#	

Cross Reference and Location: \_\_\_\_\_

Applicant: Matthew Meadow Neighborhood Association ✓

Address: 3800 Rio Grande Blvd NW / PO Box 146, Albany, NM 87107

Agent: Karen Marquette ✓

Address: 924 Park Ave SW, Ste #C, 87107

SPECIAL INSTRUCTIONS

Notices Must be mailed from the  
City 15 days prior to the meeting.

Date Mailed: 7-1-03

Signature: K. Seshlikai



101306036627010111 LEGAL: TRAC T 63 A 2 MAP 34 LAND USE:  
PROPERTY ADDR: 00000 1701 CANDELARIA RD NW  
OWNER NAME: ALTIMIRANO SEAN R  
OWNER ADDR: 01620 53RD ST NW ALBUQUERQUE NM 87105

101306037627410113 LEGAL: MRGC D MA P NO 34 TRACT 64-A EXC A S'ELY TRIANGULAR LAND USE:  
PROPERTY ADDR: 00000 1613 CANDELARIA RD NW  
OWNER NAME: HOWARD JASON D  
OWNER ADDR: 00000 CORRALES NM 87048

101306038227010114 LEGAL: MRGC D MA P NO 34 TRACT 64-C EXC E'LY 2 FT & A S'ELY LAND USE:  
PROPERTY ADDR: 00000 1609 CANDELARIA RD NW  
OWNER NAME: ARMIJO FRANK & ROBERTO A  
OWNER ADDR: 01609 CANDELARIA RD NW ALBUQUERQUE NM 87107

101306039027010115 LEGAL: TR 6 5 & ELY 2' FT OF TR 64-C MRGCD MAP #34 CONT O. LAND USE:  
PROPERTY ADDR: 00000 1603 CANDELARIA NW  
OWNER NAME: GABEL FRANK J ETUX  
OWNER ADDR: 01603 CANDELARIA RD NW ALBUQUERQUE NM 87107

101306037326410112 LEGAL: TRAC T 64 B MAP 34 LAND USE:  
PROPERTY ADDR: 00000 1617 CANDELARIA NW  
OWNER NAME: MARTINEZ ESTELLA A  
OWNER ADDR: 01617 CANDELARIA RD NW ALBUQUERQUE NM 87107

101306038624241031 LEGAL: LOT 1 PL AT OF LOTS 1, 2, 3 & 4 LANDS OF SATURNINO LAND USE:  
PROPERTY ADDR: 00000 1600 CANDELARIA RD NW  
OWNER NAME: GARCIA LOUISA & SATURNINO C  
OWNER ADDR: 01600 CANDELARIA RD NW ALBUQUERQUE NM 87107

101306036924240645 LEGAL: LOT 4 PL AT OF LOTS 1, 2, 3 & 4 LANDS OF SATURNINO LAND USE:  
PROPERTY ADDR: 00000 N/A  
OWNER NAME: GARCIA SATURNINO C  
OWNER ADDR: 00447 W 50TH ST NEW YORK NY 10019

101306039723041032 LEGAL: LOT 2 PL AT OF LOTS 1, 2, 3 & 4 LANDS OF SATURNINO LAND USE:  
PROPERTY ADDR: 00000  
OWNER NAME: GARCIA SATURNINO C  
OWNER ADDR: 00447 W 50TH ST NEW YORK NY 10019

101306036623140633 LEGAL: LOT 3 PL AT OF LOTS 1, 2, 3 & 4 LANDS OF SATURNINO LAND USE:  
PROPERTY ADDR: 00000 N/A  
OWNER NAME: GARCIA SATURNINO C  
OWNER ADDR: 00447 W 50TH ST NEW YORK NY 10019

101306036922032140 LEGAL: \* 40 1 A MENDED MATTHEW MEADOW SUBD, BEING A REPLAT LAND USE:  
PROPERTY ADDR: 00000 1501 CAMINO AMPARO NW  
OWNER NAME: REINEKE LINDA M  
OWNER ADDR: 01501 CAMINO AMPARO NW ALBUQUERQUE NM 87107

101306038422041001 LEGAL: \* 1 7 AM ENDED MATTHEW MEADOW SUBD, BEING A REPLAT LAND USE:  
PROPERTY ADDR: 00000 1419 CAMINO AMPARO PL NW  
OWNER NAME: BENAVIDES KEITH & ELVIRA  
OWNER ADDR: 01419 CAMINO AMPARO NW ALBUQUERQUE NM 87107

101306039221941002 LEGAL: \* 2 7 AM ENDED MATTHEW MEADOW SUBD, BEING A REPLAT LAND USE:  
PROPERTY ADDR: 00000 1415 CAMINO AMPARO NW  
OWNER NAME: DIAZ MIGUEL A ETUX  
OWNER ADDR: 01415 CAMINO AMPARO NW ALBUQUERQUE NM 87107





# 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: June 24, 2003

TO CONTACT NAME: Karen Marcotte  
COMPANY/AGENCY: Consensus Planning  
ADDRESS/ZIP: 924 Park Ave SW 87102  
PHONE/FAX #: 704-9801 / 842-5495

Thank you for your inquiry of 6-24-03 (date) requesting the names of **Recognized**

**Neighborhood Associations** who would be affected under the provisions of O-92 by your proposed project at Northerly terminus of Avenida Entrada NW, a public street in Matthew Meadow subdivision + the southerly terminus of zone map page(s) G-13 Ma's Lane, a private lane.

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

Los Griegos

Neighborhood Association

Contacts: Joan McDougall

4020 Grande Dr NW

344-9272 (w) 87107

Sandra Valdez

4505 Pedroncelli NW / 87107

345-7553 (w) 277-5961 (w)

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,

Dalana S. Carmona  
OFFICE OF COMMUNITY AND NEIGHBORHOOD COORDINATION

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

January 8, 2003

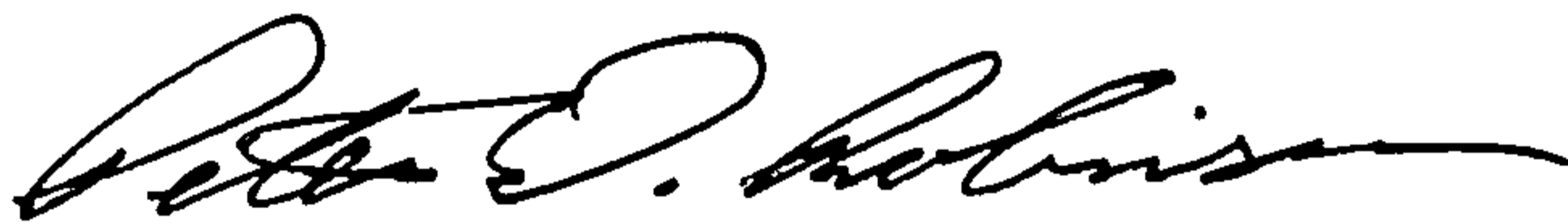
Matthew Meadow Neighborhood Association  
P.O. Box 146  
3800 Rio Grande Blvd. NW  
Albuquerque, NM 87107

To Whom It May Concern:

The purpose of this letter is to let it be known that Karen Marcotte is authorized to act as the agent of the Matthew Meadow Neighborhood Association in the matter of requesting the vacation of the walk-through easement at the north end of Matthew Meadow.

The Matthew Meadow Neighborhood Association had a general membership meeting on Jan. 07, 2003. During this meeting, the Association voted in favor of requesting the vacation of the public pedestrian and bicycle easement located at the north end of Matthew Meadow at Avenida Entrada NW. The Association also voted to authorize Karen Marcotte to act as their agent in this matter.

Sincerely,



President  
Matthew Meadow Neighborhood Association



Additional Neighborhood Association Information

Neighborhood Association

Contacts: \_\_\_\_\_

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

Neighborhood Association

Contacts: \_\_\_\_\_

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Neighborhood Association

Contacts: \_\_\_\_\_

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Neighborhood Association

Contacts: \_\_\_\_\_

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

~~XX~~ As a common courtesy you may notify the surrounding NA(s) for your project.

Matthew Meadows  
~~Neighborhood Association~~ H.O.A.

Contacts: Pete Robinson

1804 Llano Ct NW

343 - 0526 (w) 87107

Merle Sanders

1315 Camino Equestre NW

345 - 9448 (w) 87107

Neighborhood Association

Contacts: \_\_\_\_\_

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Neighborhood Association

Contacts: \_\_\_\_\_

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Neighborhood Association

Contacts: \_\_\_\_\_

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# 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, 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:

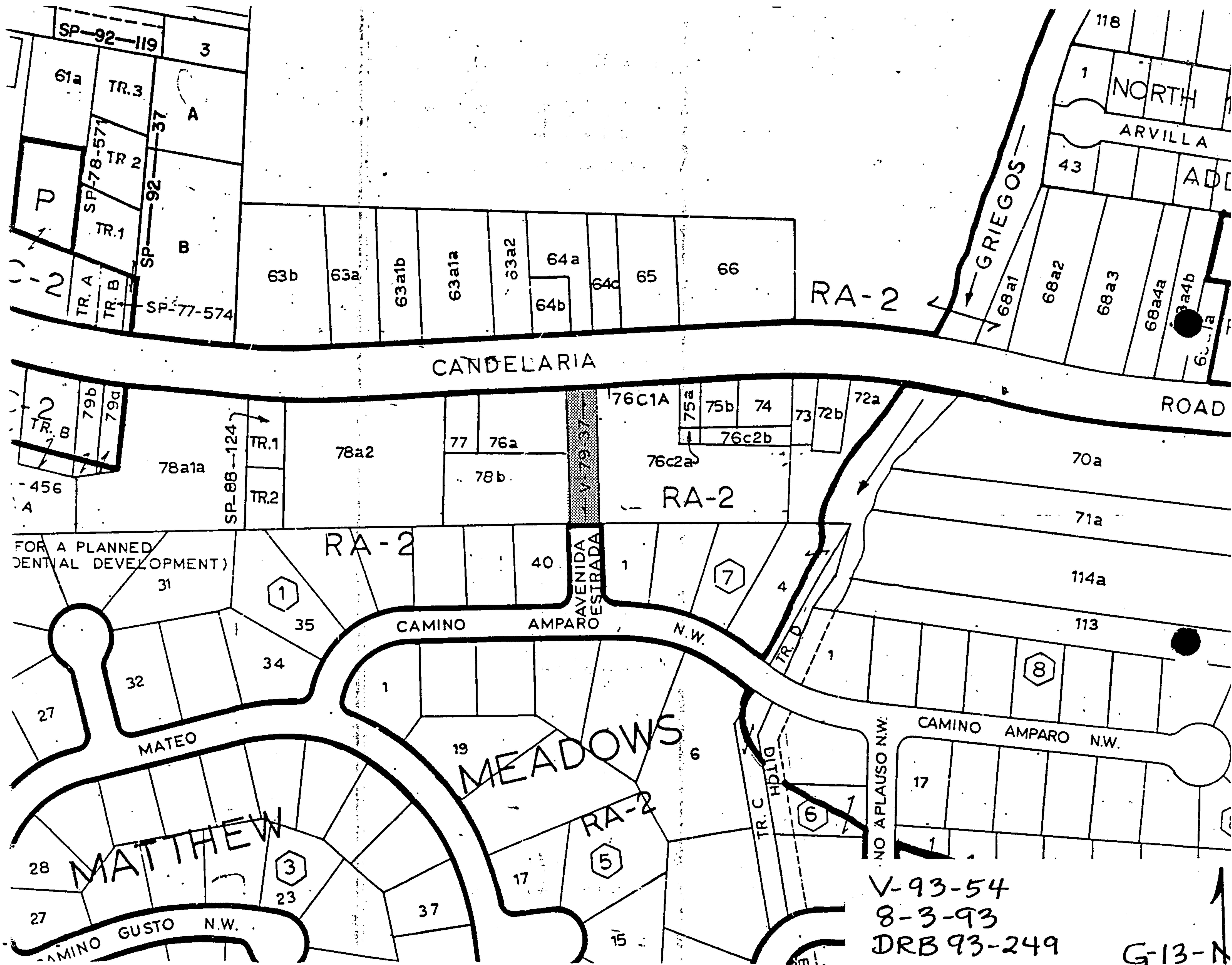
1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
  - a) 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").
  - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment 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.>").
  - c) 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.
5. 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.

\*\*\*\*\*

(below this line for OCNC use only)

Date of Inquiry: 6-24-03 Time Entered: 1:30 pm OCNC Rep. Initials: DC





SP-92-119

3

61a TR.3

A

SP-78-571 TR.2

37

D

TR.1

B

TR. A TR. B

SP-77-574

63b

63a

63a1b

63a1a

63a2

64a

64b

64c

65

66

RA-2

GRIEGOS

68a1

68a2

68a3

68a4a

68a4b

68a4a

NORTH

ARVILLA

ADE

43

118

CANDELARIA

ROAD

TR. B 79b 79d

78a1a

SP-68-124

TR.1

78a2

77

76a

78b

76c1a

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73

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72a

76c2a

76c2b

RA-2

70a

71a

114a

113

FOR A PLANNED DENTAL DEVELOPMENT)

31

RA-2

40

AVENIDA AMPARO ESTRADA

1

7

4

CAMINO AMPARO N.W.

8

MATEO

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35

27

MEADOWS

19

6

MATTHEW

3

RA-2

17

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NO APLAUSO N.W.

CAMINO AMPARO N.W.

CAMINO GUSTO N.W.

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V-93-54

8-3-93

DRB 93-249

G-13-N



**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, July 23, 2003, beginning at 9:00 a.m. for the purpose of considering the following:

**Project # 1000400**  
03DRB-01033 Major-Two Year SIA

LEROY ORTIZ agent(s) for ST PETER & PAUL CHURCH request(s) the above action(s) for all or a portion of Tract(s) 336, **TOWN OF ATRISCO GRANT - UNIT 8**, zoned SU-1 - Church, located on OURAY NW, between COORS NW and LADERA NW containing approximately 5 acre(s). [REF: 01DRB-00995] (H-11)

**Project # 1002322**  
03DRB-01050 Major-SiteDev Plan Subd

MULE BARN ENTERPRISES, agent(s) for ACME REAL ESTATE FUND, LLC request(s) the above action(s) for all or a portion of Block(s) 11, Tract(s) 23, **ORIGINAL TOWNSITE OF WESTLAND**, zoned SU-2 special neighborhood zone, IP, located on Sunset Gardens SW between 90<sup>th</sup> St SW and 94<sup>th</sup> St SW containing approximately 8 acre(s). [REF: 02DRB-01666, 03DRB-00420, 03DRB-00349] (L-9)


**Project # 1002771**  
03DRB-01036 Major-Vacation of Pub Right-of-Way

ADELE HUNDLEY, agent(s) for GERTRUDE ZACHARY request(s) the above action(s) for all or a portion of Lot(s) 19-24 and 13-18, Block(s) 36, **NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-3 and located on 2<sup>nd</sup> St SW between Coal Ave SW and Lead Ave SW. (K-14)

**Project # 1002777**  
03DRB-01056 Major-Vacation of Public Easements

KAREN MARCOTTE agent(s) for MATTHEW MEADOW NEIGHBORHOOD ASSOCIATION, request(s) the above action(s) for all or a portion of Lot(s) 1 and 40, **MATTHEW MEADOWS SUBDIVISION**, zoned RA-2 residential and agricultural zone, located on N. OF LUA'S LANE NW, between 12<sup>th</sup> ST NW and SAN ISIDRO NW [REF: V-93-54, V-79-37, DRB-93-249, DRB-96-466]. (G-13)

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, JULY 7, 2003.**

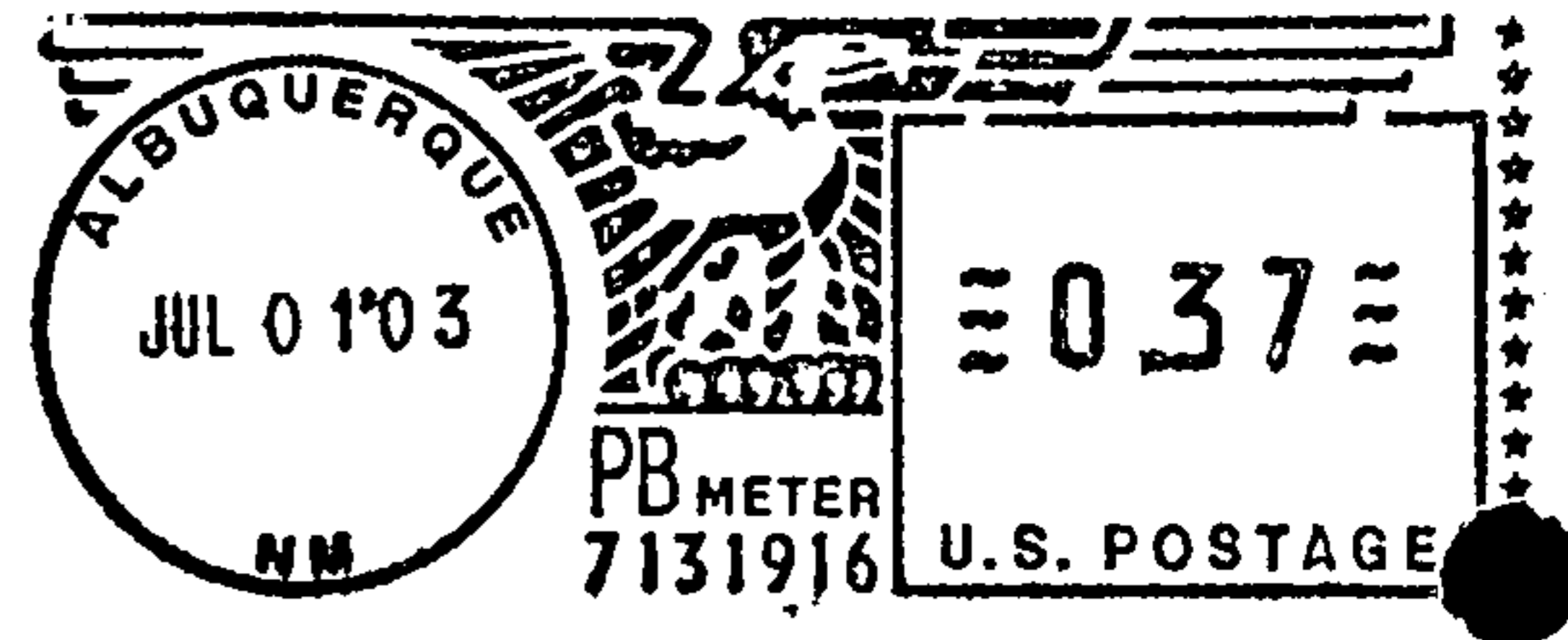




# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

PLANNING DEPARTMENT



101306036924240645

GARCIA SATURNINO C  
447 W 50TH  
NEW YORK

ST  
NY 10019

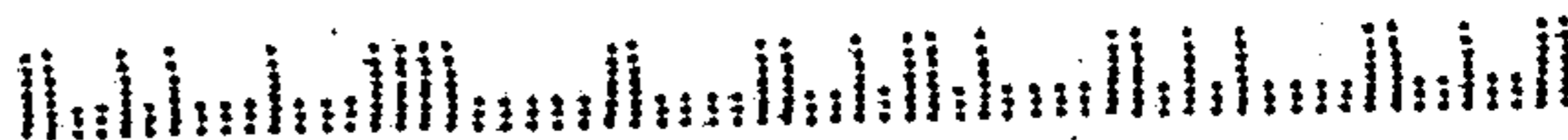
\*\*\*  
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A  
C  
S

- INSUFFICIENT ADDRESS
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER/ STREET
- NOT DELIVERABLE AS ADDRESSED
- OTHER
- UNABLE TO FORWARD

**RTS**  
RETURN TO SENDER

10013+6326 103/123



# City of Albuquerque



## DEVELOPMENT REVIEW APPLICATION

**SUBDIVISION** Supplemental form **S**

Major Subdivision action  
 Minor Subdivision action  
 Vacation/pedestrian easement  
 Variance (Non-Zoning)

**ZONING** Supplemental form **Z**

Annexation & Zone Establishment  
 Sector Plan  
 Zone Change  
 Text Amendment

**SITE DEVELOPMENT PLAN** Supplemental form **P**

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

**APPEAL / PROTEST of...** Supplemental form **A**

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: Matthew Meadow Neighborhood Association PHONE: 406 764-9801  
 ADDRESS: P.O. Box 146, 3800 Rio Grande Blvd. NW FAX: 406 842-5495  
 CITY: Albuquerque, NM STATE NM ZIP 87107 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: lot owners surrounding access easement  
 AGENT (if any): Karen Marcotte PHONE: 764-9801  
 ADDRESS: 924 Park Avenue SW, Suite C FAX: 842-5495  
 CITY: Albuquerque STATE NM ZIP 87107 E-MAIL: marcotte@consensusplanning.com

**DESCRIPTION OF REQUEST:** Vacation of pedestrian easement  
(see attached description of request)

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. Gate at Avenida Entrada NW & Lua's Lane NW Block: N/A Unit: N/A  
 Subdiv. / Addn. Matthew Meadow Subdivision  
 Current Zoning: RA-2 Proposed zoning: SAME  
 Zone Atlas page(s): G-13 No. of existing lots: @184 No. of proposed lots: SAME  
 Total area of site (acres): ACCESS easement, no area Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? NO  
 UPC No. N/A: City public access easement only, no property MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: boundary between Avenida Entrada NW & Lua's Lane NW  
 Between: South of Candelaria NW and North of Camino Amparo NW (private lane)

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z-, V-, S-, etc.): DRB-93-249, DRB-96-466 V-93-54 VPE V-79-37 VROW

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

SIGNATURE Karen R. Marcotte DATE 6/27/03  
 (Print) Karen R. Marcotte Applicant  Agent

**FOR OFFICIAL USE ONLY**

pdf Form revised Sept. 2001

**INTERNAL ROUTING**

- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
<u>03DRB-01056</u>	<u>VPE</u>	<input checked="" type="checkbox"/>	\$ <u>45.00</u>
	<u>NOTIFCAT. FEE</u>		\$ <u>75.00</u>
			\$ _____
			\$ _____
			\$ _____
Hearing date <u>JULY 23<sup>rd</sup> 03</u>			Total \$ <u>120.00</u>

[Signature] 6/27/03  
 Planner signature / date

**Project # 1002777**



**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. (24 copies)
  - 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.

