

UPC NUMBERS:

Block 25, Tract A, Unit B, North Albuquerque Acres

Lot 8	1 018 065 375 032 40125
Lot 9	1 018 065 392 032 40124
Lot 23	1 018 065 408 010 40104
Lot 24	1 018 065 393 010 40103
Lot 25	1 018 065 375 010 40102
Lots 26 thru 29	1 018 065 294 021 40101

Block 26, Tract A, Unit B, North Albuquerque Acres

Lots 8 thru 10	1 018 064 407 510 10701
Lot 29-A	1 018 064 347 498 10526

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE (DRB04)** (PUBLIC HEARING CASE)
Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
- Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
- Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- VACATION OF PUBLIC EASEMENT (DRB27)**
- VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)** (1)
NA The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies**.
(Not required for City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- SIDEWALK VARIANCE (DRB20)**
- SIDEWALK WAIVER (DRB21)**
 - Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the variance or waiver
 - List any original and/or related file numbers on the cover application

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

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**
 - Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the variance
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.


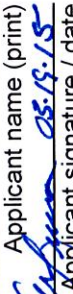
- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
- EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
 - Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the deferral or extension
 - List any original and/or related file numbers on the cover application

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

- VACATION OF PRIVATE EASEMENT (DRB26)**
- VACATION OF RECORDED PLAT (DRB29)**
 - The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 - Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
 - Letter of authorization from the grantors and the beneficiaries (private easement only)
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

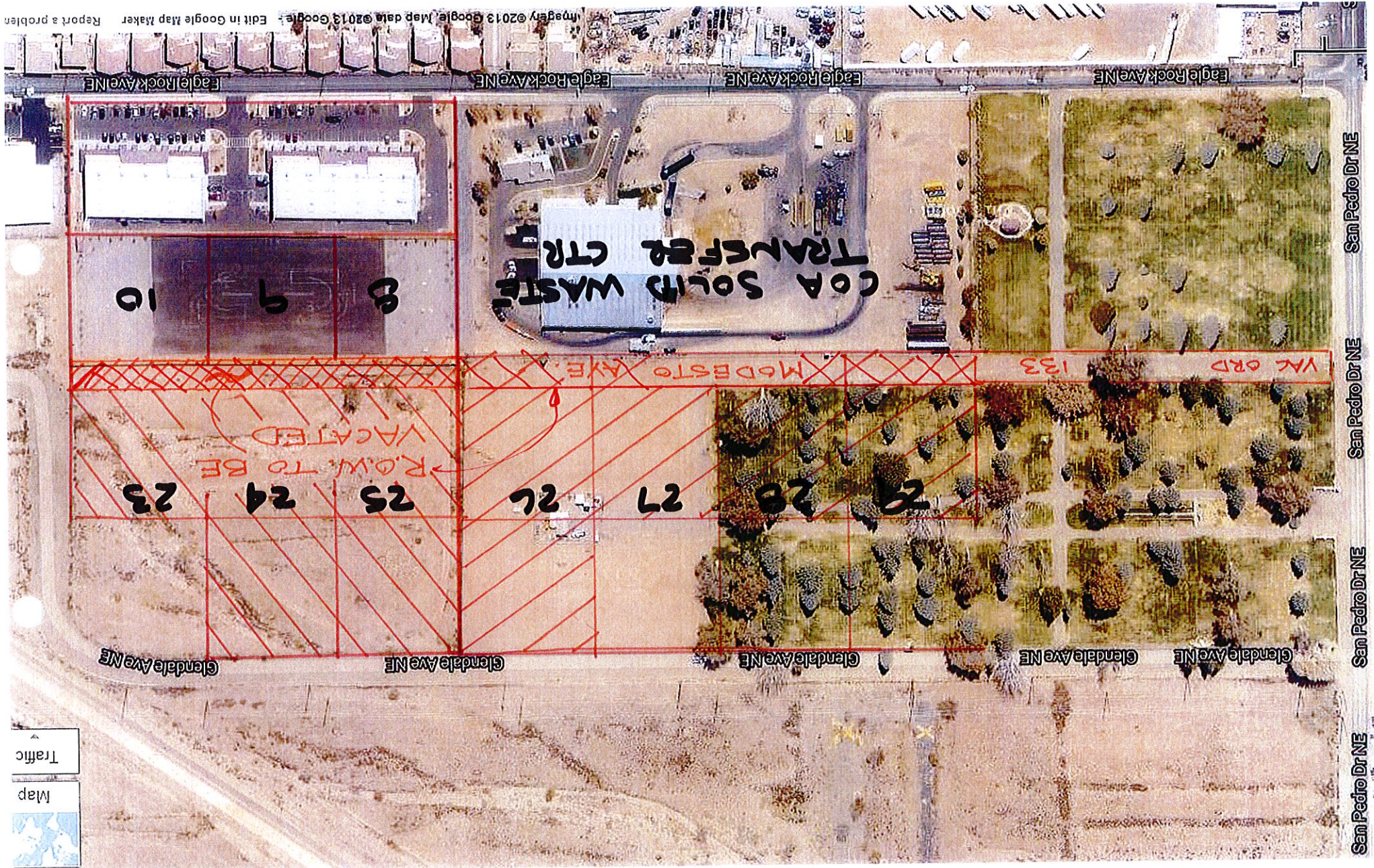
Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

