



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

January 2, 2008 9:00 AM
MEMBERS:

Jack Cloud, Acting Chair
Angela Gomez, Administrative Assistant

Kristal Metro, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA
Christina Sandoval, Parks & Recreation

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project# 1002176**
07DRB-70423 MAJOR - 2YR SUBD IMP
AGMT EXT (2YR SIA)
MOUNTAIN WEST DEVELOPMENT CO. LLC request(s) the above action(s) for all or a portion of **COVERED WAGON**, zoned SU-1/RESIDENTIAL, located on the south side of CENTRAL AVE SE BETWEEN FOUR HILLS RD SE AND WATERFALL SE containing approximately 5.55 acre(s). **THE 9 MONTH EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**
2. **Project# 1004353**
07DRB-70431 MAJOR - 2YR SUBD IMP
AGMT EXT (2YR SIA)
07DRB-70432 MAJOR - 2YR SUBD IMP
AGMT EXT (2YR SIA)
07DRB-70433 MAJOR - 2YR SUBD IMP
AGMT EXT (2YR SIA)
BOHANNAN HUSTON INC. agent(s) for LONGFORD AT THE TRAILS, LLC request(s) the above action(s) for all or a portion of **SANTA FE 2 AT THE TRAILS UNIT 2**, zoned SU-2/RD, located on the northwest corner of OAKRIDGE ST NW BETWEEN TREELINE AVENUE NW AND WOODMONT AVENUE NW containing approximately 17 acre(s). (C-9) **THE TWO MONTH EXTENSIONS OF THE SUBDIVISION IMPROVEMENT AGREEMENTS (SIA) WERE APPROVED.**
3. **Project# 1004606**
07DRB-70430 MAJOR - 2YR SUBD IMP
AGMT EXT (2YR SIA)
BOHANNAN HUSTON INC agent(s) for THE TRAILS, LLC request(s) the above action(s) for all or a portion of **VALLE VISTA AT THE TRAILS UNIT 2**, zoned SU-2/SRLL, located on the southwest corner of WOODMONT AVE NW AND RAINBOW BLVD NW containing approximately 11.73 acre(s). (C-9) **THE ONE YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**

4. **Project# 1004546**
07DRB-70416 MAJOR - 2YR SUBD IMP
AGMT EXT (2YR SIA)
- SOUTH COORS L.P. request(s) the above action(s) for all or a portion of Lot(s) A-1A-3A & A-1A-3B, **HUBBELL PLAZA**, zoned C-2, located on the northeast corner of CENTRAL AVE NW AND AIRPORT RD NW containing approximately 3.37 acre(s). (K-10-Z) **THE TWO YEAR EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) WAS APPROVED.**
5. **Project# 1005029**
07DRB-70426 MAJOR - PRELIMINARY
PLAT APPROVAL
07DRB-70427 VACATION OF PUBLIC
EASEMENT
07DRB-70428 SUBDN DESIGN
VARIANCE FROM MIN DPM STDS
07DRB-70429 MINOR - TEMP DEFR
SWDK CONST
- ADVANCED ENGINEERING AND CONSULTING agent(s) for SUNCAL NEW MEXICO INC. request(s) the above action(s) for all or a portion of Tract(s) B & J **THE CROSSING**, and Tract R, **STORMCLOUD SUBDIVISION**, zoned SU-2 FOR R-LT, located on the south side of TIERRA PINTADA BLVD NW BETWEEN CALLE AZUELO NW AND ARKANSAS RD NW containing approximately 4.05 acre(s). (H-9-Z) **WITH AN APPROVED GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED 10/2/06 THE PRELIMINARY PLAT WAS APPROVED. THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE DESIGN VARIANCE BASED ON SINGLE LOADED STREET WITH LOTS ON ONE SIDE ONLY WAS APPROVED. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**
6. **Project# 1006964**
07DRB-70417 VACATION OF PUBLIC
RIGHT-OF-WAY
- SANTOSH MODY agent(s) for BHARAT AND CHAMPA MODY request(s) the above action(s) for all of the east-west alley between Lot(s) 1- 5, **GILLET ADDITION**, zoned C-2 and Lot(s) 2-8 Block 1 **EVANS ADDITION**, zoned C-3, located south of CENTRAL AVE SE BETWEEN SAN MATEO AVE SE AND MADERIA DR SE. (K-18) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. A PRIVATE DRAIN EASEMENT MUST BE MAINTAINED.**
7. **Project# 1006967**
07DRB-70422 VACATION OF PUBLIC
RIGHT-OF-WAY
- DAC ENTERPRISES, INC agent(s) for FAIZEL KASSAM request(s) the above action(s) for a portion of Modesto Ave NE adjacent to Lot(s) 8-10, Block(s) 26, **NORTH ALBUQUERQUE ACRES TRACT 1, UNIT B**, located on the south side of MODESTO NE BETWEEN SAN PEDRO NE AND LOUISIANA NE (C-18) **DEFERRED TO 2/6/08 AT THE AGENT'S REQUEST.**

8. **Project# 1005357**
07DRB-70392 MAJOR - PRELIMINARY
PLAT APPROVAL

SURV-TEK INC agent(s) for OXBOW TOWN CENTER, LLC request(s) the above action(s) for all or a portion of Tract(s) X-1-A2 & X-2-A UNIVERSITY OF ALBUQUERQUE URBAN, UNIVERSITY OF ALBUQUERQUE URBAN CENTER TBK OXBOW TOWN CENTER, zoned SU-3, located on ST JOSEPH'S DRIVE NW BETWEEN COORS BLVD NW AND ATRISCO DRIVE NW containing approximately 47.72 acre(s). (G-11) *(Deferred from 12/12/07)* **WITH THE APPROVAL OF THE SITE DEVELOPMENT PLANS, THE PRELIMINARY/FINAL PLAT WAS APPROVED.**

07DRB-70395 EPC APPROVED SDP
FOR SUBDIVISION

GEORGE RAINHART & ASSOCIATES agent(s) for SUNLAND DEVELOPMENT GROUP, LLC request(s) the above action(s) for all or a portion of Tract(s) X-1-A1, X-1-AZ, X-2-A, UNIVERSITY OF ALBUQUERQUE URBAN CENTER, zoned SU-3 (R-2, C-2, 0-1), located on COORS BLVD NW AND ENCANTADA DEL SUR containing approximately 47.2 acre(s). (G-11) *[EPC Planner – Carmen Marrone]* *(Deferred from 12/12/07)* **THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR CARMEN MARRONE'S INITIALS AND FOR 3 COPIES.**

07DRB-70419 EPC APPROVED SDP
FOR BUILD PERMIT

GEORGE RAINHART ARCHITECTS & ASSOCIATES agent(s) for SUNLAND DEVELOPMENT GROUP LLC request(s) the above action(s) for all or a portion of Tract(s) X-1-A-1, X-1-A-2, X-2-A, UNIVERSITY OF ALBUQUERQUE URBAN CENTER, zoned SU-3/ R-2,C-2,0-1 USES, located on ST JOSEPH'S DR NW BETWEEN COORS BLVD NW AND ATRISCO DR NW containing approximately 47.2 acre(s). (G-11) *[EPC Planner – Stephanie Shumsky]* *(Deferred from 12/12/07)* **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO TRANSPORTATION TO ADDRESS COMMENTS, AND TO THE CITY ENGINEER FOR SIA, STAFF PLANNERS INITIALS, AND FOR 3 COPIES.**

9. **Project# 1000539**
 07DRB-70400 VACATION OF PUBLIC EASEMENT
 07DRB-70401 VACATION OF PRIVATE EASEMENT
 07DRB-70402 MINOR - TEMP DEFR SWDK CONST
 07DRB-70403 MINOR - PRELIMINARY/FINAL PLAT APPROVAL
- MARK GOODWIN AND ASSOCIATES PA agent(s) for HOPE CHRISTIAN SCHOOL request(s) the above action(s) for all or a portion of Lot(s) 6, 7, 8-A, 9A-1, 10& 26, Block(s) 11, **NORTH ALBUQUERQUE ACRES Unit(s) A**, zoned SU-1 PRIVATE SCHOOL, located on PALOMAS NE BETWEEN SAN PEDRO AND LOUISIANA containing approximately 6.75 acre(s). (D-18) *(Deferred from 12/19/07)* **THE VACATION OF PUBLIC EASEMENT WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE VACATION OF PRIVATE EASEMENT WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/2/08. THE PRELIMINARY PLAT WAS APPROVED. FINAL PLAT WAS DEFERRED PENDING APPROVAL OF THE SIA.**
10. **Project# 1005182**
 07DRB-70309 MAJOR - FINAL PLAT APPROVAL
- WILSON AND COMPANY INC agent(s) for LA CUENTISTA II, LLC request(s) the above action(s) for all or a portion of Tract C, **LA CUENTISTA SUBDIVISION Unit 2**, zoned SU2-SRSL, located on ROSA PARKS ROAD NW BETWEEN ALOE ROAD NW AND KIMMICK DRIVE containing approximately 35.4714 acre(s). (C-10 C-11) *(Deferred from 10/17/07 & 10/24/07)* **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING TO RECORD.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

11. **Project# 1003479**
 07DRB-70438 EPC APPROVED SDP FOR BUILD PERMIT
- DAC ENTERPRISES INC agent(s) for EDDIE & CHRISTINE LOPEZ request(s) the above action(s) for all or a portion of Lot E, **ST ANTHONY ORPHANAGE ADDITION**, zoned SU-1 FOR C-1 Residential, located on 12TH ST NW BETWEEN INDIAN SCHOOL RD NW AND I-40 containing approximately 1.4 acre(s). [REF: 06EPC-00955] (H-13) *[Catalina Lehner- EPC Planner]* *(Deferred from 12/19/07)* **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION TO ADDRESS COMMENTS, AND TO CITY ENGINEER FOR SIA, 3 COPIES, AND PLANNERS INITIALS.**

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

12. **Project# ~~1005539~~**
07DRB-70446 MINOR - TEMP DEFR
SWDK CONST
- WILSON AND COMPANY INC agent(s) for MGME DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot 1, Block 5, **VOLCANO CLIFFS Unit 26**, zoned SU-2-SRLL, located on KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD NW containing approximately 3.49 acre(s). (C-11) **THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**
13. **Project# 1005343**
07DRB-70450 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- SURVEYS SOUTHWEST LTD agent(s) for MONEER HINDI request(s) the above action(s) for all or a portion of Lot(s) 3, **PORTION OF SKYLINE RD NE MANKIN INC**, zoned C-2, located on I-40 AND SLYLINE RD NE containing approximately 1.8641 acre(s). (L-22) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/2/08 THE PRELIMINARY PLAT WAS APPROVED. FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA. ON THE FINAL PLAT, INDICATION OF ALL VACATED RIGHT OF WAY EASEMENTS SHOULD BE RETAINED.**
14. **Project# 1006840**
07DRB-70443 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- SURVEYS SOUTHWEST LTD agent(s) for GEORGE LOPEZ request(s) the above action(s) for all or a portion of Lot(s) 33-35, Block(s) D, **KIMO ADDITION**, zoned R-1, located on I-40 BETWEEN INDIAN SCHOOL RD NE AND VALENCIA DR NE containing approximately .1456 acre(s). (J-18) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 1/2/08 THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**
15. **Project# 1006505**
07DRB-70055 MINOR - FINAL PLAT
APPROVAL
- SURVEYS SOUTHWEST LTD agent(s) for EDDIE CORLEY request(s) the above action(s) for all or a portion of Lot(s) 17, 18, 19, 20 & portion of 21, Block(s) 9, Tract(s) A, **NORTH ALBUQUERQUE ACRES, Unit(s) B**, zoned SU-2 IP, located on EAGLE ROCK AVE NE BETWEEN PAN AMERICAN FREEWAY NE AND SAN PEDRO DR NE containing approximately 4.7346 acre(s). (C-18) *(Deferred from 6/20/07)* **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING TO RECORD.**

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

16. **Project# 1007005**
07DRB-70451 SKETCH PLAT REVIEW
AND COMMENT

AUGUSTINE ROMERO agent(s) for AUGUSTINE ROMERO request(s) the above action(s) for all or a portion of Tract(s) A2, **EUFELIA A GABALDON**, zoned R-1, located on GABALDON NW BETWEEN BEACH NW AND CARLOTA NW containing approximately 1.6 acre(s). (H-12) **THE ABOBE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

17. Approval of the Development Review Board Minutes for November 21st and November 28th

Other Matters: None.

ADJOURNED: 11:10

#15



DRB CASE ACTION LOG (PREL/FINAL)

REVISED 9/28/05

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.: 07DRB-70279 (PF)	Project # 1005539
Project Name: VOLCANO CLIFFS SUBD UNIT 26 (to be known as Tierra Buena Estates)	
Agent: WILSON AND COMPANY INC	Phone No: 856-6899

Your request for (SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN), was approved on 10/24/07 by the DRB with delegation of signature(s) to the following departments.
OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- TRANSPORTATION: _____
- _____
- _____
- _____
- _____
- ABCWUA: _____
- _____
- _____
- _____
- CITY ENGINEER / AMAFCA: _____
- _____
- _____
- _____
- PARKS / CIP: _____
- _____
- _____
- _____
- PLANNING (Last to sign): record
- _____
- _____
- _____

Project Number 1005539



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.

- 3 copies of the approved site plan. Include all pages.
- 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.



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

October 24, 2007 9:00AM

MEMBERS:

Sheran Matson, AICP, DRB Chair
Angela Gomez, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA
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 ANGELA GOMEZ, 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: 11:05 A.M.
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

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

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project# 1006842**
07DRB-70271 VACATION OF PUBLIC
RIGHT-OF-WAY

AQUEDA CANO agent(s) for IGNACIO ROJO request(s) the above action(s) for all or a portion of Lot(s) south 48 ft of west 80 ft of lot 16, Block(s) 2, **NEW ERA FRUIT ADDITION**, zoned SU-2/MR, located on WILLIAM ST SE BETWEEN TRUMBULL SE AND AVENIDA CESAR CHAVEZ SE containing approximately 0.09 acre(s). (L-14) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**

2. **Project# 1006537**
07DRB-70247 MAJOR - PRELIMINARY
PLAT APPROVAL
07DRB-70248 MINOR - TEMP DEFR
SWDK CONST
07DRB-70249 MINOR - SDP FOR
SUBDIVISION

TIERRA WEST LLC agent(s) for KATHY TRUJILLO request(s) the above action(s) for all or a portion of Lot(s) 2 & 3, Block(s) 12, PETROGLYPH EDGE SUBDIVISION, UNIT 3 (to be known as **VOLCANO CLIFFS**), zoned R-1, located on MOJAVE ST NW BETWEEN UNSER BLVD NW AND TESUQUE ST NW containing approximately 4.24 acre(s). (E-10) *[Deferred from 10/03/07]*. **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED TODAY AND APPROVAL OF THE GRADING AND DRAINAGE PLAN ENGINEER STAMP DATED OCTOBER 19, 2007, THE PRELIMINARY PLAT WAS APPROVED. THE TEMPORARY DEFERRAL OF CONSTRUCTION OF SIDEWALKS ON THE INTERIOR STREETS WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE. THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR 3 COPIES AND A NOTE FOR ALL LOTS TO BE LABELED AS P-2.**

3. **Project# 1005236**
07DRB-70268 VACATION OF PUBLIC
EASEMENT
07DRB-70269 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

ALPHA PROFESSIONAL SURVEYING INC. agent(s) for ZIA PARK TOWNEHOMES LLC request(s) the above action(s) for all or a portion of Tract(s) H & I, **LA CUESTA SUBDIVISION**, zoned SU-1/TOWNHOMES, located on ZIA RD NE BETWEEN JUAN TABO NE AND ZENA LONA RD NE containing approximately 2.9788 acre(s). (K-22) *[Deferred from 10/17/07]* **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN-OFF DELEGATED TO PLANNING FOR AGIS DFX, 15 DAY APPEAL PERIOD AND FOR DRY UTILITIES' SIGNATURES.**

**SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND
MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)**

4. **Project# 1005243**
07DRB-70316 EPC APPROVED SDP
FOR BUILD PERMIT
07DRB-70317 EPC APPROVED SDP
FOR SUBDIVISION
- 07DRB-70318 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
5. **Project# 1006801**
07DRB-70240 MINOR - SDP FOR
BUILDING PERMIT
6. **Project# 1006726**
07DRB-70173 MAJOR – AMENDED SDP
FOR BUILDING PERMIT
- CONSENSUS PLANNING agent(s) for ALLIANCE RESIDENTIAL request(s) the above action(s) for all or a portion of Tract(s) 1-6, **UNIVERSITY VILLAGE to be known as Broadstone Towne Center**, zoned SU-1 FOR PRD AND SU-1 FOR C-2, located on GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA SE containing approximately 16.76 acre(s). (L-15) **[Catalina Lehner, EPC Planner]**
DEFERRED TO 10/31/07 AT THE AGENT’S REQUEST.
- HIGH MESA CONSULTING GROUP agent(s) for BROADSTONE TOWNE CENTER LLC request(s) the above action(s) for all or a portion of Lot(s) UNPLATTED LANDS, **UNPLATTED LANDS WITHIN SECTION 28, TOWNSHIP 10 NORTH, RANGE 3 EAST, N.M.P.M. to be known as Broadstone Towne Center**, zoned SU-1/PRD & SU-1 FOR C-2 PERMISSIVE USES, located on GIBSON BLVD SE BETWEEN UNIVERSITY BLVD SE AND BUENA VISTA containing approximately 16.76 acre(s). (L-15) **DEFERRED TO 10/31/07 AT THE AGENT’S REQUEST.**
- CLAUDIO VIGIL ARCHITECTS agent(s) for BRUNACINI DEVELOPMENT COMPANY, LTD request(s) the above action(s) for all or a portion of Tract(s) C, **BRUNACINI AT ATRISCO BUSINESS PARK**, zoned IP, located on LOS VOLCANES RD NW BETWEEN UNSER BLVD NW AND COORS BLVD NW containing approximately 22.5074 acre(s). (J-10) *[Deferred from 9/12/07, 9/26/07, 10/03/07 & 10/10/07]* **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO THE CITY ENGINEER FOR SIA AND TO PLANNING FOR 3 COPIES.**
- BRAD KILLMAN AND/OR MAX KILLMAN agent(s) for ALLSTAR MOVING & STORAGE INC A NEW MEXICO CORP request(s) the above action(s) for all or a portion of Lot(s) 31, Tract(s) D-1, **RICHFIELD PARK**, zoned IP, located on WASHINGTON ST NE BETWEEN ALAMEDA NE AND PASEO DEL NORTE NE containing approximately 0.89 acre(s). (C-17) *[Deferred from 8/29/07]* **DEFERRED TO 12/5/07 AT THE AGENT’S REQUEST.**

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

7. **Project# 1006899**
07DRB-70314 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

CARTESIAN SURVEYS INC agent(s) for CITY OF ALBUQUERQUE request(s) the above action(s) for all or a portion of Tract(s) B-9-E-1-A, B-9-F-1, B-9-E-2-A, **SEVEN BAR RANCH**, zoned SU-1/R-2 USES, located on CIBOLA LOOP NW AND ELLISON DR NW containing approximately 29.79 acre(s). (A-13)**INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**
8. **Project# 1006898**
07DRB-70313 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

CARTESIAN SURVEYS INC agent(s) for CURT RICHTER request(s) the above action(s) for all or a portion of Lot(s) 7 & 8, Block(s) 17, **REBONITO**, zoned R-1, located on NAINES AVE NE BETWEEN DELUBINA NE AND ANTONIO NE containing approximately 0.61 acre(s). (J-23) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO PLANNING FOR SOLAR COLLECTOR LANGUAGE ON THE PLAT, AGIS DFX AND TO RECORD.**
9. **Project# 1005387**
07DRB-70310 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for CENTURION PROPERTIES request(s) the above action(s) for all or a portion of Lot(s) 1-19, southerly 115 ft of the easterly 20 ft of lot 20 plus a portion of vacated alley, Block(s) 28, **NEW MEXICO DTOWN CO'S ORIGINAL TOWNSITE OF ALBUQUERQUE NEW MEXICO**, zoned SU-3 FOR PARKING LOT, located on GOLD AVE SW BETWEEN 7TH ST SW AND SILVER AVESW containing approximately 1.67 acre(s). (K-14) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN-OFF DELEGATED TO PLANNING FOR A REVISED AGIS DFX, 15FT RADIUS DEDICATION ON CORNERS, AND COPY OF LOT 20 DEED.**
10. **Project# 1005191**
07DRB-70319 EXT OF MAJOR
PRELIMINARY PLAT

ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 13-20, Block(s) 29, Tract(s) A, **NORTH ALBUQUERQUE ACRES Unit(s) B to be known as SEVANO PLACE SUBDIVISION**, zoned R-D, located on LOUISIANA BLVD NE BETWEEN ALAMEDA BLVD NE AND SIGNAL AVE NE containing approximately 6.84 acre(s). (C-18) **A ONE-YEAR EXTENSION OF THE PRELIMINARY PLAT WAS APPROVED.**

11. ~~Project# 1005539~~
07DRB-70279 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

WILSON AND COMPANY INC agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 5, **VOLCANO CLIFFS SUBDIVISION, Unit(s) 26, (to be known as TIERRA BUENA ESTATES)**, zoned SU-2 SRLL, located on KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD NW containing approximately 3.62 acre(s). (C-11) *[Deferred from 10/03/07, 10/10/07, 10/17/07]* **WITH APPROVAL OF THE GRADING AND DRAINAGE PLAN DATED 10/8/07 AND THE INFRASTRUCTURE LIST DATED 10/24/07 THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA AND THE DEVELOPMENT AGREEMENT.**

12. **Project# 1005182**
07DRB-70309 MAJOR - FINAL PLAT
APPROVAL

WILSON AND COMPANY INC agent(s) for LA CUENTISTA II, LLC request(s) the above action(s) for all or a portion of Tract(s) C, **LA CUENTISTA SUBDIVISION Unit(s) 2**, zoned SU2-SRSL, located on ROSA PARKS ROAD NW BETWEEN ALOE ROAD NW AND KIMMICK DRIVE containing approximately 35.4714 acre(s). (C-10 C-11) *[Deferred from 10/17/07]* **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project# 1005465**
07DRB-70277 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DUKE CITY DISTRIBUTING request(s) the above action(s) for all or a portion of Tract(s) C, **SOUTH BROADWAY INDUSTRIAL ACRES**, zoned SU-2 HM, located on WOODWARD RD SE BETWEEN BROADWAY BLVD SE AND 2ND ST SE containing approximately 3.52 acre(s). (M-14) **DEFERRED TO 10/31/07 AT THE AGENT'S REQUEST.**

14. **Project# 1006890**
07DRB-70308 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

PRECISION SURVEYS INC agent(s) for NEW MEXICO BANK & TRUST request(s) the above action(s) for all or a portion of Lot(s) 5-11 AND PORTION OF 12 & 13-15, Block(s) 17, Tract(s) 15-A, **MONKBRIDGE ADDITION (TBK TRACTS A & B, NEW MEXICO BANK & TRUST)**, zoned P, C-1 & C-3, located on CANDELARIA NW BETWEEN 4TH ST NW AND 5TH ST NW containing approximately 1.9616 acre(s). (G-14) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN-OFF DELEGATED TO PLANNING FOR SOLAR LANGUAGE AND TO RECORD.**

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

15. **Project# 1003119**
07DRB-70321 SKETCH PLAT REVIEW
AND COMMENT
- WAYJOHN SURVEYING INC agent(s) for ASN, LLC request(s) the above action(s) for all or a portion of Tract(s) 4-B1, **HORNE DEVELOPMENT ADDITION**, zoned SU-1 PLANNED COMMERCIAL, located on HOTEL CIRCLE NE BETWEEN EUBANK BLVD NE AND TOMASITA ST NE containing approximately 5.0392 acre(s). **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
16. **Project# 1006904**
07DRB-70320 SKETCH PLAT REVIEW
AND COMMENT
- WAYJOHN SURVEYING INC agent(s) for VANCE DUGGER & ROSABELLA MONTOYA DUGGER request(s) the above action(s) for all or a portion of Lot(s) 17, Block(s) 5, **NORTH ALBUQUERQUE ACRES TRACT A Unit(s) A**, zoned M-1, located on SAN FRANCISCO DR. NE BETWEEN SAN PEDRO DR NE AND I-40 FRONTAGE RD containing approximately .7216 acre(s). (D-18) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
17. **Project# 1004557**
07DRB-70322 SKETCH PLAT REVIEW
AND COMMENT
- YOLANDA MONTOYA agent(s) for MIKE RIOLIA request(s) the above action(s) for all or a portion of Lot(s) 28, Block(s) 27, Tract(s) A, **NAA Unit(s) B**, zoned SU-2/IP, located on OKLAND AVE NE BETWEEN SAN PEDRO NE AND LOUISIANA NE containing approximately .89 acre(s). (C-18) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
18. **Project# 1006901**
07DRB-70315 SKETCH PLAT REVIEW
AND COMMENT
- AJAY JARIWALA/JARIM KASSAM request(s) the above action(s) for all or a portion of Lot(s) 2-A, Block(s) 2, **SUNPORT PARK**, zoned IP, located on WOODWARD SE BETWEEN UNIVERSITY BLVD SE AND TRANSPORT SE containing approximately 3.3 acre(s). **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
19. Approval of the Development Review Board Minutes for September 5, and September 12, 2007.

Other Matters:

ADJOURNED: 11:05



**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

October 10, 2007 9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Angela Gomez, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer

Roger Green, ABCWUA
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 ANGELA GOMEZ, 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: 11:30
- B. Changes and/or Additions to the Agenda
- C. New or Old Business

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

CASES WHICH REQUIRE PUBLIC NOTIFICATION

MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project# 1004071**
07DRB-70245 BULK LAND VARIANCE
07DRB-70246 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

HIGH MESA CONSULTING GROUP agent(s) for ALBUQUERQUE PUBLIC SCHOOLS & NEW MEXICO STATE LAND OFFICE request(s) the above action(s) for all or a portion of Tract(s) C, **ANCIENT MESA**, zoned SU-1, SU-2 FOR SCHOOL AND SU-1, SU-2 FOR OPEN SPACE, located on RAINBOW RD NW BETWEEN WOODMONT AVE NW AND ROSA PARKS RD NW containing approximately 143.32 acre(s). [REF: 05DRB-00511, 00512 AND 00513, 07DRB-00367] (C-9) **THE BULK LAND VARIANCE WAS APPROVED FOR TRACT C-2 ONLY. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 10/10/07, THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA. CONDITIONS OF FINAL PLAT: (1) REALIGNMENT OF RAINBOW TO CONFORM TO VHSDP; (2) EXECUTION OF DEVELOPMENT AGREEMENT WITH THE ABCWUA.**

2. **Project# 1004540**
07DRB-70256 VACATION OF PUBLIC
EASEMENT
07DRB-70257 VACATION OF PUBLIC
RIGHT-OF-WAY

WILSON AND COMPANY INC agent(s) for KB HOME NEW MEXICO/LONGFORD HOMES INC request(s) the above action(s) for all or a portion of Lot(s) 19, Block(s) 2 Unit 14, Lot(s) 4, 5 & 6, Block(s) 2, Lot(s) 1, Block(s) 5, Unit 25, **VOLCANO CLIFFS** & Tract(s) D, **VISTA VIEJA, Unit 2**, zoned SU-2, SU-1 FOR PARK, located on ATRISCO DR NW BETWEEN UNSER BLVD NW AND SCENIC RD NW containing approximately 23.7 acre(s). (D-9 & D-10) **THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A)(1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE. CONDITION OF FINAL PLAT: PROVIDE RIGHT OF WAY PER VHSDP.**

3. **Project# 1006833**
07DRB-70254 MAJOR - SDP FOR
SUBDIVISION
07DRB-70255 MAJOR - SDP FOR
BUILDING PERMIT

GEORGE RAINHART ARCHITECTS agent(s) for WEBER AND COMPANY request(s) the above action(s) for all or a portion of Tract(s) S2A2, S2A1 & S1A, **ATRISCO BUSINESS ADDITION (to be known as UNSER TOWNE CROSSING)** zoned IP, located on LOS VOLCANES NW BETWEEN UNSER BLVD NW AND GALATIN NW containing approximately 53 acre(s). (J-9 & J-10) **DEFERRED AT THE AGENT'S REQUEST TO 11/14/07.**

**SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND
MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)**

4. **Project# 1006801**
07DRB-70240 MINOR - SDP FOR
BUILDING PERMIT
CLAUDIO VIGIL ARCHITECTS agent(s) for BRUNACINI DEVELOPMENT COMPANY, LTD request(s) the above action(s) for all or a portion of Tract(s) C, **BRUNACINI AT ATRISCO BUSINESS PARK**, zoned IP, located on LOS VOLCANES RD NW BETWEEN UNSER BLVD NW AND COORS BLVD NW containing approximately 22.5074 acre(s). (J-10) **DEFERRED AT THE AGENT'S REQUEST TO 10/24/07.**

5. **Project# 1004873**
07DRB-70283 EPC APPROVED SDP
FOR BUILD PERMIT
DENISH & KLINE ASSOCIATES agent(s) for FOREST CITY COVINGTON NM, LLC request(s) the above action(s) for all or a portion of Tract(s) 23 & 24, **INNOVATION PARK**, zoned PC, located on STRYKER RD SE AND UNIVERSITY BLVD NORTHBOUND AND UNIVERSITY BLVD SOUTHBOUND containing 4.5 acre(s) (R-16, R-17) **DEFERRED AT THE AGENT'S REQUEST TO 10/17/07.**

6. **Project# 1000771**
07DRB-70281 EPC APPROVED SDP
FOR BUILD PERMIT
DEKKER PERICH SABATINI agent(s) for H R RENTAL PROPERTIES INC request(s) the above action(s) for all or a portion of Tract(s) C, **COTTONWOOD POINTE SUBDIVISION to be known as Eagle Vista Apartments**, zoned SU-1 FOR R-2, C-2 AND IP, located on EAGLE RANCH RD NW AND IRVING BLVD NW containing approximately 6.76 acre(s). (B-13) **DEFERRED AT THE AGENT'S REQUEST TO 10/17/07.**

7. **Project# 1005410**
07DRB-70292 MINOR - SDP FOR
BUILDING PERMIT
MECHENBIER CONSTRUCTION INC. request(s) the above action(s) for all or a portion of Lot(s) 4 & 5, **RICHFIELD PARK SUBDIVISION**, zoned IP, located on ALAMEDA BLVD NE BETWEEN JEFFERSON NE AND WASHINGTON NE containing approximately 2 acre(s). (C-17) **DEFERRED AT THE AGENT'S REQUEST TO 10/24/07.eJV**

