

## **DRB Remand: 8<sup>th</sup> & Mountain**

**4/19/06**

The Subdivision Ordinance requires that, before a platting action is heard as a minor subdivision, a determination should be made as to whether the proposed plat adversely affects adjacent or surrounding property.

In remanding this case back to DRB, the LUHO and the Council, in accepting his decision, directed DRB to determine whether there was any evidence of adverse effect on Lot 59 at the time of the application (for replat of Lots 53 through 58).

This is the only issue to be considered today by DRB. We are not going to rehear the already approved platting action nor are we going to examine the issue of vacating the already approved plat. Anyone who wishes to ask DRB to vacate the plat should fill out an application at the counter for a later DRB hearing.

Testimony today should focus on evidence of possible adverse effect of the replat on Lot 59 at the time of the application to DRB in September 2004.

### **FINDINGS:**

1. The 1905 plat did not dedicate a public or private driveway access for Lot 59.

a. In New Mexico, dedication of public rights of way must be clear and unequivocal. There should be express granting language in the 1905 plat. There is no express granting language in the 1905 document.

b. Even assuming the 1905 document dedicated a public right of way, in New Mexico, acceptance of the right of way by a public entity is necessary. There is no persuasive evidence of such acceptance in this case.

(1) There is no evidence of public use or improvements to the purported right of way.

(2) There is no evidence that the right of way was exempted from property taxes.

2. Lot 59 has public access via the public alley to the south of this lot.
3. Lot 59 is served by water, sewer and gas via this alley. There are overhead power and phone lines serving the property.

Therefore, the DRB finds there is no evidence of adverse effect on Lot 59 with the approval of the replat of Lots 53 through 58 September 15, 2004 into the Plat of Lots 53-A, 54-A, 57-A & 58-A, J.M. Moore Realty Company No. 1. recorded on September 24, 2004 in the Bernalillo County Clerk's Office.

The DRB determination that this platting action is a minor subdivision is affirmed.

The recorded plat stands as approved.



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

April 19, 2006

**6. Project # 1003096**  
04DRB-01344 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX AND STEFAN WATSON request(s) the above action(s) for all or a portion of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R, SAWMILL RESIDENTIAL, located between 8<sup>TH</sup> ST NW and MOUNTAIN RD NW containing approximately 1 acre(s). [REF: 03DRB-01901, 05CC01786] **REMANDED BACK TO DRB FROM CITY COUNCIL (J-14)**

At the April 19, 2006, Development Review Board meeting, the Development Review Board found no evidence of adverse effect on Lot 59 at the time of the original application for the replat of Lots 53 through 58, J.M. Moore Realty Company No. 1. The DRB determination that this platting action is a minor subdivision is affirmed. The recorded plat stands as approved.

### FINDINGS:

1. The 1905 plat did not dedicate a public or private driveway access for Lot 59.
  - a. In New Mexico, dedication of public rights of way must be clear and unequivocal. There should be express granting language in the 1905 plat. There is no express granting language in the 1905 document.
  - b. Even assuming the 1905 document dedicated a public right of way, in New Mexico, acceptance of the right of way by a public entity is necessary. There is no persuasive evidence of such acceptance in this case.
    - (1) There is no evidence of public use or improvements to the purported right of way.
    - (2) There is no evidence that the right of way was exempted from property taxes.
2. Lot 59 has public access via the public alley to the south of this lot.
3. Lot 59 is served by water, sewer and gas via this alley. There are overhead power and phone lines serving the property.
4. The property address of Lot 59 is 811 Mountain Road where the alley entrance is. Lot 59 does not have an 8<sup>th</sup> Street address.



## OFFICIAL NOTICE OF DECISION

PAGE 2

If you wish to appeal this decision, you must do so by May 4, 2006, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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).



Sheran Matson, AICP, DRB Chair

Cc: Eileen Devereux & Stefan Watson, 1719 5<sup>th</sup> St NW, 87102  
Surveys Southwest Ltd., 333 Lomas Blvd NE, 87102  
Earl Holmes, 2708 Monk Ct NW, 87107  
Michelle Garcia, 2708 Monk Ct NW, 87107  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File

Remand

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1003096 AGENDA#: 6 DATE: 4/19/06

✓ 1. Name: Earl Holmes ~~Michelle Garcia~~ Address: 2708 Monk Ct NW Zip: 87107

✓ 2. Name: Michelle Garcia Address: 2708 Monk Ct NW Zip: 87107

3. Name: Bileen Draz Address: 1123 8th W Zip: 87102

4. Name: Don Gwamey Address: 333 Comus Zip: 87102

5. Name: STEVE L. CLAVET Address: 5<sup>th</sup> Floor Planning Zip: 87102

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

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

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

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

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

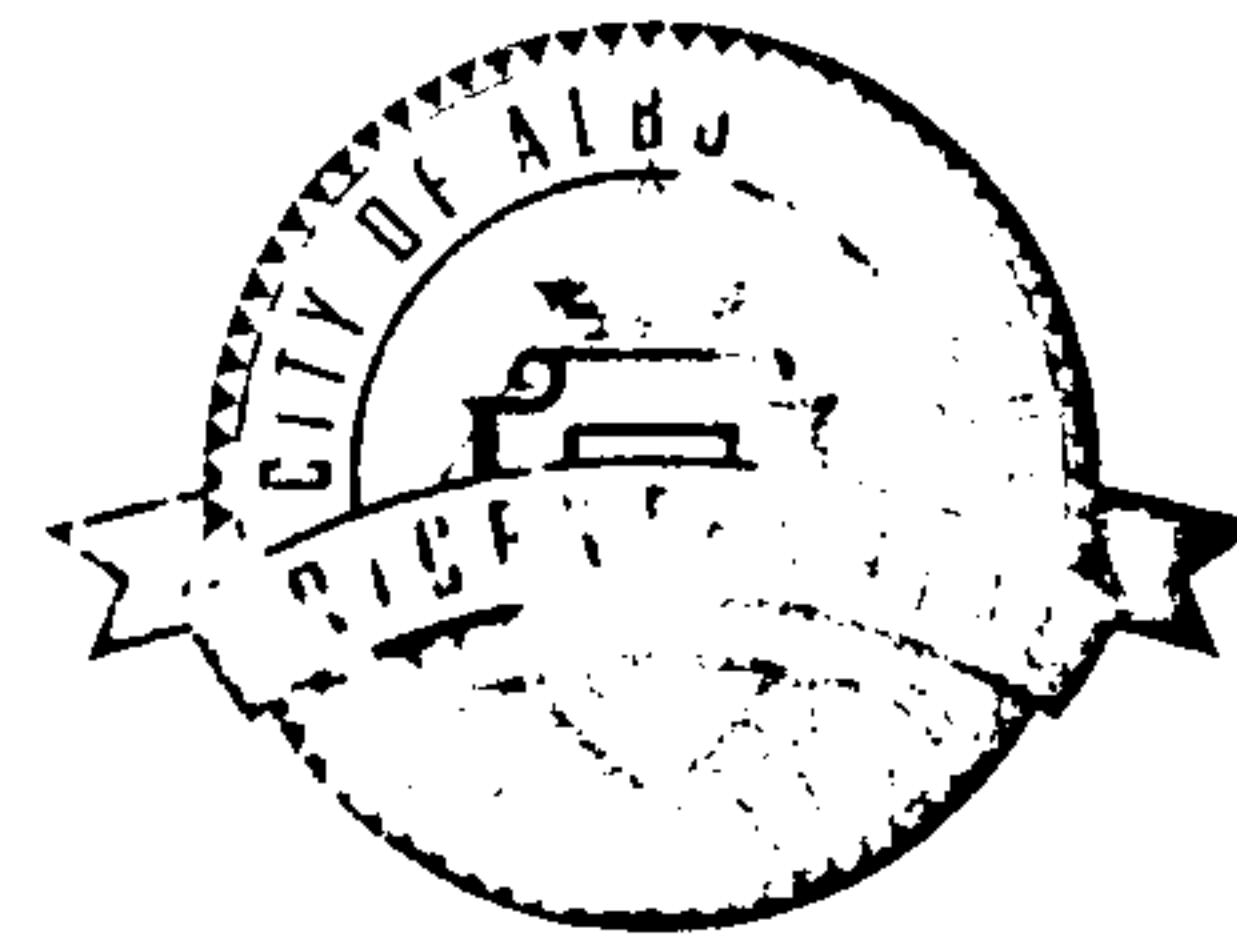
11. Name: \_\_\_\_\_ Address: \_\_\_\_\_ Zip: \_\_\_\_\_

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

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

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

Left



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

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003096**

**AGENDA ITEM NO: 6**

**SUBJECT:**

Final Plat  
Preliminary Plat

**ACTION REQUESTED:**

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

P.O. Box 1293

**ENGINEERING COMMENTS:**

No adverse comments.

Albuquerque

New Mexico 87103

**RESOLUTION:**

*re-ratified*

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

www.cabq.gov

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:** April 19, 2006



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

April 19, 2006

**Project # 1003096**  
04DRB-01344 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX  
AND STEFAN WATSON request(s) the above action(s) for all or a portion  
of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R,  
SAWMILL RESIDENTIAL, located between 8<sup>TH</sup> ST NW and MOUNTAIN  
RD NW containing approximately 1 acre(s). [REF: 03DRB-01901,  
05CC01786] (J-14) **REMANDED BACK TO DRB FROM CITY  
COUNCIL**

AMAFCA	No adverse comments.
COG	No comments received.
Transit	No objection to the request.
Zoning Enforcement	No comments received.
Neighborhood Coordination	
	Letters sent to Sawmill Area NA (R) and Downtown NA (R).
APS	No comments required.
Police Department	No comments received.
Fire Department	No comments received.
PNM Electric & Gas	No adverse comments.
Comcast	No comments received.
QWEST	No comments received.
Environmental Health	No comments received.
M.R.G.C.D.	No comments received.
Open Space Division	No adverse comments.

City Engineer

No adverse comments.

Transportation Development

Is there any further evidence regarding access to rear lots?

Parks & Recreation

No objection.

Utilities Development

No objection to Plat approval.

Planning Department

No comments.

Impact Fee Administrator

No comment on lot line adjustment subdivision.

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

cc: Eileen Devereux & Stefan Watson, 1719 5<sup>th</sup> St NW, 87102

Surveys Southwest Ltd., 333 Lomas Blvd NE, 87102





**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, April 19, 2006, beginning at 9:00 a.m.** for the purpose of considering the following:

**Project # 1002202**

06DRB-00362 Major-Vacation of Public Easements  
06DRB-00363 Major-Preliminary Plat Approval

HUITT-ZOLLARS INC agent(s) for PRU WINROCK LLC request(s) the above action(s) for all or a portion of Lot(s) A-1-A, A-2, A-3, B, C-2A, D-1A, E-1, WINROCK CENTER ADDITION and Lot(s) B, MONROE (to be known as **WINROCK MARKET CENTER**), zoned SU-3, located on LOUISIANA BLVD NE, between INDIAN SCHOOL NE and INTERSTATE 40 containing approximately 80 acre(s). [REF: 05EPC-00876, 05EPC-00877] (J-19)

**Project # 1004354**

06DRB-00392 Major-Vacation of Pub Right-of-Way

TIERRA WEST LLC agent(s) for PETE DASKALOS request(s) the above action(s) for all or a portion of Lot(s) 22-26 and a portion of Lot(s) 27, Tract(s) O, Block(s) 9, **ORIGINAL TOWNSITE OF WESTLAND**, zoned SU-2 FOR C-2, IP, located on 98<sup>TH</sup> ST NW, between VOLCANO RD NW and CENTRAL AVE NW containing approximately 9 acre(s). [REF: ZA-88-3701, ZA-90-276, ZA-96-227, ZA-87-308, 05DRB-01229, 05EPC-01234] (K-9)

**Project # 1004779**

06DRB-00393 Major-Vacation of Pub Right-of-Way

ISAACSON & ARFMAN PA agent(s) for 207 ALISO DRIVE LLC, SHEFFIELD PARTNERS LLC request(s) the above action(s) for all or a portion of Lot(s) 3-A & 4, Block(s) 3, GRANADA HEIGHTS (to be known as **ALISO LOFTS, PHASE II**) zoned R-2 residential zone, located on ALISO DR SE, between SILVER AVE SE and ARLOTE AVE SE. [REF: V-77-8, ZA-76-152] (K-17)

**Project # 1004778**

06DRB-00391 Major-Vacation of Public Easements  
06DRB-00390 Minor-Prelim&Final Plat Approval

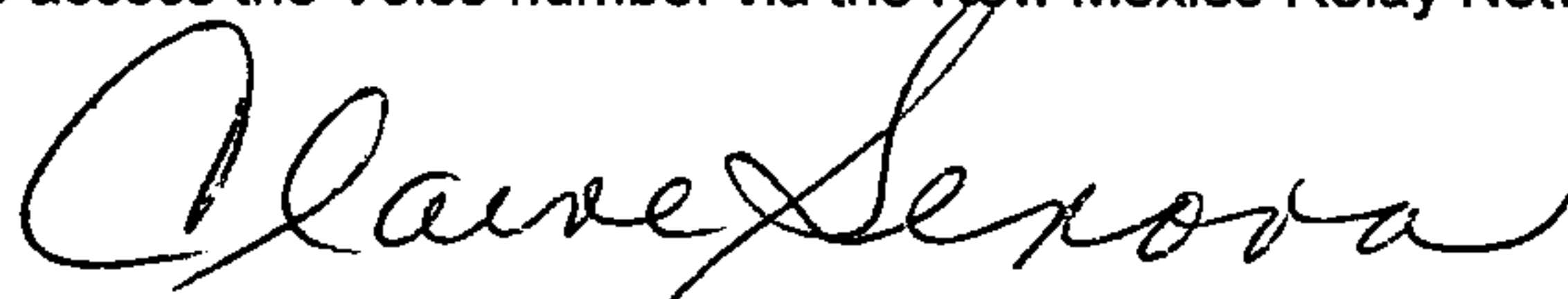
SURVEYS SOUTHWEST LTD agent(s) for BLAINE ROBERTS request(s) the above action(s) for all or a portion of Lot(s) 2-B & 2-C, **LANDS OF FOREST PRODUCTS CO.**, zoned S-MI, located on ASPEN AVE NW, between 12<sup>TH</sup> ST NW and A.T. & S.F. RAILROAD containing approximately 7 acre(s). [REF: DRB-95-360, ZA-89-365] (H-13)

**Project # 1003096**

04DRB-01344 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX AND STEFAN WATSON request(s) the above action(s) for all or a portion of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R, SAWMILL RESIDENTIAL, located between 8<sup>TH</sup> ST NW and MOUNTAIN RD NW containing approximately 1 acre(s). [REF: 03DRB-01901, 05CC01786] (J-14) **REMANDED BACK TO DRB FROM CITY COUNCIL**

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 hearing should contact Claire Senova, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

  
for Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, APRIL 3, 2006.**

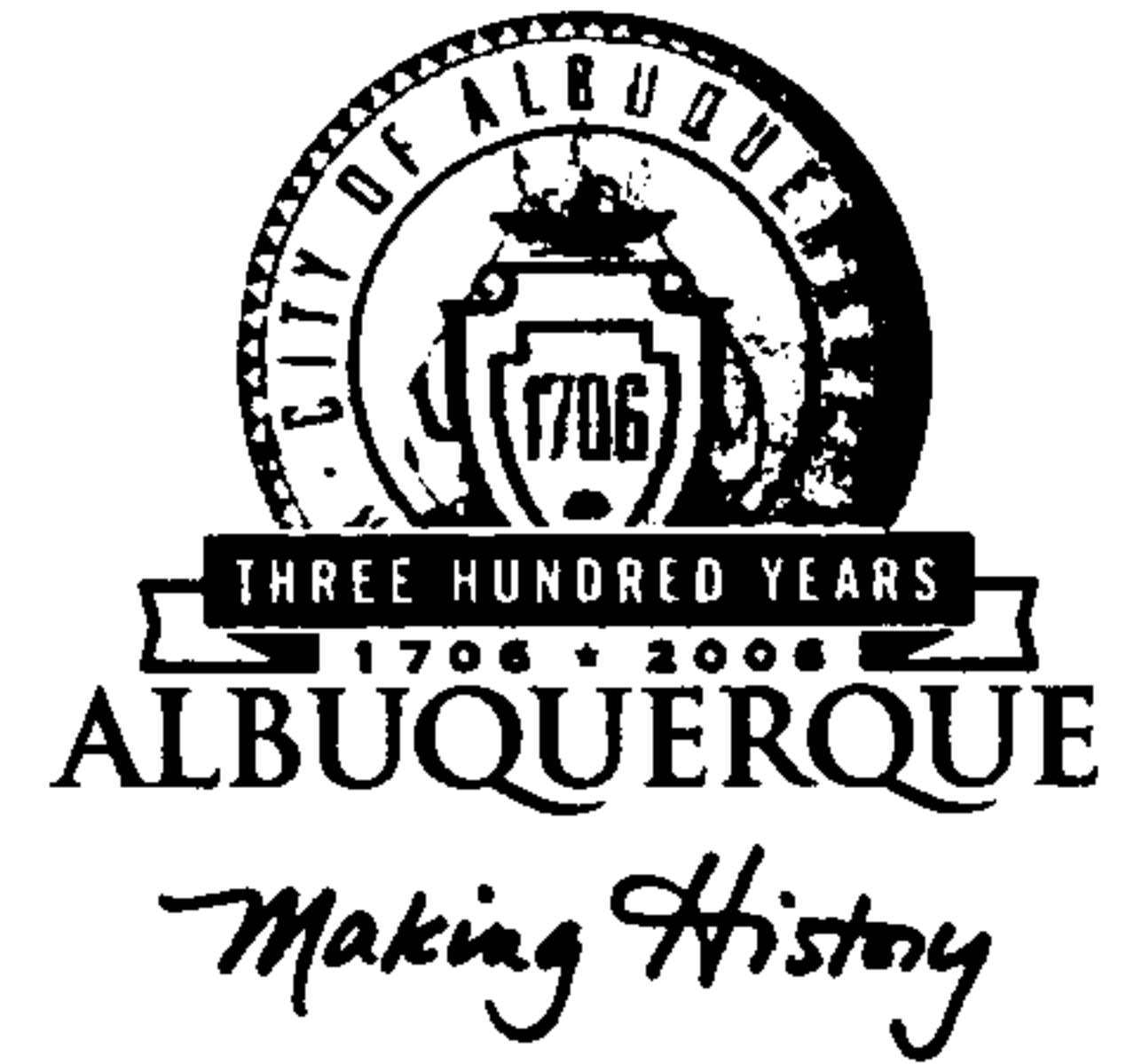
# CITY OF ALBUQUERQUE

## Planning Department

Richard Dineen, Director

### Development Review Division

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102



## NOTICE OF HEARING

February 7, 2006

Michelle & Joseph Garcia  
2708 Monk Ct NW  
Albuquerque, NM 87107

**AC-06-1 – 04DRB-01344, Project #1003096 – Michelle Garcia & Joseph Garcia, appeal the decision of the Development Review Board to approve a Preliminary Plat for all or a portion of Lot(s) 53 – 58, J.M. Moore Realty Company Subdivision, Unit No. 1, zoned S-R, Sawmill Residential, and S-MRN, Sawmill Mountain Road Neighborhood, located on the northwest corner of the intersection of, between 8<sup>th</sup> St NW and Mountain Rd NW, containing approximately .3 acre. Sheran Matson, DRB Chair. (J-14)**

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case(s) on February 21, 2006. The hearing begins at 9:00 am and will be held in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

P.O. Box 1293

Please note that any information submitted after the final DRB hearing (other than the appeal application and related materials) ***IS NOT*** part of the DRB record and is therefore not included in the record submitted to City Council.

Albuquerque

**Submittal of new information or questions regarding the hearing with the Land Use Hearing Officer should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9<sup>th</sup> Floor, Albuquerque NM 87102, (505) 768-3100.**

New Mexico 87103

If you would like a copy of the record submitted to City Council, copies are available upon request in the Planning Department, Plaza del Sol Building, 600 2<sup>nd</sup> Street NW. Please call (505) 924-3889 to request a copy.

www.cabq.gov

Sincerely,

Barbara J. Findley  
Administrative Assistant

cc: Eileen Devereux & Stefan Watson, 1123 8<sup>th</sup> St NW, Abq., NM 87102  
Surveys Southwest Ltd, 333 Lomas Blvd NE, Abq., NM 87102  
File

# CITY OF ALBUQUERQUE

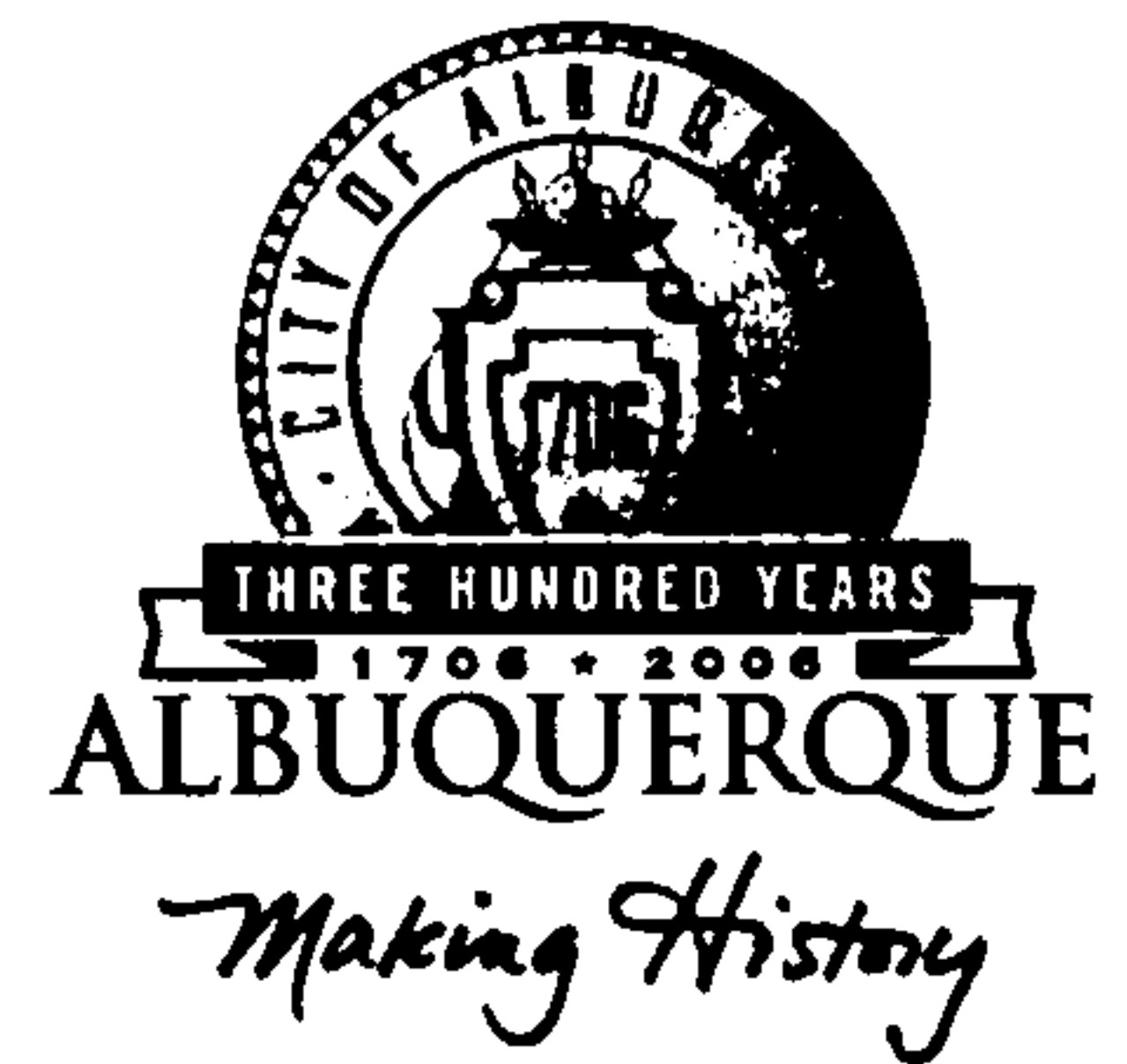
## *Planning Department*

Richard Dineen, Director

### *Development Review Division*

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

November 29, 2005



### **TO WHOM IT MAY CONCERN:**

The Planning Department received the attached appeal on November 28, 2005. You will be notified by mail as to when this appeal will be heard before the **Land Use Hearing Officer**.

***Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.***

If you have questions not answered in the enclosed bill call Barbara Findley, Administrative Assistant, at (505) 924-3889.

**CITY COUNCIL APPEAL NUMBER: AC-05-15**

**PLANNING DEPARTMENT CASE FILE NUMBERS: 04DRB-01344  
Project #1003096**

P.O. Box 1293

**APPELLANT(s): Michelle & Joseph Garcia  
2708 Monk Ct NW  
Albuquerque, NM 87107**

Albuquerque

### **AGENT:**

New Mexico 87103

cc: Eileen Devereux & Stefan Watson, 1719 5<sup>th</sup> St NW, Abq., NM 87102  
Surveys Southwest Ltd, 333 Lomas Blvd NE, Abq., NM 87102  
File

www.cabq.gov

Enclosure: LUHO Rules of Procedure and Qualifications (6 pages)

# APPEAL

## DRB Minutes for 9/15/04

Project #1003096  
04DRB-01344

**7. Project # 1003096**  
04DRB-01344 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX AND STEFAN WATSON request(s) the above action(s) for all or a portion of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R, SAWMILL RESIDENTIAL, located on 8<sup>TH</sup> ST NW, between 8<sup>TH</sup> ST NW and MOUNTAIN RD NW containing approximately 1 acre(s). [REF: 03DRB-01901] (J-14)

Persons present on Behalf of the Request:

Dan Graney, Surveys Southwest Ltd., 333 Lomas Blvd NE, 87102

CHAIR MATSON: We are now on Agenda Item 7, Project #1003096. Good morning. If you'll state your name please and tell us why you are here.

MR. GRANEY: Dan Graney, Surveys Southwest, agent for Eileen Devereux and Stefan Watson. We are reconfiguring existing lots to fit existing buildings and the drive cuts and everything. We are proposing a 4 lot plat today.

CHAIR MATSON: Okay. Parks?

MS. SANDOVAL: Since this is a lot consolidation there is no park dedication requirement. Since all of the units are built there will be no park development requirement either.

CHAIR MATSON: Hydrology?

MR. BINGHAM: I have no objections.

CHAIR MATSON: Planning has no objection to the replat. Utilities?

DRB MINUTES  
Project #1003096  
04DRB-01344

PAGE 2

MR. GREEN: A condition was that they separate their combined shared sewer and water services. They made applications but they need to have a contractor get the tapping bonds. Make the new taps and once that's completed I can sign the plat. I'll take delegation of the final plat until the tapping permits are completed.

CHAIR MATSON: Transportation?

MR. GALLEGOS: No objections.

CHAIR MATSON: All right. We will approve the preliminary and final plat with final plat sign off delegated to Utilities Development for water and sewer service completion.

MR. GRANNEY: Thank you.

CHAIR MATSON: You're welcome.

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

**Meeting Date:** APRIL 19, 2006  
**Zone Atlas Page:** J-14-Z  
**Notification Radius:** 100 Ft.

**Project# 1003096**  
**App#04DRB-01344**

**Cross Reference and Location:** 8<sup>TH</sup> STREET NW BETWEEN MOUNTAIN RD NW

**Applicant:** EILEEN DEVEREUX & STEFAN WATSON  
**Address:** 1719 5<sup>TH</sup> STREET NW  
ALBUQUERQUE, NM 87102

**Agent:** SURVEYS SOUTHWEST LTD  
333 LOMAS BLVD NE  
ALBUQUERQUE, NM 87102

**Special Instructions:**

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

**Date Mailed:** MARCH 31, 2006  
**Signature:** YVONNE SAAVEDRA



**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, April 19, 2006**, beginning at **9:00 a.m.** for the purpose of considering the following:

**Project # 1002202**

06DRB-00362 Major-Vacation of Public Easements  
06DRB-00363 Major-Preliminary Plat Approval

HUITT-ZOLLARS INC agent(s) for PRU WINROCK LLC request(s) the above action(s) for all or a portion of Lot(s) A-1-A, A-2, A-3, B, C-2A, D-1A, E-1, WINROCK CENTER ADDITION and Lot(s) B, MONROE (to be known as **WINROCK MARKET CENTER**), zoned SU-3, located on LOUISIANA BLVD NE, between INDIAN SCHOOL NE and INTERSTATE 40 containing approximately 80 acre(s). [REF: 05EPC-00876, 05EPC-00877] (J-19)

**Project # 1004354**

06DRB-00392 Major-Vacation of Pub Right-of-Way

TIERRA WEST LLC agent(s) for PETE DASKALOS request(s) the above action(s) for all or a portion of Lot(s) 22-26 and a portion of Lot(s) 27, Tract(s) O, Block(s) 9, **ORIGINAL TOWNSITE OF WESTLAND**, zoned SU-2 FOR C-2, IP, located on 98<sup>TH</sup> ST NW, between VOLCANO RD NW and CENTRAL AVE NW containing approximately 9 acre(s). [REF: ZA-88-3701, ZA-90-276, ZA-96-227, ZA-87-308, 05DRB-01229, 05EPC-01234] (K-9)

**Project # 1004779**

06DRB-00393 Major-Vacation of Pub Right-of-Way

ISAACSON & ARFMAN PA agent(s) for 207 ALISO DRIVE LLC, SHEFFIELD PARTNERS LLC request(s) the above action(s) for all or a portion of Lot(s) 3-A & 4, Block(s) 3, **GRANADA HEIGHTS (to be known as ALISO LOFTS, PHASE II)** zoned R-2 residential zone, located on ALISO DR SE, between SILVER AVE SE and ARLOTE AVE SE. [REF: V-77-8, ZA-76-152] (K-17)

**Project # 1004778**

06DRB-00391 Major-Vacation of Public Easements  
06DRB-00390 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for BLAINE ROBERTS request(s) the above action(s) for all or a portion of Lot(s) 2-B & 2-C, **LANDS OF FOREST PRODUCTS CO.**, zoned S-MI, located on ASPEN AVE NW, between 12<sup>TH</sup> ST NW and A.T. & S.F. RAILROAD containing approximately 7 acre(s). [REF: DRB-95-360, ZA-89-365] (H-13)

**Project # 1003096**

04DRB-01344 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX AND STEFAN WATSON request(s) the above action(s) for all or a portion of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R, SAWMILL RESIDENTIAL, located between 8<sup>TH</sup> ST NW and MOUNTAIN RD NW containing approximately 1 acre(s). [REF: 03DRB-01901, 05CC01786] (J-14) **REMANDED BACK TO DRB FROM CITY COUNCIL**

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 hearing should contact Claire Senova, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 - TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

for Sheran Matson, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, APRIL 3, 2006.**

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form **S**

**SUBDIVISION**

Major Subdivision action

Minor Subdivision action

Vacation **V**

Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN** **P**

...for Subdivision Purposes

...for Building Permit

IP Master Development Plan

Cert. of Appropriateness (LUCC) **L**

Supplemental form **Z**

**ZONING & PLANNING** **Z**

Annexation

County Submittal

EPC Submittal

Zone Map Amendment (Establish or Change Zoning)

Sector Plan (Phase I, II, III)

Amendment to Sector, Area, Facility or Comprehensive Plan

Text Amendment (Zoning Code/Sub Regs)

**APPEAL / PROTEST of...** **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: EILEEN DEVEREUX & STEFFAN WATSON PHONE: 242-9351

ADDRESS: 1719 5<sup>th</sup> STREET NW FAX: \_\_\_\_\_

CITY: ALBU STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_

Proprietary interest in site: OWNERS List all owners: N/A

AGENT (if any): SURVEYS SOUTHWEST LTD PHONE: 998-0303

ADDRESS: 333 LOMAS BLVD NE FAX: 998-0300

CITY: ALBU STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: PRELIM/FINAL RECONFIGURE & EXISTING LOTS INTO 4 NEW LOTS

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

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

Lot or Tract No. LOTS 53 THRU 58 Block: N/A Unit: 1

Subdiv. / Addn. J.M. MOORE REALTY COMPANY

Current Zoning: S-B Proposed zoning: \_\_\_\_\_

Zone Atlas page(s): J-14-Z No. of existing lots: 6 No. of proposed lots: 4

Total area of site (acres): 0.2262 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_

Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO

UPC No. 1-014-058-055-309-21403 & 1-014-058-052-302-21401 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: 8<sup>th</sup> STREET NW

Between: MOUNTAIN ROAD NW and \_\_\_\_\_

**CASE HISTORY:**

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

PROJ # 1003096 (SKETCH PLAN)

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

SIGNATURE Dan Graney DATE 8.31.04

(Print) Dan Graney  Applicant  Agent

**FOR OFFICIAL USE ONLY**

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

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04 DRB - 01344</u>	<u>PAF</u>	<u>5(3)</u>	<u>\$ 425</u>
<input type="checkbox"/> All fees have been collected	_____	_____	_____	<u>\$ 20</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> E.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.B. fee rebate	_____	_____	_____	\$ _____
Hearing date <u>Sept. 15, 2004</u>				Total <u>\$ 445</u>

Roberto 9/2/04  
Planner signature / date

Project # 1003096



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.

MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL

Your attendance is required.

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

- AMENDMENT TO PRELIMINARY PLAT (with minor changes)
AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)
AMENDMENT TO GRADING PLAN (with minor changes)

Your attendance is required.

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.

Dan Grancy
Dan Grancy
Applicant name (print)
8-31-04
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
04 DRB - 01344

Planner signature / date
Project # 1003096

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.

MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL

Your attendance is required.

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

NO INTERNAL ROUTING

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

AMENDMENT TO PRELIMINARY PLAT (with minor changes)

Your attendance is required.

AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)

AMENDMENT TO GRADING PLAN (with minor changes)

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

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

Amended preliminary plat approval expires after one year.

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

Handwritten signature: Dan Grancy
Applicant name (print): Dan Grancy
Applicant signature / date: 8-31-04



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

Table with 2 columns: Checklist items (Checklists complete, Fees collected, Case #s assigned, Related #s listed) and Application case numbers (04 DRB, 01344)

Handwritten signature: [Signature]
Planner signature / date: 9/2/04
Project #: 1003096

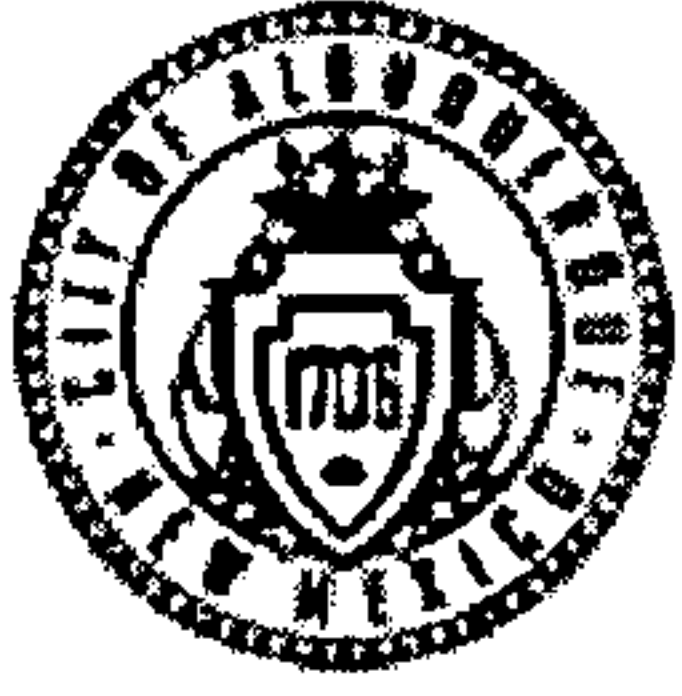
**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
PROPERTY OWNERSHIP / LEGAL LIST**

Project# 1003096  
Application# \_\_\_\_\_

PAGE 1 OF 3

Zone Atlas Page #	Zone Atlas #	Grid Location	Parcel Sequence	Name & Address
J-14	1014058	052-299	214-01	✓
		053-303	03	✓
		053-308	47	✓
		050-310	02	✓
		053-312	48	✓
		053-315	04	✓
		053-319	05	✓
		053-325	06	✓
		072-321	205-31	✓
		071-316	32	✓
		071-311	33	✓
		071-306	34	✓
		072-300	02	✓
		065-301	01	✓
		068-291	201-11	✓
		068-286	12	✓
		068-281	13	✓
		052-292	348-23	✓
		046-292	24	✓
		050-283	22	✓
		039-292	25	✓
		033-296	26	✓
		033-292	27	✓
		033-289	28	✓





mainframe@coa1mp3.ca  
bq.gov  
03/29/2006 01:39 PM

To  
cc  
bcc  
Subject

1 R E C O R D S W I T H L A B E L S PAGE  
1  
01014058 \*\*\* THIS UPC CODE HAS NO MASTER RECORD ON FILE  
0101405805229921401 LEGAL: LT 5 8-A PLAT OF LOTS 53-A, 54-A, 57-A & 58-A  
J.M. LAND USE:  
PROPERTY ADDR: 00000 8TH  
OWNER NAME: WATSON STEFAN & EILEEN DEVEREU  
OWNER ADDR: 01719 5TH ST NW  
ALBUQUERQUE NM 87102  
0101405805330321403 LEGAL: LT 5 7-A PLAT OF LOTS 53-A, 54-A, 57-A & 58-A  
J.M. LAND USE:  
PROPERTY ADDR: 00000 8TH  
OWNER NAME: DETTWEILER JOSHUA S & BELL MOL  
OWNER ADDR: 01203 8TH ST NW  
ALBUQUERQUE NM 87102  
0101405805330821447 LEGAL: LT 5 4-A PLAT OF LOTS 53-A, 54-A, 57-A & 58-A  
J.M. LAND USE:  
PROPERTY ADDR: 00000 8TH  
OWNER NAME: RACCA GREG J  
OWNER ADDR: 01205 8TH ST NW  
ALBUQUERQUE NM 87102  
0101405805031021402 LEGAL: 059 J M MOORE REALTY CO  
LAND USE:  
PROPERTY ADDR: 00000 MOUNTAIN  
OWNER NAME: GARCIA JOSEPH W & GARCIA MICHE  
OWNER ADDR: 02708 MONK CT NW  
ALBUQUERQUE NM 87107  
0101405805331221448 LEGAL: LT 5 3-A PLAT OF LOTS 53-A, 54-A, 57-A & 58-A  
J.M. LAND USE:  
PROPERTY ADDR: 00000  
OWNER NAME: AGNEW WILLIAM & PERKINS FLO  
OWNER ADDR: 00230 COUNTY ROAD 84  
SANTA FE NM 87501  
0101405805331521404 LEGAL: LTS 51 & 52 JOHN M MOORE REALTY COMPANY'S  
ADDITION LAND USE:  
PROPERTY ADDR: 00000 8TH  
OWNER NAME: GARCIA DOLORES M  
OWNER ADDR: 01213 8TH ST NW  
ALBUQUERQUE NM 87102  
0101405805331921405 LEGAL: 049 J M MOORE REALTY CO L 49 & 50  
LAND USE:  
PROPERTY ADDR: 00000 8TH  
OWNER NAME: LOPEZ JAYMEROSE Y &  
OWNER ADDR: 01215 8TH ST NW  
ALBUQUERQUE NM 87102  
0101405805332521406 LEGAL: 047 J M MOORE REALTY CO L 47 X 48  
LAND USE:  
PROPERTY ADDR: 00000 8TH  
OWNER NAME: PADILLA BENNIE D  
OWNER ADDR: 01221 8TH ST NW  
ALBUQUERQUE NM 87101

PAGE 2

0101405807232120531    LEGAL: 020    JM M OORE RLTY ADD NO 1 L20 XS1/2 L19  
LAND USE:  
PROPERTY ADDR: 00000    8TH  
OWNER NAME: MONTOYA GERALD L  
OWNER ADDR: 01218    8TH    ST NW  
ALBUQUERQUE NM    87102

0101405807131620532    LEGAL: 021    JM M OORE RLTY ADD NO1 L21X22  
LAND USE:  
PROPERTY ADDR: 00000    8TH  
OWNER NAME: VALDEZ RUBEN, JONAS NORMA J,  
OWNER ADDR: 01216    8TH    ST NW  
ALBUQUERQUE NM    87102

0101405807131120533    LEGAL: 023    JM M OORE RLTY ADD =1 L23 + 24  
LAND USE:  
PROPERTY ADDR: 00000    8TH  
OWNER NAME: ATENCIO PHILLIP E SR & GRACE S  
OWNER ADDR: 01317    LOS TOMASES    DR NW  
ALBUQUERQUE NM    87102

0101405807130620534    LEGAL: 025    JM M OORE RLTY ADD #1 L25 & 26  
LAND USE:  
PROPERTY ADDR: 00000    8TH  
OWNER NAME: ATENCIO PHILLIP E SR & GRACE S  
OWNER ADDR: 01317    LOS TOMASES    DR NW  
ALBUQUERQUE NM    87102

0101405807230020502    LEGAL: LOTS    27,    28 AND 29 MOORE REALTY COMPANY'S FIRST  
LAND USE:  
PROPERTY ADDR: 00000    MOUNTAIN  
OWNER NAME: MAXEY PATRICIA J & LUCERO PAUL  
OWNER ADDR: 04609    LARIAT    AV NW  
ALBUQUERQUE NM    87120

0101405806530120501    LEGAL: WEST    50    FEET OF LOTS 27, 28 AND 29 MOORE REALTY  
LAND USE:  
PROPERTY ADDR: 00000    MOUNTAIN  
OWNER NAME: WATSON STEFAN & EILEEN DEVEREU  
OWNER ADDR: 01719    5TH    ST NW  
ALBUQUERQUE NM    87102

0101405806829120111    LEGAL: 006    C PA RK ADD L 6 & 37FT L 5  
LAND USE:  
PROPERTY ADDR: 00000    MOUNTAIN  
OWNER NAME: WATSON STEFAN & DEVEREUX EILEE  
OWNER ADDR: 01719    FIFTH    ST NW  
ALBUQUERQUE NM    87102

0101405806828620112    LEGAL: 005    C PA RK ADD S 37FT L 5  
LAND USE:  
PROPERTY ADDR: 00000    8TH  
OWNER NAME: ARMIJO MAURICE JR & ESTHER T  
OWNER ADDR: 01112    8TH    ST NW  
ALBUQUERQUE NM    87102

0101405806828120113    LEGAL: 004    C PA RK ADD N 45FT L 4  
LAND USE:  
PROPERTY ADDR: 00000    8TH  
OWNER NAME: ARMIJO MAURICE JR  
OWNER ADDR: 01112    8TH    ST NW  
ALBUQUERQUE NM    87102



PAGE 4

0101405803732321444    LEGAL: LOT A BL K 1 WITH ADDN PLAT OF LTS A, B & C BLK  
1 W LAND USE:

PROPERTY ADDR: 00000    FORRESTER  
OWNER NAME: WITH ALEX ETAL  
OWNER ADDR: 01116    FORRESTER

AV NW

ALBUQUERQUE NM    87104

0101405803528434829    LEGAL: 19 C ORON ADO PL ADD  
LAND USE:

PROPERTY ADDR: 00000    FORRESTER  
OWNER NAME: HESHLEY DEBBIE L  
OWNER ADDR: 01028    FORRESTER

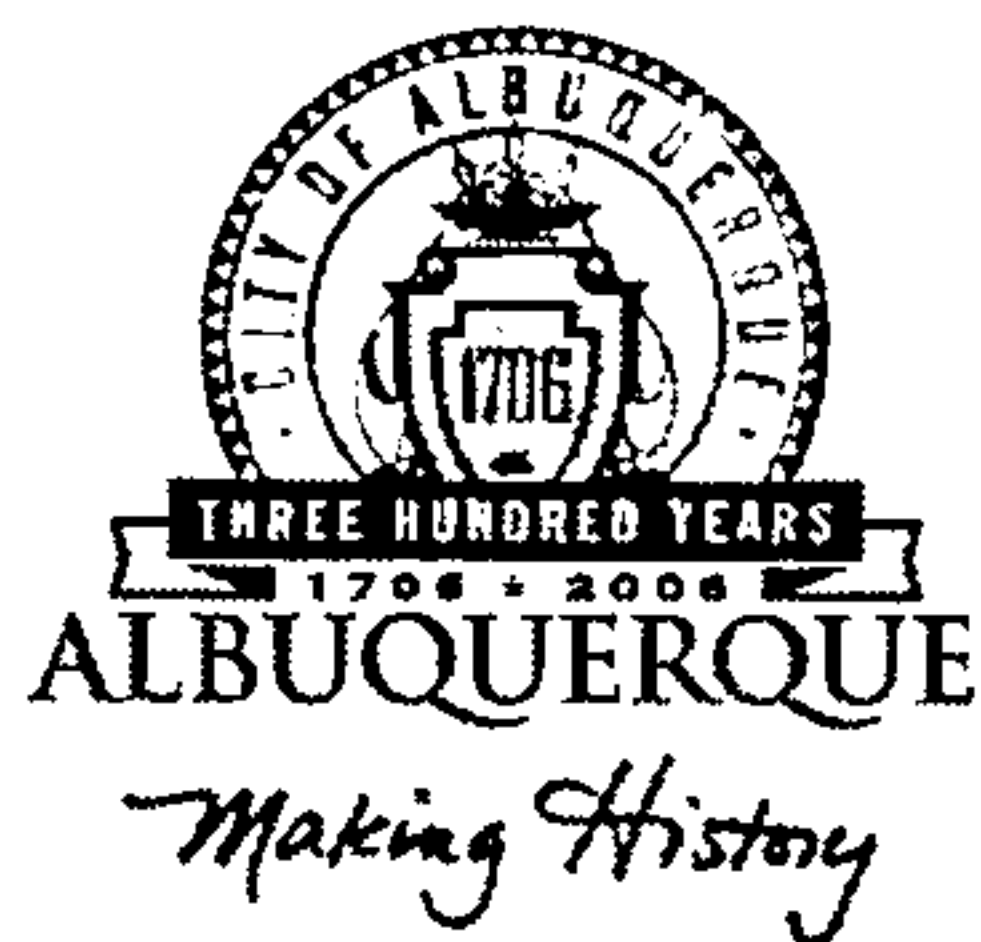
ST NW

ALBUQUERQUE NM

87102

QUIT





*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.

March 24, 2006

Dan Graney  
Surveys Southwest LTD  
333 Lomas Blvd. NW  
Phone: 998-0303 Fax: 998-0306

Dear Dan:

Thank you for your inquiry of **March 24, 2006** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOTS 53 THRU 58, UNIT 1, J.M. MOORE REALITY COMPANY, LOCATED ON 8<sup>TH</sup> STREET NW, BETWEEN MOUNTAIN NW AND SUMMER AVENUE NW** zone map **J-14**.