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

Fred C. Arfman
 Applicant name (print)
 Applicant signature / date
03-19-18
Form revised 4/07



- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers _____
Planner signature / date _____
Project # 1004472



San Pedro Dr NE
San Pedro Dr NE
San Pedro Dr NE
San Pedro Dr NE

Eagle Rock Ave NE

Eagle Rock Ave NE

Eagle Rock Ave NE

Eagle Rock Ave NE

Glendale Ave NE

Glendale Ave NE

Glendale Ave NE

Glendale Ave NE

Glendale Ave NE

COA SOLID WASTE
TRANSFER CTR

VAC ORD 133

MODesto AVE.

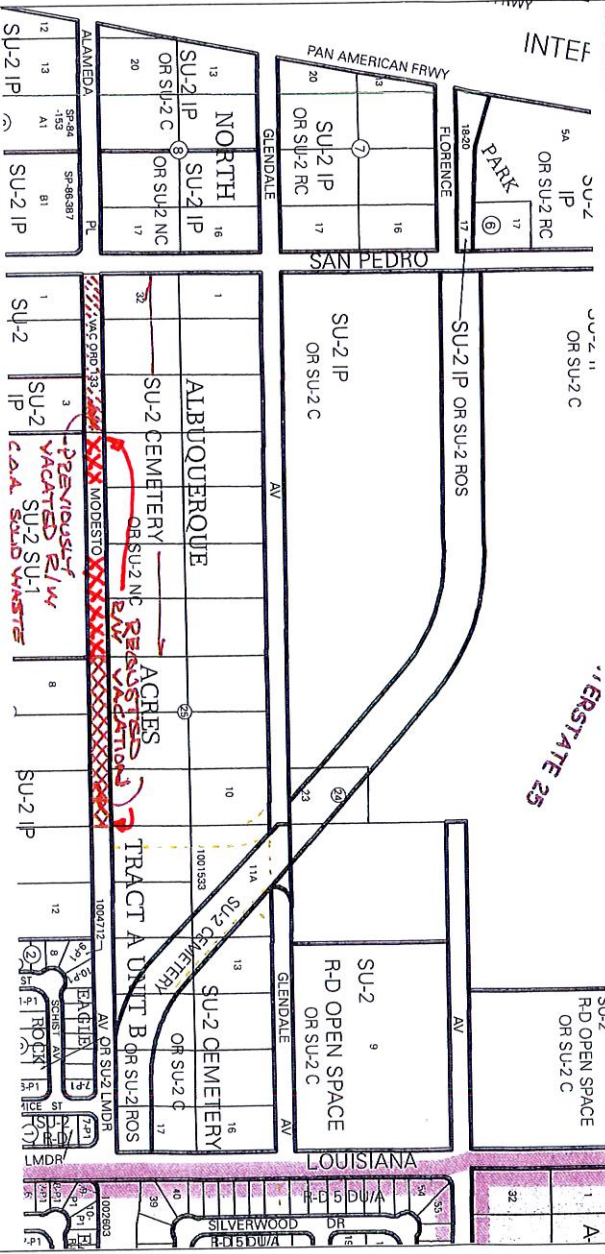
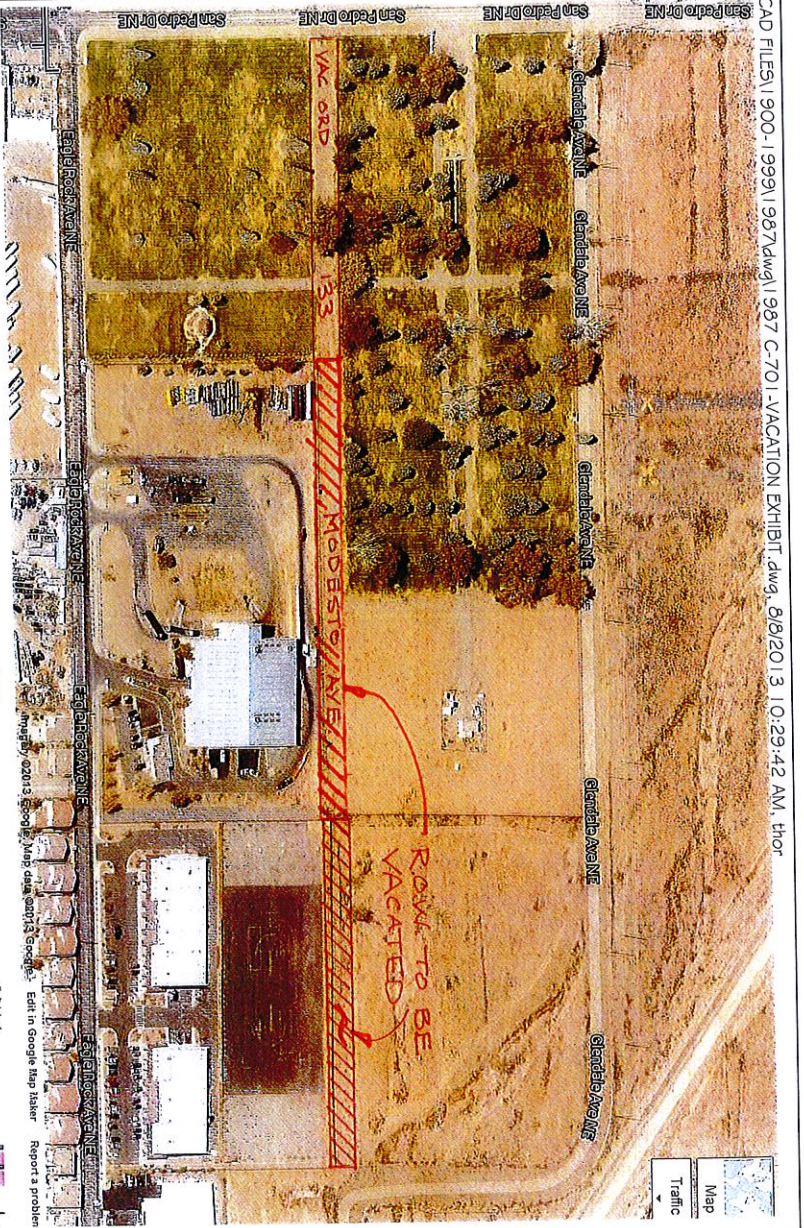
R.O.W. TO BE
VACATED