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

8. **Project# 1002565**
07DRB-70293 EXT OF SIA FOR TEMP
DEFR SDWK CONST
07DRB-70294 SIDEWALK WAIVER
- RONALD BROWN agent(s) for LOS GRIEGOS DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of **VILLA DE LA CAPILLA SUBDIVISION**, zoned SU-1/ PRD, located on GRIEGOS RD NW BETWEEN RIO GRANDE BLVD NW AND SAN ISIDRO NW (F-13) **TWO-YEAR EXTENSION OF THE SIA WAS APPROVED. THE SIDEWALK WAIVER WAS APPROVED AS SHOWN ON EXHIBIT C IN THE PLANNING FILE.**
9. **Project# 1002315**
07DRB-70284 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- JACKS HIGH COUNTRY INC agent(s) for KEYSTONE HOMES request(s) the above action(s) for all or a portion of Lot(s) 33, **WILDERNESS SUBDIVISION AT HIGH DESERT Unit(s) 2**, zoned SU-2 HD-R-R, located on ALOLA GRANDE PL NE BETWEEN WILDLANDS PL NE AND HIGH DESERT PL NE containing approximately 0.4385 acre(s). (F-23) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD, FOR AGIS DFX AND TO INDICATE APPLICATION NUMBER ON THE PLAT.**
10. **Project# 1003597**
07DRB-70285 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
- ABQ ENGINEERING INC agent(s) for RON NELSON request(s) the above action(s) for all or a portion of Block(s) 15, Tract(s) 1-D-1-A & 1-E-1-A, **ALBAN HILLS**, zoned SU-1 FOR C-2, located on COORS NW BETWEEN LA ORILLA NW AND BRIAN MEADOWS PL NW containing approximately 4.95 acre(s). (D-12) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR THE SOLAR COLLECTOR LANGUAGE AND TO RECORD.**
11. **Project # 1000469**
06DRB-01416 Minor-Extension of
Preliminary Plat
- ABQ ENGINEERING INC agent(s) for UNSER WEST TENANCY - JACK CLIFFORD request(s) the above action(s) for all or a portion of **Tract(s) L-1-C, ATRISCO BUSINESS PARK**, zoned IP, located on UNSER NW, between BLUEWATER NW and LOS VOLCANES NW containing approximately 2 acre(s). [REF: 05DRB-01556] (K-10) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

12. **Project# 1004414**
07DRB-70286 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for PHILLIP SHEETS request(s) the above action(s) for all or a portion of Lot(s) 1, **GIBSON TRACT A**, zoned R-2, located on SAN CLEMENTE AVE NW BETWEEN 4TH ST NW AND SAN LORENZO NW containing approximately 0.1784 acre(s). (G-14) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR CROSS ACCESS NOTE.**

13. **Project# 1006855**
07DRB-70291 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURVEYS SOUTHWEST LTD agent(s) for DEBORAH LARNTZ request(s) the above action(s) for all or a portion of Lot(s) E 140' OF LOT 1 & E 140' OF THE N 30' OF LOT 2, Block(s) 17, **MONKBRIDGE ADDITION**, zoned C-3, located on VERANDA RD NW 4TH ST NW AND CANDELARIA NW containing approximately 0.2571 acre(s). (G-14) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR 20 FOOT RADIUS.**

14. **Project# 1006733**
07DRB-70288 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL
07DRB-70290 SIDEWALK WAIVER

SURVEYS SOUTHWEST LTD agent(s) for STEPHAN TAYS request(s) the above action(s) for all or a portion of Tract(s) 242, **OLD TOWN GARDENS ADDITION**, zoned R-1, located on MOUNTAIN RD NW BETWEEN RIO GRANDE BLVD NW AND CONSUELO LANE NW containing approximately 0.72 acre(s). (J-13) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH NO DELEGATION. SIDEWALK WAIVER WAS DENIED.**

~~15. **Project# 1005539**~~
07DRB-70279 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

WILSON AND COMPANY INC agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 5, **VOLCANO CLIFFS SUBDIVISION, Unit(s) 26, (to be known as Tierra Buena Estates)**, zoned SU-2 SRLL, located on KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD NW containing approximately 3.62 acre(s). (C-11) **DEFERRED AT THE AGENT'S REQUEST TO 10/17/07.**

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

16. **Project# 1006845**
07DRB-70280 SKETCH PLAT REVIEW
AND COMMENT
- RICHARD LOVATO, NMOC agent(s) for CARLOS MATA request(s) the above action(s) for all or a portion of Tract(s) 3, **GARDEN ACRES ADDITION**, zoned R-1, located on GRIEGOS RD NW BETWEEN GUADALUPE TRAIL NW AND GRANDE DR NW containing approximately 0.75 acre(s). [REF: DRB99-272] (F-14) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
17. **Project# 1006853**
07DRB-70287 SKETCH PLAT REVIEW
AND COMMENT
- WAYJOHN SURVEYING INC agent(s) for DON DEAN request(s) the above action(s) for all or a portion of Lot(s) 5-8, Block(s) 54, **RAYNOLD'S ADDITION**, zoned SU-2 FOR R-1, located on IRON AVE SW BETWEEN 12TH ST SW AND 11TH ST SW containing approximately 0.3265 acre(s). (K-13) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**
18. **Project# 1006854**
07DRB-70289 SKETCH PLAT REVIEW
AND COMMENT
- BOHANNAN HUSTON INC agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of Tract(s) 1-4, 0S-1& 2, **THE TRAILS Unit(s) 4**, zoned SU-1 FOR OPEN SPACE & SU-2 - SRLL, SRSL, TC, UC & UR, containing approximately 35.11 acre(s). (C-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

Approval of the Development Review Board Minutes for September 15, 2007 were approved.

ADJOURNED: 11:30

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
October 10, 2007
DRB Comments**

ITEM # 15

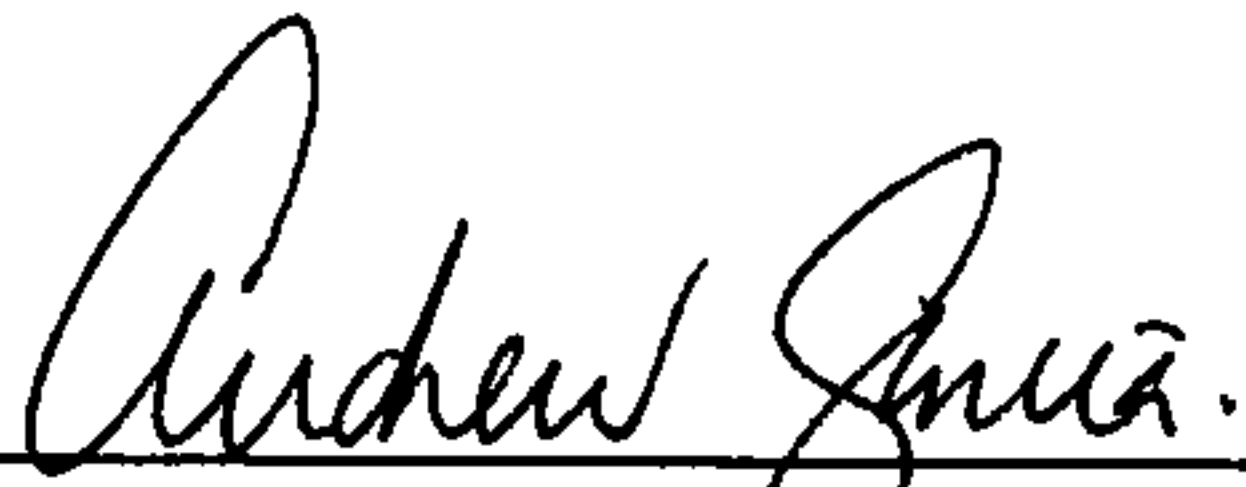
PROJECT # 1005539

APPLICATION # 07-70279

RE: Lot 1, Block 5, Volcano Cliffs Subdivision/p&f

The required ban on solar collectors' prohibition is missing from the plat.

Planning will take delegation to record the plat and for the required solar collector language.



Andrew Garcia, Planning Alternate
924-3858 agarcia@cabq.gov

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005539

AGENDA ITEM NO: 15

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT: () APPROVAL: (X) SIGN-OFF: () EXTN: () AMEND: ()

ENGINEERING COMMENTS:

P.O. Box 1293

Infrastructure list comments.

An approved drainage report must be on file prior to Preliminary Plat approval.

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

10-17-07

APPROVED ___; DENIED ___; DEFERRED X; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee
(C-11/D002 - TIERRA BUENA ESTATES)

505-924-3986

DATE: OCTOBER 10, 2007

DEVELOPMENT REVIEW BOARD
TRANSPORTATION DEVELOPMENT
Standard Comment Sheet

DRB-1005539 Item No. 15 Zone Atlas C-11

DATE ON AGENDA 10-10-07

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
1.	Comments on infrastructure list. Needs to conform w/ Volcano Heights Sector PLAN.
2.	

If you have any questions or comments please call Richard Dourte at 924-3999. Meeting notes: _____

5539

DXF Electronic Approval Form

DRB Project Case #: 1005539

Subdivision Name: TIERRA BUENA ESTATES

Surveyor: CHRISTOPHER S CROSHAW

Contact Person: SHADI HAYATI

Contact Information: 348-4000

DXF Received: 9/27/2007

Hard Copy Received: 9/27/2007

Coordinate System: Ground rotated to NMSP Grid


Approved

09.27.2007
Date

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

AGIS Use Only

Copied fc 5539 to agiscov on 9/27/2007 Contact person notified on 9/27/2007

Matson, Sheran A.

From: Findley, Barbara J.
Sent: Thursday, July 12, 2007 11:56 AM
To: 'archbold@flash.net'; 'daveheil16@msn.net'; 'mueller0311@comcast.net'
Cc: Hinojos, Mandi M.; Matson, Sheran A.; Maldonado, Marilyn E.; Howell, Scott M.; Curran, Kevin J.
Subject: AC-07-14 & AC-07-15

Mr. Archbold & Mr. Heil:

The subject appeals which were originally scheduled for July 12, 2007 at 2:00 (and inadvertently noticed as 9:30 a.m. in the Notice of Decision dated June 28th) has been vacated. The appeals will be rescheduled to a later date, which you will be notified of two weeks prior to the hearing.

Any questions regarding Land Use Hearing Officer Procedure should be directed to Mandi Hinojos at 768-3100.

Thank you,

Barbara Findley

Findley, Barbara J.

From: JOSEPH ARCHBOLD [archbold@flash.net]
Sent: Thursday, July 12, 2007 11:42 AM
To: chavezlawfirm@earthlink.net
Cc: Findley, Barbara J.; Brito, Russell D.; sam@bregmanlawfirm.com
Subject: Postment of AC-07-14 Hearing.

Dear Steven,

On June 30 I received a letter dated June 28, 2007 from the City of Albuquerque informing me my appeal to a Hearing Officer would be held at 9:30 am on Thursday, July 12, 2007 regarding "**AC-07-14 -07DRB-00580 Project # 1005539 – Joseph L. Archbold**". I was verbally informed at 9:16 a.m. this morning Thursday, July 12, 2007 that the meeting was postponed till this afternoon 2:00 p.m. Thursday July 12, 2007.

I have **not** been informed in any appropriate manner of this postponement. I had already scheduled an important appointment for this afternoon and will therefore need to have the hearing rescheduled with appropriate notice. Please enter this e- mail as part of the official record for this appeal.

Sincerely

Joseph L. Archbold
PO Box 65888
Albuquerque NM 87193-5888
505-328-1331

7/12/2007

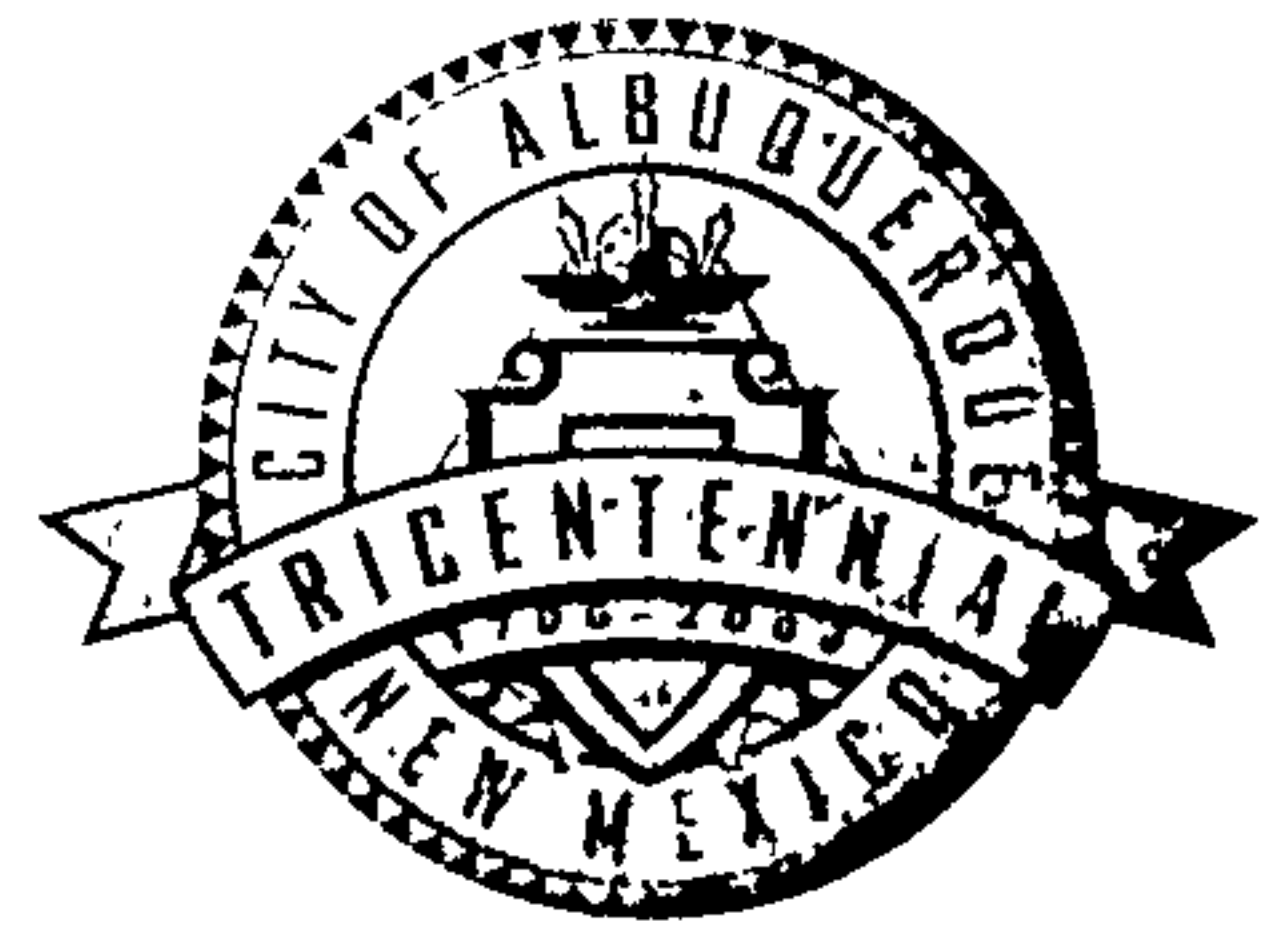
CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF HEARING

June 28, 2007

Joseph L. Archbold
PO Box 65888
Albuquerque, NM 87193

&

Volcano Cliffs Property Owners Assoc.
Dave Heil, President
Barbara Mueller, Vice President
PO Box 27666
Albuquerque, NM 87125

AC-07-14 – 07DRB-00580 PROJECT #1005539 – Joseph L. Archbold appeals the Development Review Board's approval of a Vacation of Kimmick Drive, NW, for all or any portion of Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLI located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

AC-07-15 – 07DRB-00580 PROJECT #1005539 – Volcano Cliffs Property Owners Association President, Dave Heil, and Vice President, Barbara Mueller, appeal the Development Review Board's approval of a Vacation of Kimmick Drive, NW, adjacent to Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLI located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

The City of Albuquerque Land Use Hearing Officer will hear the above appealed cases on **Thursday, July 12, 2007**. The hearing begins at **9:30 am** in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

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

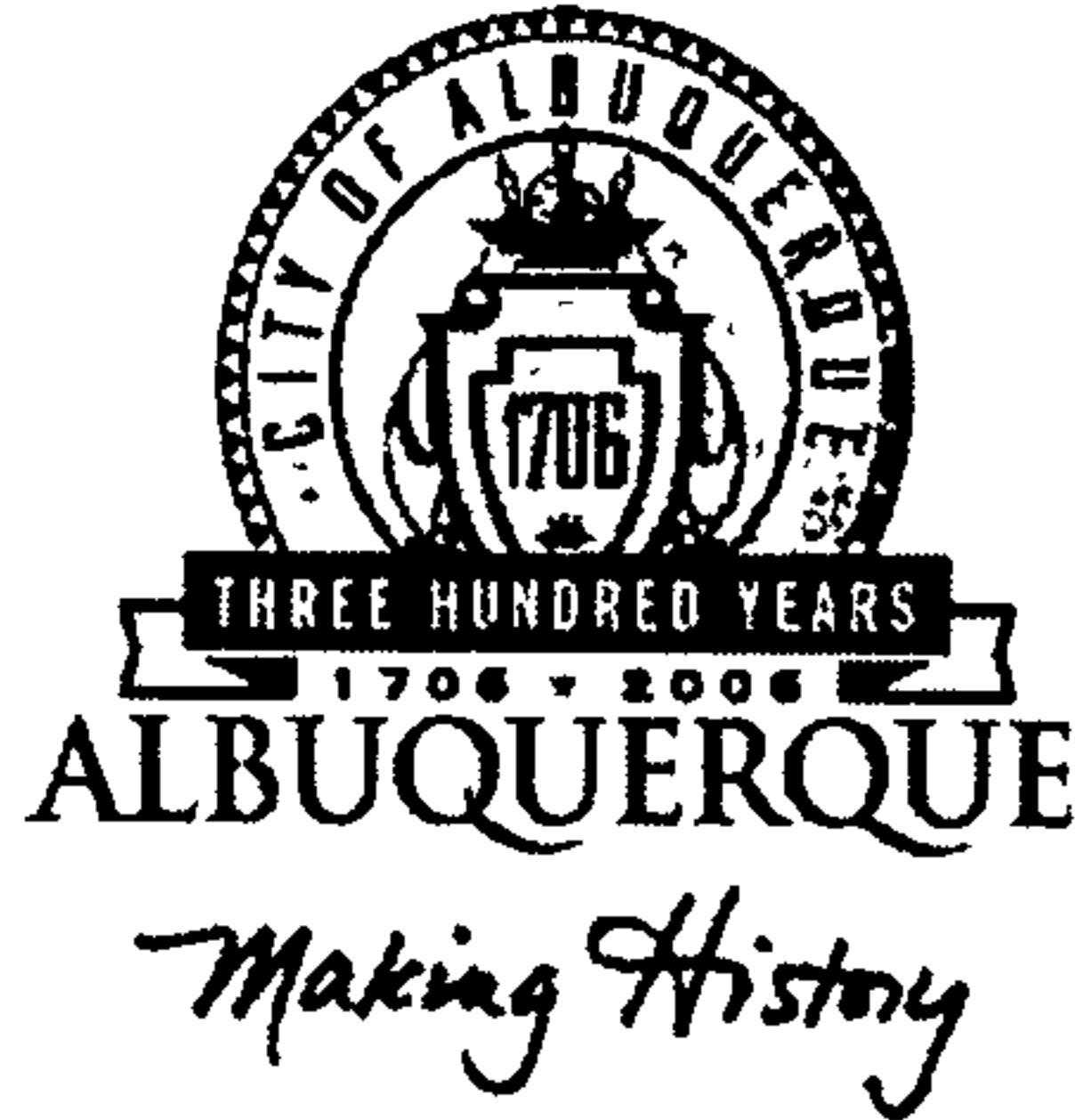
A copy of the record submitted to the Land Use Hearing Officer can be obtained by calling me at (505) 924-3889.

Sincerely,

Barbara J. Findley
Administrative Assistant

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Sheran Matson, DRB Chair, COA Planning Department, 600 2nd Street NW – Ground Level, Abq., NM 87102
Kevin Curran, COA Legal Dept, 600 2nd Street NW, 4th Floor, Abq., NM 87102
Marilyn Maldonado, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Crystal Ortega, Clerk to the Council, City/County Building – 9th Floor
DRB File

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL ON WEDNESDAY, JUNE 27, 2007



e. mailed
6/22/07
@ 2:22 pm

NOTICE OF PUBLIC HEARING
CITY COUNCIL OF THE CITY OF ALBUQUERQUE

TO ALL CITIZENS AND PARTIES IN INTEREST:

Notice is hereby given that the City of Albuquerque Land Use Hearing Officer will hold a public hearing on **THURSDAY, JULY 12, 2007, at 2:00 p.m.** in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW to consider the following:

AC-07-14 – 07DRB-00580 PROJECT #1005539 – Joseph L. Archbold appeals the Development Review Board's approval of a Vacation of Kimmick Drive, NW, for all or any portion of Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLI located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair


AC-07-15 – 07DRB-00580 PROJECT #1005539 – Volcano Cliffs Property Owners Association President, Dave Heil, and Vice President, Barbara Mueller, appeal the Development Review Board's approval of a Vacation of Kimmick Drive, NW, adjacent to Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLI located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

Details of the above may be examined at the Development Review Division of the Planning Department, 3rd Floor, Plaza del Sol Building, 600 Second St. NW, Monday thru Friday, between 9 am - 4 pm.

Debbie O'Malley
City Council President

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Council office at least one day before the meeting date at 768-3100. TTY users please call New Mexico Relay Network toll free at 1-800-659-8331.

APPROVED:



Russell D. Brito, Division Manager
Development Review Division

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102



NOTICE OF APPEAL

June 13, 2007

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on June 13, 2007. You will receive a Notice of Hearing as to when the appeal will be heard by 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.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-15

Albuquerque

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1005539
07DRB-00580**

New Mexico 87103

APPELLANT(s): Volcano Cliffs Property Owners Association
Dave Heil, President
Barbara Mueller, Vice President
PO Box 27666
Albuquerque, NM 87125

www.cabq.gov

AGENT: Same as Above

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Barbara Mueller, 4904 Alberta Ln NE, Albuquerque, NM 87120
Joe Archbold, Post Office Box 65888, Albuquerque, NM 87193-5888
Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
Sheran Matson, DRB Chair, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Marilyn Maldonado, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
← DRB File

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

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

June 8, 2007

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on June 7, 2007. You will receive a Notice of Hearing as to when the appeal will be heard by 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.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-14

Albuquerque

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1005539
07DRB-00580**

New Mexico 87103

APPELLANT(s): Same as Agent

www.cabq.gov

**AGENT: Joseph L. Archbold
PO Box 65888
Albuquerque, NM 87193-5888**

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Barbara Mueller, 4904 Alberta Ln NW, Abq., NM 87120
Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
Sheran Matson, DRB Chair, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Marilyn Maldonado, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB File

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



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1005539 AGENDA# 2 DATE: 05/30/07

✓ 1. Name: Barbara Mueller Address: 4904 Albert Ln NW Zip: 87120

✓ 2. Name: Joe ARCHBOLD Address: PO Box 65888 ALB Zip: 87193-5888

Not on
✓ 3. Name: PETER R YOCKY Address: 8201 GOLF COURSE RD NW #D3-301 Zip: 87120 ~~87120~~

✓ 4. Name: KRISTINE SUSCO Address: 4900 Lang Ave NE Zip: 87112

Not on
05. Name: FRANCIS PAVID ^{AGENT} Address: 21 VISTA VALLE CIR Zip: 87540 -

✓ 6. Name: DAN AGUIRRE Address: 4900 LANG AVE NE Zip: 87109

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: _____

15. Name: _____ Address: _____ Zip: _____

16. Name: _____ Address: _____ Zip: _____

17. Name: _____ Address: _____ Zip: _____

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005539

AGENDA ITEM NO: 2

SUBJECT:

Vacation of Public Right-of-Way

ACTION REQUESTED:

REV/CMT: () APPROVAL: (X) SIGN-OFF: () EXTN: () AMEND: ()

ENGINEERING COMMENTS:

No objection to Vacation request.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

APPROVED X; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: MAY 30, 2007

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**DEVELOPMENT REVIEW BOARD
ACTION SHEET**

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

May 30, 2007

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: Noon

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

- Project # 1002371**
07DRB-00577 Major-Vacation of Public Easements
07DRB-00576 Minor-Prelim&Final Plat Approval

TIERRA WEST LLC agent(s) for HOFFMANTOWN WEST CHURCH request(s) the above action(s) for all or any portion of Tract(s) 1-A-1, Block(s) 15, ALBAN HILLS (to be known as **HOFFMANTOWN WEST CHURCH**) zoned SU-1 for R-2 with church related uses, located on LA ORILLA RD NW between COORS BLVD NW and the CORRALES DRAIN containing approximately 17 acre(s). [REF: 02DRB01824, 03DRB02150, 05DRB00560, 03DRB02085, 03DRB02086, 03EPC01285, 07DRB00286] [Deferred from 5/30/07] (D-12) **DEFERRED AT THE AGENT'S REQUEST TO 6/6/07.**

2. **Project # 1005539**
07DRB-00580 Major-Vacation of Pub
Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE FOLLOWING CONDITION OF FINAL PLAT: PRIOR TO THE REPLAT A RE-EVALUATION OF THE LEFT HAND TURN BAYS WILL BE NEEDED.**

3. **Project # 1005540**
07DRB-00578 Major-Vacation of Public
Easements
07DRB-00579 Major-Vacation of Pub
Right-of-Way

WILSON AND COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT INC request(s) the above action(s) for all or any portion of Tract(s) D, **LA CUENTISTA SUBDIVISION, UNIT 3**, zoned SU-2 SRLL, located on KIMMICK DR NW between ROSA PARKS RD NW and the PETROGLYPH NATIONAL MONUMENT containing approximately 20 acre(s). [REF: 07DRB00562] (C-11 & D-11) **THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE FOLLOWING CONDITION OF FINAL PLAT: PRIOR TO THE REPLAT A RE-EVALUATION OF THE LEFT HAND TURN BAYS WILL BE NEEDED.**

4. **Project # 1004075**
06DRB-01537 Major-Vacation of Pub
Right-of-Way
06DRB-01539 Minor-Vacation of Private
Easements

BOHANNAN HUSTON INC agent(s) for MESA DEL SOL LLC request(s) the above action(s) for all or a portion of Tract(s) 4A, 4B, 4C and 1 through 15, **MESA DEL SOL**, zoned SU-2 PLANNED COMMUNITY, located on INTERSTATE 25 SW, between BROADWAY BLVD SW and LOS PICAROS RD SW containing approximately 2,294 acre(s). [REF: 06DRB-00744] [*Deferred from 11/15/06, 12/13/06, 1/3/07, 1/17/07, 2/7/07, 2/28/07, 3/21/07, 04/11/07 & 05/02/07 & 5/30/07.*] (R-16, Q-16, R-15, R-17, S-14, S-16, S-17, T-16) **DEFERRED AT THE AGENT'S REQUEST TO 6/20/07.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

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

- 5. Project# 1003364**
07DRB-70003 EPC APPROVED SDP
FOR BUILD PERMIT

TAFAZZUL HUSSAIN agent(s) for PHILLIP LINDBORG request(s) the above action(s) for all or a portion of Lot(s) 1-A-1-A1, Block(s) 10, Tract(s) 2, **NORTH ALBUQUERQUE ACRES, UNIT 3**, zoned SU-2 MIXED USE, located on HOLLY AVE NE BETWEEN LOUISIANA NE AND WYOMING NE containing approximately 1 acre(s). [Anna DiMambro, EPC Case Planner] [*Indef deferred from 5/30/07*] (C-19) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

- 6. Project# 1005239**
07DRB-70009 EPC APPROVED SDP
FOR BUILD PERMIT

CLAUDIO VIGIL ARCHITECTS agent(s) for MECH-CON INVESTMENT LLC request(s) the above action(s) for all or a portion of Tract(s) K-1, **GATEWAY INDUSTRIAL PARK**, zoned IP, located on BROADWAY NE BETWEEN MENAUL NE AND CLAREMONT NE containing approximately 1.75 acre(s). [REF: 06EPC 01583] [Catalina Lehner, EPC Case Planner] (H-15) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR CROSS-ACCESS WITH PLAT 30 FEET AND MINOR SITE COMMENTS AND PLANNING FOR CATALINA LEHNER'S INITIALS AND 3 COPIES OF THE SITE PLAN.**

- 7. Project# 1005240**
07DRB-70007 EPC APPROVED SDP
FOR BUILD PERMIT

CLAUDIO VIGIL ARCHITECTS agent(s) for MECH-CON INVESTMENT LLC request(s) the above action(s) for all or a portion of Tract(s) H-1, **GATEWAY INDUSTRIAL PARK**, zoned IP, located on BROADWAY NE BETWEEN MENAUL NE AND CLAREMONT NE containing approximately 2.575 acre(s). [Catalina Lehner, EPC Case Planner](H-14) **SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR CATALINA LEHNER'S INITIALS, REMOVAL OF SIGNATURE BLOCK FROM UTILITY PLAN AND 3 COPIES OF THE SITE PLAN.**

8. **Project# 1005280**
07DRB-70011 EPC APPROVED SDP
FOR BUILD PERMIT
07DRB-70012 EPC APPROVED SDP
FOR SUBDIVISION

GEORGE RAINHART ARCHITECTS agent(s) for SCM PROPERTY CO LLC request(s) the above action(s) for all or a portion of TRACT 16-A-1, PARADISE NORTH AND TRACT E-A-1, CRESTVIEW SUBDIVISION (to be known as **MCMAHON MARKETPLACE**) zoned SU-1 FOR C-1 PURPOSES, located on MCMAHON NW BETWEEN BANDELIER DR NW AND UNSER BLVD NW containing approximately 12.3 acre(s). [REF: 06EPC01706, 06EPC01705, 063PC01704] [**Catalina Lehner, EPC Case Planner**] [*Indef deferred from 5/30/07*] (A-11) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

9. **Project# 1005498**
07DRB-70006 MINOR - SDP FOR
BUILDING PERMIT

CLAUDIO VIGIL ARCHITECTS agent(s) for MART-NAIR, LLC request(s) the above action(s) for all or a portion of Lot(s) 10-12 and portion of Lot 13, Block(s) 3, Tract(s) A, NORTH ALBUQUERQUE ACRES, UNIT B (to be known as **UNIVERSITY OF PHOENIX**) zoned IP, located on PASADENA NE BETWEEN I-25 FRONTAGE ROAD NE AND SAN MATEO BLVD NE containing approximately 3 acre(s). (B-18) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 5/30/07 THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELGATED TO CITY ENGINEER FOR SIA AND PLANNING TO CHANGE THE TITLE TO SITE PLAN FOR BUILDING PERMIT AND 3 COPIES OF THE PLAN.**