Neighborhood Assoc.  
Karen Marcotte for Matthew Meadows  
 Applicant name (print)  
Karen Marcotte 6/27/03  
 Applicant signature / date



Form revised April 2003

- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
 03DRB - 01056

B. Berkert  
 Planner signature / date  
**Project # 1002777**



June 27, 2003

Ms. Sheran Matson, Chair  
Development Review Board  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

Dear Ms. Matson:

I am serving as the volunteer Agent for the Matthew Meadows Neighborhood Association for this easement vacation request. I am also a resident of the Matthew Meadows subdivision. The letter of authorization from the Neighborhood Association is attached.

### **Current Request**

The members of the Matthew Meadows Neighborhood Association have voted to request a vacation of the public pedestrian/bicycle access easement that is located at the northerly terminus of Avenida Entrada NW (a public street in Matthew Meadow) and the southerly terminus of Lua's Lane (a private lane). There is currently an open gate in this location that is wide enough for pedestrians, but is closed to vehicles. (See the attached photo page of the gate.)

The gate separates the end of a public street on the southerly side, and a private access lane for 4 private lots on the northerly side. In this regard it is very unusual, since it allows public access to spill over onto privately owned land.

The request is to vacate the public pedestrian/bicycle access easement only. There is no need to vacate any utility easements, lot lines, or rights-of-way. If the vacation request is granted, the Matthew Meadows Neighborhood Association will fund and construct a solid wall with landscaping at the end of the street to replace the current open gate.

### **History of Easement and Previous Request**

When the area was originally platted in the 1970s, a public street (Avenida Entrada NW) was created that traversed the area between Camino Amparo NW (a residential street in Matthew Meadow subdivision) to Candelaria. Since this street was directly across from Valley High School, it did not take long for Avenida Entrada to become a drag strip and a short-cut for people accessing the school. In 1979, the public right-of-way was vacated (Case V-79-37), and Mrs. Louisa Garcia (property owner on the northern boundary of Matthew Meadows) purchased the land from the right-of-way. That former right-of-way is now part of Mrs. Garcia's private property, which includes "Lua's Lane", the private access easement that provides access to Mrs. Garcia's 4 lots.

When the right-of-way was vacated, the City Board at the time (the Environmental Planning Commission Land Controls Board) passed a resolution (dated September 21, 1979, see attached copy) that reserved the vacated right-of-way as an easement for a pedestrian/bicycle way, along with public or private utility use.

There have been numerous problems of vandalism, crime, and truancy associated with the gate in the decades since then. In 1993, the Matthew Meadow Neighborhood Association applied to the DRB to vacate the public access easement that had been created in 1979. At that time, the Association had the support of a majority of the neighborhood, the City Councilor for that District (Vince Griego, still the Councilor for the District and still in support of the vacation request), as well as research from the



police confirming crime statistics in the area associated with the gate. When the staff report for DRB came out, the Parks Department noted that if there was *any* opposition to the request, they would not support the request. There were individuals who were opposed to closing the gate, both then and now, as a matter of convenience. In other words, they found the gate access convenient, and did not want it closed. However, then as now, a majority of the neighborhood, and *all* of the adjacent land owners wanted the easement vacated. The neighborhood association was under the mistaken impression from City staff that if even one person was opposed to the request, they would not be able to get the vacation of the easement approved, and after several months, the matter was indefinitely deferred and never brought back.

Since that time, problems with crime and vandalism have continued, even though the vast majority of gate users are not a problem. In fact, many residents of Matthew Meadows use the gate themselves or for their children attending Valley High School, and are reluctant to close it, except for the overriding concerns over safety.

### **Current Safety Concerns**

In late August of 2002, at the start of the school year at Valley High School, a gang fight was brewing. At the end of the school day, a number of gang members who were not students at Valley gathered on campus waiting to confront some Valley students when they emerged. The school's security force chased all of them off of the APS property. They proceeded to cross Candelaria and head towards the gate at the end of Lua's Lane. A large crowd followed to watch the impending fight. A group of over 25 teens and young adults emerged through the gate and into Matthew Meadows just in time for another gang member to arrive and start shooting. As a result, a 14 year old boy (who was a bystander and not a member of the gang) was shot 5 times at the corner of Avenida Entrada and Camino Amparo (just south of the gate).

This shooting in the middle of the afternoon provided motivation for the neighborhood to come together again and look for solutions. A large public meeting was held in September, 2002 with representatives from APS, the Albuquerque Police Department, Councilor Vince Griego, Senator Dede Feldman, and over 100 neighborhood residents in attendance. Both the APS and APD representatives agreed that the gate was a "magnet for trouble", that people could slip through it without being seen, and they could not be caught by someone in a police car. The gate provides opportunities for truants from school, for hiding from security officers, and for thieves or vandals to slip away on foot or bicycle. The APD officer also noted that the gate was used as a passageway through the neighborhood for gang members interested in looking for fights at the park located on Matthew. At this meeting, the neighborhood association voted to form an ad hoc committee to explore the closing of the gate.

The ad hoc committee met over a period of 4 months and completed research on past efforts involving the gate, and studied options for gate control/or locking mechanisms, as well as gate closure. At the end of its work, the committee voted to pursue a vacation of the easement to allow for gate closure. Members of the committee agreed that the open gate was convenient, and that most users of the gate were not problem causers, but that the few criminals, vandals, and gang members that also used the gate were causing enough safety concerns to warrant closure. It was agreed that the safety concerns outweighed the desire for convenience, and it was recognized that there are many alternative pedestrian and bicycle options for traversing the area (three ditch paths, plus 12<sup>th</sup> Street and Matthew).

At a neighborhood association meeting in January, 2003, the ad hoc committee reported its recommendation, and the association as a whole voted on the action. A



strong majority of the residents supported the idea of closing the gate by requesting a vacation of the public access easement.

### **Degree of Support**

The application packet includes a show of support from the neighborhood including:

- A letter from the Neighborhood Association President on behalf of the association after the vote in January, 2003;
- A letter from Senator Dede Feldman;
- The memo from Councilor Vince Griego;
- 18 letters of support from lot owners within Matthew Meadows;
- Letters of support (numbered 1-4) from all of the property owners adjacent to the easement, including the current and previous letter from Mrs. Garcia, the property owner to the north;
- A petition in favor of the vacation request signed by 57 Matthew Meadows lot owners.

There is also a petition in opposition to the request that was signed by 6 lot owners, none of which are in the immediate vicinity of the gate, but who prefer the open gate for reasons of convenience.

### **What the Ordinance Says**

In 1993, the neighborhood mistakenly thought that if even one person was opposed to the vacation request, that it could not be approved. Research into the ordinance, with discussions to confirm interpretation from City Legal, have shown that the previous perception was incorrect.

Section 14-14-7-2(A) of the Albuquerque Code notes that "where nothing except vacation of public rights of way, private ways, and easements is proposed, it may be initiated by a request to vacate filed by....The owners of a majority of the front footage of land abutting the proposed vacation, "and

Section 14-14-7-2-(B)(2) says "the vacation of easement, whether by new plat, plat amendment, or request to vacate, shall be approved when...(2) there is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation," and if "(3) there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right".

In this case, we not only have a majority of the front footage owners requesting the vacation, we have *all* the front footage owners in request, as well as a majority vote of the adjacent neighborhood association. We also believe that the net public welfare benefit of the vacation (increased public safety) is more beneficial than the minor detriment resulting (the convenience of having a short cut). Additionally, we believe there is no convincing evidence of a substantial property right being abridged against the will of the owner. In fact, the will of all of the adjacent owners is to vacate the easement. This is particularly relevant in the case of Mrs. Garcia's property on the north side of the gate, where a public access easement allows the public to traverse across her privately platted and owned lots. This situation would not even be allowed under today's rules, but was apparently allowed in 1979. If someone tried to plat a public access over a private lot today, they would be denied.

In summary, we believe that all of the tests of the ordinance governing the vacation of easements have been met, and even if there is some opposition to the



request from people who are not owners of the front footage, the request must be granted.

### **Error in the Original Easement Language**

In addition to the unorthodox practice of allowing public access across privately owned land, there is an error in the original easement language of 1979. The resolution creating the access easement states that the easement exists "from the north lot line of Lot 40, Block 1, Matthew Meadow, to the south right-of-way line of Candelaria Road". This easement then extends from the lot line dividing Mrs. Garcia's property from an adjacent private lot within Matthew Meadow, it does not include passage through the lot line to the adjacent street where the gate currently resides.

Clearly, the intent of the resolution was to allow an access from the public street into the vacated portion of the adjacent street (now a private lot), but that is not what the actual easement says. If the easement only occurs from the north lot line of Lot 40 (a residential lot on the east side of the right-of-way) to Candelaria, a closed gate or solid fence could actually be built on the lot line today. This would provide for access from Candelaria to the north lot line of Lot 40, but would not allow the access to proceed through a gate into the public street to the south.

While the neighborhood association recognizes that the easement language does not actually say what was intended, and the gate may be legally closed today as a result of that error, it was agreed that the proper thing to do would be to vacate the easement.

### **Conclusion**

In consideration of the request by all of the adjacent property owners and by a vast majority of the adjacent homeowners, and in compliance with the ordinance governing vacations of easements, we respectfully request that the public access easement at the junction of Lua's Lane NW and Avenida Entrada NW be vacated.

Sincerely,



Karen Marcotte, Agent  
Matthew Meadows Neighborhood Association

January 8, 2003

Matthew Meadow Neighborhood Association  
P.O. Box 146  
3800 Rio Grande Blvd. NW  
Albuquerque, NM 87107

To Whom It May Concern:

The purpose of this letter is to let it be known that Karen Marcotte is authorized to act as the agent of the Matthew Meadow Neighborhood Association in the matter of requesting the vacation of the walk-through easement at the north end of Matthew Meadow.

The Matthew Meadow Neighborhood Association had a general membership meeting on Jan. 07, 2003. During this meeting, the Association voted in favor of requesting the vacation of the public pedestrian and bicycle easement located at the north end of Matthew Meadow at Avenida Entrada NW. The Association also voted to authorize Karen Marcotte to act as their agent in this matter.

Sincerely,



President  
Matthew Meadow Neighborhood Association





# 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: June 24, 2003

TO CONTACT NAME: Karen Marcotte  
 COMPANY/AGENCY: Consensus Planning  
 ADDRESS/ZIP: 924 Park Ave SW 87107  
 PHONE/FAX #: 704-9801 / 842-5495

Thank you for your inquiry of 6-24-03 (date) requesting the names of **Recognized**

**Neighborhood Associations** who would be affected under the provisions of O-92 by your proposed project at Northerly terminus of Avenida Entrada NW, a public street in Matthew meadow subdivision + the southerly terminus of zone map page(s) G-13 Ma's Lane, a private lane.

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

Los Griegos  
 Neighborhood Association  
 Contact: Joan McDougall  
4020 Grande Dr NW  
344-9272 (w) 87107  
Sandra Valdez  
4505 Pedroncelli NW / 87107  
345-7553 (w) 277-5961 (w)

\_\_\_\_\_  
 Neighborhood Association  
 Contact: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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,  
Dalana S. Carmona  
 OFFICE OF COMMUNITY AND NEIGHBORHOOD COORDINATION

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

Additional Neighborhood Association Information

Neighborhood Association

Contacts: \_\_\_\_\_

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

Neighborhood Association

Contacts: \_\_\_\_\_

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Neighborhood Association

Contacts: \_\_\_\_\_

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Neighborhood Association

Contacts: \_\_\_\_\_

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~~XX~~ As a common courtesy you may notify the surrounding NA(s) for your project.

Matthew Meadows

~~Neighborhood Association~~ H.O.A.

Contacts: Pete Robinson

1804 Llano Ct NW

343-0526 (w) 87107

Merle Sanders

1315 Camino Equestre NW

345-9448 (w) 87107

Neighborhood Association

Contacts: \_\_\_\_\_

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Neighborhood Association

Contacts: \_\_\_\_\_

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Neighborhood Association

Contacts: \_\_\_\_\_

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# 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, 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:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
  - a) 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").
  - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment 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.").
  - c) 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.
5. 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.

\*\*\*\*\*

(below this line for OCNC use only)

Date of Inquiry: 6-24-03 Time Entered: 1:30 pm OCNC Rep. Initials: DC

June 25, 2003

Ms. Joan McDougall  
Los Griegos Neighborhood Association  
4020 Grande Drive NW  
Albuquerque, NM 87107

Dear Ms. McDougall:

I am writing to notify you of a pending Development Review Board (DRB) case for a matter regarding pedestrian access into the Matthew Meadow subdivision, which is near your neighborhood.

The Matthew Meadow Neighborhood Association has voted in favor of requesting the vacation of a pedestrian/bicycle easement that enters the neighborhood. If the easement is vacated, the existing open gate between the northerly terminus of Avenida Entrada NW (a public street in Matthew Meadows) and the southerly terminus of Lua's Lane NW (a private lane) will be closed. This pedestrian gate is across from Valley High School and leads directly across private property into the Matthew Meadow subdivision. This gate was the location of a gang fight that ended in the shooting of a 14 year old boy last fall within the Matthew Meadow street next to the gate.

The request before the DRB will be for vacation of the pedestrian/bicycle easement that allows access through the gate. If vacated by the City, the Matthew Meadow Neighborhood Association will fund and construct a solid wall with landscaping in the location of the current open gate. Should your neighborhood association have any questions, please feel free to call me at 764-9801. I am a resident of Matthew Meadow subdivision and am acting as agent for the DRB vacation of easement request.

Sincerely,



Karen Marcotte, Agent  
Matthew Meadow Neighborhood Association  
C/o 924 Park Avenue SW, Suite C  
Albuquerque, NM 87102

C: Pete Robinson, President  
Matthew Meadow Neighborhood Association



June 25, 2003

Ms. Sandra Valdez  
Los Griegos Neighborhood Association  
4505 Pedroncelli NW  
Albuquerque, NM 87107

Dear Ms. Valdez:

I am writing to notify you of a pending Development Review Board (DRB) case for a matter regarding pedestrian access into the Matthew Meadow subdivision, which is near your neighborhood.

The Matthew Meadow Neighborhood Association has voted in favor of requesting the vacation of a pedestrian/bicycle easement that enters the neighborhood. If the easement is vacated, the existing open gate between the northerly terminus of Avenida Entrada NW (a public street in Matthew Meadows) and the southerly terminus of Lua's Lane NW (a private lane) will be closed. This pedestrian gate is across from Valley High School and leads directly across private property into the Matthew Meadow subdivision. This gate was the location of a gang fight that ended in the shooting of a 14 year old boy last fall within the Matthew Meadow street next to the gate.

The request before the DRB will be for vacation of the pedestrian/bicycle easement that allows access through the gate. If vacated by the City, the Matthew Meadow Neighborhood Association will fund and construct a solid wall with landscaping in the location of the current open gate. Should your neighborhood association have any questions, please feel free to call me at 764-9801. I am a resident of Matthew Meadow subdivision and am acting as agent for the DRB vacation of easement request.

Sincerely,



Karen Marcotte, Agent  
Matthew Meadow Neighborhood Association  
C/o 924 Park Avenue SW, Suite C  
Albuquerque, NM 87102

C: Pete Robinson, President  
Matthew Meadow Neighborhood Association

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sandra Valdez  
 Los Griegos NA  
 4505 Pedroncelli NW  
 Albuquerque, NM  
 87107

2. Article (Trans. 7001 2510 0009 0792 3550

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joan McDougall  
 Los Griegos NA  
 4020 Grande Dr. NW  
 Albuquerque, NM  
 87107

2. Article (Trans. 7001 2510 0009 0792 3567

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

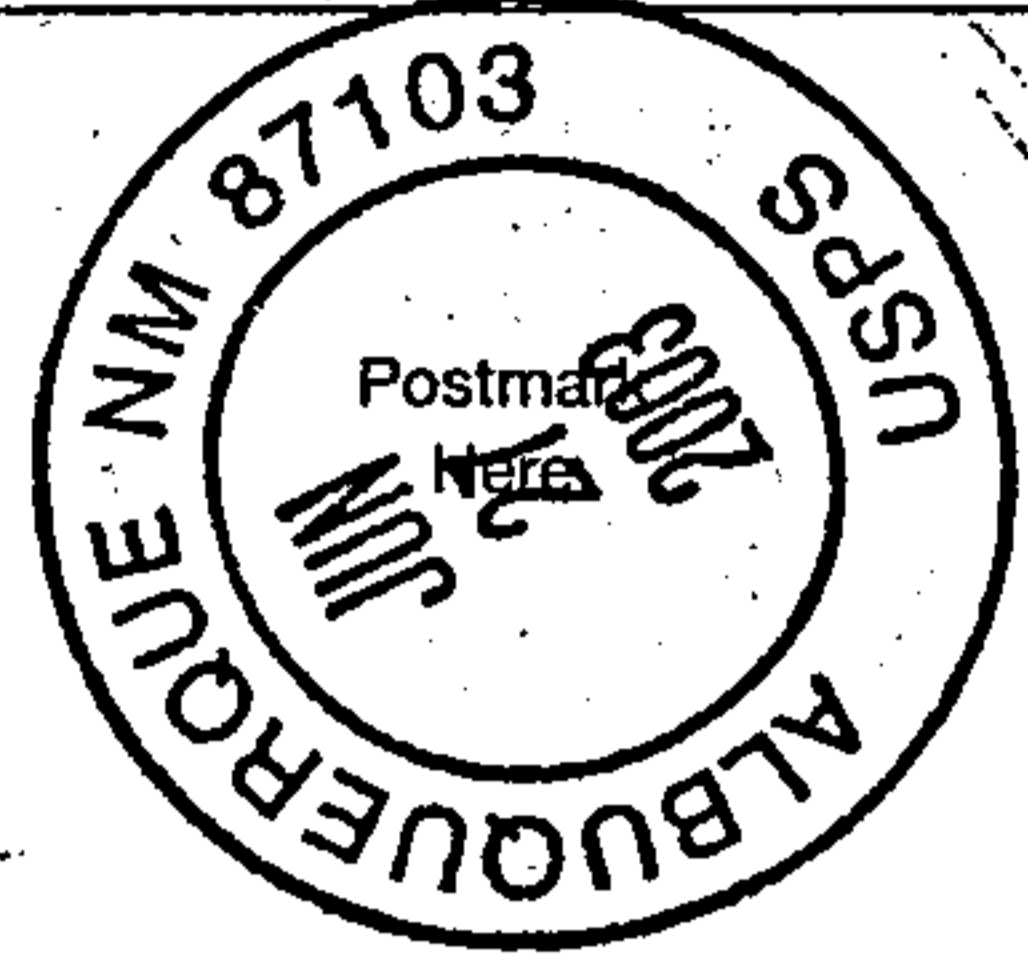
4. Restricted Delivery? (Extra Fee)  Yes



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

**OFFICIAL USE**

Postage	\$ .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>



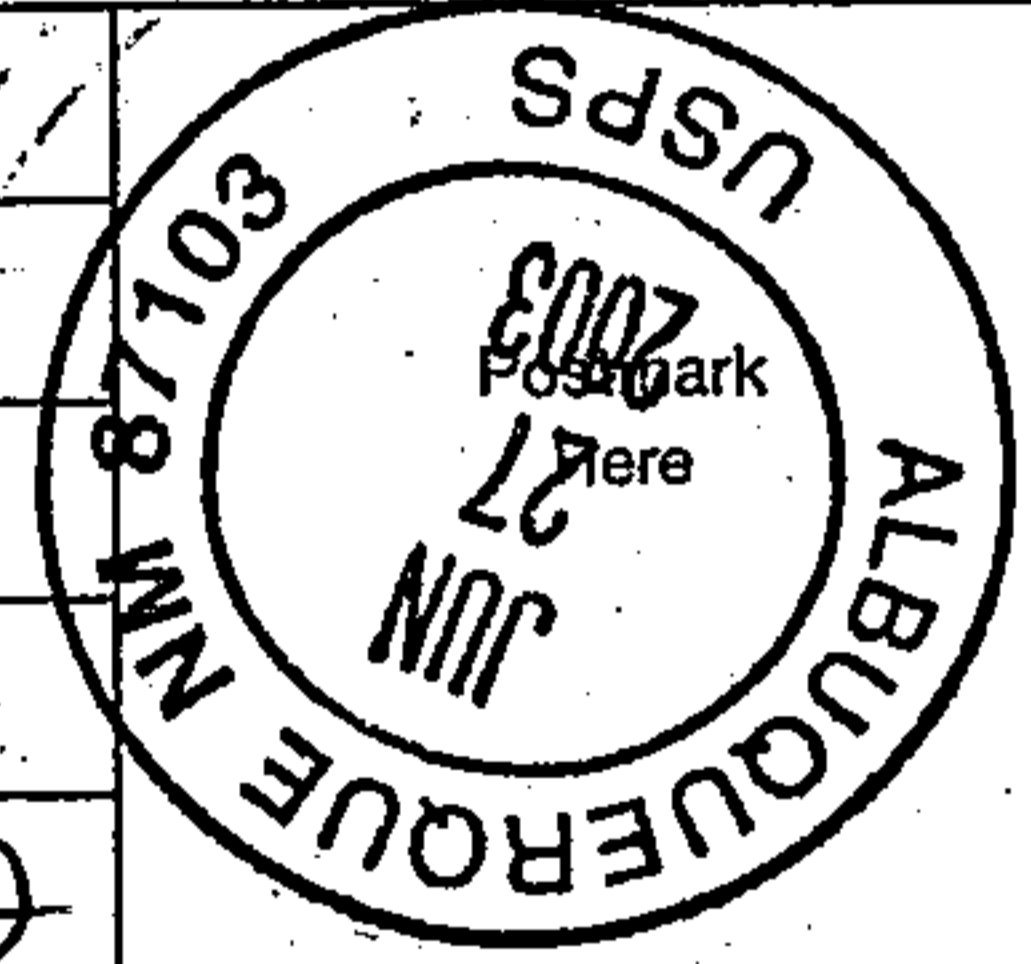
Sent To: Sandra Valdez  
 Street, Apt. No.; or PO Box No.: 4505 Pedroncelli NW  
 City, State, ZIP+4: ALBQ. NM 87107

7001 2510 0009 0792 3550

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

**OFFICIAL USE**

Postage	\$ .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: Joan McDougall  
 Street, Apt. No.; or PO Box No.: 4020 Grande Dr. NW  
 City, State, ZIP+4: ALBQ. NM 87107

7001 2510 0009 0792 3567

77 69058 77 72908

AMENDED

# MATTHEW MEADOW

A SUBDIVISION, ALBUQUERQUE, NEW MEXICO

BEING A RE-PLAT OF TRACTS A, B, & C OF INDIAN AND TRACT 106 MAP 34 M.R.G.C.D.