8
9
10

26
27
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Map Traffic



ERSTATE 25



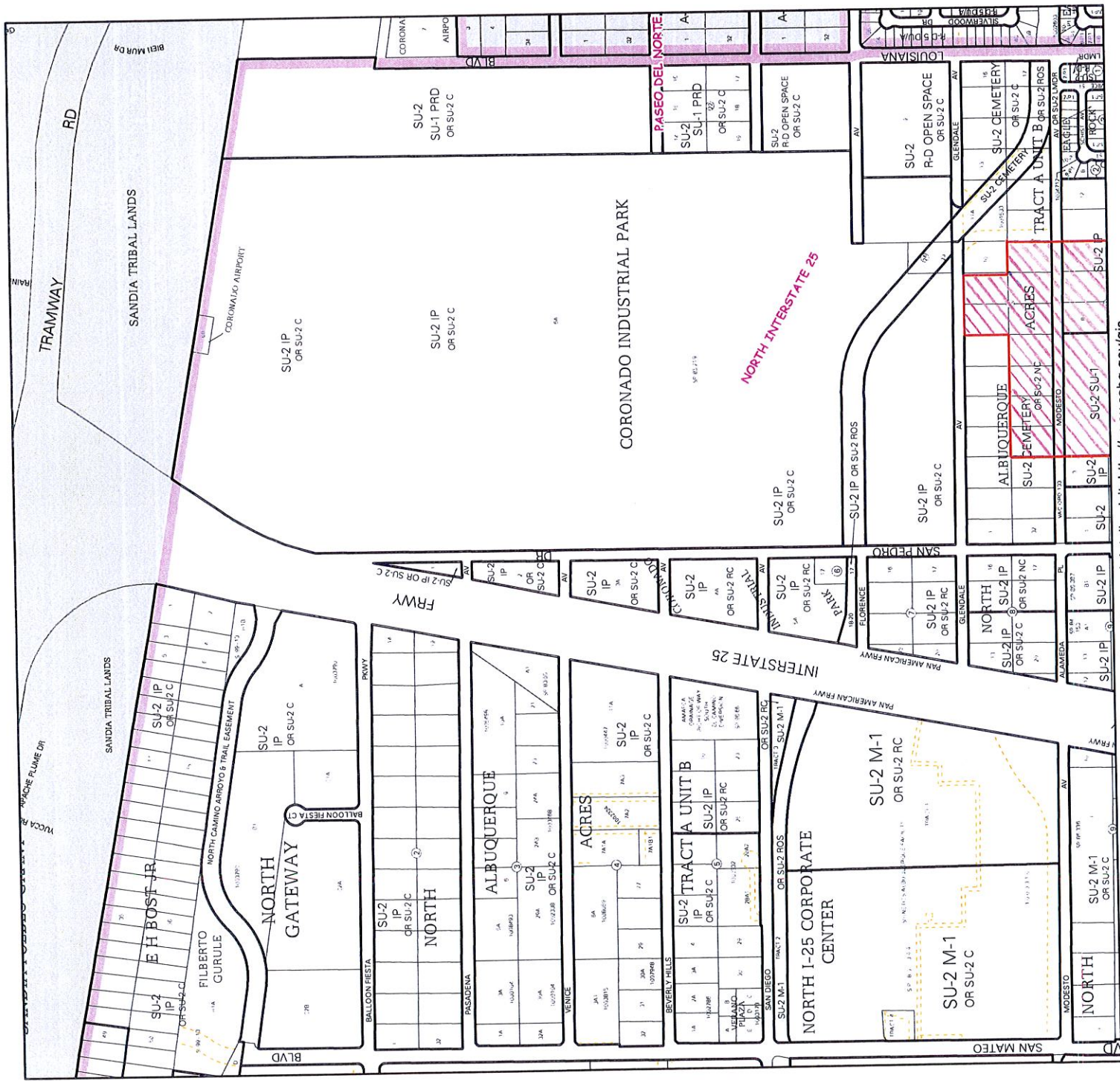
ISAACSON & ARFMAN, P.A.
Consulting Engineering Associates
128 Monroe Street N.E.
Albuquerque, New Mexico 87108
Ph. 505-268-8828 www.aactvll.com
1987 C-701-VACATION EXHIBIT.dwg Aug 08, 2013