07DRB-70001 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for MART-NAIR, LLC request(s) the above action(s) for all or a portion of Lot(s) 10-12, and portion of Lot 13, Block(s) 3, Tract(s) A, NORTH ALBUQUERQUE ACRES, UNIT B (to be known as **UNIVERSITY OF PHOENIX**) zoned IP, located on PASADENA NE BETWEEN I-25 FRONTAGE ROAD NE AND SAN MATEO BLVD NE containing approximately 3 acre(s). (B-18) **THE PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

10. **Project # 1005545**
07DRB-00588 Minor-SiteDev Plan
BldPermit

MULLEN HELLER ARCHITECTURE agent(s) for FARM CREDIT OF NEW MEXICO request(s) the above action(s) for all or any portion of Tract(s) C-1-A, **NORTH GATEWAY SUBDIVISION**, zoned IP industrial park, located on BALLOON FIESTA PARKWAY NE between SAN MATEO NE and PAN AMERICAN FREEWAY containing approximately 2 acre(s). [REF:DRB-97-6] [Deferred from 5/16/07] (B-18) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT FOR UTILITY PLAN, FIRE MARSHAL STAMP, REVISED WORK ORDER SETS AND PLANNING FOR 3 COPIES OF THE PLAN.**

11. **Project # 1002455**
06DRB-01648 Minor-SiteDev Plan
Subd/EPC
06DRB-01649 Minor-SiteDev Plan
BldPermit/EPC

TAFAZZUL HUSSAIN agent(s) for DOUGLAS SIMMS request(s) the above action(s) for all or a portion of Lot(s) 2-7, **J J SUBDIVISION**, zoned SU-1 for C-1 USES, located on SAN ANTONIO DR NE, between I-25 and SAN PEDRO NE containing approximately 8 acre(s). [REF: 06DRB-00610, 06EPC-00458, 06EPC-01076] [**Carmen Marrone, EPC Case Planner**] [*Indef deferred from 11/29/06*] [*Indef deferred from 5/30/07*] (E-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

07DRB-70004 VACATION OF
PRIVATE EASEMENT
07DRB-70005 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

RIO GRANDE SURVEYING CO. agent(s) for SAN ANTONIO PROPERTIES LLC request(s) the above action(s) for all or a portion of Lot(s) 3-7, **JJ SUBDIVISION**, zoned SU-1 for C-1 USES, located on SAN ANTONIO NE between INTERSTATE 25 NE and FOREST HILLS NE containing approximately 6.5044 acre(s). [*Indef deferred from 5/30/07*] (E-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

12. **Project # 1000762**
07DRB-00597 Minor-SiteDev Plan
BldPermit/EPC

GOLDEN ASSOCIATES LLC agent(s) for FIRST BAPTIST CHURCH request(s) the above action(s) for all or any portion of Tract(s) B, RICHLAND HILLS, UNIT 1, **FIRST BAPTIST CHURCH**, zoned SU-1 FOR IP uses with exceptions, located on PASEO DEL NORTE NW between RICHLAND HILLS RD NW and EAGLE RANCH RD NW containing approximately 6 acre(s). [REF: 06EPC01711] **[Stephanie Shumsky, EPC Case Planner]** *[Deferred from 5/23/07]* (C-12) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 5/30/07 THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND PLANNING FOR REPLAT, STEPHANIE SHUMSKY'S INITIALS AND 3 COPIES OF THE PLAN.**

13. **Project # 1005390**
07DRB-00648 Minor-SiteDev Plan
BldPermit

TIMOTHY OTT request(s) the above action(s) for all or any portion of Lot(s) 9, 10 & 12, **NZ COMMERCIAL, THE RANDOLPH BUILDING**, zoned IP, located on RANDOLPH RD SE between YALE BLVD SE and UNIVERSITY BLVD SE containing approximately 4 acre(s). [REF: 07DRB-00648] *[Deferred from 5/23/07]* (M-15) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 3 COPIES.**

07DRB-00206 Minor-Final Plat Approval

BORDENAVE DESIGNS agent(s) for TIMOTHY OTT request(s) the above action(s) for all or a portion of Lot(s) 9, 10 & 12, **NZ COMMERCIAL THE RANDOLPH BUILDING** zoned IP industrial park zone, located on RANDOLPH RD SE between YALE BLVD SE and UNIVERSITY BLVD SE containing approximately 4 acre(s). *[Deferred from 2/28/07 & Indef deferred 3/7/07]* *[Deferred from 5/23/07]* (M-15) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD.**

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

14. **Project# 1005182**
07DRB-70014 AMENDMENT TO
PRELIMINARY PLAT
- WILSON AND COMPANY INC agent(s) for LA CUENTISTA II LLC request(s) the above action(s) for all or a portion of Tract(s) C, **LA CUENTISTA SUBDIVISION, UNIT 2**, zoned SU-2 SRSL, located on ROSA PARKS RD NW between ALOE RD NW and KIMMICK DR NW containing approximately 35.4714 acre(s). [REF: 1000922] [Deferred from 5/30/07] (C-10 & C-11) **DEFERRED AT THE AGENT'S REQUEST TO 6/6/07.**
15. **Project# 1004272**
07DRB-70013 SUBDN DESIGN
VARIANCE FROM MIN DPM STDS
- ISAACSON AND ARFMAN PA agent(s) for CURB INC request(s) the above action(s) for all or a portion of Tract(s) 16-D-1, EL RANCHO GRANDE, UNIT 16 (to be known as **EL RANCHO GRANDE, UNIT 17**) zoned R-D, located on GIBSON BLVD SW between DELGADO DR SW and 118TH ST SW containing approximately 2.9585 acre(s). [REF: 07DRB-00547, 07DRB-00548, 07DRB-00549, 07DRB-00550] (N-8) **A SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS WAS APPROVED AS SHOWN ON EXHIBIT D IN THE PLANNING FILE.**
16. **Project# 1000572**
07DRB-70008 MAJOR - FINAL PLAT
APPROVAL
- ISAACSON AND ARFMAN PA agent(s) for CENTEX HOMES request(s) the above action(s) for all or a portion of Tract(s) E, H, R, S & T, **THE PRESIDIO, UNIT 2**, zoned SU-1 PRD, located on CHICO RD NE BETWEEN EUBANK BLVD NE AND MORRIS STREET NE containing approximately 4.3225 acre(s). [REF: 06DRB-01778, 06DRB-01779, 06DRB-01781] (K-21) **THE FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD.**

17. **Project# 1004791**
07DRB-70002 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

WAYJOHN SURVEYING INC agent(s) for LOMAS JACK LLC request(s) the above action(s) for all or a portion of Tract(s) C, **LANDS OF GREVEY**, zoned C-1, located on LOMAS BLVD NE between WALKER DR NE and EUBANK BLVD NE containing approximately 1.226 acre(s). [REF: 06EPC-00413] (J-20) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

18. **Project # 1004565**
06DRB-00908 Minor-Final Plat Approval

WAYJOHN SURVEYING INC agent(s) for DOYLE & TRICARIO INVESTMENTS request(s) the above action(s) for all or a portion of Lot(s) 7, 8 & 9, Block(s) 16-A, SANTILLA PLACE (to be known as **CAGUA TOWNHOMES**) zoned SU-1 FOR PRD, located on CAGUA DR NE between COPPER AVE NE and GRAND AVE NE containing approximately 1 acre(s). [**Catalina Lehner, EPC Case Planner**] [*Deferred from 8/2/06 & 8/16/06 & 8/30/06 & 9/6/06 & 9/13/06*] (K-18) **FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

NO ACTION IS TAKEN ON THESE CASES:

APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

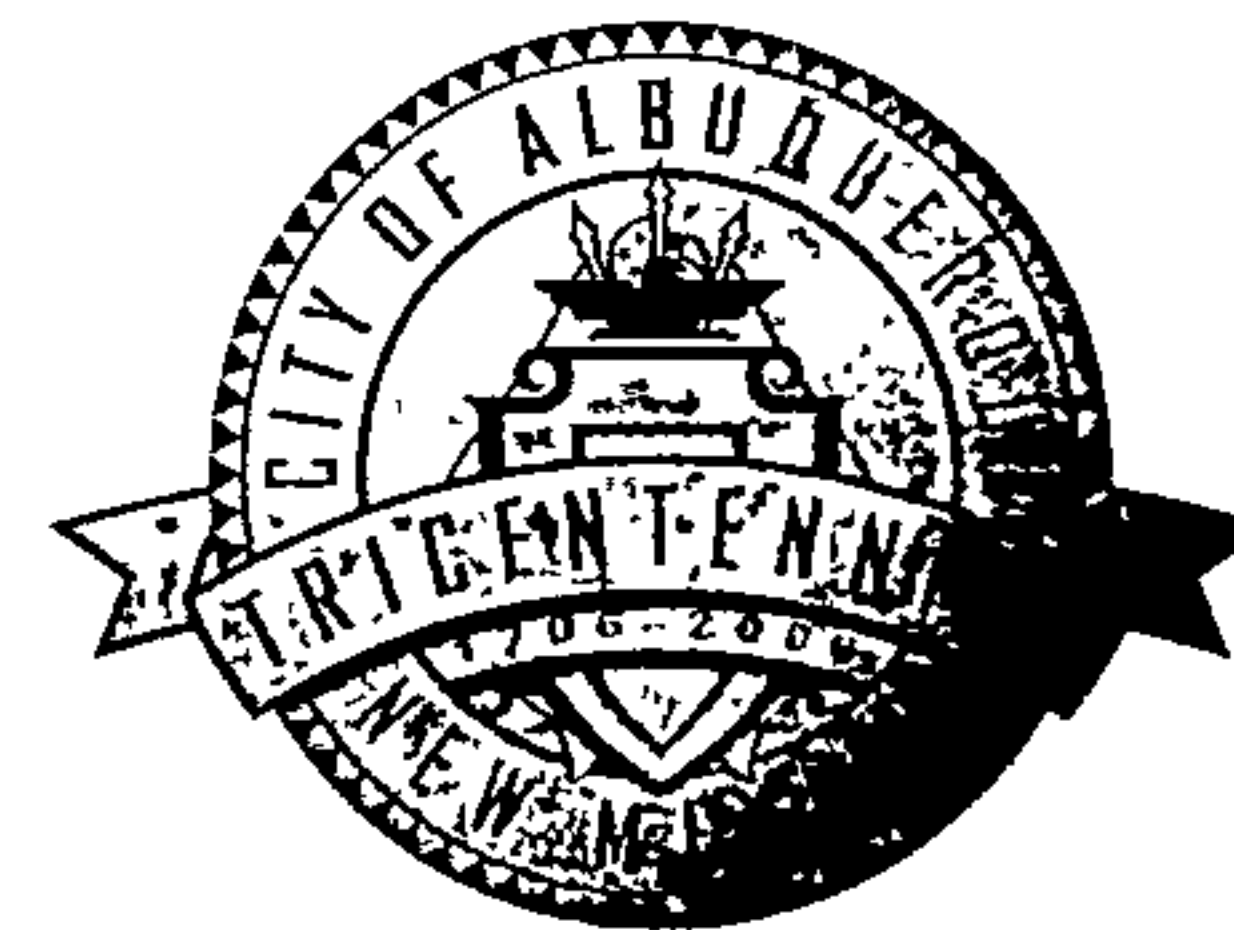
19. **Project# 1006500**
07DRB-70010 SKETCH PLAT REVIEW
AND COMMENT

MARK GOODWIN AND ASSOCIATES PA agent(s) for KB HOMES NEW MEXICO, INC request(s) the above action(s) for all or a portion of **ANDERSON HEIGHTS, UNITS 4 & 6**, zoned R-D, located on 118TH ST SW between AMOLE MESA AVE SW and COLOBEL AVE SW containing approximately 55.274 acre(s). (N-8) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. Approval of the Development Review Board Minutes for May 23, 2007. **THE DEVELOPMENT REVIEW BOARD MINUTES FOR 5/23/07 WERE APPROVED BY THE BOARD.**

ADJOURNED: NOON

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005539

AGENDA ITEM NO: 2

SUBJECT:

Vacation of Public Right-of-Way

ACTION REQUESTED:

REV/CMT: () APPROVAL: (X) SIGN-OFF: () EXTN: () AMEND: ()

ENGINEERING COMMENTS:

No objection to Vacation request.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

APPROVED X; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: MAY 30, 2007

0



CITY OF ALBUQUERQUE
 PLANNING DEPARTMENT
 DEVELOPMENT REVIEW BOARD

May 30, 2007

Project # 1005539

07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

AMAFCA

No adverse comments.

COG Kimmick Dr. does not appear on the Long Range System Map. Development in this area is outpacing planning efforts; coordination between DMD, MPO, and the Planning Department is recommended to bring the Long Range Roadway System Map and the adopted Sector Development Plan into congruence.

Transit

No comments received.

Zoning Enforcement

No adverse comments.

Neighborhood Coordination

Courtesy Notify Only: Volcano Cliffs Property Owners Assoc.

APS

Tierra Buena Estates (Lot 1 Block 5, Volcano Cliffs Subdivision Unit 26) located on Rosa Parks Rd NW and Kimmick Drive NW appears to consist of 9 lots. This project will impact Marie Hughes Elementary School, LBJ Middle School, and Cibola High School. **Cibola High School is exceeding capacity and Marie Hughes Elementary School and LBJ Middle School are nearing capacity.**

Loc No	School	2007-08 Projections	2006-07 Capacity	Space Available
365	Marie Hughes	720	802	82
485	L.B. Johnson	1,044	1,204	160
580	Cibola	2,717	2,300	-417

APS

A new northwest high school is planned to open with a 9th grade academy in 2007 with the remainder of the school to open in 2008. The new northwest high school will relieve overcrowding at Cibola High School.

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round
 - Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

Police Department	No crime prevention or CPTED comments at this time.
Fire Department	No adverse comments.
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	The Hydrology section has no objection to the vacation request.

Transportation Development

No objection to the vacation requests. However, wider sections of right-of-way may need to be retained at intersections to provide for left turn bays. These will need to be evaluated prior to replatting.

Parks & Recreation

Defer to Transportation.

Utilities Development

Comments will be provided at the meeting.

Planning Department

No objection to the vacation request. Defer to Transportation.

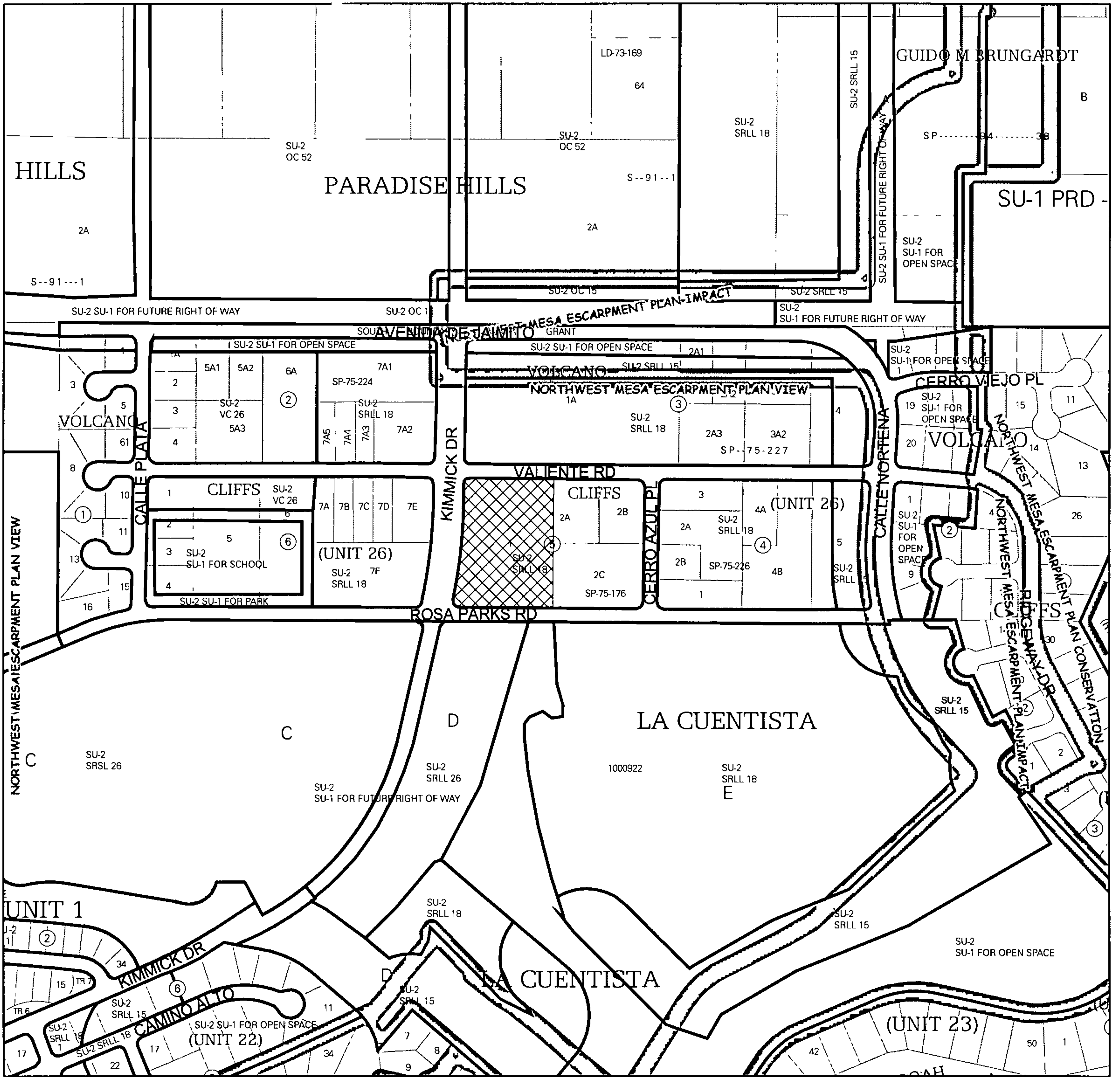
Impact Fee Administrator

No comment on proposed vacation of easements.

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

Cc: MGMe Development Inc, 7720 Elena Dr NE, 87122

Wilson and Company, 4900 Lang Ave NE, 87109



P:\GIS\FILEPROJECTS\Sketch\PF&Sk07\07P&S Jan-Jun\07Sk_1005539D mxd

ZONING MAP

Note: Grey shading indicates County.



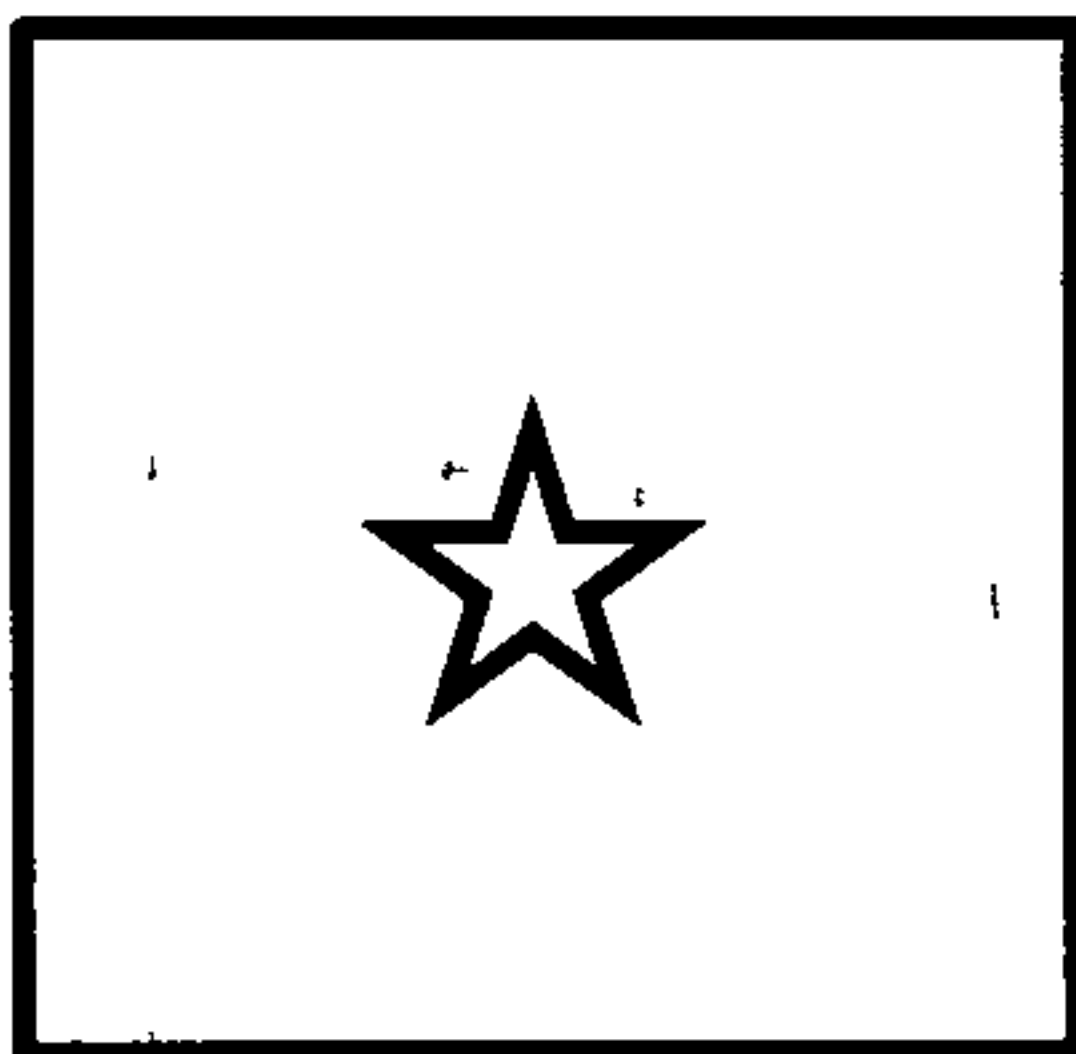
1 inch equals 500 feet

Project Number:
1005539

Hearing Date:
5/30/2007

Zone Map Page:
C-11

Additional Case Numbers:
07DRB-00580 07DRB-00561



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

Meeting Date: May 30, 2007
Z one Atlas Page: C-11
Notification Radius: 100 Ft.

Project# 1005539
App#07DRB-00580

**Cross Reference and Location: ROSA PARKS RD NW BETWEEN ROSA PARKS
RD NW AND VALEINTE RD NW**

Applicant: MICHAEL OMLOR
MGME DEVELOPMENT, INC.
7720 ELENA DR NE
ALBUQUERQUE, NM 87122

Agent: KRISTINE SUSCO
WILSON AND COMPANY
4900 LANG AVE NE
ALBUQUERQUE, NM 87109

Special Instructions:

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

Date Mailed: MAY 11, 2007
Signature: ERIN TREMLIN

A City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form **S**

SUBDIVISION

___ Major Subdivision action

___ Minor Subdivision action

X 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899

ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415

CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net

Proprietary interest in site: Owner List all owners: MGMe Development, Inc.

AGENT (if any): Kristine Susco- Wilson and Company PHONE: (505) 348-4191

ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request the Vacation of existing Public ROW on Kimmick Dr NW.

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

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

Lot or Tract No. Lot 1 Block: 5 Unit: 26

Subdiv. / Addn. Volcano Cliffs Subdivision TBK TIERRA BUENA ESTATES

Current Zoning: SU2-SRLL Proposed zoning: No Change

Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9

Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A

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

UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Road NW

Between: Rosa Parks Road NW and Valiente Road NW

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

DRB #1005539 - Sketch Plat Hearing Date 5-9-07 07DRB00561

Check-off if project was previously reviewed by Sketch Plat/Plan No, or Pre-application Review Team No Date of review: 5-4-07

SIGNATURE Kristine Susco DATE: 5-4-07

(Print) KRISTINE SUSCO ___ Applicant X 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>07 DRB - -00580</u>	<u>VRW</u>		<u>\$ 300.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned		<u>Adv</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				<u>\$</u>
<input checked="" type="checkbox"/> Case history #s are listed				<u>\$</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				<u>\$</u>
	Hearing date <u>May 30, 2007</u>			Total <u>\$ 395.00</u>

Andrew Grier 5/11/07
Planner signature / date

Project # 1005539

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)
 ___ 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.

KRISTINE SUSCO
 Applicant name (print)
Kristine Susco 5/4/07
 Applicant signature / date



- Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed
- Application case numbers
 07 DRB - 00580

Form revised 4/07
Andrew Jones 5/4/07
 Planner signature / date
 Project # 1005539

R e c	UPC CODE	OWNER	OWNER ADDRESS	OWN ER CITY	OW NE R ST AT E	OW NE R Z IP CO DE	PR OP ERT Y CLA SS	TA X DIS TRI CT	LEGAL
1	101106 405610 730103	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*007F0006VOLCANO CLIFFS SUBD UNIT 26 REP L LOT 7 BLK 6 VOLCAN O CLIFFS SUBD UNIT
2	101106 413710 630202	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*2C 5 REPLAT OF LOT 2 BLOCK 5 UNIT 26 VOLC ANO CLIFFS SUBD CO NT 1.714 AC
3	101106 406501 030601	DIAMOND STANLE Y L	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	TR D CORRECTION PLAT OF THE BULK LAND P LAT OF LA CUENTISTA SUBDIVISION (TRACTS A THROUGH E) CONT 19.7760 AC
4	101106 419500 830602	DIAMOND STANLE Y L	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	TR E CORRECTION PLAT OF THE BULK LAND P LAT OF LA CUENTISTA SUBDIVISION (TRACTS A THROUGH E) CONT 71.2610 AC
5	101106 412716 830501	VOLCANO CLIFFS I NC.	4112 BLU E RIDGE P L NE	ALBU QUE RQU E	N M	871 11 4 167	V	A1 A	*001A0003VOLCANO CLIFFS UNIT 26 REPL LOT S 1 THRU 4 BLK 3
6	101106 407112 930104	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*007E0006VOLCANO CLIFFS SUBD UNIT 26 REP L LOT 7 BLK 6 VOLCAN O CLIFFS SUBD UNIT
7	101106 410411 830201	DIAMOND STANLE Y	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	*00010005VOLCANO CLIFFS SUBD UNIT 26
8	101106 412813 030204	FALLS LAND & DE VEL CORP C/O RO NALD F KEGLE	7864 N S OMBRERO PEAK DR	TUCS ON	AZ	857 43	V	A1 A	*2A 5 REPLAT OF LT 2 BLK 5 UNIT 26 VOLCANO CLIFFS SUBD CONT 0.858 AC

Or Current Resident
FALLS LAND & DEVEL CORP C/O
RONALD F KEGLE
7864 N SOMBRERO PEAK DR
TUCSON, AZ 85743


Or Current Resident
LEDERER A C JR
5 PINE HILL LN
HOUSTON, TX 77019

Or Current Resident
VOLCANO CLIFFS INC.
4112 BLUE RIDGE PL NE
ALBUQUERQUE, NM 87111 4167

Project# 1005539
MICHAEL OMLOR
MGMe Development Inc.
7720 ELENA DR NE
ALBUQUERQUE, NM 87122

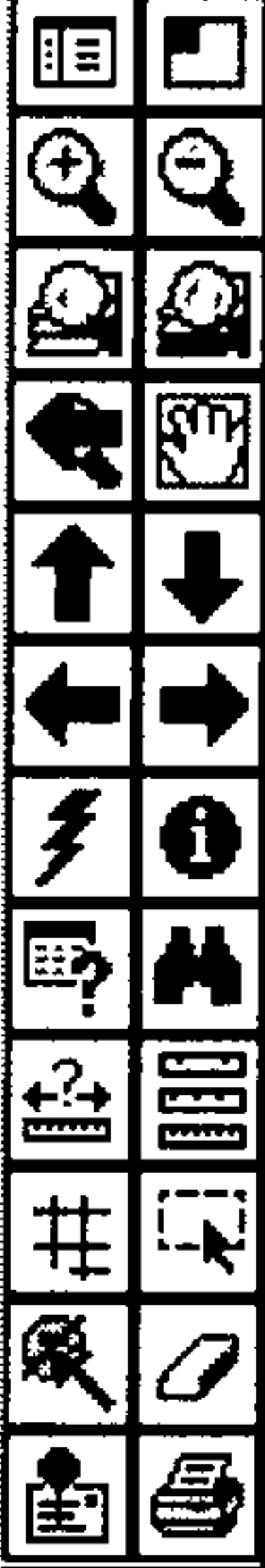
Project# 1005539
KRISTINE SUSCO
Wilson and Company
4900 LANG AVE NE
ALBUQUERQUE, NM,87109