JULY 1977

State of New Mexico  
County of Bernalillo  
This instrument

is a true and correct copy of the original as recorded in the public records of the County of Bernalillo, State of New Mexico.

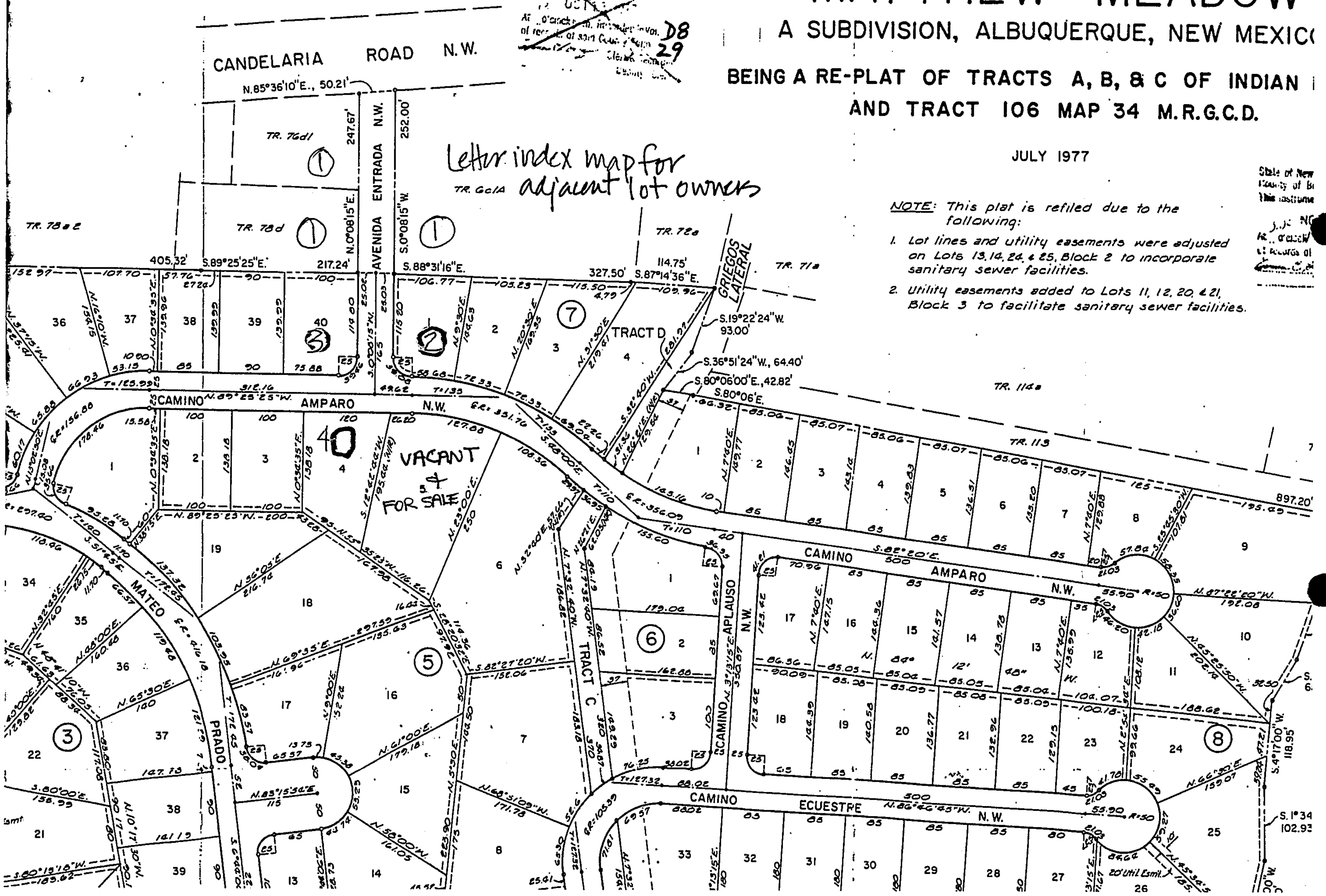
~~State of New Mexico  
County of Bernalillo  
This instrument is a true and correct copy of the original as recorded in the public records of the County of Bernalillo, State of New Mexico.~~

D8  
29

Letter index map for adjacent lot owners  
TR. 6C1A

NOTE: This plat is refiled due to the following:

1. Lot lines and utility easements were adjusted on Lots 13, 14, 24, & 25, Block 2 to incorporate sanitary sewer facilities.
2. Utility easements added to Lots 11, 12, 20, & 21, Block 3 to facilitate sanitary sewer facilities.





April 23, 2003

Chairman  
Development Review Board  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, Nm

Dear Chairman and members,

There is wide interest among my neighbors for vacating the pedestrian easement between Avenida Endrada and Lua's Lane. I am the owner of the property next to that easement and am totally in support of the notion that the easement be vacated.

I am 95 years old and have lived in the direct vicinity of the easement over 50 years, which, for the most part, have been wonderful, peaceful, pleasant and comfortable years. That tranquility has deteriorated drastically in the last few years due, no doubt, to activity connected with the easement.

I am aware of acts of vandalism experienced by several of my neighbors which increases my anxiety over vandalism perpetrated on my property, namely:

- 1. Damage to outside light fixture (3 times)
- 2. Trampled flower beds
- 3. Damage to brick at driveway entrance
- 4. Damage to windows caused by "B-Bs"
- 5. General trespassing

The list does not even include the shooting that occurred several months ago right in front of my house. In addition, the area around the easement is a magnet and repository for all sorts of trash and debris.

I am convinced that vacating the easement will restore tranquility and safety to the area and will result in general peace of mind for a number of individuals; I reiterate my strong endorsement for vacating the easement.

Regards,



Louisa Garcia

November 16, 2002

To: Development Review Board  
Resident: Keith and Vera Benavides  
Address: 1419 Camino Amparo NW  
Regarding: Gate Closure

We have been at this address for seven years. We border the pedestrian access into the neighborhood, as it stands directly west and adjacent to our property. Our side yard and driveway face this gate. Within two months after moving in we experienced being "tagged" on our garage doors with gang signs, which were also found on the fence.

Immediately after moving to this residence we became aware of a problem with graffiti and physical damage to the fence that has continued to this day. The damage is usually limited to a few wooden slats being kicked out and the graffiti is your usual gang signs or names. However the damage and graffiti are aggravatingly consistent and routinely follows the school year.

I have repeatedly witnessed damage being done to the fence by people with callous and irresponsible attitudes. The few times I have approached them during these episodes have been rather intimidating. I have long since stopped doing this and reporting these incidents quickly has failed due to a slow response.

It seems that just inside the fence the student's believe they are out of sight and safe to carry on party's after school or gather and drink. Each year my children and I have witnessed quarrels and fights, which appear suddenly, escalate quickly and just as quickly are finished. By the time we can get to a phone and call, the fights and onlookers move on.

Within the last two years we have had to install rod-iron doors due to people in our back yard and people trying to get into our house. During one of these times my son was awakened to find a group of boys looking for open windows and jumping our fence to get to the back door. I've little doubt that the availability and ease with which this gate offers presently invites such attempts all the more.

We strongly feel this access should be closed. Keeping it open is a no win situation. The final straw of course was this year's shooting incident. Should this gate not be closed, this type of irresponsible behavior will undoubtedly continue. We feel it is long overdue and it is time to act responsibly, by closing this gate and thus avoiding even worse situations.

Sincerely,

*Keith + Vera Benavides*

Keith and Vera Benavides



November 14, 2002

Development Review Board  
City of Albuquerque  
PO Box 1293  
Albuquerque, New Mexico 87103


Dear Review Board,

I have been a homeowner in the Matthew Meadows subdivision for approximately 8 years. I am very much in support of eliminating the pedestrian and bicycle easement on Avenida Estradsa between the subdivision and Candelaria. I live at 1501 Camino Amparo, which is the property adjacent to the west of the current easement.

During the school year, there are often high school students which seem to hang out in my side yard, as evidenced by the number of empty soda cans, cigarette butts, candy bar wrappers left in my yard. I have also had two incidences of my vehicles being broken into during the day.

I am usually at work during the week, but have noticed when I am home there are often small groups of students just hanging out on the south side of the fence out of view of Candelaria. There have also been fights between students just inside the subdivision.

A few years ago, the parking outside the homes near the gate had to be restricted during the school day. This did curtail some of the loitering and littering by students, but not all. Closing the easement would hopefully make it less assessible for students to ditch school, and instigate fights. The gang related shooting which occurred on Camino Amparo the first of this school year, might not have happened if it had not been so easy for the students at Valley High School to leave campus.



Linda Reineke  
1501 Camino Amparo NW  
Albuquerque, New Mexico 87107  
344-6398

James and Carol Johansen  
1500 Camino Amparo N.W.  
Albuquerque, N.M. 87107

Development Review Board Chair  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, N.M. 87103

Dear DRB Chair and Members:

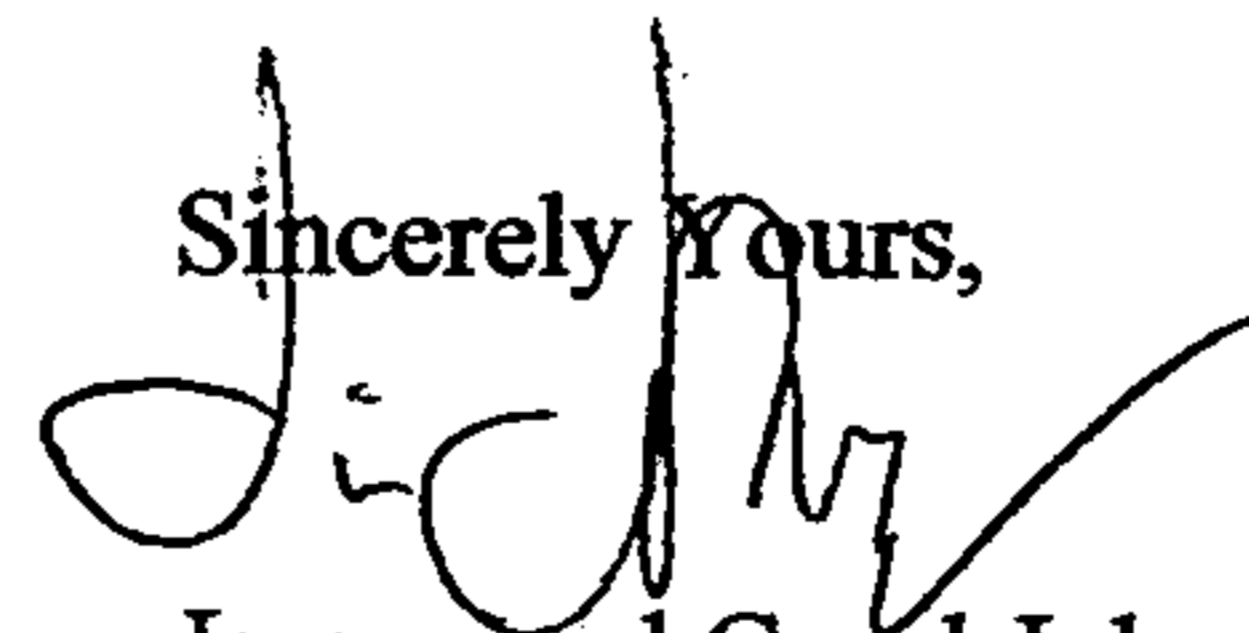
We write this letter to express our strong and unqualified support of vacating the pedestrian/bicycle easement on Avenida Entrada, NW just south of Candelaria.

We have lived just south of this easement for the past 14 years. The easement is located a short distance to the south of Valley High School. Unfortunately, this easement and our neighborhood just to the south have become a magnet for certain problem students to avoid classes, conduct drug deals, initiate gang related fights, conduct burglaries and engage in vandalism. The neighbors in the immediate vicinity of the easement have been the constant target of these types of crimes. Unfortunately, most of the residents in this area work during the day. Thus, our homes are virtually defenseless during the very period of time the problems students are most likely to be in our neighborhood.

We certainly do not wish to condemn either Valley High School or most of the students of that school. However, the officials of that school have acknowledged to us that there are numerous gangs at Valley with the attendant gang related violence. These officials have also acknowledged that they are unable to prevent truant students from using the easement and entering our neighborhood to commit criminal acts.

The shooting incident that occurred last fall was the final straw that has motivated us to seek the vacation of this easement. The cold harsh realization that a stray bullet could have easily killed one of our neighbors, friends, or even a member of our family has driven us to the conclusion that the safety concerns far outweigh the convenience experienced by the use of the easement.

Thank you for your consideration of this request.

Sincerely Yours,  
  
James and Carol Johansen





# New Mexico State Senate

State Capitol  
Santa Fe

COMMITTEES:

CHAIR:  
· Public Affairs

MEMBER:  
· Judiciary  
· Committees' Committee

SENATOR DEDE FELDMAN  
D-Bernalillo-13

1821 Meadowview Dr. NW  
Albuquerque, NM 87104

Phone: (505) 242-1997  
FAX: (505) 243-4729  
E-Mail: dedefeld@aol.com  
www.dedefeldman.com

Nov. 25, 2002

Chairman  
Development Review Board  
Planning Department  
City of Albuquerque  
Albuquerque, NM 87102

To Whom It May Concern:

This is a letter of support for the Matthew Meadows Neighborhood Association's request to vacate a pedestrian access point located on Candelaria Blvd. on the North side of the development. The opening serves as a pass-through directly into the residential neighborhood, and is often used by Valley High School students and others who do not live in the neighborhood.

I do not know the case number for the request but the opening in question is on the South side of Candelaria Blvd. NW, between 12<sup>th</sup> St. and Valley High School (located on the North Side of Candelaria). The neighborhood has struggled with the problem of vandalism, burglary and violence caused by transients passing through the neighborhood through the opening for over ten years now. The most recent incident was a gang shooting that occurred several months ago at the opening of this school year. A task force from the neighborhood has been searching for a solution and has concluded that closing off the pedestrian entrance is the most feasible alternative.

Please support their request to vacate the pedestrian access.

Thank you for your consideration of this matter.

Sincerely, *Dede Feldman* Sen. Dede Feldman

**CITY OF ALBUQUERQUE**  
**City Council**

INTEROFFICE MEMORANDUM

REF. \_

July 30, 1993

TO: Jack Cloud, Chairman, Development Review Board

FROM: Vincent E. Griego, President of the Council

SUBJECT: V-93-54, Vacation Request in Matthew Meadow

This correspondence serves as an expression of my total support for the vacation of the pedestrian/bicycle easement in vacated Avenida Entrada, NW in the Matthew Meadow Subdivision. It is unfortunate that the neighborhood has had to endure the nuisance generated by the users of the easement but it is now time they were provided some relief. The residents in Matthew Meadows deserve to feel secure in their own homes and the vacation of the easement would provide them with this.

Your favorable consideration of the request would be appreciated. If I can be of any assistance or if you have any questions, please feel free to contact me.

cc: Thomas Baca, President, Matthew Meadow Neighborhood Assoc.  
2400 Rio Grande Blvd. NW, Suite 1-146 87104-3222

PLANNING  
DEPARTMENT  
AUG 2 2 12 PM '93



Mrs. Louisa Garcia  
1600 Candelaria N.W.  
Albuquerque, New Mexico  
87107

July 13, 1993

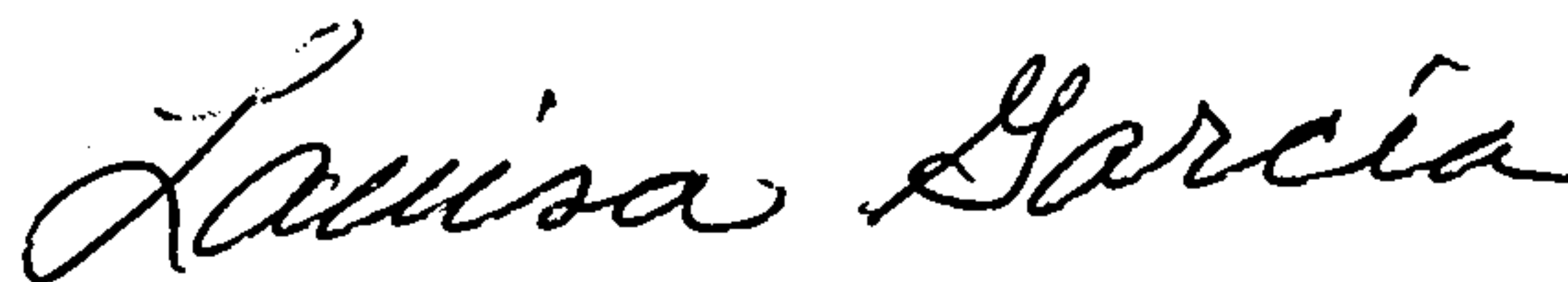
City of Albuquerque  
Planning Division  
Development Review Board  
ATTN: Jack Cloud  
PO Box 1293  
Albuquerque, New Mexico 87103

Mr. Cloud,

I am the owner of Tracts 76D1, Tact 78D, and Tract 76C1A shown on Middle Rio Grande Conservancy District Map # 34.

I concur with the action being taken by the Matthew Meadow Neighborhood Association to vacate the pedestrian easement on the previously vacated Avenida Entrada NW. I have no objections to the application and fully support the action. If you need to talk to me concerning this matter, please feel free to contact me at 344-3248.

Sincerely,



Mrs. Louisa Garcia

PLANNING  
DEPARTMENT  
JUL 15 8 51 AM '93

November 17, 2002

Development Review Board  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

Dear Sirs,

This letter is to express my support for the closure of the gate through the fence on Avenida Estrada, which leads to Candelaria by Valley High School. My wife and I have resided at 1504 Camino Amparo NW (two houses away from the gate) since 1981. I have been the 1400 & 1500 Camino Amparo NW Block Captain for the City of Albuquerque program Neighbors Organized Against Crime (NO) since the 1980s.

Avenida Estrada has been a problem since the subdivision was built from an alfalfa field in the 1970s. The street was closed to vehicle traffic due to excessive cruising and other problems shortly after the subdivision was built. Then a fence was built across the street at the former entrance to the subdivision and the City allegedly kept a pedestrian and bicycle easement at that time. However, it should be noted that the city records are unclear on this issue and it is not known what easements (if any) were ever legally recorded with the County.

The gate through the fence has provided an opportunity for criminal activities since its inception. The residents of Camino Amparo have been subjected to increased burglary, vandalism, stolen mail, arson, vehicle speeding, illegal parking, littering, drinking, sex, drugs, parties, truants, loitering, graffiti, group fights (students and others), gang activities, and now shootings due to the presence of the gate access through the fence. My 20 years of personal observations indicates that approximately 30-50 percent of the criminal activities on Camino Amparo is a result of the easy access afforded by the gate to Candelaria.

Much of this illegal activity appears to be connected to Valley High School students, post high school teenagers and bangers, and other non-subdivision residents who use this gate on a frequent basis. You cannot even work in your front yard with your garage door open as miscreants walking down the street will slip into your garage and ride off with your bicycle or steal other easy accessible items. Whenever police are called to respond to crime on the street, the criminals are usually long gone on foot through the gate to Candelaria and have disappeared by the time the officers drive out of the subdivision and around to Candelaria. Responding officers have asked us time and time again "Why don't you close the gate?"

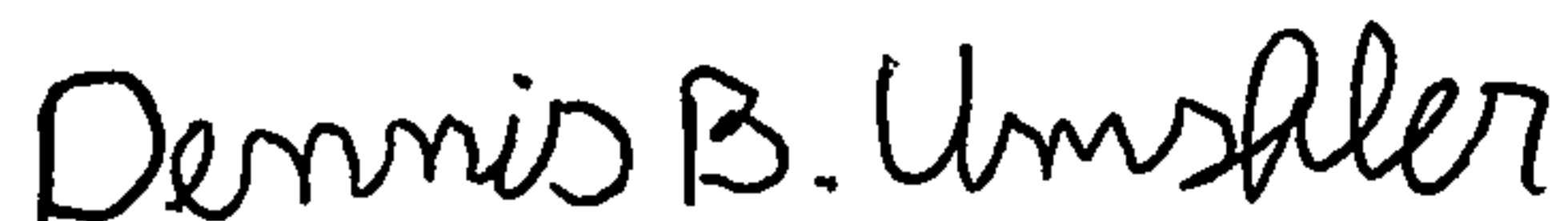


This gate presents a focal point for frequent "crimes of opportunity" and is a direct threat to our health and safety much like a crack house is. However, instead of the City closing a crack house down or demolishing it as a public nuisance, the City in this case has permitted maintenance of this public nuisance by not granting approval to fence the problematic access.

We want to feel reasonably safe in our homes. We ask you to vacate the City's easement; if it even exists, and give us permission to build a solid block wall across the access to the subdivision. While some members of the subdivision and the community want the access to remain open, they are not the ones who live near the gate and suffer the frequent criminal activity associated with it. It is likely that if the gate is not closed, the situation will only escalate and the violence will only get worse. The City and Valley High School should consider their potential legal liability for endangering the public health and safety in this situation.

Please call me at work at 845-4740 or at home at 344-7204 if I can provide you any further information on this matter.

Sincerely,



Dennis B. Umshler  
NO Block Captain

THE BOLTONS

November 16, 2002

Development Review Board  
City of Albuquerque  
PO Box 1293  
Albuquerque NM 87103

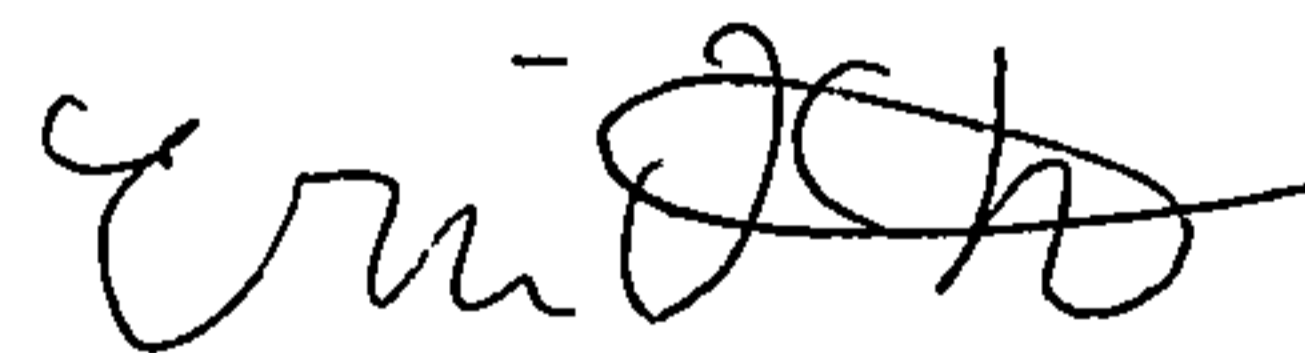
Dear Sir or Madam:

My name is Eric Bolton. My wife Tracy and I have lived at 1520 Camino Amparo for just over a year. I'm sure you're well aware by now of the problems our neighborhood has experienced so I won't waste your time with details. I'll just tell you that we've been victims of theft, paintball blasts to our windows, had our city trash receptacle set ablaze (and incinerated to the ground), had our property tagged, been subject to verbal abuse by Valley High kids, and come home to the aftermath of a shooting a few houses away.