SHEET 2 OF 2

MODESTO AVE. RIGHT-OF-WAY VACATION EXHIBIT

NTS





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

Note: Grey Shading Represents Area Outside of the City Limits

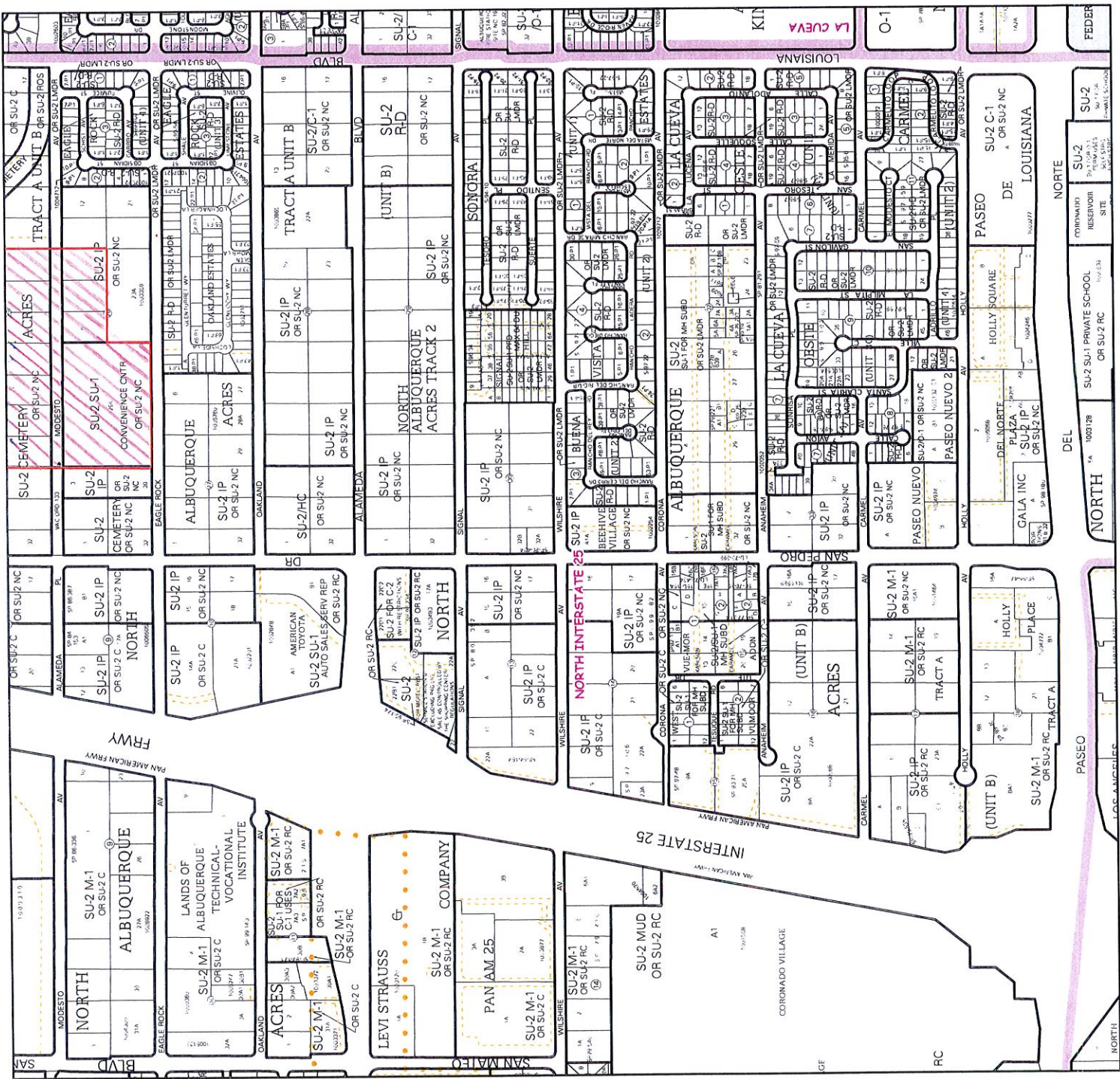
Zone Atlas Page:
B-18-Z

Selected Symbols

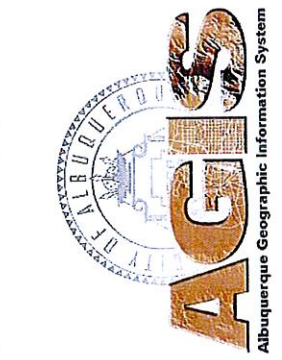
- SECTOR PLANS**
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

AGIS
Albuquerque Geographic Information System

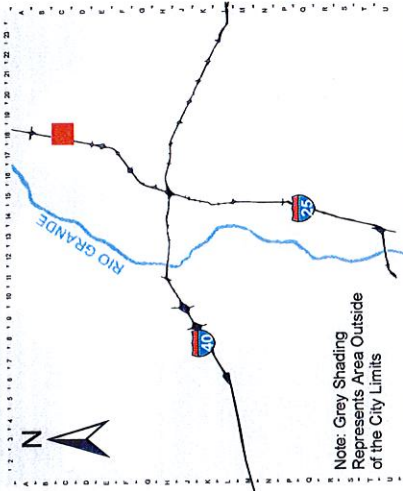
Map amended through: 9/2/2014



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



Map amended through: 9/2/2014



Note: Grey Shading
Represents Area Outside
of the City Limits

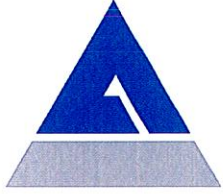
Zone Atlas Page:

C-18-Z

Selected Symbols

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





March 19, 2015

Mr. Jack Cloud, DRB Chair
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

**RE: Vacations of Modesto Ave. Between San Pedro Dr. & Louisiana Blvd. NE
DRB Project 1004472**

Dear Mr. Cloud:

Isaacson & Arfman, P.A., as agent for Double Eagle Real Estate & Investments, LLC, (the Developer) hereby request entry into the DRB process for consideration of vacating a 1,155' length of Modesto Ave. being south of Lots 23 thru 29, Block 25, Tract A, Unit B, North Albuquerque Acres and as further designated in the attached application.

A vacation action for the same portion of the roadway was previously processed and approved through the DRB as 07DRB-70422 (Project No. 1003359). The vacation action expired after the one year time requirement to file a plat to consolidate the vacated property had elapsed. The Developer is thereby re-applying for the vacation of a portion of the Modesto Ave. right-of-way.