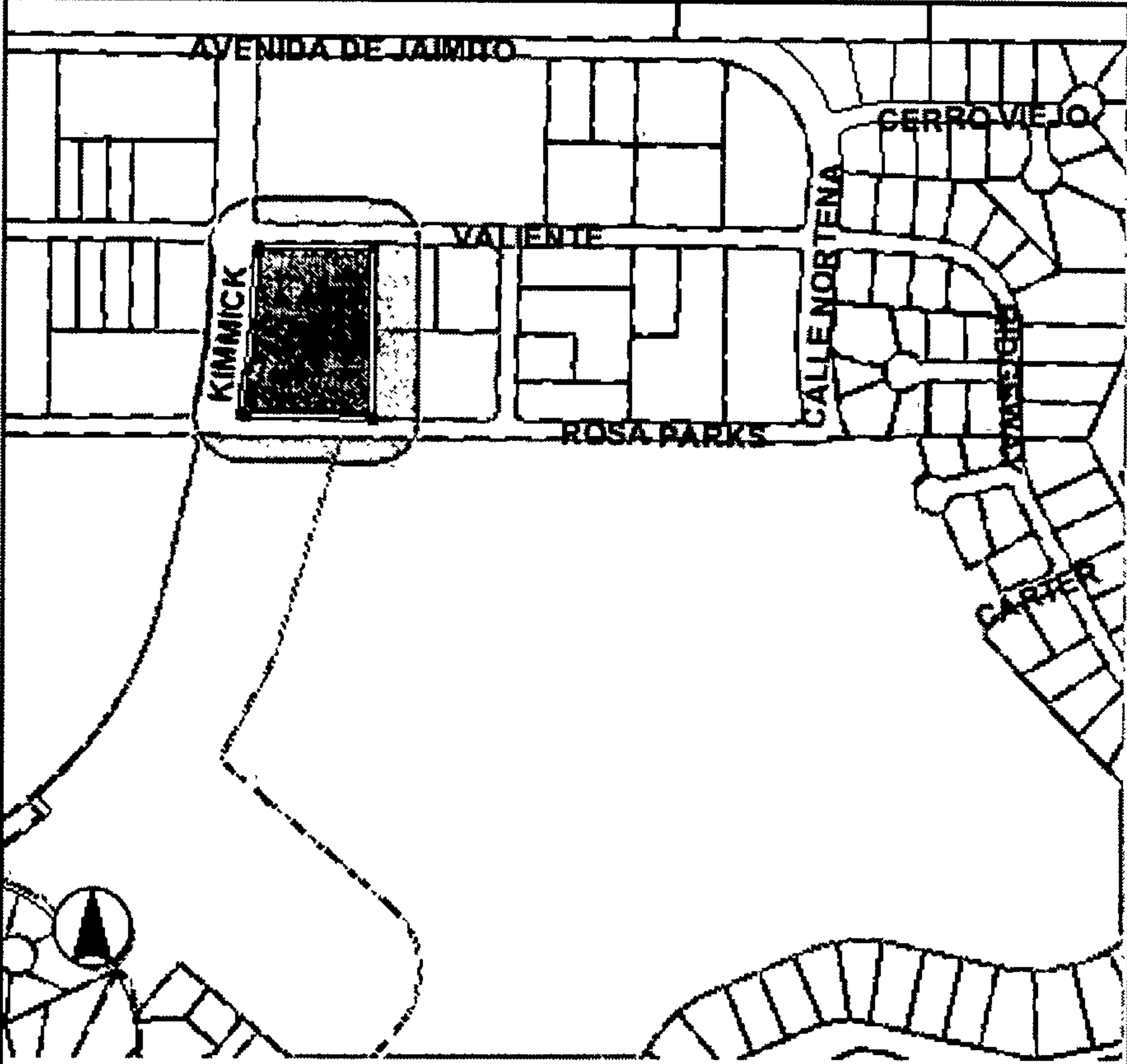
Or Current Resident
DIAMOND STANLEY
21 VISTA VALLE CIR
LAMY, NM 87540



CITY OF ALBUQUERQUE
www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE





LAYERS

- STREETS
- BASEMAP
- PARCELS
- LOT NUMBERS
- METRO ADDRESS
- ZONING
- OWNERSHIP
- 2FT CONTOUR
- ADDRESS POINTS
- LANDUSE
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
- MUNICIPAL LIMITS
- ZONE GRID
- NEIGHBORHOODS
- METRO DEV AREA
- DASZ
- DESIGN OVERLAY
- POLICE BEATS
- COUNCIL
- PARKS
- PETROGLYPH MNT
- BOSQUE SECTORS
- OPENSOURCE
- COMP PLAN
- AREA PLANS
- SECTOR PLANS
- SENATE DISTRICT
- REP. DISTRICTS
- PLANNING AREAS
- HISTORIC ZONES
- CORRIDORS
- ZIPCODES
- POVERTY POCKET
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
 - 2006 AIR PHOTO
 - 2004 AIR PHOTO
 - 2002 AIR PHOTO
 - 1999 AIR PHOTO

OWNERSHIP

Rec	UPC CODE	OWNER	
1	101106405610730103	LEDERER A C JR	5 PIN
2	101106413710630202	LEDERER A C JR	5 PIN
3	101106406501020602	DIAMOND, STANLEY L	24 VI

Pan

[SEARCH](#)

[CONTACT](#)

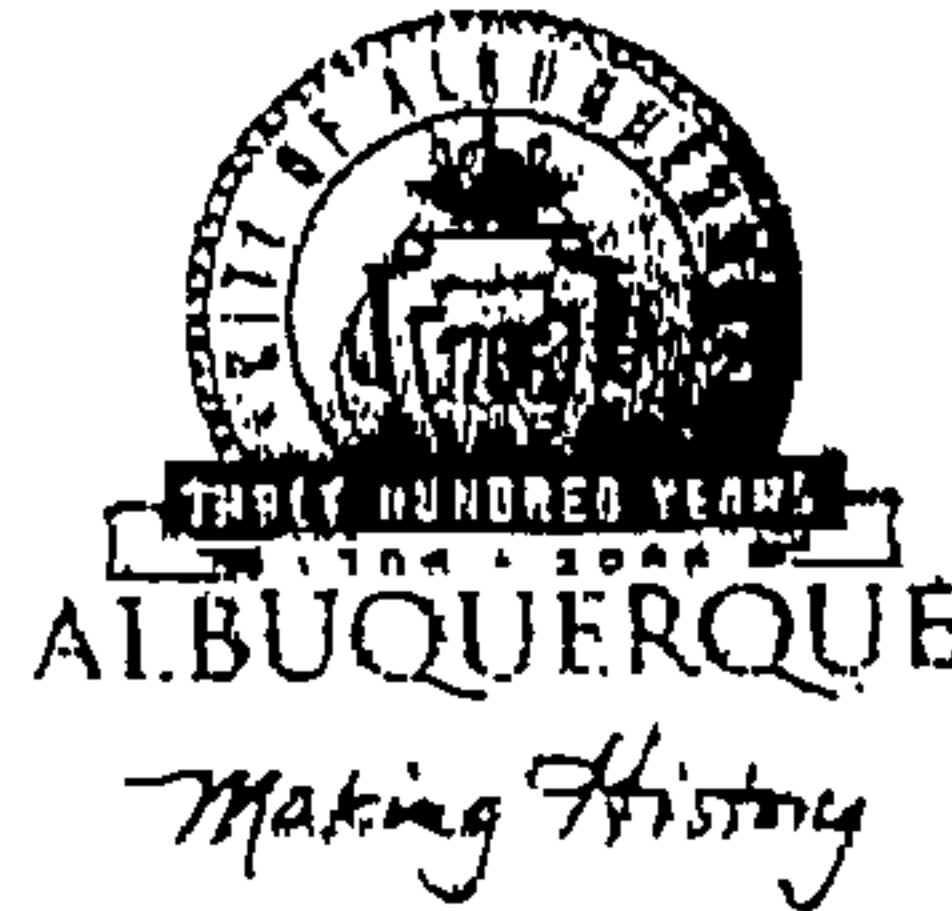
[REFRESH](#)

[HELP](#)

[INDEX PAGE](#)

Refresh Map

Auto Refresh



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: 5/13/07

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on May 3, 2007
(date)

TO CONTACT NAME: Shadi Hayati
COMPANY/AGENCY: Wilson Company
ADDRESS/ZIP: 4900 Long Avenue NE
PHONE/FAX #: 348-4000, 348-4055

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at lot 1, blocks, units, unit 26 Ute and cliffs Subdivision, located on NE of Kimmick Dr. and Rose Parks Rd between Rose Parks Rd. NW and Valiente Rd NW zone map page(s) C-11-2.

Our records indicate that as of May 3, 2007 (date) there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,


OFFICE OF NEIGHBORHOOD COORDINATION

DEVELOPER INQUIRY SHEET

(To be completed prior to application submission)

The Office of Community and Neighborhood Coordination (OCNC) located in Room 120 (basement) of the Plaza Building, 600 Second St. NY FAX - 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 call the to contact our office at 924-3914. Your requests for the following: Cell Tower [] Private Development [X] City Project [] -OR- Other [] (specify)

CONTACT NAME: _____

COMPANY NAME: _____

ADDRESS: _____

ZIP CODE: _____

PHONE (City): _____

FAX (City): _____

NEIGHBORHOOD ASSOCIATION INFORMATION

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

LEGAL DESCRIPTION: _____

LOCATED ON _____

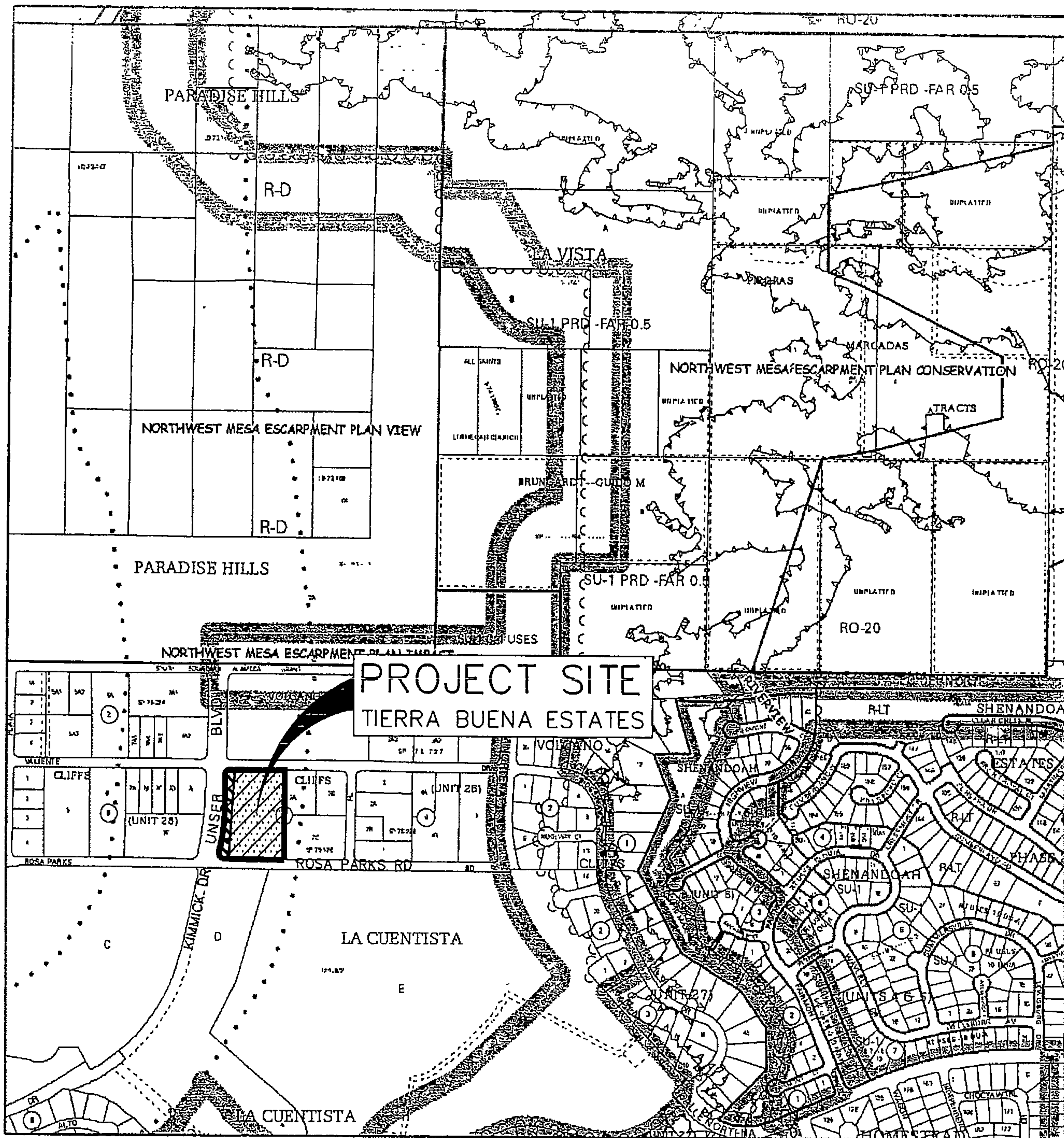
BETWEEN _____

AND _____

STREET NAME OR OTHER IDENTIFYING LANDMARK: _____

THE SHEET IS LOCATED ON THE FOLLOWING ZONE TITLE PAGE(S) ()

PLEASE HATCH OUT ZONE MAP WHERE PROPERTY IS LOCATED (ZONE MAP WILL BE PROVIDED WITH REQUEST)



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

AGIS
Albuquerque Geographic Information System

Map amended through: 10/25/2006

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-11-Z

Selected Symbols

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

0 750 1,500 Feet

**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

4 May 2007

Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development, Inc., requests approval for the Vacation of existing Public ROW on Kimmick Dr. adjacent to the planned Tierra Buena Estates. This Vacation will bring the Kimmick ROW width to 58', thereby adhering to the requirements of the Volcano Heights Sector Development Plan.

Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191.
Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kiskusco@wilsonco.com

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

Meeting Date: May 30, 2007
Z one Atlas Page: C-11, D-11
Notification Radius: 100 Ft.

Project# 1005539
App#07DRB-00580

**Cross Reference and Location: KIMMICK DRIVE NW BETWEEN ROSA PARKS
RD NW AND PETROGLYPH NATIONAL MONUMENT**

Applicant: FRANCES PAVICH
LEGACY SUSTAINABLE DEVELOPMENT, INC.
21 VISTA VALLE CIRCLE
ALBUQUERQUE, NM 87450
87540

Agent: KRISTINE SUSCO
WILSON AND COMPANY
4900 LANG AVE NE
ALBUQUERQUE, NM 87109

Special Instructions:

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

Date Mailed: MAY 11, 2007
Signature: ERIN TREMLIN

A City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
SUBDIVISION	S	ZONING & PLANNING	Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input checked="" type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	P	<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)	L		
		APPEAL / PROTEST of...	A
		<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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements

APPLICANT INFORMATION:

NAME: Legacy Sustainable Development, Inc (Frances Pavich) PHONE: (505) 980-9124
 ADDRESS: 21 Vista Valle Circle FAX: _____
 CITY: Lamy STATE NM ZIP 87540 E-MAIL: _____
 Proprietary interest in site: Owner List all owners: Legacy Sustainable Development, Inc.
 AGENT (if any): Kristine Susco-Wilson and Company PHONE: (505) 348-4191
 ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request the Vacation of existing Public Utility and Access Easements on Tract E, as well as Public ROW on Kimmick Dr. NW.

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. Tract D Block: N/A Unit: 3
 Subdiv. / Addn. The Correction Plat of the Bulk Land Plat of La Cuentista Subdivision
 Current Zoning: SU2-SRLL Proposed zoning: No Change
 Zone Atlas page(s): C-11, D-11 No. of existing lots: 1 No. of proposed lots: 60
 Total area of site (acres): 19.776 Density if applicable: _____ dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
 UPC No. 1-011-064-065-010-3-06-01 MRGCD Map No. N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: Kimmick Drive NW
 Between: Rosa Parks Road NW and Petroglyph National Monument

CASE HISTORY: List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):

DRB# 1000922, DRB # 1005540- Sketch Plat Hearing 5-9-07 07DRB-00562

Check-off if project was previously reviewed by Sketch Plat/Plan No, or Pre-application Review Team No Date of review: _____

SIGNATURE Kristine Susco DATE: 5-4-07
 (Print) KRISTINE SUSCO Applicant Agent

FOR OFFICIAL USE ONLY

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

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07DRB - -00578</u>	<u>VPE</u>	<u>✓</u>	<u>\$ 180.00</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>07DRB - -00579</u>	<u>VRW</u>	<u>✓</u>	<u>\$ 600.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	<u>\$</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
<input checked="" type="checkbox"/> Case history #s are listed	_____	<u>AVD</u>	_____	<u>\$ 75.00</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	Total
<input checked="" type="checkbox"/> F.H.D.P. density bonus	Hearing date <u>5-30-07</u>	_____	_____	<u>\$ 875.00</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	_____

Joseph A. Rauer 5/4/07
 Planner signature / date

Project # 1005540

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)**
 - 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.

KARISTANE SUSCO
Applicant name (print)
[Signature] 5-4-07
Applicant signature / date



Form revised 4/07

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

Application case numbers
07DRB- - 00578
07DRB- - 00579

[Signature] 5/4/07
Planner signature / date
Project # 1005540

R e c	UPC CODE	OWNER	OWNER ADDRES S	OWN ER CITY	OW NE R ST ATE	OW NE R ZIP CO DE	PR OPE RTY CLA SS	TA X DIS TRI CT	LEGAL
1	101006 338249 310601	LA CUENTISTA I L LC	PO BOX 51177	ALBU QUER QUE	N M	871 81 1 177	V	A1 A	TR A CORRECTION PLAT OF THE BULK LAND PL AT OF LA CUENTISTA SUBDIVISION (TRACTS A T HROUGH E) CONT 46.6687 AC
2	101106 307446 720107	CITY OF ALBUQU ERQUE % REAL E STATE DEPT	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	* 007 006VOLCANO CLIFFS SUBD UNIT 23
3	101106 304745 520251	CITY OF ALBUQU ERQUE	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	*00340006VOLCANO CLIFFS SUBD UNIT 22
4	101106 302648 820260	SALAZAR MARTIN & KRISTINA	8301 CA SA GRIS CT NW	ALBU QUER QUE	N M	871 20	V	A1 A	*00090006VOLCANO CLIFFS SUBD UNIT 22
5	101106 303848 620259	PEREA LYNNE & PHILIP STARKS	7301 BE CK DR N E	ALBU QUER QUE	N M	871 09	V	A1 A	*00100006VOLCANO CLIFFS SUBD UNIT 22
6	101106 304547 520258	PEREA LYNNE & PHILIP STARKS	7301 BE CK DR N E	ALBU QUER QUE	N M	871 09	V	A1 A	*00110006VOLCANO CLIFFS SUBD UNIT 22
7	101106 305645 420250	CITY OF ALBUQU ERQUE	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	*00350006VOLCANO CLIFFS SUBD UNIT 22
8	101006 352449 611401	SALAI TOBY J & DIANE L	9900 TE TON PL N W	ALBU QUER QUE	N M	871 14	V	A1 A	*00070006VOLCANO CLIFFS SUBD UNIT 22
9	101106 301549 020261	SALAZAR MARTIN & KRISTINA	8301 CA SA GRIS CT NW	ALBU QUER QUE	N M	871 20	V	A1 A	*00080006VOLCANO CLIFFS SUBD UNIT 22
10	101106 405610 730103	LEDERER A C JR	5 PINE HILL LN	HOUS TON	TX	770 19	V	A1 A	*007F0006VOLCANO CLIFFS SUBD UNIT 26 REPL LOT 7 BLK 6 VOLCAN O CLIFFS SUBD UNIT
11	101106 413710 630202	LEDERER A C JR	5 PINE HILL LN	HOUS TON	TX	770 19	V	A1 A	*2C 5 REPLAT OF LOT 2 BLOCK 5 UNIT 26 VOLCA NO CLIFFS SUBD CO NT 1.714 AC
12	101006 451942 541101	DIAMOND STANL EY L	21 VIST A VALLE CIR	LAMY	N M	875 40	V	A1 A	TR C CORRECTION PLAT OF THE BULK LAND PL AT OF LA CUENTISTA SUBDIVISION (TRACTS A T HROUGH E) CONT 35.4714 AC
13	101106 406501 030601	DIAMOND STANL EY L	21 VIST A VALLE CIR	LAMY	N M	875 40	V	A1 A	TR D CORRECTION PLAT OF THE BULK LAND PL AT OF LA CUENTISTA SUBDIVISION (TRACTS A T HROUGH E) CONT 19.7760 AC
14	101106 419500 830602	DIAMOND STANL EY L	21 VIST A VALLE CIR	LAMY	N M	875 40	V	A1 A	TR E CORRECTION PLAT OF THE BULK LAND PL AT OF LA CUENTISTA SUBDIVISION (TRACTS A T HROUGH E) CONT 71.2610 AC
15	101106 308346 120108	CITY OF ALBUQU ERQUE % REAL E STATE DEPT	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	* 008 006VOLCANO CLIFFS SUBD UNIT 23
16	101106 307545 420109	CITY OF ALBUQU ERQUE % REAL E STATE DEPT	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	* 009 006VOLCANO CLIFFS SUBD UNIT 23
17	101106 309945 020113	CITY OF ALBUQU ERQUE % REAL E STATE DEPT	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	* 013 006VOLCANO CLIFFS SUBD UNIT 23
18	101106 305844 020249	CITY OF ALBUQU ERQUE	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	*00360006VOLCANO CLIFFS SUBD UNIT 22
19	101106 307344 120110	CITY OF ALBUQU ERQUE % REAL E STATE DEPT	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	* 010 006VOLCANO CLIFFS SUBD UNIT 23

2 0	101106 309443 720112	CITY OF ALBUQU ERQUE % REAL E STATE DEPT	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	* 012 006VOLCANO CLIFFS SUBD UNIT 23
2 1	101106 310744 220114	CITY OF ALBUQU ERQUE % REAL E STATE DEPT	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	* 014 006VOLCANO CLIFFS SUBD UNIT 23
2 2	101106 410411 830201	DIAMOND STANL EY	21 VIST A VALLE CIR	LAMY	N M	875 40	V	A1 A	*00010005VOLCANO CLIFFS SUBD UNIT 26
2 3	101106 310542 120116	CITY OF ALBUQU ERQUE % REAL E STATE DEPT	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	* 016 006VOLCANO CLIFFS SUBD UNIT 23
2 4	101106 311743 320115	CITY OF ALBUQU ERQUE % REAL E STATE DEPT	PO BOX 1293	ALBU QUER QUE	N M	871 03 1 293	V	A1 A	* 015 006VOLCANO CLIFFS SUBD UNIT 23

Or Current Resident
DIAMOND STANLEY
21 VISTA VALLE CIR
LAMY, NM 87540

Or Current Resident
LA CUENTISTA I LLC
PO BOX 51177
ALBUQUERQUE, NM 87181 1177

Or Current Resident
LEDERER A C JR
5 PINE HILL LN
HOUSTON, TX 77019

Or Current Resident
PEREA LYNNE & PHILIP STARKS
7301 BECK DR NE
ALBUQUERQUE, NM 87109

Or Current Resident
SALAIS TOBY J & DIANE L
9900 TETON PL NW
ALBUQUERQUE, NM 87114

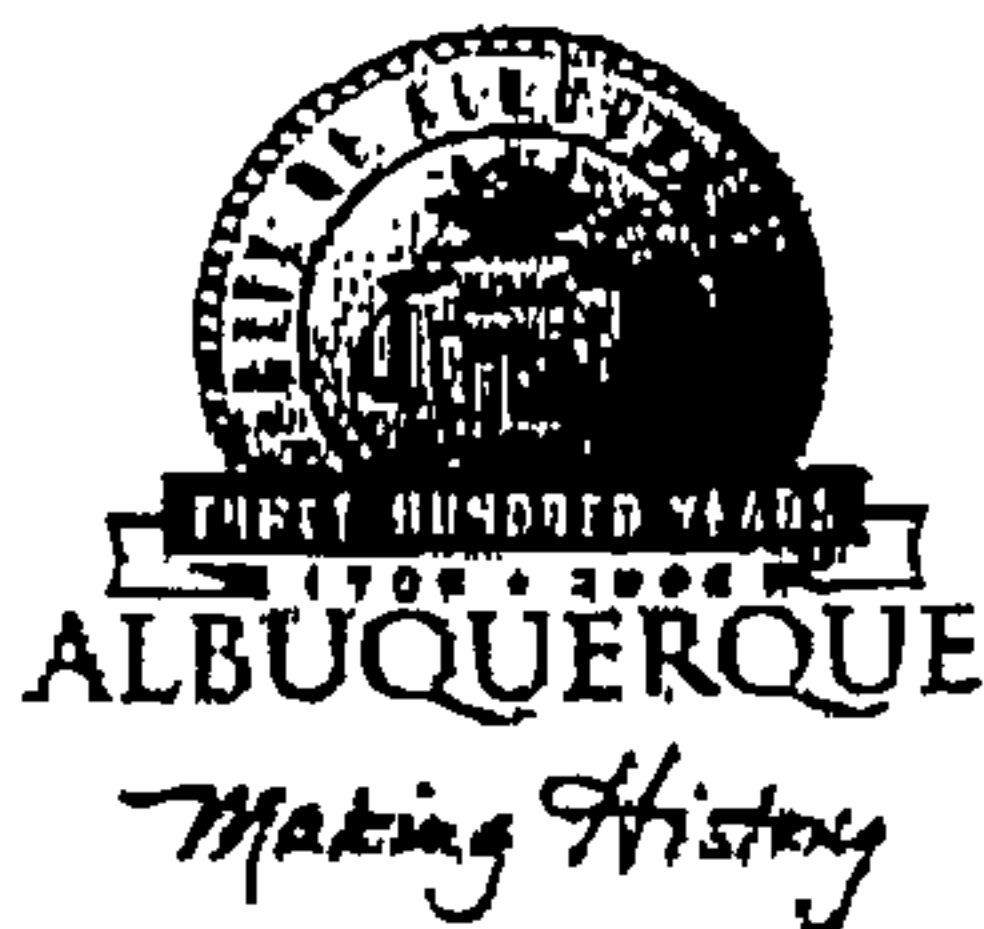
Or Current Resident
SALAZAR MARTIN & KRISTINA
8301 CASA GRIS CT NW
ALBUQUERQUE, NM 87120

Project# 1005540
FRANCES PAVICH
Legacy Sustainable Deve. Inc.
21 VISTA VALLE CIRCLE
ALBUQUERQUE, NM87540

Project# 1005540
KRISTINE SUSCO
Wilson and Company
4900 LANG AVE NE
ALBUQUERQUE, NM 87109

Project# 1005540
JOLENE WOLFLEY
Taylor Ranch
6804 STAG HORN DR NW
ALBUQUERQUE, NM 87120

Project# 1005540
RENE HORVATH
Taylor Ranch
5515 PALOMINO DR NW
ALBUQUERQUE, NM 87120



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Date: May 3, 2007

TO CONTACT NAME: Wilson & Company
COMPANY/AGENCY: Shadi Hayati
ADDRESS/ZIP: 4900 Lams Ave NE
PHONE/FAX #: 348-4000 / 348-4055 fax

Thank you for your inquiry of 5-3-07 (date) requesting the names of **Recognized**

Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at Tract D & E of the Bulk land Plat of La Cuentera
Subdivision located SE of Rosa Parks Rd & Kinrick Dr. between Rosa Parks Rd NW
zone map page(s) C-11-2 & D-11-2. * Petrograph National Mo.

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

Taylor Rancho
Neighborhood Association
Contacts: Jolene Wolfley
6804 Stag Horn Dr. NW/87120
870-9414 (h)
Rene Horvath
5515 Palomino Dr. NW/87120
898-2114 (h)

Neighborhood Association
Contacts: _____

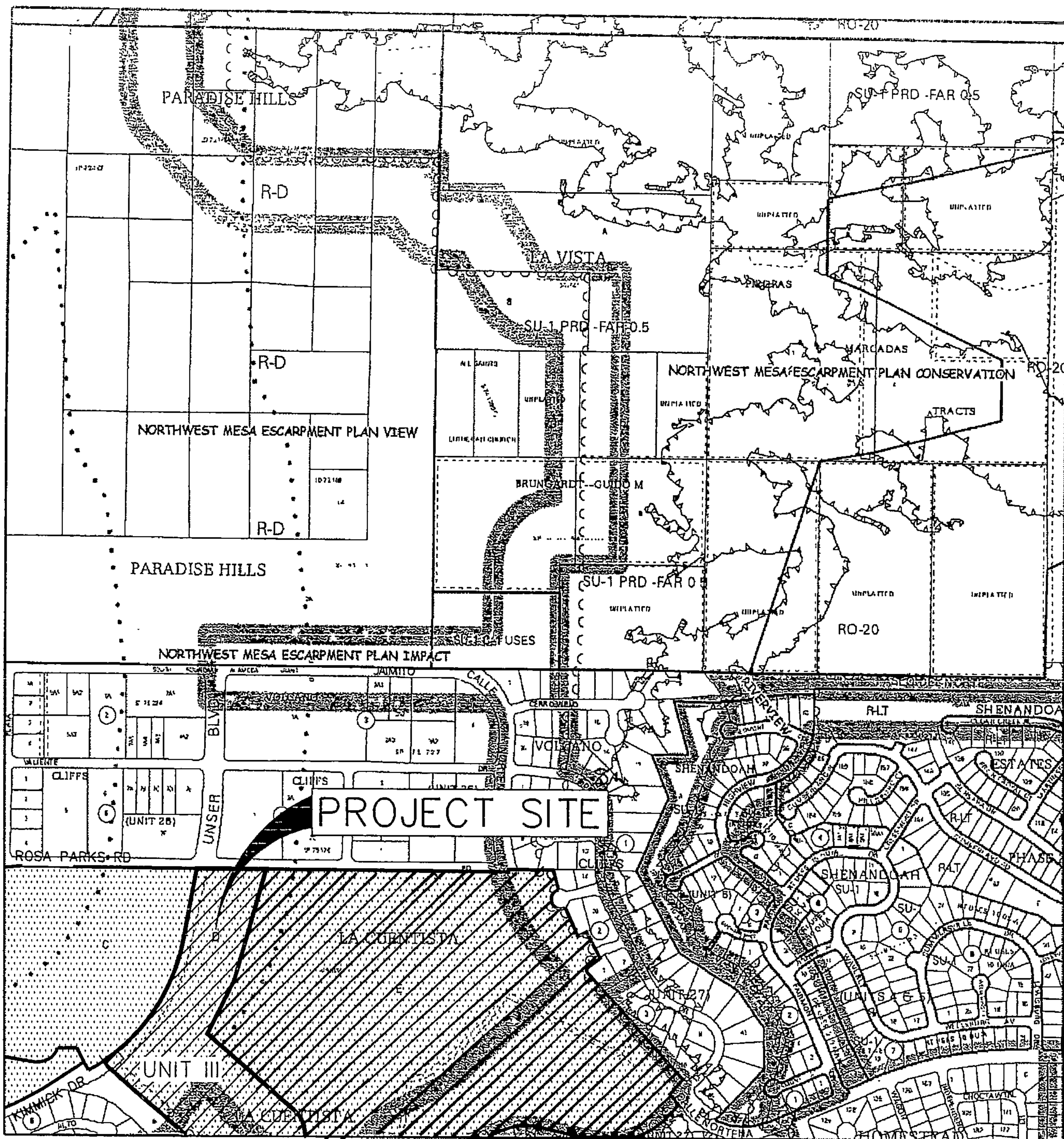
See reverse side for additional Neighborhood Association Information: YES { } NO

Please note that according to O-92 you are required to notify each of these contact persons by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEFORE** the Planning Department will accept your application filing. **IMPORTANT! FAILURE OF ADEQUATE NOTIFICATION MAY RESULT IN YOUR APPLICATION HEARING BEING DEFERRED FOR 30 DAYS.** If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.