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

**DOWNTOWN N.A. (DNA) "R"**

**\*Richard Deutsch**

410 Luna Blvd. NW/87102 242-5492 (h) 242-6880 (w)

Laura Ferrary

1211 Roma Ave. NW/87102 400-4543 (h)

**WELLS PARK N.A. (WPK) "R"**

**\*Fred Sais**

1508 Los Tomases NW/87102 242-8457 (h)

Mark Clayburgh

1310 5<sup>th</sup> St. NW/87102 242-6278 (h)

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

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,

*Stephanie Winkler*  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

**LETTERS MUST BE SENT TO  
BOTH CONTACTS OF EACH  
NEIGHBORHOOD ASSOCIATION**

Project # 1003096

EILEEN DEVEREUX & STEFAN WATSON  
1719 5<sup>TH</sup> STREET NW  
ALBUQUERQUE, NM 87102

Project # 1003096

LAURA FERRARY  
Downtown N.A.  
1211 ROMA AVE NW  
ALBUQUERQUE, NM 87102

Project # 1003096

SURVEYS SOUTHWEST LTD  
333 LOMAS BLVD NE  
ALBUQUERQUE, NM 87102

Project # 1003096

FRED SAIS  
Wells Park N.A.  
1508 LOS TOMASES NW  
ALBUQUERQUE, NM 87102

Project # 1003096

RICHARD DEUTSCH  
Downtown N.A.  
410 LUNA BLVD NW  
ALBUQUERQUE, NM 87102

Project # 1003096

MARK CLAYBURGH  
Wells Park N.A.  
1310 5<sup>th</sup> STREET NW  
ALBUQUERQUE, NM 87102

101405805229921401

WATSON STEFAN & EILEEN DEVERE  
1719 5TH ST NW  
ALBUQUERQUE NM 87102

101405805031021402

GARCIA JOSEPH W & GARCIA MICH  
2708 MONK CT NW  
ALBUQUERQUE NM 87107

101405805331921405

LOPEZ JAYMEROSE Y &  
1215 8TH ST NW  
ALBUQUERQUE NM 87102

101405807131620532

VALDEZ RUBEN, JONAS NORMA J,  
1216 8TH ST NW  
ALBUQUERQUE NM 87102

101405807230020502

MAXEY PATRICIA J & LUCERO PAU  
4609 LARIAT AV NW  
ALBUQUERQUE NM 87120

101405806828620112

ARMIJO MAURICE JR & ESTHER T  
1112 8TH ST NW  
ALBUQUERQUE NM 87102

101405804629234824

MACPHERSON ANGUS & MELISSA  
615 SIERRA DR SE  
ALBUQUERQUE NM 87108

101405803329634826

BARLOW CARLA KAY  
600 HIGH ST SE  
ALBUQUERQUE NM 87102

101405805330321403

DETTWEILER JOSHUA S & BELL MO  
1203 8TH ST NW  
ALBUQUERQUE NM 87102

101405805331221448

AGNEW WILLIAM & PERKINS FLO  
230 COUNTY ROAD 84  
SANTA FE NM 87501

101405805332521406

PADILLA BENNIE D  
1221 8TH ST NW  
ALBUQUERQUE NM 87101

101405807131120533

ATENCIO PHILLIP E SR & GRACE  
1317 LOS TOMASES DR NW  
ALBUQUERQUE NM 87102

101405806530120501

WATSON STEFAN & EILEEN DEVERE  
1719 5TH ST NW  
ALBUQUERQUE NM 87102

101405806828120113

ARMIJO MAURICE JR  
1112 8TH ST NW  
ALBUQUERQUE NM 87102

101405805028334822

SANDOVAL SHERIE I  
12 ARROYO TR  
SANTA FE NM 87508

101405803329234827

BARLOW CARLA KAY  
600 HIGH ST SE  
ALBUQUERQUE NM 87102

101405805330821447

RACCA GREG J  
1205 8TH ST NW  
ALBUQUERQUE NM 87102

101405805331521404

GARCIA DOLORES M  
1213 8TH ST NW  
ALBUQUERQUE NM 87102

101405807232120531

MONTOYA GERALD L  
1218 8TH ST NW  
ALBUQUERQUE NM 87102

101405807130620534

ATENCIO PHILLIP E SR & GRACE  
1317 LOS TOMASES DR NW  
ALBUQUERQUE NM 87102

101405806829120111

WATSON STEFAN & DEVEREUX EILE  
1719 FIFTH ST NW  
ALBUQUERQUE NM 87102

101405805229234823

WATSON STEFAN & EILEEN DEVERE  
1121 8TH ST NW  
ALBUQUERQUE NM 87102

101405803929234825

LEWIS JIMMIE E & LORRAINE  
6300 KIOWA NE  
ALBUQUERQUE NM 87110

101405803328934828

MCDAVID AILEAN TRUSTEE MCDAVI  
13127 ALICE NE  
ALBUQUERQUE NM 87112

101405804131221450

HENNESSY MARYELLEN  
815 MOUNTAIN RD NW  
ALBUQUERQUE NM 87104

101405803331121445

MOUNTAIN ROAD PROPERTIES LLC  
704 17TH ST NW  
ALBUQUERQUE NM 87104

101405803732321444

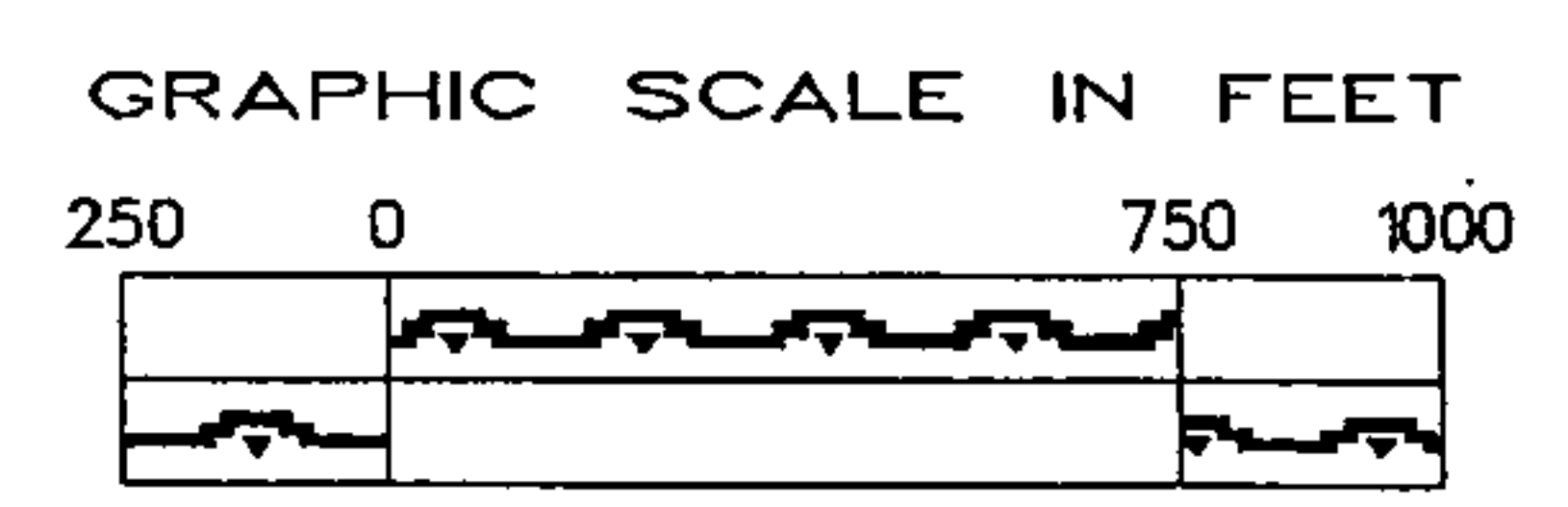
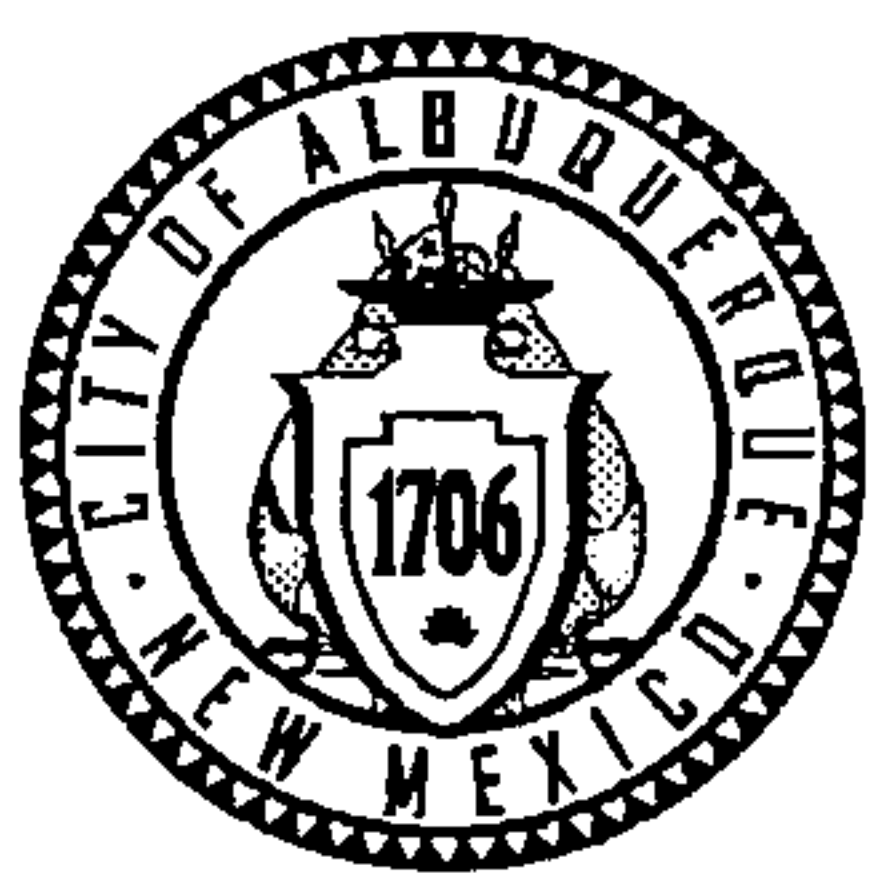
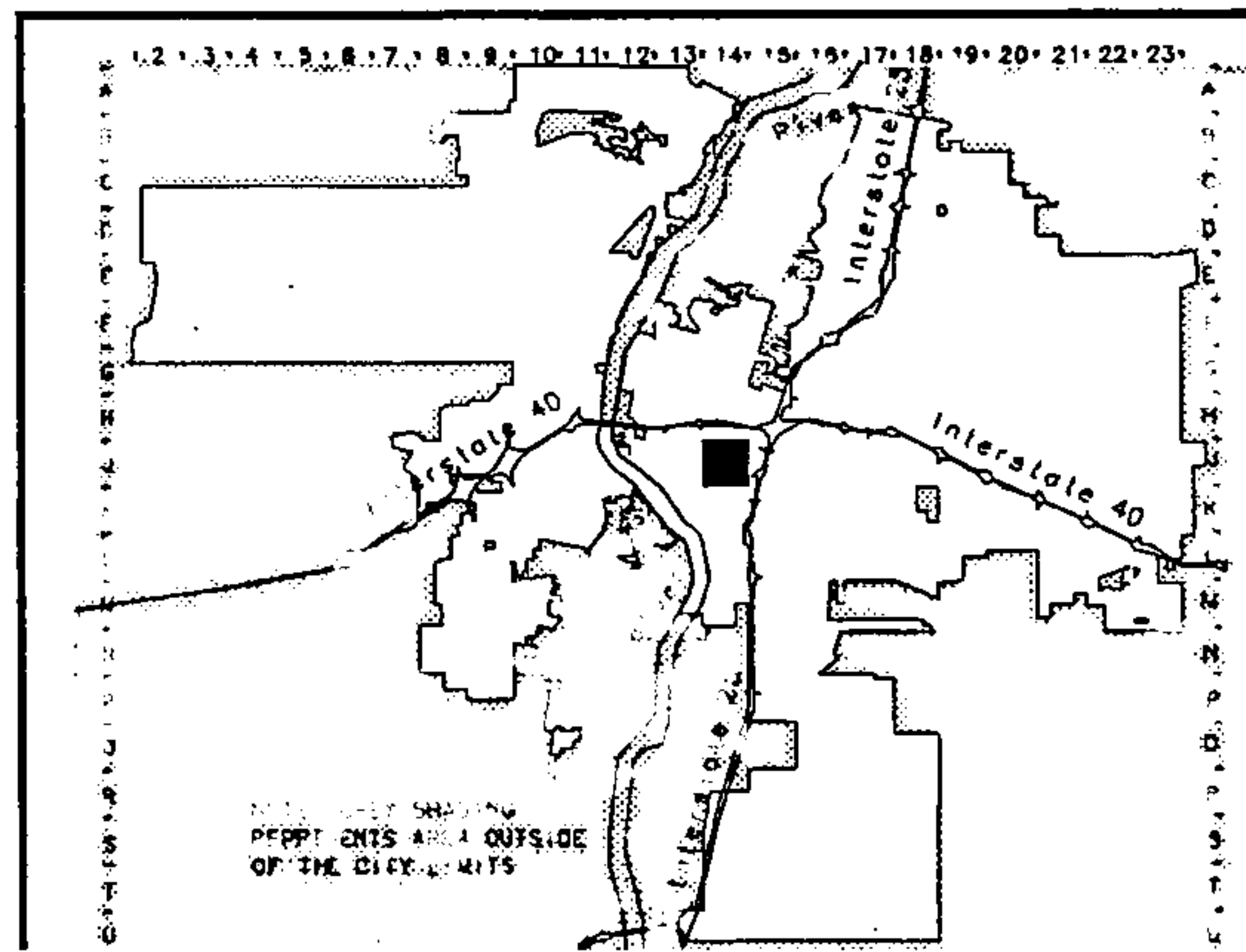
WITH ALEX ETAL  
1116 FORRESTER AV NW  
ALBUQUERQUE NM 87104

101405803528434829

HESHLEY DEBBIE L  
1028 FORRESTER ST NW  
ALBUQUERQUE NM 87102



SITE



**A G I S**  
 Albuquerque Geographic Information System  
**PLANNING DEPARTMENT**  
 © Copyright 2004

**Zone Atlas Page**

**J-14-Z**

Map Amended through August 03, 2004

AGIS ELECTRONIC APPROVAL FORM

DRB Project Case #: 1003096

Subdivision Name: J M Moore Realty Company No 1

Surveyor: Gary E Gritsko

Company/Agent: Surveys Southwest

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

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

DXF Received Date: 9/3/2004

Hard-Copy Date: 9/3/2004

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

*Chou A. J. J.*

9/3/04

Approved

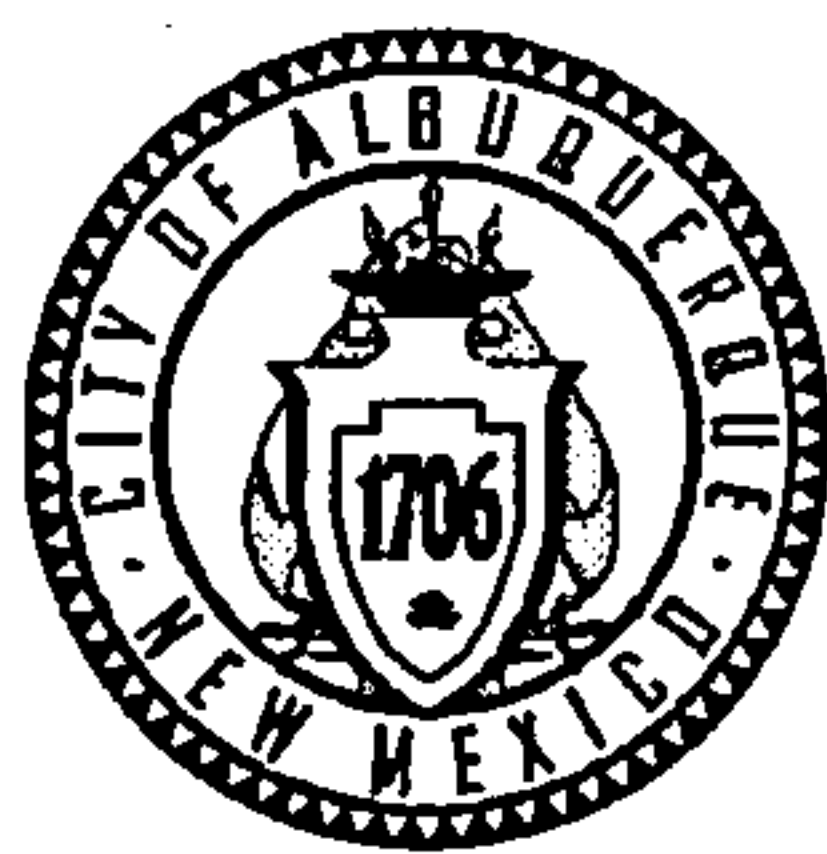
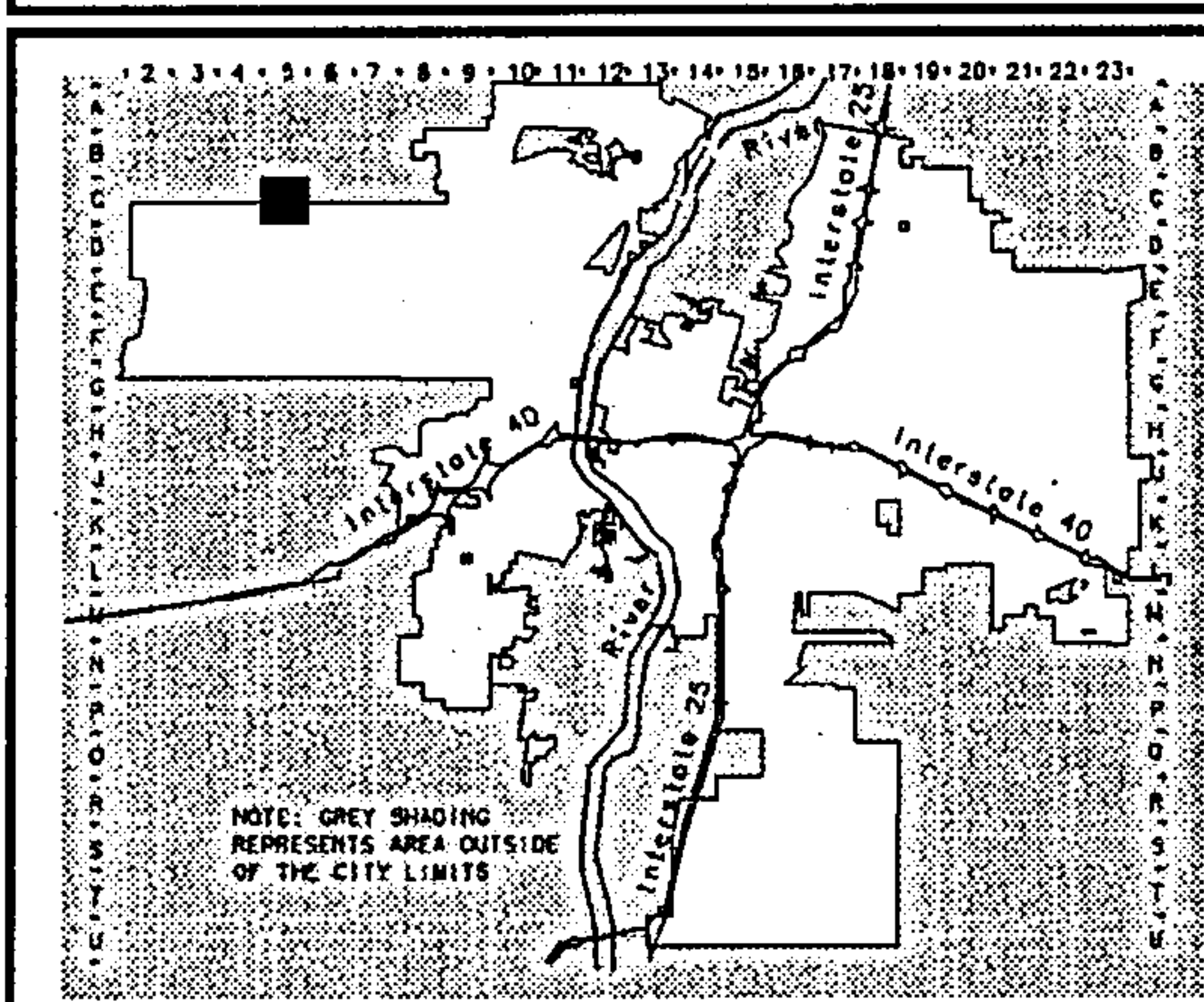
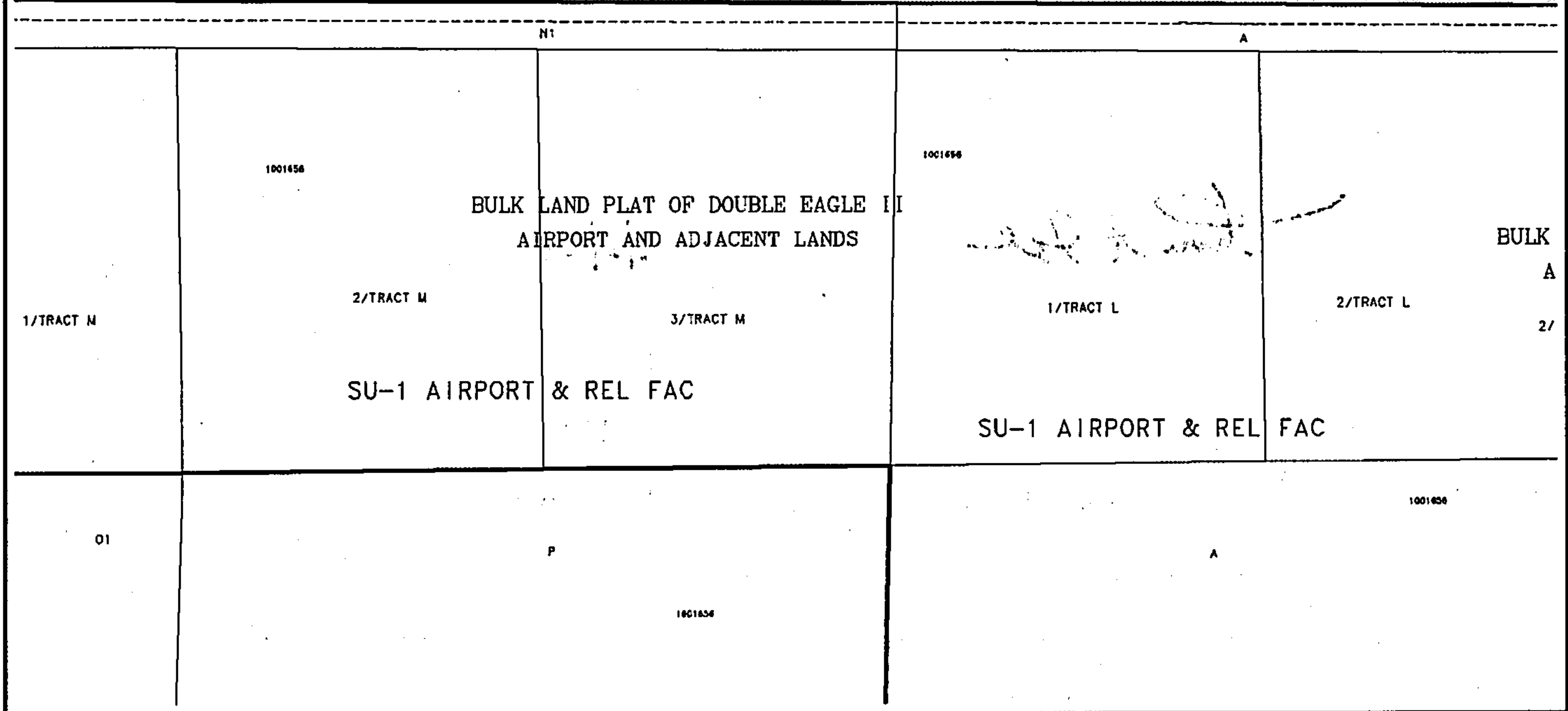
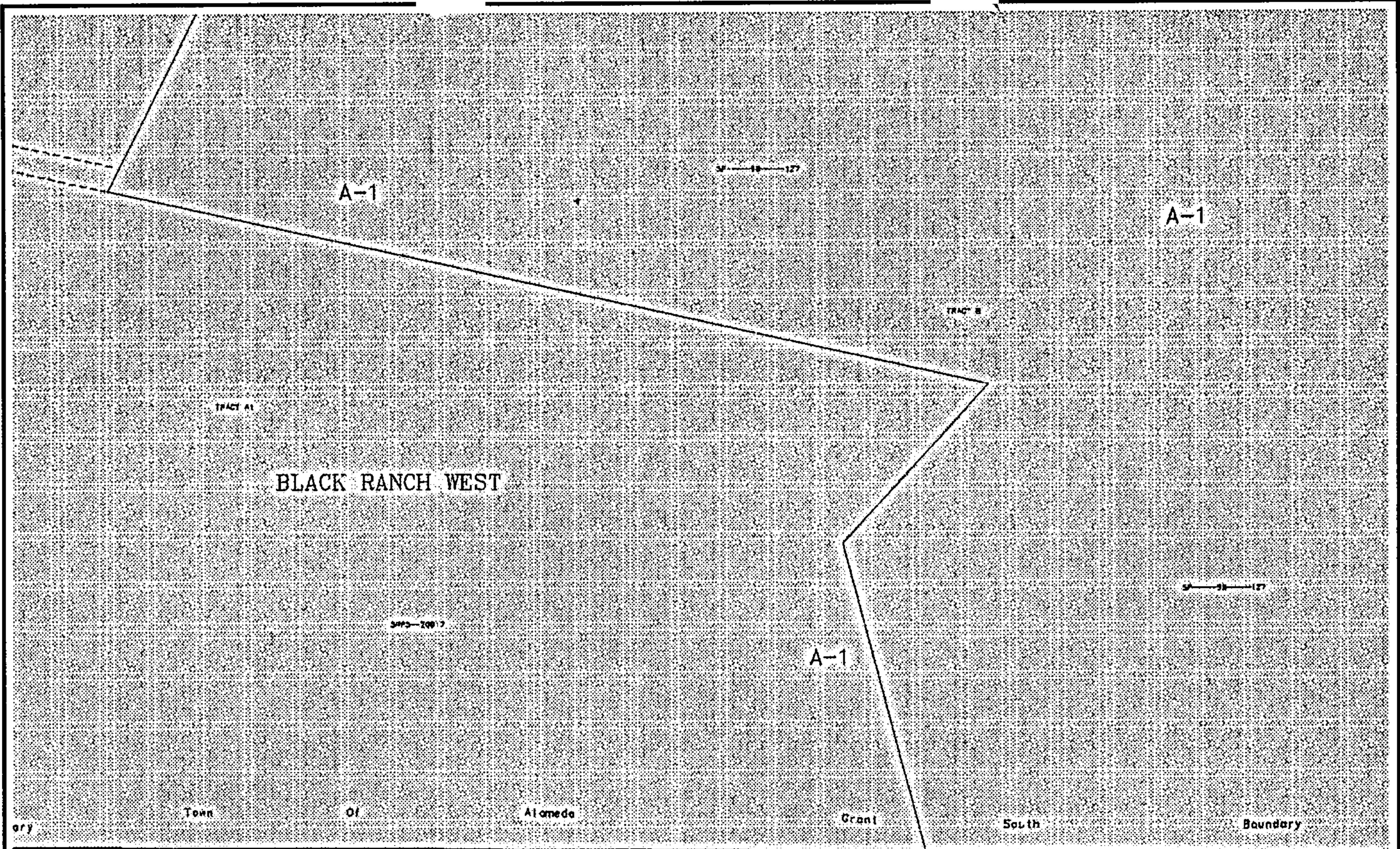
Date

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

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

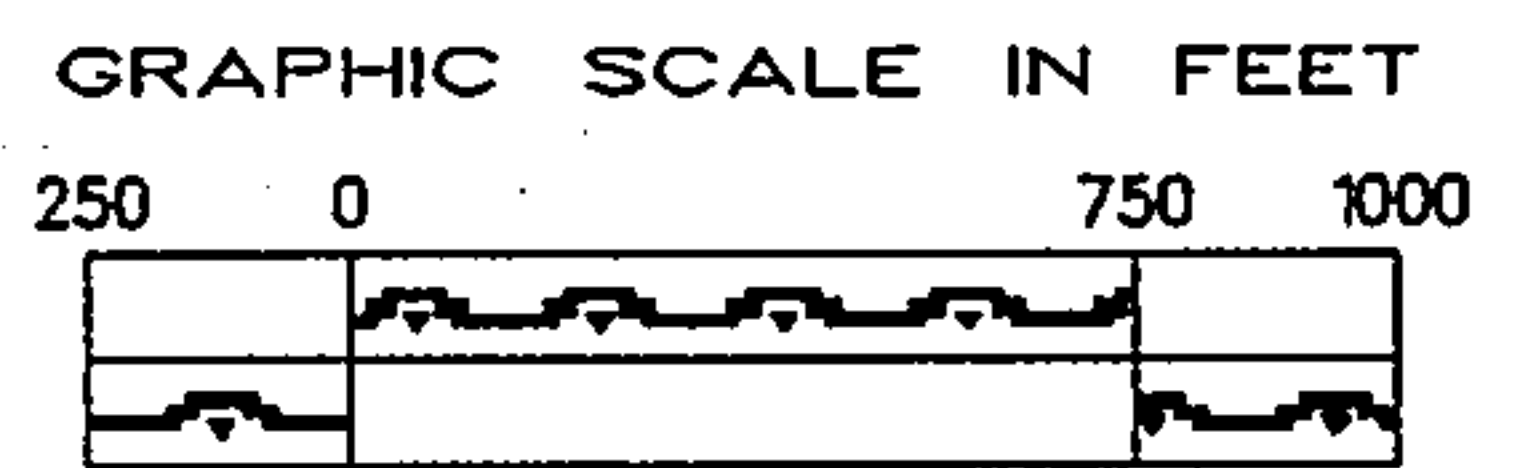
AGIS Use Only

Copied cov3096 to agiscov on 9/3/2004. Contact person notified on 9/3/2004



Albuquerque Geographic Information System  
 PLANNING DEPARTMENT

© Copyright 2004



Zone Atlas Page

C-5-Z

Map Amended through July 06, 2004

#7



Completed  
Sept. 27, '04  
RA

# DRB CASE ACTION LOG (PREL & FINAL)

REVISED 2/5/04

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

DRB Application No.: 04DRB-01344 (P&F)  
Project Name: J.M. Moore Realty Co., Unit 1  
Agent: Surveys Southwest Ltd.

Project # 1003096  
Phone No.: 998-0303

Project Number 1003096

Your request for (SDP for SUB), (SDP for BP), (**FINAL PLATS**), (MASTER DEVELOP. PLAN), was approved on 9/15/04 by the DRB with delegation of signature(s) to the following departments.  
**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

TRANSPORTATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

UTILITIES: Need 2 new Water & Sewer tapping  
Permits with work - completed. 1207 & 1201  
8th St.

CITY ENGINEER / AMAFCA: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PARKS / CIP: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLANNING (Last to sign): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

#17



# DRB CASE ACTION LOG (PREL & FINAL)

REVISED 2/5/04

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

DRB Application No.: <u>04DRB-01344 (P&amp;F)</u>	Project # <u>1003096</u>
Project Name: <u>J.M. Moore Realty Co., Unit 1</u>	
Agent: <u>Surveys Southwest Ltd.</u>	Phone No.: <u>998-0303</u>

Your request for (SDP for SUB), (SDP for BP), (**FINAL PLATS**), (MASTER DEVELOP. PLAN), was approved on 9/15/04 by the DRB with delegation of signature(s) to the following departments.  
**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

TRANSPORTATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

UTILITIES: Need 2 new water & sewer tapping  
Permits with work completed. 1207 & 1201  
8th St  
 \_\_\_\_\_  
 \_\_\_\_\_

CITY ENGINEER / AMAFCA: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PARKS / CIP: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PLANNING (Last to sign): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Project Number 1003096





**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

September 15, 2004

9:00 a.m.

**MEMBERS:**

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

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

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

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

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

A. Call to Order: 9:00 A.M.

Adjourned: 10:50 A.M.

B. Changes and/or Additions to the Agenda

C. New or Old Business

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

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

1. **Project # 1003629**  
04DRB-01288 Major-Vacation of Public  
Easements

ARMIJO SURVEYING GROUP LLC agent(s) for DONALD VASQUEZ request(s) the above action(s) for all or a portion of Lot(s) 1, **PARKSITO SUBDIVISION**, zoned R-D residential and related uses zone, developing area, 9 DU/AC, located on 97<sup>TH</sup> ST SW, between FIRMAN CT SW and SAN YGNACIO RD SW containing approximately 1 acre(s). [REF: DRB-96-529, S-98-83, S-97-55][*Deferred from 9/15/04*] (L-9) **DEFERRED AT THE AGENT'S REQUEST TO 9/22/04.**

2. **Project # 1002473**  
04DRB-01258 Major-Vacation of Pub  
Right-of-Way  
04DRB-01254 Major-Preliminary Plat  
Approval  
04DRB-01257 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for D R HORTON INC request(s) the above action(s) for all or a portion of Lot(s) 9-20 & 15-18, Block(s) 5 & 6, Unit(s) 3, NORTH ALBUQUERQUE ACRES, TRACT 3, (to be known as **DESERT VISTA SUBDIVISION**, zoned R-D residential and related uses zone, developing area, located on SIGNAL AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 15 acre(s). [REF: 03DRB00207, 04DRB00921] *[Deferred from 9/8/04]* (C-20) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 9/15/04 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 9/13/04 THE PRELIMINARY PLAT WAS APPROVED WITH THE CONDITION OF FINAL PLAT: REVISIT THE WIDTH OF WILSHIRE WITH NEW TRAFFIC DISTRIBUTION MAP SUBMITTAL. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

3. **Project # 1003237**  
04DRB-01249 Major-Preliminary Plat  
Approval  
04DRB-01250 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES, PA agent(s) for STV INVESTMENTS VIII, LLC request(s) the above action(s) for all or a portion of Tract(s) 431, UNIT 3, TOWN OF ATRISCO GRANT, (to be known as **TORRETTA ESTE SUBDIVISION**), zoned R-D, located on TOWER RD SW, between 86<sup>TH</sup> ST SW and 90<sup>TH</sup> ST SW containing approximately 6 acre(s). [REF: AX-93-12, Z-93-125, 04EPC00152, 04EPC 00151, 04DRB00766] *[Deferred from 9/8/04]* (L-9) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 9/145/04 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 8/23/04 THE PRELIMINARY PLAT WAS APPROVED WITH THE CONDITION OF FINAL PLAT: REVISIT THE CONNECTION AT TUNNABORA. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**

**SITE DEVELOPMENT PLANS, AMENDED PLANS AND MASTER DEVELOPMENT PLANS**

**NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.**

4. **Project # 1002529**  
04DRB-01374 Minor-SiteDev Plan  
BldPermit/EPC

CONSENSUS PLANNING INC agent(s) for RANDY EASTBURG, CAS, LLC request(s) the above action(s) for all or a portion of Lot(s) 2, Tract(s) 6-B, **PARTITION OF BLACK RANCH**, zoned SU-1,C-1 PERM AND AUTO SALES & STORAGE, located on COORS BLVD NW, between WESTSIDE DR NW and CALABACILLAS ARROYO containing approximately 2 acre(s). [REF: 04DRB01059, 04DRB01060, 03EPC02058, 03EPC02059, 03EPC02060, Z-93-115] **[Makita Hill, EPC Case Planner] (B-13) SITE PLAN FOR BUILDING PERMIT WAS APPROVED AND SIGNED OFF BY THE BOARD.**
  
5. **Project # 1003262**  
04DRB-01328 Minor-Amnd SiteDev Plan  
Subd

TIM OTT request(s) the above action(s) for all or a portion of Lot(s) 1, 2 and 30A, Block(s) 11, **NORTH ALBUQUERQUE ACRES**, zoned SU-1 for M-1, located on OAKLAND NE, between SAN MATEO NE and I-25 containing approximately 2 acre(s). [REF: 04DRB-00215, 04DRB-00216] *[Deferred from 9/8/04]* (C-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**
  
6. **Project # 1003372**  
04DRB-01234 Minor-SiteDev Plan Subd

DEKKER/PERICH/SABATINI agent(s) for TIM OTT request(s) the above action(s) for all or a portion of Lot(s) 30-A, Block(s) 11, Tract(s) A, **NORTH ALBUQUERQUE ACRES, UNIT B**, zoned SU-2 FOR M-1, located on ALAMEDA BLVD NE, between SAN MATEO BLVD NE and I-25 containing approximately 1 acre(s). [REF: 03DRB00092, DRB-96-352] (The site plan for building permit was withdrawn at the agent's request.) *[Site Plan for Subdivision was deferred from 8/18/04 & 9/8/04]* (C-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

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

7. **Project # 1003096.**  
04DRB-01344 Minor-Prelim&Final Plat  
Approval
- SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX AND STEFAN WATSON request(s) the above action(s) for all or a portion of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R, SAWMILL RESIDENTIAL, located on 8<sup>TH</sup> ST NW, between 8<sup>TH</sup> ST NW and MOUNTAIN RD NW containing approximately 1 acre(s). [REF: 03DRB-01901] (J-14) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR WATER AND SEWER SERVICE COMPLETION.**
8. **Project # 1001926**  
04DRB-01335 Minor-Sidewalk Waiver  
04DRB-01334 Minor-Temp Defer SDWK
- MARVIN R KORTUM agent(s) for JEFF DORWART, JD HOMES request(s) the above action(s) for all or a portion of Lot(s) 225-A, **MUSTANG MESA SUBDIVISION**, TOWN OF ATRISCO GRANT, zoned R-2 residential zone, located on GLENRIO RD NW, between 72<sup>ND</sup> ST NW and 72<sup>ND</sup> PL NW containing approximately 5 acre(s). [REF: 03DRB-01225, 03DRB-00674, 04DRB-00329, 03DRB-01475] (J-10) **INDEFINITELY DEFERRED AT THE BOARD'S REQUEST.**
9. **Project # 1003654**  
04DRB-01371 Minor-Prelim&Final Plat  
Approval
- TERRA LAND SURVEYS, LLC agent(s) for ISLAMIC CENTER OF NEW MEXICO INC request(s) the above action(s) for all or a portion of Lot(s) 2-B-2 and 2-B-3, **FAIRVIEW ADDITION**, zoned C-2, located on YALE BLVD SE, between AVENIDA CESAR CHAVEZ SE and KATHRYN AVE SE containing approximately 2 acre(s). [REF: Z-78-11, ZA-82-303-1, SP-83-352] (L-15) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE.**

10. **Project # 1002928**  
04DRB-00718 Major-Final Plat Approval

ALDRICH LAND SURVEYING agent(s) for LONGFORD HOMES request(s) the above action(s) for all or a portion of Tract(s) D, **TAOS @ THE TRAILS**, zoned R-D residential and related uses zone, developing area, located on RAINBOW BLVD NW, between PASEO DEL NORTE and PASEO DEL NORTE containing approximately 20 acre(s). *[Deferred from 5/19/04 & 6/2/04]* (C-9) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR FEE SIMPLE LANGUAGE, N.M.U. SIGNATURE, AGIS DXF FILE AND UTILITIES SIGNATURES.**

11. **Project # 1002929**  
04DRB-00719 Major-Final Plat Approval

ALDRICH LAND SURVEYING agent(s) for LONGFORD HOMES request(s) the above action(s) for all or a portion of Tract(s) C, **SANTA FE @ THE TRAILS**, zoned R-D, located on RAINBOW BLVD NW, between PASEO DEL NORTE and RAINBOW containing approximately 17 acre(s). *[Deferred from 5/19/04 & 6/2/04]* (C-09) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR FEE SIMPLE LANGUAGE, N.M.U. SIGNATURE, AGIS DXF FILE AND UTILITIES SIGNATURES.**

12. **Project # 1002022**  
04DRB-01308 Minor-Final Plat Approval

BOHANNAN HUSTON, INC. agent(s) for T. S. MC NANEY & ASSOCIATES, request(s) the above action(s) for all or a portion of Tract(s) 8 & 9, **VISTA WEST SUBDIVISION**, zoned R-D residential and related uses zone, developing area, located on TOWER RD SW, between UNSER BLVD NW and EUCARIZ AVE. SE containing approximately 10 acre(s). [REF: 02DRB-01237, 03DRB-00424] *[Final Plat deferred from 9/1/04 & 9/8/04 & 9/15/04]* (L-10) **DEFERRED AT THE AGENT'S REQUEST TO 10/6/04.**

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

13. **Project # 1003655**  
04DRB-01373 Minor-Sketch Plat or Plan

DAVID A AUBE agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 15, 16 & 17, Block(s) 1, NORTH ALBUQUERQUE ACRES, TRACT 2, UNIT 3, (to be known as **DESERT RIDGE ESTATES SUBDIVISION**, zoned R-D residential and related uses zone, developing area, located on WYOMING BLVD NE, between EAGLE ROCK NE and MODESTO NE containing approximately 3 acre(s). (C-19) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

14. **Project # 1001816**  
04DRB-01370 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for JOHNNY & JANE CARLTON request(s) the above action(s) for all or a portion of Lot(s) 10, 11 & 12, Block(s) 54, **NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNSITE**, zoned SU-2 special neighborhood zone, HDA, located on TIJERAS AVE NW, between 9<sup>TH</sup> ST NW and 10<sup>TH</sup> ST NW containing approximately 1 acre(s). [REF: 03DRB-01640, 03DRB-01503] (J-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. **Project # 1003372**  
04DRB-01369 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for TIJERAS PLACE, LLC (TIMOTHY OTT) request(s) the above action(s) for all or a portion of Lot(s) 30-A, Block(s) 11, Tract(s) A, **NORTH ALBUQUERQUE ACRES, UNIT B**, zoned SU-2 special neighborhood zone, M-1, located on ALAMEDA BLVD NE, between SAN MATEO BLVD. NE and INTERSTATE 25-N containing approximately 2 acre(s). [REF: DRB-96-352, S-96-44 ] (C-18) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

16. **Project # 1003592**  
04DRB-01368 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING, LLC agent(s) for GOLDEN SLUMBERS, INC., request(s) the above action(s) for all or a portion of Lot(s) 1 & 2, **SCHMIDER PARCEL**, zoned M-2 heavy manufacturing zone, located on CANDELARIA RD NE, between EDITH NE and I-25 containing approximately 6 acre(s). [REF: 04DRB01197] (G-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

17. **Project # 1002584**  
04DRB-01375 Minor-Sketch Plat or Plan

WILSON & COMPANY agent(s) for CENTEX CONCORD, MARK KURY, ARDENT HEALTH, request(s) the above action(s) for all or a portion of Tract(s) 1-A, ST. JOSEPH WEST MESA HOSPITAL, **PARADISE HEIGHTS, UNIT 1**, zoned SU-1 HOSPITAL, located on GOLF COURSE RD NW, between MCMAHON RD NW and GOLF COURSE RD NW containing approximately 20 acre(s). [REF: Z-8-90, 03AA00579,04EPC006, 04EPC01068] (A-12) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. Approval of the Development Review Board Minutes for Month September 1, 2004. **THE DEVELOPMENT REVIEW BOARD MINUTES FOR SEPTEMBER 1, 2004 WERE APPROVED.**

ADJOURNED: 10:50 A.M.

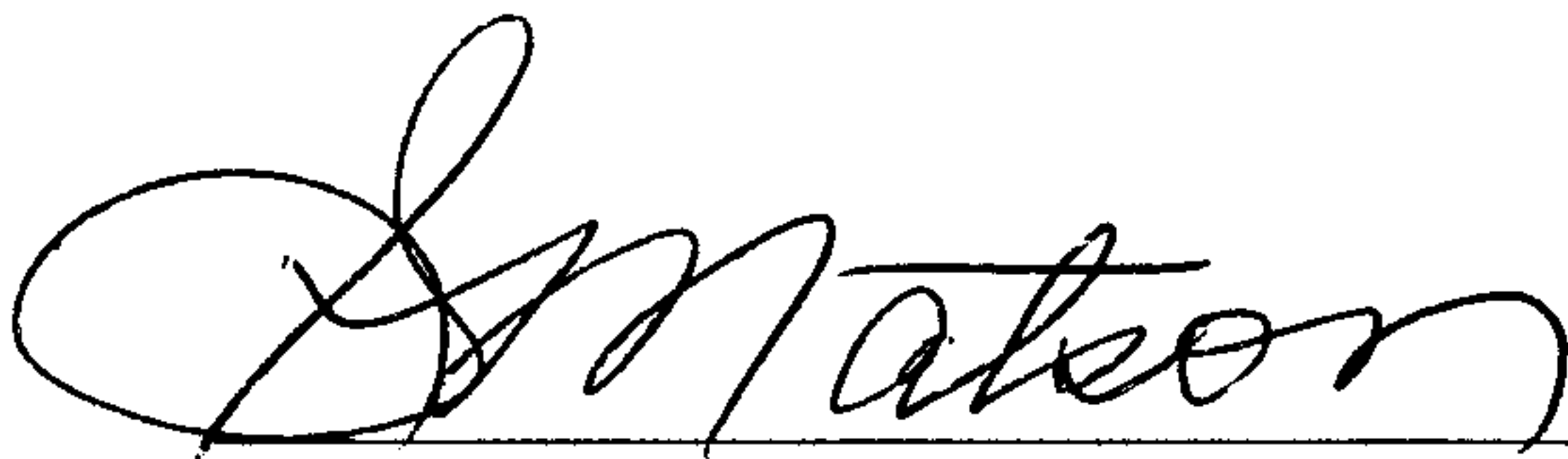
**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
September 15, 2004  
DRB Comments**

**ITEM # 7**

**PROJECT # 1003096 APPLICATION # 04-01344**

**RE: Lots 53-58, JM Moore Realty Co, Unit 1**

No objection to the replat.