We are not asking the city to close off Matthew Meadow. These are public streets and there are many access points to our neighborhood. We are only asking for the city to vacate its easement at Avenida Estrada, which is a known trouble spot. Having a shoddy fence across the street from a high school, which fronts to a vacant neighborhood during the day simply encourages and creates this kind of mischief, vandalism, burglary, and violence. Replacing this temptation with a well-maintained wall would eliminate much of this activity. If these kids didn't have access within eyesight of campus to such a space during the school day, and had to walk home along highly visible, traveled streets, these behaviors would be discouraged.

All decisions in life are a tradeoff and this is no exception. The benefits here are the discouragement and likely elimination of some fights, vandalism, thefts, and shootings. There are also drawbacks of course. Some honest students walking to and from school might have to get a little more exercise following a somewhat less-direct route. And a few folks out for walks or bike rides will have one fewer choice of shortcut. This is a pretty minor sacrifice that will surely not cause anyone much distress or inconvenience. In a world of tough decisions, the one you are trusted with here is an awfully clear and easy one. Thank you for your time and consideration.

Sincerely,



Eric and Tracy Bolton  
1520 Camino Amparo NW



November 15, 2002

Development Review Board  
City of Albuquerque  
POB 1293  
Albuquerque, NM 87103

We are writing this letter in support of closing off the easement between Matthew Meadow and Candelaria. We have been residents of Matthew Meadow for over two years and live three doors from the easement. In the time we have lived here we have seen many problems associated with people coming through the easement, including groups of kids loitering near our house using drugs, large crowds of kids congregating for fights (including the recent fight that ended up with a 14-year-old getting shot a few driveways from our house), many break-ins (some armed and mostly occurring during the daytime), and vandalism of neighborhood property. Nearby neighbors have also told us that their children have been approached by kids wanting to sell them "crack."

The police officer who attended our neighborhood meeting referred to the easement as a "magnet" for attracting criminal activity because he said the police are not able to chase people escaping through the easement (either coming into or leaving Matthew Meadow). The school psychologist from Valley High School who attended the meeting concurred that the easement is a "magnet for trouble."

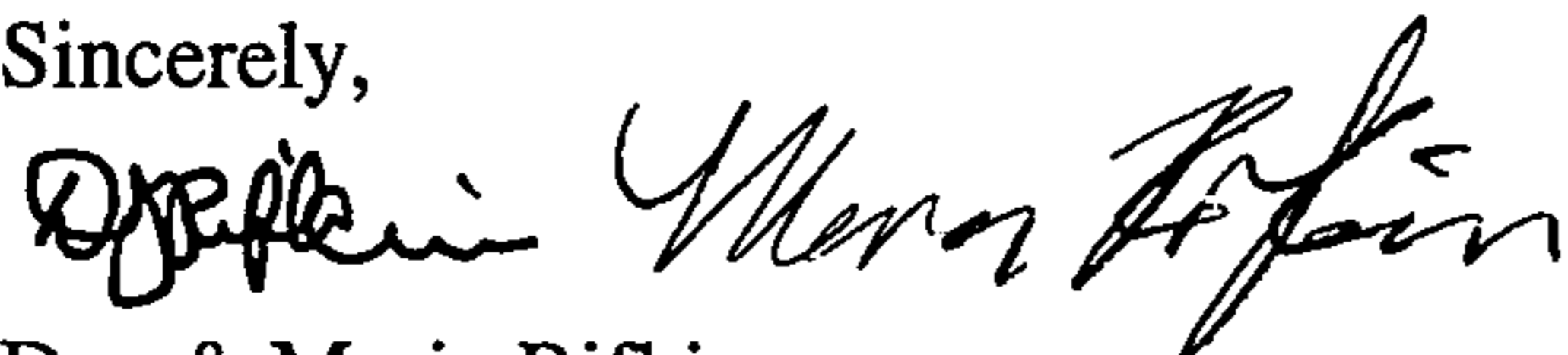
Recently, on 10-29-02, two high school-aged boys carrying a knife tried to break into our house (while one of us was home watching and calling for help). The officer who came out said that there was very little she could do to try to catch these would-be robbers because they could escape through the easement and she could not follow.

On 8-28-02 a large group of kids left the Valley High School campus and came through the easement into our neighborhood for a fight. They had at least one gun among them and a boy was shot through the face in our neighbor's front yard. He is phenomenally lucky to be alive today. While having a neighborhood that is open for people to pass through is something we would value in a safer world, we do not want the lives of our young children, or anyone in our neighborhood, to be put at risk by gang fights and guns. The shooting occurred in the middle of the day when residents of Matthew Meadow are often out walking babies and young children in strollers, walking dogs, and working on their yards. If the easement had not been there, it is very unlikely that these kids would have traveled over a mile to enter the front entrance of Matthew Meadow.

Finally, there is a problem with a lot of speeding traffic coming through our neighborhood early in the morning to drop kids off at the easement to walk through it to go to school. Overall, the easement has attracted more traffic throughout the week, resulting in nuisance vandalism.

We would like not to have to feel so threatened in our own home and neighborhood. We want our toddler children to be safe on our own property! We want to be able to take them into the front yard or walk down the block without fearing who will be out there and what might happen. We are strongly in favor of closing the easement.

Sincerely,



Dan & Maria Rifkin  
1411 Camino Amparo NW  
ALBQ, NM 87107

11-15-2002

Development Review Board Chair  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

Dear DRB Chair and Members:

I am a resident of Matthew Meadows subdivision in the North Valley. My street address is: 1517 Camino Amparo N.W. I have lived in the neighborhood for approximately 15 years. I fully support the requested action to vacate the public pedestrian/bicycle access easement within Avenida Entrada NW.

While the intent of the easement was probably well-intentioned, it has become an unfortunate magnet for trouble in our neighborhood. There are many instances of vandalism and burglary near the access gate leading into our neighborhood. We have an ongoing problem with missing mail. Our mailboxes have been constantly smashed and our windows have been broken, I have chased vandals on foot, only to have them escape through this access. There are many good kids that use the access, but there are also local gang members that use this gate. Most school-days, the students will walk by on their way to school, at about 9:00, the truants or non-students migrate back-through our neighborhood. These kids often engage in acts of vandalism, but I don't dare confront them, as I or my family may become their target. A gang-related fight this past summer escalated into a shooting of a 14 year old at this very spot, within our neighborhood. I feel that it is only a matter of time before someone is seriously injured or killed as a result of this nuisance. I have personally had three shots fired at me when I confronted some "kids" stealing my children's go-cart, and yes, they got away with the go-cart, which was never seen again. There are also parents who drive in from other neighborhoods at approximately 40 to 45 MPH through our neighborhood to drop their children off to the "short-cut to Valley High", which creates a very dangerous situation for pedestrians, especially children.

We agree with the immediately adjacent landowners, and with the vast majority of our own neighbors, that this access must be vacated. There are other pedestrian and bicycle ways throughout the area that provide access without being the "attractive nuisance" that this access point has become. I urge you to support the request for vacation of this easement. Thank you.

Sincerely,

  
Steve R. Spensley



November 15, 2002

Development Review Board  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

Dear Board Members:

RE: Gate Closing - Avenida Estrada  
Matthew Meadows

We have been residents of Matthew Meadows for almost nine years. Within two weeks of moving in from Santa Fe, a small group of students were gathered next to our fence, mid-morning, and set our fence afire. The fire department was called and it was extinguished. Fortunately, none of our building structures were close to that fence so it was an annoyance and wake-up call to the type of activities that we could expect to occur in our new neighborhood.

Over the years we have had to pick up the trash, including condoms and hyperdermic needles, endure the loitering of students, watch the drug transactions during the noon hours as the students gather next to our fence, observe the obvious truancy, and before we limited the parking, picked up more trash, and have yet another fire which I (JMS) was able to detect early enough to be able to extinguish by myself. We would often question these students, in an attempt to let them know that we were aware of them and they always claimed to have no classes between 9:30 and 1:30. Last year we had the same group of five perched next to our driveway for several months during that time period. Some of these students have asked to use the bathroom, others have come to the door and asked to buy sodas. In one instance, two were at our door looking for a neighborhood boy, trying to locate his home. A home that was later trashed and burgled. The same day another home was burgled. And on Friday there was a group of 13 moving to and fro between the gate and the park.

The door bell ringing by these kids is obviously an attempt to see if anyone is at home. We have a large lot and as my husband's studio is in our home, we are usually in the house. We try to keep daily activity noticeable which gives us some degree of protection. But we cannot be constant guardians, nor should we, at our age, be expected to be.

On August 28, 2002, I was 90 seconds from being on the street at the time of the shooting. There could have been stray bullets coming my way. I was out back, doing yardwork, heard all the noise and shouting coming from a far larger group than the regulars who pass thru after school. Based on past experience, I knew it had to be a large group from the area of Valley High School headed to the park for a fight. I heard the screeching brakes, the loud pop, and I was on the street yelling at these kids to get out of the

neighborhood, go home, etc. After I heard the kids say, "they shot him in the face" and as VHS officers were already on the scene, I continued my denouncement, telling them they must be so proud to be such adults, what a fine group of friends you have, etc. Perhaps it was not the wisest thing I've ever done considering there were guns about, but I would do it again. I am not going to cower behind the curtains, be held hostage in my own home and ignore the safety concerns for all my neighbors. We all have a right to live in a peaceful neighborhood, whether it be Trumbull or High Desert or here.

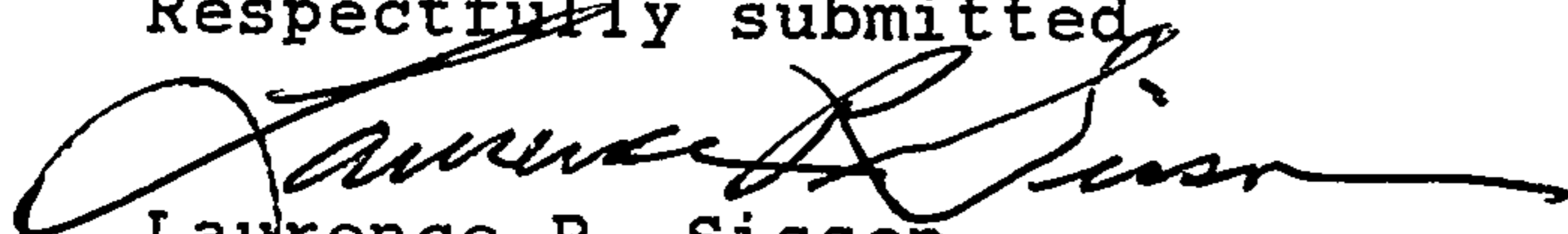
If the entrance had been closed or restricted on August 28, this shooting may not have happened. The easy access is an open calling to our area and has long been a corridor and an easy target for those who choose not be responsible. The police know that in this part of town there are two areas where the gangs will gather for their fights. By slowing down the access and escape routes to Matthew Meadows Park, hopefully eliminating this one as their fight venue, the police would be able to use their forces more effeciently to respond, observe, and detain. We owe it to them to be as helpful as we can be. Better truancy laws would help them too.

Neighborhood watches and security systems have their limits. Not everyone can work at home, most are away at work during the day. Even with an alarm system, if no neighbors are at home to be alerted, a snatch-and-run burglar can be quick to burgle before the police can respond. And property crimes can sadly escalate into a far more serious situation if one of our at-home moms or elderly would surprise a would-be burglar.

There are those who will bemoan the lack of convenience. After 9/11 we all have to be inconvenienced. Small steps can prevent a far greater danger. The oft used phrase 'it takes a village' has been corrupted and falsified by a politically correct culture. The proper translation of this fine African story is that a child must be raised to be a contributing member and responsible to his/her village. We recognize that we cannot solve the problems of humanity. As long as people choose not to be responsible parents, who fail to teach their children respect for other people and their property, then the rest of us must create and enforce the laws necessary for a sustainable village. And may we all be guided by the axiom of the greatest good for the greatest number for the greatest length of time.

It is with that belief that we firmly believe that the restriction of the access is necessary for the good of our village.

Respectfully submitted,



Laurence P. Sisson  
1408 Camino Amparo NW  
Albuquerque, NM 87107



Judy M. Sisson



January 11, 2003

DRB Chair  
Development Review Board  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

Dear DRB Chair:

I am writing in support of the Matthew Meadows Neighborhood Association request to vacate the pedestrian and bicycle access easement at Avenida Estrada NW. I live at 1323 Camino Amparo NW.

While the idea of having more pedestrian access is a good one in simple terms, it is sometimes difficult to apply in certain locations. This is one of the difficult locations. This gate has, unfortunately, become an attractive portal for gang members, truants, vandals, and burglars to slip through. We have witnessed many instances of teens lurking in nearby bushes, scaling fences, and hiding behind the gate. Our neighbors on Camino Amparo have experienced crime and vandalism as a result of this gate. Our neighbor had to call the police after we went to work one morning this fall since some teenagers were hiding in the bushes adjacent to my daughter's bedroom window. Both the APD and APS representatives that spoke at our Neighborhood Association meeting in September noted that the gate was a magnet for trouble, and an easy way for kids to move their fights from APS property through our property on their way to Matthew Meadow Park.

We recognize that most of the people who use this gate are local residents on walks (we use the gate regularly ourselves) or the many good kids that go to Valley High School. Unfortunately, the few bad kids from that school, and the local vandals and gang members that are looking for a shortcut to the Park, also use that gate. We believe it is strongly advantageous to the majority of our neighbors to close the gate, even if that means we are creating longer walks for some people. In other words, the safety and security issues of our whole neighborhood are more important than the convenience the gate offers to a few. Since the August, 2002 shooting, when more than 20 kids ran through the gate following a fight that started at Valley High School, and one of the 14 year old bystanders got shot on our street, we cannot support leaving the gate open.

Please respect the wishes of all the adjacent property owners, and the vast majority of our neighborhood, and allow the easement to be vacated. There are many other walkways available along ditches and local streets that we can use to get around, without providing this magnet for trouble on our block.

Jonathan Myers



***Miguel and Kathy Diaz  
1415 Camino Amparo NW  
Albuquerque, NM 87107***

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November 16, 2002

Development Review Board Chair  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

Dear DRB Chair and Members,

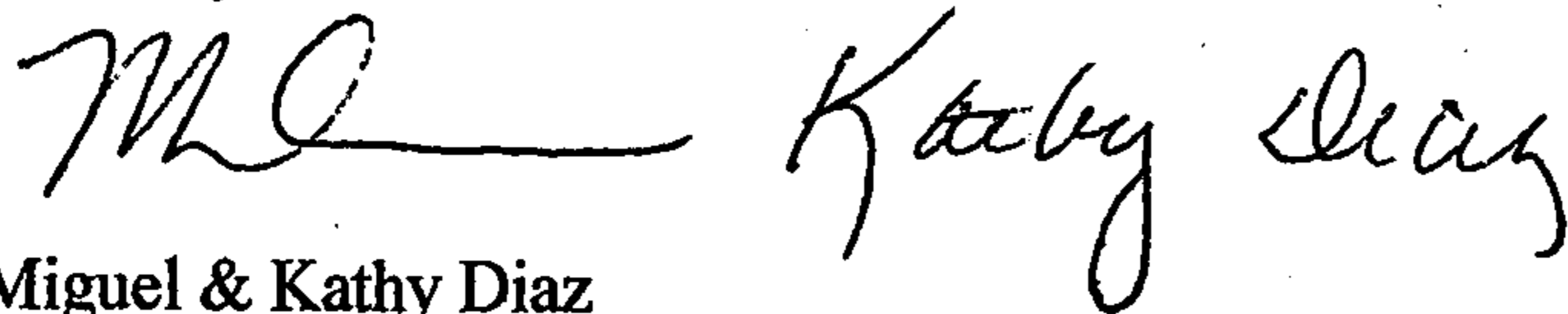
We are writing this letter in strong support of vacating the public pedestrian/bicycle easement within Avenida Entrada NW. We have lived at this address in the Matthew Meadows subdivision in the North Valley for over 19 years. Our home is one house east of the problem easement and abuts the northern boundary of Matthew Meadows.

For most of those 19 years, our residence has been a lovely, quiet, and safe place to live. However, for the past 7 years or so, we have experienced escalating incidents of property destruction and theft and of violence. The incidents have increased in frequency and severity. This has been especially true for the past three years. We have dealt with repeated vandalism of our home, theft of property from our vehicles, criminal drug activity in front of our house and in the easement area, gang-related fights, and most recently – the shooting of a 14 year old at the foot of our driveway.

The public pedestrian/bicycle easement was originally used by kids and adults for the intended purpose of easy access to Candelaria, particularly to Valley High School. But now, with the dead-end it provides against vehicle traffic with accessibility to homes which are often vacant during the day, the easement has become a favorite gathering place for gang activity and an escape route from the police. All of our immediate neighbors have had frightening experiences in their own homes and yards.

This easement at Avenida Entrada has simply become a public nuisance that threatens the safety of our neighborhood. It must be closed and permanently blocked so it will no longer be attractive to criminals looking for a place to conduct activity unobserved with an easy escape route. We strongly support the vast majority of our subdivision neighbors and the unanimous request of our immediate neighbors for the city to vacate this pedestrian/bicycle easement and close this access.

Sincerely,



Miguel & Kathy Diaz



1407 Camino Amparo  
Albuquerque, NM 87107

November 12, 2002

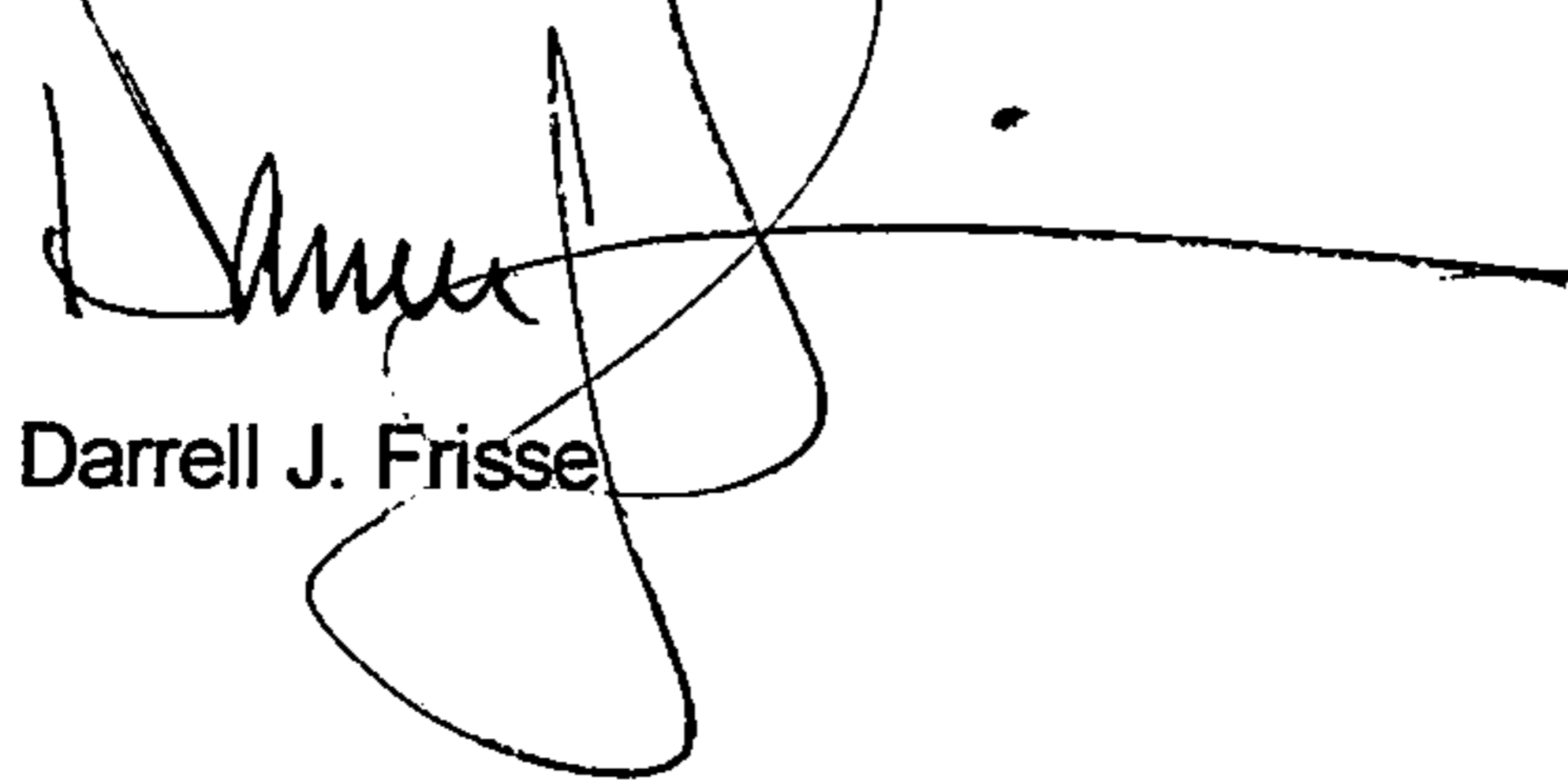
Development Review Board  
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

Dear Development Review Board:

**Subject: Matthew Meadows Gate Closure**

I relocated my family from Texas to Albuquerque and specifically Matthew Meadows, almost one year ago. My wife, who is home during the day, has witnessed the steady foot traffic from Valley High School to our neighborhood that occurs during school hours. The students are acceptable, but the loitering, littering, and vandalism that accompanies some of them is not. Left unchecked this has finally culminated with our neighborhood's recent shooting incident. We live only a house away from where the altercation took place so it should come as no surprise that this has caused us great concern. The nuisance factor has escalated to an issue of safety for our families. As a homeowner and taxpayer I not only support, but demand that in the interest of public safety the city vacate their pedestrian and bicycle easement on Avenida Estrada so this entrance can be closed.

