



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 14, 2006

**6. Project # 1004877**

06DRB-00634 Major-Vacation of Pub Right-of-Way

06DRB-00635 Minor-Sketch Plat or Plan

JEFF MORTENSEN & ASSOCIATES INC agent(s) for THE BOARD OF EDUCATION FOR THE CITY OF ALBUQUERQUE (APS REAL ESTATE OFFICE) request(s) the above action(s) for all or a portion of Lot(s) 1-10, Block(s) 3 and Lot(s) 1-9, Block(s) 4, **MANDELL ADDITION NO 2**, zoned M-1, located on WOODLAND AVE NW, between 4<sup>TH</sup> ST NW and 2<sup>ND</sup> ST NW containing approximately 4 acre(s). [*Deferred from 5/31/06 & 6/7/06*] (H-14)

At the June 14, 2006, Development Review Board meeting, the vacation of the alley was withdrawn at the Board's request by the agent.

### FINDINGS IN SUPPORT OF DECLARING THE ALLEY VACATION REQUEST UNNECESSARY.

1. A document with no title but identified with the words "District 13, Recorded 6-18-45" in the upper left corner conveys "Right Title and Interest to that certain alley running north and south to Block Three (3) which has been vacated by County Commissioners" provides written indication that the portion of the alley on the Stronghurst property was vacated. The document also refers to a recorded deed conveying the alley property from the County of Bernalillo to Albuquerque Public Schools and contained in Book 224, Page 443 of Records of Bernalillo County, New Mexico. See Exhibit C in Planning's file.
2. Commissioners Journal "J", Page 5 includes an alley closing action dated May 23, 1935 for that portion of the alley which would have been included on the Stronghurst property. See Exhibit C in the Planning's file.
3. **Based on the foregoing documentation, a vacation action is not necessary for the alley once existing on the Stronghurst property.**



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#### FINDINGS IN SUPPORT OF DECLARING THE FIRST STREET VACATION REQUEST NECESSARY:

1. The City of Albuquerque "As Built" drawings show this portion of First Street between Menaul and Woodland as "vacated street" on Sheet 21 of 24. See Exhibit A in Planning's file.
2. A copy of a July 14, 1954 letter addressed to Mr. Guthrie of Gordon Herkenhoff & Associates refers to a Board [of Education] meeting on July 1, 1954", at which a resolution was authorized to grant an easement for storm sewer across Stronghurst Elementary School property within what would be First Street right-of-way. See Exhibit C in Planning's file.
3. A document titled "Grant of Easement" signed by S.Y. Jackson, President of Board of Education grants to the City of Albuquerque an easement for construction and maintenance of storm sewers and appurtenances within what would be First Street right-of-way. This easement was granted in 1954. See Exhibit C in Planning's file.
4. The City would not have requested a storm drain easement if this portion of First Street were still public right-of-way.
5. Based on the foregoing documentation, the First Street right-of-way through the Stronghurst property was probably vacated sometime prior to 1954.
6. Because there is no conclusive evidence of an actual vacation approval for the portion of First Street on APS Stronghurst property, the Development Review Board will hear this vacation request today.

The vacation of First Street was approved as shown on Exhibit B in the Planning file subject these findings and conditions:

#### FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.



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

#### CONDITIONS:

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

The sketch plat was reviewed and comments were given.

If you wish to appeal this decision, you must do so by June 22, 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).

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



Sheran Matson, AICP, DRB Chair

Cc: The Board of Education for the City of Albuquerque, APS Real Estate Office,  
P.O. Box 25704, 87125

Jeff Mortensen & Associates Inc., 6010-B Midway Park Blvd NE, 87109

George Hutton, 1820 Indian School Rd NE, Apt. 103, 87104

Maxine Cordova, 345 Claremont Ave NW, 87107

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

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

File



**AMENDED**  
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