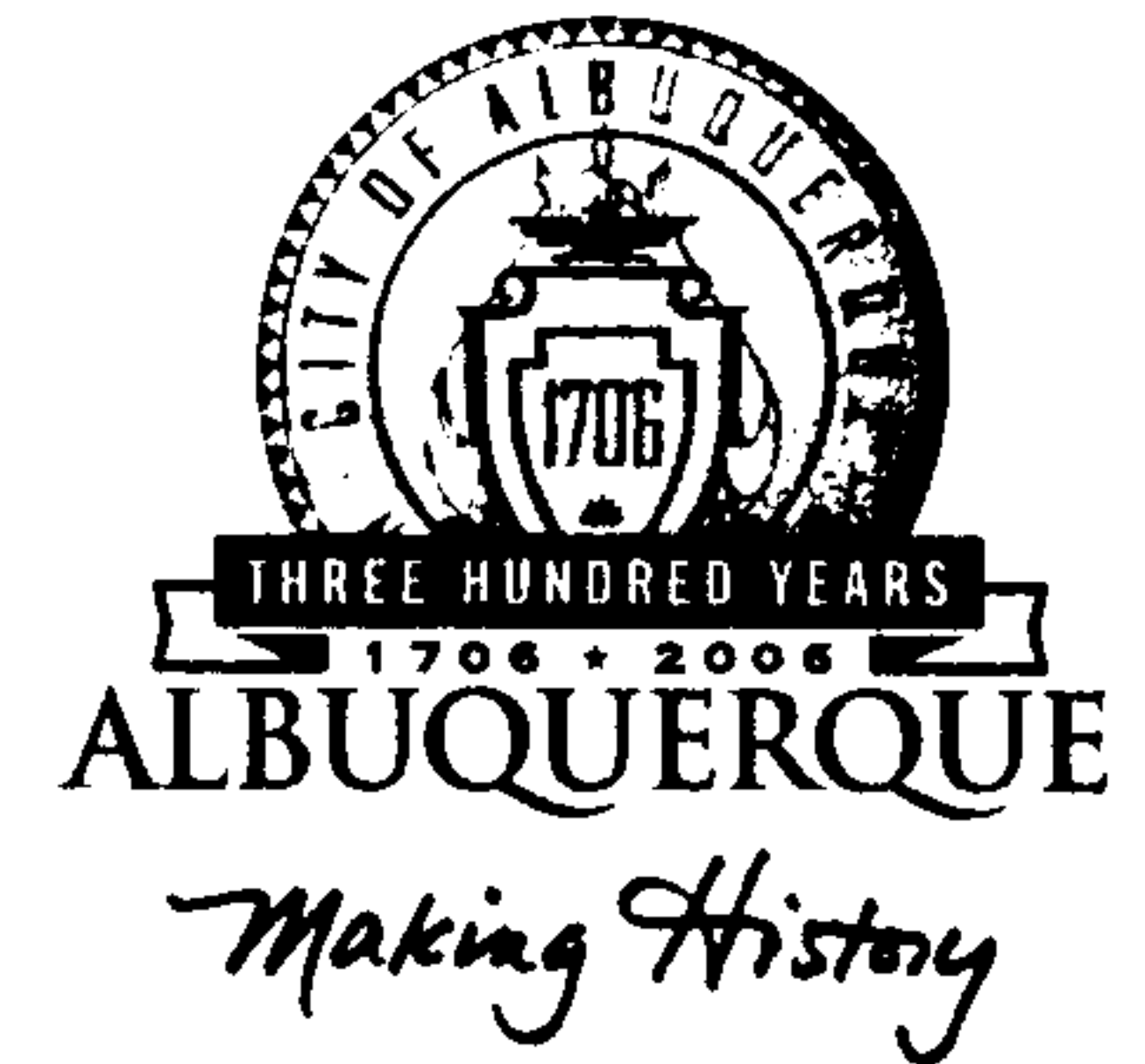


---

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



# CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1003096**

**AGENDA ITEM NO: 7**

**SUBJECT:**

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

**ACTION REQUESTED:**

P.O. Box 1293

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

**ENGINEERING COMMENTS:**

Albuquerque

No adverse comments.

New Mexico 87103

**RESOLUTION:**

www.cabq.gov

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

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

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

FOR:

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

**DATE:** September 15, 2004



**Jack J. Basye**

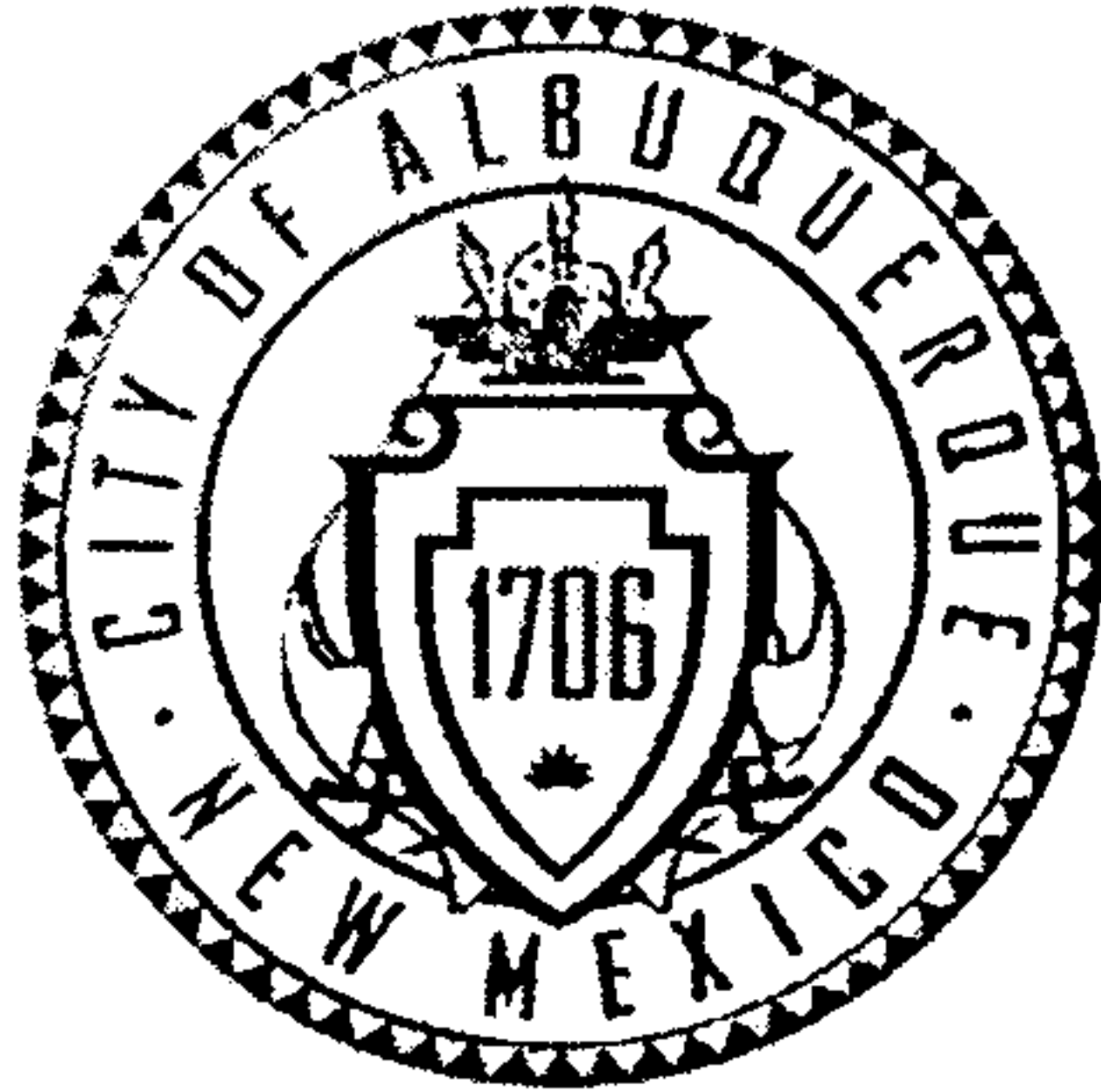
11/10/03 10:30 AM

To: Sheran A. Matson/PLN/CABQ@COA

cc:

Subject: Case file 1003096

As we discussed, the application for subdivision submitted by Eileen Devereaux for these properties will result in lot configurations that are less nonconforming than the existing subdivision lot configurations with improvements. Zoning Enforcement Division recommends approval of this action



Mayor Martin J. Chávez

# CITY OF ALBUQUERQUE

Albuquerque, New Mexico  
Office of the Mayor

## INTER-OFFICE MEMORANDUM

December 16, 2005

**TO:** Martin Heinrich, President, City Council

**FROM:** Richard Dingen, Planning Director

**SUBJECT:** AC-06-1 – 04DRB-01344, Project #1003096 – Michelle Garcia & Joseph Garcia, appeal the decision of the Development Review Board to approve a Preliminary Plat for all or a portion of Lot(s) 53 – 58, J.M. Moore Realty Company Subdivision, Unit No. 1, zoned S-R, Sawmill Residential, and S-MRN, Sawmill Mountain Road Neighborhood, located on the northwest corner of the intersection of, between 8<sup>th</sup> St NW and Mountain Rd NW, containing approximately .3 acre. Sheran Matson, DRB Chair. (J-14)

**BACKGROUND:** The replat of portions of Lots 53 - 55 and Lots 56 - 58 into Lots 53-A, 54-A, 57-A and 58-A was heard and approved as a minor subdivision at the September 15, 2004 Development Review Board (DRB) meeting. The replat was classified as a minor subdivision as defined in Section 14-14-1-6 of the Subdivision Ordinance. Section 14-14-3-(C) of the Subdivision Ordinance allows for DRB approval of a minor subdivision without notice or public hearing similar to most building permits or right-of-way projects. The DRB approves minor subdivisions at their public meetings; agendas are posted on the City Public Hearing Board outside the DRB hearing room, and on the City website at least 72 hours prior to the public meeting dates.

### DRB RESPONSE TO APPEAL:

1. The property owners of record at the Bernalillo County Treasurer's Office for 811 Mountain Road, NW, the "affected property" referenced in the appeal, are Joseph and Michelle Garcia. The Garcias are the appellants.

The Subdivision Ordinance, Section 14-14-8-2(A), gives persons who own property within 300 feet of the subject site standing to appeal. The appellants meet this test. (SEE EXHIBIT A)


2. Section 14-14-8-4 of the Subdivision Ordinance allows persons with standing to appeal a DRB determination to the City Council or Land Use Hearing Officer by submitting a written

application. The appellant must submit the appeal application to the Planning Director within 15 days after the date of the City's (DRB's) decision. (SEE EXHIBIT B)

In this case, the Appellants submitted the appeal application on November 28, 2005, over a year past the 15 day appeal period following the September 15, 2004, DRB decision on the replat.

The Appellants have failed to file a timely appeal pursuant to this Section of the Subdivision Ordinance. Therefore, the appeal should be denied.

APPROVED:

  
\_\_\_\_\_  
Jack Cloud, Interim Manager  
Development Review Division  
Planning Department

opportunity to obtain title to the land, for some consideration, from the owner (normally the city).

(b) Immediately after a city decision to vacate platted public right of way becomes final, if such land is proposed to be disposed of by the city, the City Property Manager shall notify each owner of adjacent property by certified letter. The certified letter shall notify each adjacent landowner of the opportunity to purchase from the city one-half of the width of the vacated right of way contiguous to the landowner's property, subject to any conditions or requirements stated in the decision to vacate. If an adjacent landowner fails to notify the city Property Manager in writing, within 30 days of the date of the receipt slip of the certified letter, that he or she intends to purchase the adjacent public right of way, the city may dispose of the vacated right of way in any manner which the city, in its discretion, deems appropriate.

('74 Code, § 7-16-8B) (Ord. 11-1994)

#### § 14-14-7-3 TECHNICAL CORRECTIONS.

(A) Technical corrections to approved, but as yet unrecorded, final plats shall be approved by the Development Review Board before being recorded with the County Clerk.

(B) Technical corrections to recorded final plats shall be made by a correction plat approved by the Development Review Board. The plat shall include only the area affected by the correction and shall clearly indicate the correction. Correction plats for technical corrections shall be recorded in the same manner as a final plat. See § 14-14-3-6 of this article.

('74 Code, § 7-16-8C)

(Ord. 56-1983; Am. Ord. 18-1986; Am. Ord. 10-1991)

## PART 8: APPEAL

#### § 14-14-8-1 RIGHT TO APPEAL.

With respect to decisions and other matters within the jurisdiction of this article, the subdivider and others commenting on a plat shall be informed of the right to appeal, which appeal shall apply only insofar as the jurisdiction of this article.

('74 Code, § 7-16-9A) (Ord. 56-1983)

#### § 14-14-8-2 STANDING.

The following persons may be considered aggrieved and may file appeals of decisions within the jurisdiction of this article being deemed to have a personal or pecuniary interest or property right adversely affected by the decision, which right or interest is more than merely nominal or remote:

\* (A) Persons who own a property interest within 300 feet of the subject site, excluding any public right-of-way which would not be altered by the action being appealed.

(B) Organized neighborhood associations which have filed their articles of incorporation, bylaws, or other documents indicating their existence which includes key contact people, organizational structure, current boundaries, and preferred mailing address with the Office of Neighborhood

EXHIBIT

A

tabbict

Coordination, if the boundaries of the association include any part of the subject site or any land within 600 feet thereof (excluding public right-of-way).

(Ord. 46-1993)

**§ 14-14-8-3 BASIS OF APPEAL.**

Applications for an appeal shall clearly articulate the reasons for the appeal; appellants shall specifically cite and explain one or more alleged errors, as follows:

- (A) Error in applying adopted city plans, policies, and ordinances in arriving at the decision;
- (B) Error in the appealed action or decision, including its stated facts;
- (C) Error in acting arbitrarily or capriciously or being manifestly abusive of discretion.

(Ord. 46-1993)

~~X~~ **§ 14-14-8-4 APPEAL TO CITY COUNCIL.**

Any person aggrieved by any determination of the Development Review Board acting pursuant to this article may appeal to the City Council by submitting a written application which is received by the Planning Director within 15 days after the date of the city's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday, or holiday as listed in § 3-1-12, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard and decided by the City Council or the Land Use Hearing Officer within 60 days of its filing.

('74 Code, § 7-16-9B) (Ord. 56-1983; Am. Ord. 8-2005)

**PART 9: VIOLATIONS; ENFORCEMENT; PENALTY**

**§ 14-14-9-1 VIOLATIONS AS TO THE ACT OF SUBDIVIDING.**

No subdivision within the territorial and subject matter jurisdiction of this article shall hereafter be effected except in accordance with the provisions of this article. No plat shall be recorded with the County Clerk in violation of the provisions of this article.

('74 Code, § 7-16-10A) (Ord. 56-1983)

**§ 14-14-9-2 VIOLATIONS AS TO TRANSFERRING REAL PROPERTY.**

No parcel created by subdivision within the territorial and subject matter jurisdiction of this article after the effective date of this article or predecessor ordinances shall be transferred or conveyed unless a final plat of such subdivision has been duly approved and recorded with the County Clerk. However, the division and transfer of land resulting from condemnation, or purchased under threat of condemnation, shall not be a violation; public agencies shall record plats reflecting such acquisitions and transfer of property within six months of the decision by the court or purchase, as applicable.

('74 Code, § 7-16-10B) (Ord. 56-1983)



**TABLE OF CONTENTS**

**AC-06-1**

04DRB-01344 (PROJECT #1003096)

	<u>PAGE (S)</u>
APPEAL APPLICATION/REASON FOR APPEAL .....	1 - 5
DRB APPLICATION FOR PRELIMINARY & FINAL PLAT APPROVAL .....	6 - 10
ADDITIONAL INFORMATION .....	11 - 17
DRB MINUTES, September 15, 2004 .....	18 - 19
NOTICES OF APPEAL .....	20 - 21
ZONING MAP .....	22
LAND USE MAP .....	23

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

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

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: MICHELLE GARCIA + JOSEPH GARCIA PHONE: (505) 343-0405  
 ADDRESS: 2708 MONK CT. N.W. FAX: \_\_\_\_\_  
 CITY: ALBUQ STATE N.M. ZIP 87107 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: DEDICATED DRIVE List all owners: N/A  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: APPEAL OF DRB CASE #1003096 / #04-DRB-01344 LOT RECONFIGURE RESULTING IN LOSS OF STREET ACCESS DRIVEWAY.

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

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

Lot or Tract No. LOT 55 Block: \_\_\_\_\_ Unit: 1  
 Subdiv. / Adn. J.M. MOORE REALTY COMPANY  
 Current Zoning: R Proposed zoning: \_\_\_\_\_  
 Zone Atlas page(s): J-14-Z No. of existing lots: 1 No. of proposed lots: DRIVEWAY  
 Total area of site (acres): 0.01 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? N/A  
 UPC No. 1-014-058-055-309-21403 + 1-014-058-052-302-21401 MRGCD Map No. N/A  
 LOCATION OF PROPERTY BY STREETS: On or Near: 8th St. & Mountain Rd N.W.  
 Between: Mountain Rd N.W. and Summer Av.

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): N/A

Check-off if project was previously reviewed by Sketch Plat/Plan ?, or Pre-application Review Team ? . Date of review: \_\_\_\_\_  
 SIGNATURE [Signature] DATE 11/2/05

(Print) MICHELLE GARCIA / JOSEPH GARCIA  Applicant \$ \_\_\_ Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>05 0500 01786</u>	<u>APPEAL</u>	___	\$ <u>45.00 per sq</u>
<input checked="" type="checkbox"/> All fees have been collected	___	___	___	\$
<input checked="" type="checkbox"/> All case #s are assigned	___	___	___	\$
<input checked="" type="checkbox"/> AGIS copy has been sent	___	___	___	\$
<input checked="" type="checkbox"/> Case history #s are listed	___	___	___	\$
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	___	___	___	\$
<input checked="" type="checkbox"/> F.H.D.P. density bonus	___	___	___	Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	___	___	___	\$ <u>45.00</u>

Hearing date 11/28/05 Project # 100 309 6



FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF

DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION

DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD

ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL

DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

✓ Project number of case being appealed; # 1003096

✓ Application number of case being appealed; # 04 DRB - 01344

- ✓ Reason for the appeal \*
- ✓ Appellant's basis of standing as an appellant \*
- 1/1A Letter of authorization from the appellant if this application for appeal is submitted by an agent
- ✓ Copy of the Official Notification of Decision regarding the matter being appealed
- ✓ Fee (see schedule)

\* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

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

MICHELLE GARCIA  
Applicant name (print)  
[Signature] 11/21/05  
Applicant signature / date



Form revised 10/04 & March 2005

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

Application case numbers  
05166-- - 01786  
\_\_\_\_\_-\_\_\_\_\_  
\_\_\_\_\_-\_\_\_\_\_

[Signature] 11/28/05  
Planner signature / date  
Project # 1003096

11-28-2005

Request for appeal pursuant to Zoning Code 14-16-4-4

The Garcia family has owned the affected property in this appeal since 1941 (UPC #1-014-058-050310-2-14-02).

The original applicants (Deveraux and Watson) are contractors and have owned the surrounding property for less than a year. Unknown to us, Deveraux and Watson requested a reconfiguration and replat to the property adjoining ours.

Our property has enjoyed a driveway from 8<sup>th</sup> street for over 100 years. We were unaware that the reconfiguration and replat had been applied for.

To our amazement we learned that the dedicated driveway leading to our home was eliminated by the City of Albuquerque's Development Review Board. We contacted the DRB (Sheran Matson) and inquired why the drive was removed. She showed us the DRB file and we immediately determined that Deveraux and Watson failed to supply any information to the DRB concerning our dedicated driveway or any other historical or title document. The DRB could not have properly applied appropriate City policies and ordinances to the application since the DRB did not have the necessary facts, documents, and our input available to them. The result caused the DRB to inappropriately approve the replat (#1003096) and created a decision that adversely affects our property right and our property's economic value.

The DRB relies exclusively upon the complete and accurate information provided by the applicant(s). In this case, the failure of the applicant(s) either intentionally or unintentionally to disclose our dedicated driveway has resulted in this DRB appeal.

The original application never requested any type of property vacation. Deveraux and Watson being personally familiar with the site would have known that the vacation of the dedicated driveway would leave our property without legal street access and cause an erroneous DRB decision adversely affecting our property right.

Any matter this serious requires public notice. No required public notice was ever given in this case to alert us and give us reasonable opportunity to properly state our objection.

Because of this decision by the DRB, we have been forced to use an off-street dirt alley to access our two homes. No resident of this city should be treated like second rate citizen and forced to use a dirt alley to return home each day.

We respectfully request that this DRB appeal be heard so that we are given an opportunity to have a complete and factual review of this reconfiguration and replat request.

  
Michelle A. Garcia

  
Joseph W. Garcia

**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

September 15, 2004

9:00 a.m.

**MEMBERS:**

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

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

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

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

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

A. Call to Order: 9:00 A.M.

Adjourned: 10:50 A.M.

B. Changes and/or Additions to the Agenda

C. New or Old Business

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

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

1. **Project # 1003629**  
04DRB-01288 Major-Vacation of Public Easements

ARMIJO SURVEYING GROUP LLC agent(s) for DONALD VASQUEZ request(s) the above action(s) for all or a portion of Lot(s) 1, **PARKSITO SUBDIVISION**, zoned R-D residential and related uses zone, developing area, 9 DU/AC, located on 97<sup>TH</sup> ST SW, between FIRMAN CT SW and SAN YGNACIO RD SW containing approximately 1 acre(s). [REF: DRB-96-529, S-98-83, S-97-55][Deferred from 9/15/04] (L-9) DEFERRED AT THE AGENT'S REQUEST TO 9/22/04.

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

7. **Project # 1003096**  
04DRB-01344 Minor-Prelim&Final Plat  
Approval

SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX AND STEFAN WATSON request(s) the above action(s) for all or a portion of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R, SAWMILL RESIDENTIAL, located on 8<sup>TH</sup> ST NW, between 8<sup>TH</sup> ST NW and MOUNTAIN RD NW containing approximately 1 acre(s). [REF: 03DRB-01901] (J-14) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR WATER AND SEWER SERVICE COMPLETION.**

8. **Project # 1001926**  
04DRB-01335 Minor-Sidewalk Waiver  
04DRB-01334 Minor-Temp Defer SDWK

MARVIN R KORTUM agent(s) for JEFF DORWART, JD HOMES request(s) the above action(s) for all or a portion of Lot(s) 225-A, **MUSTANG MESA SUBDIVISION**, TOWN OF ATRISCO GRANT, zoned R-2 residential zone, located on GLENRIO RD NW, between 72<sup>ND</sup> ST NW and 72<sup>ND</sup> PL NW containing approximately 5 acre(s). [REF: 03DRB-01225, 03DRB-00674, 04DRB-00329, 03DRB-01475] (J-10) **INDEFINITELY DEFERRED AT THE BOARD'S REQUEST.**

9. **Project # 1003654**  
04DRB-01371 Minor-Prelim&Final Plat  
Approval

TERRA LAND SURVEYS, LLC agent(s) for ISLAMIC CENTER OF NEW MEXICO INC request(s) the above action(s) for all or a portion of Lot(s) 2-B-2 and 2-B-3, **FAIRVIEW ADDITION**, zoned C-2, located on YALE BLVD SE, between AVENIDA CESAR CHAVEZ SE and KATHRYN AVE SE containing approximately 2 acre(s). [REF: Z-78-11, ZA-82-303-1, SP-83-352] (L-15) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE.**

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

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

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

**APPLICANT INFORMATION:**

NAME: EILEEN DEVEREUX & STEFAN WATSON PHONE: 242-9351  
 ADDRESS: 1719 5<sup>th</sup> STREET NW FAX: \_\_\_\_\_  
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: OWNERS List all owners: N/A  
 AGENT (if any): SURVEYS SOUTHWEST LTD PHONE: 998-0303  
 ADDRESS: 333 LOMAS BLVD NE FAX: 998-0300  
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: PRELIM/FIGURE & EXISTING LOTS INTO 4 NEW LOTS  
(PRELIM/FINAL)

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

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

Lot or Tract No. LOTS 53 THRU 58 Block: N/A Unit: 1  
 Subdiv. / Addn. J.M. MOORE REALTY COMPANY  
 Current Zoning: S-R Proposed zoning: \_\_\_\_\_  
 Zone Atlas page(s): J-14-Z No. of existing lots: 6 No. of proposed lots: 4  
 Total area of site (acres): 0.2262 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO  
 UPC No. 1-014-058-055-309-21403 & 1-014-058-052-302-21401 MRGCD Map No. N/A  
 LOCATION OF PROPERTY BY STREETS: On or Near: 8<sup>th</sup> STREET NW  
 Between: MOUNTAIN ROAD NW and \_\_\_\_\_

**CASE HISTORY:**

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

Proj # 1003096 (SKETCH PLAT)

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

SIGNATURE Dan Graney DATE 8.31.04  
 (Print) Dan Graney  Applicant  Agent

**FOR OFFICIAL USE ONLY**

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

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04-DRB - 01344</u>	<u>P&amp;F</u>	<u>5(3)</u>	<u>\$ 425</u>
<input type="checkbox"/> All fees have been collected	_____	_____	_____	<u>\$ 20</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	Total
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	<u>\$ 445</u>
<input type="checkbox"/> F.H.D.B. fee rebate	_____	_____	_____	

Hearing date Sept. 15, 2004

Robert 9/2/04 6 Project # 1003096

Planner signature / date

**YOUR ATTENDANCE IS REQUIRED.**

**SKETCH PLAT REVIEW AND COMMENT**

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

**MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT**

**Your attendance is required.**

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

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

Extension of preliminary plat approval expires after one year.

**MAJOR SUBDIVISION FINAL PLAT APPROVAL**

**Your attendance is required.**

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

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

**MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL**

**Your attendance is required.**

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

**NO INTERNAL ROUTING**

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

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

**Your attendance is required.**

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

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

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

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

Amended preliminary plat approval expires after one year.

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

Dan Grancy Applicant name (print)  
Dan Grancy Applicant signature / date  
 8-31-04



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

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

Application case numbers  
 04 DRB - 01344

[Signature] 9/2/04  
 Planner signature / date  
**Project # 1003096**

# *Surveys Southwest, LTD*

---

333 Lomas Blvd., NE \* Albuquerque, New Mexico 87102 \* 998-0303 \* Fax 998-0306

September 1, 2004

DEVELOPMENT REVIEW BOARD MEMBERS  
PLAZA DEL SOL  
600 SECOND STREET NW  
ALBUQUERQUE, NM 87102

REF: LOTS 53-A, 54-A, 57-A, & 58-A, J.M. MOORE REALTY COMPANY NO.1

Dear Board Members:

The purpose of the above referenced property is to adjust existing lot lines to better fit existing buildings and to remove encroachments. Addressing and utilities were also established.

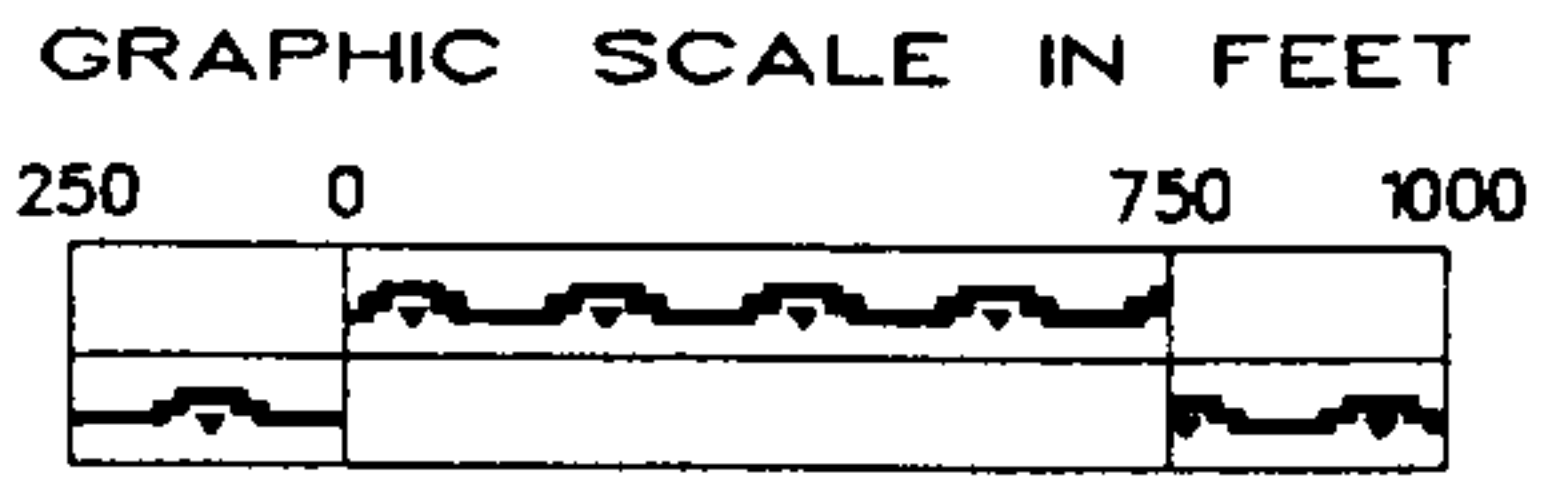
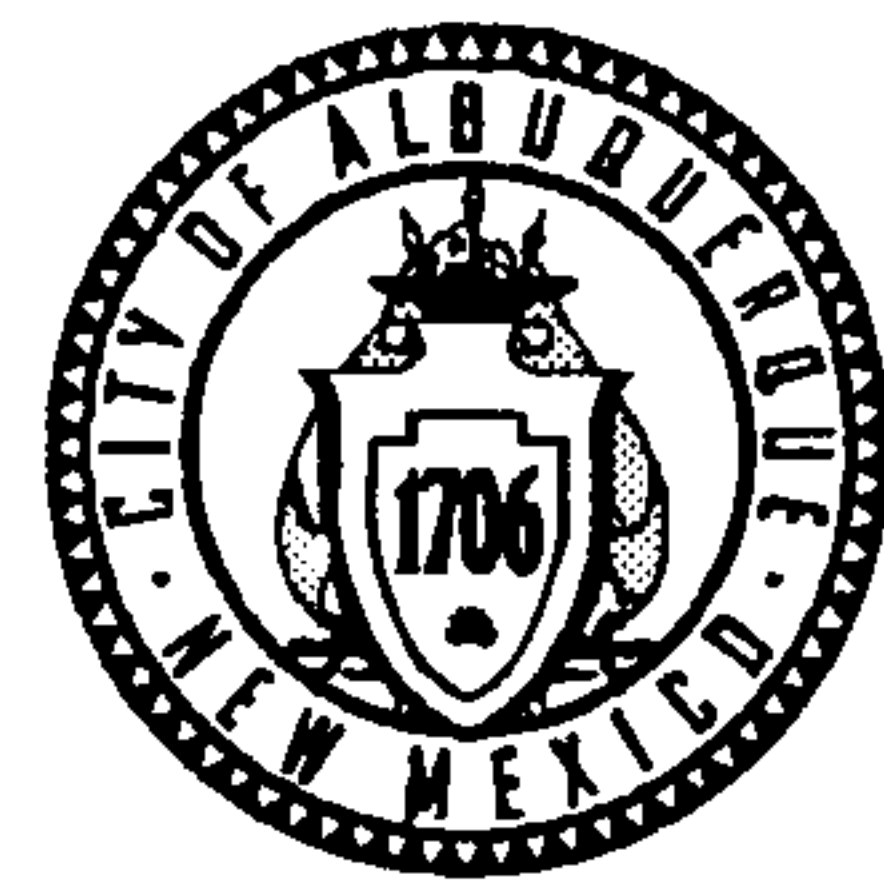
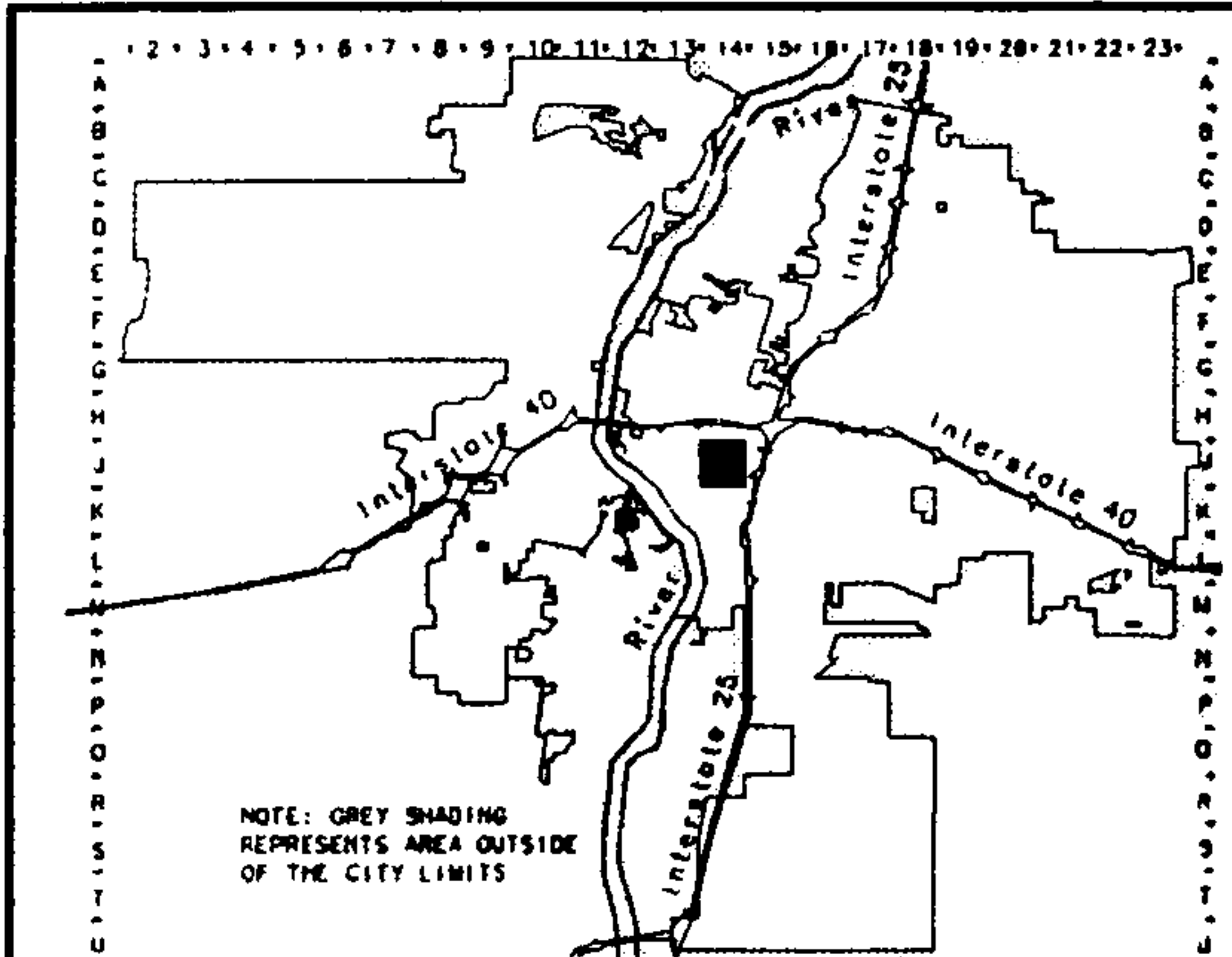
If you have any questions please feel free to contact me.

Sincerely,

Dan Graney  
President



SITE



**Zone Atlas Page**

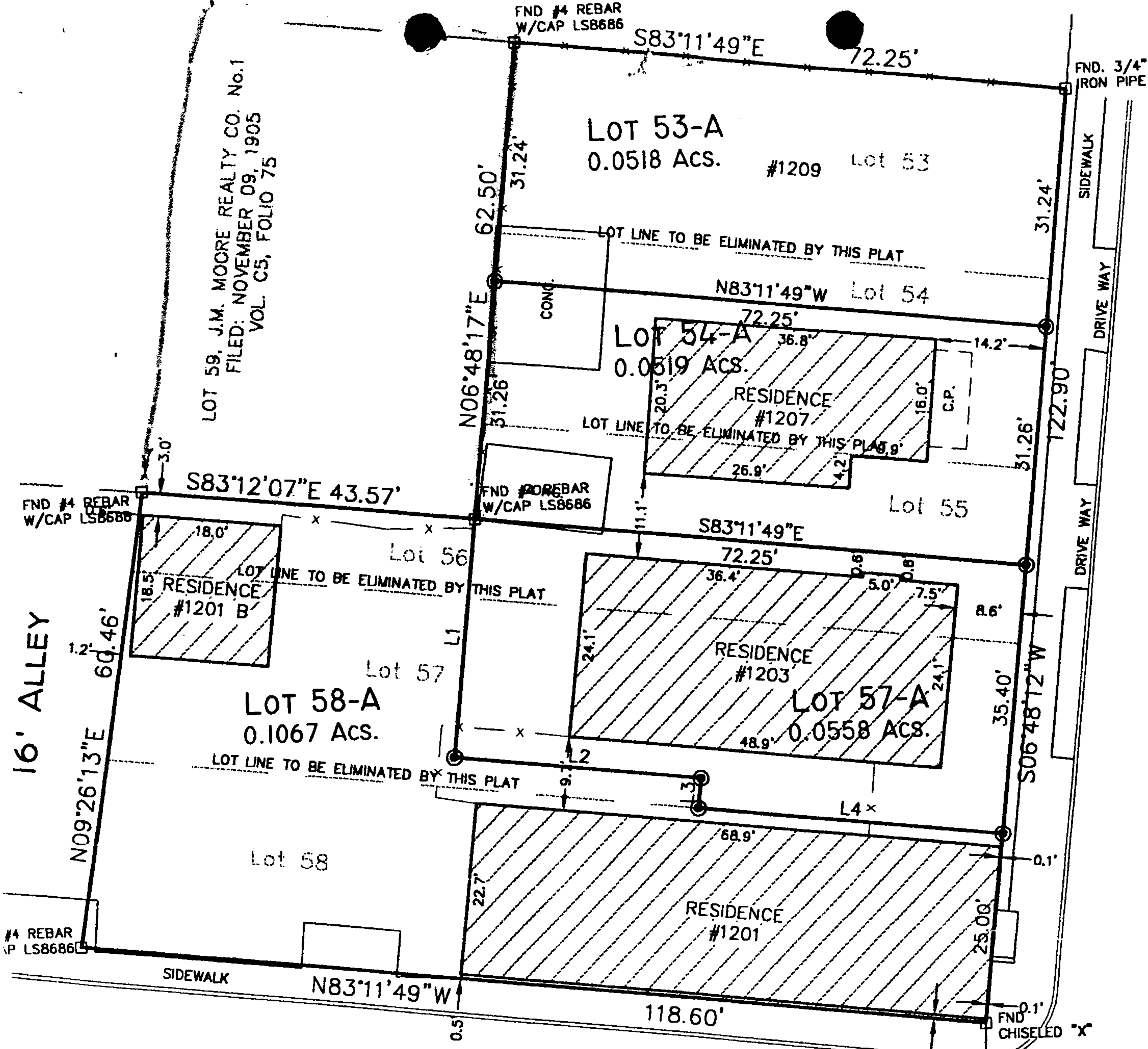
**J-14-Z**

Map Amended through August 03, 2004

**A G I S**  
Albuquerque Geographic Information System  
**PLANNING DEPARTMENT**

Copyright 2004  
-9-





MOUNTAIN ROAD N.W.  
 ( 50 ' PUBLICLY DEDICATED RIGHT-OF-WAY)

8TH. STREET N.W.  
 ( 50 ' PUBLICLY DEDICATED RIGHT-OF-WAY)

BASIS OF BEARINGS  
 N78°21'09"W  
 2022.63'

ACS STATION 17-J14  
 X = 378,903.40  
 Y = 1,488,804.10  
 GROUND TO GRID = 0.9991  
 DELTA ALPHA = -00°13'58"  
 NEW MEXICO STATE PLANE  
 COORDINATE SYSTEM

October 7, 2005

Sheran Matson, AICP  
Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, New Mexico 87103

Michelle Garcia  
2708 Monk Court NW  
Albuquerque, New Mexico 87107

Dear Sheran Matson,


In August of this year I spoke with you about the re-plat of Lots 53-A, 54-A, 57-A and 58-A. The re-plat was done in August of 2004, Talos Log #2004-0316-55. When we spoke I explained to you that I was concerned about this plat because the re-plat deleted a dedicated drive leading to my property. My property is located at 811 Mountain Rd. NW (lot 59 of the John Moore Addition).

When we spoke, you asked me to gather information so that the re-plat could be reviewed by the City Attorney's Office. I have attached the following copies to substantiate my concerns.

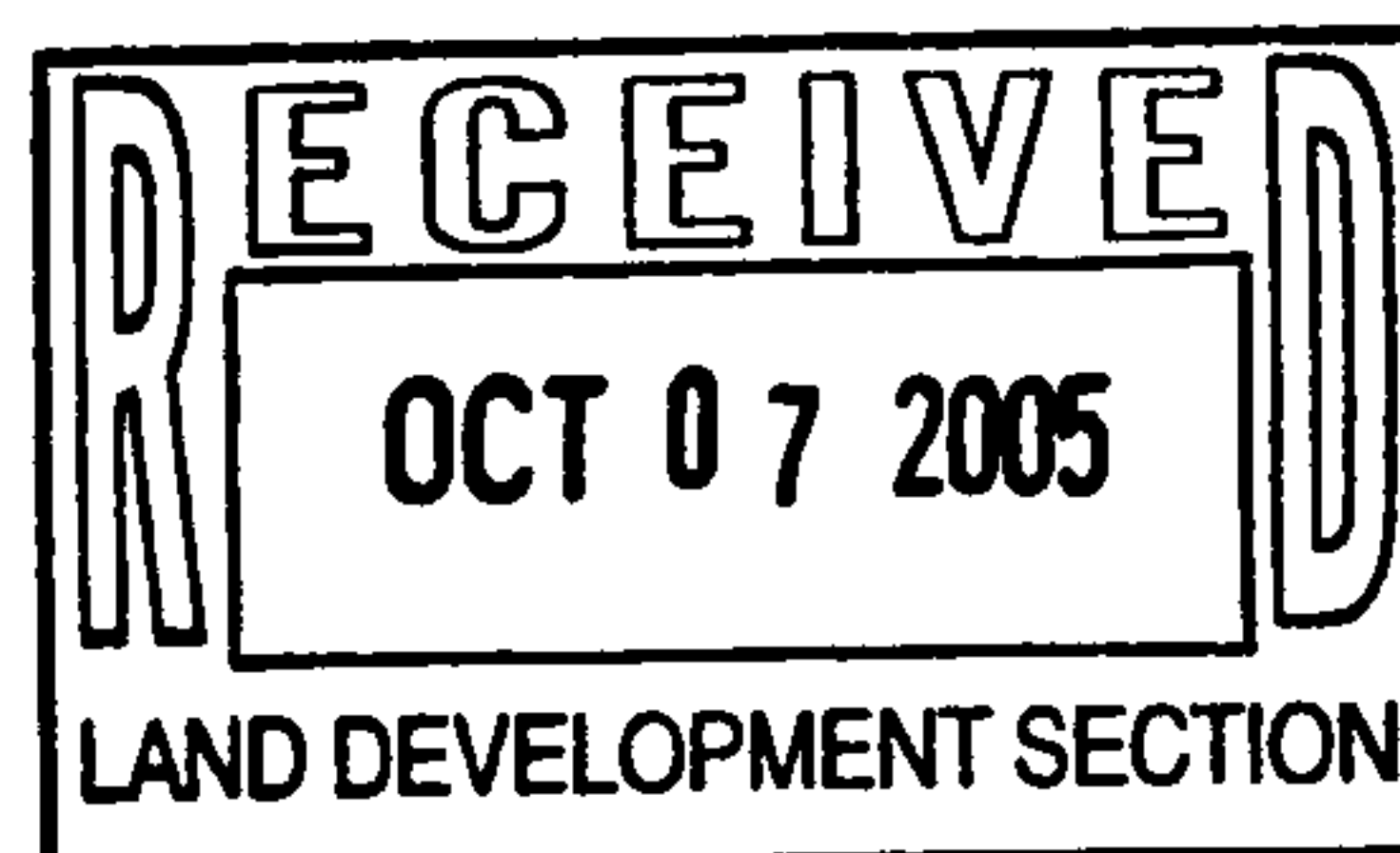
Page One-1905 Plat  
Page two-Dedication of tract of land

The 1905 plat was never given to the DRB by Eileen Devereux or Stefan Watson. This plat clearly shows a dedicated drive leading to my property, Lot 59. I appreciate your assistance in this matter, please feel free to call me if you need any further information. I can be reached at 343-0405 or 252-1708.