Sincerely,

[Signature]
OFFICE OF NEIGHBORHOOD COORDINATION

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

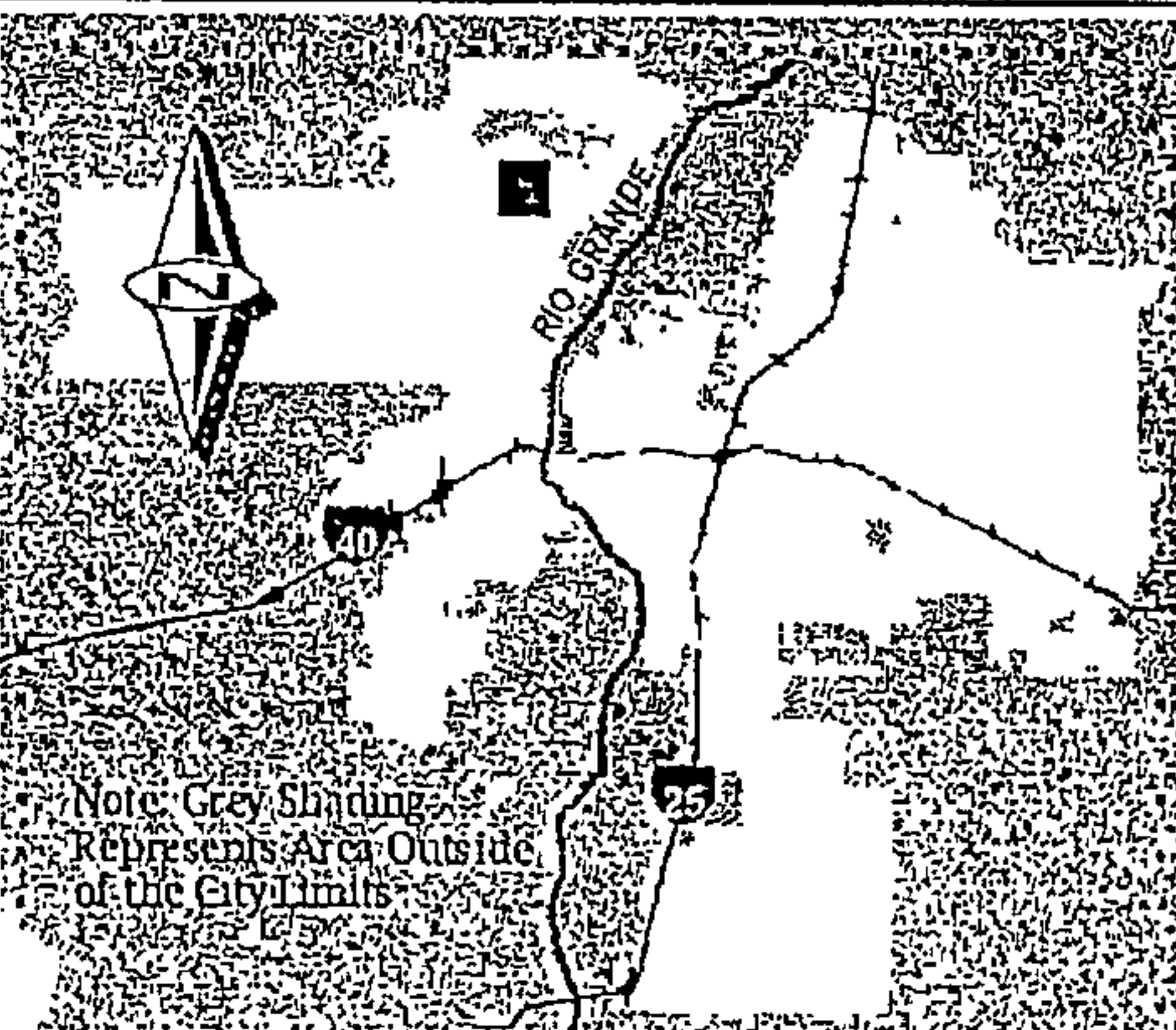


For more current information and more details visit: <http://www.cabq.gov/gis>



AGIS
Albuquerque Geographic Information System

Map amended through: 10/25/2006




Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-11-Z

Selected Symbols

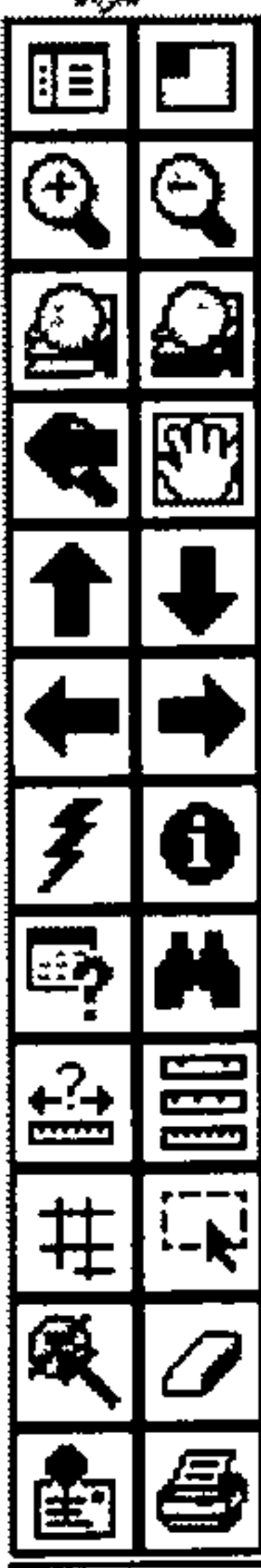
SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

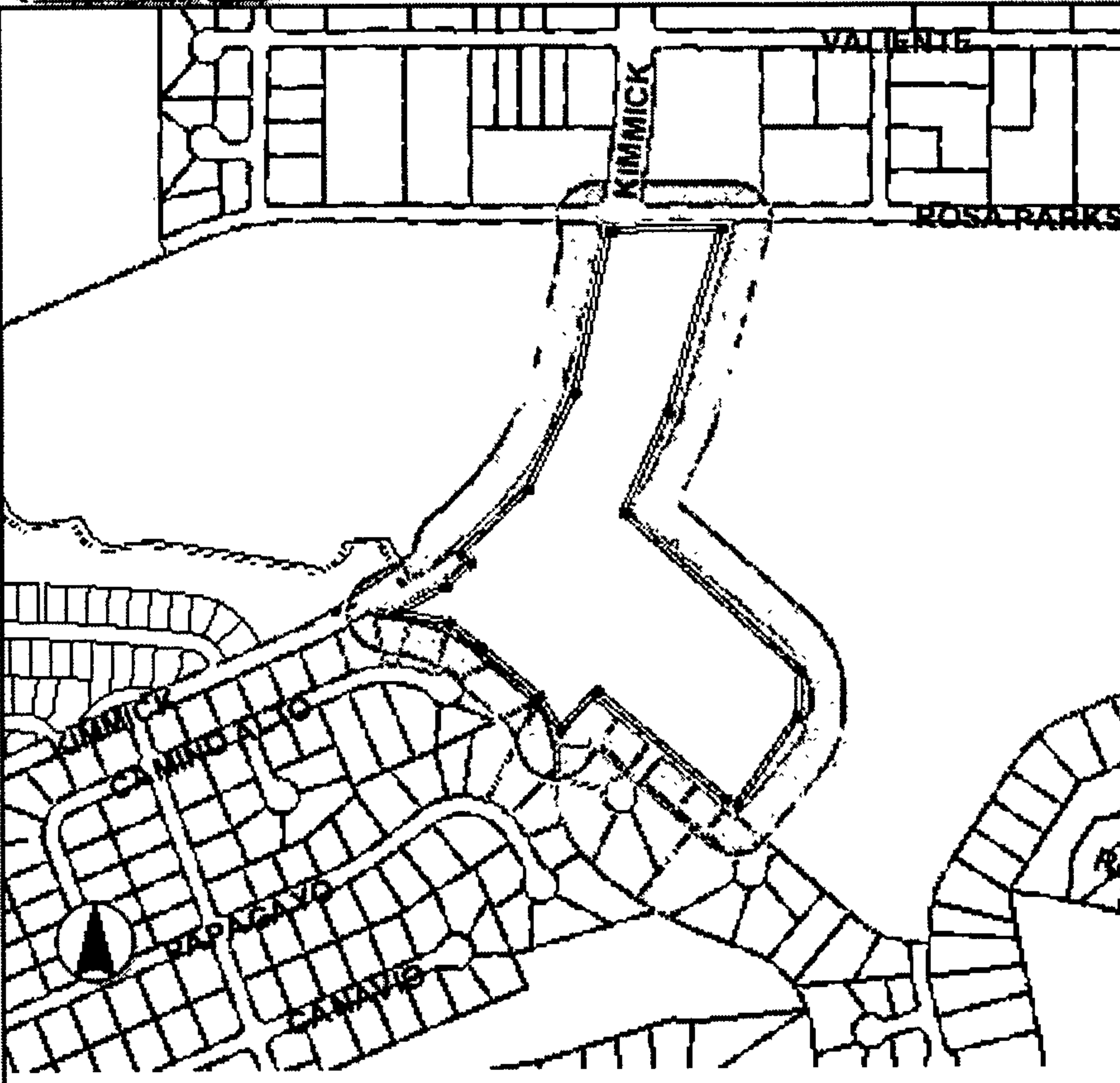
0 750 1,500 Feet



CITY OF ALBUQUERQUE
www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE





LAYERS

- STREETS
- BASEMAP
- PARCELS
- LOT NUMBERS
- METRO ADDRESS
- ZONING
- OWNERSHIP
- 2FT CONTOUR
- ADDRESS POINTS
- LANDUSE
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
 - MUNICIPAL LIMITS
 - ZONE GRID
 - NEIGHBORHOODS
 - METRO DEV AREA
 - DASZ
 - DESIGN OVERLAY
 - POLICE BEATS
 - COUNCIL
 - PARKS
 - PETROGLYPH MNT
 - BOSQUE SECTORS
 - OPENSOURCE
 - COMP PLAN
 - AREA PLANS
 - SECTOR PLANS
 - SENATE DISTRICT
 - REP. DISTRICTS
 - PLANNING AREAS
 - HISTORIC ZONES
 - CORRIDORS
 - ZIPCODES
 - POVERTY POCKET
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
 - 2006 AIR PHOTO
 - 2004 AIR PHOTO
 - 2002 AIR PHOTO
 - 1999 AIR PHOTO

OWNERSHIP

Rec	UPC CODE	OWNER	OWNE
1	101006338249310601	LA CUENTISTA I LLC	PO BOX 5
2	101106307446720107	CITY OF ALBUQUERQUE % REAL ESTATE DEPT	PO BOX 1
3	101106304745520251	CITY OF ALBUQUERQUE	PO BOX

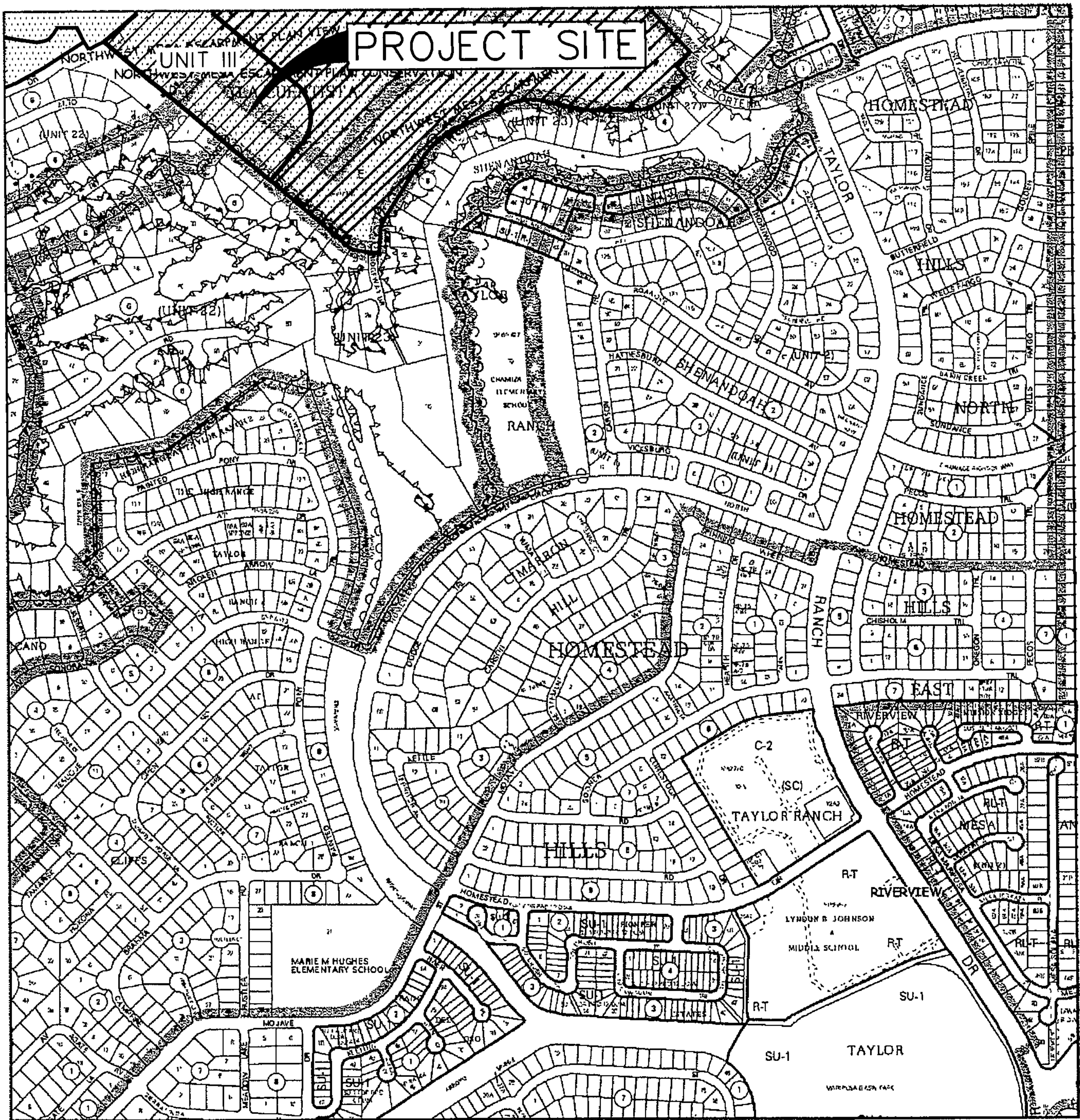
Pan

[SEARCH](#) [REFRESH](#) [HELP](#) [INDEX PAGE](#)

[CONTACT](#)

Refresh Map

Auto Refresh



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

Map amended through: 10/25/2006

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
D-11-Z

Selected Symbols

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

0 750 1,500 Feet

**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

4 May 2007

Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103

Re: **LA CUENTISTA SUBDIVISION, UNIT III**
DRB # 1005540
WCI File: 0760002100

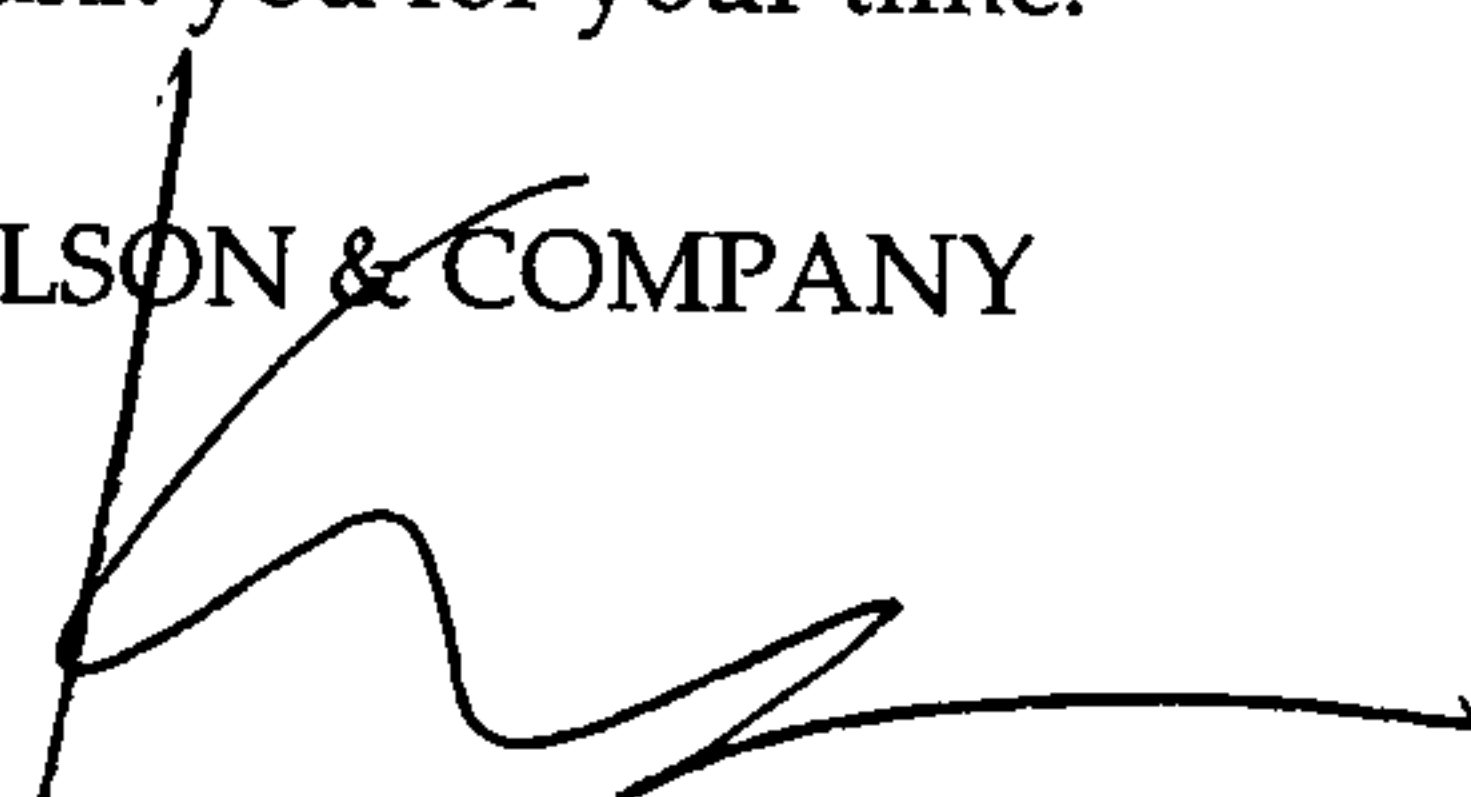
Dear Sheran:

Wilson & Company, Inc., acting as agents for Legacy Sustainable Development, Inc., requests approval for the Vacation of existing Public Utility and Access Easements on Tract E, as well as Public ROW on Kimmick Dr. adjacent to the planned La Cuentista Subdivision - Unit III. The ROW Vacation, in conjunction with planned platting results from Tract C, will bring the Kimmick ROW width to 56' matching the ROW width established in the adjacent La Cuentista Subdivision- Unit I. The Public Utility and Access Easements to be vacated in Tract E are easements created in 2003 in the Bulk Land Plat; design changes since then make them unnecessary.

Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191. Thank you for your time.

WILSON & COMPANY


Kristine Susco
Project Manager
Email: kiskusco@wilsonco.com

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

Meeting Date: May 30, 2007
Z one Atlas Page: D-12
Notification Radius: 100 Ft.

Project# 1002371
App#07DRB-00576
07DRB-00577

Cross Reference and Location: LA ORILLA RD NW BETWEEN COORS BLVD
NW AND CORRALES DRAIN

Applicant: HOFFMANTOWN WEST CHURCH
2600 AMERICAN RD STE 350
ALBUQUERQUE, NM 87124

Agent: KELI KRUEGER
TIERRA WEST LLC
5571 MIDWAY PARK PLACE NE
ALBUQUERQUE, NM 87109

Special Instructions:

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

Date Mailed: MAY 11, 2007
Signature: ERIN TREMLIN

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, 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Hoffmantown West Church PHONE: 505-922-9200
 ADDRESS: 2600 American Road Suite 350 FAX: 505-922-9297
 CITY: Rio Rancho STATE NM ZIP 87124 E-MAIL: _____
 Proprietary interest in site: Owner List all owners: _____
 AGENT (if any): Tierra West LLC PHONE: 505-858-3100
 ADDRESS: 5571 Midway Park Place NE FAX: 505-858-1118
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: _____

DESCRIPTION OF REQUEST: Vacation of Public Easements *↓ Prel & Final Plat*

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. Tract 1-A-1 Block: 15 Unit: _____
 Subdiv. / Addn. Alban Hills *TBK Hoffmantown West Church*
 Current Zoning: SU-1 for R-2 w/ Church Related Uses Proposed zoning: No Change
 Zone Atlas page(s): D-12 No. of existing lots: 1 No. of proposed lots: 1
 Total area of site (acres): 16.7702 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. 101206349705840311 MRGCD Map No. _____
 LOCATION OF PROPERTY BY STREETS: On or Near: La Orilla Road NW
 Between: Coors Boulevard NW and Corrales Drain

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): 02DRB-01824
03DRB-02150/05DRB-00560/03DRB-02085,02086/03EPC-01285/07DRB-00286

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

SIGNATURE [Signature] DATE 5/4/07
 (Print) Ronald R. Bohannon, PE Applicant 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>07DRB-00576</u> ②	<u>PLF</u>	<u>33</u>	<u>\$ 215.00</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>07DRB-00577</u> ①	<u>VPE</u>	<u>V</u>	<u>\$ 600.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	<u>CAC</u>	_____	<u>\$ 20.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	<u>AID</u>	_____	<u>\$ 75.00</u>
<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	Hearing date <u>5/30/07</u>	_____	_____	<u>\$ 910.00</u>

Approved on 5/4/07

Project # **1002371**

FORM V: SUBDIVISION VARIANCES & VACATIONS

BULK LAND VARIANCE

(PUBLIC HEARING CASE)

- ___ Application for subdivision (Plat) on FORM S-3, including those submittal requirements. 24 copies of the plat are required. The Variance and subdivision should be applied for simultaneously.
- ___ Letter briefly describing and explaining: the request, compliance with criteria in the Development Process Manual, and any improvements to be waived.
- ___ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ___ Sign Posting Agreement
- ___ Fee (see schedule) Fee is for Variance. Plat fee is listed on FORM-S.
- ___ Any original and/or related file numbers are listed on the cover application

DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

VACATION OF PUBLIC RIGHT-OF-WAY

VACATION OF PUBLIC EASEMENT

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies. (Not required for dedicated and City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, its relation to existing streets, etc. (not to exceed 8.5" by 14") 24 copies
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- Any original and/or related file numbers are listed on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

SUBDIVISION DESIGN VARIANCE (VARIANCE FROM MINIMUM STANDARDS OF THE DPM)

SIDEWALK DESIGN VARIANCE

SIDEWALK WAIVER

- ___ 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) precisely and clearly outlined and crosshatched (to be photocopied)
- ___ Letter briefly describing, explaining, and justifying the variance or waiver
- ___ Any original and/or related file numbers are listed on the cover application

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

TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

- ___ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") 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 deferral or extension
- ___ Any original and/or related file numbers are listed on the cover application

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

VACATION OF PRIVATE EASEMENT

- ___ The complete document which created the private easement (not to exceed 8.5" by 14") 6 copies
- ___ Scale drawing showing the easement to be vacated, its relation to existing streets, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies
- ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ___ Letter briefly describing, explaining, and justifying the vacation
- ___ Letter of authorization from the grantors and the beneficiaries
- ___ Fee (see schedule)
- ___ Any original and/or related file numbers are listed on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

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

VACATION OF RECORDED PLAT

- ___ 6 copies of the recorded plat to be vacated.
- ___ 6 copies of documents justifying the vacation.
- ___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ___ Letter describing, explaining, and justifying the vacation
- ___ Any original and/or related file numbers are listed on the cover application
- ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts

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.

Ronald R. Bohannon, PE

[Signature] Applicant name (print) 5/4/07
Applicant signature / date



Form revised 4/03, 10/03 and APRIL 2006

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

Application case numbers
07DRB - 00577

[Signature] 5/4/07
Planner signature / date
Project # 1002371

R e c	UPC CODE	OWNER	OWNER ADDRESS	OW NER CIT Y	OW NER STA TE	OW NE R ZIP CO DE	PR OP ER TY CL AS S	TA X DI ST RI CT	LEGAL
1	10130 62060 51020 203	CITY OF ALBUQUERQUE	PO BOX 12 93	ALB UQU ERQ UE	N M	87 10 3	V	X1 A	TR A-1- D LANDS OF JOEL P. TAYLOR BEING A N'LY PORT OF TRACT A LANDS OF JOEL P. TAYLOR AND SIT UATED EAST OF THE LA ORILLA OUTLET CHANN EL CONT 21.5550 AC
2	10130 63044 10630 119	HEADRICK CANDACE S UE & JEREMY LOVELL	12800 CO MANCHE NE 19	ALB UQU ERQ UE	N M	87 11 1	V	X1 A M	TR H ROBERSON RANCH SUBD LAND OF ROBER SON CONSTR INC OF TRS 1-B-1, 1-B-2, 1-A-4- B & POR OF TR 1-A-4- A MRGCD MAP 26 CONT 5.1231 AC M/L OR 223,16 5 SF M/L
3	10120 63521 10640 365	GARCIA MARGARET M TRUSTEE GARCIA RVT	3100 BRI AN MEAD OWS PL N W	ALB UQU ERQ UE	N M	87 12 0	R	A1 A	LT 46 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.162 AC OR 7,047 SF
4	10120 63419 14040 117	RABADI SHARIF A & SA MIA S TRUSTEES STAR TRUST	6409 CO ORS BLVD NW	ALB UQU ERQ UE	N M	87 12 02 71 1	V	X1 A	* 002 005ALBAN HILLS SUBD REPL OF UNIT I CON T 5.0 AC
5	10120 63474 11040 355	STONE BARBARA JAN E & STONE BARBARA J	3140 BRI AN MEAD OWS PL N W	ALB UQU ERQ UE	N M	87 12 07 10 9	R	A1 A	LT 36 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.171 AC OR 7,448 SF
6	10120 63475 11640 354	JOHNSON DREW & BR ANDY	3143 BRI AN MEAD OWS PL N W	ALB UQU ERQ UE	N M	87 12 0	R	A1 A	LT 35 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.134 AC OR 5,824 SF
7	10120 63531 11140 366	CITY OF ALBUQUERQUE	PO BOX 12 93	ALB UQU ERQ UE	N M	87 10 2	V	A1 A	TR C CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0 553 AC OR 24,099 SF
8	10120 63506 12340 426	CHU KELLY LAM	6404 BRE NTON DR NW	ALB UQU ERQ UE	N M	87 12 0	R	A1 A	LT 76 CORRECTION PLAT OF BOSQUE MEADOW S SUBDIVISION CONT 0.103 AC OR 4,500 SF LT 76 CORRECTION PLAT OF BOSQUE MEADOWS SU BDIVISION
9	10120 63516 12340 403	ROJAS PATRICIO	6405 BOS QUE MEA DOWS PL NW	ALB UQU ERQ UE	N M	87 12 0	R	A1 A	LT 99 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.114 AC OR 4,950 SF
10	10120 63532 12340 367	DONALDSON YOLAND AD	6404 BOS QUE MEA DOWS PL NW	ALB UQU ERQ UE	N M	87 12 0	R	A1 A	LT 47 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.108 AC OR 4,725 SF
11	10120 63499 20040 317	CITY OF ALBUQUERQUE	PO BOX 12 93	ALB UQU ERQ UE	N M	87 10 2	V	A1 A	TR B-1 CORRECTED PLAT OF TRACT B-1 & LOT 1- A BOSQUE MEADOWS SUBDIVISION (R.O.W & DR AINAGE EASEMENT) CONT 1.133 AC OR 49,377 SF
12	10120 63389 07940 111	GONZALES ROBERT J SR & BLANCHE M TRU STEEES GONZALES FA MILY TRUST	PO BOX 66 164	ALB UQU ERQ UE	N M	87 19 3	R	X1 A	* 004 005ALBAN HILLS SUBD REPL OF UNIT I
13	10120 63506 11940 401	PINO LUCY M	6400 BRE NTON DR NW	ALB UQU ERQ UE	N M	87 12 0	R	A1 A	LT 75 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.112 AC OR 4,866 SF
14	10120	RIVERA SAM L & LORE	6401 BOS	ALB	N	87	R	A1	LT 100 CORRECTED PLAT OF BOSQUE MEADOW

4	63516 11940 402	TTA A	QUE MEADOWS PL NW	UQU ERQUE	M	12 0		A	S SUBDIVISION CONT 0.114 AC OR 4,963 SF
1 5	10130 63013 15130 202	DRSC INC	6100 UPT OWN NE SUITE 500	ALB UQU ERQUE	N M	87 11 0	C	A1 A	TRACT A PLAT OF TRACT A SPIRITUAL RENEWAL CENTER CONT 4.8697 AC
1 6	10120 63405 11540 114	ARCHIBEQUE GERALD & LOUISE & BATTAGLIA KATHLEEN A	6148 KIV A ST NW	ALB UQU ERQUE	N M	87 12 04 50 6	V	X1 A	* 003 005ALBAN HILLS SUBD REPL OF UNIT I
1 7	10120 63484 12440 352	STEPHENS PATRICK G & CHRISTIE J	3131 BRIAN MEADOWS PL NW	ALB UQU ERQUE	N M	87 12 0	R	A1 A	LT 33 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.136 AC OR 5,918 SF
1 8	10120 63489 12340 351	JESSEN LARRY C	3127 BRIAN MEADOWS PL NW	ALB UQU ERQUE	N M	87 12 0	R	A1 A	LT 32 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0 106 AC OR 4,607 SF LT 32 CORRECTED PLAT OF BOSQUE MEADOWS SUB DIVISION
1 9	10120 63493 12240 350	KILBANE JOHN R & RHONDA	3123 BRIAN MEADOWS PL NW	ALB UQU ERQUE	N M	87 12 0	R	A1 A	LT 31 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.135 AC OR 5,866 SF
2 0	10120 63479 12140 353	BUDDENHAGEN ERIC R & KAMIE R	1512 ERWIN PL NW	ALB UQU ERQUE	N M	87 11 48 81 6	R	A1 A	LT 34 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.138 AC OR 6,010 SF
2 1	10120 63489 10640 358	GOWIN BARRY K & NANON E	3128 BRIAN MEADOWS RD NW	ALB UQU ERQUE	N M	87 12 0	R	A1 A	LT 39 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.097 AC OR 4,243 SF
2 2	10120 63478 10540 356	CHAVEZ RAMON	3136 BRIAN MEADOWS PL SW	ALB UQU ERQUE	N M	87 12 0	R	A1 A	LT 37 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.166 AC OR 7,213 SF
2 3	10120 63494 10640 359	BROBST DOUG F & SA RAH E	1904 ZENATO PL	PLE ASA NTON	C A	94 56 6	R	A1 A	LT 40 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.090 AC OR 3,923 SF
2 4	10120 63498 10640 360	NGUYEN TUANH & KIE T DO	3000 CROSSWYCKE FOREST DR NE	ATLANTA	G A	30 31 9	R	A1 A	LT 41 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.101 AC OR 4,413 SF LT 41 CORRECTED PLAT OF BOSQUE MEADOWS SUB DIVISION
2 5	10120 63502 10640 361	WINTER MARK & PADILLA MARGO	3116 BRIAN MEADOWS PL NW	ALB UQU ERQUE	N M	87 12 0	R	A1 A	LT 42 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.101 AC OR 4,412 SF
2 6	10120 63507 10540 362	HOLLAND MARIA ELEN A	3112 BRIAN MEADOWS PL NW	ALB UQU ERQUE	N M	87 12 0	R	A1 A	LT 43 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.101 AC OR 4,411 SF
2 7	10120 63516 10640 364	NELSON SAMUEL A & MELANIE L	3104 BRIAN MEADOWS PL NW	ALB UQU ERQUE	N M	87 12 07 10 9	R	A1 A	LT 45 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.101 AC OR 4,412 SF
2 8	10120 63511 10640 363	SMITH JASON A	3108 BRIAN MEADOWS PL NW	ALB UQU ERQUE	N M	87 12 0	R	A1 A	LT 44 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.101 AC OR 4,410 SF
2 9	10120 63484 10540 357	JOBLINSKE JAY F & LILLER CATHERINE	3132 BRIAN MEADOWS PL NW	ALB UQU ERQUE	N M	87 12 0	R	A1 A	LT 38 CORRECTED PLAT OF BOSQUE MEADOWS SUBDIVISION CONT 0.097 AC OR 4,220 SF