Respectfully,



Darrell J. Frisse

November 12, 2002

Development Review Board Chair  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

Dear DRB Chair and Members:

I am a resident of Matthew Meadows subdivision in the North Valley. My street address is: 1500 Camino Ecuestre NW. I have lived in the neighborhood 16 years. I fully support the requested action to vacate the public pedestrian/bicycle access easement within Avenida Entrada NW.

While the intent of the easement was probably well-intentioned, it has become an unfortunate magnet for trouble in our neighborhood. There are many instances of vandalism and burglary near the access gate leading into our neighborhood. There are many good kids that use the access, but there are also local gang members that use this gate. A gang-related fight this past summer escalated into a shooting of a 14 year old at this very spot, within our neighborhood.

We agree with the immediately adjacent landowners, and with the vast majority of our own neighbors, that this access must be vacated. There are other pedestrian and bicycle ways throughout the area that provide access without being the "attractive nuisance" that this access point has become. I urge you to support the request for vacation of this easement.

Thank you

  
Robert J. Garcia

  
Bernadette C. Garcia



November 15, 2002

Development Review Board  
City of Albuquerque  
POB 1293  
Albuquerque, NM 87103

We are writing this letter in support of closing off the easement between Matthew Meadow and Candelaria. We have been residents of Matthew Meadow for over two years and live three doors from the easement. In the time we have lived here we have seen many problems associated with people coming through the easement, including groups of kids loitering near our house using drugs, large crowds of kids congregating for fights (including the recent fight that ended up with a 14-year-old getting shot a few driveways from our house), many break-ins (some armed and mostly occurring during the daytime), and vandalism of neighborhood property. Nearby neighbors have also told us that their children have been approached by kids wanting to sell them "crack."

The police officer who attended our neighborhood meeting referred to the easement as a "magnet" for attracting criminal activity because he said the police are not able to chase people escaping through the easement (either coming into or leaving Matthew Meadow). The school psychologist from Valley High School who attended the meeting concurred that the easement is a "magnet for trouble."

Recently, on 10-29-02, two high school-aged boys carrying a knife tried to break into our house (while one of us was home watching and calling for help). The officer who came out said that there was very little she could do to try to catch these would-be robbers because they could escape through the easement and she could not follow.

On 8-28-02 a large group of kids left the Valley High School campus and came through the easement into our neighborhood for a fight. They had at least one gun among them and a boy was shot through the face in our neighbor's front yard. He is phenomenally lucky to be alive today. While having a neighborhood that is open for people to pass through is something we would value in a safer world, we do not want the lives of our young children, or anyone in our neighborhood, to be put at risk by gang fights and guns. The shooting occurred in the middle of the day when residents of Matthew Meadow are often out walking babies and young children in strollers, walking dogs, and working on their yards. If the easement had not been there, it is very unlikely that these kids would have traveled over a mile to enter the front entrance of Matthew Meadow.

Finally, there is a problem with a lot of speeding traffic coming through our neighborhood early in the morning to drop kids off at the easement to walk through it to go to school. Overall, the easement has attracted more traffic throughout the week, resulting in nuisance vandalism.

We would like not to have to feel so threatened in our own home and neighborhood. We want our toddler children to be safe on our own property! We want to be able to take them into the front yard or walk down the block without fearing who will be out there and what might happen. We are strongly in favor of closing the easement.

Sincerely,

Dan & Maria Rifkin  
1411 Camino Amparo NW  
ALBQ, NM 87107

Regarding the proposed closing of the Avenida Entrada easement. We live two doors down from that easement and have safety and security concerns about that access point.

We support the closing of the easement.

Handwritten signatures of Thomas and Theresa Gorman in cursive script.

Thomas and Theresa Gorman  
1505 Camino Amparo NW  
Albuquerque, NM



November 14, 2002

Development Review Board  
City of Albuquerque  
PO Box 1293  
Albuquerque, New Mexico 87103

Dear Review Board,

I have been a homeowner in the Matthew Meadows subdivision for approximately 8 years. I am very much in support of eliminating the pedestrian and bicycle easement on Avenida Estradsa between the subdivision and Candelaria. I live at 1501 Camino Amparo, which is the property adjacent to the west of the current easement.

During the school year, there are often high school students which seem to hang out in my side yard, as evidenced by the number of empty soda cans, cigarette butts, candy bar wrappers left in my yard. I have also had two incidences of my vehicles being broken into during the day.

I am usually at work during the week, but have noticed when I am home there are often small groups of students just hanging out on the south side of the fence out of view of Candelaria. There have also been fights between students just inside the subdivision.

A few years ago, the parking outside the homes near the gate had to be restricted during the school day. This did curtail some of the loitering and littering by students, but not all. Closing the easement would hopefully make it less assessible for students to ditch school, and instigate fights. The gang related shooting which occurred on Camino Amparo the first of this school year, might not have happened if it had not been so easy for the students at Valley High School to leave campus.



Linda Reineke  
1501 Camino Amparo NW  
Albuquerque, New Mexico 87107  
344-6398

James and Carol Johansen  
1500 Camino Amparo N.W.  
Albuquerque, N.M. 87107

Development Review Board Chair  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, N.M. 87103

Dear DRB Chair and Members:

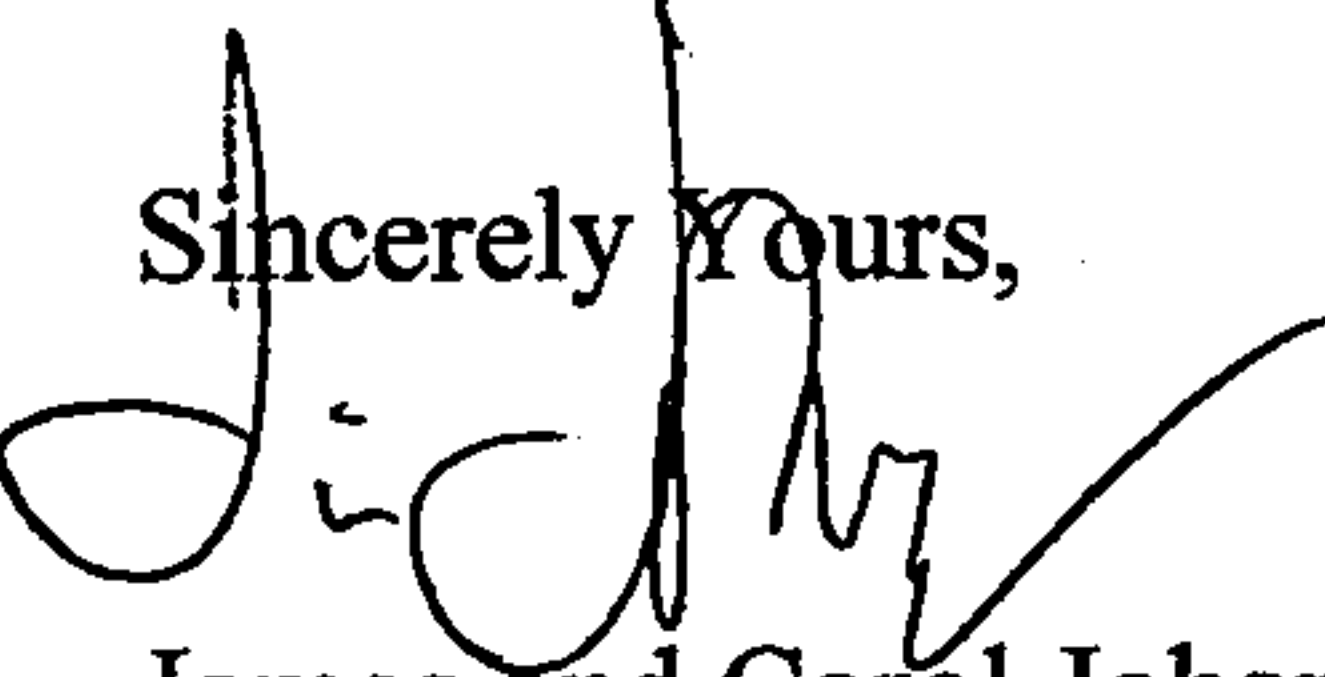
We write this letter to express our strong and unqualified support of vacating the pedestrian/bicycle easement on Avenida Entrada, NW just south of Candelaria.

We have lived just south of this easement for the past 14 years. The easement is located a short distance to the south of Valley High School. Unfortunately, this easement and our neighborhood just to the south have become a magnet for certain problem students to avoid classes, conduct drug deals, initiate gang related fights, conduct burglaries and engage in vandalism. The neighbors in the immediate vicinity of the easement have been the constant target of these types of crimes. Unfortunately, most of the residents in this area work during the day. Thus, our homes are virtually defenseless during the very period of time the problems students are most likely to be in our neighborhood.

We certainly do not wish to condemn either Valley High School or most of the students of that school. However, the officials of that school have acknowledged to us that there are numerous gangs at Valley with the attendant gang related violence. These officials have also acknowledged that they are unable to prevent truant students from using the easement and entering our neighborhood to commit criminal acts.

The shooting incident that occurred last fall was the final straw that has motivated us to seek the vacation of this easement. The cold harsh realization that a stray bullet could have easily killed one of our neighbors, friends, or even a member of our family has driven us to the conclusion that the safety concerns far outweigh the convenience experienced by the use of the easement.

Thank you for your consideration of this request.

Sincerely Yours,  
  
James and Carol Johansen



November 16, 2002

To: Development Review Board  
Resident: Keith and Vera Benavides  
Address: 1419 Camino Amparo NW  
Regarding: Gate Closure

We have been at this address for seven years. We border the pedestrian access into the neighborhood, as it stands directly west and adjacent to our property. Our side yard and driveway face this gate. Within two months after moving in we experienced being "tagged" on our garage doors with gang signs, which were also found on the fence.

Immediately after moving to this residence we became aware of a problem with graffiti and physical damage to the fence that has continued to this day. The damage is usually limited to a few wooden slats being kicked out and the graffiti is your usual gang signs or names. However the damage and graffiti are aggravatingly consistent and routinely follows the school year.

I have repeatedly witnessed damage being done to the fence by people with callous and irresponsible attitudes. The few times I have approached them during these episodes have been rather intimidating. I have long since stopped doing this and reporting these incidents quickly has failed due to a slow response.

It seems that just inside the fence the student's believe they are out of sight and safe to carry on party's after school or gather and drink. Each year my children and I have witnessed quarrels and fights, which appear suddenly, escalate quickly and just as quickly are finished. By the time we can get to a phone and call, the fights and onlookers move on.

Within the last two years we have had to install rod-iron doors due to people in our back yard and people trying to get into our house. During one of these times my son was awakened to find a group of boys looking for open windows and jumping our fence to get to the back door. I've little doubt that the availability and ease with which this gate offers presently invites such attempts all the more.

We strongly feel this access should be closed. Keeping it open is a no win situation. The final straw of course was this year's shooting incident. Should this gate not be closed, this type of irresponsible behavior will undoubtedly continue. We feel it is long overdue and it is time to act responsibly, by closing this gate and thus avoiding even worse situations.

Sincerely,

*Keith + Vera Benavides*

Keith and Vera Benavides

## Petition in FAVOR of Closing Access

### Petition in FAVOR of Closing the Public Pedestrian and Bicycle Access Easement Located at the North End of Matthew Meadows at Avenida Entrada NW.

We, the undersigned, are in FAVOR of closing the public pedestrian and bicycle access easement located at the north end of Matthew Meadows at Avenida Entrada NW. We SUPPORT the Matthew Meadows Neighborhood Association in its request to vacate the easement that allows pedestrian and bicycle access through the end of Avenida Entrada NW.

Name	Address
James H Johansen	1500 Camino Amparo NW
Kathy Diaz	1415 Camino Amparo NW
MIGUELA A. DIAZ	1415 CAMINO AMPARO NW
Sue Umshler	1504 Camino Amparo NW
Jonathan Myers	1323 Camino Amparo NW
KAREN MARCOTTE	" " " "
WUDY M SISSON	1408 c. " "
LAURENCE P. SISSON	" " " "
FRED + SANDRA PUGH	1400 " " " " Jomb.
Nancy & Darrell Frisse	1407 Camino Amparo
Mark & Aimee Lobitz	3512 Avenida Curvatura
Larry W McClintock	1328 Camino Amparo NW
Wendy York	1604 Camino Rosario NW
Vera Benavides	1419 Camino Amparo NW
Keith Benavides	1419 Camino Amparo NW









## Petition in FAVOR of Closing Access

### Petition in FAVOR of Closing the Public Pedestrian and Bicycle Access Easement Located at the North End of Matthew Meadows at Avenida Entrada NW.

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Name	Address	
James Colver	3421 Ave. Charada NW	
Patricia Conn	3420 Avenida Charada NW	Patrishe @ yahoo.com
Bruce Parzyck	3400 Ave Charada NW	parzyck @ earthlink.net
Bernad Clifford	1816 Camino Raso NW	nmcclifford @ comcast.net
Ronald F. Ross	1812 Camino Raso N.W.	
Clifford R. Miller	1804 Calle Petal NW	
William G. Moore	1800 Camino Raso NW	
Patrick Ward	1800 Camino Raso N.W.	
Mike Norviel	1801 " " NW	
Elsad Hella	3405 AVENIDA CURVATURA	
Joan Hella	3405 AVENIDA CURVATURA	*
Vygi Hall	3509 Avenida Curvatura	
David Bomkerse	3517 Avenida Charada NW	
Machiko Bomkerse		
JoAnn Bullington	3525 Avenida Charada NW	
Cheryl Summers	3505 Ave Charada NW	
Gus Fennell	3439 Ave Colorado NW	
Ronald W. [Signature]	1808 LLANO ET NW	

# Petition in FAVOR of Closing Access

Petition in FAVOR of Closing the Public Pedestrian and Bicycle Access Easement Located at the North End of Matthew Meadows at Avenida Entrada NW.

We, the undersigned, are in FAVOR of closing the public pedestrian and bicycle access easement located at the north end of Matthew Meadows at Avenida Entrada NW. We SUPPORT the Matthew Meadows Neighborhood Association in its request to vacate the easement that allows pedestrian and bicycle access through the end of Avenida Entrada NW.

Name	Address
STEVE SPENSLEY	1517 CAMINO AMPARO NW.
VIRGINIA SANDO	3520 Avenida Charada NW
SHAWN HINDS	3428 AVENIDA CHARADA NW. CAROL EIFFERT@HOTMAIL.COM
DANA EIFFERT	2409 AVENIDA CHARADA N.W.
Kate Sauthard	3405 AVE Charada NW katesauthard@aol.com
Carla S. Lovato	1813 Camino Raso NW
Martha Kayne	3300 Ave. Curvatura NW mkayne@salud.jnm.edu
Ethel Garcia	3304 Avenida Curvatura NW garcia-ethel-j@illy.com
JACK WINGER	3515 MATEO PRADO ALBUQ N.M.
Louisa B. Sando	3505 Mateo Prado, NW
Sammie L Oaks	3530 Avenida Charada NW
Barry Gorn	3508 Avenida Charada
Scott Jordan	3500 Avenida Charada NW
Cheryl Rapa	3308 Avenida Curvatura NW
Janice Hinds	3428 Avenida Charada NW.
Debbie Kolkmeier	3500 Avenida Curvatura, NW.



Randall Glover

1809 Llano Ct NW

Mary Anne Wymnyckyj

1808 Llano Ct. NW

Jerry Schneider

3414 Avenida Curvatura

Brian W. Aon

1721 Camino Gallo NW

Carol R. Chapin

3404 Avenida Curvatura NW

Carol R. Chapin

3404 Ave. Curvatura NW

Randall Glover

1809 Llano Ct NW

Mary Anne Wymnyckyj

1808 Llano Ct. NW

Jean Schneider

3414 Avenida Curvatura

Brian W. Foster

1721 Camino Gallo NW

Carol R. Chapin

3404 Avenida Curvatura NW

Carol R. Chapin

3404 Ave. Curvatura NW





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

\*\*\*DUPLICATE\*\*\*  
 City of Albuquerque  
 Treasury Division  
 06/27/2003 11:01AM LOC: ANN  
 RECEIPT# 00008824 WSH 006 TRANSH 0017  
 Account 441006 Fund 0110 TRSKIDM  
 Activity 4983000  
 Trans Amt \$120.00  
 J24 Misc \$45.00

**PAID RECEIPT**

**APPLICANT NAME** MATTHEW MEADOWS N/A  
**AGENT** KAREN MARCOTTE  
**ADDRESS** 924 PARK AV. SW. Ste. C ALBUQ. 87102  
**PROJECT NO.** 1002777  
**APPLICATION NO.** 03 DRB - 01056

\$ 45<sup>00</sup> 441006 / 4983000 (DRB Cases)  
 \$ \_\_\_\_\_ 441006 / 4971000 (EPC & AA / LUCC / Appeals)  
 \$ 75<sup>00</sup> 441018 / 4971000 (Notification)  
 \$ 120<sup>00</sup> **Total amount due**

KAREN R. MARCOTTE 07-97  
 1323 CAMINO AMPARO NW 341-9409  
 ALBUQUERQUE, NM 87107

95-219-585  
 1070  
 1060956292

1947

DATE Jun 27, 2003

DELUXE WALLET OR DUPLICATE STERLING CERTIFY

City of Albuquerque \$120.00  
 PAY TO THE ORDER OF  
One hundred twenty and no/100 DOLLARS

**WELLS FARGO**  
 Wells Fargo Bank New Mexico, N.A.  
 200 Lomas NW  
 Albuquerque, NM 87102  
 www.wellsfargo.com

MEMO \_\_\_\_\_

Karen Marcotte NP

⑆ 10700 2192⑆ 1060956292⑆ 1947

City of Albuquerque  
 Treasury Division

06/27/2003 11:01AM LOC: ANN  
 X  
 RECEIPT# 00008825 WSH 006 TRANSH 0017  
 Account 441018 Fund 0110  
 Activity 4971000 TRSKIDM  
 Trans Amt \$120.00  
 J24 Misc \$75.00  
 CK 10/28/02 \$120.00  
 CHANGE \$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

City of Albuquerque  
Treasury Division

06/27/2003 11:01AM LOC: ANN  
RECEIPT# 00008824 WSH 006 TRANSH 0017  
Account 441006 Fund 0110  
Activity 4983000 TRSKDM  
Trans Amt \$120.00  
J24 Misc \$45.00

### PAID RECEIPT

APPLICANT NAME

MATTHEW MEADOWS N/A

AGENT

KAREN MARCOTTE

ADDRESS

924 PARK AV. SW. STE. C ALBUQ. 87107

PROJECT NO.

1002777

APPLICATION NO.

03 DRB - 01056

\$ 45<sup>00</sup> 441006 / 4983000 (DRB Cases)

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

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

\$ 120<sup>00</sup> Total amount due

KAREN R. MARCOTTE 07-97  
1323 CAMINO AMPARO NW 341-9409  
ALBUQUERQUE, NM 87107

95-219 585  
1070  
1060956292

1947

DATE June 27, 2003

DELUXE WALLET OR DUPLICATE STERLING CERTIFY

City of Albuquerque  
PAY TO THE ORDER OF  
One hundred twenty and 00/100 \$ 120.00  
DOLLARS



Wells Fargo Bank New Mexico, N.A.  
200 Lomas NW  
Albuquerque, NM 87102  
www.wellsfargo.com

MEMO

Karen Marcotte MP

⑆ 107002192⑆ 1060956292⑆ 1947

\*\*\*DUPLICATE\*\*\*

Treasury Division

06/27/2003 11:01AM LOC: ANN  
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RECEIPT# 00008825 WSH 006 TRANSH 0017  
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Trans Amt : \$120.00  
J24 Misc : 10/28/02 \$75.00  
CK : \$120.00  
CHANGE : \$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 JULY 8<sup>TH</sup> 03 To JULY 23<sup>RD</sup> 03

#### 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.

*Jarvis Mancette* (Applicant or Agent) 6/27/03 (Date)

I issued 2 signs for this application, 6/27/03 (Date), *B. J. B. B.* (Staff Member)

DRB PROJECT NUMBER: 1002777  
03DRB-01056



portion of a plat, the Development Review Board may require that streets dedicated to a governmental entity in the original plat continue to be dedicated.

(D) The rights of any public or private utility, including drainage, existing prior to the replat, total or partial, of any plat are not affected by the replat unless an authorized representative of the utility involved agrees by signing the plat to have the rights modified or terminated.

(E) Amendment or vacation of all or a portion of a subdivision outside the municipal limits of the city, but within its platting and planning jurisdiction, requires approval of both the city and county.

(F) If a resubdivision or amendment of a previous plat would vacate public rights of way, the standards and process of division (B) of this section shall be followed as to the vacations of right of way.  
(74 Code, § 7-16-8A) (Ord. 11-1994)

**§ 14-14-7-2 VACATION OF PUBLIC RIGHTS OF WAY,  
PRIVATE WAYS AND EASEMENTS.**

(A) Rights of way, including public rights of way, private ways, and easements shown on recorded plats, may be vacated, that is, terminated, by recording a new subdivision plat or by plat amendment, as described in § 14-14-7-1 of this part. In addition, where nothing except vacation of public rights of way, private ways, and easements is proposed, it may be initiated by a request to vacate filed by either:

(1) The owners of a majority of the front footage of land abutting the proposed vacation; or

(2) The Planning Director, if he or she finds vacation likely to be in the public interest. A request to vacate shall be processed under the procedures of division (E) of this section in addition to the procedures relating to minor subdivision applications under Part 3 of this article.

(B) The vacation of public rights of way, private ways, or easements, whether by new plat, plat amendment, or request to vacate, shall be approved only when it is determined that:

(1) The public welfare is in no way served by retaining the way or easement; or

(2) There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation; and in addition to divisions (1) or (2) of this division (B):

(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

(C) In approving the vacation the Development Review Board may require that some or all of the public rights of way or easements be retained by the appropriate governmental entity as shown on the original plat.

(D) The Development Review Board may require that curb and gutter be placed, at the expense of the applicant, so as to effectively halt the vacated area's being used as public way. It may also be necessary to remodel or otherwise reconstruct existing public improvements in order to solve problems created by the vacation, and the Development Review Board may so require. Costs involved shall be borne by the applicant.

(E) *Procedure.*

(1) In all cases where public right of way, private ways, or easements are sought to be vacated, whether by new subdivision, plat amendment, or request to vacate, the following procedures shall be followed in addition to the procedures specified in Part 3 of this article; however, the following procedure may be eliminated for the requested vacation of private easements if the Planning Director is satisfied that all the benefitted and burdened parties are clearly and completely defined and all agree to the vacation.

(2) Notice and Request for Comment.