Sincerely,



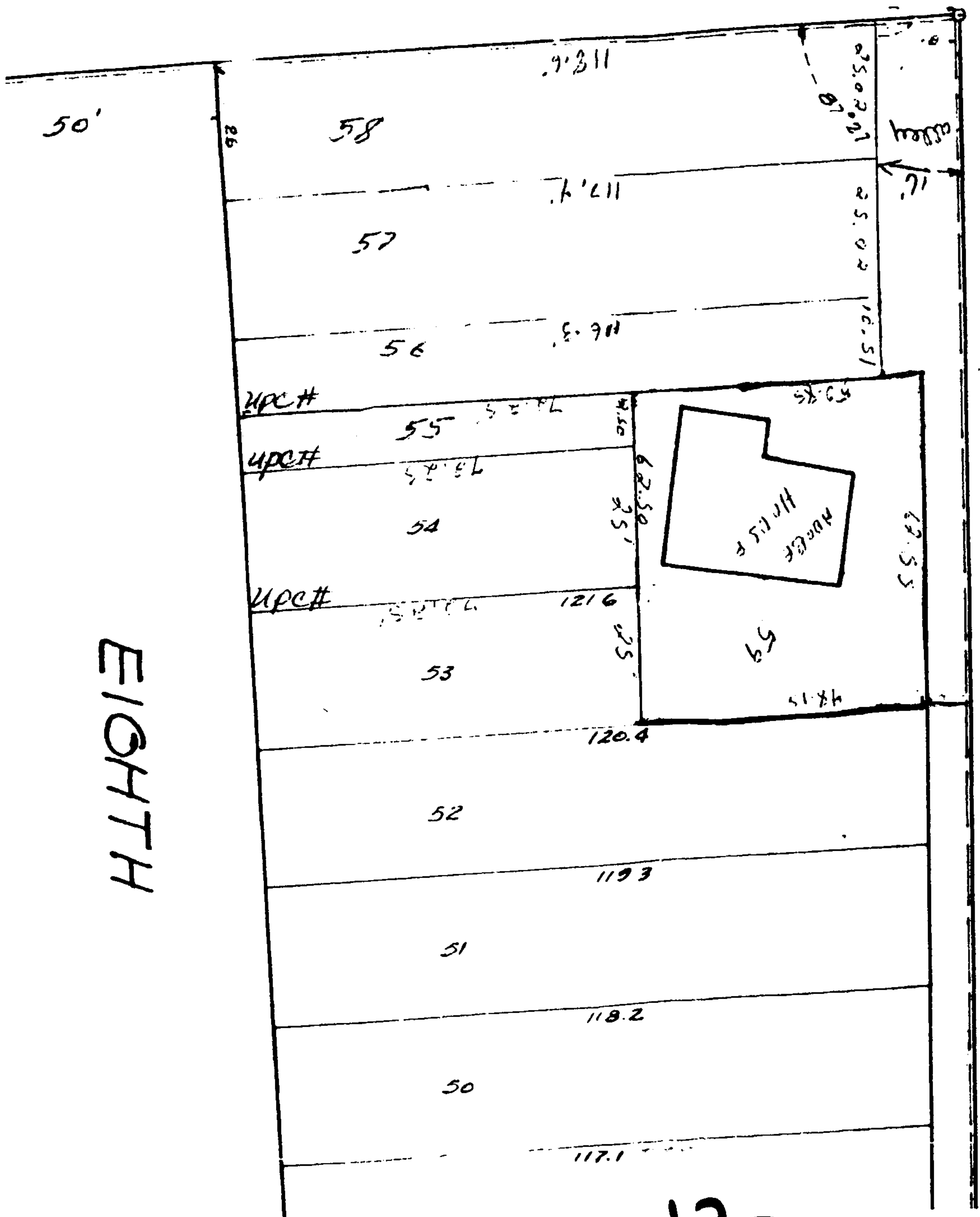
Michelle Garcia

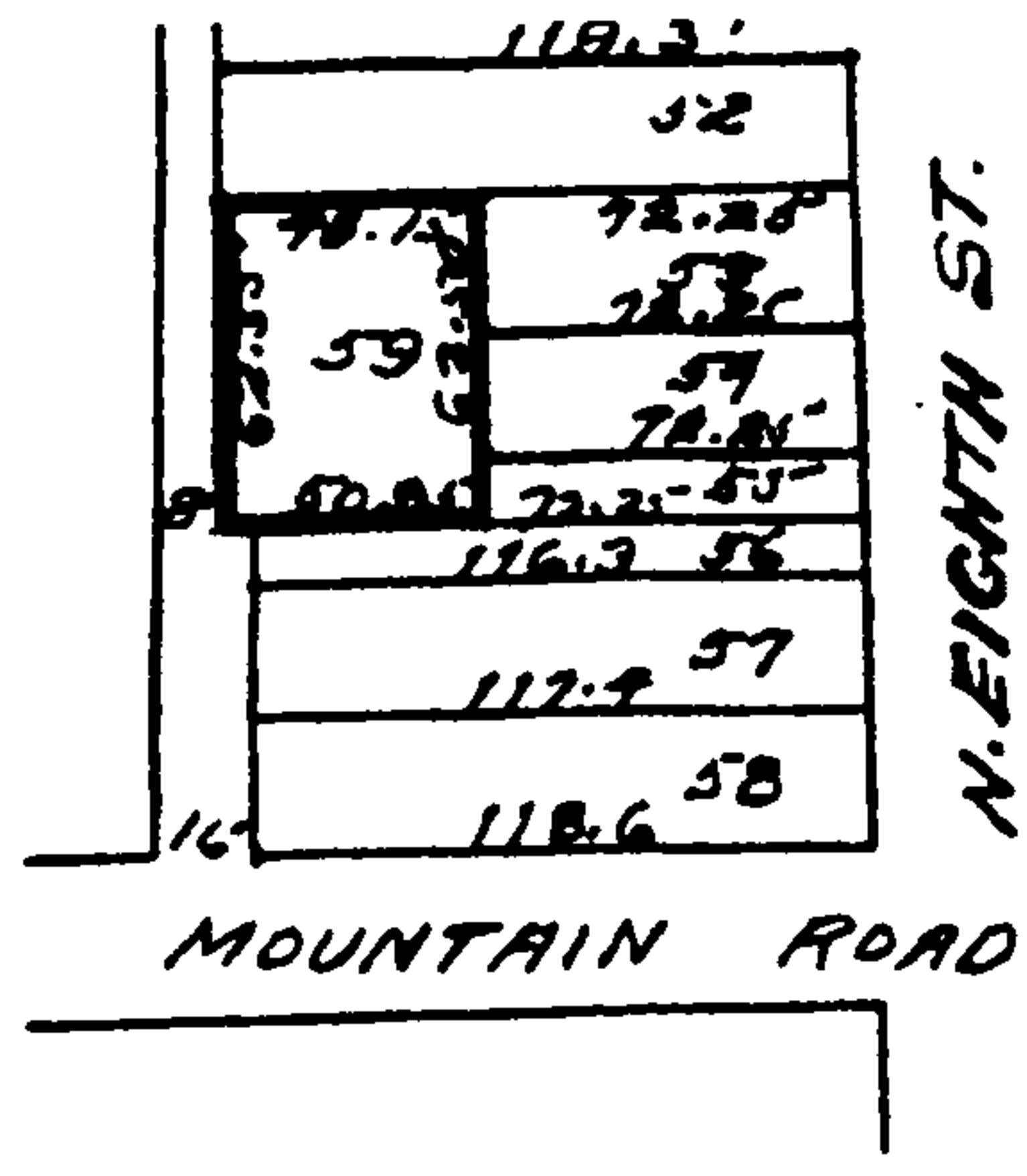


UPCT# 101 405805031  
021402

NORTH

ROAD





TRACING OF REPEAT  
OF LOTS 53 TO 57,  
J. M. MOORE REALTY CO'S  
ADDITION NO. 1.  
 Albuquerque, N. M.

Scale: 1" = 200'

DEDICATION

"A tract of land, represented on this map, designated in the heading, as five certain lots, of an addition to the City of Albuquerque N. M., already (sic) existing, said subdivision platted and subdivided as the same appears hereon, is now, with the full consent and in accordance with the desire of the undersigned owner thereof, dedicated and to be known as subdivision of lots 53, 54, 55, 56 & 57 of the Moore Realty Company's Addition No. 1 to the City of Albuquerque New Mexico.

(Signed) John M. Moore Realty Company

ATTEST:  
 Melville Summers,  
 Sec'y.

(CORPORATE SEAL)

Territory of New Mexico, )  
 County of Bernalillo. ) ss

On this 6th day of November, 1905, before me appeared George L. Brooks, to me personally known, who being by me duly sworn did say that he is the President of the John M. Moore Realty Company and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said George L. Brooks acknowledged said instrument to be the free act and deed of said corporation.

(Signed) W. N. McGregor,  
 Notary Public.

(Notarial Seal)

Filed for record November 9th, 1905.  
 Rack No. 1, Board No. 29.  
 Records of Bernalillo County, New Mexico.

#7



Completed.  
Sept. 27, '04  
RA

# DRB CASE ACTION LOG (PREL & FINAL)

REVISED 2/5/04

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

DRB Application No.: <u>04DRB-01344 (P&amp;F)</u>	Project # <u>1003096</u>
Project Name: <u>J.M. Moore Realty Co., Unit 1</u>	
Agent: <u>Surveys Southwest Ltd.</u>	Phone No.: <u>998-0303</u>

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 9/15/04 by the DRB with delegation of signature(s) to the following departments.  
**OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED**

TRANSPORTATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

UTILITIES: Need 2 new Water & Sewer tapping  
Permits with work completed. 1207 & 1201  
8th St.  
 \_\_\_\_\_  
 \_\_\_\_\_

CITY ENGINEER / AMAFCA: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PARKS / CIP: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PLANNING (Last to sign): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Project Number 1003096

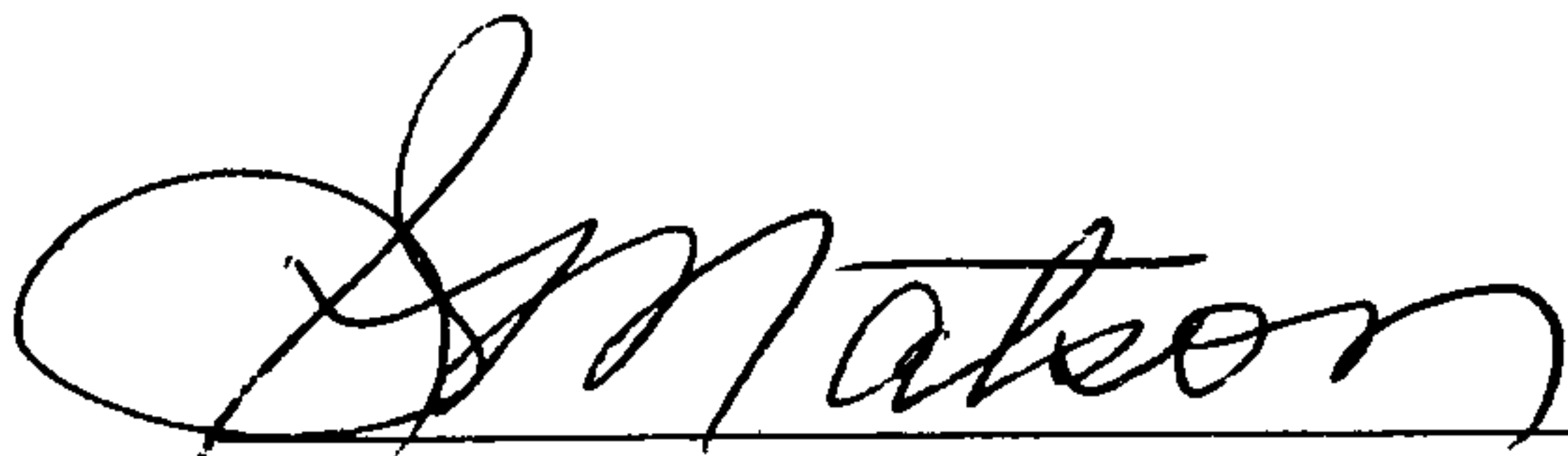
**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
September 15, 2004  
DRB Comments**

**ITEM # 7**

**PROJECT # 1003096 APPLICATION # 04-01344**

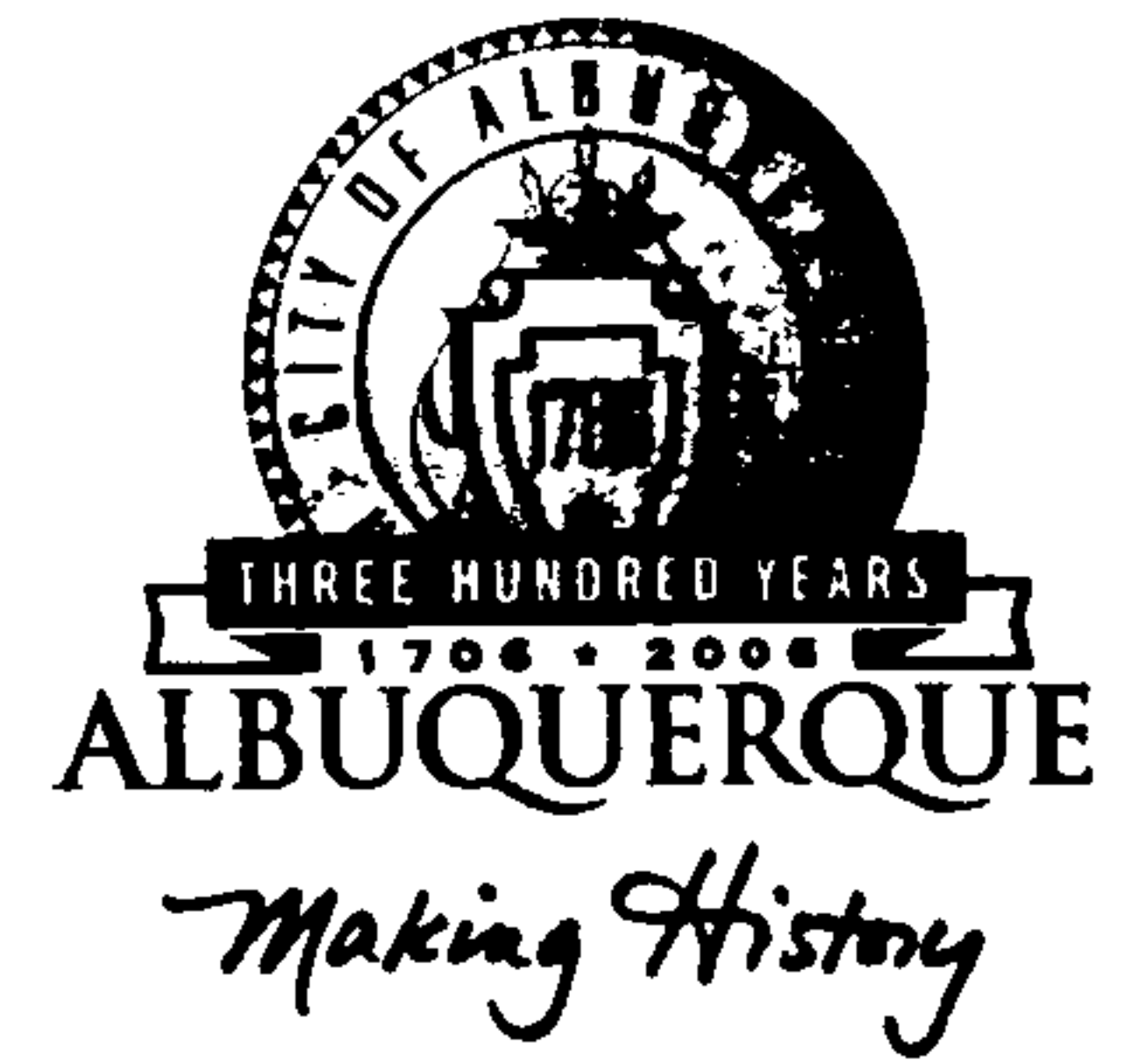
**RE: Lots 53-58, JM Moore Realty Co, Unit 1**

No objection to the replat.



---

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



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

**DEVELOPMENT REVIEW BOARD--SPEED MEMO**

**DRB CASE NO/PROJECT NO: 1003096**

**AGENDA ITEM NO: 7**

**SUBJECT:**

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

**ACTION REQUESTED:**

P.O. Box 1293

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

**ENGINEERING COMMENTS:**

Albuquerque

No adverse comments.

New Mexico 87103

**RESOLUTION:**

www.cabq.gov

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

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

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

FOR:

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

**DATE:** September 15, 2004

AGIS ELECTRONIC APPROVAL FORM

DRB Project Case #: 1003096

Subdivision Name: J M Moore Realty Company No 1

Surveyor: Gary E Gritsko

Company/Agent: Surveys Southwest

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

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

DXF Received Date: 9/3/2004

Hard-Copy Date: 9/3/2004

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

*Chou A Jol*  
Approved

9/3/04  
Date

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

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

AGIS Use Only

Copied cov3096 to agiscov on 9/3/2004. Contact person notified on 9/3/2004



# APPEAL

## DRB Minutes for 9/15/04

Project #1003096  
04DRB-01344

**7. Project # 1003096**  
04DRB-01344 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX AND STEFAN WATSON request(s) the above action(s) for all or a portion of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R, SAWMILL RESIDENTIAL, located on 8<sup>TH</sup> ST NW, between 8<sup>TH</sup> ST NW and MOUNTAIN RD NW containing approximately 1 acre(s). [REF: 03DRB-01901] (J-14)

Persons present on Behalf of the Request:

Dan Graney, Surveys Southwest Ltd., 333 Lomas Blvd NE, 87102

CHAIR MATSON: We are now on Agenda Item 7, Project #1003096. Good morning. If you'll state your name please and tell us why you are here.

MR. GRANEY: Dan Graney, Surveys Southwest, agent for Eileen Devereux and Stefan Watson. We are reconfiguring existing lots to fit existing buildings and the drive cuts and everything. We are proposing a 4 lot plat today.

CHAIR MATSON: Okay. Parks?

MS. SANDOVAL: Since this is a lot consolidation there is no park dedication requirement. Since all of the units are built there will be no park development requirement either.

CHAIR MATSON: Hydrology?

MR. BINGHAM: I have no objections.

CHAIR MATSON: Planning has no objection to the replat. Utilities?

DRB MINUTES  
Project #1003096  
04DRB-01344

PAGE 2

MR. GREEN: A condition was that they separate their combined shared sewer and water services. They made applications but they need to have a contractor get the tapping bonds. Make the new taps and once that's completed I can sign the plat. I'll take delegation of the final plat until the tapping permits are completed.

CHAIR MATSON: Transportation?

MR. GALLEGOS: No objections.

CHAIR MATSON: All right. We will approve the preliminary and final plat with final plat sign off delegated to Utilities Development for water and sewer service completion.

MR. GRANEY: Thank you.

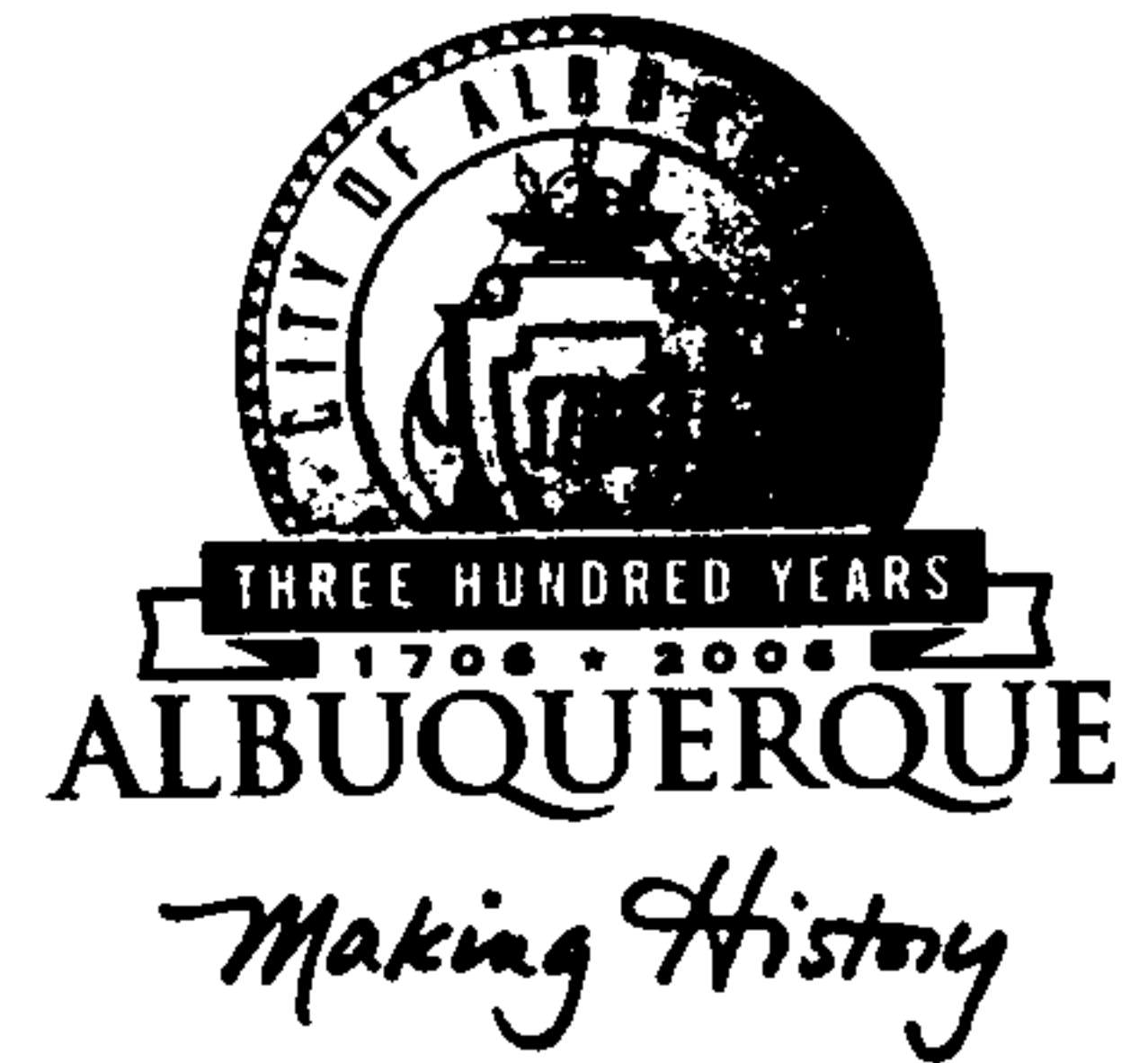
CHAIR MATSON: You're welcome.

# CITY OF ALBUQUERQUE

## *Planning Department*

Richard Dineen, Director  
*Development Review Division*  
600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

December 7, 2005



### **TO WHOM IT MAY CONCERN:**

Previously, a notice was sent out regarding AC-05-15. The appeal will not be introduced until after the New Year. Therefore we must change the appeal number. The new number appears below; please use this number when making an inquiry.

You will be notified by mail as to when this appeal will be heard before the Land Use Hearing Officer.

**NEW CITY COUNCIL APPEAL NUMBER: AC-06-1**

**PLANNING DEPARTMENT CASE FILE NUMBERS:** 04DRB-01344  
Project #1003096

P.O. Box 1293

**APPELLANT(s):** Michelle & Joseph Garcia  
2708 Monk Ct NW  
Albuquerque, NM 87107

Albuquerque

**AGENT:** N/A

New Mexico 87103

cc: Eileen Devereux & Stefan Watson, 1719 5<sup>th</sup> St NW, Abq., NM 87102  
✓ Surveys Southwest Ltd, 333 Lomas Blvd NE, Abq., NM 87102  
File

www.cabq.gov

# CITY OF ALBUQUERQUE

## *Planning Department*

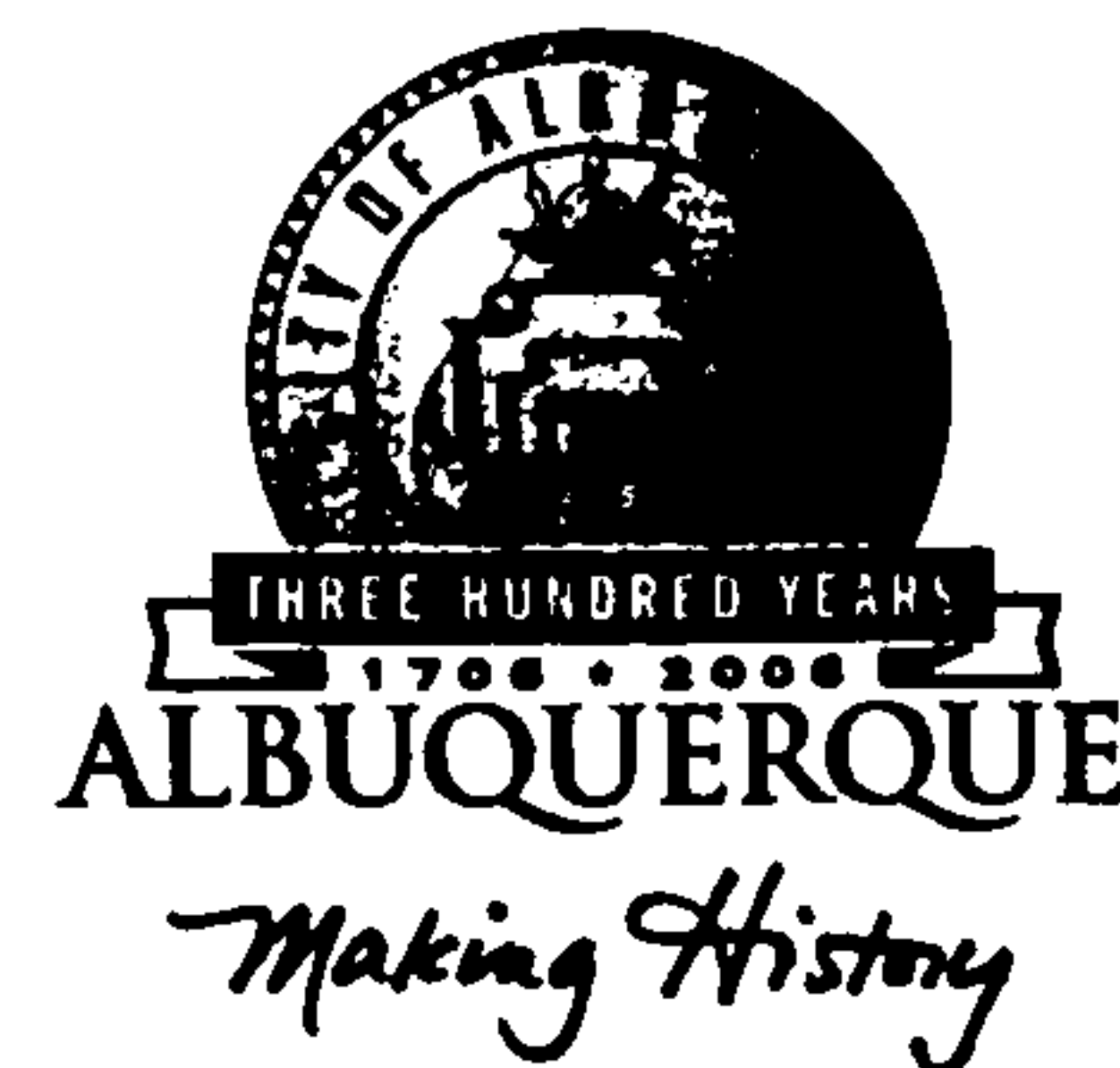
Richard Dineen, Director

### *Development Review Division*

600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor

Albuquerque, NM 87102

November 29, 2005



### **TO WHOM IT MAY CONCERN:**

The Planning Department received the attached appeal on November 28, 2005. You will be notified by mail as to when this appeal will be heard before the Land Use Hearing Officer.

***Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.***

If you have questions not answered in the enclosed bill call Barbara Findley, Administrative Assistant, at (505) 924-3889.

**CITY COUNCIL APPEAL NUMBER: AC-05-15**

**PLANNING DEPARTMENT CASE FILE NUMBERS: 04DRB-01344  
Project #1003096**

P.O. Box 1293

**APPELLANT(s): Michelle & Joseph Garcia  
2708 Monk Ct NW  
Albuquerque, NM 87107**

Albuquerque

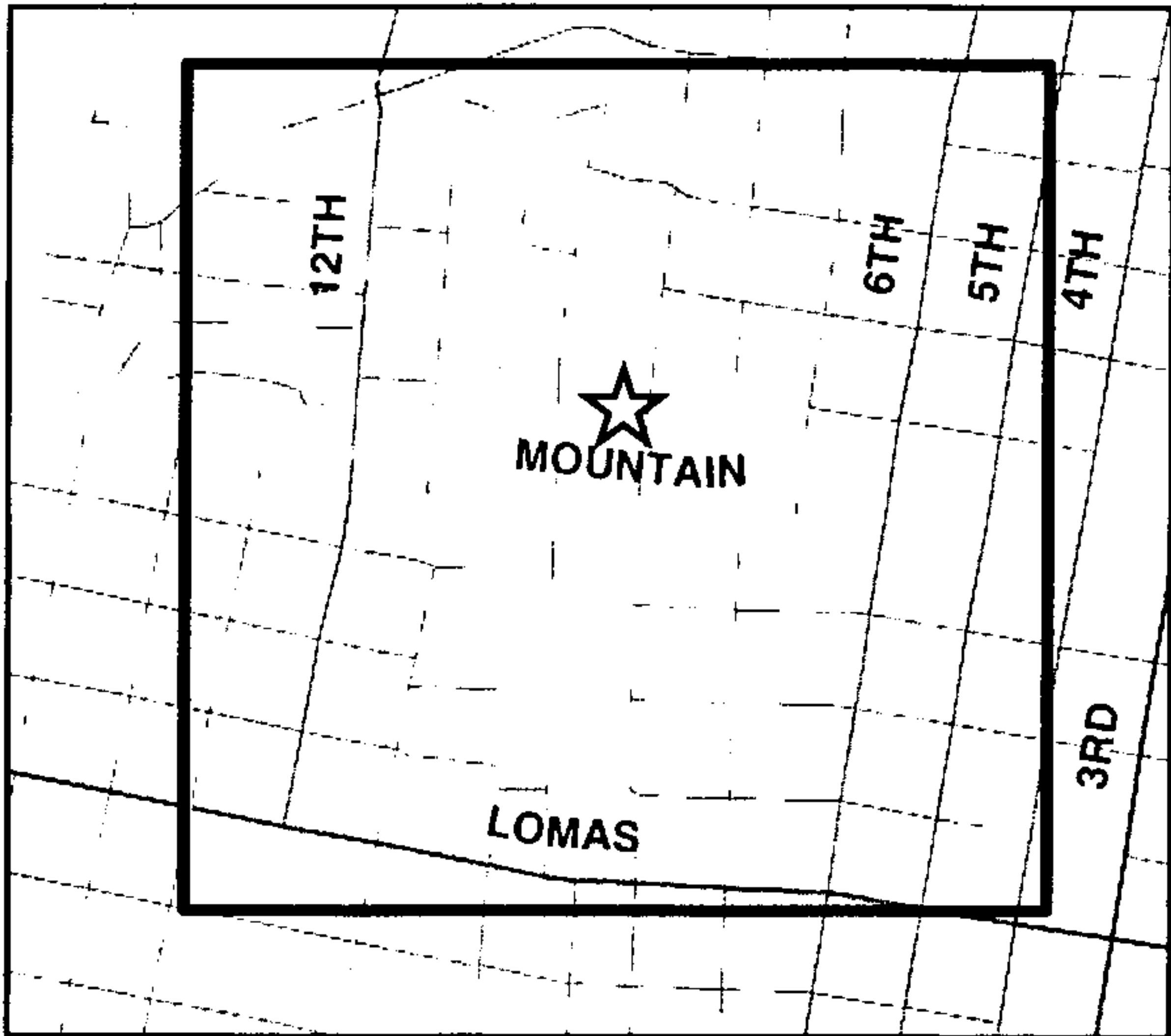
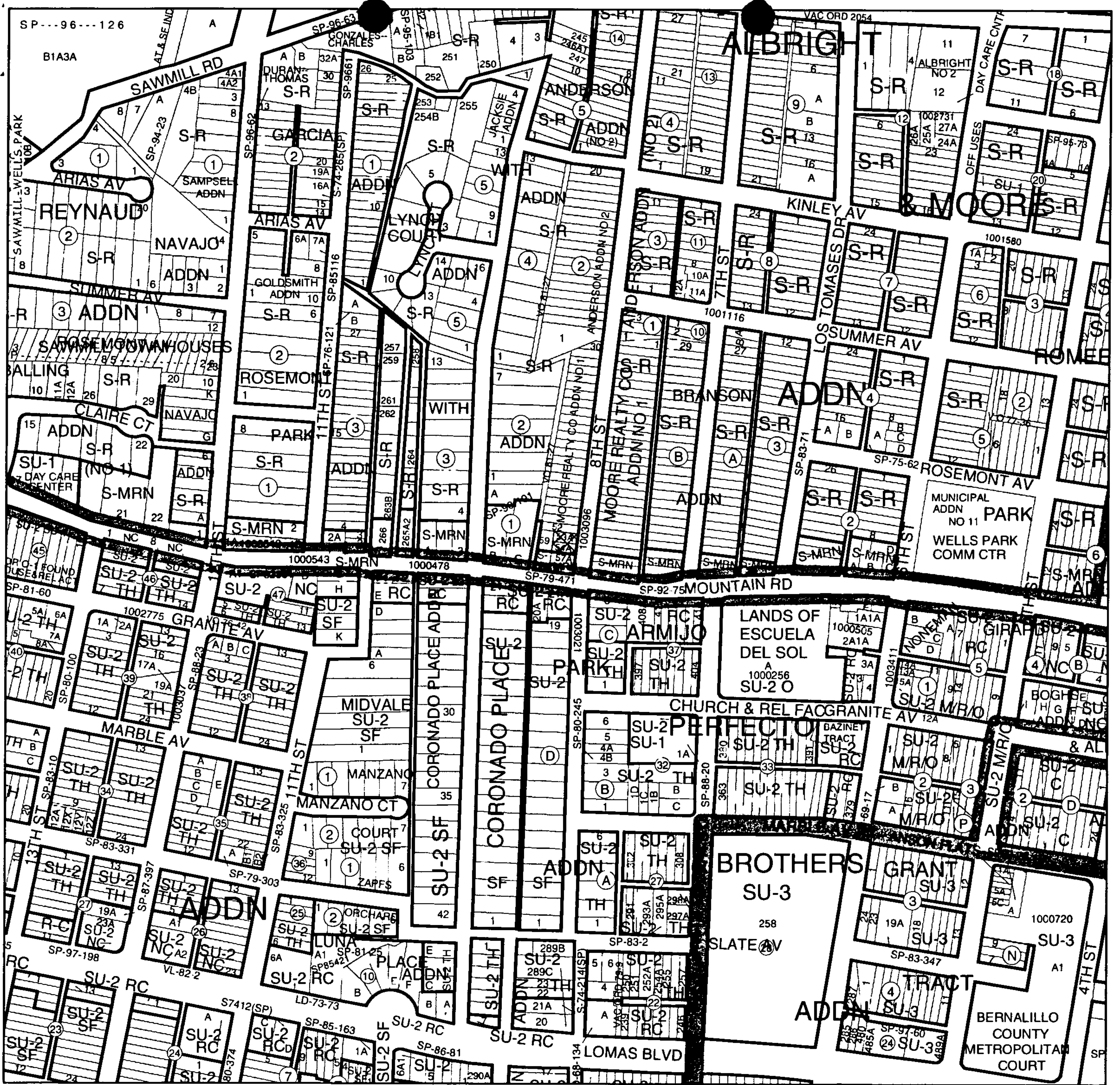
### **AGENT:**

New Mexico 87103

**cc: Eileen Devereux & Stefan Watson, 1719 5<sup>th</sup> St NW, Abq., NM 87102  
Surveys Southwest Ltd, 333 Lomas Blvd NE, Abq., NM 87102  
File**

www.cabq.gov

**Enclosure: LUHO Rules of Procedure and Qualifications (6 pages)**

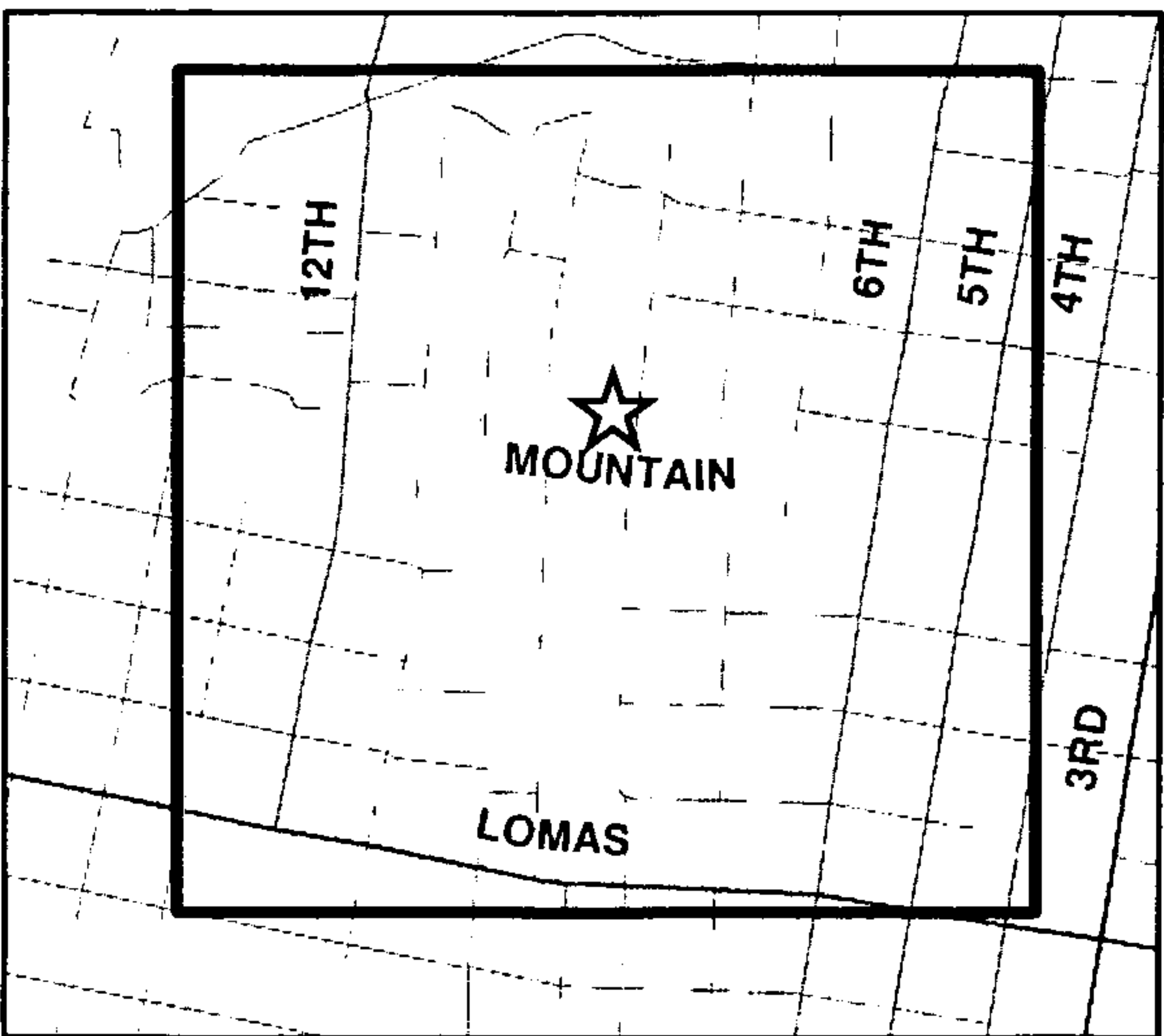
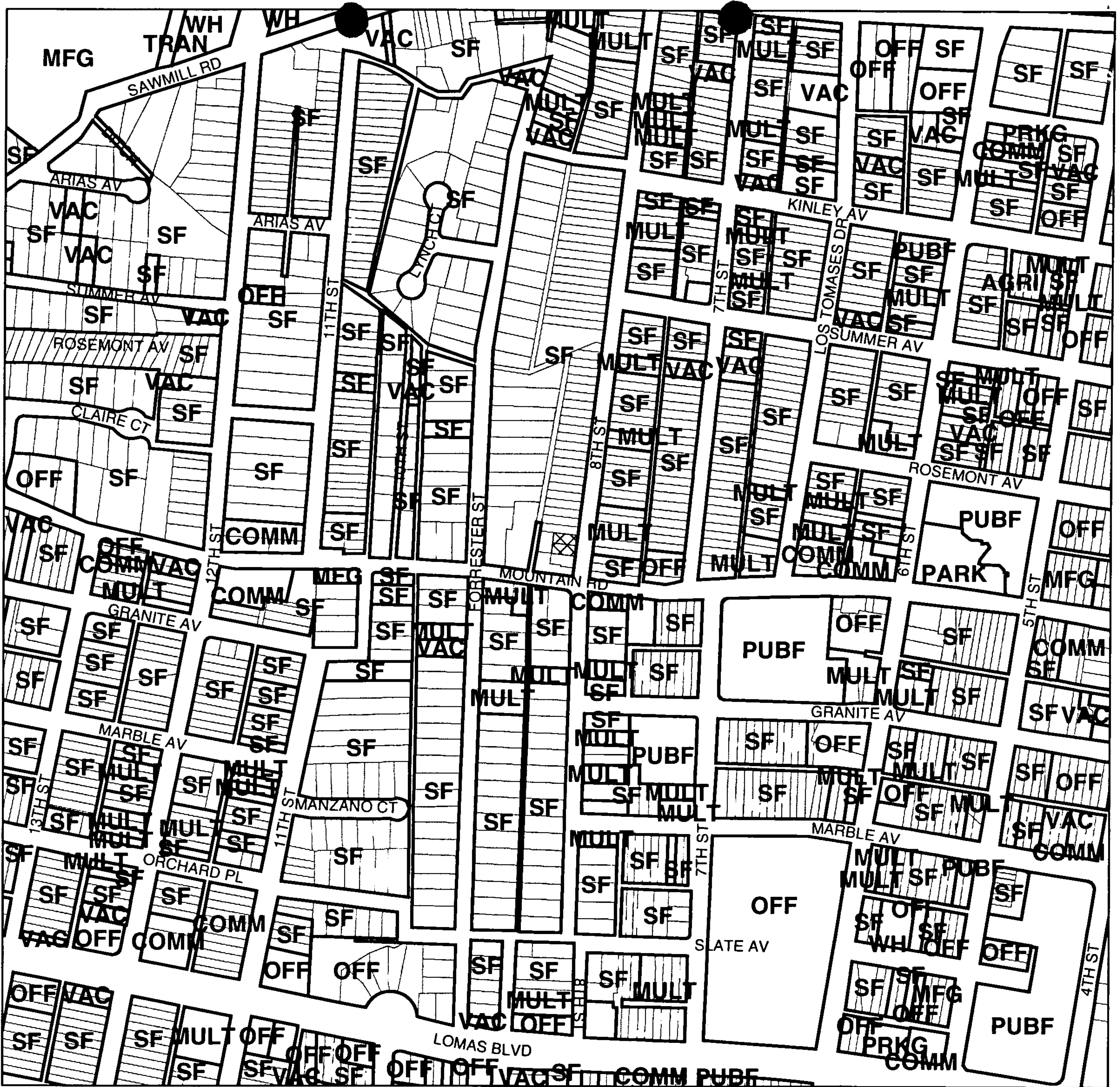


# ZONING MAP

Note: Grey shading indicates County.



1 inch equals 417 feet  
 Project Number:  
 1003096  
 Hearing Date:  
 1/19/2006  
 Zone Map Page:  
 J-14  
 Additional Case Numbers:  
 04-DRB-01344



## LAND USE MAP

Note: Grey shading indicates County.

### KEY to Land Use Abbreviations

- AGRI Agricultural
- COMM Commercial - Retail
- DRNG Drainage
- MFG Manufacturing or Mining
- MULT Multi-Family or Group Home
- OFF Office
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Building
- WH Warehousing & Storage



1 inch equals 417 feet

Project Number:  
1003096

Hearing Date:  
1/19/2006

Zone Map Page:  
J-14

Additional Case Numbers:  
04-DRB-01344

April 10th 2006

Ms. Sharon Matson  
City of Albuquerque, Planning Department  
Development Review Board Chair,

Dear Ms. Matson,

We would like to inform you of several issues that concern us deeply.

From the beginning of our discovery that Eileen Devereux and Stefan Watson filed 04 DRB-01344, Project #1003096, we believe that the DRB was not been completely informed. Our letter to you dated 11-28-2005 clearly outlined our belief.

Now upon remand by the Land Use Hearing Officer, we believe that the DRB should first determine if there is a case involving fraud in the submission of the original application. We ask that this issue be addressed first by the City of Albuquerque, before the DRB hears this case again on remand.

We also believe that the December 16, 2005 inter-office memorandum from Richard Dineen, the City of Albuquerque Planning Director, to Martin Heinrich, President of the City Council was inappropriate and was clearly an attempt to deny us of our right to a fair appeal process. Director Dineen's letter shows both his bias and his prejudice against us in any future involvement he has in this case.

We are concerned that you're personal testimony, on the record, before the Land Use Hearing Officer, has also prejudiced your future involvement in this case. You stated that you would not have changed your original DRB decision after hearing the new evidence at the land use hearing. We feel that your comments showed a clear pre-determined bias against our case.

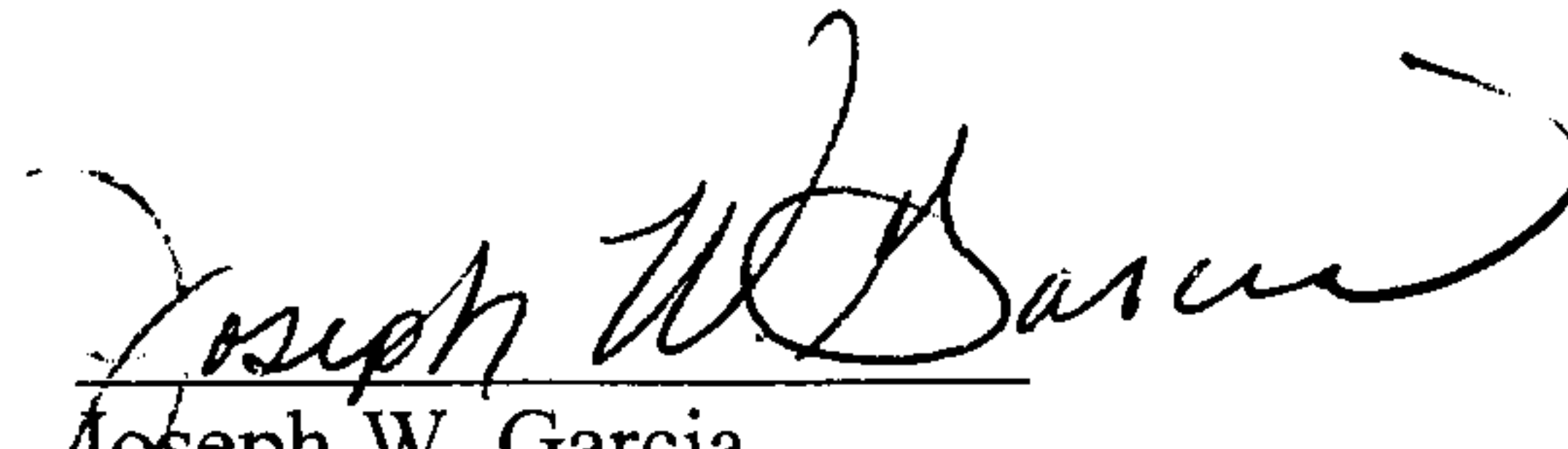
Our property (lot 59) is naturally dependant and inter-connected to the surrounding lots since it was pre-existing to the development of the 1905 subdivision and was literally built around. Its unique nature and pre-existing location requires that the City of Albuquerque and the Development Review Board treat any re-plat in a unique and special manner.