Or Current Resident
WINTER MARK & PADILLA MARGO
3116 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120

Project# 1002371
HOFFMANTOWN WEST CHURCH
2600 AMERICAN RD STE 350
RIO RANCHO, NM 87124

Project# 1002371
KELI KRUEGER
Tierre West LLC
5571 MIDWAY PARK PL NE
ALBUQUERQUE, NM 87109

Project# 1002371
JANET LAROS
Coors Trail N.A.
2924 RIVER WILLOW TR NW
ALBUQUERQUE, NM 87120

Project# 1002371
JIM TIMMONS
Coors Trail N.A.
2715 PUEBLO GRANDE NW
ALBUQUERQUE, NM 87120

Project# 1002371
JOLENE WOLFLEY
Taylor Ranch N.A.
6804 STAG HORN DR NW
ALBUQUERQUE, NM 87120

Project# 1002371
RENE HORVATH
Taylor Ranch N.A.
5515 PALOMINO DR NW
ALBUQUERQUE, NM 87120

30	10120 62480 50510 222	CHURCH OF CHRIST RIVERSIDE A NEW MEXICO NON PROFIT CORPORATION	3100 LA ORILLA NW	ALBUQUERQUE	NM	87 12 0	C	X1 A	TR A-1-B SUMMARY PLAT SHOWING TRS A-1-A & A-1-B OF THE PLAT OF LDS OF JOEL P TAYLOR SITUATE WITHIN SEC 25 T11N R2E CONT 4.4800 AC
31	10120 62461 51910 206	LA ORILLA GROUP LLC	6509 DAWN VIEW DR NE	ALBUQUERQUE	NM	87 11 1	V	A1 A	LT 1 BOSQUE PLAZA BEING A REPLAT OF LOTS 1, 2, 3, 4, 5, 6A, 7A, 8 AND 9 LANDS OF MARTIN L. TAYLOR CONT 1.7192 AC
32	10120 63436 01840 308	SANDIA AREA FEDERAL CREDIT UNION ATTN: RICHARD ROGERS	PO BOX 18044	ALBUQUERQUE	NM	87 18 50 04 4	V	A1 A	TR 1-E-1 BLK 15 PLAT OF TRACTS 1-D-1 & 1-E-1 BLOCK 15 ALBAN HILLS UNIT 1 CONT 1.8888 AC
33	10120 63456 03340 309	COORS EIGHT PACK ATTN: MR RON NELSON	6605 UPTOWN BLVD NE SUITE 340	ALBUQUERQUE	NM	87 11 0	V	A1 A	TR 1-D-1 BLK 15 PLAT OF TRACTS 1-D-1 & 1-E-1 BLOCK 15 ALBAN HILLS UNIT 1 CONT 3 0652 AC
34	10120 63497 05840 311	HOFFMANTOWN WEST CHURCH INC	2600 AMERICAN RD SE SUITE 350	RIO RANCHO	NM	87 12 4	V	A1 A	TR 1-A-1 BULK LAND PLAT OF TRACTS 1-A-1 & 1-B-1 ALBAN HILLS UNIT 1 CONT 16.2619 AC

Or Current Resident
ARCHIBEQUE GERALD & LOUISE &
BATTAGLIA KATHLEEN A
6148 KIVA ST NW
ALBUQUERQUE, NM 87120 4506

Or Current Resident
CHAVEZ RAMON
3136 BRIAN MEADOWS PL SW
ALBUQUERQUE, NM 87120

Or Current Resident
COORS EIGHT PACK ATTN: MR RON
NELSON
6605 UPTOWN BLVD NE SUITE 340
ALBUQUERQUE, NM 87110

Or Current Resident
GARCIA MARGARET M TRUSTEE
GARCIA RVT
3100 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
HEADRICK CANDACE SUE &
JEREMY LOVELL
12800 COMANCHE NE 19
ALBUQUERQUE, NM 87111

Or Current Resident
JESSEN LARRY C
3127 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
KILBANE JOHN R & RHONDA
3123 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
NGUYEN TUANH & KIET DO
3000 CROSSWYCKE FOREST DR NE
ATLANTA, GA 30319

Or Current Resident
RIVERA SAM L & LORETTA A
6401 BOSQUE MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
SMITH JASON A
3108 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
BROBST DOUG F & SARAH E
1904 ZENATO PL
PLEASANTON, CA 94566

Or Current Resident
CHU KELLY LAM
6404 BRENTON DR NW
ALBUQUERQUE, NM 87120

Or Current Resident
DONALDSON YOLANDA D
6404 BOSQUE MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
GONZALES ROBERT J SR &
BLANCHE M TRUSTEES GONZALES
FAMILY TRUST
PO BOX 66164
ALBUQUERQUE, NM 87193

Or Current Resident
HOFFMANTOWN WEST CHURCH INC
2600 AMERICAN RD SE SUITE 350
RIO RANCHO, NM 87124

Or Current Resident
JOBLINSKE JAY F & LILLER
CATHERINE
3132 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
LA ORILLA GROUP LLC
6509 DAWN VIEW DR NE
ALBUQUERQUE, NM 87111

Or Current Resident
PINO LUCY M
6400 BRENTON DR NW
ALBUQUERQUE, NM 87120

Or Current Resident
ROJAS PATRICIO
6405 BOSQUE MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
STEPHENS PATRICK G & CHRISTIE J
3131 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
BUDDENHAGEN ERIC R & KAMIE R
1512 ERWIN PL NW
ALBUQUERQUE, NM 87114 8816

Or Current Resident
CHURCH OF CHRIST RIVERSIDE A
NEW MEXICO NON PROFIT
CORPORATION
3100 LA ORILLA NW
ALBUQUERQUE, NM 87120

Or Current Resident
DRSC INC
6100 UPTOWN NE SUITE 500
ALBUQUERQUE, NM 87110

Or Current Resident
GOWIN BARRY K & NANON E
3128 BRIAN MEADOWS RD NW
ALBUQUERQUE, NM 87120

Or Current Resident
HOLLAND MARIA ELENA
3112 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120

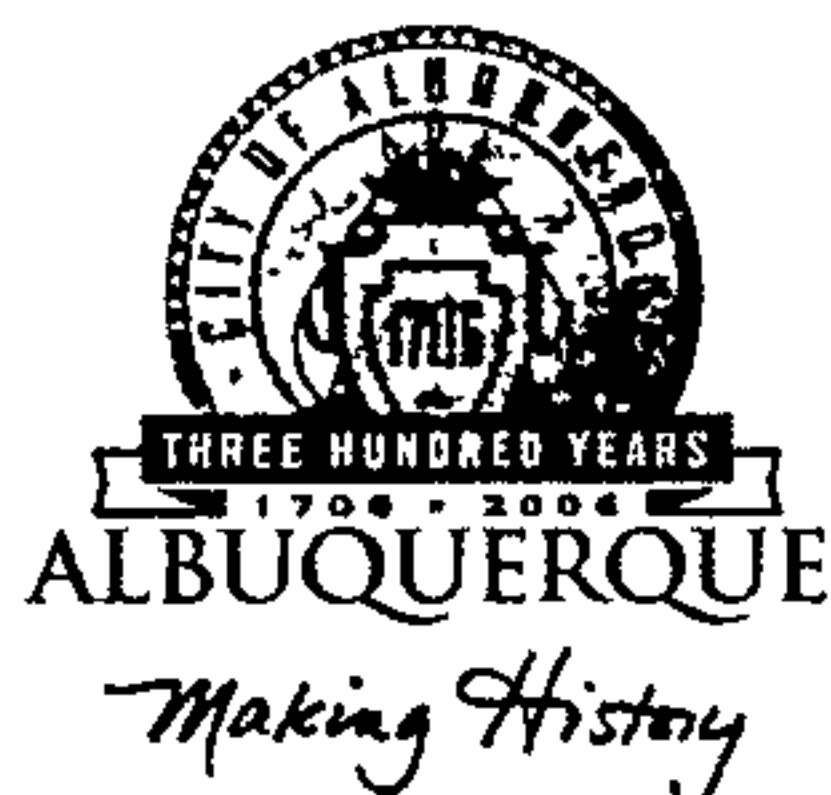
Or Current Resident
JOHNSON DREW & BRANDY
3143 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120

Or Current Resident
NELSON SAMUEL A & MELANIE L
3104 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120 7109

Or Current Resident
RABADI SHARIF A & SAMIA S
TRUSTEES STAR TRUST
6409 COORS BLVD NW
ALBUQUERQUE, NM 87120 2711

Or Current Resident
SANDIA AREA FEDERAL CREDIT
UNION ATTN: RICHARD ROGERS
PO BOX 18044
ALBUQUERQUE, NM 87185 0044

Or Current Resident
STONE BARBARA JANE & STONE
BARBARA J
3140 BRIAN MEADOWS PL NW
ALBUQUERQUE, NM 87120 7109



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

April 24, 2007

Keli Krueger
Tierra West, LLC
5571 Midway Park Place NE/87109
Phone: 505-858-3100/Fax: 505-858-1118
Email: kkrueger@tierrawestllc.com

Dear Keli:

Thank you for your inquiry of April 24, 2007 requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **TRACT 1-A-1, BLOCK 15, ALBAN HILLS, LOCATED ON LA ORILLA ROAD NW BETWEEN COORS BOULEVARD NW AND CORRALES DRAIN** zone map **D-12**.

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

COORS TRAIL N.A. (CRT) "R"

***Janet Laros**

2924 River Willow Tr. NW/87120 890-0657 (h)

Jim Timmons

2715 Pueblo Grande NW/87120 890-8471 (h)

TAYLOR RANCH N.A. (TRN) "R"

Jolene Wolfley

6804 Stag Horn Dr. NW/87120 890-9414 (h)

Rene Horvath

5515 Palomino Dr. NW/87120 898-2114 (h)

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 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

Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
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.

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

CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$.87
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12

Postmark Here

Sent To: Cindi Caruso Mapel 23080 DRB
Alban Hills N.A.
Street, Apt. No., or PO Box No.: 6507 Calle Redonda NW
City, State, ZIP+4: Albuquerque, NM 87120

PS Form 3800, June 2002 See Reverse for Instructions

CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.87
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12

Postmark Here

Sent To: Janet Laros 23080 DRB
Coors Trail N.A.
Street, Apt. No., or PO Box No.: 2924 River Willow Tr. NW
City, State, ZIP+4: Albuquerque, NM 87120

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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Postage	\$.87
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12

Postmark Here

Sent To: Rene Horvath 23080 DRB
Taylor Ranch N.A.
Street, Apt. No., or PO Box No.: 5515 Patomino Dr. NW
City, State, ZIP+4: Albuquerque, NM 87120

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service™
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OFFICIAL USE

Postage	\$.87
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12

Postmark Here

Sent To: Ken Brudos 23080 DRB
Alban Hills N.A.
Street, Apt. No., or PO Box No.: 6441 Via Corte Del Sur NW
City, State, ZIP+4: Albuquerque, NM 87120

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service™
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OFFICIAL USE

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Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12

Postmark Here

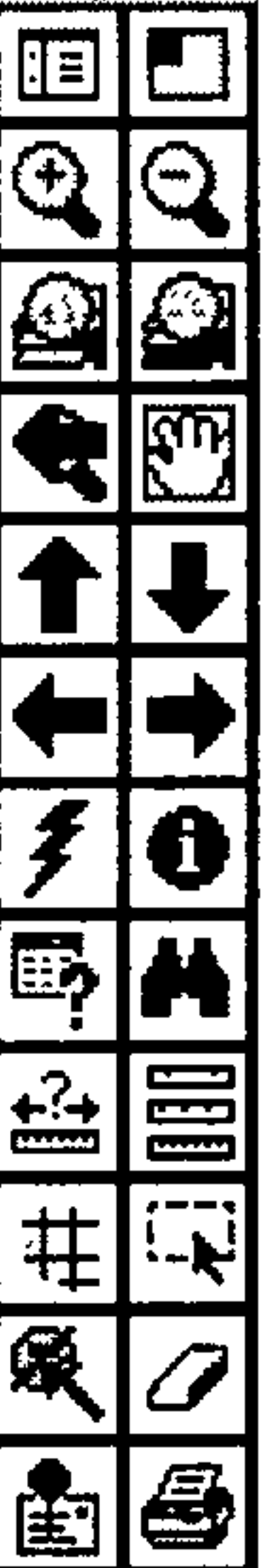
Sent To: Jolene Wolfley 23080 DRB
Taylor Ranch N.A.
Street, Apt. No., or PO Box No.: 6804 Stag Horn Dr. NW
City, State, ZIP+4: Albuquerque, NM 87120

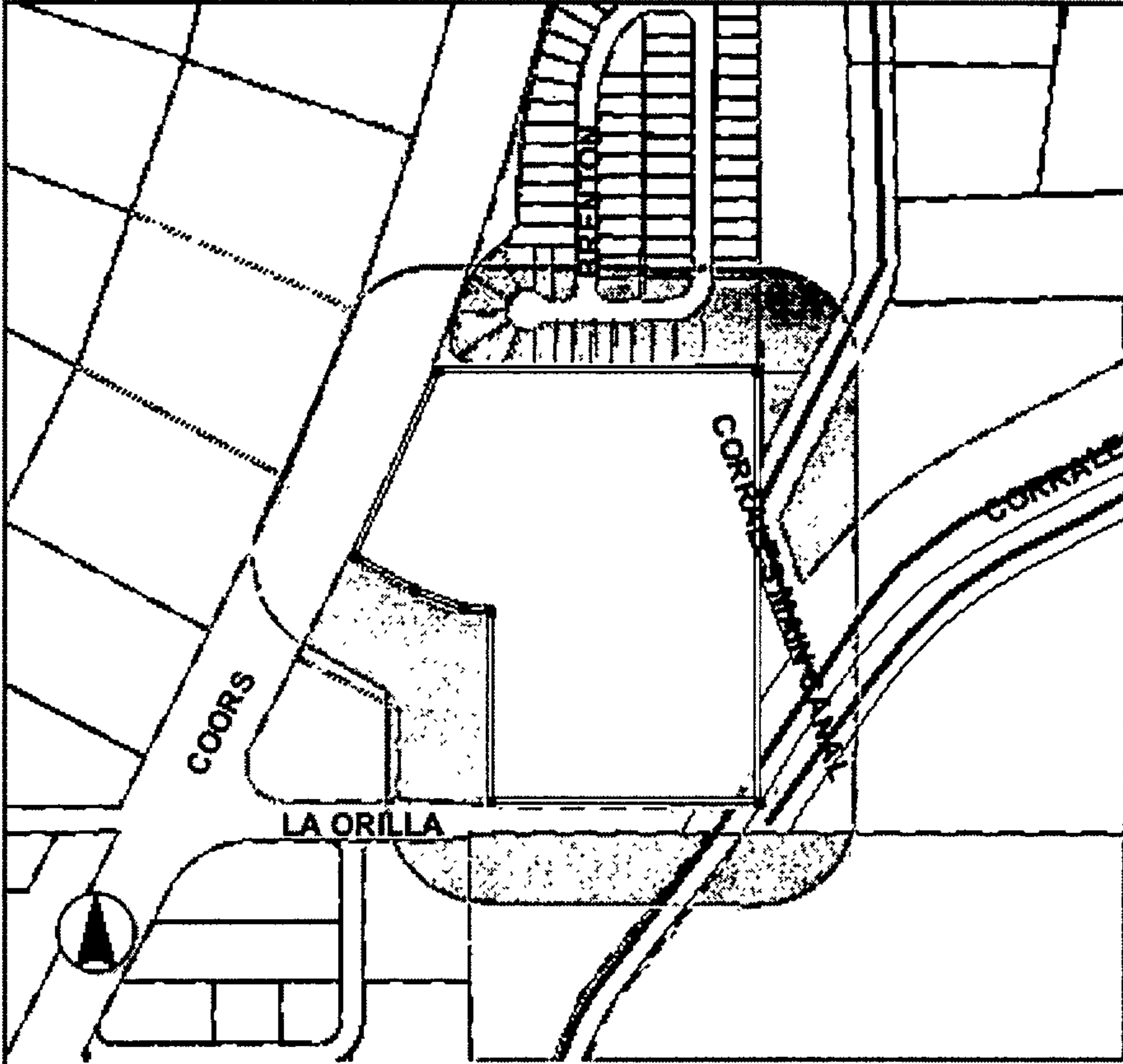
PS Form 3800, June 2002 See Reverse for Instructions



CITY OF ALBUQUERQUE
www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE





LAYERS

- STREETS
- BASEMAP
- PARCELS
- LOT NUMBERS
- METRO ADDRESS
- ZONING
- OWNERSHIP
- 2FT CONTOUR
- ADDRESS POINTS
- LANDUSE
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
- MUNICIPAL LIMITS
- ZONE GRID
- NEIGHBORHOODS
- METRO DEV AREA
- DASZ
- DESIGN OVERLAY
- POLICE BEATS
- COUNCIL
- PARKS
- PETROGLYPH MNT
- BOSQUE SECTORS
- OPENSOURCE
- COMP PLAN
- AREA PLANS
- SECTOR PLANS
- SENATE DISTRICT
- REP. DISTRICTS
- PLANNING AREAS
- HISTORIC ZONES
- CORRIDORS
- ZIPCODES
- POVERTY POCKET
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
 - 2006 AIR PHOTO
 - 2004 AIR PHOTO
 - 2002 AIR PHOTO
 - 1999 AIR PHOTO

OWNERSHIP

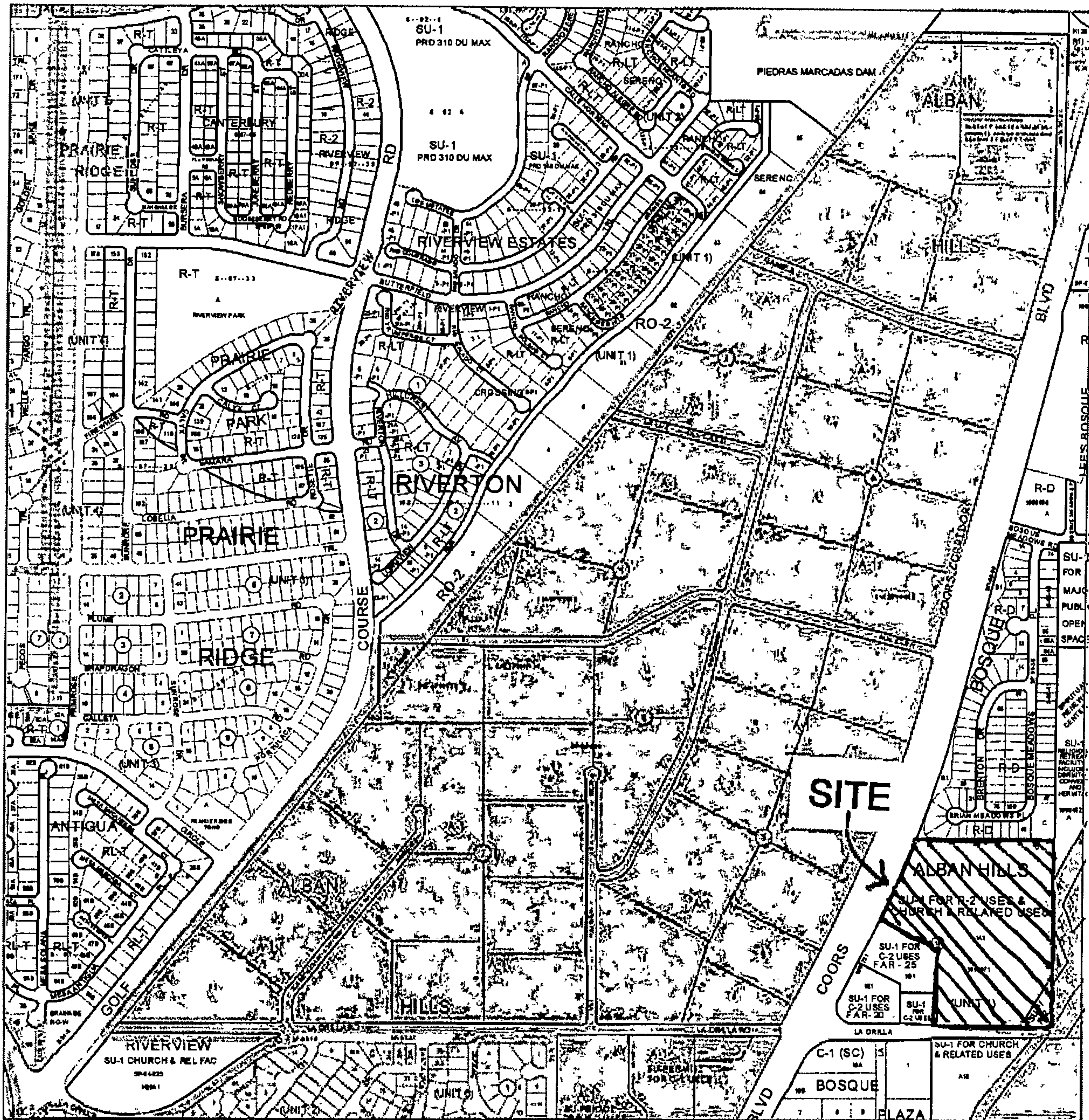
Rec	UPC CODE	OWNER
1	101306206051020203	CITY OF ALBUQUERQUE
2	101306304410620110	HEADRICK,CANDACE,SUE & JEREMY,LOVELL

Pan


[SEARCH](#) [REFRESH](#) [HELP](#) [INDEX PAGE](#)
[CONTACT](#)

Refresh Map

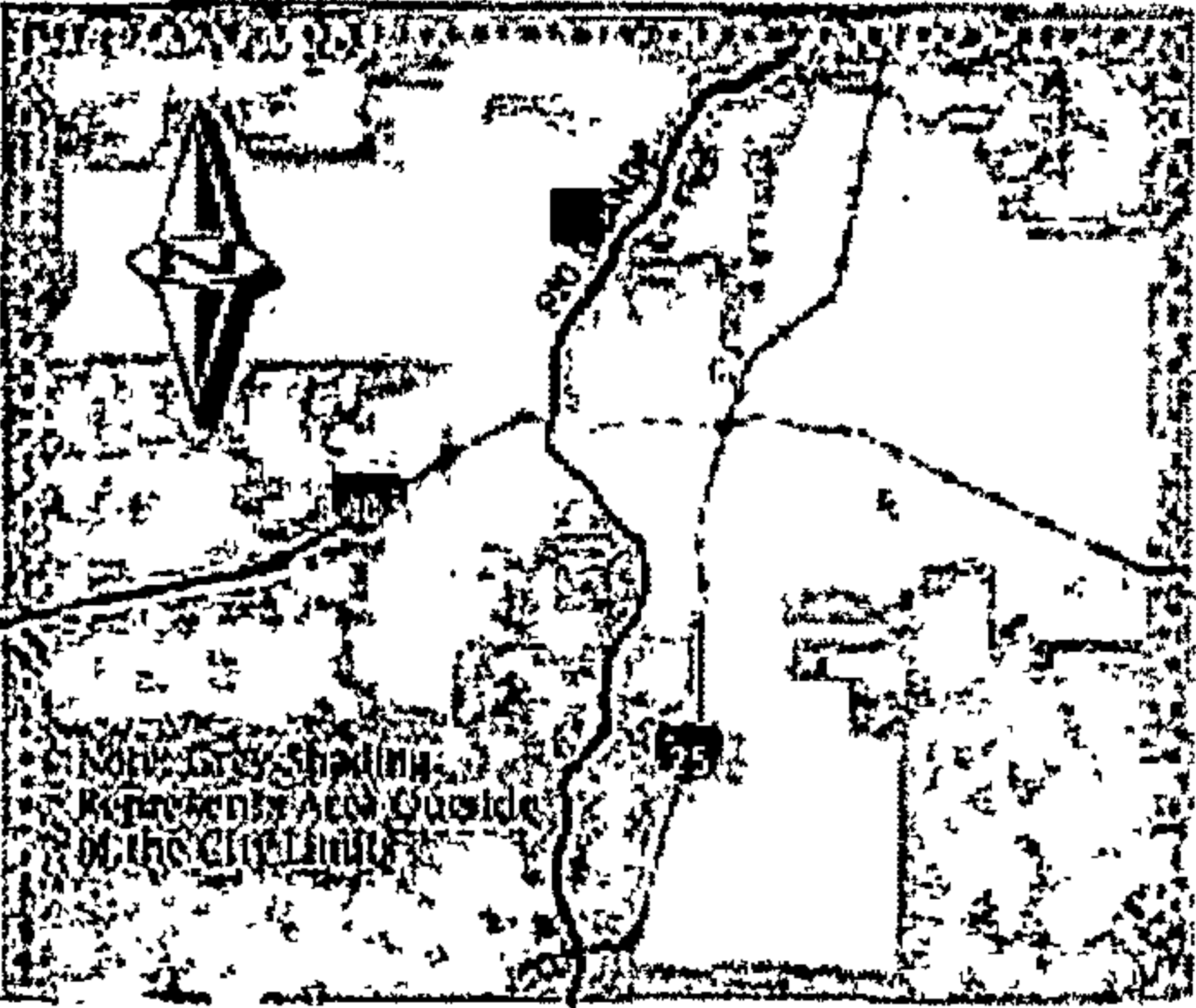
 Auto Refresh



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



Map amended through: 5/1/2006



Zone Atlas Page:
D-12-Z

Selected Symbols

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

0 750 1,500 Feet

TIERRA WEST, LLC

5571 Midway Park Place NE
Albuquerque, NM 87109

(505) 858-3100
fax (505) 858-1118

twllc@tierrawestllc.com
1-800-245-3102

April 30, 2007

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

**RE: Vacation of Public Easements & Preliminary/Final Plat Approval
Hoffmantown West Church
Project # 1002371**

Dear Ms. Matson:

Tierra West LLC, on behalf of Hoffmantown West Church, requests approval of the vacation of public easements and the preliminary/final plat approval for the above-referenced project. The easements are being vacated as part of a settlement agreement between this property owner and the owner of the adjacent tracts (Tracts 1-D-1 and 1-E-1 Block 15 Alban Hills Subdivision Unit 1). We are also submitting a new plat showing the vacations and the new easements being granted as part of this agreement. The adjacent property owner will be going through the same process with vacations and a new plat. All parties involved have reviewed the two plats and are in agreement.

If you have any questions or need additional information regarding this matter, please do not hesitate to call me.

Sincerely,



Ronald R. Bohannon, PE

cc: Mike Forsyth
D. McCall
John Meyers
Janet Laros, Coors Trail N.A.
Jim Timmons, Coors Trail N.A.
Jolene Wolfley, Taylor Ranch N.A.
Rene Horvath, Taylor Ranch N.A.
Cindi Caruso Mapel, Alban Hills N.A.
Ken Brudos, Alban Hills N.A.

JN: 23080
RRB/kdk

CITY OF ALBUQUERQUE

F Y I



"COURTESY" DRB NOTIFICATION LETTER

May 10, 2007

TO: Dave Heil and Bill Wright, Volcano Cliffs Property Owners Association

This letter is a **"COURTESY NOTIFICATION"** from the City of Albuquerque pertaining to a request for: *Approximately four (4) acre(s) for a Major Vacation of Public Right-of-Way for the Tierra Buena Estates Subdivision.*

Proposed by: Wilson and Company at 505-348-4191

Agent for: MGMe Development Inc.

For property located: On or near Rosa Parks Road NW between Unser Boulevard NW and Calle Nortena NW.

P.O. Box 1293

The case number(s) assigned is: 07DRB-00580, Project #1005539.

City Planning accepted application for this request on **May 4, 2007.**

Albuquerque

The owner, applicant, and/or agent **WAS NOT** required notifying you of the proposed action by *certified mail, return receipt requested.*

New Mexico 87103

Please be advised that this application is scheduled for a hearing before the Development Review Board (DRB) at **9 a.m. on Wednesday, May 30, 2007** in the **Planning Hearing Room, Room 160, Plaza Del Sol Building, 600 Second St. NW.**

www.cabq.gov

You should contact Claire Senova at **924-3946** to confirm this date, time, and to seek further information.