(a) The Planning Director shall mail letters to franchised utilities and to the owner of record of all lots adjacent to the right of way, private way, and/or easement to be vacated, informing them of the nature of the proposed vacation, and notifying them of the date, time, and place of the public hearing by the Development Review Board on the proposed vacation. For notifying property owners, the name and address of the owners shown in the records of the County Assessor shall be used.

(b) Prior to the hearing, the Planning Director shall request interested city departments and



7/30/03

1. <sup>Cats</sup> Garcia favor - owners of 1-4  
Warehouse on lot 2  
had substantial property right

2. Crime

2. Minor detriment - cutting thru  
property

~~Johnson~~ -

shooting

substantial property rights

not simple property right

(per. access) nervous safety

had case -

Pattich -

> women raped in ditches in Valley

> boy drowned in culvert in Valley

> ditches not safe

admits only ~~access~~ no net benefit to M.M.N.A.

has it > substantial property

Los Pinos

N.A.

• Coex. City of Albuquerque

• access to properties

valuable property right

Spencer

shortcut only since

Sgt Salazar

excavating  
opened up  
to police cars

entry problem

gang shooting

numerous students walk 12th to  
Candelaria



V. Sando

• parents pick up kids at Camino Compose  
Umkehr

Government wanted, crime  
problems decrease.

Wm. Darling -

not substantial property  
right.

Darryl Mallory

Opposes closing for sake of kids

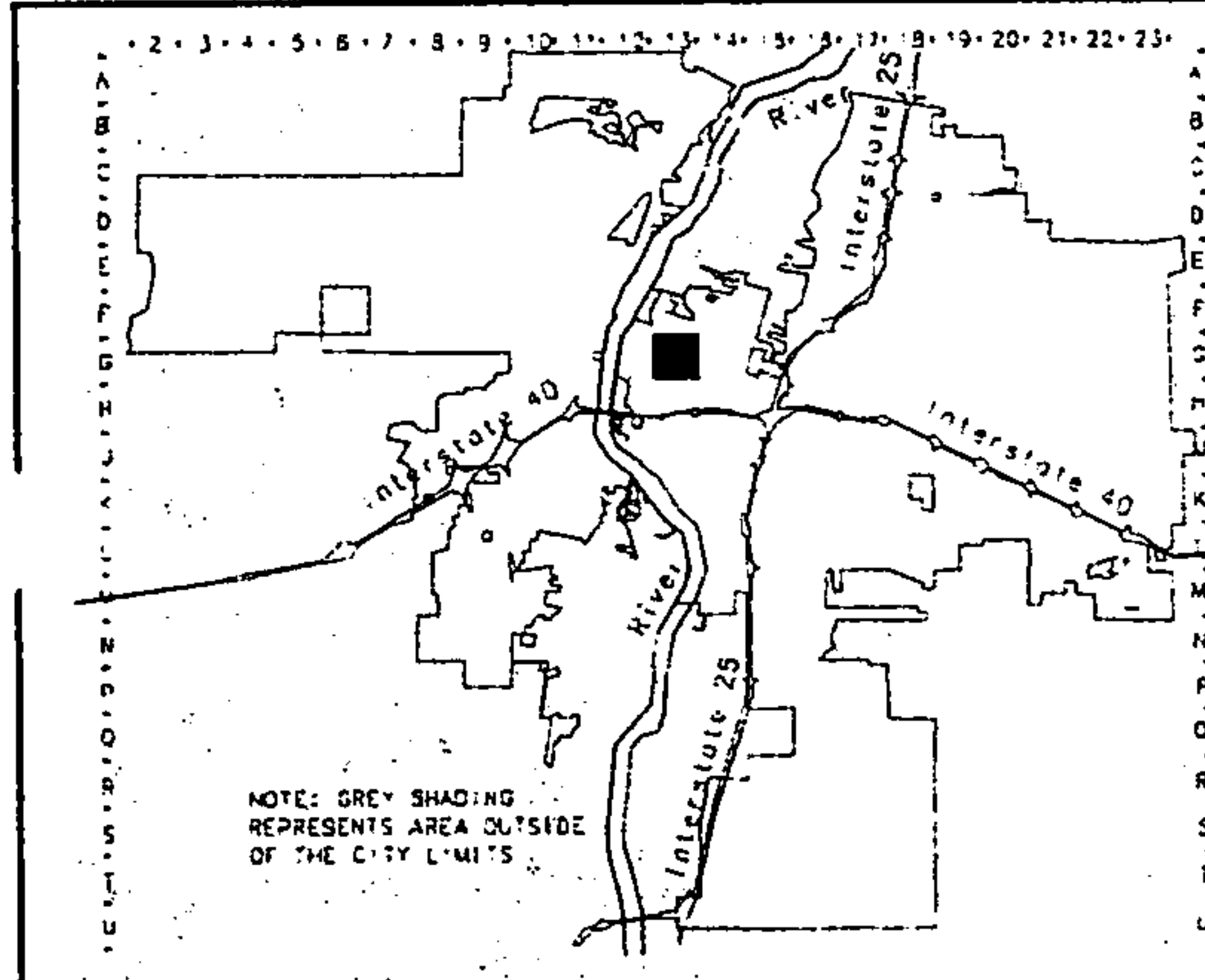
~~is~~

1 girl who will go to V.H.S.

Mary Spensley

closest neighborhood to V.H.S.  
temp conveniences for kids.





CITY OF  
Albuquerque

Albuquerque Geographic Information System  
PLANNING DEPARTMENT

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Zone Atlas Page

**G-13-Z**

Map Amended through January 21, 2003



V-79-37  
September 21, 1979

ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD RESOLUTION

VACATING AVENIDA ENTRADA N.W. FROM THE NORTH LOT LINE OF LOT 40, BLOCK 1, MATTHEW MEADOW, TO THE SOUTH RIGHT-OF-WAY LINE OF CANDELARIA ROAD.

WHEREAS, there has heretofore been dedicated and conveyed to the City of Albuquerque, New Mexico a certain easement for street purposes, more particularly described below; and

WHEREAS, a portion of said right-of-way is not needed for public use except for easements reserved in Section 2 hereof;

NOW, THEREFORE, BE IT ENACTED BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD OF THE CITY OF ALBUQUERQUE UNDER ARTICLE XI, CHAPTER 7 OF THE REVISED ORDINANCES OF ALBUQUERQUE, NEW MEXICO, 1974, BEING ORDINANCE NO. 97-1973, AS AMENDED.

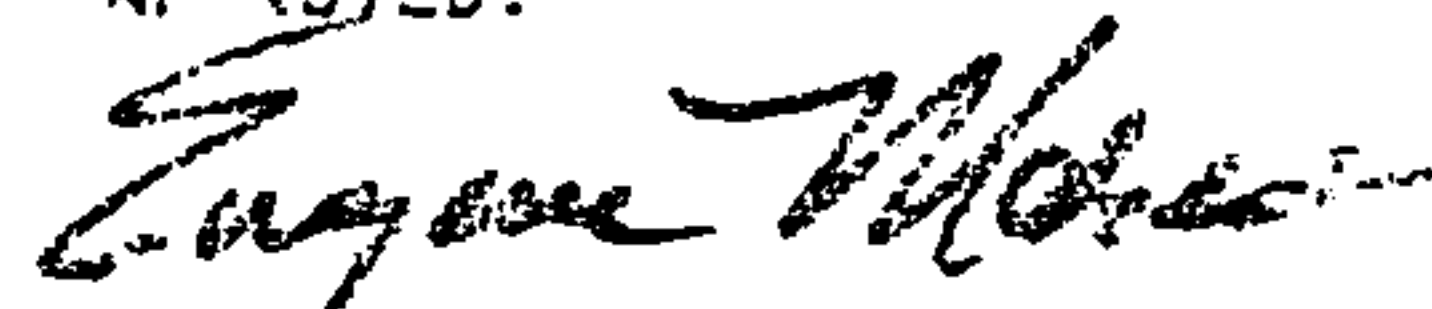
SECTION 1. Avenida Entrada N.W. from the north lot line of Lot 40, Block 1, Matthew Meadow Subdivision, to the south right-of-way line of Candelaria Road, as filed in the office of the County Clerk of Bernalillo County, New Mexico on October 13, 1977 is hereby closed and vacated subject to easements reserved in Section 2 hereof.

SECTION 2. The City hereby reserves the full width of the vacated right of way as an easement for a pedestrian/bicycle way, and for public utilities, whether municipally or privately owned, which are necessary for public use and benefit at the present time or in the future.

SECTION 3. Immediately upon the filing of this resolution in the office of the County Clerk of Bernalillo County, New Mexico the land above-described shall be effectively vacated, and the City of Albuquerque by this resolution disclaims from such date any further interest therein except for easements reserved in Section 2 hereof.

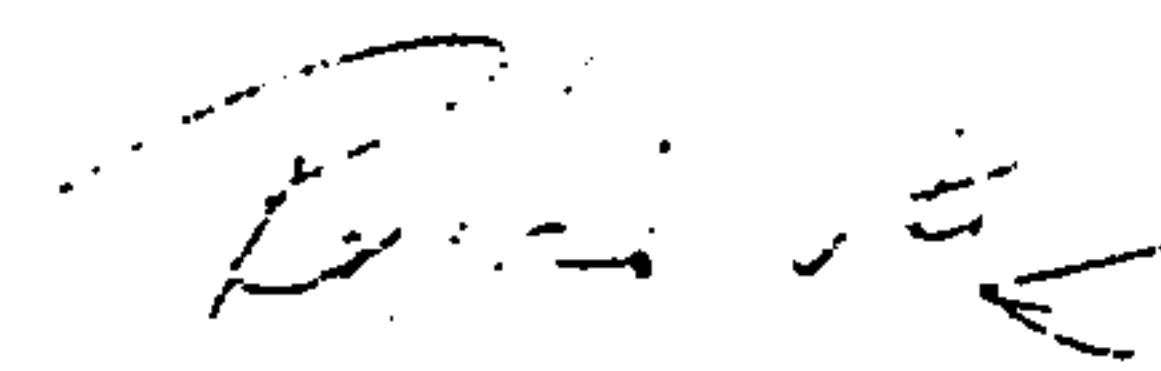
ADOPTED AT A PUBLIC HEARING BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD, CITY OF ALBUQUERQUE, NEW MEXICO ON SEPTEMBER 21, 1979.

APPROVED:



Authorized Representative of  
The City Planner, City of  
Albuquerque, New Mexico

Subscribed and sworn to before me this 23th day of January, 1980 by Gene Mares, authorized representative of The City Planner, City of Albuquerque, New Mexico.



Notary Public

My Commission Expires: 12/1/82

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

JAN 30 10 13 AM '80

File 740 512  
BX  
RECEIVED  
CITY CLERK  
ALBUQUERQUE, N.M.



**DEVELOPMENT REVIEW BOARD  
FAX FORM**

**TO:** Bob Perovich

**FAX NUMBER:** 346-1370    **# PAGES** 1 attached

**SENT BY:** Sheran Matson, DRB Chair    **DATE:** 7/30/03  
8:20am

**PHONE NUMBER:** 924-3880    **FAX #** 924-3864

**PROJECT NO:** \_\_\_\_\_ **APPLICATION NO:** \_\_\_\_\_

\*\*\*\*\*

Matthew Meadows Vacation  
DRB vacation standards.



Pro

- > Property owners of easement favor closing also all of adjacent
- > MNA especially in favor of closure
- > Tried to work out compromise
- > Public easement leading to private property.
- > 18 support letters plus 57 signatures on petition
- > no negative reaction from B(2)+(3)

Con

- > Kids going to VHS
- > neighborhood residents opposed

18 D lots in M. Meadows

no negative reaction from <sup>Las Vegas</sup> NA  
minor detriment - uncommon.

Karen M.

X (1) Letter from Mrs Garcia -  
requesting to be co-applicant  
& amend application

X (2) What development is planned  
for private agreement



Received 7/23/03  
at DRB

We, the undersigned, are opposed to the closing of the cut through that connects  
Lua's Lane to Camino Amparo. We would therefore like the city to keep it opened.

Meeting

Alice Myers  
John Myers  
Doranne Margnalen  
Ra D King  
By Fred  
Lena Lulain  
DE GORMAN  
Augusta Gorman  
John Koury  
Gary Mallory  
Donna Mallory

1705 Camino Gallo  
"

3604 Mateo Prado NW

3428 Avenida Chacuda NW

3429 Ave Chacuda

# 1 Heron Rd.

1708 CAMINO GALLO NW.

1708 Camino Gallo NW.

3632 Mateo Prado NW

1415 Camino Ecuator

1415 Camino Ecuator

2246-4646

Received 7/23/03  
at DRB Meeting

We, the undersigned, are opposed to the closing of the cut through that connects  
Lua's Lane to Camino Amparo. We would therefore like the city to keep it opened.

<u>Name</u>	<u>Address</u>
<u>Rachel Perovich</u>	<u>1521 Camino Amparo</u>
<u>Bob Perovich</u>	<u>  </u>
<u>Glenn Perovich</u>	<u>  </u>
<u>Sara Perovich</u>	<u>1521 Camino Amparo NW</u>
<u>Adriana Aragon</u>	<u>1812 La Polana NW</u>
<u>Mike Martin</u>	<u>1521 Camino Amparo NW</u>
<u>Robert Todd Miller</u>	<u>2111 BOSQUE DEL SOL NW</u>
<u>Alan Seefelt</u>	<u>1513 Camino Amparo</u>
<u>Kay Leslie</u>	<u>1508 Camino Amparo</u>
<u>M. Lee</u>	<u>1508 Camino Amparo</u>
<u>Anonymous neighbor</u>	
<u>Rick Lantry</u>	<u>1327 Camino Amparo</u>
<u>Patrick Haman</u>	<u>1332 Camino Ecuestre</u>
<u>Marquet McConter</u>	<u>1328 Camino Amparo NW</u>
<u>Scott Mc</u>	<u>2000 Meadowview</u>
<u>(Jameson)</u>	<u>3501 Camino Amparo NW</u>
<u>Justin</u>	<u>1332 Camino Ecuestre</u>
<u>Kristen Lopez</u>	<u>1525 Camino Amparo NW</u>
<u>Colin Burnett</u>	<u>3508 Mateo Prado NW</u>
<u>Debbie Burnett</u>	<u>3508 Mateo Prado NW</u>
<u>Mike Burn</u>	<u>        </u>



Received  
7/29/03

LAW OFFICE OF

**WILLIAM J. DARLING**  
& ASSOCIATES P.A.

MAILING ADDRESS:  
POST OFFICE BOX 3337  
ALBUQUERQUE, NEW MEXICO 87190-3337

A PROFESSIONAL ASSOCIATION  
ALSO ADMITTED IN COLORADO

OFFICE ADDRESS:  
2716 SAN PEDRO NE • SUITE A  
ALBUQUERQUE, NEW MEXICO 87110

**TELEPHONE (505) 888-4567**

FACSIMILE (505) 883-2873  
Telephone in Colorado  
(970) 264-4466  
e-mail: darling2@ix.netcom.com

July 25, 2003

HAND-DELIVERED

Our File No.  
DA03-062  
Abq0307231

Sheran Matson, DRB Chair  
Richard Duorte, DRB Transportation  
Claire Senova, DRB Administrative Assistant  
City of Albuquerque DRB  
Plaza del Sol Building  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87103

Re: Project No. 1002777; Vacation of Public Easement

Dear Ladies and Gentlemen:

I live at 1301 Camino Amparo NW, and spoke in favor of the vacation at the hearing. I am also an attorney and, in my normal practice, deal extensively with property, zoning and land use issues. I am also under contract with Bernalillo County and have handled a number of zoning and property issues for the County.

At the meeting on July 22, after four out of five members of the Committee announced that they had no objection, the matter was deferred pending the receipt of a legal analysis of Section 14-14-7-2(A)(3) as to whether there was "no convincing evidence that any substantial property right is being abridged against the will of the owner of the right."

In fact, the various speakers in favor of the vacation had answered this question and had shown that the requirement was clearly satisfied. On the other hand, Bob Perovich, who was the only person to speak in opposition did not identify any of his property rights that would be abridged and did not provide convincing evidence that any such right was actually being abridged.

1. All of the owners whose land is adjacent to the public way that is to be vacated were in favor of the vacation. These include Ms. Garcia who owns the property to the north of the public way, including Lua Lane NW, and the owners in Matthew Meadows who live on either side of

Sheran Matson, DRB Chair  
Richard Duorte, DRB Transportation  
Claire Senova, DRB Administrative Assistant  
July 25, 2003  
Page Two

Avenida Entrada and on the south side of Camino Amparo opposite the entrance to Avenida Entrada.

2. The only owner who spoke in opposition was Bob Perovich who owns a house that is four or five lots to the west of Avenida Entrada. The question then is whether the vacation would abridge any of Mr. Perovich's property rights.

3. With respect to those property owners who oppose the vacation of the pedestrian way between Avenida Entrada and Lua Lane, the only property right of Mr. Perovich that would be implicated by the vacation would be the right of ingress and egress. However, his primary right of ingress and egress is through the public streets to Matthew NW by means of Mateo Prado and Avenida Curvatura which would not be affected at all by this vacation. The only matter that would be affected by the vacation would be the ability of Mr. Perovich's daughter to take a shortcut to school for about a year until she can drive. A temporary matter of convenience like this is not a substantial property right.

If you need any more information, please let me know.

Sincerely,



WILLIAM J. DARLING

WJD/dcr

cc: Karen Marcotte

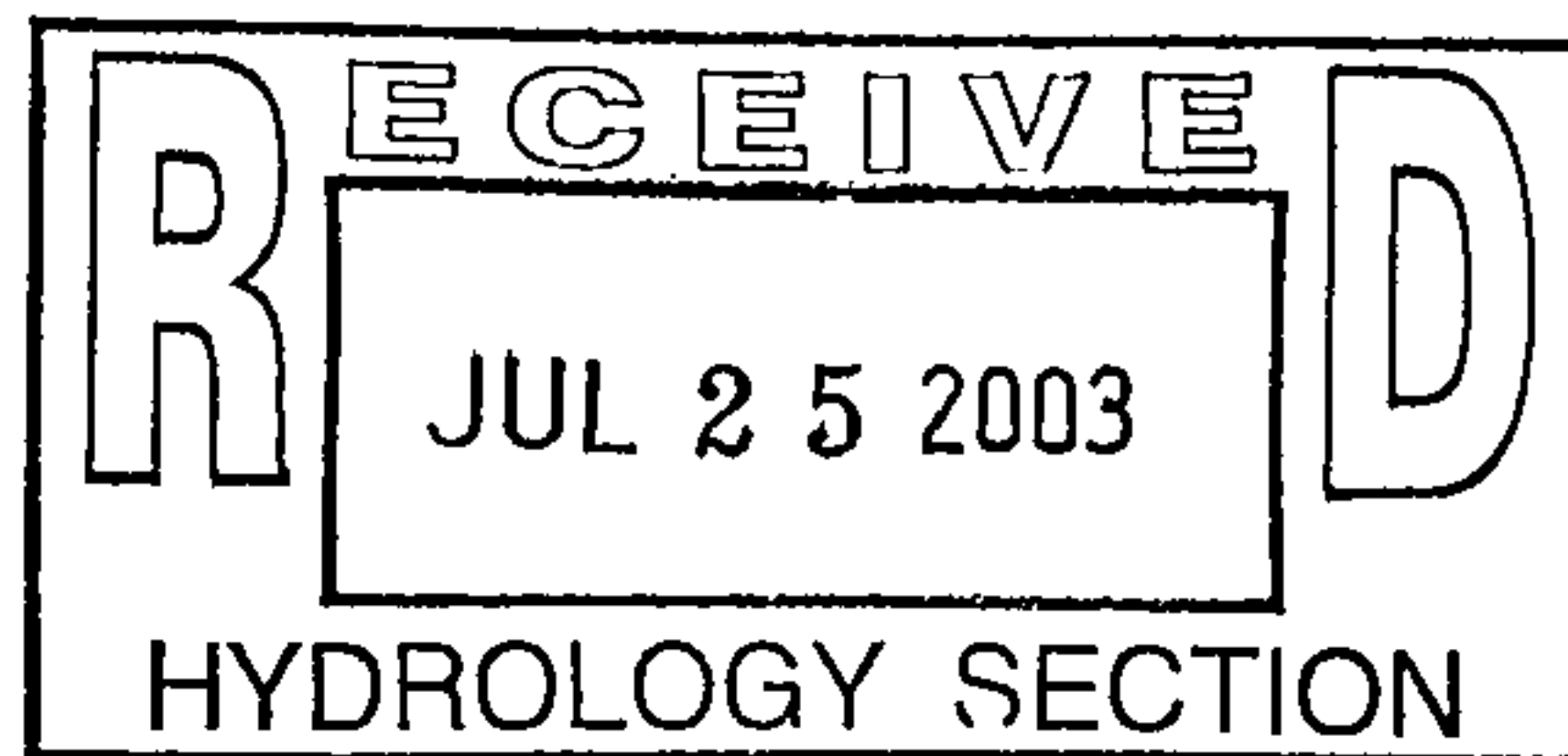


**WILLIAM J. DARLING**  
& ASSOCIATES P.A.

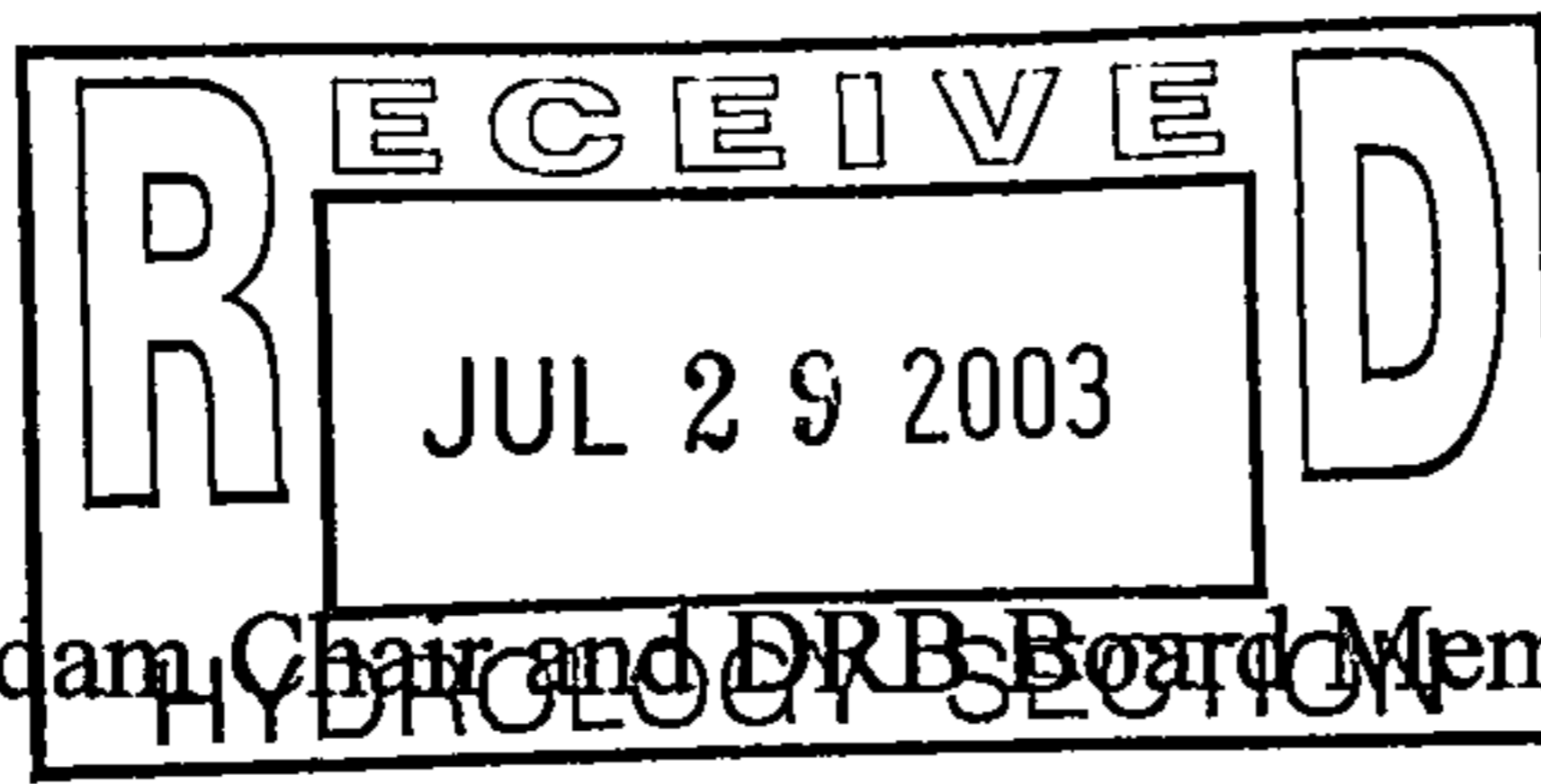
A PROFESSIONAL ASSOCIATION

POST OFFICE BOX 3337  
ALBUQUERQUE, NM 87190-3337

ADDRESS SERVICE REQUESTED



Sheran Matson, DRB Chair  
Richard Duorte, DRB Transportation  
Claire Senova, DRB Administrative Assistant  
City of Albuquerque DRB  
Plaza del Sol Building  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87103



7-30-03  
#6

1002777  
03-01056  
07-25-03

Honorable Madam Chair and DRB Board Members,

My name is Steve Spensley and I have resided at 1517 Camino Amparo N.W. (Matthew Meadow) for over 16 years. I spoke at the DRB hearing on 07-23-03, on behalf of our Security Task Force, of which I was Chair. Out of respect for DRB protocol (Keeping comments to two minutes), I didn't have a chance to voice my own personal observations. If I may, I would like to do so now.