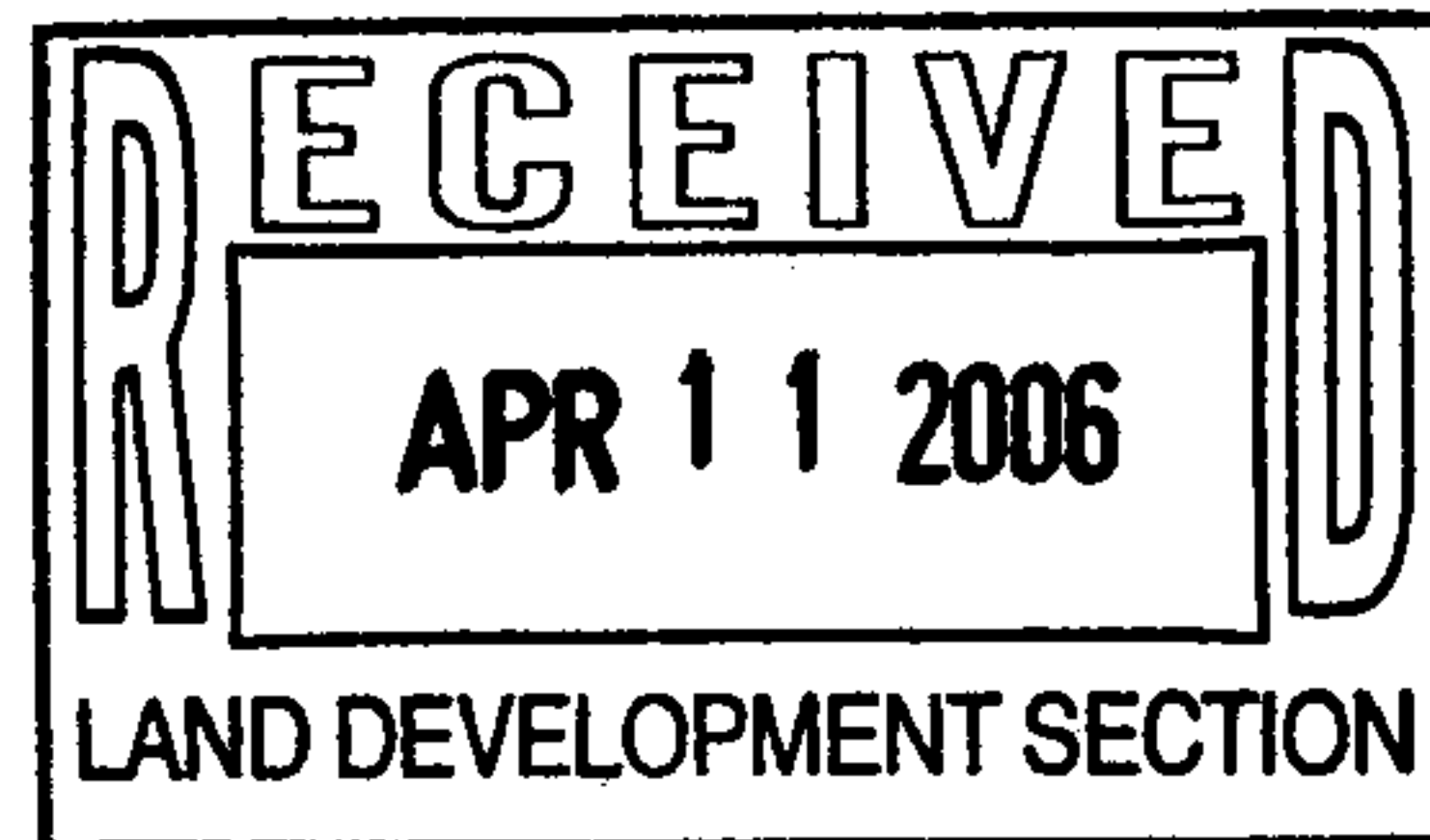
The denial to 8<sup>th</sup> Street access using the dedicated lot 55 access point will completely land lock lot 59 and forever diminish its property value and use. There is no greater adverse affect than becoming a second class citizen.

This is the Planning Departments opportunity to prevent any future litigation and protect our property value, our personal safety and our civil rights against this unfair August 31<sup>st</sup> 2004 minor re-plat by Eileen Devereux and Stefan Watson.

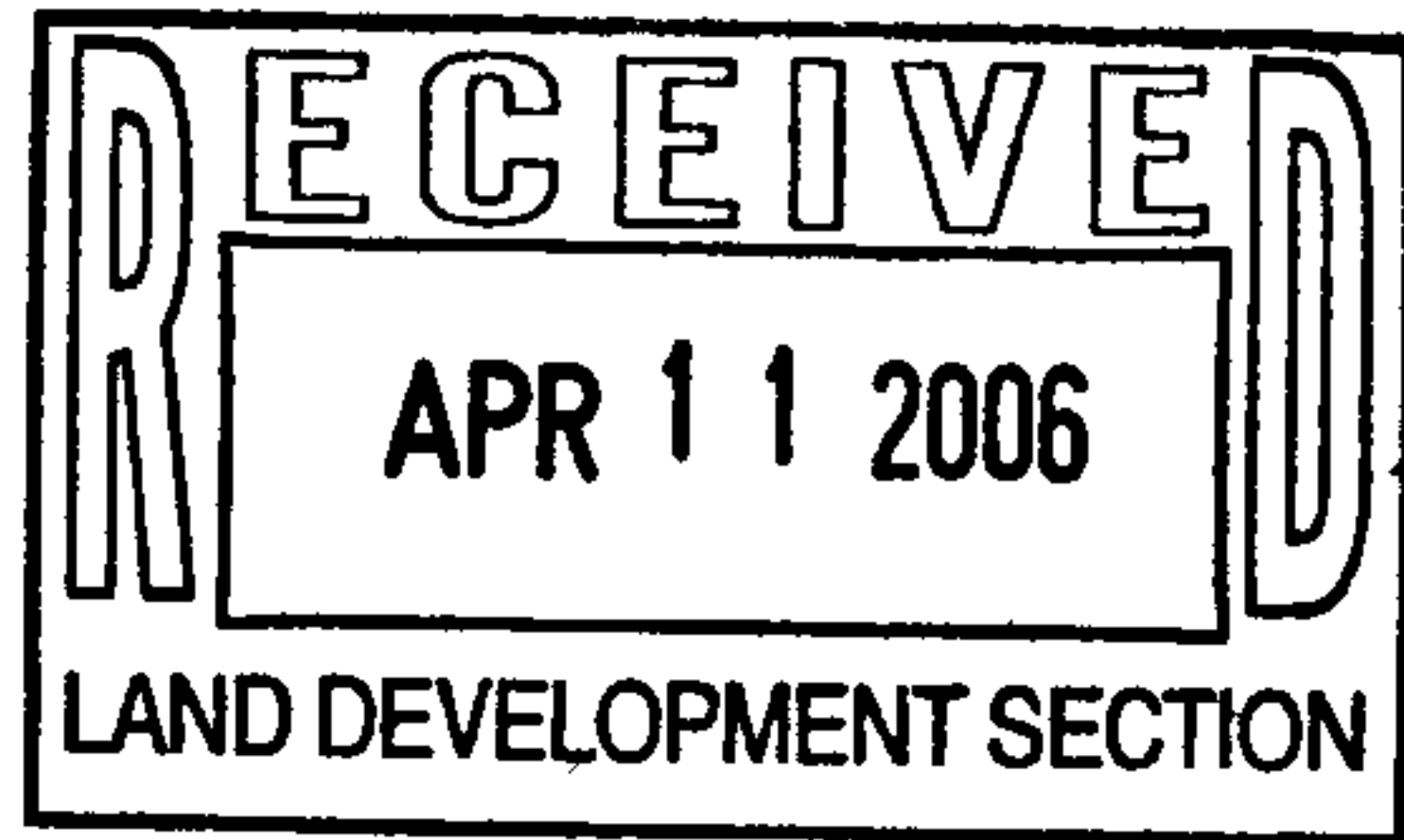
Thank you for your patience and consideration in this matter.

  
Michelle A. Garcia

  
Joseph W. Garcia







*Sharon Watson*  
*Planning Department*

October 7, 2005

Sheran Matson, AICP  
Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, New Mexico 87103

Michelle Garcia  
2708 Monk Court NW  
Albuquerque, New Mexico 87107

Dear Sheran Matson,

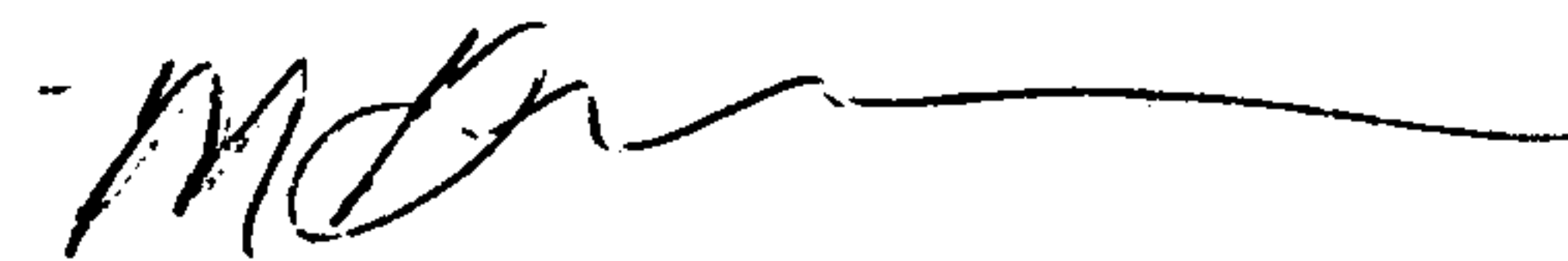
In August of this year I spoke with you about the re-plat of Lots 53-A, 54-A, 57-A and 58-A. The re-plat was done in August of 2004, Talos Log #2004-0316-55. When we spoke I explained to you that I was concerned about this plat because the re-plat deleted a dedicated drive leading to my property. My property is located at 811 Mountain Rd. NW (lot 59 of the John Moore Addition).

When we spoke, you asked me to gather information so that the re-plat could be reviewed by the City Attorney's Office. I have attached the following copies to substantiate my concerns.

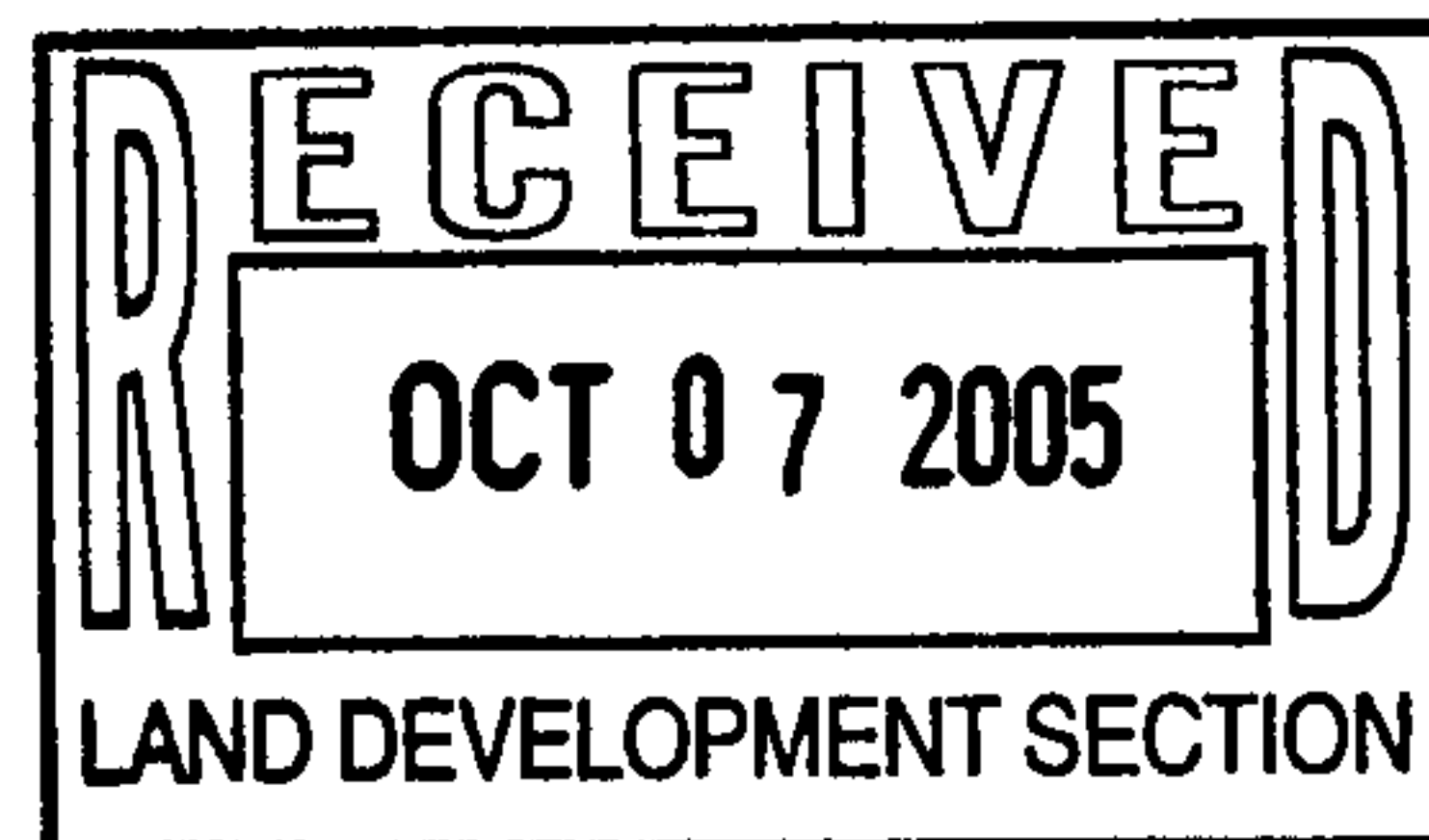
Page One-1905 Plat  
Page two-Dedication of tract of land

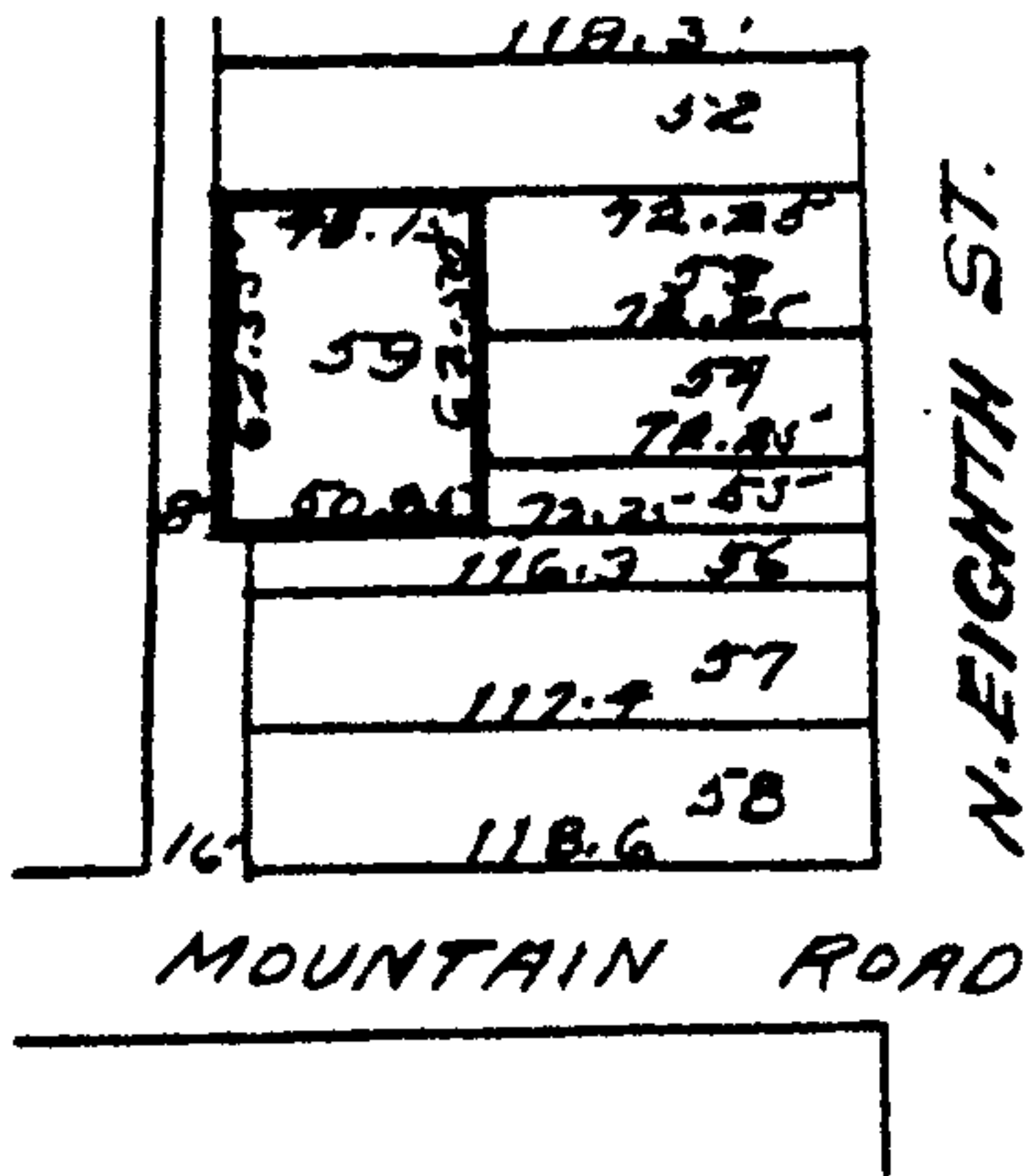
The 1905 plat was never given to the DRB by Eileen Devereux or Stefan Watson. This plat clearly shows a dedicated drive leading to my property, Lot 59. I appreciate your assistance in this matter, please feel free to call me if you need any further information. I can be reached at 343-0405 or 252-1708.

Sincerely,



Michelle Garcia





TRACING OF REPIAT  
 OF LOTS 53 TO 57,  
 J. M. MOORE REALTY CO'S  
 ADDITION NO. 1.  
 Albuquerque, N. M.

Scale: 1" = 200'

DEDICATION

"A tract of land, represented on this map, designated in the heading, as five certain lots, of an addition to the City of Albuquerque N. M., already (sic) existing, said subdivision platted and subdivided as the same appears hereon, is now, with the full consent and in accordance with the desire of the undersigned owner thereof, dedicated and to be known as subdivision of lots 53, 54, 55, 56 & 57 of the Moore Realty Company's Addition No. 1 to the City of Albuquerque New Mexico.

(Signed) John M. Moore Realty Company

ATTEST:

Melville Summers,  
 Sec'y.

(CORPORATE SEAL)

Territory of New Mexico, )  
 County of Bernalillo. ) ss

On this 6th day of November, 1905, before me appeared George L. Brooks, to me personally known, who being by me duly sworn did say that he is the President of the John M. Moore Realty Company and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said George L. Brooks acknowledged said instrument to be the free act and deed of said corporation.

(Signed) W. N. McGregor,  
 Notary Public.

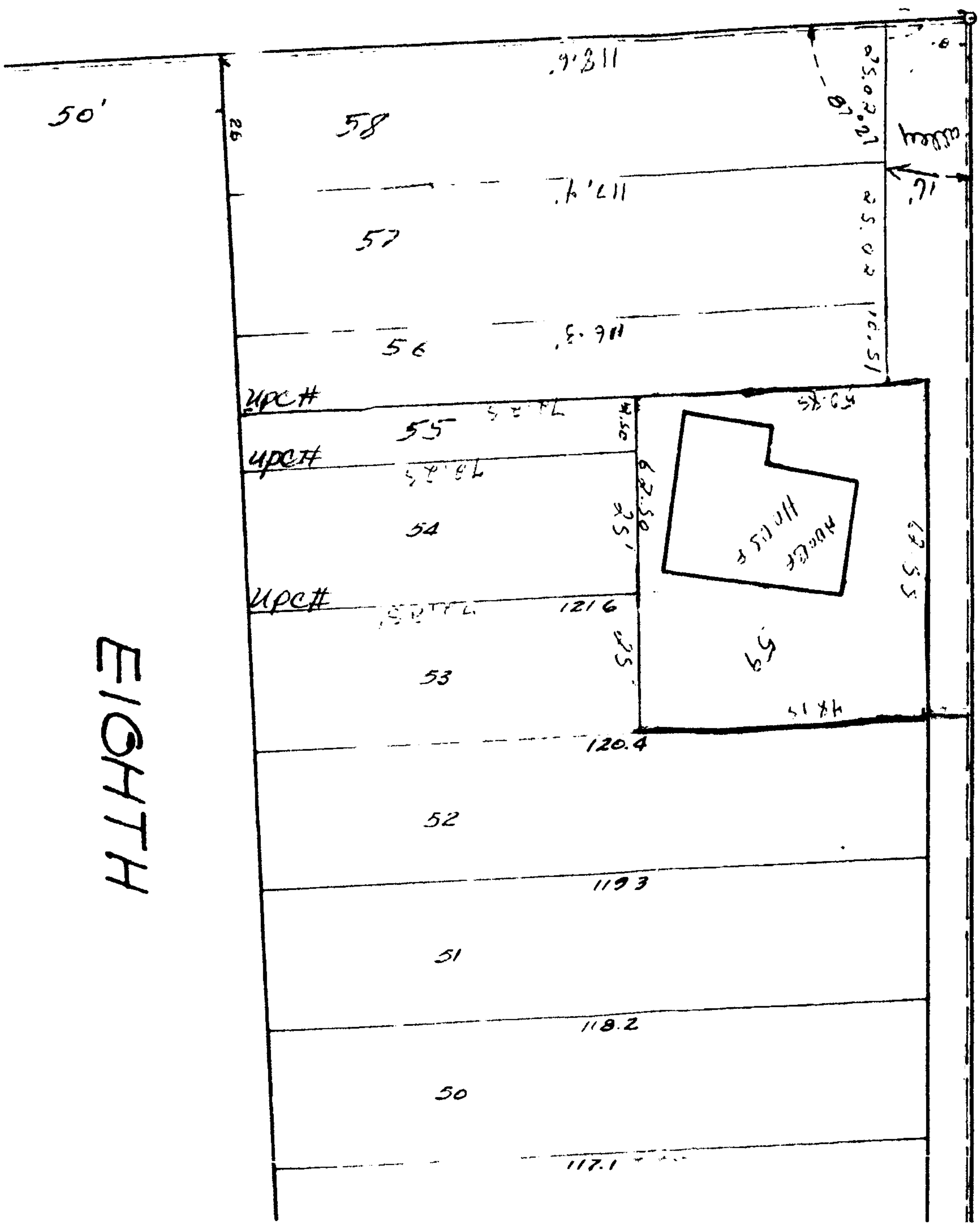
(Notarial Seal)

Filed for record November 9th, 1905.  
 Rack No. 1, Board No. 29.  
 Records of Bernalillo County, New Mexico.

UPCT# 101 405405031  
021402

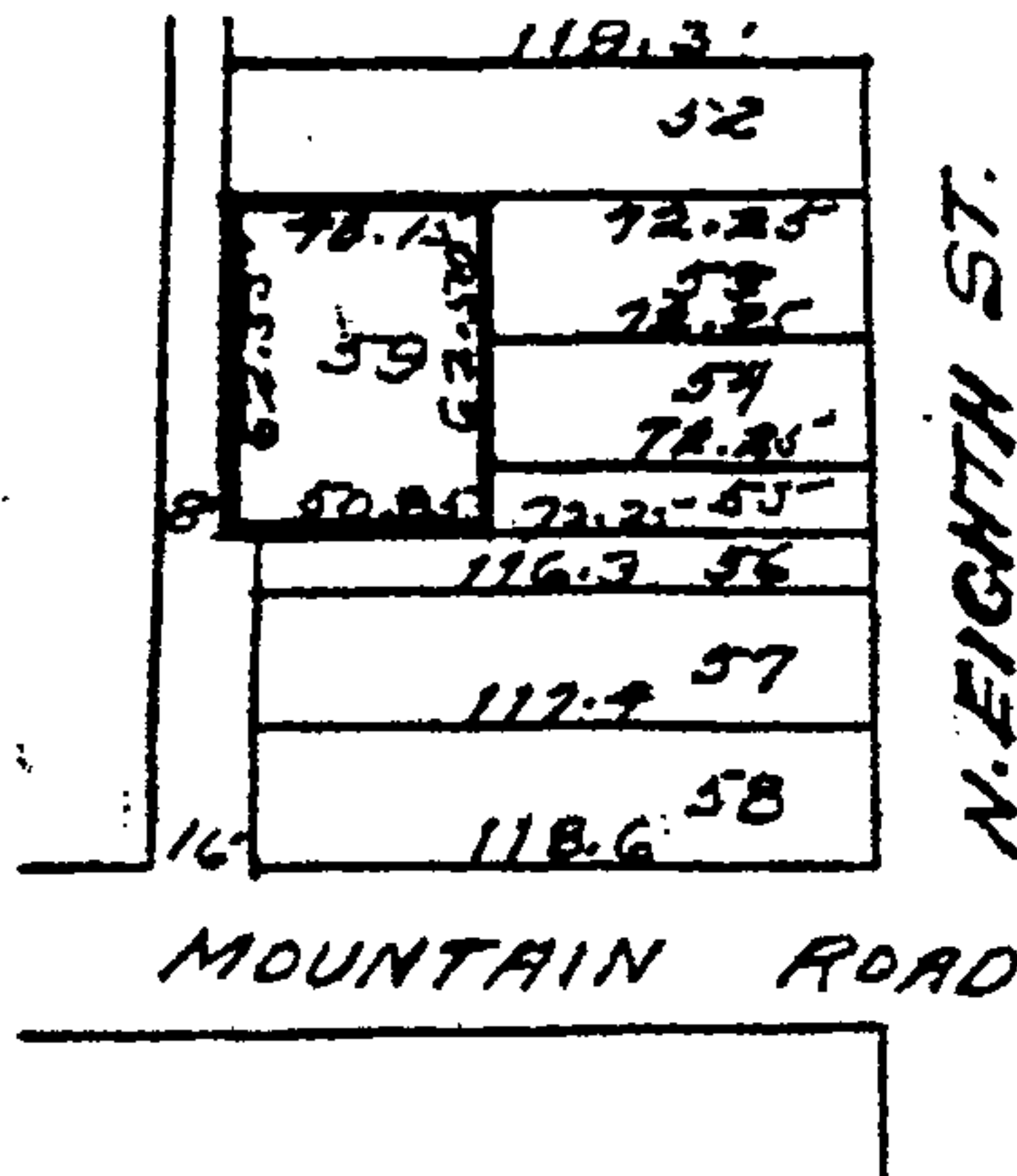
NORTH

ROAD



EIGHTH

April



TRACING OF REPIAT  
 OF LOTS 53 TO 57,  
 J. M. MOORE REALTY CO'S  
 ADDITION NO. 1.  
 Albuquerque, N. M.

Scale: 1" = 200'

DEDICATION

"A tract of land, represented on this map, designated in the heading, as five certain lots, of an addition to the City of Albuquerque N. M., already (sic) existing, said subdivision platted and subdivided as the same appears hereon, is now, with the full consent and in accordance with the desire of the undersigned owner thereof, dedicated and to be known as subdivision of lots 53, 54, 55, 56 & 57 of the Moore Realty Company's Addition No. 1 to the City of Albuquerque New Mexico.

(Signed) John M. Moore Realty Company

ATTEST:

Melville Summers,  
 Sec'y.

(CORPORATE SEAL)

Territory of New Mexico, )  
 County of Bernalillo. ) ss

On this 6th day of November, 1905, before me appeared George L. Brooks, to me personally known, who being by me duly sworn did say that he is the President of the John M. Moore Realty Company and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said George L. Brooks acknowledged said instrument to be the free act and deed of said corporation.

(Signed) W. N. McGregor,  
 Notary Public.

(Notarial Seal)

Filed for record November 9th, 1905.  
 Rack No. 1, Board No. 29.  
 Records of Bernalillo County, New Mexico.

82502

10/11/05 9:30am

Andrew Garcia & I met Earl Holmes & Michelle Garcia at 811 Mountain.

After much discussion, Michelle agreed to bring me documents which she believes proves there was an intent for lot 55 to be used as 5th stage access for 811 Mountain.

I told them DRB had to have proof that Stefan Watson received a replat through fraudulent means to proceed w/ vacation of the replat.

Stefan

**GARCIA APPEAL  
8<sup>TH</sup> & MOUNTAIN, NW  
2/21/056**

- 1. FIRST AWARE OF THE PROBLEM WHEN MS GARCIA & HER HUSBAND CONTACTED ME IN AUGUST OF 2005.**
- 2. I ASKED HER TO BRING ME DOCUMENTATION SHOWING THAT HER PARENTS HOME ON LOT 59 HAD LEGAL ACCESS TO 8<sup>TH</sup> STREET VIA LOT 55 AS SHE STATED.**
- 3. IF SHE COULD PROVE THE PLAT WAS APPROVED THROUGH FRAUD OR MISREPRESENTATION, DRB COULD VACATE THE PLAT APPROVED IN SEPTEMBER OF 2004.**
- 4. ANDREW GARCIA & I MET WITH MS GARCIA AND HER HUSBAND ON OCTOBER 11, 2005 AT THE GARCIA PROPERTY AT EIGHTH & MOUNTAIN.**
- 5. WE OBSERVED THAT AN OLD ADOBE HOME ENCROACHED ACROSS LOT 55 AND THERE WAS A FENCE BLOCKING ACCESS AS WELL AS A TREE.**
- 6. I AGAIN ASKED FOR WRITTEN DOCUMENTATION THAT LOT 59 WAS INTENDED TO HAVE ACCESS ACROSS LOT 55 AS SHE CLAIMED.**
- 7. SHE PROVIDED A COPY OF THE 1905 "PLAT" IN THE APPEAL PACKET. THE DOCUMENT MADE NO REFERENCE TO ACCESS OF ANY KIND ACROSS ANY LOTS.**
- 8. BECAUSE SHE COULD NOT PROVE AN ACCESS EASEMENT EVER EXISTED IN TERMS OF PLATTING OR OTHER WRITTEN DOCUMENTATION, WE ALLOWED THE NEW PLAT TO STAND.**



LOT 59, J.M. MOORE REALTY CO. No.1  
FILED: NOVEMBER 09, 1905  
VOL. C5, FOLIO 75

*Garcia Property*

FND #4 REBAR  
W/CAP LS8686

LOT 53-A  
0.0518 ACS. #1209 Lot 53

FND. 3/4" IRON PIPE

LOT LINE TO BE ELIMINATED BY THIS PLAT

N83°11'49"W Lot 54

LOT 54-A  
0.0519 ACS.

RESIDENCE #1207

LOT LINE TO BE ELIMINATED BY THIS PLAT

LOT IN QUESTION

FND #4 REBAR  
W/CAP LS8686

FND #4 REBAR  
W/CAP LS8686

RESIDENCE #1201 B

LOT 58-A  
0.1067 ACS.

RESIDENCE #1203  
LOT 57-A  
0.0558 ACS.

RESIDENCE #1201

16' ALLEY

8TH. STREET N.W.  
(50' PUBLICLY DEDICATED RIGHT-OF-WAY)

MOUNTAIN ROAD N.W.  
(50' PUBLICLY DEDICATED RIGHT-OF-WAY)

BASIS OF BEARINGS  
N78°21'09"W  
2022.63'

FIRE HYDRANT

ACS STATION 17-J14  
X = 378,903.40  
Y = 1,488,804.10  
GROUND TO GRID = 0.999679  
DELTA ALPHA = -00°13'58"  
NEW MEXICO STATE PLANE  
COORDINATE SYSTEM

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
- Decision by: DRB, ZPC, 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: MICHELLE GARCIA + JOSEPH GARCIA PHONE: (505)-343-0405  
 ADDRESS: 2708 MONK CT. N.W. FAX: \_\_\_\_\_  
 CITY: ALBUQ STATE: N.M. ZIP: 87107 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: DEDICATED DRIVE List all owners: N/A  
 AGENT (if any): \_\_\_\_\_ PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ FAX: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

**DESCRIPTION OF REQUEST:** APPEAL OF DRB CASE #1003096 / #04-DRB-01344  
LOT RECONFIGURE RESULTING IN LOSS OF STREET ACCESS DRIVEWAY.

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

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

Lot or Tract No. LOT 55 Block: \_\_\_\_\_ Unit: 1  
 Subdiv. / Adn. J.M. MOORE REALTY COMPANY  
 Current Zoning: R Proposed zoning: \_\_\_\_\_  
 Zone Atlas page(s): J-14-Z No. of existing lots: 1 No. of proposed lots: DRIVEWAY  
 Total area of site (acres): 0.01 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? N/A  
 UPC No. 1-014-058-055-309-21403 + 1-014-058-0522-302-21401 MRGCD Map No. N/A  
 LOCATION OF PROPERTY BY STREETS: On or Near: 8<sup>TH</sup> ST. + MOUNTAIN RD N.W.  
 Between: MOUNTAIN RD N.W. and SUMMER AV.

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): N/A

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

SIGNATURE: [Signature] DATE: 11/24/05  
 (Print) MICHELLE GARCIA / JOSEPH GARCIA  Applicant's  Agent

**FOR OFFICIAL USE ONLY**

Form revised 4/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>05 0500 - 01786</u>	<u>APPEAL</u>		\$ <u>45.00 per sq</u>
<input checked="" type="checkbox"/> All fees have been collected				\$ _____
<input checked="" type="checkbox"/> All case #s are assigned				\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent				\$ _____
<input checked="" type="checkbox"/> Case history #s are listed				\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input checked="" type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date			Total
	<u>11/28/05</u>			\$ <u>45.00</u>

Ki SLS 11/28/05

Project # 100 309 6

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

DECISION OF THE ZONING HEARING EXAMINER

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER

\_\_\_ Project number of case being appealed; \_\_\_\_\_

\_\_\_ Application number of case being appealed; \_\_\_\_\_

- \_\_\_ Reason for the appeal \*
- \_\_\_ Appellant's basis of standing as an appellant \*
- \_\_\_ Letter of authorization from the appellant if this application for appeal is submitted by an agent
- \_\_\_ Copy of the Official Notification of Decision regarding the matter being appealed
- \_\_\_ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
- DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
- DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
- DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

Project number of case being appealed; # 1003096

Application number of case being appealed; # 04 DRB - 01344

- Reason for the appeal \*
- Appellant's basis of standing as an appellant \*
- Letter of authorization from the appellant if this application for appeal is submitted by an agent
- Copy of the Official Notification of Decision regarding the matter being appealed
- Fee (see schedule)

\* Criteria for reasonable appeals and criteria for standing as an appellant are given in Zoning Code §14-16-4-4. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

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

MICHELLE GARCIA  
Applicant name (print)

[Signature] 11/21/05  
Applicant signature / date



Form revised 10/04 & March 2005

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

Application case numbers  
05100 - 01786  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature] 11/28/05  
Planner signature / date

**Project #** 1003096



**DEVELOPMENT REVIEW BOARD  
ACTION SHEET**

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

September 15, 2004

9:00 a.m.

**MEMBERS:**

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

Wilfred Gallegos, Transportation Development  
Brad Bingham, Alternate City Engineer

Roger Green, Utility Development  
Christina Sandoval, Parks & Recreation

\*\*\*\*\*

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

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

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

A. Call to Order: 9:00 A.M.

Adjourned: 10:50 A.M.

B. Changes and/or Additions to the Agenda

C. New or Old Business

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

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

1. **Project # 1003629**  
04DRB-01288 Major-Vacation of Public Easements

ARMIJO SURVEYING GROUP LLC agent(s) for DONALD VASQUEZ request(s) the above action(s) for all or a portion of Lot(s) 1, **PARKSITO SUBDIVISION**, zoned R-D residential and related uses zone, developing area, 9 DU/AC, located on 97<sup>TH</sup> ST SW, between FIRMAN CT SW and SAN YGNACIO RD SW containing approximately 1 acre(s). [REF: DRB-96-529, S-98-83, S-97-55][Deferred from 9/15/04] (L-9) **DEFERRED AT THE AGENT'S REQUEST TO 9/22/04.**

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

7. **Project # 1003096:**  
04DRB-01344 Minor-Prelim&Final Plat  
Approval
- SURVEYS SOUTHWEST LTD agent(s) for EILEEN DEVEREUX AND STEFAN WATSON request(s) the above action(s) for all or a portion of Lot(s) 53-58, **J. M. MOORE REALTY COMPANY, UNIT 1**, zoned S-R, SAWMILL RESIDENTIAL, located on 8<sup>TH</sup> ST NW, between 8<sup>TH</sup> ST NW and MOUNTAIN RD NW containing approximately 1 acre(s). [REF: 03DRB-01901] (J-14) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR WATER AND SEWER SERVICE COMPLETION.**
8. **Project # 1001926**  
04DRB-01335 Minor-Sidewalk Waiver  
04DRB-01334 Minor-Temp Defer SDWK
- MARVIN R KORTUM agent(s) for JEFF DORWART, JD HOMES request(s) the above action(s) for all or a portion of Lot(s) 225-A, **MUSTANG MESA SUBDIVISION**, TOWN OF ATRISCO GRANT, zoned R-2 residential zone, located on GLENRIO RD NW, between 72<sup>ND</sup> ST NW and 72<sup>ND</sup> PL NW containing approximately 5 acre(s). [REF: 03DRB-01225, 03DRB-00674, 04DRB-00329, 03DRB-01475] (J-10) **INDEFINITELY DEFERRED AT THE BOARD'S REQUEST.**
9. **Project # 1003654**  
04DRB-01371 Minor-Prelim&Final Plat  
Approval
- TERRA LAND SURVEYS, LLC agent(s) for ISLAMIC CENTER OF NEW MEXICO INC request(s) the above action(s) for all or a portion of Lot(s) 2-B-2 and 2-B-3, **FAIRVIEW ADDITION**, zoned C-2, located on YALE BLVD SE, between AVENIDA CESAR CHAVEZ SE and KATHRYN AVE SE containing approximately 2 acre(s). [REF: Z-78-11, ZA-82-303-1, SP-83-352] (L-15) **PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE.**

11-28-2005

Request for appeal pursuant to Zoning Code 14-16-4-4

The Garcia family has owned the affected property in this appeal since 1941 (UPC #1-014-058-050310-2-14-02).

The original applicants (Deverauex and Watson) are contractors and have owned the surrounding property for less than a year. Unknown to us, Deverauex and Watson requested a reconfiguration and replat to the property adjoining ours.

Our property has enjoyed a driveway from 8<sup>th</sup> street for over 100 years. We where unaware that the reconfiguration and replat had been applied for.

To our amazement we learned that the dedicated driveway leading to our home was eliminated by the City of Albuquerque's Development Review Board. We contacted the DRB (Sheran Matson) and inquired why the drive was removed. She showed us the DRB file and we immediately determined that Deverauex and Watson failed to supply any information to the DRB concerning our dedicated driveway or any other historical or title document. The DRB could not have properly applied appropriate City policies and ordinances to the application since the DRB did not have the necessary facts, documents, and our input available to them. The result caused the DRB to inappropriately approve the replat (#1003096) and created a decision that adversely affects our property right and our property's economic value.

The DRB relies exclusively upon the complete and accurate information provided by the applicant(s). In this case, the failure of the applicant(s) either intentionally or unintentionally to disclose our dedicated driveway has resulted in this DRB appeal.

The original application never requested any type of property vacation. Deverauex and Watson being personally familiar with the site would have known that the vacation of the dedicated driveway would leave our property without legal street access and cause an erroneous DRB decision adversely affecting our property right.

Any matter this serious requires public notice. No required public notice was ever given in this case to alert us and give us reasonable opportunity to property state our objection.

Because of this decision by the DRB, we have been forced to use an off-street dirt alley to access our two homes. No resident of this city should be treated like second a rate citizen and forced to use a dirt alley to return home each day.

We respectfully request that this DRB appeal be heard so that we are given an opportunity to have a complete and factual review of this reconfiguration and replat request.

  
Michelle A. Garcia

  
Joseph W. Garcia

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

PAID RECEIPT

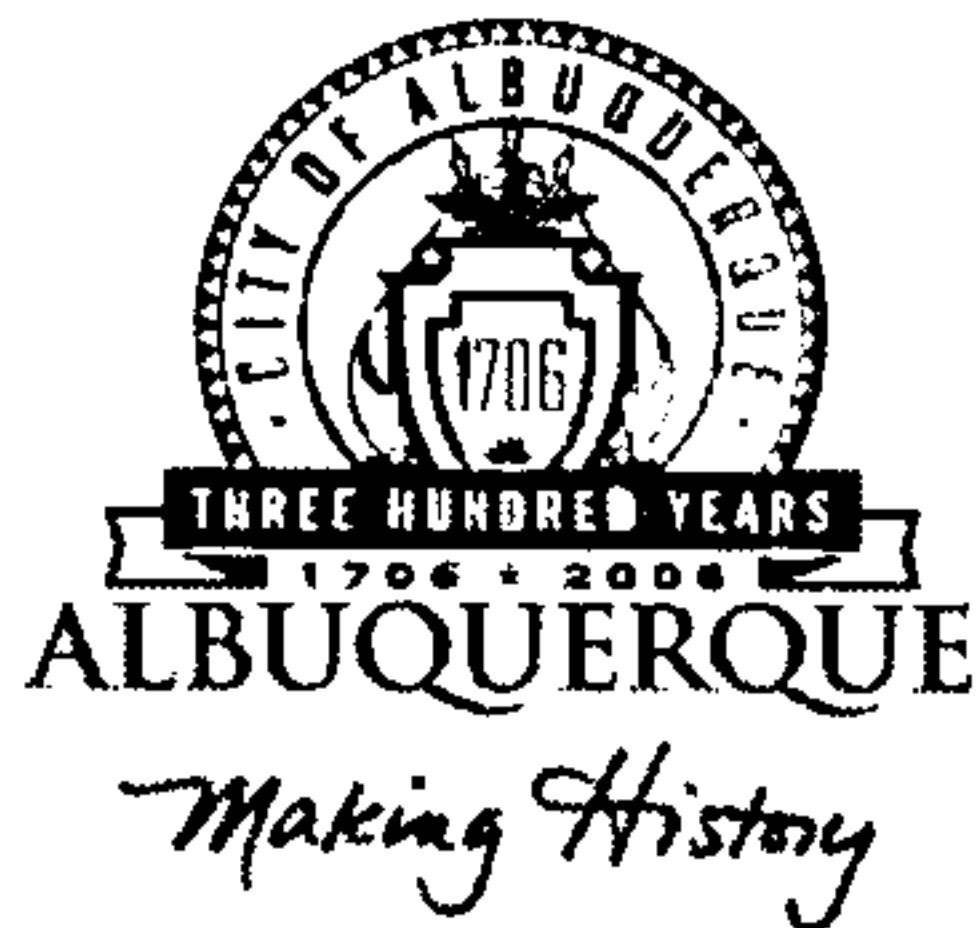
APPLICANT NAME MICHELLE GARCIA & JOSEPH  
AGENT \_\_\_\_\_  
ADDRESS 2708 MONK CT. NW.  
PROJECT & APP # 1003096 / 05 APPEAL 01786  
PROJECT NAME LOT 55.

\$ \_\_\_\_\_ 441032/3424000 Conflict Management Fee  
\$ \_\_\_\_\_ 441006/4983000 DRB Actions  
\$ 45.00 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  
\$ 45.00 TOTAL AMOUNT DUE

\*\*\*NOTE: If a subsequent submittal is required, bring a copy of this receipt and an additional check.

95-8366/3070 2283  
Date Nov 25, 2005  
EARL A HOLMES  
MICHELLE GARCIA  
2708 MONK CT NW  
ALBUQUERQUE, NM 87107  
Pay to the order of City of Albuquerque \$ 45.00  
Dollars  
NEW MEXICO EDUCATORS  
FEDERAL CREDIT UNION  
P O BOX 8530  
ALBUQUERQUE, NEW MEXICO 87198-8530  
For \_\_\_\_\_  
The Lord is my rock and my fortress... Psalms 18:2  
City of Albuquerque  
Treasury Division  
BLESSINGS 102  
11/25/2005 2:17PM  
RECEIPT# 00048898 WSH 008 TRANS# 9019  
Account 441006 Fund 0110  
Activity 4971000 TRSCCS  
Trans Amt \$45.00  
J24 Misc \$45.00  
CK \$45.00  
CHANGE \$45.00  
Thank You \$0.00

Counterreceipt.d  
© 1998 ARTISTIC CHECKS, INC. • 1-800-224-7621



## City of Albuquerque

March 24, 2006

Dan Graney  
Surveys Southwest LTD  
333 Lomas Blvd. NW  
Phone: 998-0303 Fax: 998-0306

Dear Dan:

Thank you for your inquiry of **March 24, 2006** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOTS 53 THRU 58, UNIT 1, J.M. MOORE REALITY COMPANY, LOCATED ON 8<sup>TH</sup> STREET NW, BETWEEN MOUNTAIN NW AND SUMMER AVENUE NW** zone map J-14.