If you have any questions, please call Stephani Winklepleck at **924-3902** or by e-mail at swinklepleck@cabq.gov

Sincerely,

Stephani J. Winklepleck

Neighborhood Program Coordinator
OFFICE OF NEIGHBORHOOD COORDINATION
PLANNING DEPARTMENT

cc: Claire Senova, DRB
Administrative Assistant



**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, May 30, 2007, beginning at 9:00 a.m. for the purpose of considering the following:

Project # 1002371

07DRB-00577 Major-Vacation of Public Easements

07DRB-00576 Minor-Prelim&Final Plat Approval

TIERRA WEST LLC agent(s) for HOFFMANTOWN WEST CHURCH request(s) the above action(s) for all or any portion of Tract(s) 1-A-1, Block(s) 15, ALBAN HILLS (to be known as **HOFFMANTOWN WEST CHURCH**) zoned SU-1 for R-2 with church related uses, located on LA ORILLA RD NW between COORS BLVD NW and the CORRALES DRAIN containing approximately 17 acre(s). [REF: 02DRB01824, 03DRB02150, 05DRB00560, 03DRB02085, 03DRB02086, 03EPC01285, 07DRB00286] (D-12)

Project # 1005539

07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

Project # 1005540

07DRB-00578 Major-Vacation of Public Easements

07DRB-00579 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT INC request(s) the above action(s) for all or any portion of Tract(s) D, **LA CUENTISTA SUBDIVISION, UNIT 3**, zoned SU-2 SRLL, located on KIMMICK DR NW between ROSA PARKS RD NW and the PETROGLYPH NATIONAL MONUMENT containing approximately 20 acre(s). [REF: 07DRB00562] (C-11 & D-11)

Details of the application(s) may be examined at the Planning Department Development Services Center One Stop Shop, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 8:00 a.m. and 4:30 p.m., Monday through Friday except holidays. INDIVIDUALS WITH DISABILITIES needing special assistance to participate in this hearing should contact Claire Senova, Planning Department, at 924-3946. TTY users may call the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, MAY 14, 2007.



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 2, 2008

Project# 1005539
07DRB-70446 MINOR - TEMP DEFR SWDK CONST

WILSON AND COMPANY INC agent(s) for MGME DEVELOPMENT INC request(s) the above action(s) for all or a portion of Lot 1, Block 5, **VOLCANO CLIFFS Unit 26**, zoned SU-2-SRLL, located on KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD NW containing approximately 3.49 acre(s). (C-11)

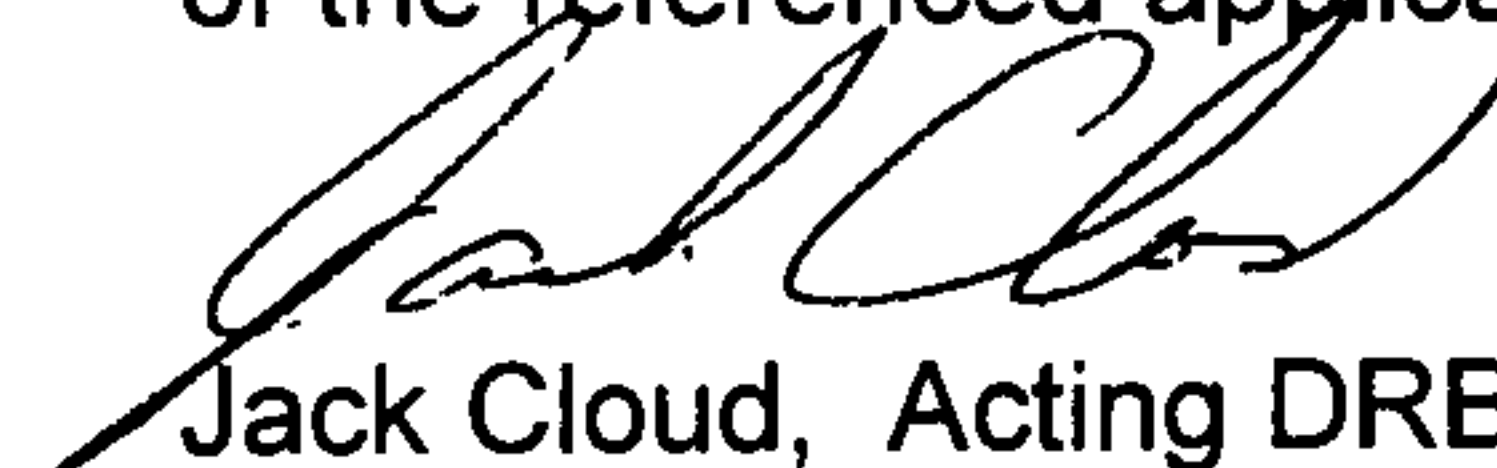
At the January 2, 2008 Development Review Board meeting, the temporary deferral of construction of sidewalks on the interior streets was approved as shown on exhibit C in the planning file.

If you wish to appeal this decision, you must do so by January 17, 2008 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.

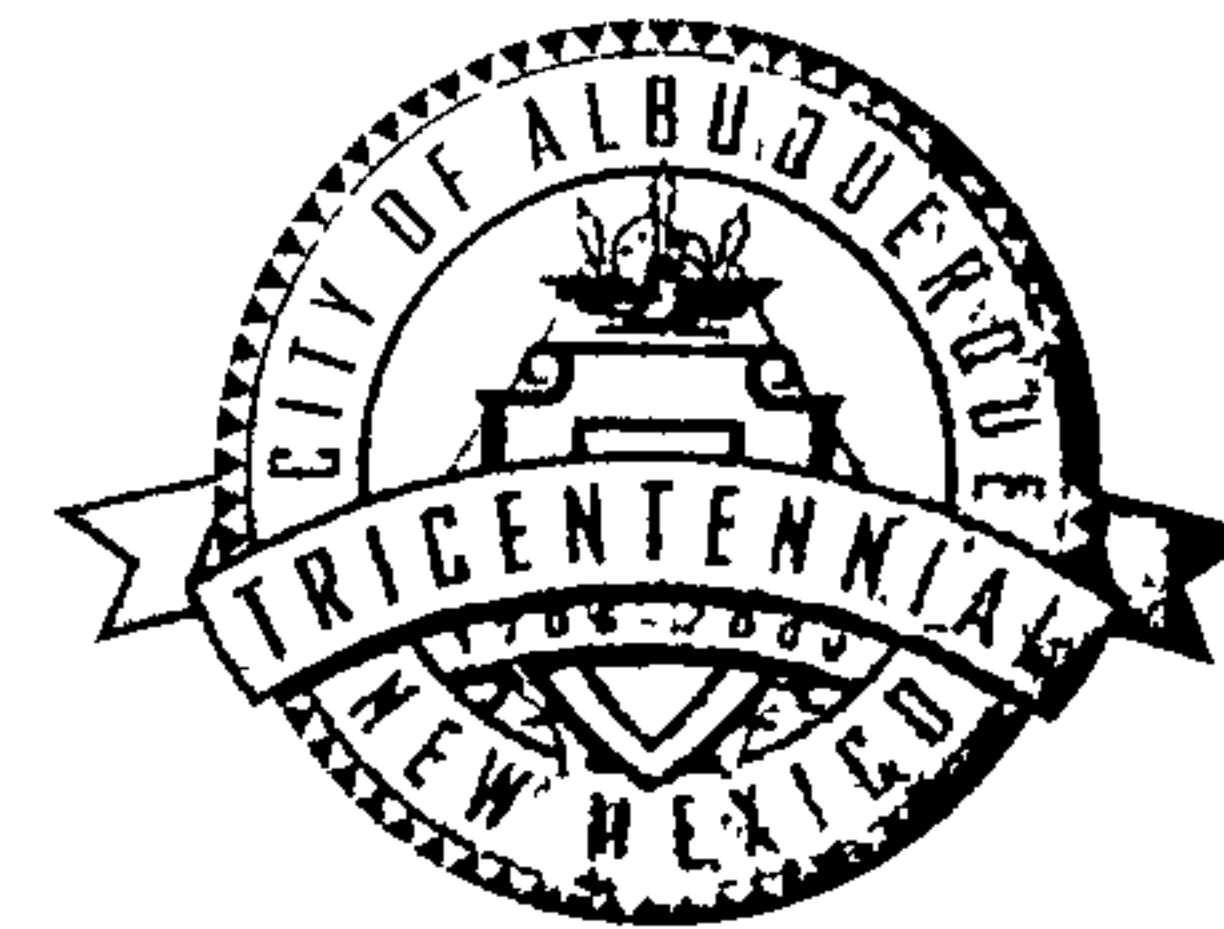
If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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).


Jack Cloud, Acting DRB Chair

Cc: MGMe Development Inc. – 7720 Elena Dr. NE – Albuquerque, NM 87122
Cc: Kristine Susco / Wilson and Company – 4900 Lang Ave NE – Alb. NM 87109
Marilyn Maldonado
File

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1005539

AGENDA ITEM NO: 12

SUBJECT:

Sidewalk Deferral

ACTION REQUESTED:

REV/CMT:0 APP:(x) SIGN-OFF:0 EXTN:0 AMEND:0

P.O. Box 1293

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the sidewalk deferral request.

Albuquerque

New Mexico 87103

RESOLUTION:

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
924-3986

DATE: January 2, 2008

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005539

AGENDA ITEM NO: 7

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT: () APPROVAL: (X) SIGN-OFF: () EXTN: () AMEND: ()

ENGINEERING COMMENTS:

P.O. Box 1293

Infrastructure list comments.

An approved grading and drainage plan dated 10-08-07 is on file for Preliminary Plat approval.

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

**SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee
(C-11/D002 – TIERRA BUENA ESTATES)**

505-924-3986

DATE: OCTOBER 17, 2007

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005539

AGENDA ITEM NO: 7

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT: () APPROVAL: (X) SIGN-OFF: () EXTN: () AMEND: ()

ENGINEERING COMMENTS:

P.O. Box 1293

Infrastructure list comments.
An approved grading and drainage plan dated 10-08-07 is on file for Preliminary Plat approval.

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ¹⁰⁻²⁴⁻⁰⁷ ; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee
(C-11/D002 – TIERRA BUENA ESTATES)

DATE: OCTOBER 17, 2007
505-924-3986

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005539

AGENDA ITEM NO: 11

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT: () APPROVAL: (X) SIGN-OFF: () EXTN: () AMEND: ()

ENGINEERING COMMENTS:

Infrastructure list comments.

P.O. Box 1293

An approved grading and drainage plan dated 10-08-07 is on file for Preliminary Plat approval.

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

signal I.L.
APPROVED ; DENIED ___; DEFERRED ___; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee
(C-11/D002 – TIERRA BUENA ESTATES)

DATE: OCTOBER 24, 2007
505-924-3986

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005539

AGENDA ITEM NO: 6

SUBJECT:

Final Plat
Preliminary Plat

ACTION REQUESTED:

REV/CMT: () APPROVAL: (X) SIGN-OFF: () EXTN: () AMEND: ()

ENGINEERING COMMENTS:

P.O. Box 1293

Infrastructure list comments.
An approved drainage report must be on file prior to Preliminary Plat approval.

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

10-10-07

APPROVED ___; DENIED ___; DEFERRED ; COMMENTS PROVIDED ___; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee
(C-11/D002 – TIERRA BUENA ESTATES)

DATE: OCTOBER 3, 2007
505-924-3986

City of Albuquerque Planning Department
One Stop Shop – Development and Building Services

12/14/2007 Issued By: PLNSDH

Permit Number: 2007 070 446 **Category Code 910**

Application Number: 07DRB-70446, Minor - Temp Defr Swdk Const

Address:

Location Description: KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD NW

Project Number: 1005539

Applicant

Mgme Development Inc

7720 Elena Dr Ne
Albuquerque NM 87122
858-8899

Agent / Contact

Wilson And Company Inc

Robert S Madlake

4900 Lang Ave Ne

Albuquerque NM 87109

rsmadlake@wilsonco.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	
TOTAL:		\$20.00

City Of Albuquerque
Treasury Division

12/14/2007 8:56AM LOC: ANRX
WSH 006 TRANS# 0006
RECEIPT# 00085620 00085620
PERMIT# 2007070446 TRSCS
Trans Amt \$20.00
Conflict Manag. Fee \$20.00
VI \$20.00
CHANGE \$0.00

Thank You

Current DRC:
Project Number: _____

FIGURE 12
INFRASTRUCTURE LIST

Date Submitted: 10/24/2007
Date Site Plan Approved: 10/24/07
Date Preliminary Plat Approved: 10/24/08
Date Preliminary Plat Expires: _____
DRB Project No.: 1005539
DRB Application No.: 07028-70279

"EXHIBIT A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

TIERRA BUENA ESTATES

PROPOSED NAME OF PLAT AND/OR SITE DEVELOPMENT PLAT

LOT 1, BLOCK 5, UNIT 26 OF VOLCANO CLIFFS SUBDIVISION

EXISTING LEGAL DESCRIPTION PRIOR TO PLATTING ACTION

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the Infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			PAVING						
		27' F/Edge	Permanent Pavement, C&G, 5' Sidewalk East Side	Kimmick Drive	Rosa Parks Rd	Valiente Rd	/	/	/
		27' F/Edge	Permanent Pavement, C&G, 5' Sidewalk North Side	Rosa Parks Road	Kimmick Drive	East PL	/	/	/
		24' F/Edge X2	Permanent Pavement, C&G, 5' Sidewalk South Side	Valiente Road	Kimmick Drive	East PL	/	/	/
		30' F-F	Res. Paving W/ C&G, 5' Sidewalk Both Sides **	Vida Pacifica Ct 1	Rosa Parks Rd	Cul de Sac	/	/	/
		24' Wide	Temporary Pavement	Kimmick Drive	1093' south of Isect Kimmick Dr/ Rosa Parks Rd, (Edge of Ex Pvmnt LC Unit I)	Isect Kimmick Drive/ Rosa Parks Rd	/	/	/
			Street Lighting Per DPM	Throughout Subdivision			/	/	/
			WATER						
		10" Dia.	Waterline W/ Appertenances	Kimmick Drive	Rosa Parks Road	Valiente Road	/	/	/
		10" Dia.	Waterline W/ Appertenances	Rosa Parks Road	Kimmick Drive	East PL of Subd	/	/	/
		8" Dia X2	Waterline W/ Appertenances	Vallente Road	Kimmick Drive	East PL of Subd	/	/	/
		6" Dia.	Waterline W/ Appertenances	Vida Pacifica Ct	Rosa Parks Road	Cul de Sac	/	/	/

3
109784
12/1

10/24/07 Rosa Parks X WL-LC II

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
		8" Dia.	SANITARY SEWER Sanitary Sewer Gravity lines W/ Appertenances	Kimmick Drive	Rosa Parks Road	Valiente Road	/	/	/
		8" Dia.	Sanitary Sewer Gravity lines W/ Appertenances	Rosa Parks Road	Kimmick Drive	East PL of Subd Vida Pacifica	/	/	/
	3 10778	8" Dia.	Sanitary Sewer Gravity lines W/ Appertenances	Vida Pacifica Ct	Rosa Parks Road	Cul de Sac	/	/	/
		8" Dia.	SAS ABCWUA Agreement	Kimmick	Kimmick N/A	Rosa Parks N/A	/	/	/
		24" Dia.	STORM SEWER Storm Drain pipe W/Inlets	Kimmick Drive	Curb Returns North of Isect w/ Rosa Parks Rd	MH in Isect	/	/	/
		24" Dia.	Storm Drain pipe W/Inlets	Rosa Parks Road	Curb Returns West of Isect w/ Rosa Parks Rd	MH in Isect	/	/	/
		48" Dia.	Storm Drain pipe W/Inlets	Rosa Parks Road	Kimmick Drive	Temporary Pond located on Tract D of the BLP, La Cuentista Subd	/	/	/
		N/A	Temporary Pond w/Agreement & Covenant, private Developer Agreement	Tract D of the Bulk Land Plat, La Cuentista Subd					

- 1
- 2 Engineers Grading & Drainage Certification is required for release of Financial Guarantees & SIA.
- 3 ** Deferred

AGENT/OWNER	DEVELOPMENT REVIEW BOARD MEMBER APPROVALS		
Kristine Susco (Agent) NAME(print) Wilson & Co., 4900 Lang Ave. NE. buquerque NM 87109 FIRM	<i>Andrew Smith</i> 10/27/07 DRB CHAIR -- date	<i>Christina Sandoval</i> 10/24/07 PARKS & GENERAL SERVICES -- date	
<i>[Signature]</i> SIGNATURE	<i>[Signature]</i> 10-28-07 TRANSPORTATION DEVELOPMENT -- date	AMAFCA -- date	
MAXIMUM TIME ALLOWED TO CONSTRUCT THE IMPROVEMENTS WITHOUT A DRB EXTENSION: _____	<i>Bradley L. Bingham</i> 10/29/07 CITY ENGINEER -- date	- date	- date

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRG CHAIR	USER DEPARTMENT	AGENT/OWNER

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

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

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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899

ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415

CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net

Proprietary interest in site: Owner List all owners: MGMe Development, Inc.

AGENT (if any): Kristine Susco- Wilson and Company PHONE: (505) 348-4191

ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request Sidewalk Deferral for Lot 1, Block 5, Unit 26 of Volcano Cliffs Subdivision

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 1 Block: 5 Unit: 26

Subdiv. / Addn. Volcano Cliffs Subdivision

Current Zoning: SU2-SRLL Proposed zoning: No Change

Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9

Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A

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

UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Kimmick Dr NW

Between: Rosa Parks Road NW and Valiente Road

CASE HISTORY: List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):
DRB# 1005539

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

SIGNATURE *Kristine Susco* DATE: 12-11-07

(Print) KRISTINE SUSCO Applicant Agent

FOR OFFICIAL USE ONLY	Form revised 9/01, 3/03, 7/03, 10/03, 3/04																												
<input type="checkbox"/> INTERNAL ROUTING <input checked="" type="checkbox"/> All checklists are complete <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	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Application case numbers</td> <td style="width: 15%;">Action</td> <td style="width: 15%;">S.F.</td> <td style="width: 15%;">Fees</td> </tr> <tr> <td><u>07DRB - 70446</u></td> <td><u>X</u></td> <td><u>TRB</u></td> <td><u>\$ 20.00</u></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>Hearing date <u>01/02/08</u></td> <td></td> <td></td> <td>Total <u>\$ 20.00</u></td> </tr> </table>	Application case numbers	Action	S.F.	Fees	<u>07DRB - 70446</u>	<u>X</u>	<u>TRB</u>	<u>\$ 20.00</u>	_____	_____	_____	\$ _____	_____	_____	_____	\$ _____	_____	_____	_____	\$ _____	_____	_____	_____	\$ _____	Hearing date <u>01/02/08</u>			Total <u>\$ 20.00</u>
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Hearing date <u>01/02/08</u>			Total <u>\$ 20.00</u>																										
<u>Sandy Handley 12/14/07</u> Planner signature / date	Project # <u>1005539</u>																												

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)**
 - 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.

KRISTINE SUSCO
Applicant name (print)
Kristine Susco 12-11-07
Applicant signature / date

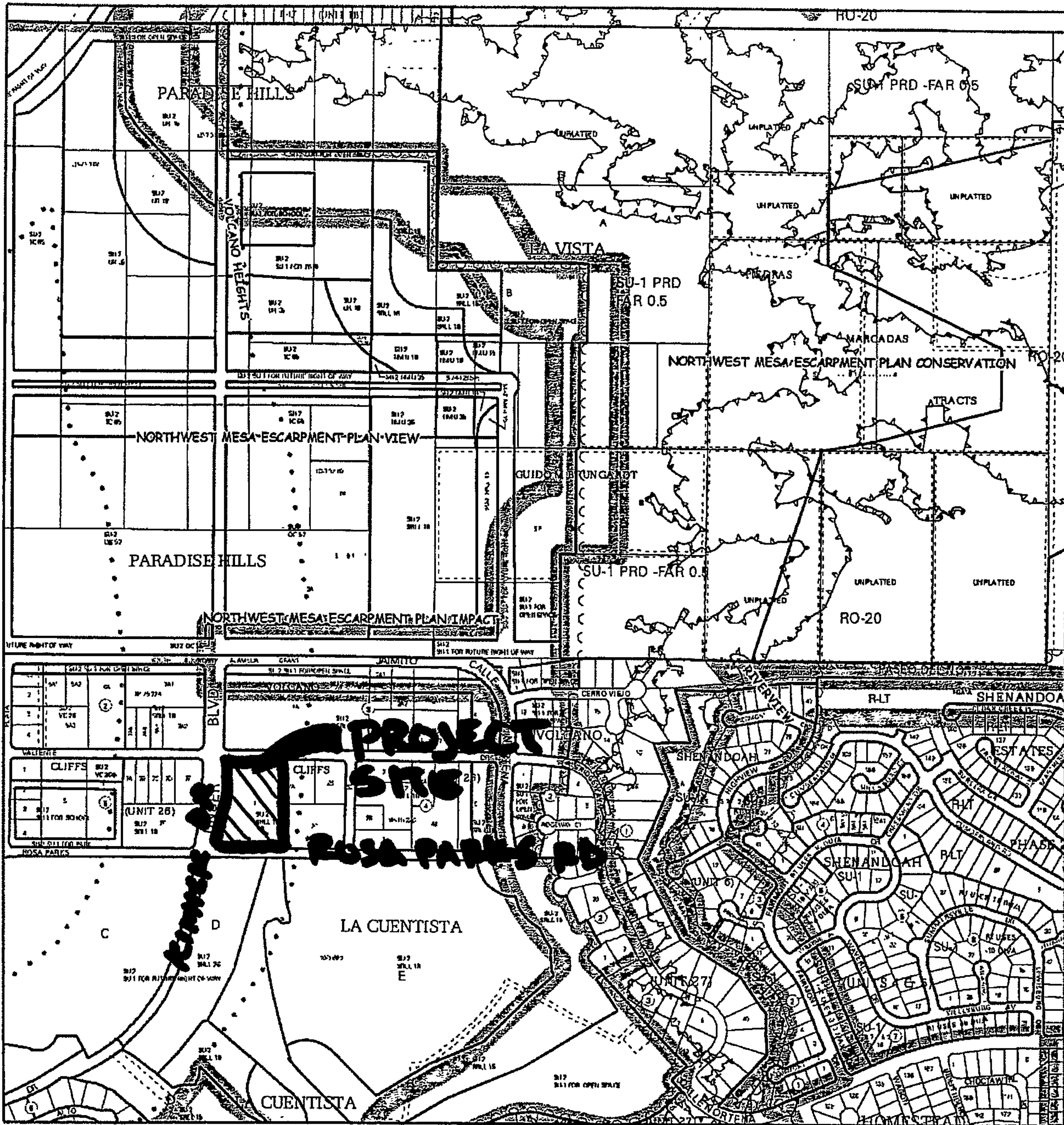


Form revised 4/07

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

Application case numbers
012213 - 10446

Sandy Handley 12/14/07
Planner signature / date
Project # 1005539



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

AGIS
Albuquerque Geographic Information System

Map amended through: 3/22/2007

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-11-Z

Selected Symbols

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

0 750 1,500 Feet

**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

12 December 2007

Jack Cloud, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

Dear Jack:

Wilson & Company, Inc., acting as agents for MGMe, Inc., requests approval of a Temporary Deferral of Sidewalk Construction. This request was inadvertently neglected when we sought and received Preliminary Plat approval for Tierra Buena Estates on 10-24-07.

Attached are the required items for this submittal.

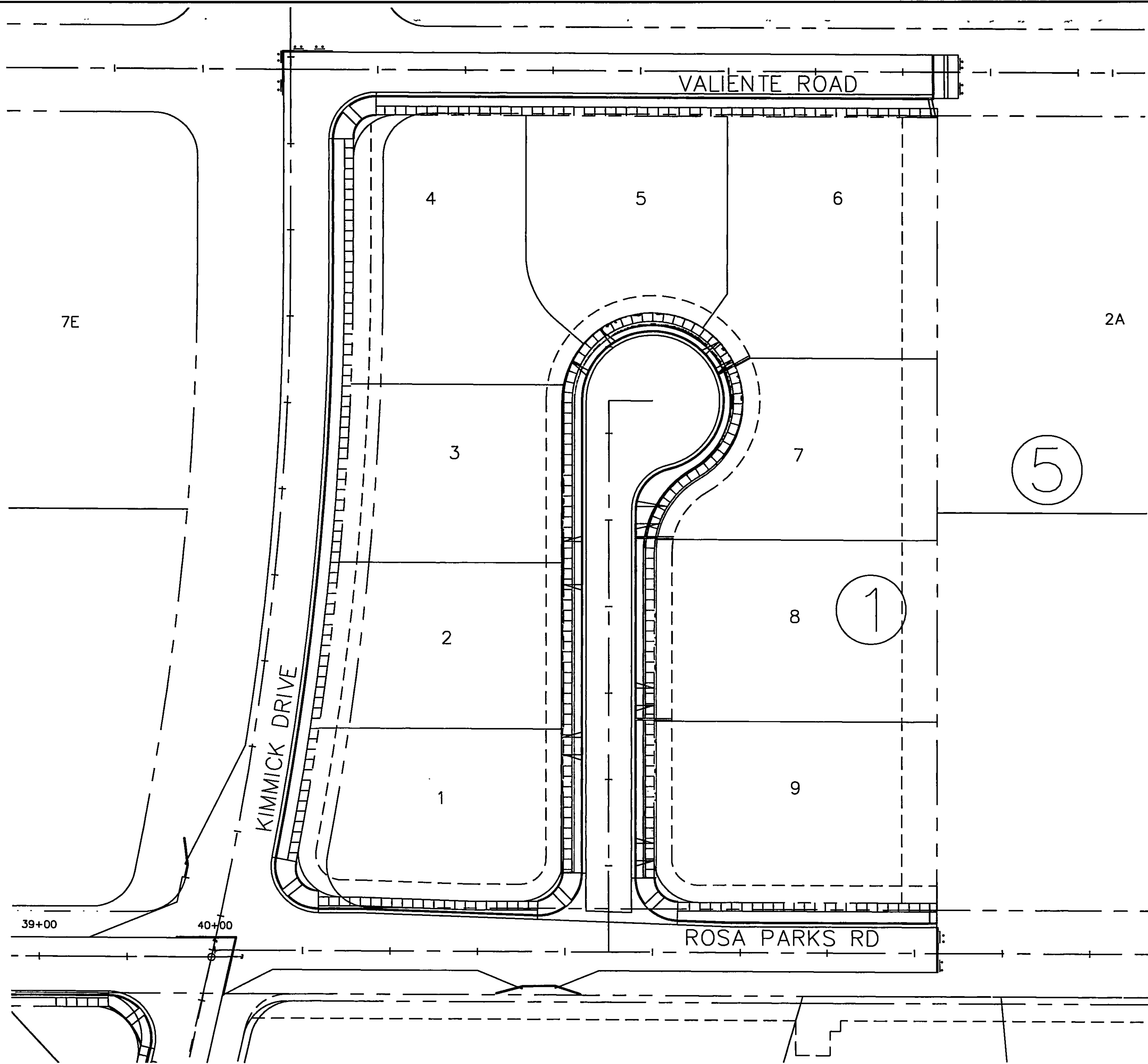
If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191. Thank you for your time.

WILSON & COMPANY




Kristine Susco
Project Manager
Email: kisusco@wilsonco.com

\\VDS\07-600-022-00\CADD\EXHIBITS\10022008_SW_DEF.dwg 12-11-07



 5' SIDEWALK TO BE DEFERRED



 4900 LANG AVE NE ALBUQUERQUE, NM 87109 (505) 348-4191				TIERRA BUENA ESTATES			
				SIDEWALK DEFERRAL EXHIBIT			
DESIGN	KIS	WCEA NO.0760002200	DATE	DEC 2007			
DRAWN	OBR	PROJECT NO.	SHEET NO.				
CHECK	DSA	DRB #1005539	1 OF 1				

City of Albuquerque Planning Department
One Stop Shop – Development and Building Services

10/24/2007 Issued By: PLNSDH

Permit Number: 2007 070 279

Category Code 910

Application Number: 07DRB-70279, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD

Project Number: 1005539

Applicant

Mgme Development Inc

7720 Elena Dr Ne
Albuquerque, NM 87122
858-8899

Agent / Contact

Wilson And Company Inc
Robert S Madlake
4900 Lang Ave Ne
Albuquerque, NM 87109

rsmadlake@wilsonco.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB deferral fee	\$100.00
TOTAL:		\$100.00

City Of Albuquerque
Treasury Division

10/24/2007 9:00AM LOC: ANHX
WS# 008 TRANS# 0008
RECEIPT# 00083182-00083182
PERMIT# 2007070279 TRSI JS
Trans Amt \$150.00
DRB Actions \$100.00

Thank You

City of Albuquerque Planning Department

One Stop Shop – Development and Building Services

10/24/2007 Issued By: PLNSDH

Permit Number: 2007 070 279

Category Code 910

Application Number: 07DRB-70279, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD

Project Number: 1005539

Applicant

Mgme Development Inc

7720 Elena Dr Ne
Albuquerque, NM 87122
856-6899

Agent / Contact

Wilson And Company Inc
Robert S Madake
4900 Lang Ave Ne
Albuquerque, NM 87109

rsmadake@wilsonco.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB deferral fee	\$50.00
TOTAL:		\$50.00

City Of Albuquerque
Treasury Division

10/24/2007 9:00AM LOC: ANNY
WS# 008 TRANS# 0008
RECEIPT# 00083182-00083183
PERMIT# 2007070279 TRSLJS
Trans Amt \$150.00
LPB Actions \$50.00
VI \$150.00
CHANGE \$0.00

Thank You

**Notice of Decision
City Council
City of Albuquerque
November 15, 2007**

AC-07-15 Volcano Cliffs Property Owners Association, Dave Heil, President and Barbara Mueller, Vice-President, Appeals the Development Review Board's Approval of a Vacation of Kimmick Drive NW, for all or any portion of Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) Zoned SU-2 SRL, Located on Rosa Parks Rd NW Between Unser Blvd NW and Calle Nortena NW, Containing Approximately 4 acres

Decision

On August 20, 2007, by a vote of 9 FOR and 0 AGAINST, the City Council voted to accept the recommended decision and findings of the Land Use Hearing Officer.