I grew up in this area of the north valley and attended Valley High. Matthew Meadow has only been usable as a "short-cut" since the land was developed for housing. Prior to that (25+ years ago), it consisted of mud-pits, swamp areas and livestock. It was not particularly usable for pedestrian traffic.

I would also like to move that Mr. Perovich's late submittal of petition names be disallowed and stricken from the record. If this is not within reason, I would request that we (for closure) be allowed to submit more petition information. At least two of the adults who signed his petition have indicated that they thought they were signing the petition FOR closure. I examined Mr. Perovich's petition and found the following; there are approximately 16 valid homes (Matthew Meadow contains 182 homes) 5 children, 2 forgeries, 4 outside names, 1 that must be a joke (anonymous). Although the Garcia family is adamantly FOR the closure, we did not seek them in our petition process. Our neighborhood association went through "due process" and allowed extensive open discussion and multiple opportunities for the signing of petitions, both for and against and we submitted these petitions to you.

It is because of this, that I request that you only consider the petitions, which were submitted with the application packet. I have known Mr. Perovich since I have lived here and am on good terms with him, but I have to question his motive, as I have seen his daughter car-pooling with other neighbor kids at school time. Those few in opposition seem to be friends and I think car-pooling is an easy solution for them if their children can't walk that far (when I went to Valley, we walked 2 1/2 to 3 miles, each way, every day).

This is a complicated issue, but I ask that you deeply consider that a child was shot through the face at this location, in our neighborhood. That bullet could have easily killed someone. If this was to happen again, and it could, how will you feel knowing that you were in a position to prevent this? And what about the ramifications of a wrongful death or class action lawsuit? In my previous letter, I mentioned that I had 3 shots fired at me in my own garage, so this "gun-play" seems to be an ongoing occurrence.

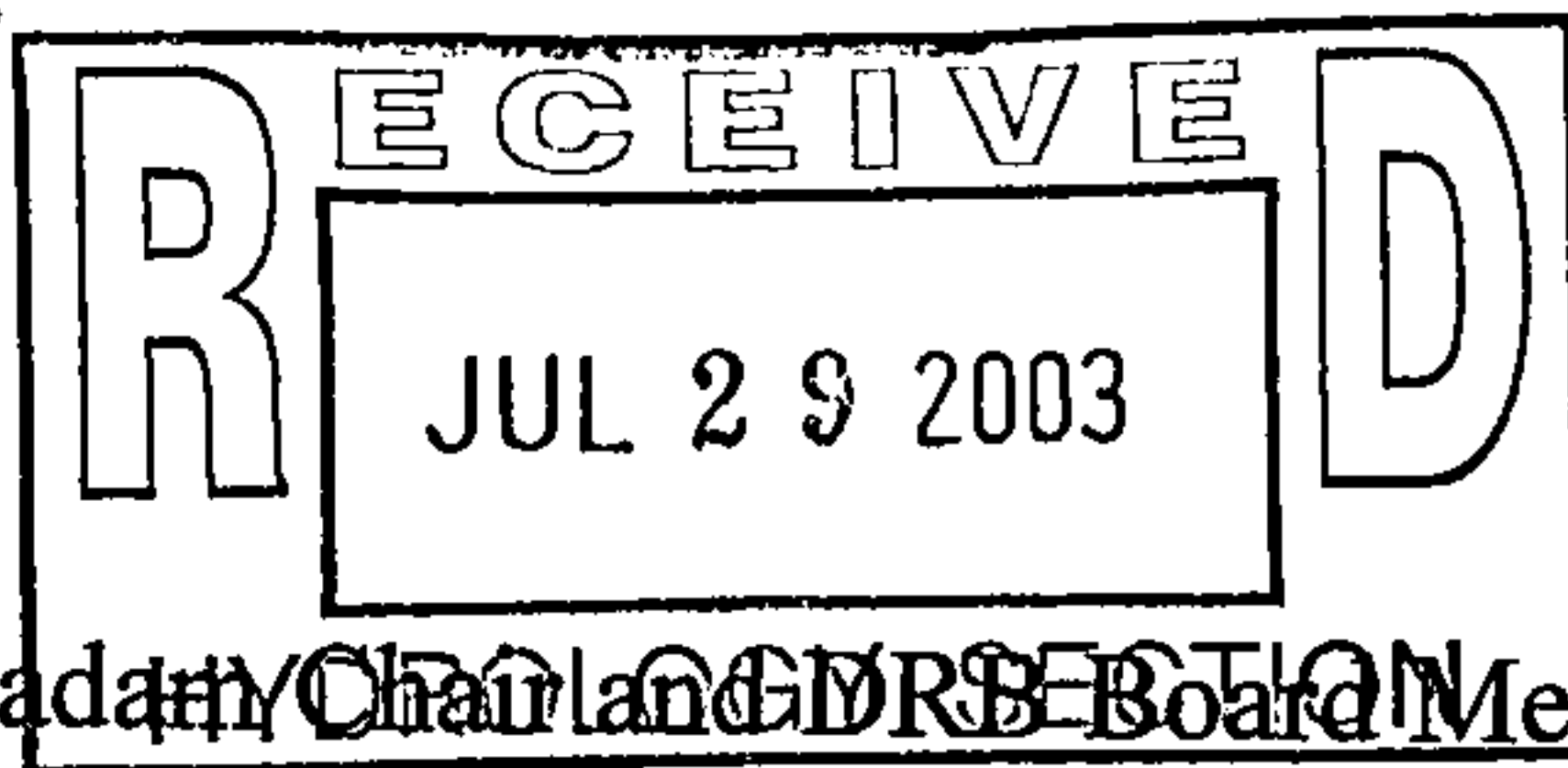
As to Mr. Duarte's question about "substantial" rights being abridged, aren't Mrs. Garcia's and her family's rights being abridged by maintaining this problematic access across their private property?

I would also like to encourage you to take the time to read all of the letters, which were submitted with the packet. I think this will help you to understand what we have been going through for all these years.

I appreciate your time and consideration in this matter and have the utmost respect for your opinion.

Sincerely,  
Steve R. Spensley





07-30-03  
# 6

07-25-03

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I appreciate your time and consideration in this matter and have the utmost respect for your opinion.

Sincerely,

Steve R. Spensley

264-5900



TOTAL VALID : 16 HOMES 4-0/5  
 CHILDREN (2 FORGERYS) (1 SOKE)  
 22070

We, the undersigned, are opposed to the closing of the cut through that connects  
 Lua's Lane to Camino Amparo. We would therefore like the city to keep it opened.

Name

Address

① HOUSE

Barcel Perovich CHILD  
Bob Perovich  
Glenn Perovich CHILD  
Sara Perovich

1521 Camino Amparo  
 "  
 "  
1521 Camino Amparo NW

N/A

Adriana Aragon CHILD  
Milivkovic

1812 La Palomana NW  
1521 Camino Amparo NW

N/A

Robert Todd Miner O/S

211 BOSQUE DEL SOL NW

N/A

Don Deffelt CHILD

1513 Camino Amparo

②

Kay Leslie  
~~[Signature]~~

1508 Camino Amparo  
1508 Camino Amparo

N/A

Anonymous neighbor BULL

Rick Dinty

1327 Camino Amparo

Patrick Hamm CHILD

1332 Camino Ecuestre

Teresa McCarter

1328 Camino Amparo NW

N/A

Scott Mc [Signature] CHILD  
 (Jameson)

2000 Meadowview

3501 Camino Amparo NW

[Signature]

1332 Camino Ecuestre NW

[Signature]

1525 Camino Amparo NW

Colin Burnett CHILD

3508 Mateo Prado NW

Debbie Benell

3508 Mateo Prado NW

Ann Ben

" " "

HOUSE

⑨

HOMES

S.P.S.



We, the undersigned, are opposed to the closing of the cut through that connects  
Lua's Lane to Camino Amparo. We would therefore like the city to keep it opened.

(1)	[	<del>Alice Myers</del> (1)	<u>1705 Camino Gallo</u>
		<del>John Myers - FORGERY</del>	<u>  </u>
		<del>Uppanone Nargnatan</del>	<u>3604 Mateo Prado NW</u>
		<del>Ra D. King</del>	<u>3428 Avenida Chocoma NW</u>
		<del>Qy J...</del>	<u>3429 Ave C...</u>
N/A		<del>Lena Pulina</del> O/S	<u># 1 Heron Rd.</u>
(1)		<del>DR GORMAN</del>	<u>1708 CAMINO GALLO NW.</u>
		<del>August Gorman</del>	<u>1708 Camino Gallo NW.</u>
		<del>John Koury</del>	<u>3632 Mateo Prado NW</u>
(1)		<del>Gary Mallory</del> (1)	<u>1415 Camino Echenne</u>
		<del>Tronda Mallory - FORGERY</del>	<u>1415 Camino Echenne</u>
			<u>_____</u>
			<u>_____</u>
(8)		<u>HOMES</u>	<u>_____</u>
			<u>_____</u>
			<u>_____</u>
			<u>_____</u>
			<u>_____</u>
			<u>_____</u>
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			<u>_____</u>
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			<u>_____</u>
			<u>_____</u>

CRS.

Sheran Matson  
DRB Chair





July 30, 2003

To Whom It May Concern:

We the property owners Louisa Garcia and son Saturnino Garcia request vacation to public easement purposes for vacating. We request to be included as co-applicants on the vacation application. Sua's Lane is a driveway to get to our home 3620 Sua's Lane.

Louisa Garcia

Saturnino Garcia

7/30/03 - Jim Johnson

\*108 99 P.2d 108

44 N.M. 109

Supreme Court of New Mexico.

MANDELL et ux.

v.

BOARD OF COM'RS OF BERNALILLO  
COUNTY et al.

No. 4499.

Jan. 19, 1940.

Rehearing Denied Feb. 26, 1940.

Appeal from District Court, Bernalillo County;  
Bryan G. Johnson, Judge.

Proceeding by Michael Mandell and wife against the Board of County Commissioners of the County of Bernalillo and another for review by certiorari of certain proceedings had by the Board in vacating and closing a street or highway and for injunctive relief against vacation and closing of the road or street. From a judgment dismissing the complaint, the plaintiffs appeal.

Affirmed.

West Headnotes

Eminent Domain ☞ 303

148 ----

148IV Remedies of Owners of Property; Inverse  
Condemnation

148k301 Damages and Amount of Recovery

148k303 Compensation for Property Taken or for  
Injury.

[See headnote text below]

Highways ☞ 77(8)

200 ----

200III Vacation

200k77 Proceedings

200k77(8) Restraining Discontinuance.

Where there is no injury suffered by owners of adjoining or near-by property not common to all former users of street or road, compensation is not allowable for vacation thereof, nor is such an owner, not of the abutting property owner class, entitled to injunctive or other relief against proposed closing.

Eminent Domain ☞ 303

148 ----

148IV Remedies of Owners of Property; Inverse

Condemnation

148k301 Damages and Amount of Recovery

148k303 Compensation for Property Taken or for  
Injury.

Proof of some special or peculiar damages to a claimant, though not an abutting owner, may support recovery of damages from vacation of a highway but the damage suffered must be substantially different in kind and not merely in degree from that suffered by the public in general.

Eminent Domain ☞ 303

148 ----

148IV Remedies of Owners of Property; Inverse  
Condemnation

148k301 Damages and Amount of Recovery

148k303 Compensation for Property Taken or for  
Injury.

[See headnote text below]

Highways ☞ 77(8)

200 ----

200III Vacation

200k77 Proceedings

200k77(8) Restraining Discontinuance.

Property owners who had platted an area outside of city and dedicated to the public various streets shown on the plat could not enjoin county from vacating, as not needed, a street on which property of owners did not abut, as long as owners had fair and reasonable access to their own and neighboring property, and could recover no damages where resulting inconvenience was slight and inconsequential.

Highways ☞ 75.1

200 ----

200III Vacation

200k75.1 Right to Vacate and Grounds Therefor in  
General.

(Formerly 200k75(1))

One whose property does not abut on a closed section of street or road ordinarily has no right to complain of closing or vacation thereof, provided he still has reasonable access to the general street or road system.

Highways ☞ 75.1

200 ----

200III Vacation

200k75.1 Right to Vacate and Grounds Therefor in  
General.

(Formerly 200k75(1))



The alleged fact that county commissioners had ordered road closed at the instance of school authorities as a safety measure rather than because road was not needed was not determinative of regularity of vacation proceedings. Comp.St.1929 § 64-704.

## Highways 75.1

200 ----

## 200III Vacation

200k75.1 Right to Vacate and Grounds Therefor in General.

(Formerly 200k75(1))

The vacation of unneeded street would not be the less legal by reason of fact that school authorities may have wanted street closed for a different reason than that disclosed in vacation proceedings, if in fact there was authority for closing. Comp.St.1929, § 64-704.

## Highways 77(5)

200 ----

## 200III Vacation

200k77 Proceedings

200k77(5) Hearing and Determination.

Evidence sustained vacation of road on ground that it was not needed.

## Highways 77(6)

200 ----

## 200III Vacation

200k77 Proceedings

200k77(6) Commissioners or Viewers.

The statute authorizing county commissioners to appoint a board as viewers in proceedings for vacation of road and requiring that viewers make report to commissioners does not require that viewers take and preserve testimony for benefit of commissioners in passing on the report. Comp.St.1929, § 64-704.

## Highways 77(6)

200 ----

## 200III Vacation

200k77 Proceedings

200k77(6) Commissioners or Viewers.

The statute authorizing county commissioners to appoint a board as viewers in proceedings for vacation of road and requiring that viewers make report does not require more in the way of a "report" than a finding that the road is not needed and the recommendation that it be closed. Comp.St.1929 § 64-704.

## Highways 77(6)

200 ----

## 200III Vacation

200k77 Proceedings

200k77(6) Commissioners or Viewers.

A report reciting that viewers had been appointed by county commissioners to view portion of street involved in vacation proceedings, that highway was not needed, and that best interests of county would be served by discontinuance thereof, was sufficient compliance with statute requiring that viewers make report to county commissioners setting forth "fully" their finding. Comp.St.1929, § 64-704.

## Highways 77(8)

200 ----

## 200III Vacation

200k77 Proceedings

200k77(8) Restraining Discontinuance.

Whether complaint in action to enjoin vacation of highway by county was properly dismissed depended on whether plaintiffs had an easement of right of way or right to use highway as a way of necessity or for some other reason such as that, as a part of the general public, they could complain of the action as having been accomplished without compliance with statutory prerequisites.

## Municipal Corporations 657(4)

268 ----

268XI Use and Regulation of Public Places, Property, and Works

268XI(A) Streets and Other Public Ways

268k657 Vacation or Abandonment

268k657(4) Petition, Consent, or Remonstrance of Property Owners.

A mere inconvenience resulting from the closing of a street when another reasonable though perhaps not equally accessible approach remains, does not give rise to a legal right in one so inconvenienced, and courts do not look with favor upon claims based upon such grounds.

\*109 Rodey & Dickason, of Albuquerque, for appellants.

Owen B. Marron and A. H. McLeod, both of Albuquerque, for appellees.

MABRY, Justice.

This cause was instituted and tried in the district court upon grounds seeking two types of relief, viz: (1) review by certiorari of certain proceedings had by defendant Board of County Commissioners in vacating and closing a street or highway of a platted



area within the county but outside the city of Albuquerque, and (2) injunctive relief against the vacation and closing of said road or street as an interference with plaintiffs' private easement of way. Upon hearing on the merits the complaint was dismissed and plaintiffs bring this appeal.

The street or road involved, and for the vacating and closing of which plaintiffs complain, lies between two ordinary city size blocks of land theretofore laid out and platted by plaintiffs as a residential addition, and known as Mandell Addition #2. The abutting property in both the blocks in question and between which the designated and dedicated, and now closed, street or road ran is the sole property of the county school system.

Plaintiffs are the owners of lots and parcels of land in this platted area immediately to the north of the two blocks in question, but not abutting upon the closed street. The closed street or road may be designated as a part of or a continuation of North First street if First street be extended from the northern boundary of the city of Albuquerque, which boundary lies some four blocks south of the closed section in question. This area of some four blocks between the north boundary of the city, and therefore the city terminus of North First street, and the section of the platted Mandell addition outside of the city, area, has no well defined or improved street in line with what would be an extension north on North First street, but there is a slightly used, winding, though quite passable road connecting, along this line, the city proper and this outside Mandell addition area in question.

Practically all the traffic to and from the property of plaintiffs, in the area involved, to the city and to all outside points as well, is over North Second street, extended, which is a highly improved roadway accommodating much general traffic north and south, to and from the city. To this improved highway, plaintiffs and others of the neighborhood have access by several cross and intersecting streets within the platted area of the Mandell addition.

The closing of the 300 foot section between the two blocks in question, would require that plaintiffs and others in their immediate vicinity to the north reach this main North and South Second street road \*110 of travel by using one of the several other easily accessible and well maintained east and west streets to the north of the blocks through which the closed streets ran, rather than the one just south of said closed section and block.

[1] The trial court's action in dismissing the complaint must be appraised for correctness upon a determination of whether plaintiffs had an easement of right-of-way, or at least one superior to the statutory right of the county to vacate the section of the street or road in question. Then, if not this right, whether upon the ground of their requiring a way of necessity in the use of their property to the north, or for some other reason, including the one that as a part of the general public, the plaintiffs may properly complain and have a review of the action of the defendant Board in so vacating the street in question without, as plaintiffs allege, complying with the statutory prerequisites.

We consider first the question of whether plaintiffs, having platted the area and having thereby dedicated to public use the section of the street in question together with other streets shown upon their recorded plat, and having built upon and improved the lots in question, or some of them, they have such an interest in the matter of keeping open all such streets and roads that the county, though with statutory authority for so doing, may not, upon a finding that there is no longer a need, vacate and close some part of the street, providing plaintiffs still have fair and reasonable access to their own and neighboring property.

[2][3] This rule seems to be so general as to be almost universal that one whose property does not abut on the closed section of a street or road ordinarily has no right to complain of the closing or vacation of such street or road, provided he still has reasonable access to the general street or road system. The cases generally hold that there being no injury suffered by the owners of adjoining or near-by property not common to all former users of the street or road, compensation is not allowable; nor is such owner, not of the abutting property owner class, entitled to injunctive or other relief against the proposed closing. An array of authority upon this question and supporting this general proposition has been collected in 49 A.L.R. 330, supplemented by more recent cases collected under a similar note in 93 A.L.R. 639.

[4][5] A mere inconvenience resulting from the closing of a street when another reasonable though perhaps not equally accessible approach remains, does not give rise to a legal right in one so inconvenienced, and courts do not look with favor upon claims based upon such grounds. Long v. Wilson, 119 Iowa 267, 93 N.W. 282, 60 L.R.A. 720, 97 Am.St.Rep. 315. Proof of some special or peculiar damage to the



claimant, though not an abutting owner, under many authorities will support damages. *Denver Union Terminal R. Co. v. Glodt*, 67 Colo. 115, 186 P. 904; *Hill v. Kimball*, 269 Ill. 398, 110 N.E. 18; *Park City Yacht Club v. Bridgeport*, 85 Conn. 366, 82 A. 1035, 35 L.R.A.,N.S., 478. But the damage suffered must be substantially different in kind, and not merely in degree, from that suffered by the public in general. In the case of *Parker v. Catholic Bishop*, 146 Ill. 158, 34 N.E. 473, this rule, with good reason, was adhered to where the statute under consideration provided for compensation where any property be "damaged" by the vacation. In the case of *Buhl v. Fort Street Union Depot Co.*, 98 Mich. 596, 57 N.W. 829, 23 L.R.A. 392, such injury, where not unlike that suffered by the public at large, was declared to be simply *damnum absque injuria* and not to be regarded as coming within the statute providing for the payment of "all damages" consequent upon the closing of a street. See, also, *Knapp Stout & Co. Company v. St. Louis*, 156 Mo. 343, 56 S.W. 1102; *John K. Cummings Realty & Investment Co. v. Deere & Co.*, 208 Mo. 66, 106 S.W. 496, 14 L. R.A.,N.S., 822.