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

**DOWNTOWN N.A. (DNA) "R"**

**\*Richard Deutsch**

410 Luna Blvd. NW/87102 242-5492 (h) 242-6880 (w)

Laura Ferrary

1211 Roma Ave. NW/87102 400-4543 (h)

**WELLS PARK N.A. (WPK) "R"**

**\*Fred Sais**

1508 Los Tomases NW/87102 242-8457 (h)

Mark Clayburgh

1310 5<sup>th</sup> St. NW/87102 242-6278 (h)

*Notice of  
April 19/06  
Comments  
Submitted  
to Planning  
Department*

**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.

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

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,

*Stephanie Winkler*  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

**LETTERS MUST BE SENT TO  
BOTH CONTACTS OF EACH  
NEIGHBORHOOD ASSOCIATION**



# 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.

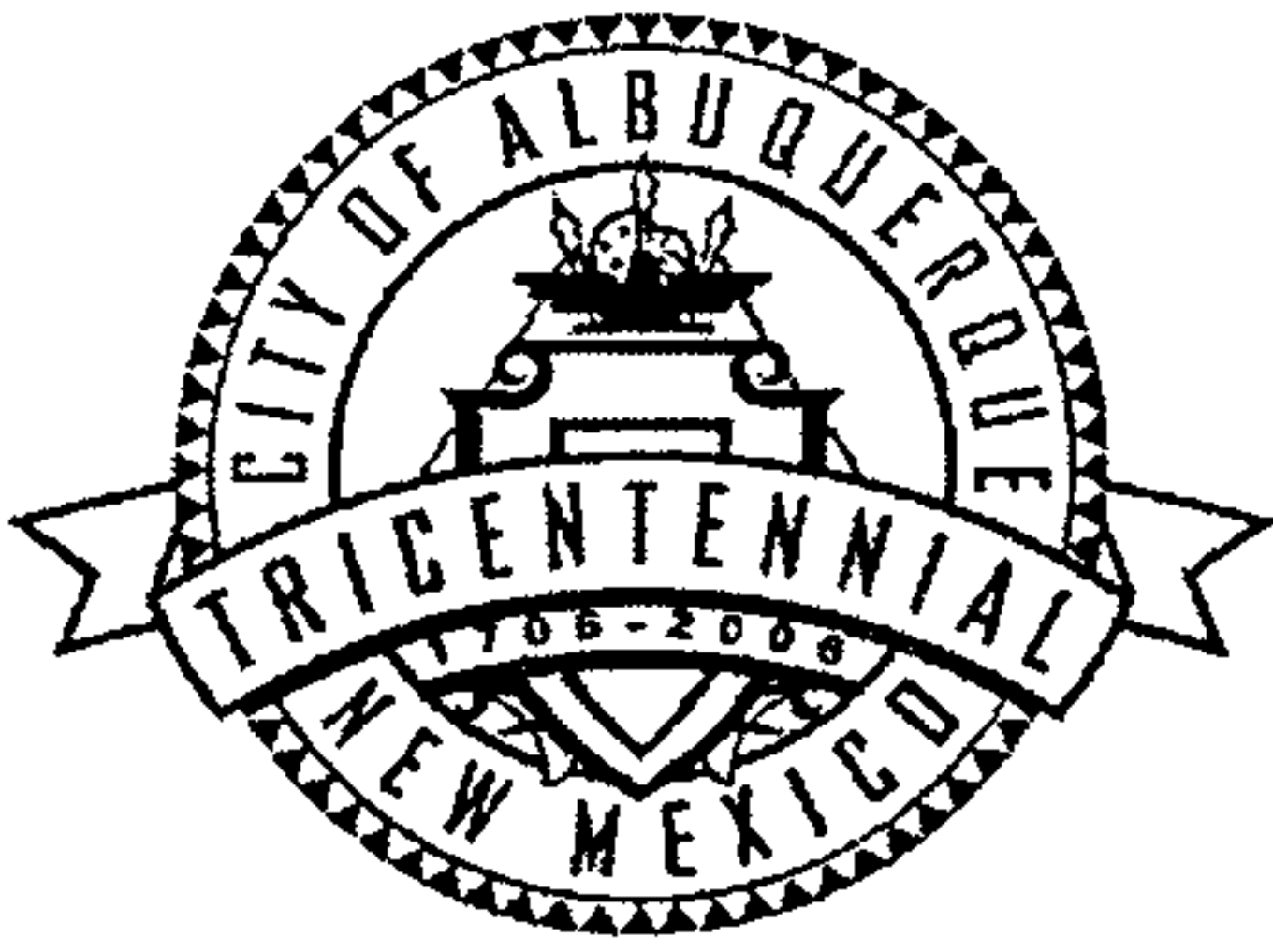
### **WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:**

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 ONC use only)*

Date of Inquiry: 3/24/06 Time Entered: 2:35 AM ONC Rep. Initials: SW



# DEVELOPER INQUIRY SHEET

## (To be completed prior to application submittal)

The Office of Neighborhood Coordination (ONC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second St. NW, Fax – (505) 924-3913 - will need the following information **BEFORE** neighborhood association information will be released to the applicant/developer on any project being presented to the Planning Department. If you have any questions, please feel free to contact our office at (505) 924-3914. **Your request is for the following:**

**Cell Tower and Type: Free-Standing Tower [ ] -OR- Concealed Tower [ ]; Private Development [ ]; City Project [ ]; -OR- Other [ ]**

CONTACT NAME: DAN GRANEY  
COMPANY NAME: SURVEYS SOUTH WEST LTD  
ADDRESS/ZIP: 333 LOMAS BLVD NW  
PHONE: 998.0303 FAX: 998.0306

*Wells Part (re)*

*Down town*

### NEIGHBORHOOD ASSOCIATION INFORMATION

PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD ASSOCIATIONS IN THE AREA OF THE PROPERTY DESCRIBED AS:

Lots 53 thru 58 Unit 1 J. M. Moore Realty Co.  
LEGAL DESCRIPTION

LOCATED ON

8th St NW  
STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN

Mountain NW  
STREET NAME OR OTHER IDENTIFYING LANDMARK

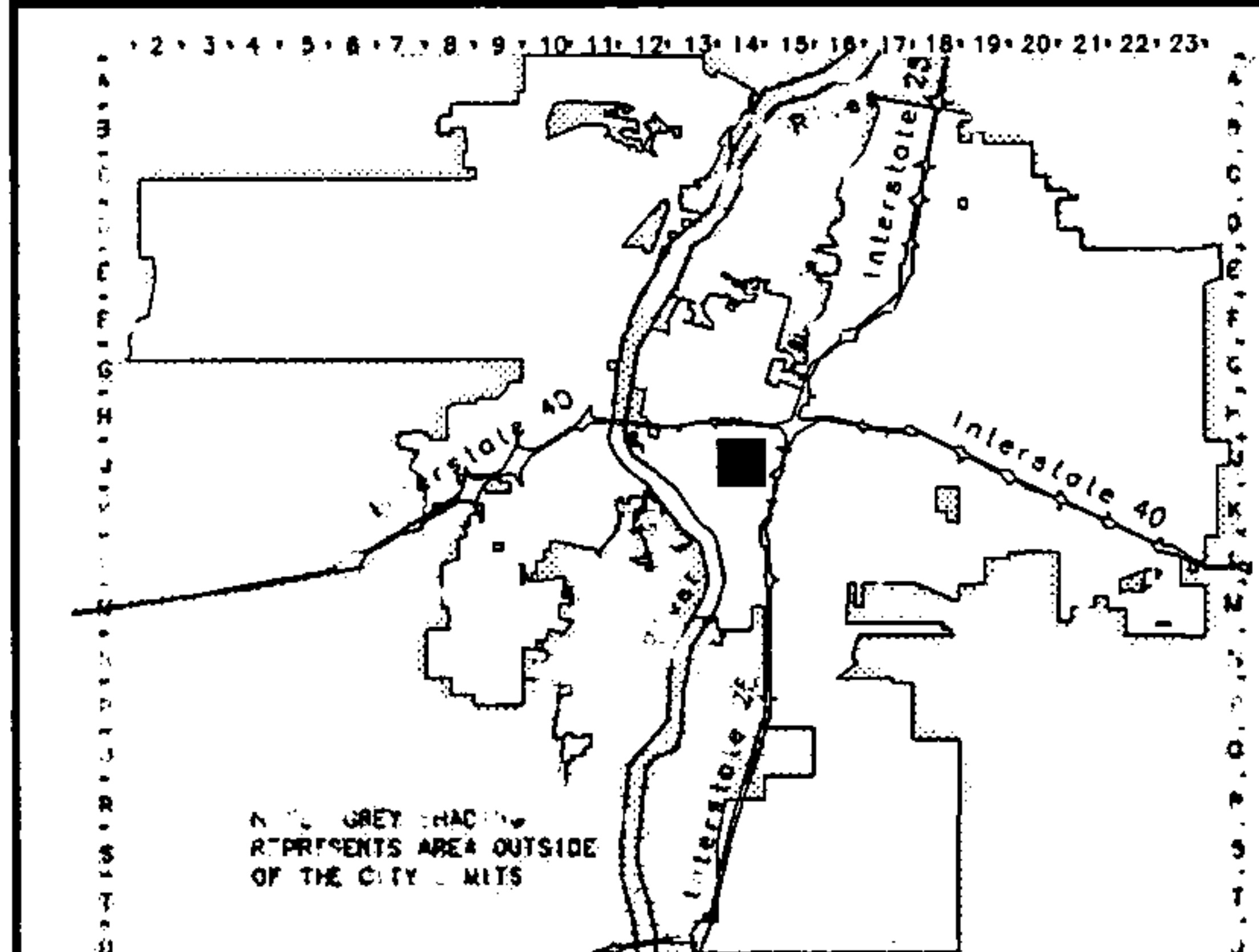
AND

Summer Ave NW  
STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS INDICATED ON THE FOLLOWING ZONE ATLAS PAGE (S-14).  
**(PLEASE MARK/HATCH ZONE MAP WHERE PROPERTY IS LOCATED)**  
**(Zone Map MUST be provided with request)**



SITE



GREY SHADING REPRESENTS AREA OUTSIDE OF THE CITY LIMITS



Albuquerque Geographic Information System  
PLANNING DEPARTMENT

© Copyright 2004

Zone Atlas Page

J-14-Z

Map Amended through August 03, 2004

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

**PAID RECEIPT**

APPLICANT NAME EILEEN DEVEREUX  
 AGENT \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 PROJECT & APP # 4/19/06  
 PROJECT NAME \_\_\_\_\_

\$ \_\_\_\_\_ 441032/3424000 Conflict Management Fee  
 \$ 5.00 441006/4983000 DRB Actions TAPE  
 \$ \_\_\_\_\_ 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  
 \$ 5.00 TOTAL AMOUNT DUE

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

95-654/1070  
6263164

No. 1360

DATE 5/9/06

STEFAN W. WATSON  
EILEEN DEVEREUX  
1123 - 8TH ST. NW  
ALBUQUERQUE, NM 87102

City of Albuquerque

City of Albuquerque  
Development Division

DUPLICATE\*\*\*

5/9/2006 12:27PM  
 RECEIPT# 00057239 WSH 008  
 Account 441006 Fund 000  
 Activity 4983000

Trans Amt \$5.00  
J24 Misc

LOC: ANNX  
TRANSH: 0029  
TRSLJ5

NEW MEXICO BANK & TRUST  
P.O. Box 1048  
Albuquerque, NM 87103  
505-830-8100

11:1070065411: 626 316 411 01360

\$5.00

CK CHANGE \$5.00  
\$0.00

Thank You

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

PAID RECEIPT

APPLICANT NAME \_\_\_\_\_

AGENT \_\_\_\_\_

Jim Rogers

ADDRESS \_\_\_\_\_

PROJECT & APP # \_\_\_\_\_

1003096

PROJECT NAME \_\_\_\_\_

\$ \_\_\_\_\_ 441032/3424000 Conflict Management Fee

\$ 5.00 441006/4983000 DRB Actions COPIES

\$ \_\_\_\_\_ 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

\$ 5.00 TOTAL AMOUNT DUE

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

20

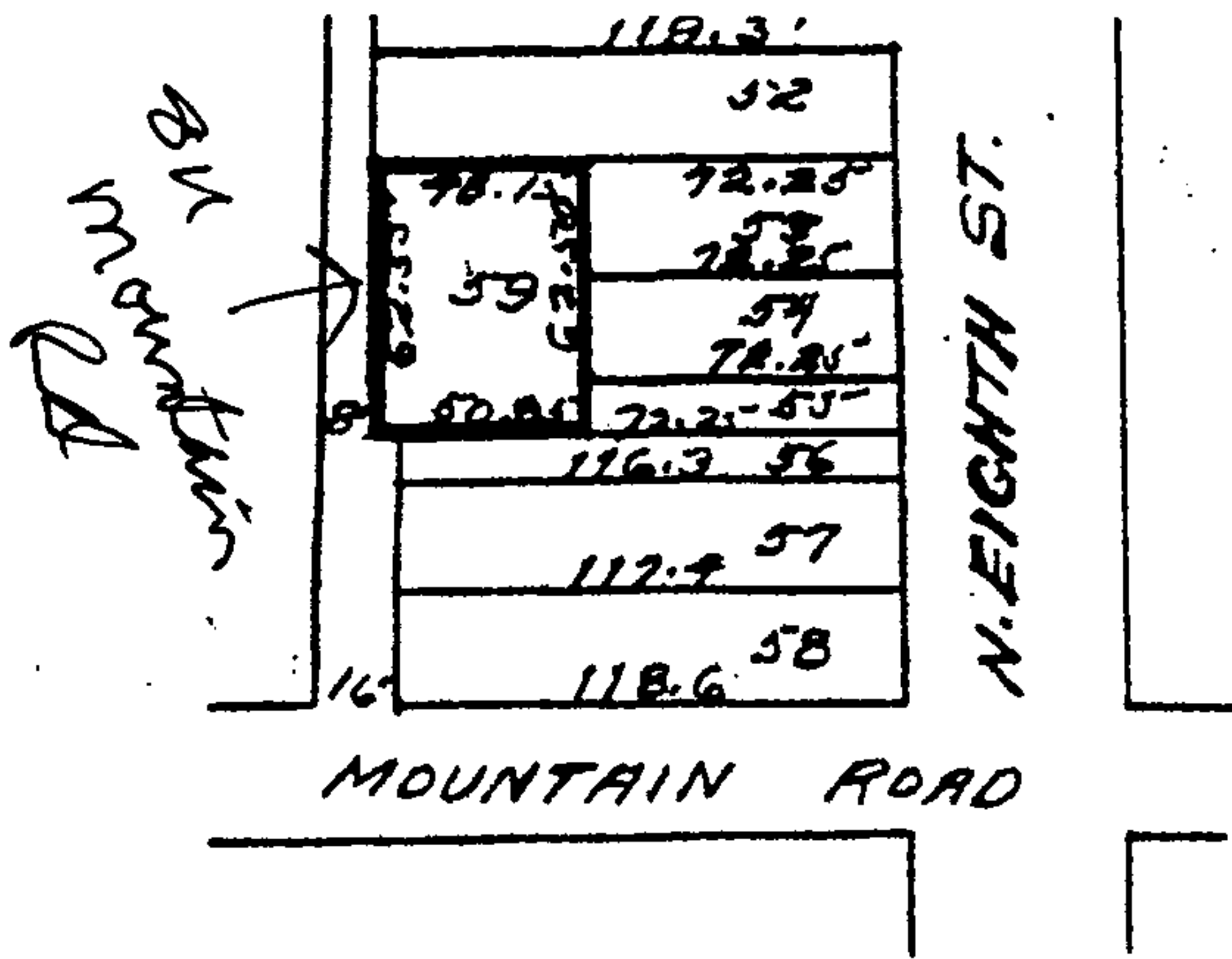
City Of Albuquerque  
Treasury Division

4/14/2006 3:52PM LOC: ANNX  
RECEIPT# 0006102, WS# 007 TRANS# 0049  
Account 441006 Fund 0110  
Activity 4983000 TRSKAL  
Trans Amt \$5.00  
24-Misc

\$5.00

CA \$5.00  
CHANGE \$0.00

Thank You



TRACING OF REPIAT  
 OF LOTS 53 TO 57,  
 J. M. MOORE REALTY CO'S  
 ADDITION NO. 1.  
 Albuquerque, N. M.

Scale: 1" = 200'

DEDICATION

"A tract of land, represented on this map, designated in the heading, as five certain lots, of an addition to the City of Albuquerque N. M., already (sic) existing, said subdivision platted and subdivided as the same appears hereon, is now, with the full consent and in accordance with the desire of the undersigned owner thereof, dedicated and to be known as subdivision of lots 53, 54, 55, 56 & 57 of the Moore Realty Company's Addition No. 1 to the City of Albuquerque New Mexico.

(Signed) John M. Moore Realty Company

ATTEST:

Melville Summers,  
 Sec'y.

(CORPORATE SEAL)

Territory of New Mexico, )  
 County of Bernalillo. ) ss

On this 6th day of November, 1905, before me appeared George L. Brooks, to me personally known, who being by me duly sworn did say that he is the President of the John M. Moore Realty Company and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said George L. Brooks acknowledged said instrument to be the free act and deed of said corporation.

(Signed) W. N. McGregor,  
 Notary Public.

(Notarial Seal)

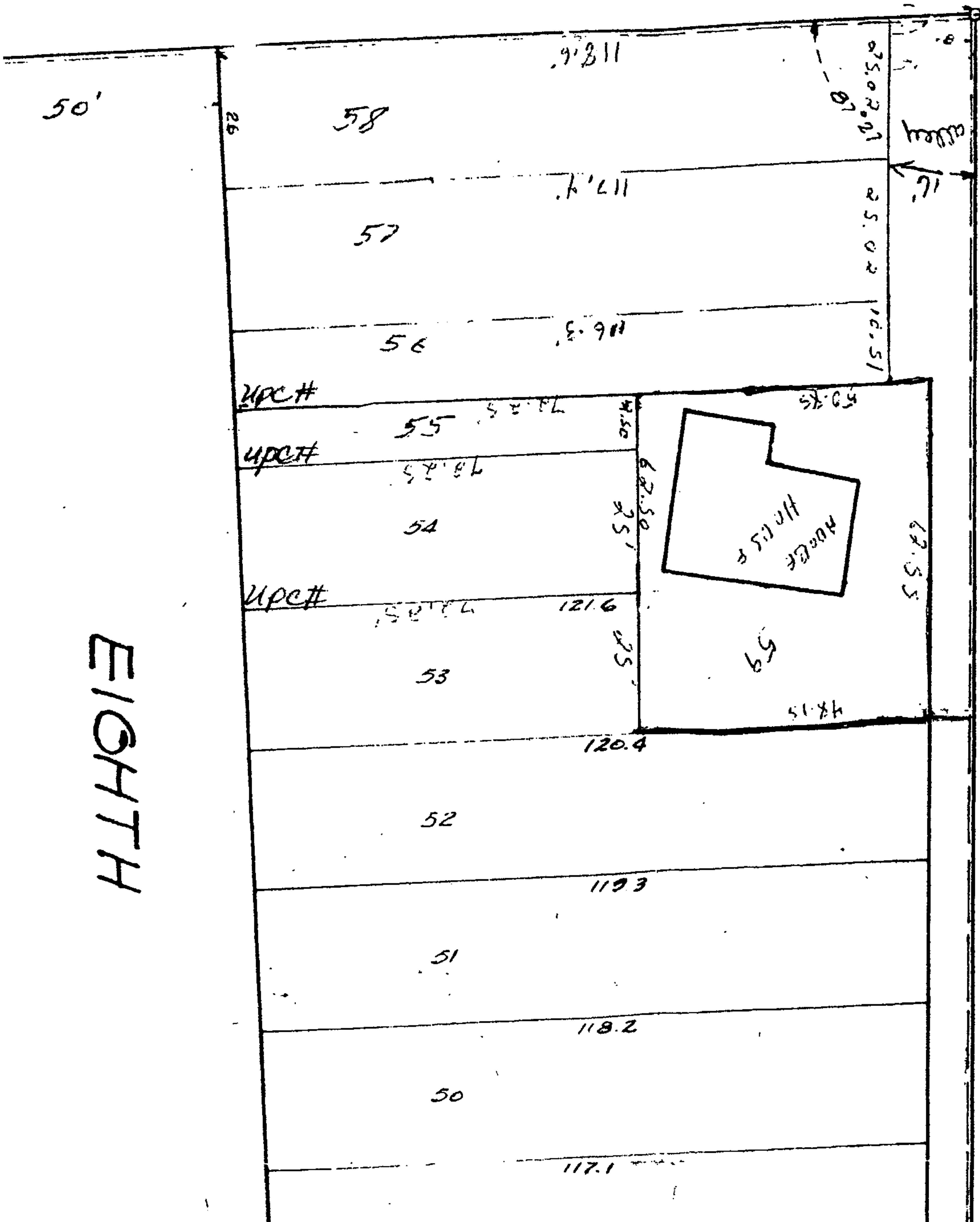
Filed for record November 9th, 1905.  
 Rack No. 1, Board No. 29.  
 Records of Bernalillo County, New Mexico.

Michelle's  
10/9/05  
Letter

UPCT# 101 405005031  
021402

102TH

ROAD



EIGHTH

April



~~Letku~~

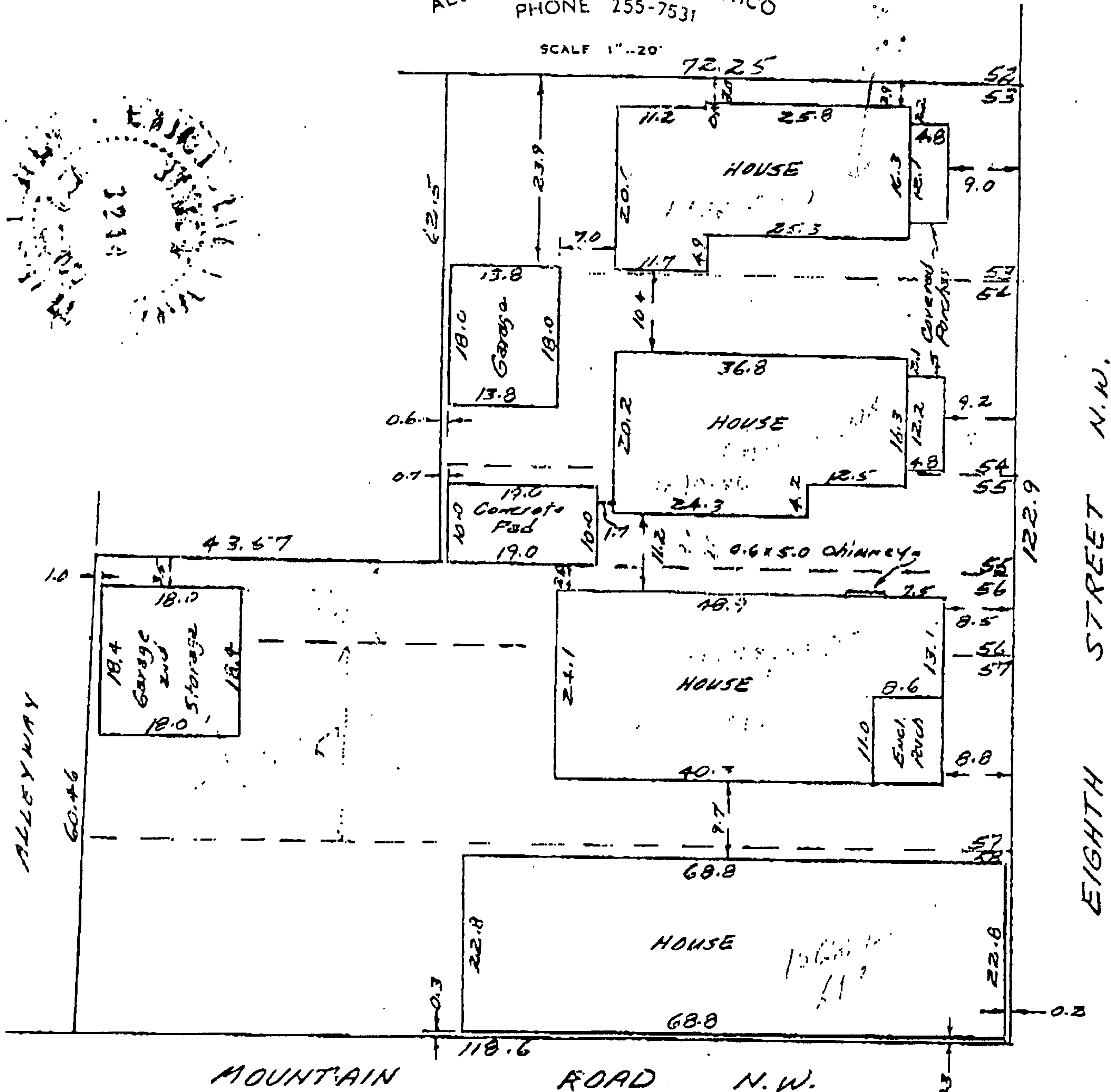
15/7/05

Mushell's

lary Helen Pino,  
 201-03-07-09 Eighth St. N.W.  
 American Savings & Loan

ASSOCIATED LAND SURVEYORS  
 1923 SAN MATEO, N.E.  
 ALBUQUERQUE, NEW MEXICO  
 PHONE 255-7531

SCALE 1"=20'



Unless otherwise indicated, unrecorded easements, overhang of eaves, private and community walls, driveways, steps, and other improvements subject to conformation, but not shown on the plat of record, are not covered by this certificate.

I, Charles T. Scannell, New Mexico Registered Land Surveyor No. 3244, do hereby certify that I have checked the location of the buildings and improvements on the following described real estate: Lots numbered Fifty-three (53), Fifty-four (54), Fifty-five (55), Fifty-six (56), Fifty-seven (57) and Fifty-eight (58) of the Replat of Lots 53 to 57, inclusive, of J. M. MOORE REALTY COMPANY ADDITION NO. 1 to the City of Albuquerque, New Mexico, as the same is shown and designated on the map of said Replat filed in the office of the Probate Clerk and Ex-officio Recorder of Bernalillo County, New Mexico, on November 9, 1905.

I further certify that the location of said buildings and improvements on said real estate are as shown on the above drawing and that the location of the utility easements as shown on the plat of the above addition are also as shown on the above drawing and that there are NO encroachments on the above described real estate and the same is true and correct to the best of my belief and knowledge.

IN WITNESS WHEREOF, this certificate is executed at Albuquerque, New Mexico on this 24<sup>th</sup> day of August, 1967.

*Charles T. Scannell*  
 Land Surveyor

our file



PH 4/19/06

6666423, 100-0401-0003

08/11/05



PH 4/19/06

BBB6423, 100-0399-0001

08/11/05





At 19/06/11

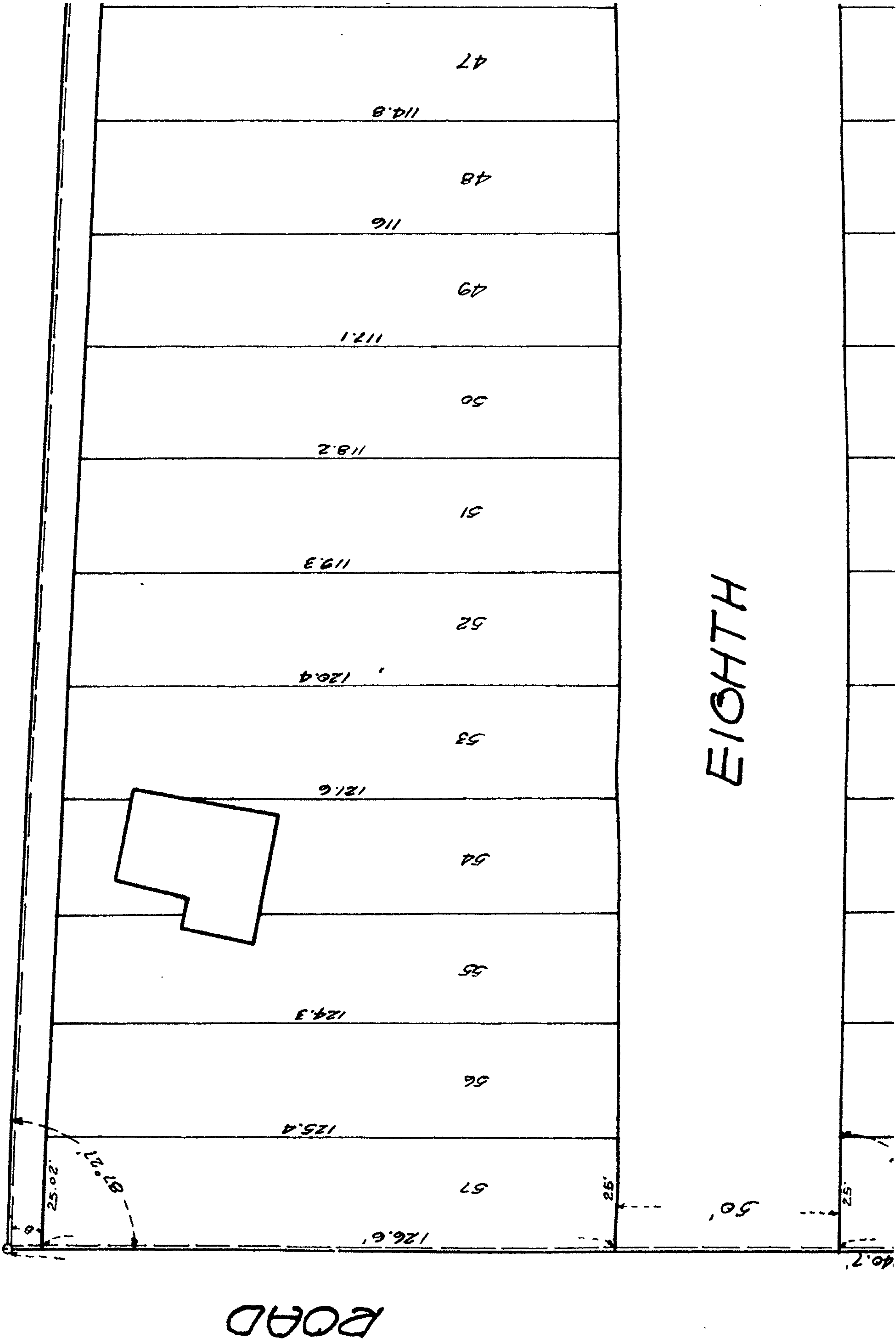
EEB5423, 100.0400.0002

08/11/05

1898  
W. C. Willett  
civil engineer  
for Allog. Alameda



April, 1905

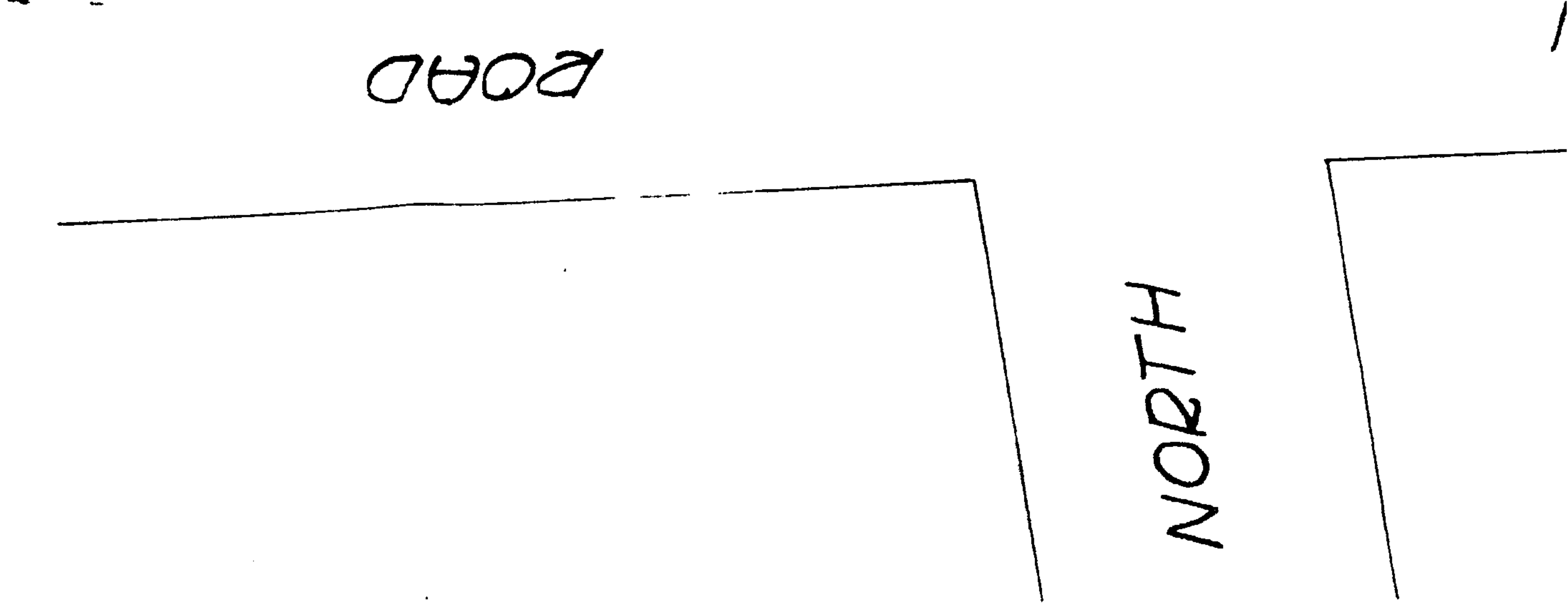
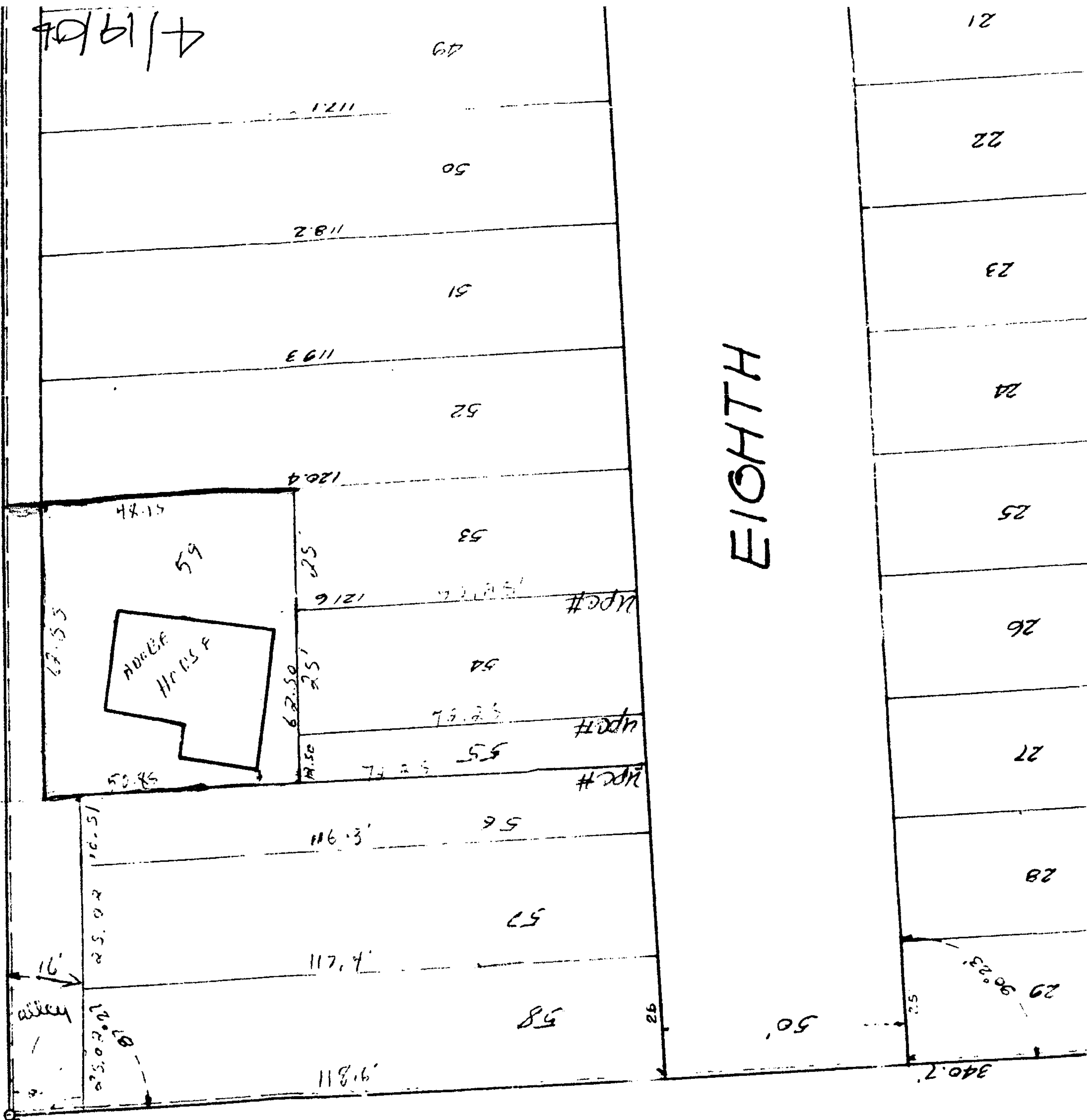


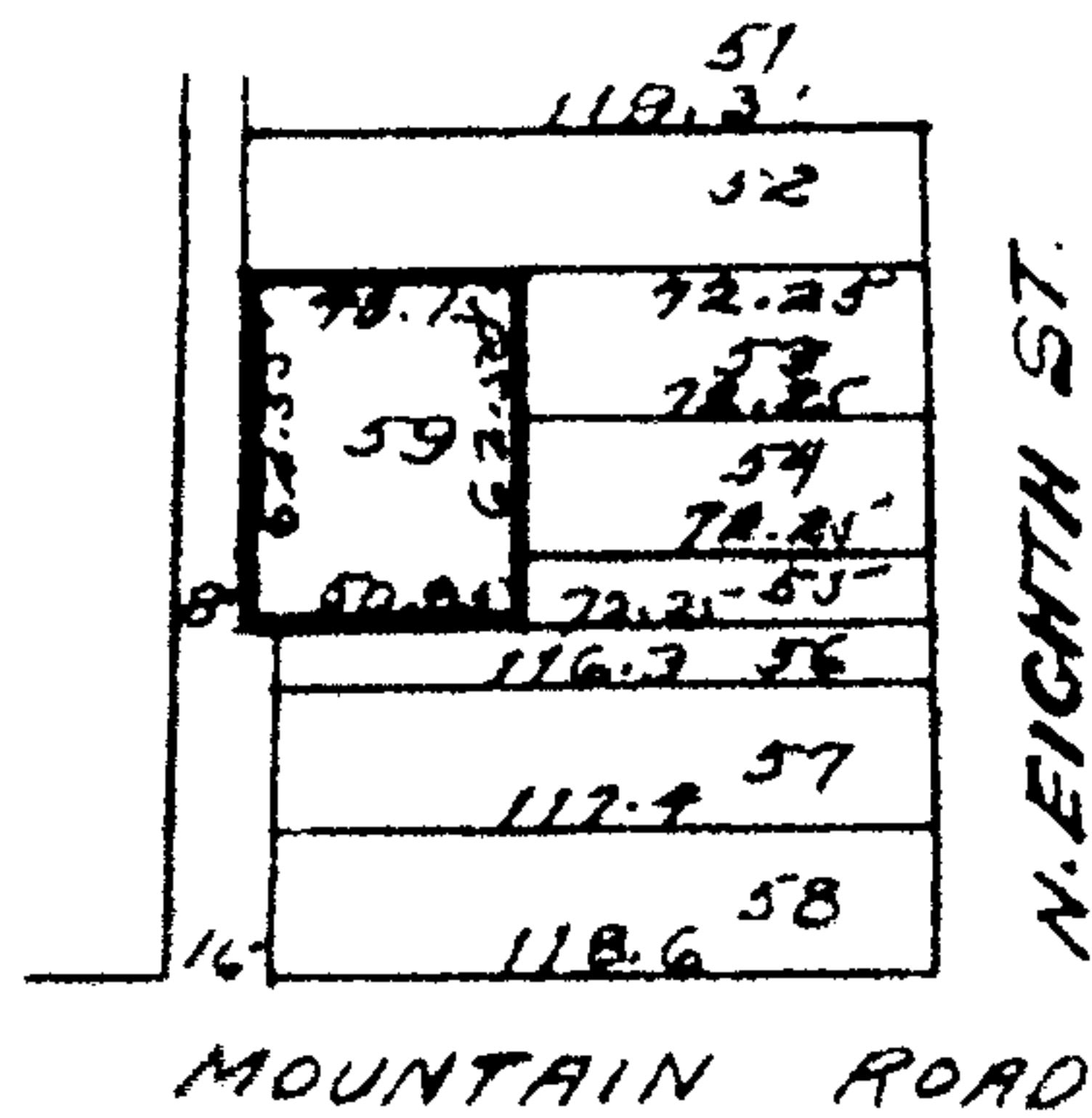
EIGHTH

ROAD

0003

4/19/04





PLAT OF  
 LOTS 53 TO 57,  
 J. M. MOORE REALTY CO.  
 ADDITION NO. 1.  
 ALBUQUERQUE, N. M.

Scale: 1" = 20'

DEDICATION

"A tract of land, represented on this map, designated in the heading, as five certain lots, of an addition to the City of Albuquerque, N. M., already (sic) existing, said subdivision platted and subdivided as the same appears hereon, is now, with the full consent and in accordance with the desire of the undersigned owner thereof, dedicated and to be known as subdivision of lots 53, 54, 55, 56 57 of the Moore Realty Company's Addition No. 1 to the City of Albuquerque, New Mexico.

(Signed) John M. Moore Realty Company

ATTEST:

Melville Summers,  
 Sec'y.

(CORPORATE SEAL)

Territory of New Mexico, )  
 County of Bernalillo. ) ss

On this 6th day of November, 1905, before me appeared George L. Brooks, to me personally known, who being by me duly sworn did say that he is the President of the John M. Moore Realty Company and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said George L. Brooks acknowledged said instrument to be the free act and deed of said corporation.

(Signed) W. N. McGregor,  
 Notary Public.

(Notarial Seal)

Filed for record November 9th, 1905.  
 Rack No. 1, Board No. 29.  
 Records of Bernalillo County, New Mexico.

Albuquerque Abstract and Title Company, Inc., Albuquerque, New Mexico

4/19/06 PH 004

**decreta** (di-kree-tə), *n.* [Latin "decisions"] *Roman law.* Judgments of magistrates; esp., sentences pronounced by the emperor as the supreme judge. See DECRETUM.

"Decreta. In Roman law decisions of magistrates given after investigation of a case by *cognitio* . . . and in particular, decisions of the emperor as judge of first instance after trial by *cognitio*, or as a judge of appeal. As the highest authority in the State the emperor could interpret the law freely and even introduce new principles. Consequently imperial decisions were authoritative interpretations of the law or even innovatory and regarded as statements binding for the future, and as such quoted by the jurists. They were not only communicated to the parties but recorded in the records of the imperial court and private persons might obtain copies of them." David M. Walker, *The Oxford Companion to Law* 343 (1980).

**decretal** (di-kree-təl), *adj.* Of or relating to a decree.

**decretal child support.** See CHILD SUPPORT.

**decretal interdict.** See INTERDICT (1).

**decretal order.** See ORDER (2).

**decretals** (di-kree-təlz), *n.* *Eccles. law.* Canonical epistles written either by the Pope or by the Pope and his cardinals to settle controversial matters; esp., the second part of the *Corpus Juris Canonici*, canonical epistles consisting mainly of: (1) *Decretales Gregorii Noni*, a collection by Raymundus Barcinus, chaplain to Gregory IX, dating from about 1227; (2) *Decretales Bonifacii Octavi*, a collection by Boniface VIII in the year 1298; (3) *Clementinae*, a collection of Clement V, published in the year 1308; and (4) the *Extravagantes*, a collection by John XXII and other bishops. — Also (in Law Latin) *Decretales*. See CANON LAW.

**decretist** (di-kree-tist), *n.* In medieval universities, a law student; esp., a student or commentator on Gratian's *Decretum*.

**decretum** (di-kree-təm), *n.* [Latin "a decision having mandatory force"] 1. *Roman law.* A decision of a magistrate, esp. a judgment by the emperor at first instance or on appeal. • A *decretum* of the emperor was a type of imperial constitution. 2. *Eccles. law.* An ecclesiastical law, as distinguished from a secular law. Pl. *decreta*. See DECRETA.

**Decretum Gratiani** (di-kree-təm gray-shee-ay-ni), *n.* [Latin "Gratian's decree"] See CONCORDIA DISCORDANTIUM CANONUM.

**decriminalization**, *n.* The legislative act or process of legalizing an illegal act <many doctors seek the decriminalization of euthanasia>. Cf. CRIMINALIZATION (1). [Cases: Criminal Law ⇨ 15. C.J.S. *Criminal Law* § 29.] — **decriminalize**, *vb.*

**decrowning.** The act of depriving someone of a crown.

**decry** (di-kri), *vb.* To speak disparagingly about (someone or something).

**de cuius** (dee kyoo-jəs or ki-əs). [Latin] From whom. • This term is used to designate (1) the person by or through whom another claimed something, or (2) the person whose legal position is in issue.

**de curia claudenda** (dee kyoor-ee-ə klaw-dən-də), *n.* [Law Latin "of enclosing a court"] *Hist.* A writ ordering a person to build a wall or fence around his or her house to avoid disturbing a neighbor.

**decurio** (di-kyoor-ee-oh), *n.* [Latin "a decurion"] *Roman law.* A municipal senator belonging to a municipal council responsible for managing the internal affairs of the municipality.

**de cursu** (dee kər-s[y]oo). [Law Latin] Of course. • This term usu. refers to regular, formal proceedings as distinguished from incidental, summary proceedings.

**de custode admittendo** (dee kə-stoh-dee ad-mi-tendoh), *n.* [Law Latin "of admitting a guardian"] *Hist.* A writ to admit a guardian.

**de custode amovendo** (dee kə-stoh-dee ay-moh-ven-doh), *n.* [Law Latin "of removing a guardian"] *Hist.* A writ to remove a guardian.

**de custodia terrae et haeredis** (dee kə-stoh-dee-ə ter-ee et her-ə-dis), *n.* [Law Latin "of right of ward"] *Hist.* A writ allowing a guardian in a knight's service to obtain custody of an infant ward.

**de debito** (dee deb-i-toh), *n.* [Law Latin "of debt"] *Hist.* A writ of debt. — Sometimes shortened to *debito*.

**de debitore in partes secundo** (dee deb-i-tor-ee in pah-teez si-kan-doh). [Latin "of cutting a debtor in pieces"] *Roman law.* The title of a law in the Twelve Tables, meaning either literally to cut a debtor into pieces or merely to divide the debtor's estate. See TWELVE TABLES.

"DE DEBITORE IN PARTES SECUNDO . . . [S]ome writers contending for the literal signification, while others have supposed it to be only a figurative expression . . . The latter view has been adopted by Montesquieu, Bynkershoek, Heineccius and Taylor . . . The literal meaning, on the other hand, is advocated by Aulus Gellius and other writers of antiquity, and receives support from an expression (*semoto omni cruciatu*) in the Roman Code itself . . . This is also the opinion of Gibbon, Gravina, Pothier, Hugo and Niebuhr." 1 Alexander Burrill, *A Law Dictionary and Glossary* 432 (2d ed. 1867).

**de deceptione** (dee di-sep-shee-oh-nee), *n.* [Law Latin "of deceit"] *Hist.* A writ available to a party who was deceived and damaged by someone acting in the party's name.

**de deoneranda pro rata portionis** (dee dee-on-ə-ran-də proh ray-tə por-shee-oh-nis), *n.* [Law Latin "of the disburdening of a pro rata share"] *Hist.* A writ for someone who is forced to pay rent that others are supposed to contribute to proportionately.

**dedi** (dee-di). [Latin] *Hist.* I have given. • *Dedi* is a conveyancing term that implies a warranty of title. Cf. CONCESSI.

"Dedi is a warranty in law to the feoffee and his heirs: as if it be said in a feoffment A. B. hath given and granted, & c. it is a warranty." *Termes de la Ley* 148 (1st Am. ed. 1812).

• **dedication**, *n.* *Property.* The donation of land or creation of an easement for public use. [Cases: Dedication ⇨ 1-28. C.J.S. *Dedication* §§ 1-12, 14-30, 56-64.] — **dedicate**, *vb.* — **dedicatory**, *adj.*

**common-law dedication.** A dedication made without a statute, consisting in the owner's appropriation of land, or an easement in it, for the benefit or use of the public, and the acceptance, by or on behalf of the land or easement. — Often shortened to *dedication*. [Cases: Dedication ⇨ 1-21. C.J.S. *Dedication* §§ 1-12, 14-26, 56-64.]