Background:

1. Double Eagle Real Estate & Investments, LLC is Owner and developer of the five lots to the north and adjacent to the easterly 464 feet of right-of-way as shown on the original 2013 vacation application.
2. The subject vacant right-of-way was originally shown on the original plat of North Albuquerque Acres as a roadway without any dedication or land conveyance language.
3. A 465-foot portion of Modesto Ave. immediately east of San Pedro Dr. was previously vacated by Vacation Action 133.
4. An additional section of Modesto was added to this vacation action. The additional vacation action lies to the east of the vacated ROW lies to the north of the City's Eagle Rock Solid Waste Transfer Station and south of the Daniel's Family Cemetery. The roadway is undeveloped and fenced in as part of the cemetery. The total length of the vacated ROW now totals 1,155 feet.
5. The proposed vacated ROW has two gas lines running the full length, one within the north half and one in the south half. A public 8" waterline also exists in the south half of the ROW. Adjacent to Lots 23 thru 25 the north gas line will be relocated by the Developer at the time of the subdivision improvements.

6. The property to the south of the proposed vacation consists of three lots (Lots 8 – 10, Block 26) that are part of the Eagle Rock Business Center and the City's Eagle Rock Solid Waste Transfer Station. These three lots have legal access rights to Eagle Rock Ave.
7. The lots adjacent to the Daniels Family Cemetery will be combined into a single tract and accessed by a 30' private access easement centered on the lot line extending west from the northwest property corner of Lot 29 to San Pedro Drive.