The general rule would not apply, according to the weight of authority, where the property is left fronting on a cul-desac, which is not, however, the situation presented here. *Newark v. Hatt*, 79 N.J. L. 548, 77 A. 47, 30 L.R.A.,N.S., 637; *Illinois Central R. Co. v. Moriarity*, 135 Tenn. 446, 186 S.W. 1053; *In re Hoyt*, 162 App.Div. 469, 147 N.Y.S. 599.

[6] Clearly, if plaintiff could not maintain a suit for damages for the closing of a street or road upon which his property did not abut, and where he has reasonable access to the general system of streets and highways, a fortiori he would have no standing to complain of the action of the county commissioners in the first instance \*111 and thereafter of that of the district court upon review, in thus vacating the street or road as "not needed," excepting as any general user of the road would have such right to require substantial compliance with the statute in the endeavor of officials to achieve that result. Under the evidence no special damage could be claimed, and the inconvenience to which plaintiff and others similarly situated would be put may be appraised as the trial court viewed it, as extremely slight and inconsequential.

Now, to examine into the question of the regularity of the vacation proceedings. The statute under which the commissioners acted is known as Sec. 64-704 of the N. M. Comp.St.1929, which reads: "Whenever,

in the opinion of the board of county commissioners of any county, any road or part of road then established and maintained as a public highway, is not needed, or the repairs of the same are burdensome and in excess of the benefits therefrom, they may at a regular meeting appoint a board of commissioners of three freeholders of the county as viewers, to view such road or part of road, and make report thereof to the board of county commissioners at their next regular meeting, setting forth fully their finding, and if they recommend a discontinuance of such road or part of road, then the board of county commissioners may order the same vacated."

Counsel urges that commissioners' proceedings to vacate should be quashed for failure of the record of such proceedings to show a compliance with this statute.

We examine the facts presented by the record to determine the answer to this, plaintiffs' second contention.

The statute says that the viewers shall "report" thereon to the Board of Commissioners and set "forth fully their finding" and if the report bears a recommendation for the discontinuance of such road, or part thereof, "then the board of county commissioners may order the same vacated." Defendants, the county commissioners, point out that the record discloses a full compliance with the statute on the part of the viewers' report, as well as on the part of the board in acting upon such viewers' report. The statute does not expressly call for a written report, as is required under some of the statutes and as reflected by some of the authorities relied upon by plaintiff. Nor does it require that there be any evidence taken by the viewers and preserved for the information and guidance of the county board thereafter called upon to act on such report.

Counsel for plaintiff upon oral argument admits that it could not be said to be a matter of absolute requirement that testimony be submitted in support of the viewers' report, but that a view actually taken and this followed by a written report, "setting forth fully their finding", would doubtless meet the requirement. We need not and do not decide whether such report to be made to the commissioners and such finding, even though required to be fully set forth, may not be made orally in the absence of statute otherwise requiring. A written report would at least better serve the purpose of preserving for the record what were the findings and recommendations of the viewers. Or, if there be any necessity for so doing, it would perhaps



better allow for enlarging upon the one essential finding that the road "is not needed" and making a permanent record thereof.

Defendants contend that not only was there before them when they resolved to vacate this street a reviewers' report "setting forth their finding" and making the recommendation, but that in addition the report was, in fact, in writing.

Doubtless the point over which the counsel for the respective parties disagree is found in their different interpretations of the meaning of the word "fully." Defendants contend the report and finding may be communicated to the board orally and that if in fact it be held that the written report hereinafter referred to is not full enough, we should indulge the presumption that the board of county commissioners did their duty and acted upon their resolution vacating the street only after they had before them a report with recommendation which met the requirement of the statute.

We need not decide whether such finding and recommendation may be made orally. We hold that the written report submitted sufficiently complies with the requirement of law.

The resolution of defendants, commissioners, adopted in initiating the proceedings, declared their belief in the uselessness of the stretch of street in question, named three persons as viewers and ordered and directed that after viewing they make a report "setting forth fully their finding" and recommendations.

\*112. The viewers thereafter filed their written report upon which defendants acted. This report was addressed to the Board of County Commissioners of Bernalillo county; it recited that the undersigned were freeholders of the county who had theretofore been appointed by the board of County Commissioners to view that portion of the street in question, and then particularly describing by metes and bounds and otherwise the location. The report closed with a recital that in the opinion of the viewers, the portion of the street in question and described, "is not needed as a public highway and that it would be for the best interests of the County of Bernalillo that said portion of North First Street above described be discontinued as a public highway." This report is signed by the three viewers.

[7] If it be conceded, as we understand it is and as we hold in any event, that the law does not require the

viewers to take and preserve testimony for the benefit of the county board in passing upon their report, then we come directly to the question of whether the above report so made and filed (omitting consideration of any additional oral report or finding which defendants claim may have been submitted for all the record shows) meets the statutory requirements of being sufficiently "full."

[8] Who is to be the judge of the fullness or completeness of such report? What more could the reviewers have said unless they be required to include therein the evidence upon which the finding and recommendations is based? The commissioners doubtless could have required a fuller report if the one submitted was considered insufficient. It does not appear from the record that they did so require and we cannot say that they should have, unless the board was anxious to have more as a report than the one finding that the road "is not needed" and the recommendation that it be closed. The statutes required no more.

[9] It is pointed out that the county school authorities first called to the attention of the commissioners their need here for a closed street in the interest of safety upon the school playground. A county school building occupies one of the blocks while the playground occupies the other one to the East, and the closed street formerly running north and south separates the two blocks of this property.

Plaintiffs' counsel therefore questions the motive of defendants in the premises. They vigorously urge, and, we might also say, quite persuasively, that but for the fact that the school authorities desired to have the street closed as a safety measure and to more closely unite their two blocks of land, the commissioners would doubtless have taken no action to close the road. This fact cannot however influence the question of whether defendants have acted legally. Though it might have been considered by the trial court in appraising the evidence going to the question of whether the road was in fact needed, the fact that the school board wanted the street closed for another and different reason from the one for which this statutory authority could be found, could not vitiate the act.

[10] One's motive may sometimes be wholly enshrouded in circumvention and yet, if the basis of conduct be sound, those complaining will be silenced. It does not make the act the less legal that the school authorities may have wanted an unneeded street closed for a different reason than that disclosed in the



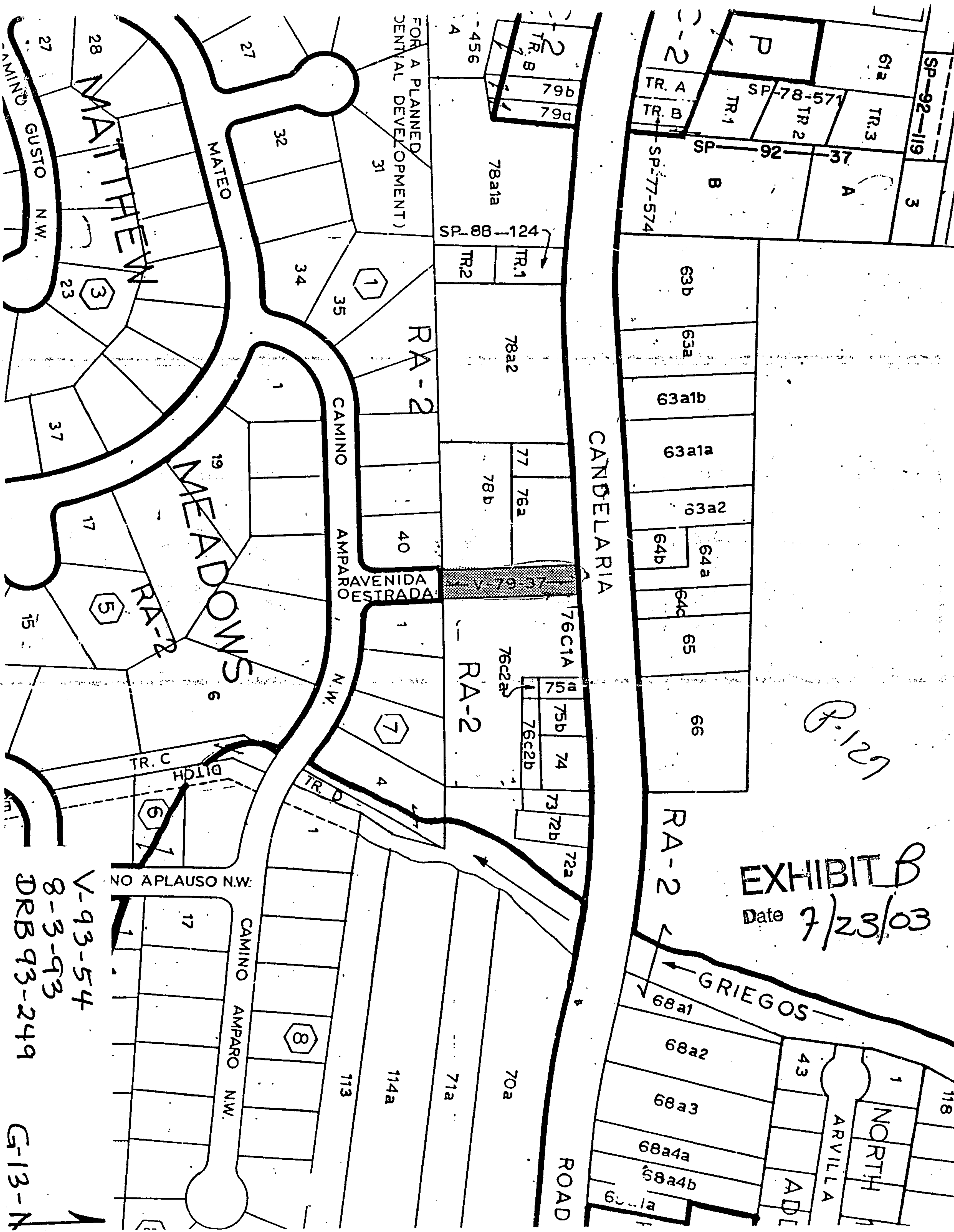
proceedings, if in fact there be authority for closing as defendants did it. The learned trial court correctly applied the rule.

The road could have been closed likewise upon the further ground that "the repairs of the same are burdensome and in excess of the benefits therefrom." Sec. 64-704, supra. This was not the reason given by the viewers and it was not the ground adopted by the commissioners when they approved the report and ordered the road closed.

[11][12] There is, therefore, no merit in plaintiffs'

contention that the report submitted and acted upon was not a substantial compliance with the statute. Upon trial in the district court, ample evidence was adduced to support the court's findings and conclusions (and likewise the finding and conclusion of the quasi-judicial defendant board) that the road is "not needed," and that plaintiffs should be denied the relief sought. Finding no error the judgment of the trial court is affirmed, and, it is so ordered.

BICKLEY, C. J., and BRICE, ZINN, and SADLER, JJ., concur.



**EXHIBIT B**  
 Date 7/23/03

NO APLAUSO N.W.  
 CAMINO AMPARO N.W.  
 V-93-54  
 8-3-93  
 DRB 93-249  
 G-13-N

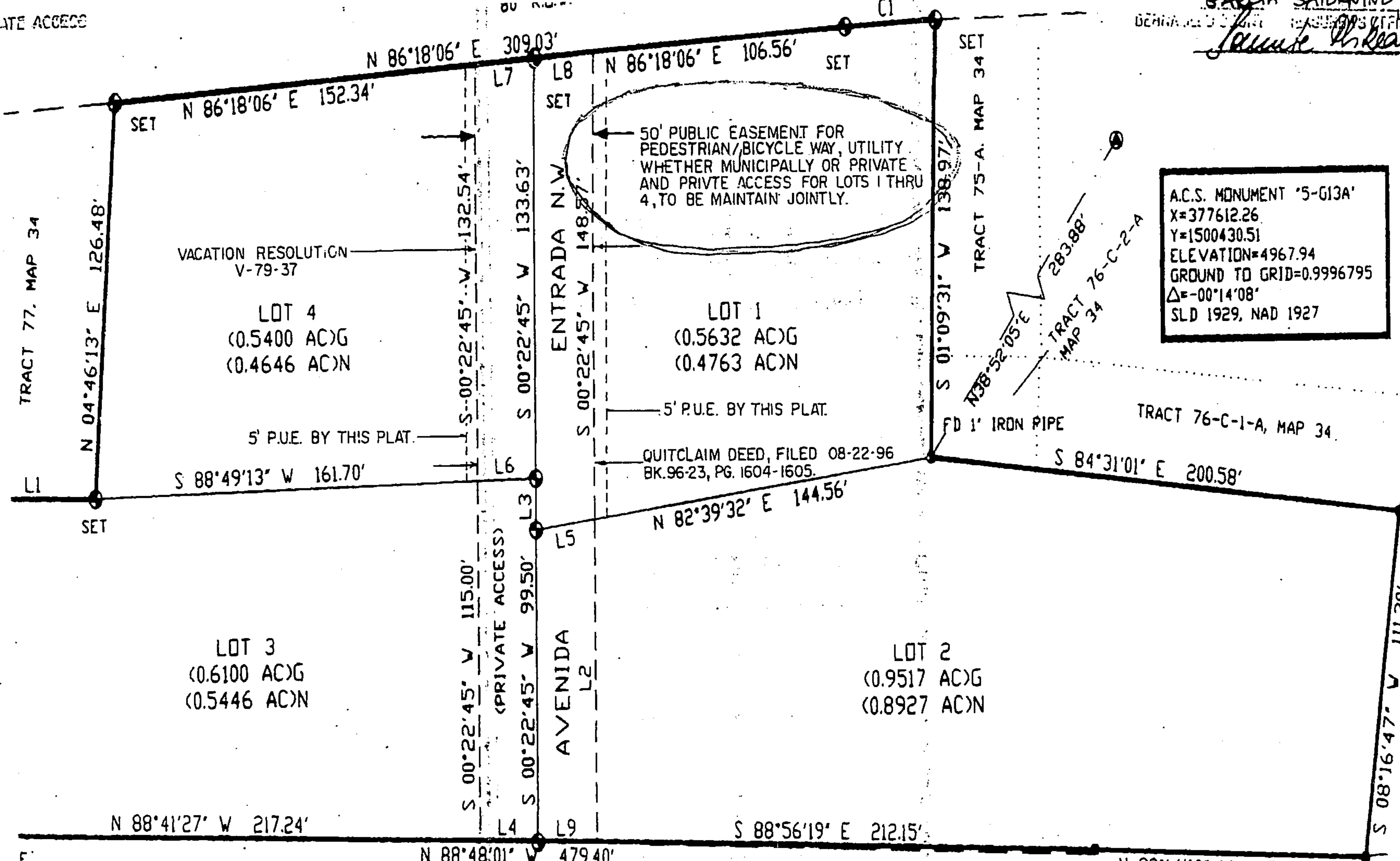
P. 129



ATE ACCESE

GARCIA SAIDKIND GARCIA AKA NIND PARKS  
Lance Wreath

0001



A.C.S. MONUMENT '5-G13A'  
 X=377612.26  
 Y=1500430.51  
 ELEVATION=4967.94  
 GROUND TO GRID=0.9996795  
 Δ=-00°14'08"  
 SLD 1929, NAD 1927

N/A  
PNM-EI

N/A  
U.S. WE

N/A  
PNM-GI

N/A  
CABLI

N/A  
BERNAL

N/A  
BERNALI

N/A  
BERNAL

N/A  
BERNAL

SURVEYDR'S CERTII  
 I, GEORGE J. MARQU  
 CERTIFY THAT THIS  
 AND MEETS THE MII  
 IN THE CITY OF AL  
 TO THE BEST OF M

*George J. Marqu*  
 GEORGE J. MARQUE

BERNALILLO COUNTY

MARQU

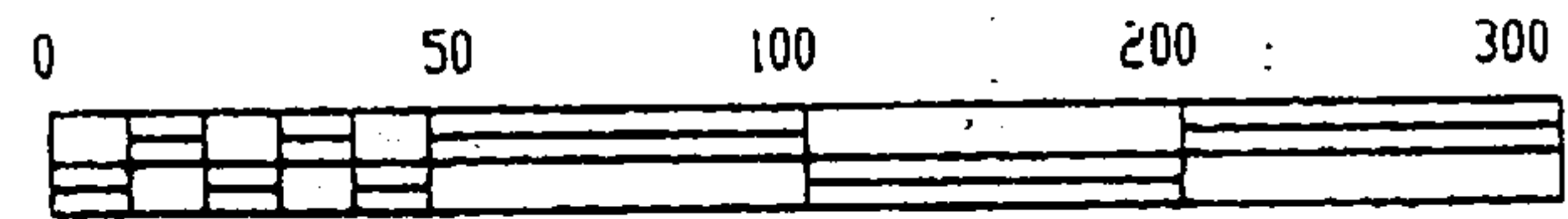
CALC BY: GM



Mrs. Garcia's private property north of the gate

MATTHEW MEADOW  
 FILED NOVEMBER 22, 1977  
 VOL. D8, FOLIO 49

Filed Bk 96C, page 433  
 on 10-6-96



RADIUS	CHORD LENGTH	CHORD BEARING
1392.40	38.92	N 87°06'05" E

10/10/02 13:15 FAX



77 63058

77 72906

State of New Mexico  
 County of Bernalillo  
 The undersigned Clerk of the County of Bernalillo, New Mexico, do hereby certify that the within and foregoing plat is a true and correct copy of the original as the same appears in the office of the Clerk of the County of Bernalillo, New Mexico, this 10th day of July, 1977.

001  
 D8  
 29

AMENDED

# MATTHEW MEADOW

## A SUBDIVISION, ALBUQUERQUE, NEW MEXICO

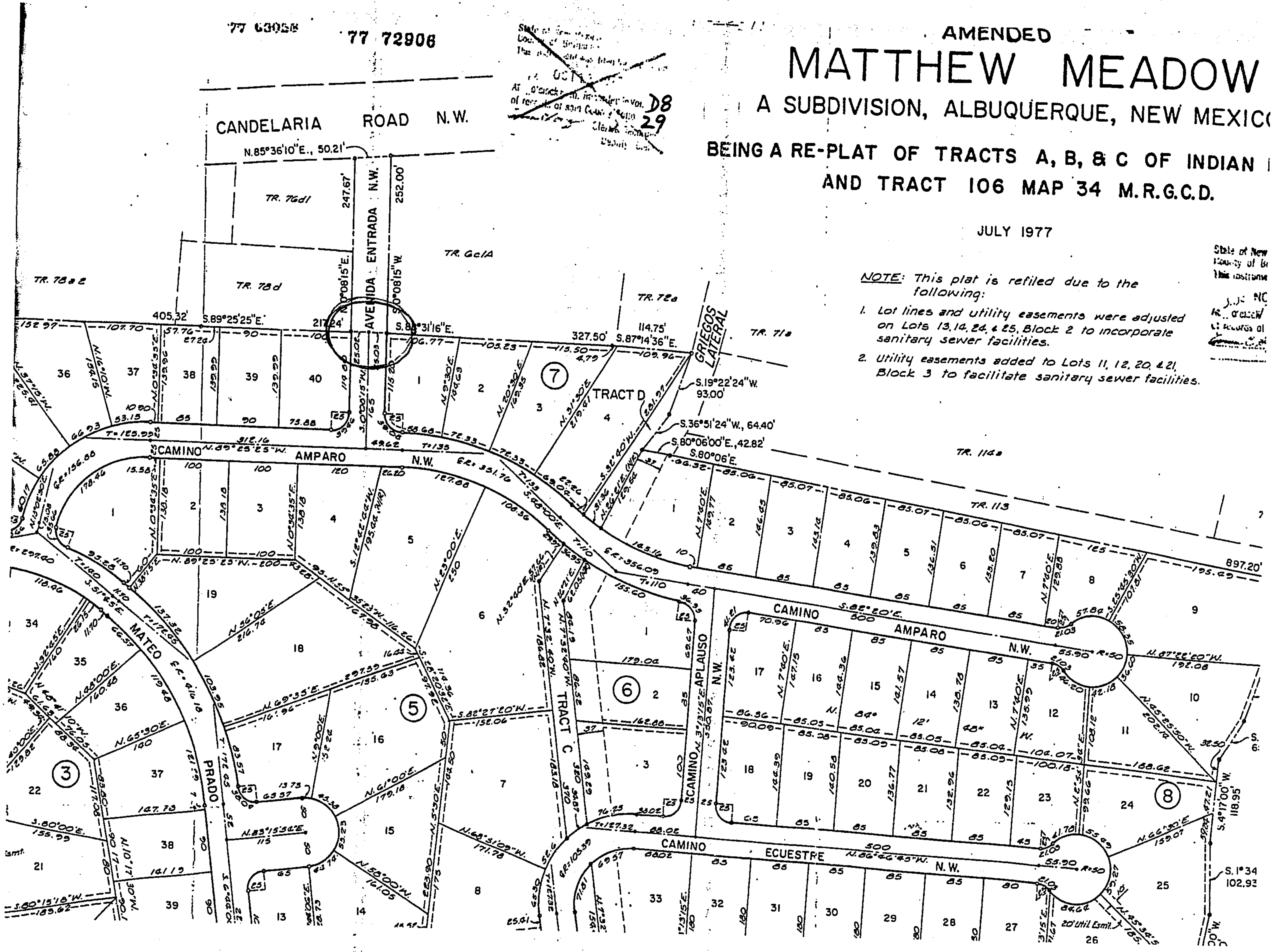
### BEING A RE-PLAT OF TRACTS A, B, & C OF INDIAN AND TRACT 106 MAP 34 M.R.G.C.D.

JULY 1977

State of New Mexico  
 County of Bernalillo  
 This instrument was recorded on July 10, 1977, at 10:00 AM, in the Office of the Clerk of the County of Bernalillo, New Mexico.

*NOTE:* This plat is refiled due to the following:

1. Lot lines and utility easements were adjusted on Lots 13, 14, 24, & 25, Block 2 to incorporate sanitary sewer facilities.
2. Utility easements added to Lots 11, 12, 20, & 21, Block 3 to facilitate sanitary sewer facilities.





View of Gate from south



Proximity of Gate to adjacent homes  
in Mathew Meadow



View of Gate from north