**dedication by adverse** from the adverse, the actual or implied of the owner. [Cases: Dedication § 22.]

**express dedication.** ed by the owner. [

**implied dedication** sonable inference [Cases: Dedication §§ 15, 17-22.]

**statutory dedication** necessary steps a which must be suitable dedication. [Dedication § 27.]

**tacit dedication.** A lic use arising from out an express ag

**dedication and rese** reasonable conditic

**dedication day.** See D

**de die in diem** (dee d day to day; daily.

**dedi et concessi** (dee have given and co generally used to c

**dedimus et concessin** [Law Latin] We h words were used more than one gra the Crown.

**dedimus potestatem** ( Latin "we have giving from the cour authorizing a per: compel the attend their testimony or cross-interrogatori reduce the answer to the court issuing chancery writ com the writ to take ce ing oaths to defer The writ was for to take action su appointing an att Before the Statute ney could not ap this writ. — Also *faciendo*.

"Dedimus potestatem the king's court, shall have this w creet person in some man for hi confession, or f matter requires."

**dediticii** (ded-i-tish in "those who h lowest class of fre ble for Roman ci ed freedom in e

4/11/1067H DCU 5

RIGHT SIDE

LEFT SIDE

tion"] Ro-  
a munici-  
internal

f course. •  
proceedings  
ry proceed-

ad-mi-ten-  
rdian"] Hist.

ay-moh-ven-  
rdian"] Hist.

a-dee-a ter-ee  
f ward"] Hist.  
at's service to

of debt"] Hist.  
ened to debilo.

tor-ee in pahr-  
a debtor in  
in the Twelve  
it a debtor into  
or's estate. See

ne writers contend  
rs have supposed it.  
The latter view has  
rshoek, Heineccius  
n the other hand, is  
writers of antiquity,  
ssion (semoto omni-  
... This is also the  
ugo and Niebuhr."  
Glossary 432 (2d ed.

ee), n. [Law Latin  
o a party who was  
one acting in the

ee dee-on-a-ran-də  
Law Latin "of the  
"] Hist. A writ for  
ent that others are  
tionately.

given. • Dedi is a  
a warranty of title

ffee and his heirs: as  
given and granted, &  
148 (1st Am. ed. 1812)

ation of land or cr  
use. [Cases: Dedic  
m §§ 1-12, 14-30  
catory, adj.

lication made witho  
owner's appropriat  
, for the benefit or  
tance, by or on beh  
— Often shortened  
n 1-21. C.J.S. D  
t.]

**dedication by adverse user.** A dedication arising from the adverse, exclusive use by the public with the actual or imputed knowledge and acquiescence of the owner. [Cases: Dedication 20. C.J.S. *Dedication* § 22.]

**express dedication.** A dedication explicitly manifested by the owner. [Cases: Dedication 17.]

**implied dedication.** A dedication presumed by reasonable inference from the owner's conduct. [Cases: Dedication 18-20. C.J.S. *Dedication* §§ 15, 17-22.]

**statutory dedication.** A dedication for which the necessary steps are statutorily prescribed, all of which must be substantially followed for an effective dedication. [Cases: Dedication 22. C.J.S. *Dedication* § 27.]

**tacit dedication.** A dedication of property for public use arising from silence or inactivity and without an express agreement.

**dedication and reservation.** A dedication made with reasonable conditions, restrictions, and limitations.

**dedication day.** See DAY.

**de die in diem** (dee di-ee in di-əm). [Law Latin] From day to day; daily.

**dedi et concessi** (dee-di et kən-ses-i). [Law Latin] I have given and conveyed. • These were the words generally used to convey a gift.

**dedimus et concessimus** (ded-ə-məs et kən-ses-i-məs). [Law Latin] We have given and granted. • These words were used in a conveyance when there was more than one grantor or when the grant was from the Crown.

**dedimus potestatem** (ded-ə-məs poh-tes-tay-təm). [Law Latin "we have given power"] 1. A commission issuing from the court before which a case is pending, authorizing a person named in the commission to compel the attendance of certain witnesses, to take their testimony on the written interrogatories and cross-interrogatories attached to the commission, to reduce the answers to writing, and to send it sealed to the court issuing the commission. 2. In England, a chancery writ commissioning the persons named in the writ to take certain actions, including administering oaths to defendants and justices of the peace. • The writ was formerly used to commission a person to take action such as acknowledging a fine and appointing an attorney for representation in court. Before the Statute of Westminster (1285), an attorney could not appear on behalf of a party without this writ. — Also termed *dedimus potestatem de attornofaciendo*.

"Dedimus potestatem is a writ that lies where a man sues in the king's court, or is sued, and cannot well travel, then he shall have this writ directed to some justice, or other discreet person in the country, to give him power to admit some man for his attorney, or to levy a fine, or to take his confession, or his answer, or other examination, as the matter requires." *Termes de la Ley* 148 (1st Am. ed. 1812).

**dediticii** (ded-i-tish-ee-i or dee-di-ti-shee-i), n. pl. [Latin "those who have surrendered"] *Roman law*. The lowest class of freemen whose members were ineligible for Roman citizenship, including enemies granted freedom in exchange for surrender, or, under

the *Lex Aelia Sentia*, manumitted slaves convicted of a crime in a court, or branded or put in chains by their former owners. • *Dediticii* who were formerly slaves were not allowed to live within 100 miles of Rome. Justinian abolished this status. — Also spelled *dedititii*. — Sing. *dediticius, dedititius*.

"Dediticii . . . were not reduced to slavery, but to a condition quite analogous. They were not allowed to make a will, or to take under one; they never obtained Roman citizenship, and they could not come within one hundred miles of the city of Rome." Andrew Stephenson, *A History of Roman Law* § 119, at 324 (1912).

"Slaves who before manumission had been subjected to degrading punishment (e.g. had been branded or made to fight in the arena) were given, on manumission, a special status, viz. that of enemies surrendered at discretion (*dediticii*). A *dediticius*, though free and not a slave, had none of the rights of a citizen, could never under any circumstances better his position (e.g. become a citizen), and was not allowed to live within 100 miles of Rome." R.W. Leage, *Roman Private Law* 67 (C.H. Ziegler ed., 2d ed. 1942).

**dedition** (di-dish-ən), n. [fr. Latin *deditio* "give up"] A surrender of something, such as property.

**de diversis regulis juris antiqui** (dee di-vər-sis reg-yə-lis joor-is an-tr-kwi). [Latin "of various rules of ancient law"] *Roman law*. The last title in the Digest, containing 211 maxims. See DIGEST (2).

**de dolo malo** (dee doh-loh mal-oh). [Latin] Of or based on fraud. See *ACTIO DE DOLO MALO*.

**de domo reparanda** (dee doh-moh rep-ə-ran-də), n. [Law Latin "to repair a house"] *Hist.* A writ ordering a cotenant to contribute to the expenses of maintaining common property.

**De Donis Conditionalibus** (dee doh-nis kən-dish-ee-ə-nal-i-bəs). An English statute, enacted in 1285, that gave rise to the ability to create a fee tail. — Often shortened to *De Donis*. — Sometimes written *de donis conditionalibus*.

"[T]he statute *de donis* of 13 Edw. I. . . . was intended to check the judicial construction, that had, in a great degree, discharged the conditional fee from the limitation imposed by the grant. Under that statute, fees conditional were changed into estates tail . . ." 4 James Kent, *Commentaries on American Law* \*444 (George Comstock ed., 11th ed. 1866).

"[A]fter *De Donis*, the formula 'to A and the heirs of his body' gave to A an estate known as an estate in fee tail. Because A had no power to transfer an estate in fee simple absolute, it became theoretically possible for persons like O to tie up the ownership of land in a single family for hundreds of years. We say *theoretically possible* because by 1472 a way would be found for the tenant in tail (as A was called) to transfer an estate in fee simple absolute despite *De Donis*." Thomas F. Bergin & Paul G. Haskell, *Preface to Estates in Land and Future Interests* 29 (2d ed. 1984).

**de dote assignanda** (dee doh-tee as-ig-nan-də), n. [Law Latin "for assigning dower"] *Hist.* A writ ordering a royal escheater to provide dower to a widow of a tenant holding an estate directly from the Crown.

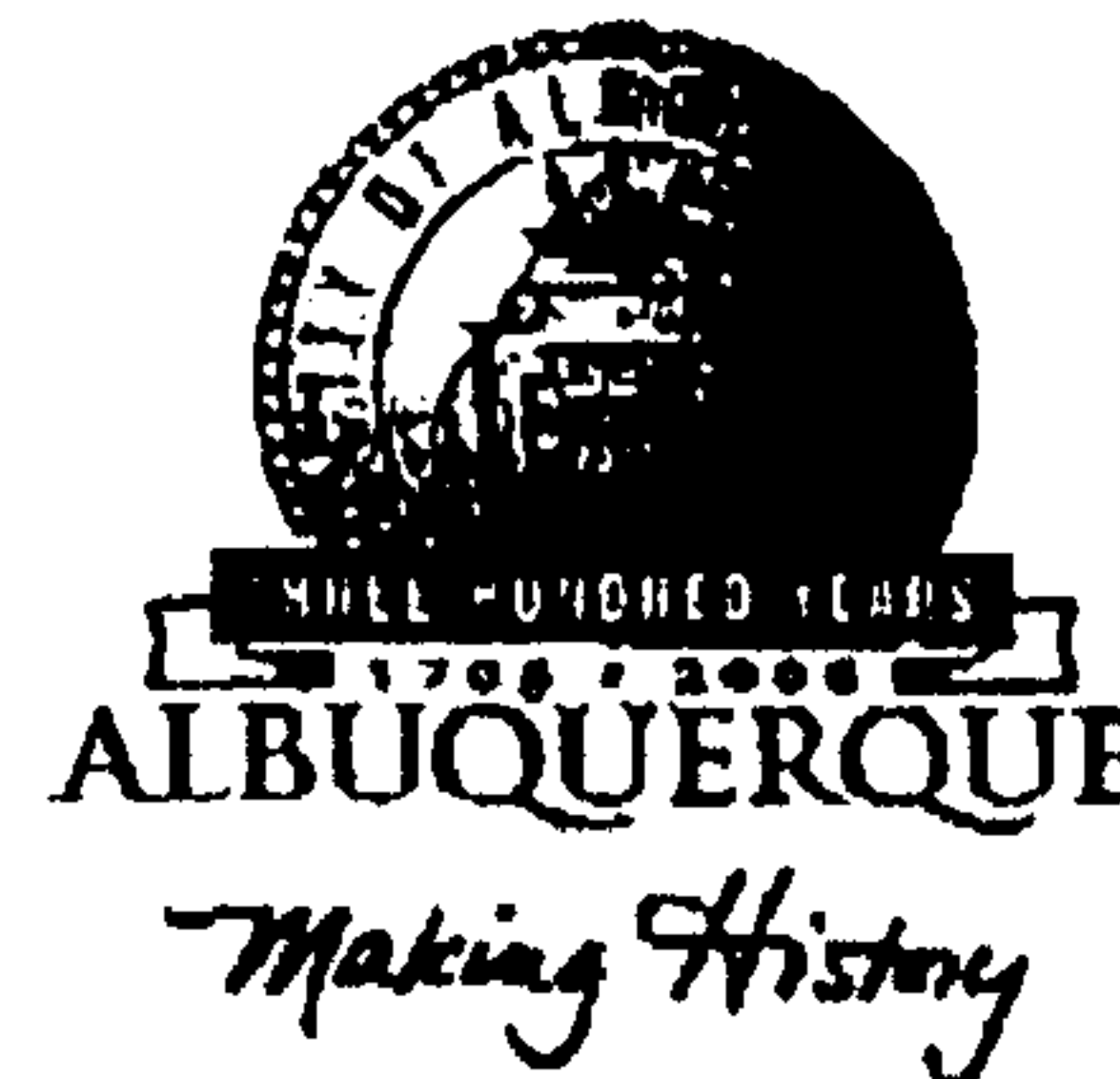
**de dote unde nil habet** (dee doh-tee ən-dee nil hay-bet), n. [Law Latin "of dower whereof she has none"] A writ ordering a tenant interfering with a widow's right to dower to provide a reasonable dower. — Also termed *writ of dower*.

"DE DOTE UNDE NIL HABET. This is a writ of right in its nature . . . It must be brought by the widow as demandant, against the tenant of the freehold, that is, the heir or his alienee, and its effect is to enable the former to recover from the latter the seisin of a third part of the tenements in

419106 PL



# CITY OF ALBUQUERQUE



August 18, 2005

Stefan Watson & Eileen Devereaux  
1715 9<sup>th</sup> St. NW  
Albuquerque, New Mexico 87102

Re: Construction of a wall at 1203 8th St. NW, Albuquerque, New Mexico.

Dear Mr. Watson & Ms. Devereaux:

An inspection was made of your property by the Zoning Enforcement office. This inspection revealed violations of the Comprehensive City Zoning Code. Specifically, it was noted that you have constructed a fence that exceeds the allowed two feet eight inches fence height. The materials used in construction of the fence do not match the approved permit. The materials used do not meet the Design Guidelines as set forth the Comprehensive City Zoning Code. Also, This wall at its current height is in violation of the mini sight triangle regulations. This is a violation of section 14-16-4-6(A) (1) {14-16-3-19(B)(2)(b)&(c)} {14-16-3-3 (A)(4)(c)} of the Zoning Code.

P.O. Box 1293

Albuquerque


New Mexico 87103

www.cabq.gov

This office would like to solicit your cooperation and community spirit in correcting this situation on or before September 1, 2005. Please reduce the height of the wall to no more than two feet eight inches. Comply with the Design Guidelines for Façade and Materials and Texture. Please have your fence plans for permit approved by the Bill Coleman of the Traffic Engineers office to assure there are no clear site triangle issues.

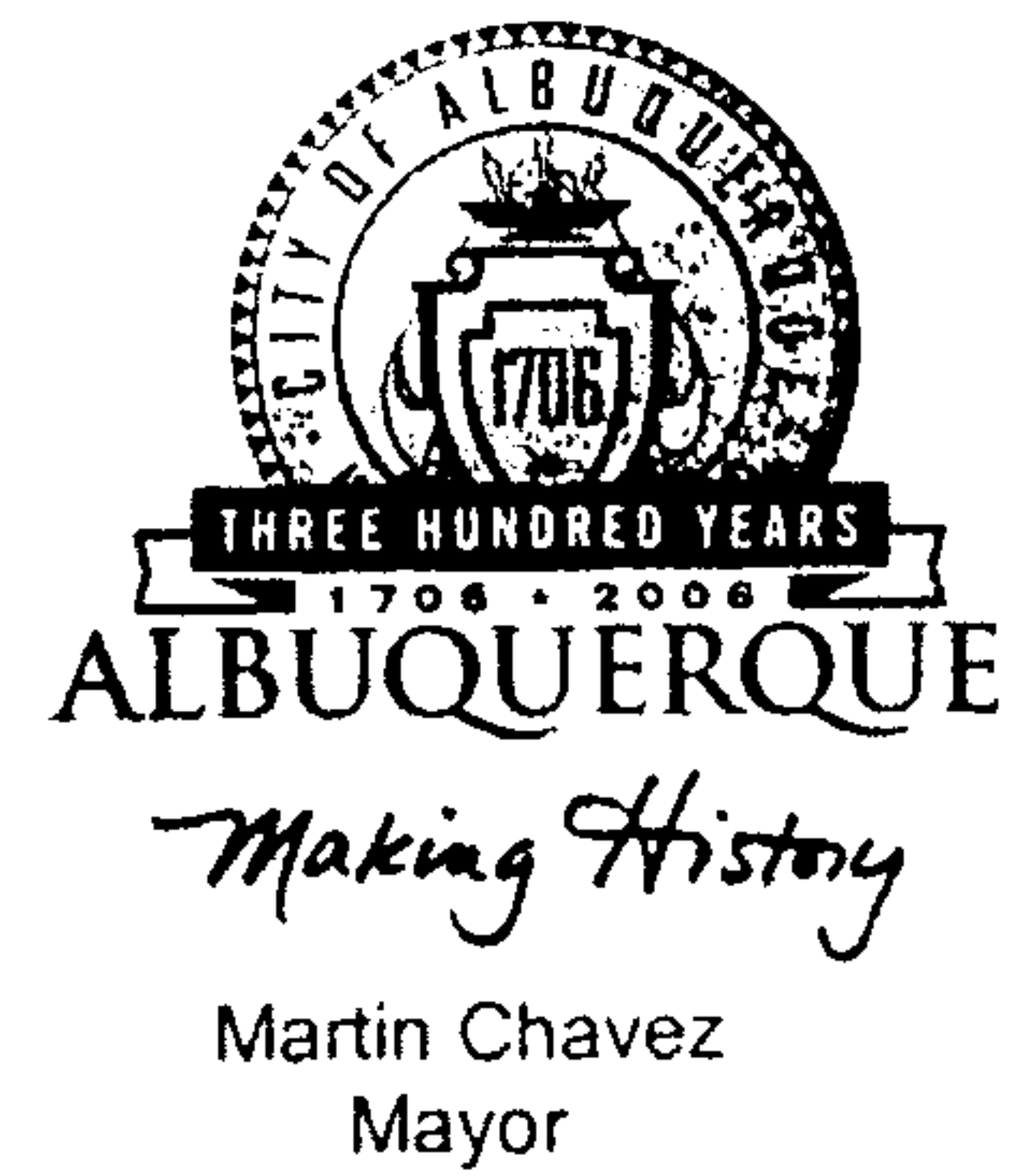
If you have questions regarding this matter please contact me at 924-3824.

Thank You.

  
Matthew Conrad  
Lead Zoning Enforcement Inspector

0066

4/19/06PH



December 20, 2005

Stephen Watson & Eileen Devereux  
1719 5<sup>th</sup> St. NW  
Albuquerque, New Mexico 87102

Re: Violations of the Traffic Engineering Code and Comprehensive City of Albuquerque Zoning Code at 1203 8<sup>th</sup> St. NW.

Dear Mr. Watson and Ms. Devereux:

An inspection was made of your property by the Zoning Enforcement office. This inspection revealed possible violations of the Traffic Engineering Code and Comprehensive City Zoning Code. Specifically, it was noted that you have constructed a wall that is in violation of the Traffic Engineering mini site triangle regulations as per section 23.6 Of the Development Process Manual and wall design standards of the Comprehensive City Zoning Code Section 14-16-3-19 (B) (2)(b). The use of a residential dwelling unit for your Santa Fe Tile business activities is not allowed per section 14-16-2-23.(A) S-MRN Sawmill Sector Development Plan.

P.O. Box 1293

Albuquerque

New Mexico 87103

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

This office would like to solicit your cooperation and community spirit in correcting these situations by modifying the wall to comply with the Traffic Engineering Code and submitting plans to abate the wall design violations. Please cease all business activities related to Santa Fe Tile and remove all outdoor storage of commercial equipment on or before February 2, 2006.

If you have questions regarding this matter please contact me at 924-3824.

Thank You.

Matthew Conrad  
Lead Zoning Enforcement Inspector

0067  
4/19/06



4/17/08  
DPC 8  
GPH

# REAL ESTATE CONTRACT

This form does not contain disclosures required by Federal Reserve Regulation Z and Consumer Protection Act "Truth in Lending". Use this form only in conjunction with another instrument incorporating the required disclosures or for transactions exempt from the Act.

THIS REAL ESTATE CONTRACT (this "Contract") IS MADE on September 25th, 2003, (the "Effective Date"), by GEORGE E. PINO, an unmarried man whose address is 600 Alcalde Place S.W., Albuquerque, New Mexico 87104 (the "Seller") and STEFAN WATSON and EILEEN DEVEREUX, husband and wife whose address is 1719 Fifth Street NW, Albany, NM 87102 (the "Buyer") who is purchasing as: Joint Tenants.

Seller and Buyer agree:

1. SALE. Seller sells to Buyer the following described real estate (the "Property"):  
Address: 1201, 1203, 1205, 1207 and 1209 8th Street, N.W., Albuquerque, New Mexico 87102

Legal Description:

Lots numbered Fifty-three (53), Fifty-four (54), Fifty-five (55), Fifty-six (56), Fifty-seven (57) and Fifty-eight (58) of J.M. MOORE REALTY COMPANY ADDITION UNIT NO. ONE to the City of Albuquerque, New Mexico, as the same are shown and designated on the map of said addition, filed in the office of the Probate Clerk and Ex-Officio Recorder of Bernalillo County, New Mexico, on November 9, 1905.

City: Albuquerque

County: Bernalillo

Subject to reservations, restrictions, covenants, easements of record, taxes and assessments and the "Price Obligations" (the "Permitted Exceptions").

## 2. PRICE AND PAYMENT.

### A. BUYER WILL PAY:

#### CONTRACT SALE PRICE

(Total of Down Payment, Assumed Prior Obligations and Balance Due Seller)

(ONE HUNDRED FIFTY THOUSAND AND NO/100 Dollars)

\$150,000.00

#### (1) DOWN PAYMENT

(FOUR THOUSAND AND NO/100 Dollars)

\$ 4,000.00

#### (2) ASSUMED PRIOR OBLIGATIONS

(ZERO AND NO/100 Dollars)

\$ 0.00

#### (3) BALANCE DUE SELLER (including Wrapped Prior Obligations)

(ONE HUNDRED FORTY-SIX THOUSAND AND NO/100 Dollars)

\$146,000.00

### PAYABLE AS FOLLOWS:

\$146,000.00 (Balance Due Seller) to be paid by the execution of this Contract which Buyer agrees to pay in monthly installments of \$500.00\* each, or more at Buyer's option, including interest from the Effective Date on the unpaid principal balance at the rate of 8% per annum, commencing October       , 2003, and on the        day of each successive month thereafter until five (5) years from the Effective Date, at which time the entire remaining Balance Due Seller together with all accrued interest shall be due and payable in full.

\*In any instance where the required monthly payments herein are insufficient to cover interest as accrued, then, and in such event, the interest shortfall shall not be capitalized, but shall be paid by Buyer at such time as this Contract is paid in full in accordance with the terms

WE HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO.

*Handwritten signature/initials*

EXHIBIT "A"

THIS IS AN EXHIBIT to that certain Real Estate Contract dated September 25<sup>th</sup>, 2003, by and between GEORGE E. PINO, an unmarried man, as Seller and STEFAN WATSON and EILEEN DEVEREUX, husband and wife, as Buyer.

Exhibit to Paragraph 13:

The parties acknowledge that the Property has not been replatted as of the date of this Contract, but will be replatted in the future. Seller agrees to execute any and all documents necessary to effectuate said replatting. A new legal description shall be substituted for the Property which shall include four (4) new Lots. A proposed lot layout is attached hereto as Exhibit "B" and incorporated herein by reference ("Proposed Lot(s)").

After the filing of the replat, Buyer shall be entitled to the release of the following Proposed Lot(s), free and clear of the lien of this Contract upon principal reductions as follows:

\$50,000.00 for Proposed Lot A;  
\$40,000.00 for Proposed Lot B;  
\$35,000.00 for Proposed Lot C;  
\$21,000.00 for Proposed Lot D.

All unpaid interest shall be paid at such time as the last Proposed Lot is released.

The parties further agree to substitute new Warranty Deeds and new Special Warranty Deeds to replace the Warranty Deed and Special Warranty Deed currently being held in escrow when the replat has been filed. All expenses for the replatting and releases shall be paid by Buyer.

4/11/06 EW



**CHAVEZ LAW FIRM, P.C.**

**STEVEN M. CHAVEZ**  
ATTORNEY AT LAW

Sent via facsimile at the below listed numbers and by U.S. mail

March 3, 2006

Robert D. Levy  
Geer Wissel & Levy, P.A.  
P.O. Box 7549  
Albuquerque, NM 87194  
Facsimile: 243-5006

Patricia G. Williams  
Wiggins Williams & Wiggins, P.C.  
PO Box 1308  
Albuquerque N.M. 87103-1308  
facsimile: 764-8585

RE: Albuquerque Appeal No. AC-06-01

Dear Parties:

Attached is a copy of my decision on the above referenced appeal matter. The Original has been forwarded to the City Council with the Exhibits. Please call the City Council for information about when this matter will be reviewed by the Council. Thank you.

Cordially,

CHAVEZ LAW FIRM, P.C.

By:

  
Steven M. Chavez, Esq.  
Land Use Hearing Officer

cc/ Office of the City Council  
File

**LAND USE HEARING OFFICER'S RECOMMENDATION****APPEAL NO. AC-06-01: (04DRB-01344, Project No. 10003096)****Michelle Garcia and Joseph Garcia,****Appellants,****v.****Eileen Devereux****Party Opponent.****I. PROCEDURAL BACKGROUND**

1  
2  
3 This appeal concerns a September 15, 2004, decision of the Development Review Board  
4 (DRB) approving a replat of several lots within a subdivision in the Sawmill Mountain Road  
5 Neighborhood between Eighth Street and Mountain Road, N.W. Through their agent, Eileen  
6 Devereux and Stefan Watson submitted a Development Plan Review Application to the City of  
7 Albuquerque Planning Department on August 31, 2004. The applicants sought to reconfigure six  
8 existing lots into four lots by removing four boundary lines and reconfiguring other boundary lines.<sup>1</sup>  
9

10 On September 2, 2004, a determination was made, presumably by Staff at the Planning  
11 Department, that the Devereux replat would be routed to the DRB as a "minor subdivision."<sup>2</sup> The  
12 memorialized objective for the proposed modifications to the existing plat was "to adjust existing  
13 lot lines to better fit existing buildings and to remove encroachments."<sup>3</sup>  
14

15 On September 15, 2004, at its scheduled hearing on the matter, the DRB approved the  
16 Devereux replat which included a preliminary sketch plan and a final plat survey of the  
17 modifications.<sup>4</sup> Approximately one year later, as demonstrated in the record, Appellant, Michelle  
18 Garcia objected to the DRB decision, claiming that the approved replat had the effect of abolishing  
19 street access and utility lines and connections to a lot which she now owned. In a letter dated October

---

<sup>1</sup> See Page 6 of the Record, Development Plan Review Application, dated August 31, 2004.

<sup>2</sup> See Page 7 of the Record, Internal Routing Form.

<sup>3</sup> See Page 8 of the Record, Memorandum, presumably, from the surveying agents of the Devereux proposal, dated September 1, 2004.

<sup>4</sup> Notably, the Subdivision Code permits both preliminary and final plat submissions and approvals concurrently under the guidelines for Minor Subdivision review.

1 7, 2005, to DRB Chairwoman, Sheran Matson, Appellant notified her that the DRB approved the  
2 Devereux replat without examining a 1905 plat of the subdivision. Appellant claimed that if the  
3 DRB had an opportunity to examine the 1905 plat, the DRB would not have approved the Devereux  
4 replat. Appellant maintains that the 1905 plat "clearly shows a dedicated drive leading to my  
5 property, Lot 59."<sup>5</sup> Subsequently, on November 28, 2005, Appellant filed her appeal. Notably, this  
6 appeal was filed well after the 15 day period contemplated in the zoning ordinance pursuant to  
7 Section 14-16-4-4(B)(1) of the City of Albuquerque Comprehensive Zoning Code (Zoning Code).<sup>6</sup>  
8  
9

## 10 II. ISSUES PRESENTED BY APPELLANTS

11  
12 Appellants essentially assert that the Devereux replat proposal and Mrs. Devereux failed to  
13 disclose the alleged dedicated driveway. And if the Planning Department Staff and/ or the DRB,  
14 reviewed the 1905 exhibits and knew of the driveway, they would have determined that the  
15 Devereux replat had an adverse affect on their property rights, and therefore, it did not meet the  
16 requisites to be reviewed as a minor subdivision. The basis of their claim hinges on the 1905 plat  
17 and their testimony which both allegedly demonstrates the existence of the driveway to their property  
18 (Lot 59). Accordingly, if the Devereux replat was not actually a minor subdivision as defined in the  
19 Zoning Code, Appellants would have had notice of the proposed action.  
20

## 21 III. STANDARD OF REVIEW

22  
23 A review of an appeal is a whole record review to determine if the DRB erred:

- 24  
25  
26  
27  
28  
29
1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
  2. In the appealed action or decision, including its stated facts;
  3. In acting arbitrary, capriciously or manifestly abusive of discretion.

30  
31 The decision and record must be supported by a preponderance of the evidence to be upheld.  
32 Whether the evidence is, or is not supported by a preponderance of the evidence in the record, the  
33 Land Use Hearing Officer may not substitute his judgment for that of the DRB. The Land Use  
34 Hearing Officer's opinion is advisory to the City Council. The Hearing Officer may recommend  
35 that the Council "grant, in whole or in part, an appeal, deny, in whole or in part, an appeal, or remand  
an appeal for reconsideration if the remand is necessary to clarify or supplement the record, or if the

---

<sup>5</sup> See Page 11 of the Record, Letter from Appellant, dated October 7, 2004

<sup>6</sup> The code in relevant part states "[a]ny zoning decision which can be appealed under the terms of division (A) above is final unless appeal is initiated by application to the City on prescribed forms within 15 days of the announced decision." Zoning Code, §14-16-4-4(B)(1) (emphasis added).



1 remand would expeditiously dispose of the matter.”<sup>7</sup> Decisions of the City are presumably valid and  
2 the burden of proving otherwise rests upon a party seeking to void such decision.  
3  
4

#### 5 IV. DISCUSSION

6  
7 The City argues that this appeal should be denied because the Appellants did not file a timely  
8 appeal pursuant to Section §14-16-4-4(B)(1) of the Zoning Code. Appellants suggest that if they  
9 had received notice of the 2004 DRB action they would have either availed themselves at the hearing  
10 or they would have filed a timely appeal. The City acquiesced that no notice of the hearing was  
11 ever given to adjoining property owners because the Subdivision Code permits “minor subdivisions”  
12 to be reviewed without notice of any kind except to the applicants.  
13

14 Section 14-14-3-2; Classification of Subdivision and Outline of Procedure, states in full:

15  
16 (A) The Planning Director shall determine, normally as a part of pre-application  
17 review, whether the proposal is a major or minor subdivision.

18 (B) *Major Subdivisions.* The subdivider shall apply for and secure approval of major  
19 subdivisions, as defined in § 14-14-1-6 of this article, in accordance with the  
20 following procedure:

- 21 (1) Sketch plat review;  
22 (2) Preliminary plat review and approval; and then  
23 (3) Final plat review and approval.

24 (C) *Minor Subdivisions.*

25 (1) Minor subdivisions, as defined in § 14-14-1-6 of this article, may be processed  
26 and approved by the Development Review Board as a combined preliminary and  
27 final plat **without notice or public hearing**; no sketch plat need be prepared.

28 (2) The Development Review Board may delegate some minor subdivision review  
29 and approval to the Planning Director. (Emphasis added).  
30

31  
32 In determining that a proposed preliminary plat is a minor subdivision, the Planning Director  
33 or his Staff must determine if the proposed subdivision is:  
34

35 (1) Within the city or the city's extraterritorial jurisdiction:

36 (a) Creating not more than ten lots on any single lot which existed three years  
37 previously; and

38 (b) Not requiring installation of any significant infrastructure; and

39 (c) Not containing any lots which do not front on a street; but

40 (d) Including plats which only combine lots and terminate easements created by plat

---

<sup>7</sup> See Rules of the Land Use Hearing Officer adopted by the City Council, February 18,  
2004. Bill No. F/S OC-04-6.

1 where it is clear that all benefited and burdened parties agree to the easement  
2 termination; and  
3 (2) Within the city's extraterritorial jurisdiction and qualifying as a "land division"  
4 as defined by the Bernalillo County Subdivision Ordinance; and  
5 (3) **Not adversely affecting the remainder of the parcel or adjoining property.**  
6 (emphasis added).  
7

8 Section 14-14-1-6: Definitions. Article 14, Subdivision Regulations.  
9

10 If each of the prongs are satisfied then the Planning Director correctly considered and  
11 determined that the Devereux replat proposal was a minor subdivision, and consequently was  
12 permitted to proceed to the DRB without notice to adjoining property owners. This appeal cannot  
13 be used by the parties to adjudicate property rights. The issue of whether or not the replat  
14 "adversely affects adjoining property" is a threshold question for the City in any application for a  
15 minor subdivision. The issue of this appeal must be limited to whether or not the DRB erred in  
16 reviewing the Devereux replat proposal.  
17

18 The manner in which this application was handled by the City should be underscored. There  
19 is absolutely no evidence in the record that the Planning Staff looked into the most important  
20 consideration for its precursory determination -- that the Devereux replat qualified as a minor  
21 subdivision--that of adverse affect.  
22

23 A determination that a subdivision is minor has the potential to introduce arduous  
24 consequences to adjoining property owners; by the mere fact that no notice or a public hearing is  
25 required. Because there is a notice exception to the review of minor subdivisions, I think the  
26 importance of investigating adversity should be a prominent undertaking and foremost in their  
27 investigation. Moreover, it is clear that the City Council was very careful when it created the notice  
28 exception and fast tracking scheme for minor subdivisions. It set a high standard for controlling  
29 what qualifies as a minor subdivision.  
30

31 Under such circumstances, I think it is not only prudent, but necessary for Planning Staff to  
32 assure that when they make a determination that a proposal qualifies to be reviewed as a minor  
33 subdivision, that they investigate and ascertain that there is no adverse affect to the remainder of the  
34 property or adjoining property as required by the Code. It is clear that this investigation was never  
35 done by the Planning Department or by the DRB.  
36

37 The record in this matter is modest. Appellants, however, supplemented the record with three  
38 exhibits which they claim supports the proposition that they have a driveway or an easement to their  
39 Lot 59. To further their claim the first document Appellants submitted purports to be a site plan  
40 of all the 59 lots of the "Addition 1" of the Moore Realty Company, dated May 8, 1905. This  
41 exhibit lends no support in illustrating Appellants claims.  
42

43 The second document appears to have been recorded with the City of Albuquerque on  
44 November 9, 1905. This document is marked as Appellants' Exhibit "2." Appellants rely on it to

1 demonstrate that a driveway was somehow reserved across lot 55, extending from Eighth Street to  
2 their property (Lot 59). Yet, Exhibit 2 only indicates that a subdivision of five lots were dedicated  
3 to the City. There is nothing in Exhibit 2 demonstrating the existence of a driveway, easement, or  
4 other access on any of the five dedicated lots.

5  
6 The third document they submitted is marked as Appellants' Exhibit "3." It is a replat of  
7 lots 53 to 57, filed on May 8, 1925, presumably by J.M. Moore Realty Co. Again, there is nothing  
8 in this document confirming a driveway or easement of any kind on lot 55. The Party Opponents  
9 also supplemented the record with a copy of a Real Estate Contract to demonstrate their ownership  
10 of the reconfigured lots.

11  
12 I do not see how any of the evidence submitted by Appellants supports their claim of  
13 adversity. Appellants have not pointed to any documentation establishing that there was a driveway  
14 or easement, either by implication, use, or otherwise, leading across Lot 55 to Lot 59. What they  
15 have shown is that in 1905, a lot (lot 59) with no direct street access was carved out of the  
16 subdivision. The resulting Devereux replat did nothing to change that condition as illustrated by  
17 the plats and surveys in the record. Therefore, the adverse effect was created as a result of not  
18 having a duly recorded access to lot 59. It appears to have been a pre-existing condition even before  
19 the Devereux replat was approved by the DRB.

20  
21 But, whether there is an adverse affect or not is not entirely dependent on the title documents,  
22 plat and replat records. Just because, there is no proof of a driveway in the surveys or plats doesn't  
23 conclude the examination.

24  
25 Appellant, Michelle Garcia asserted in her written appeal and again in her testimony at the  
26 appeal hearing, that her family enjoyed the use of this alleged driveway for "over 100 years."  
27 Remarkably, though Mr. George Pino, the previous owner of Lot 55 also testified that he does not  
28 remember the existence of a driveway on Lot 55. There was also testimony that there were fences  
29 and other obstructions which would have defeated any driveway on lot 55. The testimonial evidence  
30 was conflicting at best.

31  
32 Appellants also assert that as a result of the reconfiguration of lot 55, lot 59 was divested of  
33 utility lines and connections. Whether this adversity was created as a result of the Devereux replat  
34 approval is entirely speculative and unclear in the record. Appellants have not made a nexus  
35 between the Devereux replat and the alleged divestiture of utility lines and/or connections. They  
36 have not brought forth any evidence in support of this allegation. City Planning Staff did, however,  
37 note for the record that utility services are available to lot 59, but never ascertained whether or not  
38 there is an adverse affect on Lot 59.

1  
2 **V. SUMMARY OF FINDINGS AND RECOMMENDATION**  
3

4 Because there was no notice required, and because Appellants never received notice of the  
5 DRB's approval of the Devereux replat, it would be patently unfair to deny their appeal on the single  
6 basis that they failed to file a timely appeal within 15 days from the DRB's decision as required by  
7 Section 14-14-8-4 of the Zoning Code.

8  
9 I find that the Planning Staff and the DRB altogether failed to determine whether or not there  
10 was adversity to adjoining property owners as required by Section 14-14-1-6(B)(3). There is,  
11 however, no evidence in the record demonstrating that there was a dedicated driveway which was  
12 recorded. There is some evidence in the record, although conflicting, of adversity as a result of  
13 approving the Devereux replat.

14  
15 The decision of the DRB and its record is not supported by a preponderance of the evidence.  
16 As stated above, there is no evidence demonstrating that the Planning Department made any  
17 findings in processing the Devereux replat proposal as a minor subdivision. While, I am cognizant  
18 that a remand of this matter after so much time has lapsed will undoubtedly lead to practical, and  
19 perhaps legal obstacles for the parties. Notwithstanding, a remand is necessary to clarify or  
20 supplement the record on the threshold issue of adversity.

21  
22 In conducting its investigation, the DRB should not be placed in a position to determine  
23 property rights. It should plainly determine if there is any evidence, at the date of application, of  
24 an adverse effect on lot 59. This is a threshold question that should have been answered before  
25 the September 2004 hearing. If there is such evidence, then the Devereux replat cannot be accepted  
26 as a minor subdivision proposal. It must be reviewed as a proposal which requires notice and a  
27 public hearing.

28  
29 In conclusion, I recommend to the City Council that it remand this matter to the DRB to  
30 make a determination of adversity as required by the Code.  
31  
32  
33  
34  
35

36  
37  
38  
39   
40 Steven M. Chavez, Esq.  
41 Land Use Hearing Officer  
42

March 1, 2006



**CHAVEZ LAW FIRM, P.C.**

STEVEN M. CHAVEZ  
ATTORNEY AT LAW

Sent via facsimile at the below listed numbers and by U.S. mail

March 3, 2006

Robert D. Levy  
Geer Wissel & Levy, P.A.  
P.O. Box 7649  
Albuquerque, NM 87194  
Facsimile: 243-5006

Patricia G. Williams  
Wiggins Williams & Wiggins, P.C.  
PO Box 1308  
Albuquerque N.M. 87103-1308  
facsimile: 764-8585

RE: Albuquerque Appeal No. AC-06-01

Dear Parties:

Attached is a copy of my decision on the above referenced appeal matter. The Original has been forwarded to the City Council with the Exhibits. Please call the City Council for information about when this matter will be reviewed by the Council. Thank you.

Cordially,

CHAVEZ LAW FIRM, P.C.

By:

  
Steven M. Chavez, Esq.  
Land Use Hearing Officer

cc/ Office of the City Council  
File

**LAND USE HEARING OFFICER'S RECOMMENDATION****APPEAL NO. AC-06-01: (04DRB-01344, Project No. 10003096)****Michelle Garcia and Joseph Garcia,****Appellants,****v.****Eileen Devereux****Party Opponent.****I. PROCEDURAL BACKGROUND**

This appeal concerns a September 15, 2004, decision of the Development Review Board (DRB) approving a replat of several lots within a subdivision in the Sawmill Mountain Road Neighborhood between Eighth Street and Mountain Road, N.W. Through their agent, Eileen Devereux and Stefan Watson submitted a Development Plan Review Application to the City of Albuquerque Planning Department on August 31, 2004. The applicants sought to reconfigure six existing lots into four lots by removing four boundary lines and reconfiguring other boundary lines.<sup>1</sup>

On September 2, 2004, a determination was made, presumably by Staff at the Planning Department, that the Devereux replat would be routed to the DRB as a "minor subdivision."<sup>2</sup> The memorialized objective for the proposed modifications to the existing plat was "to adjust existing lot lines to better fit existing buildings and to remove encroachments."<sup>3</sup>

On September 15, 2004, at its scheduled hearing on the matter, the DRB approved the Devereux replat which included a preliminary sketch plan and a final plat survey of the modifications.<sup>4</sup> Approximately one year later, as demonstrated in the record, Appellant, Michelle Garcia objected to the DRB decision, claiming that the approved replat had the effect of abolishing street access and utility lines and connections to a lot which she now owned. In a letter dated October

---

<sup>1</sup> See Page 6 of the Record, Development Plan Review Application, dated August 31, 2004.

<sup>2</sup> See Page 7 of the Record, Internal Routing Form.

<sup>3</sup> See Page 8 of the Record, Memorandum, presumably, from the surveying agents of the Devereux proposal, dated September 1, 2004.

<sup>4</sup> Notably, the Subdivision Code permits both preliminary and final plat submissions and approvals concurrently under the guidelines for Minor Subdivision review.

1 7, 2005, to DRB Chairwoman, Sheran Matson, Appellant notified her that the DRB approved the  
2 Devereux replat without examining a 1905 plat of the subdivision. Appellant claimed that if the  
3 DRB had an opportunity to examine the 1905 plat, the DRB would not have approved the Devereux  
4 replat. Appellant maintains that the 1905 plat "clearly shows a dedicated drive leading to my  
5 property, Lot 59."<sup>5</sup> Subsequently, on November 28, 2005, Appellant filed her appeal. Notably, this  
6 appeal was filed well after the 15 day period contemplated in the zoning ordinance pursuant to  
7 Section 14-16-4-4(B)(1) of the City of Albuquerque Comprehensive Zoning Code (Zoning Code).<sup>6</sup>  
8  
9

## 10 II. ISSUES PRESENTED BY APPELLANTS

11  
12 Appellants essentially assert that the Devereux replat proposal and Mrs. Devereux failed to  
13 disclose the alleged dedicated driveway. And if the Planning Department Staff and/ or the DRB,  
14 reviewed the 1905 exhibits and knew of the driveway, they would have determined that the  
15 Devereux replat had an adverse affect on their property rights, and therefore, it did not meet the  
16 requisites to be reviewed as a minor subdivision. The basis of their claim hinges on the 1905 plat  
17 and their testimony which both allegedly demonstrates the existence of the driveway to their property  
18 (Lot 59). Accordingly, if the Devereux replat was not actually a minor subdivision as defined in the  
19 Zoning Code, Appellants would have had notice of the proposed action.  
20  
21

## 22 III. STANDARD OF REVIEW

23  
24 A review of an appeal is a whole record review to determine if the DRB erred:

- 25  
26 1. In applying adopted city plans, policies, and ordinances in arriving at the decision;  
27 2. In the appealed action or decision, including its stated facts;  
28 3. In acting arbitrary, capriciously or manifestly abusive of discretion.  
29

30 The decision and record must be supported by a preponderance of the evidence to be upheld.  
31 Whether the evidence is, or is not supported by a preponderance of the evidence in the record, the  
32 Land Use Hearing Officer may not substitute his judgment for that of the DRB. The Land Use  
33 Hearing Officer's opinion is advisory to the City Council. The Hearing Officer may recommend  
34 that the Council "grant, in whole or in part, an appeal, deny, in whole or in part, an appeal, or remand  
35 an appeal for reconsideration if the remand is necessary to clarify or supplement the record, or if the

---

<sup>5</sup> See Page 11 of the Record, Letter from Appellant, dated October 7, 2004

<sup>6</sup> The code in relevant part states "[a]ny zoning decision which can be appealed under the terms of division (A) above is final unless appeal is initiated by application to the City on prescribed forms within 15 days of the announced decision." Zoning Code, §14-16-4-4(B)(1) (emphasis added).

1 remand would expeditiously dispose of the matter.”<sup>7</sup> Decisions of the City are presumably valid and  
2 the burden of proving otherwise rests upon a party seeking to void such decision.  
3  
4

#### 5 IV. DISCUSSION

6  
7 The City argues that this appeal should be denied because the Appellants did not file a timely  
8 appeal pursuant to Section §14-16-4-4(B)(1) of the Zoning Code. Appellants suggest that if they  
9 had received notice of the 2004 DRB action they would have either availed themselves at the hearing  
10 or they would have filed a timely appeal. The City acquiesced that no notice of the hearing was  
11 ever given to adjoining property owners because the Subdivision Code permits “minor subdivisions”  
12 to be reviewed without notice of any kind except to the applicants.  
13

14 Section 14-14-3-2; Classification of Subdivision and Outline of Procedure, states in full:

15  
16 (A) The Planning Director shall determine, normally as a part of pre-application  
17 review, whether the proposal is a major or minor subdivision.

18 (B) *Major Subdivisions.* The subdivider shall apply for and secure approval of major  
19 subdivisions, as defined in § 14-14-1-6 of this article, in accordance with the  
20 following procedure:

- 21 (1) Sketch plat review;  
22 (2) Preliminary plat review and approval; and then  
23 (3) Final plat review and approval.

24 (C) *Minor Subdivisions.*

25 (1) Minor subdivisions, as defined in § 14-14-1-6 of this article, may be processed  
26 and approved by the Development Review Board as a combined preliminary and  
27 final plat **without notice or public hearing**; no sketch plat need be prepared.

28 (2) The Development Review Board may delegate some minor subdivision review  
29 and approval to the Planning Director. (Emphasis added).  
30

31  
32 In determining that a proposed preliminary plat is a minor subdivision, the Planning Director  
33 or his Staff must determine if the proposed subdivision is:

- 34  
35 (1) Within the city or the city's extraterritorial jurisdiction:  
36 (a) Creating not more than ten lots on any single lot which existed three years  
37 previously; and  
38 (b) Not requiring installation of any significant infrastructure; and  
39 (c) Not containing any lots which do not front on a street; but  
40 (d) Including plats which only combine lots and terminate easements created by plat

---

<sup>7</sup> See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.



1 where it is clear that all benefited and burdened parties agree to the easement  
2 termination; and

3 (2) Within the city's extraterritorial jurisdiction and qualifying as a "land division"  
4 as defined by the Bernalillo County Subdivision Ordinance; and

5 (3) **Not adversely affecting the remainder of the parcel or adjoining property.**  
6 (emphasis added).

7  
8 Section 14-14-1-6: Definitions. Article 14, Subdivision Regulations.