Reasons:

- A. A vacation is appropriate in this case as the right-of-way is not used as a public thoroughfare and would be better utilized being incorporated into the adjacent properties to provide residential housing and expanded commercial services.
- B. The existing closure of Modesto Ave. to the west created a dead end situation without any provisions for a turnaround. The requested ROW vacation and road closure south of the subject property benefits the City of Albuquerque by eliminating this undesirable situation. As such, the City of Albuquerque has the right to act on this request by the joint agreement between the City of Albuquerque and Bernalillo County, whereby the disbursement of vacant right-of-way deemed suitable for third party acquisition lies with the jurisdiction having the subject property within their governing limits. Therefore, the City of Albuquerque has the right to release the property right as a legal thoroughfare upon vacation approval.
- C. The granting of this Vacation is appropriate to prevent the unnecessary hardship that would result if the Vacation is not allowed. In this case, if the vacation is not allowed; then the Developer would not be able to develop the property due to the north-south length restriction and its exceptional configuration.
- D. The granting of the Vacation will not significantly interfere with the enjoyment of the other lands in the vicinity.
- E. The granting of the Vacation would be consistent with the spirit of the Albuquerque's development process, substantial justice, and the general interest of the public. Financial gain or loss is not the sole determining factor in requesting the Vacation. The Owner is a for profit corporation; but they wish to conduct business in the City of Albuquerque within the framework of their proven development methods.

Request:

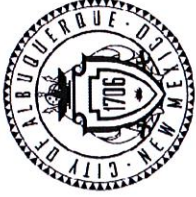
Therefore, Double Eagle Real Estate and Investments, LL respectfully request that the requested vacation be allowed in accordance to the policies established by the City of Albuquerque, Legal Department, and Real Property Division.

Sincerely,

ISAACSON & ARFMAN P.A.



Fred C. Arfman, PE
FCA/ fca



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

March 17, 2015

Ruth Lozano

Isaacson and Arfman, P.A.

128 Monroe St. NE/87108

Phone: (505) 268-8828/Fax: (505) 268-2632

E-Mail: Ruthl@iacivil.com

Dear Ruth:

Thank you for your inquiry of **March 17, 2015** requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed project at **(DRB SUBMITTAL) – LOTS 8,9,23THRU 25 AND LOTS 26 THRU 29, TRACT A, BLOCK 25, UNIT B, ALBUQUERQUE NORTH ACRES, LOT 29-A AND LOTS 8 THRU 10, BLOCK 26, UNIT B, ALBUQUERQUE NORTH ACRES, LOCATED ON SAN PEDRO DRIVE NE BETWEEN GLENDALE AVENUE NE AND MODESTO AVENUE NE** zone map **B-C-18**.

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this submittal and the contact names are as follows:

NOR ESTE N.A. "R"

Bob Smith

P.O. Box 941115/87199-0066 828-1319 (h)

Gina Martinez

P.O. Box 941115/87199-0066 238-5495 (c)

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* 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.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck

Neighborhood Liaison

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

planningmaform(01/02/14)

PLEASE NOTE: The Neighborhood and/or Homeowner 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

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION FOR THIS PLANNING DEPARTMENT SUBMITTAL.



Isaacson & Arfman, P.A.

Consulting Engineering Associates

Thomas O. Isaacson, PE(Ret.) & LS(Reg.) · Fred C. Arfman, PE · Asa Nilsson-Weber, PE

March 18, 2015

CERTIFIED MAIL - 7012 0470 0001 9609 1454

Ms. Gina Martinez
Nor Este Neighborhood Association
P.O. Box 94115
Albuquerque, NM 87199-0066

**RE: Lots 23 thru 29, Tract A, Block 25, Unit B
North Albuquerque Acres (existing legal)
(DRB Project No. 1004472)**

Dear: Ms. Martinez:

As the consulting engineers for the above referenced site (see attached zone map), we are writing this letter to inform the Nor Este Neighborhood Association that a request for consideration of vacating a 1,155' length of Modesto Ave. being south of Lots 23 thru 29, Block 25, Tract A, North Albuquerque Acres is being submitted to the City of Albuquerque Development Review Board. We have attached a vacation exhibit sketch for your use in understanding this action. We anticipate that this action will be heard by the City of Albuquerque Development Review Board on April 15, 2015.

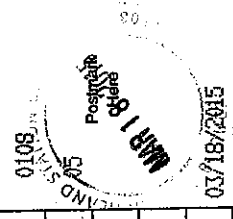
Please feel free to call our office at 268-8828 if additional information is desired on this action.

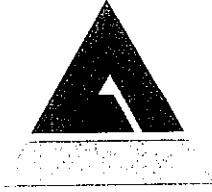
Sincerely,
ISAACSON & ARFMAN, P.A.