9  
10 If each of the prongs are satisfied then the Planning Director correctly considered and  
11 determined that the Devereux replat proposal was a minor subdivision, and consequently was  
12 permitted to proceed to the DRB without notice to adjoining property owners. This appeal cannot  
13 be used by the parties to adjudicate property rights. The issue of whether or not the replat  
14 "adversely affects adjoining property" is a threshold question for the City in any application for a  
15 minor subdivision. The issue of this appeal must be limited to whether or not the DRB erred in  
16 reviewing the Devereux replat proposal.

17  
18 The manner in which this application was handled by the City should be underscored. There  
19 is absolutely no evidence in the record that the Planning Staff looked into the most important  
20 consideration for its precursory determination -- that the Devereux replat qualified as a minor  
21 subdivision--that of adverse affect.

22  
23 A determination that a subdivision is minor has the potential to introduce arduous  
24 consequences to adjoining property owners; by the mere fact that no notice or a public hearing is  
25 required. Because there is a notice exception to the review of minor subdivisions, I think the  
26 importance of investigating adversity should be a prominent undertaking and foremost in their  
27 investigation. Moreover, it is clear that the City Council was very careful when it created the notice  
28 exception and fast tracking scheme for minor subdivisions. It set a high standard for controlling  
29 what qualifies as a minor subdivision.

30  
31 Under such circumstances, I think it is not only prudent, but necessary for Planning Staff to  
32 assure that when they make a determination that a proposal qualifies to be reviewed as a minor  
33 subdivision, that they investigate and ascertain that there is no adverse affect to the remainder of the  
34 property or adjoining property as required by the Code. It is clear that this investigation was never  
35 done by the Planning Department or by the DRB.

36  
37 The record in this matter is modest. Appellants, however, supplemented the record with three  
38 exhibits which they claim supports the proposition that they have a driveway or an easement to their  
39 Lot 59. To further their claim the first document Appellants submitted purports to be a site plan  
40 of all the 59 lots of the "Addition 1" of the Moore Realty Company, dated May 8, 1905. This  
41 exhibit lends no support in illustrating Appellants claims.

42  
43 The second document appears to have been recorded with the City of Albuquerque on  
44 November 9, 1905. This document is marked as Appellants' Exhibit "2." Appellants rely on it to

1 demonstrate that a driveway was somehow reserved across lot 55, extending from Fifth Street to  
2 their property (Lot 59). Yet, Exhibit 2 only indicates that a subdivision of five lots were dedicated  
3 to the City. There is nothing in Exhibit 2 demonstrating the existence of a driveway, easement, or  
4 other access on any of the five dedicated lots.

5  
6 The third document they submitted is marked as Appellants' Exhibit "3." It is a replat of  
7 lots 53 to 57, filed on May 8, 1925, presumably by J.M. Moore Realty Co. Again, there is nothing  
8 in this document confirming a driveway or easement of any kind on lot 55. The Party Opponents  
9 also supplemented the record with a copy of a Real Estate Contract to demonstrate their ownership  
10 of the reconfigured lots.

11  
12 I do not see how any of the evidence submitted by Appellants supports their claim of  
13 adversity. Appellants have not pointed to any documentation establishing that there was a driveway  
14 or easement, either by implication, use, or otherwise, leading across Lot 55 to Lot 59. What they  
15 have shown is that in 1905, a lot (lot 59) with no direct street access was carved out of the  
16 subdivision. The resulting Devereux replat did nothing to change that condition as illustrated by  
17 the plats and surveys in the record. Therefore, the adverse effect was created as a result of not  
18 having a duly recorded access to lot 59. It appears to have been a pre-existing condition even before  
19 the Devereux replat was approved by the DRB.

20  
21 But, whether there is an adverse affect or not is not entirely dependent on the title documents,  
22 plat and replat records. Just because, there is no proof of a driveway in the surveys or plats doesn't  
23 conclude the examination.

24  
25 Appellant, Michelle Garcia asserted in her written appeal and again in her testimony at the  
26 appeal hearing, that her family enjoyed the use of this alleged driveway for "over 100 years."  
27 Remarkably, though Mr. George Pino, the previous owner of Lot 55 also testified that he does not  
28 remember the existence of a driveway on Lot 55. There was also testimony that there were fences  
29 and other obstructions which would have defeated any driveway on lot 55. The testimonial evidence  
30 was conflicting at best.

31  
32 Appellants also assert that as a result of the reconfiguration of lot 55, lot 59 was divested of  
33 utility lines and connections. Whether this adversity was created as a result of the Devereux replat  
34 approval is entirely speculative and unclear in the record. Appellants have not made a nexus  
35 between the Devereux replat and the alleged divestiture of utility lines and/ or connections. They  
36 have not brought forth any evidence in support of this allegation. City Planning Staff did, however,  
37 note for the record that utility services are available to lot 59, but never ascertained whether or not  
38 there is an adverse affect on Lot 59.

**V. SUMMARY OF FINDINGS AND RECOMMENDATION**

Because there was no notice required, and because Appellants never received notice of the DRB's approval of the Devereux replat, it would be patently unfair to deny their appeal on the single basis that they failed to file a timely appeal within 15 days from the DRB's decision as required by Section 14-14-8-4 of the Zoning Code.

I find that the Planning Staff and the DRB altogether failed to determine whether or not there was adversity to adjoining property owners as required by Section 14-14-1-6(B)(3). There is, however, no evidence in the record demonstrating that there was a dedicated driveway which was recorded. There is some evidence in the record, although conflicting, of adversity as a result of approving the Devereux replat.

The decision of the DRB and its record is not supported by a preponderance of the evidence. As stated above, there is no evidence demonstrating that the Planning Department made any findings in processing the Devereux replat proposal as a minor subdivision. While, I am cognizant that a remand of this matter after so much time has lapsed will undoubtedly lead to practical, and perhaps legal obstacles for the parties. Notwithstanding, a remand is necessary to clarify or supplement the record on the threshold issue of adversity.

In conducting its investigation, the DRB should not be placed in a position to determine property rights. It should plainly determine if there is any evidence, at the date of application, of an adverse effect on lot 59. This is a threshold question that should have been answered before the September 2004 hearing. If there is such evidence, then the Devereux replat cannot be accepted as a minor subdivision proposal. It must be reviewed as a proposal which requires notice and a public hearing.

In conclusion, I recommend to the City Council that it remand this matter to the DRB to make a determination of adversity as required by the Code.



Steven M. Chavez, Esq.  
Land Use Hearing Officer

March 1, 2006

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form **S**

**SUBDIVISION**

Major Subdivision action

Minor Subdivision action

Vacation **V**

Variance (Non-Zoning)

**SITE DEVELOPMENT PLAN** **P**

...for Subdivision Purposes

...for Building Permit

IP Master Development Plan

Cert. of Appropriateness (LUCC) **L**

Supplemental form **Z**

**ZONING & PLANNING**

Annexation

County Submittal

EPC Submittal

Zone Map Amendment (Establish or Change Zoning)

Sector Plan (Phase I, II, III)

Amendment to Sector, Area, Facility or Comprehensive Plan

Text Amendment (Zoning Code/Sub Regs)

**APPEAL / PROTEST of...** **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: EITEEL DEVEREUX & STEFAN WATSON PHONE: 242-9351

ADDRESS: 1719 5<sup>th</sup> STREET NW FAX: \_\_\_\_\_

CITY: ALBU STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_

Proprietary interest in site: OWNERS List all owners: N/A

AGENT (if any): SURVEYS SOUTHWEST LTD PHONE: 998-0303

ADDRESS: 333 LOMAS BLVD NE FAX: 998-0306

CITY: ALBU STATE NM ZIP 87102 E-MAIL: \_\_\_\_\_

DESCRIPTION OF REQUEST: PREMISE FIGURE & EXISTING LOTS INTO 4 NEW LOTS  
(PRELIM / FINAL)

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

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

Lot or Tract No. LOTS 53 THRU 58 Block: N/A Unit: 1

Subdiv. / Addn. J.M. MOORE REALTY COMPANY

Current Zoning: S-R Proposed zoning: \_\_\_\_\_

Zone Atlas page(s): J-14-Z No. of existing lots: 6 No. of proposed lots: 4

Total area of site (acres): 0.2262 Density if applicable: dwellings per gross acre: \_\_\_\_\_ dwellings per net acre: \_\_\_\_\_

Within city limits?  Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO

UPC No. 1-014-058-055-309-21403 & 1-014-058-052-302-21401 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: 8<sup>th</sup> STREET NW

Between: MOUNTAIN ROAD NW and \_\_\_\_\_

**CASE HISTORY:**

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

Proj # 1003096 (SKETCH PLAT)

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

SIGNATURE Dan Graney DATE 8.31.04

(Print) Dan Graney \_\_\_\_\_ Applicant  Agent

**FOR OFFICIAL USE ONLY**

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

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>04 DRB - 01344</u>	<u>P&amp;F</u>	<u>5(3)</u>	<u>\$ 425</u>
<input type="checkbox"/> All fees have been collected	_____	_____	_____	<u>\$ 20</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.B. fee rebate	_____	_____	_____	\$ _____
Hearing date <u>Sept. 15, 2004</u>				Total <u>\$ 445</u>

Bob [Signature] 9/2/04  
Planner signature / date

Project # 1003096

**FORM S(3): SUBDIVISION - D.R. MEETING (UNADVERTISED) OF 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.**

**MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL** **Your attendance is required.**

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

Infrastructure list if required (verify with DRB Engineer) **NO INTERNAL ROUTING**  
**DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

**AMENDMENT TO PRELIMINARY PLAT (with minor changes)** **Your attendance is required.**

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

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

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

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

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

Dan Graney Applicant name (print)  
Dan Graney Applicant signature / date  
 8-31-04



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

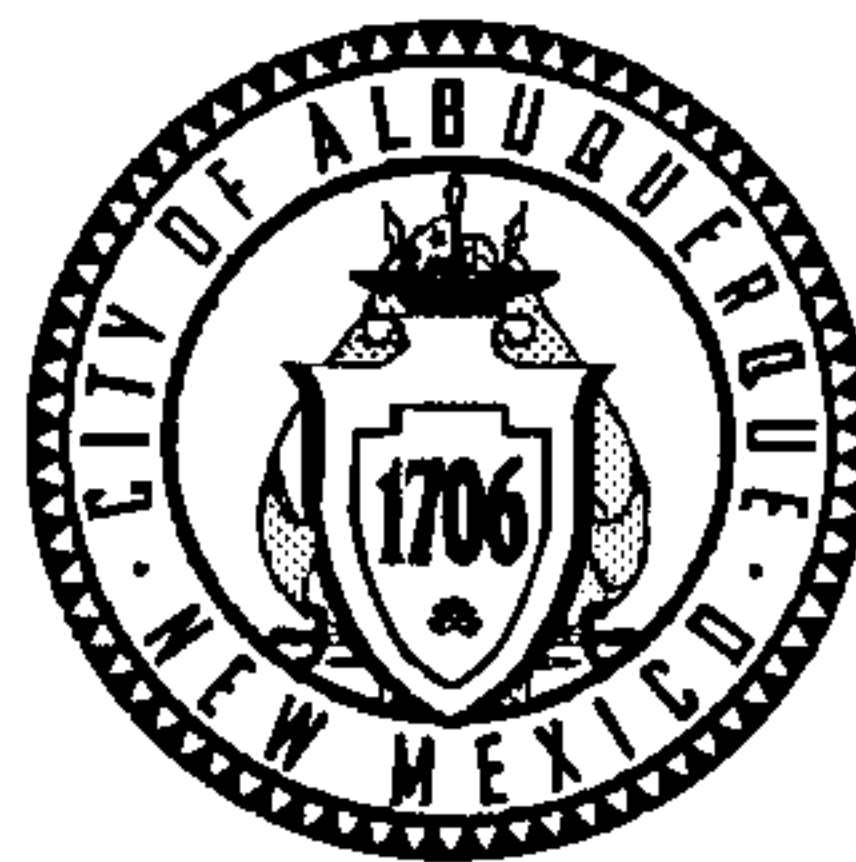
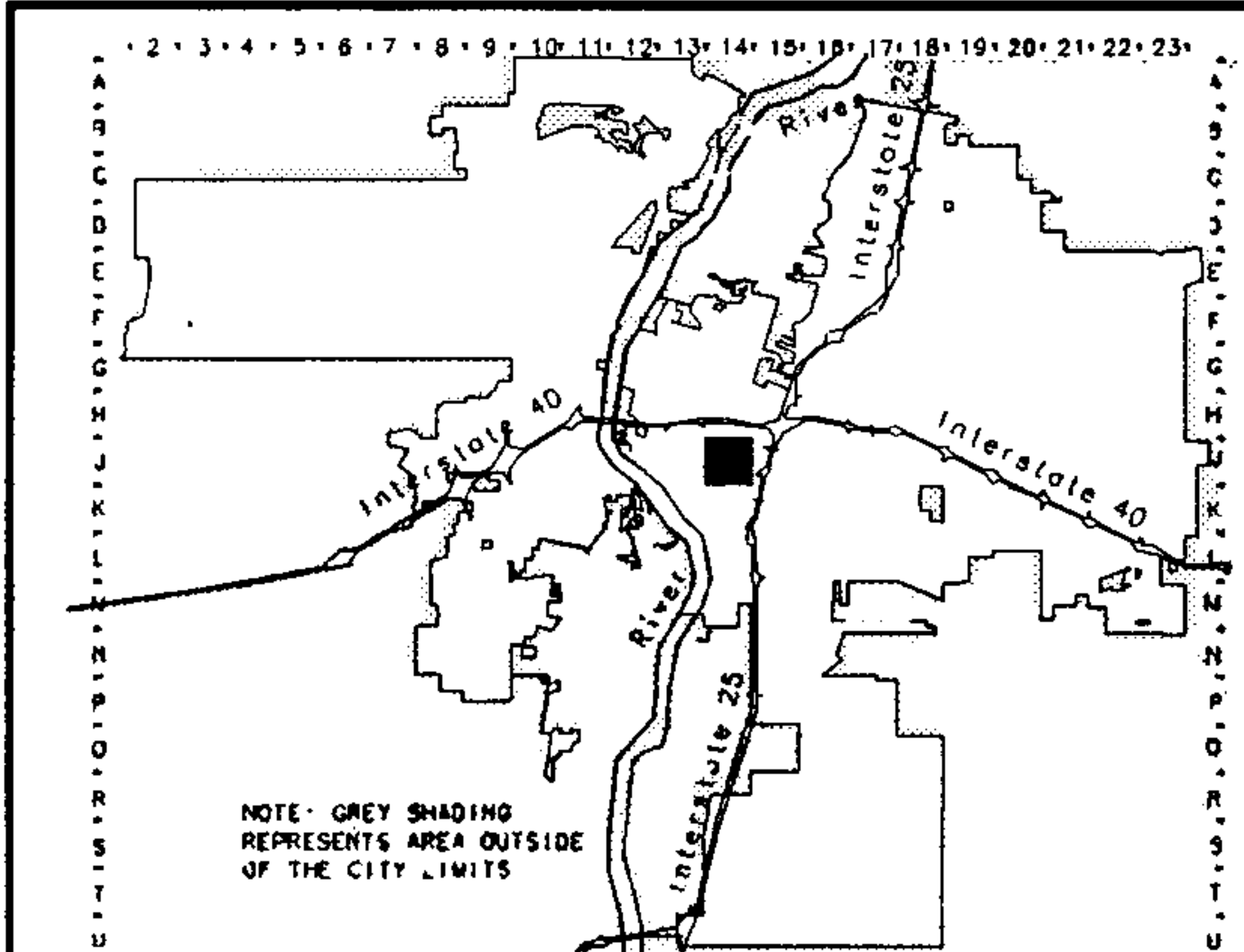
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
 04 DRB - 01344

[Signature] 9/2/04  
 Planner signature / date  
**Project # 1003096**



SITE



**Zone Atlas Page**

**J-14-Z**

Map Amended through August 03, 2004

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

© Copyright 2004

# *Surveys Southwest, LTD*

---

*333 Lomas Blvd., NE \* Albuquerque, New Mexico 87102 \* 998-0303 \* Fax 998-0306*

September 1, 2004

DEVELOPMENT REVIEW BOARD MEMBERS  
PLAZA DEL SOL  
600 SECOND STREET NW  
ALBUQUERQUE, NM 87102

REF: LOTS 53-A, 54-A, 57-A, & 58-A, J.M. MOORE REALTY COMPANY NO.1

Dear Board Members:

The purpose of the above referenced property is to adjust existing lot lines to better fit existing buildings and to remove encroachments. Addressing and utilities were also established.

If you have any questions please feel free to contact me.

Sincerely,

Dan Graney  
President

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

**PAID RECEIPT**

APPLICANT NAME EILEEN & STEFAN WATSON  
 AGENT SUNEY SW  
 ADDRESS 383 LOMAS BLVD 87102  
 PROJECT & APP# 1003096  
 PROJECT NAME J.M. MOORE REALTY CO.

\$ 20 441032/3424000 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.**

EILEEN DEVEREUX  
STEFAN WATSON  
1601 PARK AVE. SW. PH. 505-242-9351  
ALBUQUERQUE, NM 87104

95-145/1070  
001655388  
DATE 9-31-04 3261

PAY TO THE ORDER OF City of Albuquerque \$ 445<sup>00</sup>

four hundred forty five DOLLARS

**FIRST STATE BANK**  
www.fsbnm.com  
MEMO city fee - 2nd st

City of Albuquerque  
TREASURY DIVISION

⑆107001452⑆ 3261 001655388⑆ 9/2/2004 9:26 AM

9/2/2004	RECEIPT# 000	Account 441032	Fund 0110	Activity 3424000	TRSDMM	Trans Amt \$445.00	J24 Misc \$20.00	Account 441006	Fund 0110	Activity 4983000	TRSDMM	Trans Amt \$445.00	J24 Misc \$425.00	CK \$445.00	CHANGE \$0.00
----------	--------------	----------------	-----------	------------------	--------	--------------------	------------------	----------------	-----------	------------------	--------	--------------------	-------------------	-------------	---------------

LOC: ANNX  
RANSH 0006

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 \$3.75 each.

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from 4-4-06 To 4-19-06

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.

Sarah Kimoto 3/22/06  
(Applicant or Agent) (Date)

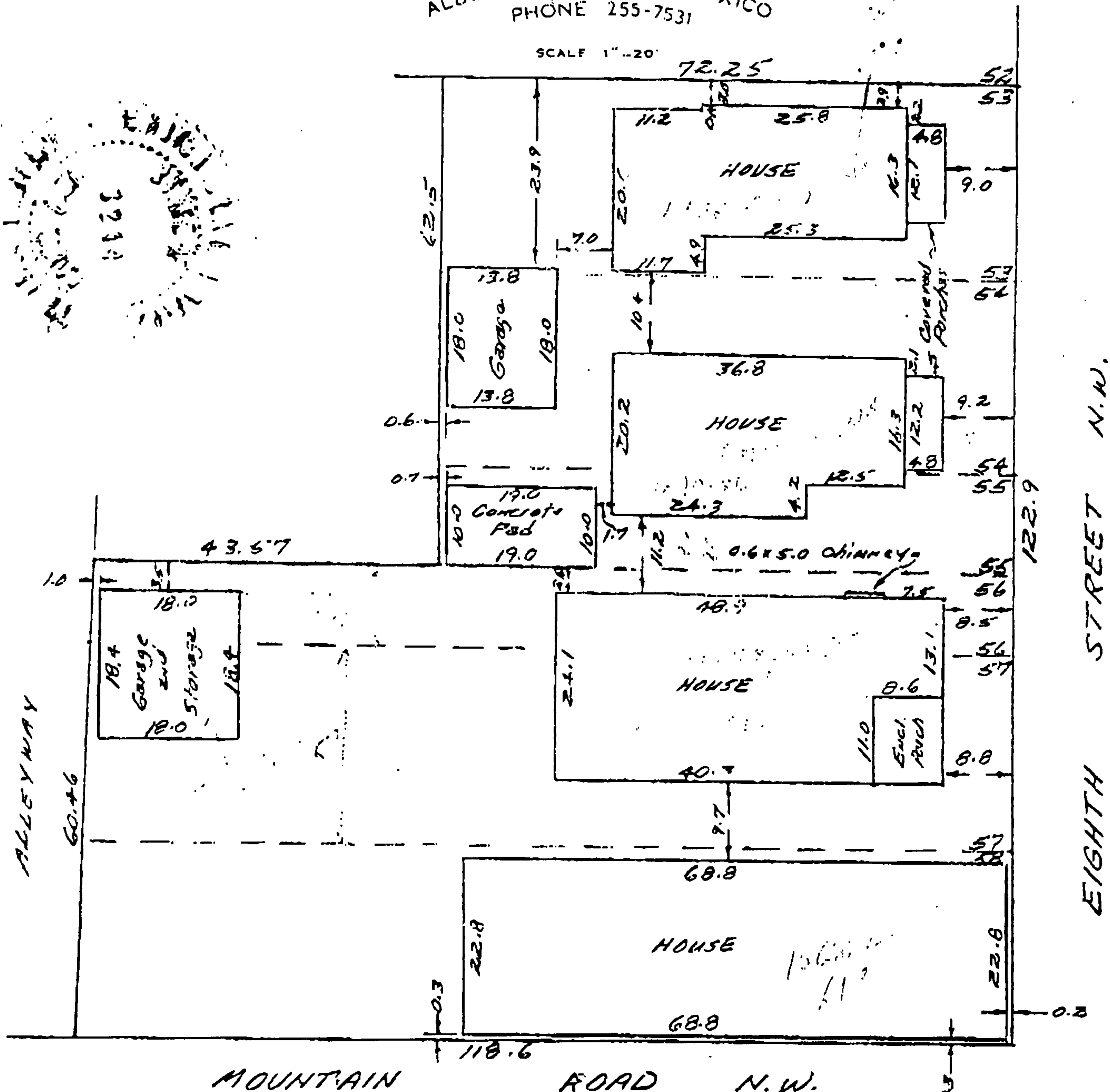
I issued 2 signs for this application, 3/22/06 Clare Senora  
(Date) (Staff Member)

DRB PROJECT NUMBER: 1003096

Mary Helen Pino,  
 1201-03-07-09 Eighth St. N.W.  
 American Savings & Loan

ASSOCIATED LAND SURVEYORS  
 1923 SAN MATEO, N.E.  
 ALBUQUERQUE, NEW MEXICO  
 PHONE 255-7531

SCALE 1"=20'



Unless otherwise indicated, unrecorded easements, overhang of eaves, private and community walls, driveways, steps, and other improvements subject to conformation, but not shown on the plat of record, are not covered by this certificate.

I, Charles T. Scannell, New Mexico Registered Land Surveyor No. 3244, do hereby certify that I have checked the location of the buildings and improvements on the following described real estate: Lots numbered Fifty-three (53), Fifty-four (54), Fifty-five (55), Fifty-six (56), Fifty-seven (57) and Fifty-eight (58) of the Replat of Lots 53 to 57, inclusive, of J. M. MOORE REALTY COMPANY ADDITION NO. 1 to the City of Albuquerque, New Mexico, as the same is shown and designated on the map of said Replat filed in the office of the Probate Clerk and Ex-officio Recorder of Bernalillo County, New Mexico, on November 9, 1905.

I further certify that the location of said buildings and improvements on said real estate are as shown on the above drawing and that the location of the utility easements as shown on the plat of the above addition are also as shown on the above drawing and that there are NO encroachments on the above described real estate and the same is true and correct to the best of my belief and knowledge.

IN WITNESS WHEREOF, this certificate is executed at Albuquerque, New Mexico on this 24<sup>th</sup> day of August, 1967.

*Charles T. Scannell*  
 Land Surveyor

our file

**DEVELOPMENT REVIEW BOARD (DRB)  
CITY OF ALBUQUERQUE**

**REVIEW COMMENTS**

By the

**UTILITY DEVELOPMENT SECTION (WATER & SEWER)**

**DEVELOPMENT & BUILDING SERVICES DIVISION  
PUBLIC WORKS DEPARTMENT**

PHONE 924-3989 Roger Green  
PHONE 924-3988 Nancy Musinski

D.R.B. CASE NO.: 1003096

DATE: 11/12/03 ITEM NO.: 18

ZONE ATLAS PAGE: J-14 LOCATION: NW Cor. 8<sup>th</sup>/Mountain Rd

REQUEST FOR: Sketch Plat

**COMMENTS:**

- 1.) Locate Existing Meters.
- 2.) Only 2 existing accounts for 6 existing dwellings.
- 3.) One of the 2 exist. accounts has had meter removed.
- 4.) Must resolve accounts, establish new accounts.
- 5.) Must separate services for each lot.

SIGNED: \_\_\_\_\_

*Danny Shung*

DATE: 11/10/03



# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

## DEVELOPMENT REVIEW BOARD TRANSPORTATION DEVELOPMENT Standard Comment Sheet

DRB- 1003096                      Item No. 18                      Zone Atlas J-14

DATE ON AGENDA 11-12-03

INFRASTRUCTURE REQUIRED ( ) YES ( ) NO

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

### TYPE OF APPROVAL REQUESTED:

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

No.	Comment
	WHAT IS CONDITION & WIDTH OF SIDEWALK ALONG 8th STREET?
	WILL DRIVES FOR LOTS C & B NEED TO BE ADJUSTED?

If you have any questions or comments please call Wilfred Gallegos at 924-3991. Meeting notes:

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



**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: 1003096**

**AGENDA ITEM NO: 18**

**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:**

No adverse comments.

**RESOLUTION:**

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

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

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

FOR:

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

**DATE:** November 12, 2003

*discussed*



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

**SKETCH PLAT REVIEW AND COMMENT**

**YOUR ATTENDANCE IS REQUIRED.**

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

**MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT**

**Your attendance is required.**

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

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

Extension of preliminary plat approval expires after one year.

**MAJOR SUBDIVISION FINAL PLAT APPROVAL**

**Your attendance is required.**

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

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

**MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL**

**Your attendance is required.**

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

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

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

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

**Your attendance is required.**

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

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

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

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

Amended preliminary plat approval expires after one year.

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

Eileen Devereux  
Applicant name (print)  
Eileen Devereux 11/4/03  
Applicant signature / date



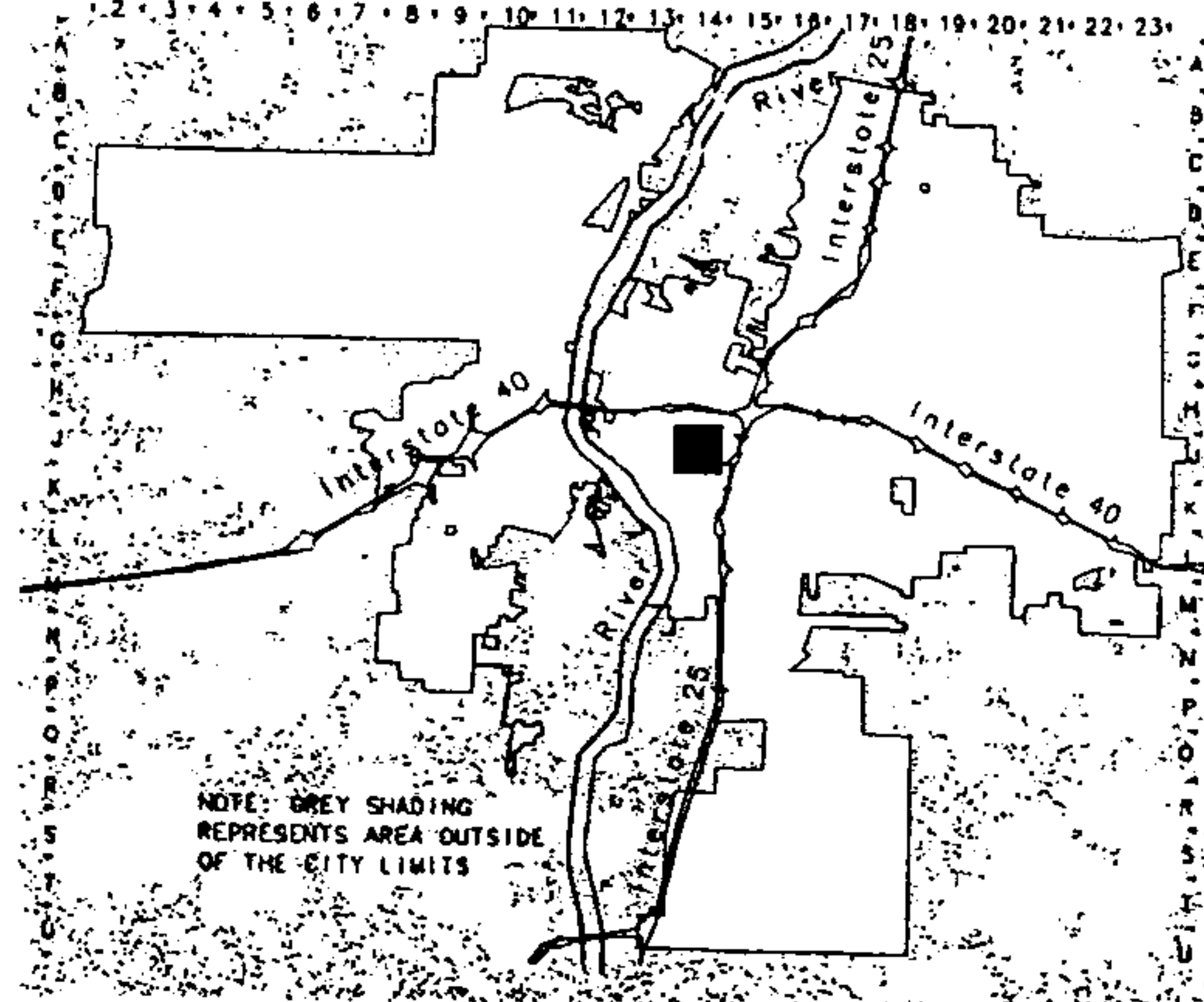
Form revised 3/03 and 8/03

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

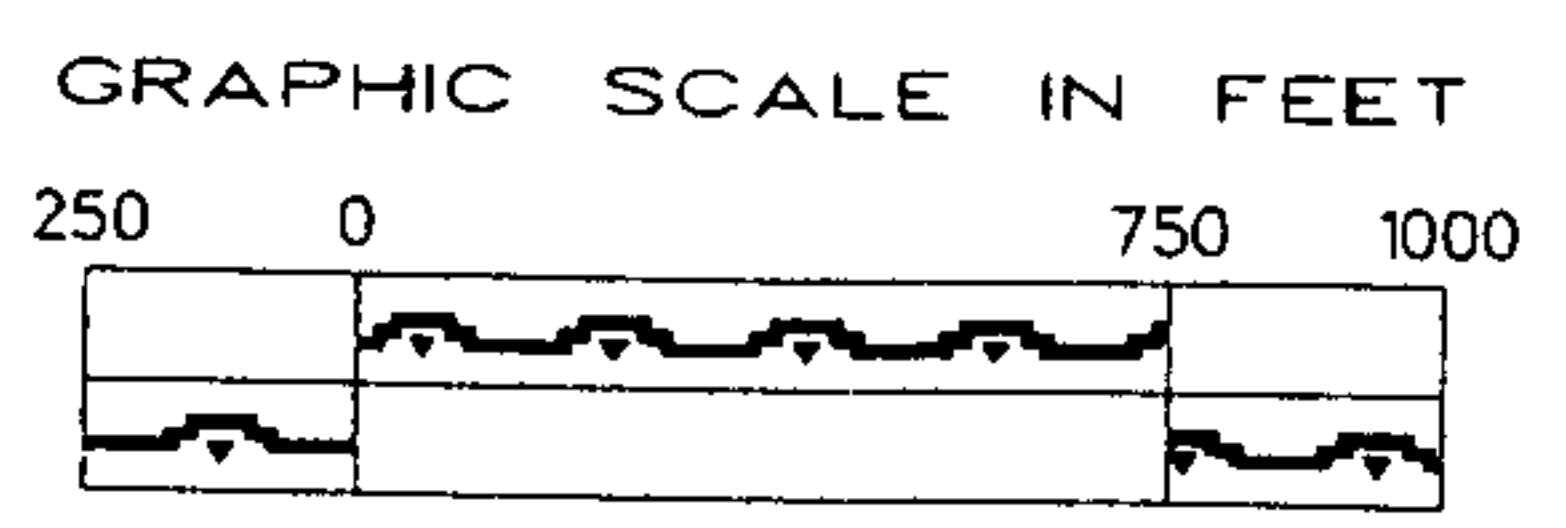
Application case numbers  
030PB - 01901  
- -  
- -

Robert 11/4/03  
Planner signature / date  
**Project # 1003096**





CITY OF  
Albuquerque  
A buquerque G eographic I nformation S ystem  
PLANNING DEPARTMENT  
© Copyright 2003



# Zone Atlas Page

# J-14-Z

Map Amended through July 10, 2003

**Eileen Devereux Architect  
1719 5<sup>th</sup> Street NW  
Albuquerque, NM 87102  
TEL 505 766 9787  
FAX 505 243 5644**

Design Review Board  
City of Albuquerque  
Albuquerque, NM

October 27, 2003

Dear DRB Members:

Attached please find a sketch plat for proposed minor subdivision changes at the northwest corner of 8<sup>th</sup> Street and Mountain Road. The property in question consists of six legally non-conforming lots in the Sawmill/Wells Park Sector Development Area. Of the four existing structures on the property, lot lines cross through three. (A fifth structure on the lot furthest north was recently demolished.)

The proposed plat creates one conforming and three non-conforming lots, although the non-conforming lots are larger than some minimum lots allowed under the zoning code. The arrangement of the existing buildings does not allow for the creation of four conforming lots. The intention of the replat is to create three relatively similar, 'less non-conforming' lots facing 8<sup>th</sup> Street and one larger lot facing Mountain Road.

Currently town house lots in this area are required to be 3200 ft<sup>2</sup> and detached single-family lots, 3500ft<sup>2</sup>. In the adjacent neighborhood governed by the Downtown Sector Plan, however, townhouse lots can be 2,000 ft<sup>2</sup>.

I have submitted this sketch plat to Mr. Jack Bayse in Zoning for his review and comment. Please contact me if I can clarify any issues for you.

Sincerely,

  
Eileen Devereux

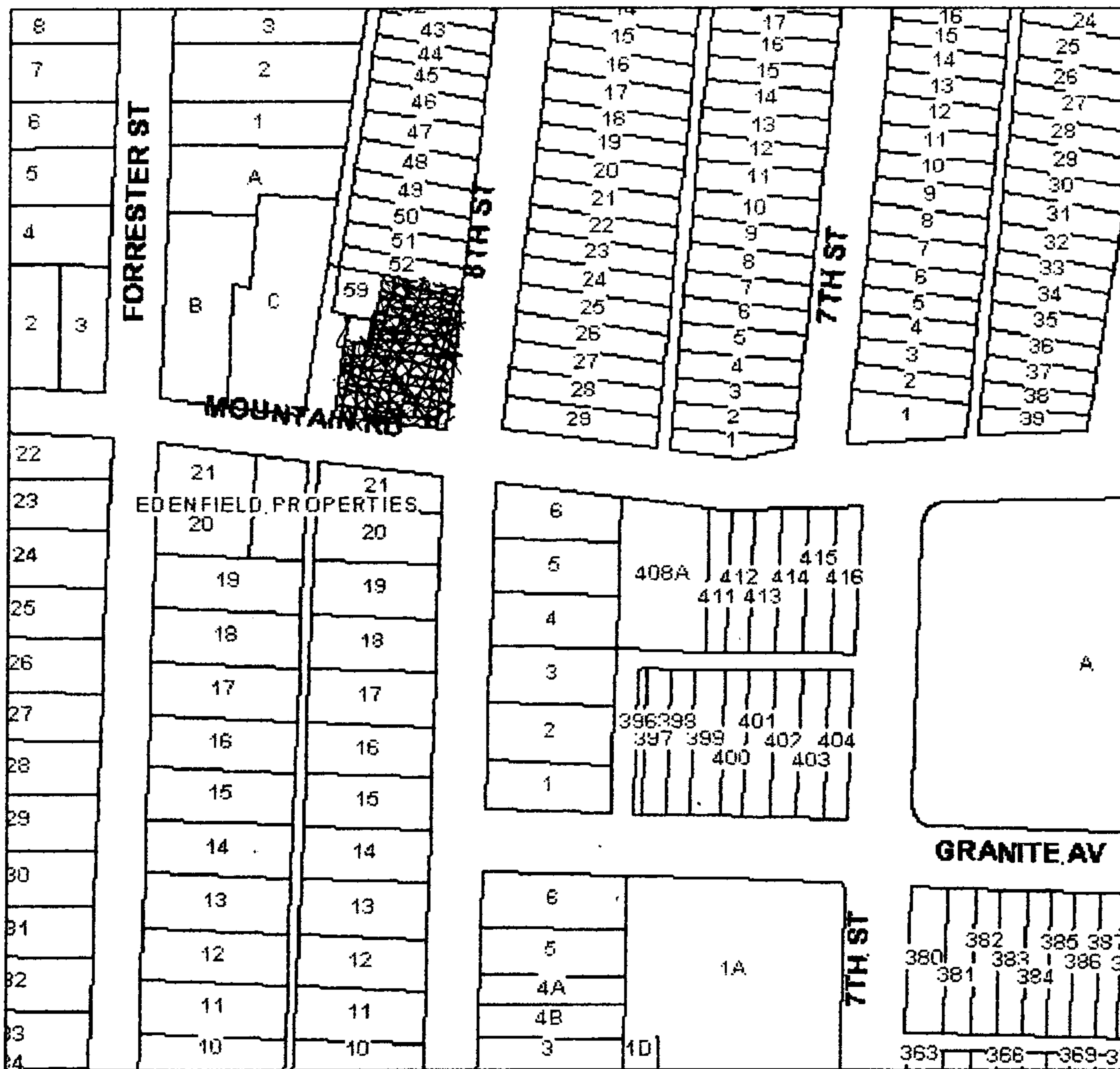
Activate By 'Clicking' on the Map

Zoom In Id Address Id ZM Pan Zoom Out

CITY



LAY



- STREET
- PARKS
- CITY L
- ZONE I
- NBR B
- COMM
- WATER
- SEWER
- STORM
- ZONIN
- LOT NI
- ZIP CO
- COUNC
- FLOOD
- PARCE
- CONTR
- SENAT
- REPRE
- COUNT
- PARCE
- CRIMI
- CITY F
- LANDI
- 1960 CI

ReDraw Screen

1999 AIR PHOTO (Metro Area Coverage)

J. 14. Z

20  
1  
M

NEW GIS QUERY

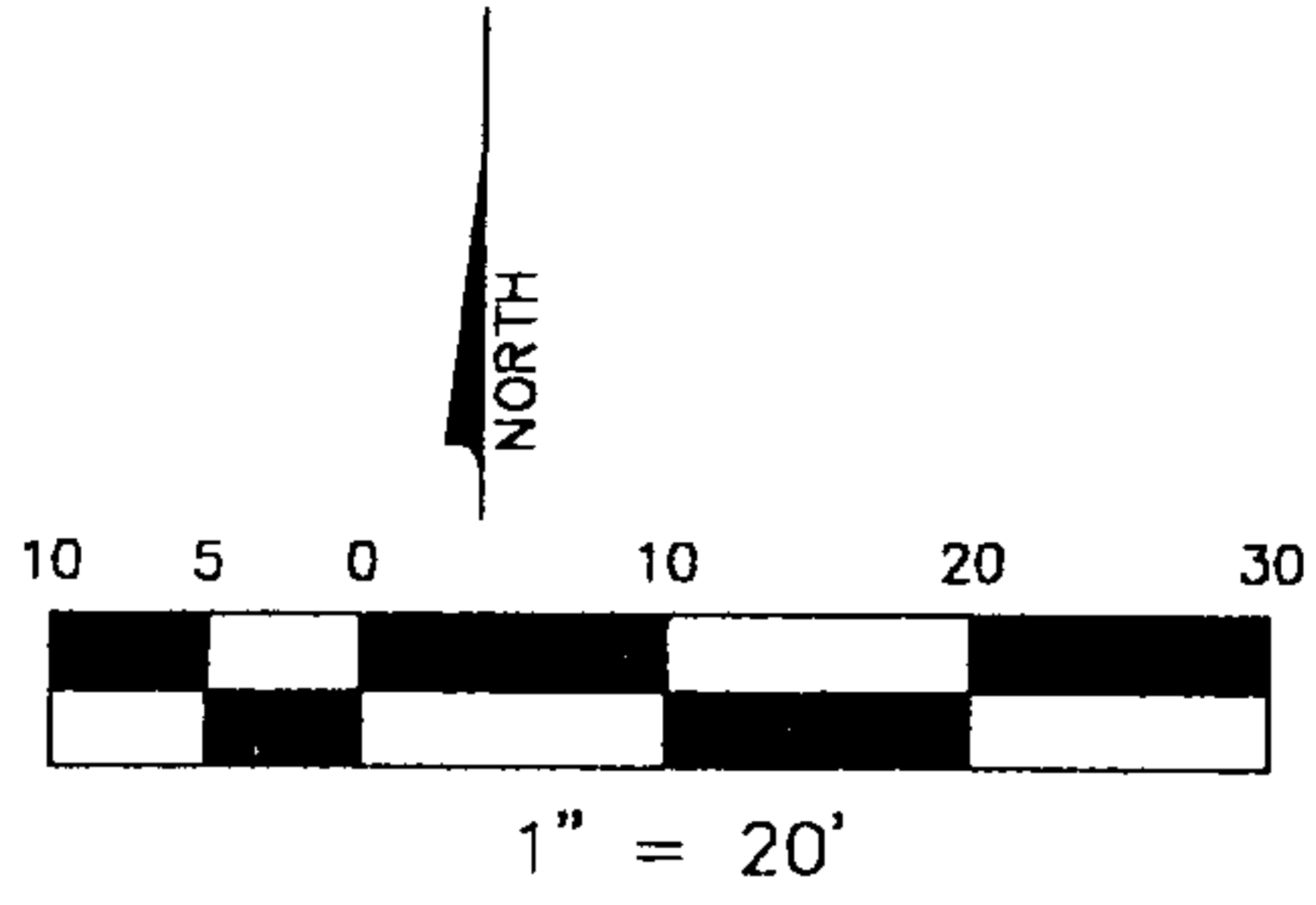
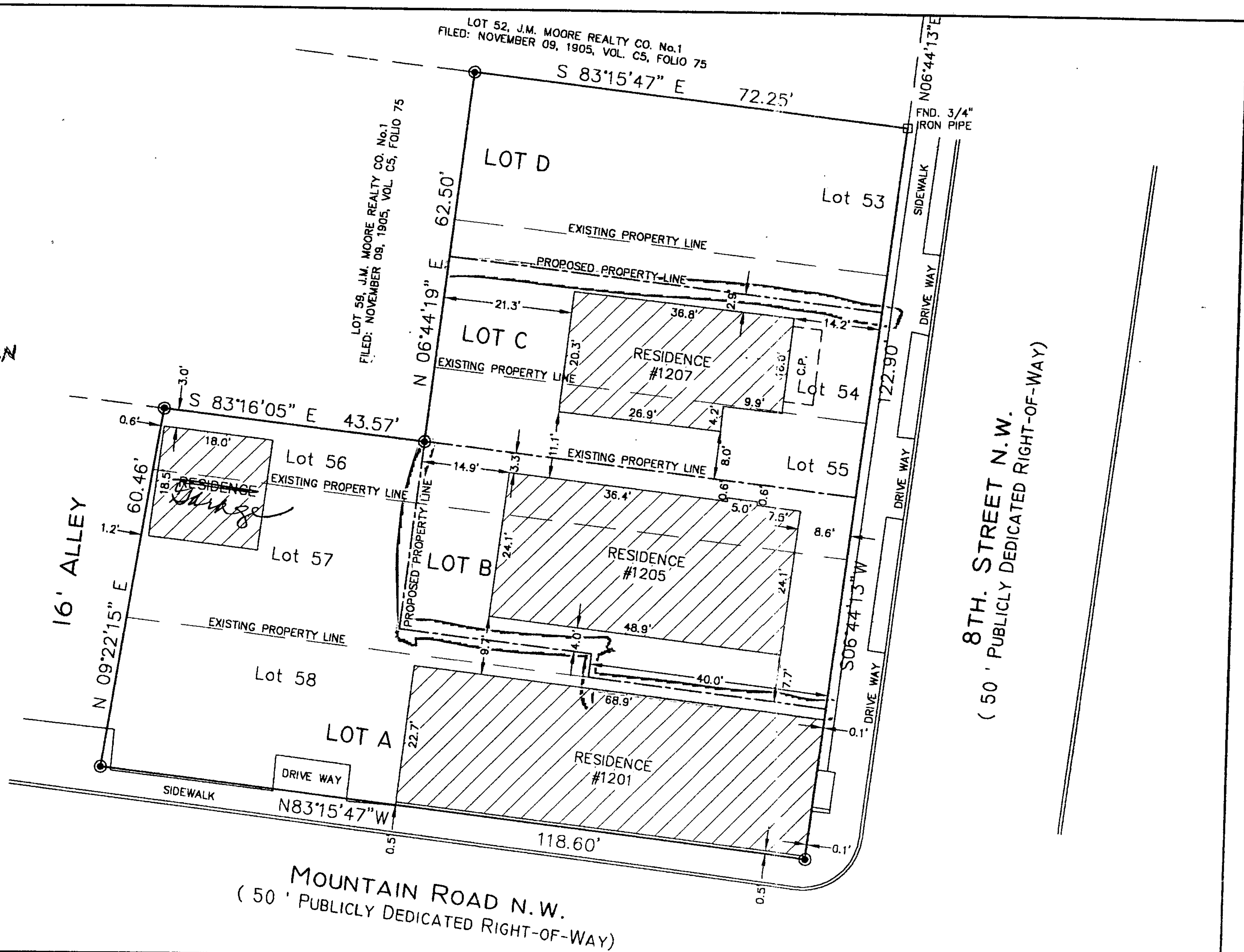
1003090

EXISTING

	AREA	ZONING
LOT 58	2951 Sq.ft.	S.MRN
LOT 57	2922 Sq.ft.	S.MRN
LOT 56	1207 Sq.ft.	S.MRN
LOT 55	903 Sq.ft.	S.R
LOT 54	1806 Sq.ft.	S.R
LOT 53	1806 Sq.ft.	S.R

PROPOSED

	AREA	ZONING
LOT A	4648 Sq.ft.	S.MRN
LOT B	2416 Sq.ft.	S.MRN
LOT C	2258 Sq.ft.	S.R
LOT D	2258 Sq.ft.	S.R



MOUNTAIN ROAD N.W.  
( 50 ' PUBLICLY DEDICATED RIGHT-OF-WAY)

8TH STREET N.W.  
( 50 ' PUBLICLY DEDICATED RIGHT-OF-WAY)