Fred C. Arfman, PE
FCA/rtl
Attachments

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
ALBUQUERQUE, NM	
Postage	\$ 0.70
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.70
Sent to Gina Martinez Nor Este Neighborhood Association P.O. Box 94115 Albuquerque, NM 87199-0066	
PS Form 3800, August 2006 See Reverse for Instructions	

7577 6096 1000 0270 2702





Isaacson & Arfman, P.A.

Consulting Engineering Associates

Thomas O. Isaacson, PE(Ret.) & LS(Ret.) · Fred C. Arfman, PE · Asa Nilsson-Weber, PE

March 18, 2015

CERTIFIED MAIL - 7012 0470 0001 9609 1447

Mr. Bob Smith
Nor Este Neighborhood Association
P.O. Box 94115
Albuquerque, NM 87199-0066

**RE: Lots 23 thru 29, Tract A, Block 25, Unit B
North Albuquerque Acres (existing legal)
(DRB Project No. 1004472)**

Dear: Mr. Smith:

As the consulting engineers for the above referenced site (see attached zone map), we are writing this letter to inform the Nor Este Neighborhood Association that a request for consideration of vacating a 1,155' length of Modesto Ave. being south of Lots 23 thru 29, Block 25, Tract A, North Albuquerque Acres is being submitted to the City of Albuquerque Development Review Board. We have attached a vacation exhibit sketch for your use in understanding this action. We anticipate that this action will be heard by the City of Albuquerque Development Review Board on April 15, 2015.

Please feel free to call our office at 268-8828 if additional information is desired on this action.

Sincerely,
ISAACSON & ARFMAN, P.A.

Fred C. Arfman, PE
FCA/rtl
Attachments

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

For delivery information visit our website at www.usps.com

ALBUQUERQUE, NM 87108

Postage	\$	\$0.70	0108
Certified Fee		\$3.30	
Return Receipt Fee (Endorsement Required)		2.70	\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees		\$6.70	\$4.00

Sent to: Bob Smith
Street or PO: Nor Este Neighborhood Association
City, St: P.O. Box 94115 Albuquerque, NM 87199-0066

PS Form 3800, August 2006 See Reverse for Instructions

Postmark Here: MAR 18 2015

7012 0470 0001 9609 1447

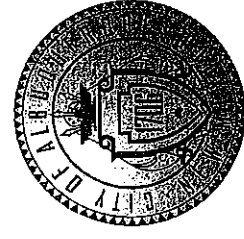
CITY OF ALBUQUERQUE

CODE ENFORCEMENT DIVISION

Plaza Del Sol Building, Suite 500

600 2nd Street NW

Albuquerque, New Mexico 87102



Richard J. Berry, Mayor

April 22, 2013

Fred C. Arfman, PE
Isaacson & Arfman, P.A.
128 Monroe St. NE
Albuquerque, New Mexico 87108

To Whom It May Concern:

This letter will verify that according to the map on file in this office on this date, the unaddressed parcels located at the **6500 block of Glendale Avenue/Modesto Avenue**, legally described as Lots 9 & 10 and 22 – 24, Block 25, North Albuquerque Acres Subdivision, Tract A, Unit B, Albuquerque, Bernalillo County, New Mexico, is zoned **SU-2 Cemetery or SU-2 NC** and is governed by the North I-25 Sector Plan.

PO Box 1293

Albuquerque

New Mexico 87103

Provided future development of the property meets the design regulations of Chapter 4 of the sector plan, the SU-2 NC zone permissively allows activities listed as permissive in the R-T zone of the Comprehensive City Zoning Code [ref. Section 14-16-2-13 (A)(1)].

If you have additional questions regarding this matter, please feel free to contact me at (505) 924-3454 or bnwilliams@cabq.gov.

Sincerely,


Brennon Williams
Code Compliance Manager

www.cabq.gov

C: freda@iacivil.com



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 5, 2014

Project# 1004472
13DRB-70679 VACATION OF PUBLIC RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agents for DOUBLE EAGLE REAL ESTATE & INVESTMENTS request the referenced/ above action for MODESTO AVENUE NE adjacent to Lots 23-25, Block 25, NORTH ALBUQUERQUE ACRES Tact A Unit B, located on MODESTO AVE NE between SAN PEDRO BLVD NE and LOUISIANA BLVD NE. (B-18/ C-18) [deferred from 10/09/13. 11/6/13, 11/21/13, 12/11/13, 01/15/14]

At its February 5, 2014 meeting, the Development Review Board concluded an advertised public hearing on the proposed vacations per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the vacation requests as shown on the attached Exhibit "C" and in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

(A)(1) The vacation of public right-of-way request was amended and ultimately filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) Based on the required replat, the public welfare is in no way served by retaining the public way. The City of Albuquerque does not need to utilize the platted streets for roadway purposes based on the surrounding and proposed development.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. Property owners of record abutting the proposed vacation were notified by first class mail at least six days prior to the Development Review Board hearing, notice was published in a newspaper of general circulation 15 days before the date of the hearing, and signs were posted on the site 15 days prior to the hearing; no objection regarding access or the abridgement of a substantial property right was raised.

CONDITIONS:

1. Final vacated right of way disposition shall be through the City Real Estate Office.
2. The vacations shall be shown on a replat approved by the Development Review Board, and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.
3. If there are separate plats prepared, all of the replats showing the vacations shall be processed and filed concurrently.

4. Adequate easements shall be retained/ provided for public utilities and infrastructure and access to abutting properties; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.
-

PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE DRB'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE DRB'S DECISION, WHICH IS BY February 20, 2014.

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest 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 a protest. 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 protest. You will receive notice if any other person files a protest.

Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Jack Cloud, DRB Chair
ISAACSON AND ARFMAN PA
Cc:



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 9, 2013

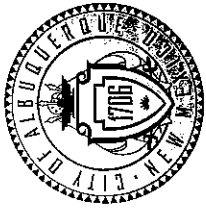
Project# 1004472
13DRB-70679 VACATION OF PUBLIC RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agents for DOUBLE EAGLE REAL ESTATE & INVESTMENTS request the referenced/ above action for MODESTO AVENUE NE adjacent to Lots 23-25, Block 25, NORTH ALBUQUERQUE ACRES Tact A Unit B, located on MODESTO AVE NE between SAN PEDRO BLVD NE and LOUISIANA BLVD NE. (B-18/ C-18)

AMAFCA No Comments
COG No comments provided
TRANSIT No comments provided
ZONING ENFORCEMENT No comments provided
NEIGHBORHOOD COORDINATION
APS This will have no adverse impacts to the APS district.
POLICE DEPARTMENT This project is in the Northeast Area Command. - No Crime Prevention of CPTED comments concerning the proposed Vacation of Public Right-of-Way request at this time.
FIRE DEPARTMENT No Comments
PNM ELECTRIC & NMGCO No comments provided
COMCAST No comments provided
CENTURYLINK No comments provided
ENVIRONMENTAL HEALTH No comments provided
M.R.G.C.D 1. Previously reviewed 09/19/2008. 2. No Adverse Comments

OPEN SPACE DIVISION No comments provided
CITY ENGINEER Hydrology has no objection to the vacation.
TRANSPORTATION DEVELOPMENT Additional information must be provided regarding the remaining portions of Modesto Avenue; there appears to be a "floating" portion of right of way remaining.
PARKS AND RECREATION No Comments
ABCWUA No objection
PLANNING DEPARTMENT Refer to comments from Transportaion Development and affected agencies, plus any public hearing comments regarding proposed vacation. The vacation cannot leave portions of right of way which would not conform to DPM standards. Per the Subdivision Ordinance, this right of way vacation would require final approval by the City Council.

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



City of Albuquerque
PLANNING DEPARTMENT

Richard J. Berry, Mayor

Interoffice Memorandum

February 26, 2014

To: Ken Sanchez, President, City Council

From: Richard J. Berry, Mayor

Subject: Modesto Vacation Project# 1004472 / 13DRB-70679 VACATION OF PUBLIC RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agents for DOUBLE EAGLE REAL ESTATE & INVESTMENTS request the referenced/ above action for MODESTO AVENUE NE adjacent to Lots 23-25, Block 25, **NORTH ALBUQUERQUE ACRES Tact A Unit B**, located on MODESTO AVE NE between SAN PEDRO BLVD NE and LOUISIANA BLVD NE. (B-18/C-18)

Request: This is a request for vacation of a platted street in North Albuquerque Acres that has not been developed. The vacation is for a little over 1,000 feet of Modesto Avenue that currently dead ends at the Sandia Memory Garden, where approximately 500 feet of Modesto was vacated and incorporated into the cemetery a long time ago (Vac. Ord. 133). Proposed development by the original applicant, as well as development of all abutting properties does not require this street for public access; utility easements will be provided with the required replat.

At an advertised public hearing, the Development Review Board voted to recommend APPROVAL to the City Council of the proposed vacation as shown on the Vacation Exhibits in the Planning file, based on the recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

Per section 14-14-7-2(F)(3)(b) of the Subdivision Ordinance, this matter is being forwarded to the City Council to be placed on the consent agenda to determine if the vacation shall occur.

**Title/ Subject of Legislation: Modesto Vacation Project# 1004472 / 13DRB-70679
VACATION OF PUBLIC RIGHT-OF-WAY, DRB RECOMMENDATION FOR
APPROVAL**

Approved:

Approved as to Legal Form:

**Robert J. Perry Date
Chief Administrative Officer**

**David Tourek Date
City Attorney**

Recommended:

**Suzanne Lubar Date
Planning Director**