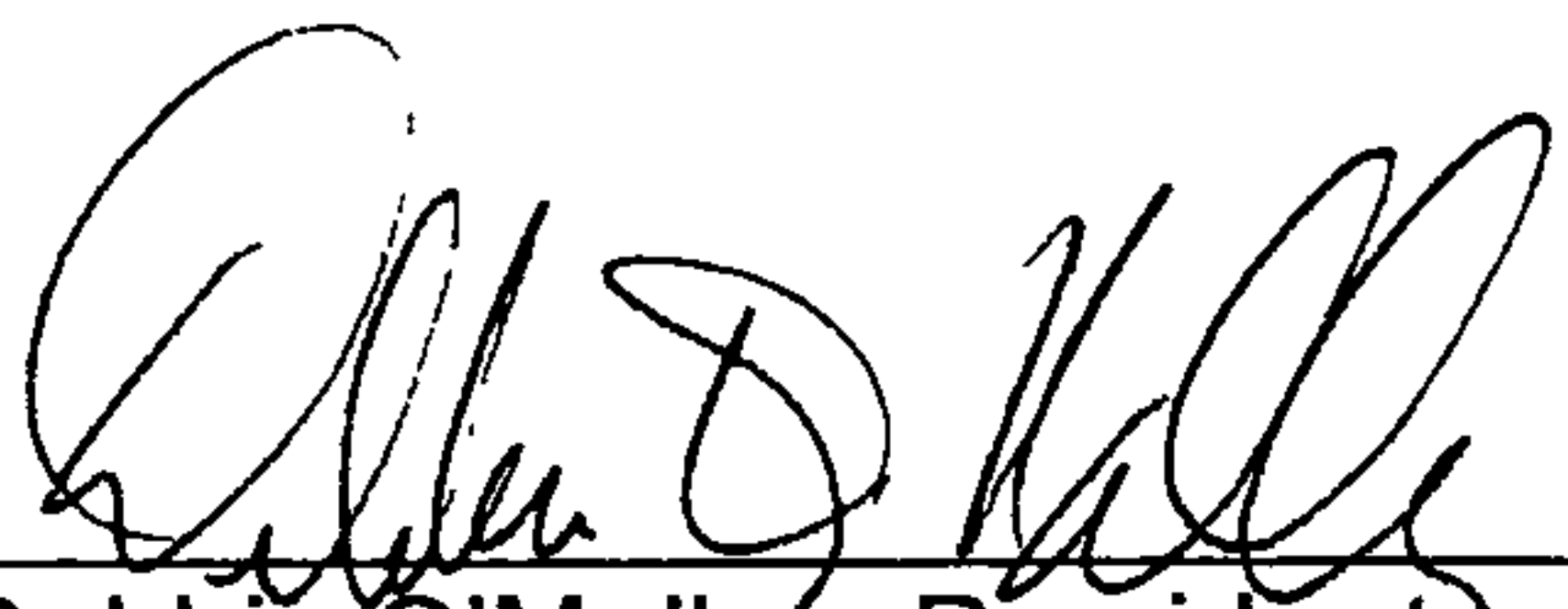
IT IS THEREFORE ORDERED THAT THE APPEAL IS DENIED AND THE VACATION IS APPROVED.

Attachments

- 1. Land Use Hearing Officer's Decision
- 2. Action Summary from the August 20, 2007 City Council meeting

Appeal of Final Decision

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



 Debbie O'Malley, President
 City Council

Date: 11/15/07

Received by: 

 City Clerk's Office

Date: 11/15/07

080 2001

LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-07-14

07-DRB-00580

Project No. 10005539

Joseph L. Archbold, Appellant,
Kristine Susco, agent for MGMe Development Corporation, and
The City Of Albuquerque, Party Opponents,

Consolidated with:

APPEAL NO. AC-07-15

07-DRB-00580

Project No. 10005539

David Heil and Barbara Mueller, President and Vice President of
Volcano Cliffs Property Owners Association, Appellants,
Kristine Susco, agent for MGMe Development Corporation, and
The City Of Albuquerque, Party Opponents,

1 **I. PROCEDURAL BACKGROUND**

2
3 These appeals concern a decision of the Development Review Board (hereinafter "DRB")
4 approving a proposal vacating a portion of a public right-of-way, pursuant to Section 14-14-7-
5 2(B)(3) of the City of Albuquerque Subdivision Regulations (Hereinafter the "Regulations"). On
6 May 30, 2007, the DRB held a public hearing, approving MGMe Development Corporation's
7 (MGMe) proposal to vacate 24 feet from the East side of Kimmick Drive, a dedicated public street
8 in the Volcano Cliffs neighborhood. The 24 feet proposed to be vacated in this action encompasses
9 one City block between Rosa Parks Road and Valiente Road, N.W.

10
11 In its Official Notice of Decision, dated May 30, 2007, the DRB approved the request, setting
12 one condition. In two separate appeals, Appellants, Joseph Archbold, David Heil, and Barbara
13 Mueller filed timely appeals. Because the subject matter of the appeals, issues and facts are the
14 same in each of the appeals, upon stipulation of all the parties, the two appeals were consolidated
15 and presented in one hearing before this Hearing Officer.

16
17
18 **II. ISSUES PRESENTED**

19
20 Appellants challenge the vacation action on the grounds that it does not meet the criteria of
21 the City of Albuquerque Subdivision Regulation, Section 14-14-7-2(B). Specifically they claim that
22 the benefit of vacating 24 feet of City dedicated right-of-way is not outweighed by the detriment of
23 losing this dedicated right-of-way. Accordingly, the precise issue raised concerns weighing the
24 public benefit that will be derived from the vacation action against the detriment it causes, if any,
25 and determining if the benefit outweighs the detriment.

1 **III. STANDARD OF REVIEW**

2
3 A review of an appeal is a whole record review to determine if there is error:

- 4
5 1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
6 2. In the appealed action or decision, including its stated facts;
7 3. In acting arbitrary, capriciously or manifestly abusive of discretion.
8

9 The decision and record must be supported by a preponderance of the evidence to be upheld.
10 *Whether the evidence is, or is not supported by a preponderance of the evidence in the record, the*
11 *Land Use Hearing Officer may not substitute his judgment for that of the reviewing Body below.* The
12 Land Use Hearing Officer's opinion is advisory to the City Council. The Hearing Officer may
13 recommend that the Council "grant, in whole or in part, an appeal, deny, in whole or in part, an
14 appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement
15 the record, or if the remand would expeditiously dispose of the matter."¹ Decisions of the City are
16 presumably valid and the burden of proving otherwise rests upon a party seeking to void such
17 decision.
18

19
20 **IV. DISCUSSION**

21
22 Section 4-14-7-2(B) of the City of Albuquerque's Subdivision regulations provide the burden
23 of proof in this matter. The Regulations requires that the applicant demonstrate:

- 24
25 a. The public welfare is in no way served by retaining the [right-of way] or easement;
26 or
27 b. There is a net benefit to the public welfare because the development made possible
28 by the vacation is clearly more beneficial to the public welfare than the minor
29 detriment resulting from the vacation; and
30 c. There is no convincing evidence that any substantial property right is being abridged
31 against the will of the owner of the right.²
32

33 Appellants make several arguments regarding whether MGMe has met their burden before
34 the DRB. The record of the DRB is sparse insofar as it analyzed and evaluated the requirements of
35 the applicable section of the Subdivision Regulation. The stated purpose of the vacation action is
36 to bring Kimmick Drive into compliance with the Volcano Heights Sector Development Plan, dated
37 October 2006 (VHSDP). Implicit in this position is that the VHSDP provides the mechanism by

¹ See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

² See City of Albuquerque Subdivision Regulation, Section 14-14-7-2 Vacation of Public Right of Way, Private Ways and Easements.

1 which the public's welfare is determined. The decision of the DRB is clearly supported by the
2 VHSDP.

3
4 The length of Kimmick Drive, between Unser Boulevard, is designated as a collector Street
5 under the VHSDP.³ There are essentially two categories of collector streets described in the
6 VHSDP.⁴ Each subcategory has 58 feet of right-of-way. The two types are distinguishable by the
7 widths of dedicated walkway and setback. The VHSDP envisions all collector streets as having two
8 10 feet travel lanes and seven feet parking lanes.

9
10 Kimmick Drive, as it was platted in 1971, has 106 feet of dedicated right-of-way.
11 Historically, Kimmick Drive was conceived as an arterial thoroughfare. However, the alignment and
12 development of Unser Boulevard over the course of the last decade necessarily modified Kimmick
13 Drive's classification and status from an arterial to a collector street.

14
15 MGMe asserts that the vacation of the one block strip of Kimmick Drive is supported by the
16 VHSDP. Appellants, on the other hand, criticize the stated purpose for the vacation. Appellants
17 take the position that although Kimmick Drive as it presently exists encompasses 106 feet of right-
18 of-way, the City of Albuquerque should take this opportunity to utilize the excess roadway for bike
19 lanes rather than give it up to private development, and possibly for other uses.

20
21 Appellants also argue, the DRB should have considered that Kimmick Drive is designated
22 as a Class 3 signaled bicycle route on the VHSDP's Bicycle Trail Network.⁵ The crux of their
23 argument is that the vacation action will prevent the City from utilizing excess right-of-way for
24 bicycle lanes on Kimmick Drive.

25
26 Although, the DRB, in approving the vacation request, clearly failed to consider bicycle
27 uses on Kimmick Drive, I find that it was harmless error. Kimmick Drive as a class 3 route for
28 bicycles necessarily excludes the possibility of creation of bike lanes thereon.⁶ Therefore,
29 allowing excess space for bicycle lanes on Kimmick Drive is not envisioned in the VHSDP.

30
31 Appellants also have brought forth their own ideas to make good use of the excess right-
32 of-way. They suggest using the excess space for green mediums separating the directional

³ See page 53 of the VHSDP.

⁴ Two lane residential collector streets and 2 lane retail collector streets. *Id.*

⁵ See page 64, VHSDP.

⁶ See page 63 of the VHSDP. The bicycle trail network created in the VHSDP defines class 3 bike routes as routes that are "signaled for bicycles but without a [sic] separate bike lane...."

1 traffic. Yet, there is nothing in the VGSDP contemplating mediums, or any of their suggestions
2 for collector streets.

3
4 Although Appellants' proposed uses of the excess space are genuinely praiseworthy, the
5 standard in which this action must be judged is in the VHSDP and, whether, or not, there is a net
6 benefit after it is weighed against the detriment caused by the vacation. The detriment is a loss of
7 the public land. Yet, because the VHSDP envisions utilizing 58 feet of public land for right-of-
8 way, I cannot agree with Appellants that a loss of the excess land is a detriment, when there isn't
9 clear guidance on how the City will utilize the excess land. It is probable, and rational, that the
10 DRB took the position that the excess land is a detriment to the City.

11
12 The question of, whether, or not, a 106 foot right-of-way as opposed to a 58 foot right-of-
13 way satisfies the public welfare, has already been answered. The VHSDP provides this answer.
14 The VHSDP is presumed to be the public's voice for the answer to this question. Unless it is
15 determined by Court action, or by amendment, that it is not in the public's best interest, the
16 VHSDP is the standard by which the public's welfare must be judged.

17
18
19 **IV. RECOMMENDATION**

20
21 The record of this matter does not support, by a preponderance of the evidence,
22 Appellants' appeals. I, therefore, respectfully recommend that the City Council deny both AC-
23 07-14 and AC-07-15 in full for the reasons stated above.

24
25
26
27
28
29 
30 Steven M. Chavez, Esq.
31 Land Use Hearing Officer
32

July 30, 2007



City of Albuquerque

Action Summary

City Council

Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM 87102

Council President, Debbie O'Malley, District 2
Vice-President, Sally Mayer, District 7

Council Members: Ken Sanchez, District 1;
Isaac Benton, District 3 ; Brad Winter, District 4;
Michael J. Cadigan, District 5; Martin Heinrich, District 6;
Craig Loy, District 8; Don Harris, District 9;

TTY Phone # - 1-800-659-8331
For Weekly Schedule of Meetings Call: 768-4777

Monday, August 20, 2007

5:14 PM

Vincent E. Griego Chambers
One Civic Plaza
Albuquerque/Bernalillo County
Government Center

O-07-66 F/S Clarifying the Status of "Buskers" (Street Performers) as Not Within Chapter 3, Article 13, the City's Business Solicitation and Old Town Solicitation Ordinances; Amending Section 14-16-2-25 to Clarify that "Buskering" Street Performing is a Permitted Use Within Old Town (Benton)

Motion: *Postpone, due back on September 5, 2007*

Status: Passed

Votes: For: 8 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Loy and Harris

Excused: 1 - Council Members: Heinrich

R-07-182 Creating The Neighborhood Task Force to Study and Report on Possible Legislation Relating to Homeowner Associations and Neighborhood Associations For The City of Albuquerque; Requiring a Report (Harris)

Motion: *Withdrawn by Sponsor*

Status: Passed

Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

R-07-275 Designating the East Gateway Metropolitan Redevelopment Area, Making Certain Findings And Determinations Pursuant to the Metropolitan Redevelopment Code, Authorizing and Directing the Metropolitan Redevelopment Agency to Prepare a Metropolitan Redevelopment Plan for the East Gateway Metropolitan Redevelopment Area (Harris)

Motion: *Postpone, due back on November 19, 2007*

Status: Passed

Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

-
- EC-07-491** Real Estate Sale Agreement for Purchase by the City of Condo Units in the Rosenwald Building at 320 Central SW
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-495** Legal Services Agreement Between Butt, Thornton & Baehr and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-496** Legal Services Agreement Between French & Associates and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-497** Legal Services Agreement Between Seyfarth & Shaw and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-498** Legal Services Agreement Between Yenson, Lynn, Allen & Wosick and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-499** Legal Services Agreement Between Walz & Associates and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-500** Legal Services Agreement Between Robles, Rael & Anaya and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

-
- EC-07-501** First Supplemental Agreement for Legal Services Between Robinson & Cole and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich; Loy and Harris
- R-07-286** Approving and Authorizing the Acceptance of the Attached Grant Award for Funds Under the Emergency Medical Services Fund Act with the State of New Mexico Department of Health and Providing for an Appropriation to the Fire Department (O'Malley, by request)
Motion: *Do Pass*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-288** Adopting the Bernalillo County and the City of Albuquerque Hazard Mitigation Plan (Winter, by request)
Motion: *Do Pass*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-290** Approving and Authorizing U.S. Marshall Service Funds to Provide for Overtime Hours for the Purpose of Locating and Arresting Fugitives and Providing for an Appropriation to the City of Albuquerque, Police Department (Loy)
Motion: *Do Pass*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-539** Request from property owner to demolish a Contributing Property within the Huning Highland East Downtown Urban Conservation Overlay Zone. Maryellen Hennessy, Staff Planner
Motion: *Postpone, due back on September 5, 2007*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Mayer, Benton, Winter, Cadigan, Heinrich, Loy and Harris
Excused: 1 - Council Members: Sanchez
- AC-07-14** Joseph L. Archbold Appeals the Development Review Board's Approval of a Vacation of Kimmick Drive NW, for all or any portion of Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) Zoned SU-2 SRLL, Located on Rosa Parks Rd NW Between Unser Blvd NW and Calle Nortena NW, Containing Approximately 4 acres
Motion: *To Accept the Land Use Hearing Officer Recommendation*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
-

- AC-07-15** Volcano Cliffs Property Owners Association, Dave Heil, President and Barbara Mueller, Vice-President, Appeals the Development Review Board's Approval of a Vacation of Kimmick Drive NW, for all or any portion of Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) Zoned SU-2 SRLL, Located on Rosa Parks Rd NW Between Unser Blvd NW and Calle Nortena NW, Containing Approximately 4 acres
Motion: *To Accept the Land Use Hearing Officer Recommendation*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- AC-07-11** Steve Wentworth, Agent for Alameda North Valley Association, Appeals the Environmental Planning Commission's Approval of a Site Development Plan for a Portion of Tract G-1, Balloon Fiesta Park, Zoned SU-2 for Balloon Fiesta Park & Museum & Related Uses, Located on Balloon Museum Drive NE Between Jefferson Street NE and Alameda Boulevard NE, containing approximately 9 acres
Motion: *Grant*
Status: Passed
Votes: For: 6 - Council Members: O'Malley, Benton, Winter, Cadigan, Heinrich and Harris
Against: 3 - Council Members: Mayer, Sanchez and Loy
- AC-07-16** Remand and Reversal by District Court of City Council's Grant of Appeal by Nor Este Neighborhood Association of Development Review Board's Approval of Preliminary Plat at Eagle Rock Avenue NE, Between Ventura Boulevard NE and Barstow Boulevard NE
Motion: *No Action Taken*
Status:
- EC-07-449** FY/07 Department of Family and Community Services, Goal 1, Priority Objective #6 Report to the Mayor and City Council
Motion: *Receipt Be Noted*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- O-07-73** F/S(2) Amending ROA 1994 To Adopt The 2006 International Energy Conservation Code; Creating The Albuquerque High Performance Building Ordinance Establishing Certain Environmentally Sensitive Practices In Construction; Amending ROA 1994, The "Woodburning Ordinance" To Define Products That Should Not Be Burned (Benton, Cadigan,
Motion: *Postpone as Substituted, as Amended, due back on September 5, 2007*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

- R-07-210** F/S Establishing the Programming of Authorizing Policies, Funds and Projects For The 2008-2013 Transportation Improvement Program For The Albuquerque Metropolitan Planning Area (O'Malley)
Motion: *Do Pass as Substituted*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich and Harris
Against: 1 - Council Members: Loy
- R-07-235** F/S Amending the Adopted Capital Implementation Program of the City of Albuquerque by Approving New Projects, Supplementing Current Appropriations and Changing the Scope of Existing Projects (Harris)
Motion: *Do Pass as Substituted, as Amended*
Status: Passed
Votes: For: 5 - Council Members: O'Malley, Benton, Winter, Cadigan and Harris
Against: 3 - Council Members: Mayer, Sanchez and Loy
Excused: 1 - Council Members: Heinrich
- O-06-53** C/S Amending ROA 1994, Adding to the Traffic Engineer Duties; Creating a Stakeholders' Process and Traffic Review For Large Retail Facilities; Adding Definitions; Creating New Large Retail Facility Regulations (O'Malley)
Motion: *Do Pass as Amended*
Status: Passed
Votes: For: 7 - Council Members: O'Malley, Sanchez, Benton, Winter, Cadigan, Heinrich and Loy
Against: 2 - Council Members: Mayer and Harris
- R-07-185** Repeal of The Nob Hill Sector Development Plan and Adoption of The Nob Hill Highland Sector Development Plan (NHHSDP) and Change of Zoning For Certain Properties Within The NHHSDP Boundary Area As Specified In Exhibit A (Heinrich)
Motion: *Do Pass as Amended*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-291** Appointing Precinct Board Members for Each Consolidated Precinct for the Tuesday, October 2, 2007 Municipal Election for the City of Albuquerque (O'Malley, by request)
Motion: *Do Pass*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-292** Concerning the Amended Designation of Polling Places for the Regular Municipal Election to be Held in the City of Albuquerque on Tuesday, the Second Day of October 2007 (O'Malley, by request)
Motion: *Do Pass as Amended*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

EC-07-430 FY/07 Goal 3, Annual Objective 12 - Bel-Air Street Lighting

Motion: *Postpone, due back on September 5, 2007*

Status:

O-06-50 C/S Relating to Mobile Homes; Creating Provisions Relating to the Notification Requirements For Termination of Tenancy (O'Malley)

Motion: *Postpone, due back on September 5, 2007*

Status:

O-07-65 F/S(2) Adopting Provisions to Abate the Nuisance of Illegal Use of Handicapped Parking Spaces; Setting Fines; Providing Enforcement; Repealing § 8-5-1-30 and Repealing The Existing Fine for Illegally Parking in a Disabled Parking Space (Mayer, by request)

Motion: *Postpone, due back on September 5, 2007*

Status:

O-07-68 F/S Amending ROA 1994 of The Public Purchases Ordinance To Redefine The Greater Albuquerque Metropolitan Area, To Reserve For Small Businesses 10% of All Purchases of Goods and Services Including All Purchases Under \$10,000 and To Create a 5% Preference For Small Businesses Submitting Offers in Response to Requests for Bids, Proposals and Quotes (Winter)

Motion: *Postpone, due back on September 5, 2007*

Status:

O-07-78 Establishing The Balloon Fiesta Park Operations And Management Policy Board By Ordinance; Ratifying The Actions of The Existing Board And Clarifying The Board's Responsibilities (O'Malley)

Motion: *Postpone, due back on September 5, 2007*

Status:

O-07-81 F/S Creating an Independent Office of Hearings (Winter)

Motion: *Postpone, due back on September 5, 2007*

Status:

O-07-89 Amending ROA 1994 Establishing a Procedure to Adopt the City of Albuquerque's Transportation Projects for Inclusion in the Albuquerque Metropolitan Transportation Plan and Transportation Improvement Program (Heinrich, Cadigan)

Motion: *Postpone, due back on September 5, 2007*

Status:

O-07-90 C/S Adopting Provisions to Enhance Penalties for Crimes Committed in Furtherance of Criminal Street Gang Activity (Sanchez)

Motion: *Postpone, due back on September 5, 2007*

Status:

- O-07-91** F/S Adopting Provisions for Registration of Gang Members who have Committed Gang Related Crimes; Setting Forth Notification Requirements; Providing Penalties (Sanchez)
Motion: *Postpone, due back on September 5, 2007*
Status:
- O-07-94** F/S Granting a Water Utility Franchise to the New Mexico Utilities, Inc. to Develop, Lay, Re-Lay, Construct, Maintain, Operate And Remove Pipes, Systems and Other Structures and Facilities for the Purpose of Distributing Water and Wastewater Service for Domestic, Commercial, Institutional And Industrial Uses Within the City and its Public Regulation Commission Approved Service Area; Establishing the Terms and Conditions of the Franchise; Establishing Certain Remedies for the Violation of the Franchise (Heinrich, by request)
Motion: *Postpone, due back on September 5, 2007*
Status:
- R-07-229** Nuisance Abatement at 8821 Central NW is so Ruined, Damaged and Dilapidated as to be a Menace to the Public Comfort, Health, Peace or Safety and that it is to be Required to be Removed (Sanchez)
Motion: *Postpone, due back on September 5, 2007*
Status:
- R-07-239** F/S Amending the La Cueva Sector Plan to Clarify the Impact of Public Rights-of-Way and/or Roadway Easements in Computing Densities in RD Zones (Winter)
Motion: *Postpone, due back on September 5, 2007*
Status:
- R-07-273** Approving the Programming of Funds and Projects for the 2005 - 2014 Component Capital Improvement Plan (CCIP); Amending Enactment No. R-2007-023 (Cadigan)
Motion: *Postpone, due back on September 5, 2007*
Status:

**Notice of Decision
City Council
City of Albuquerque
November 15, 2007**

AC-07-14 Joseph L. Archbold Appeals the Development Review Board's Approval of a Vacation of Kimmick Drive NW, for all or any portion of Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) Zoned SU-2 SRL, Located on Rosa Parks Rd NW Between Unser Blvd NW and Calle Nortena NW, Containing Approximately 4 acres

Decision

On August 20, 2007, by a vote of 9 FOR and 0 AGAINST, the City Council voted to accept the recommended decision and findings of the Land Use Hearing Officer.

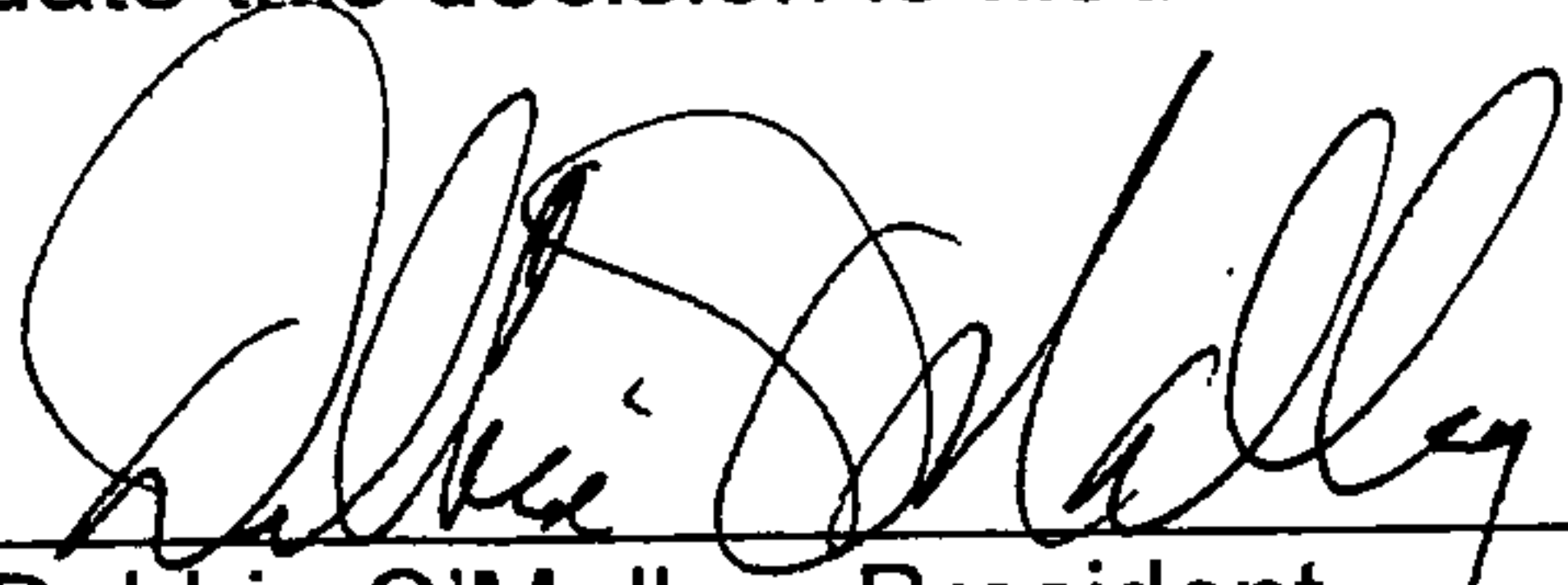
IT IS THEREFORE ORDERED THAT THE APPEAL IS DENIED AND THE VACATION IS APPROVED.

Attachments

- 1. Land Use Hearing Officer's Decision
- 2. Action Summary from the August 20, 2007 City Council meeting

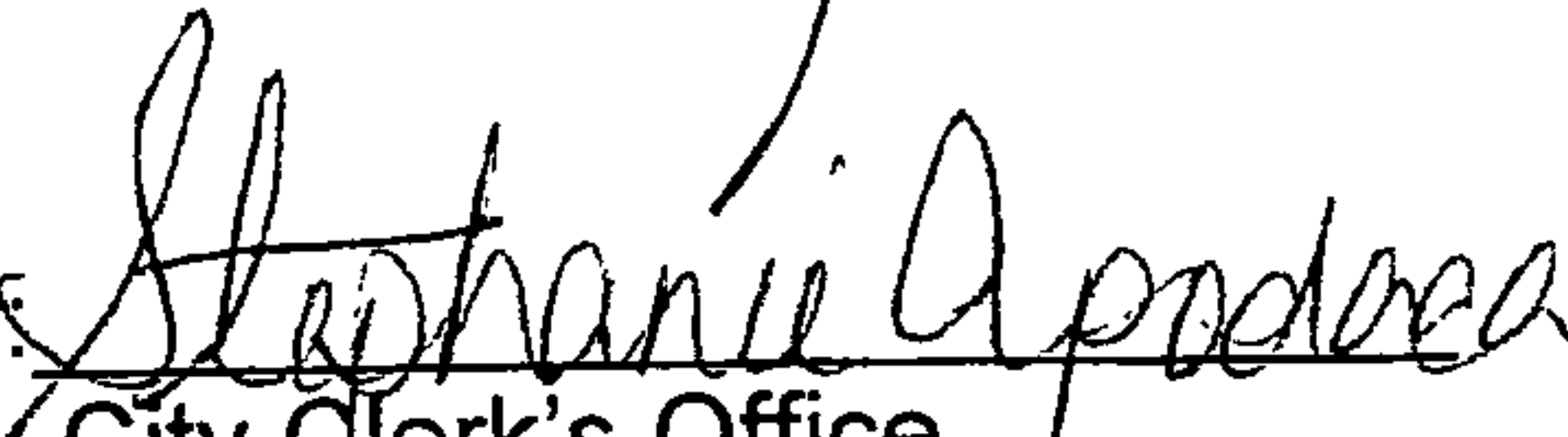
Appeal of Final Decision

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



 Debbie O'Malley, President
 City Council

Date: 11/15/07

Received by: 

 City Clerk's Office

Date: 11/15/07

LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-07-14

07-DRB-00580

Project No. 10005539

**Joseph L. Archbold, Appellant,
Kristine Susco, agent for MGMe Development Corporation, and
The City Of Albuquerque, Party Opponents,**

Consolidated with:

APPEAL NO. AC-07-15

07-DRB-00580

Project No. 10005539

**David Heil and Barbara Mueller, President and Vice President of
Volcano Cliffs Property Owners Association, Appellants,
Kristine Susco, agent for MGMe Development Corporation, and
The City Of Albuquerque, Party Opponents,**

I. PROCEDURAL BACKGROUND

These appeals concern a decision of the Development Review Board (hereinafter "DRB") approving a proposal vacating a portion of a public right-of-way, pursuant to Section 14-14-7-2(B)(3) of the City of Albuquerque Subdivision Regulations (Hereinafter the "Regulations"). On May 30, 2007, the DRB held a public hearing, approving MGMe Development Corporation's (MGMe) proposal to vacate 24 feet from the East side of Kimmick Drive, a dedicated public street in the Volcano Cliffs neighborhood. The 24 feet proposed to be vacated in this action encompasses one City block between Rosa Parks Road and Valiente Road, N.W.

In its Official Notice of Decision, dated May 30, 2007, the DRB approved the request, setting one condition. In two separate appeals, Appellants, Joseph Archbold, David Heil, and Barbara Mueller filed timely appeals. Because the subject matter of the appeals, issues and facts are the same in each of the appeals, upon stipulation of all the parties, the two appeals were consolidated and presented in one hearing before this Hearing Officer.

II. ISSUES PRESENTED

Appellants challenge the vacation action on the grounds that it does not meet the criteria of the City of Albuquerque Subdivision Regulation, Section 14-14-7-2(B). Specifically they claim that the benefit of vacating 24 feet of City dedicated right-of-way is not outweighed by the detriment of losing this dedicated right-of-way. Accordingly, the precise issue raised concerns weighing the public benefit that will be derived from the vacation action against the detriment it causes, if any, and determining if the benefit outweighs the detriment.

1 **III. STANDARD OF REVIEW**

2
3 A review of an appeal is a whole record review to determine if there is error:

- 4
5 1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
6 2. In the appealed action or decision, including its stated facts;
7 3. In acting arbitrary, capriciously or manifestly abusive of discretion.
8

9 The decision and record must be supported by a preponderance of the evidence to be upheld.
10 *Whether the evidence is, or is not supported by a preponderance of the evidence in the record, the*
11 *Land Use Hearing Officer may not substitute his judgment for that of the reviewing Body below.* The
12 Land Use Hearing Officer's opinion is advisory to the City Council. The Hearing Officer may
13 recommend that the Council "grant, in whole or in part, an appeal, deny, in whole or in part, an
14 appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement
15 the record, or if the remand would expeditiously dispose of the matter."¹ Decisions of the City are
16 presumably valid and the burden of proving otherwise rests upon a party seeking to void such
17 decision.
18

19
20 **IV. DISCUSSION**

21
22 Section 4-14-7-2(B) of the City of Albuquerque's Subdivision regulations provide the burden
23 of proof in this matter. The Regulations requires that the applicant demonstrate:

- 24
25 a. The public welfare is in no way served by retaining the [right-of way] or easement;
26 or
27 b. There is a net benefit to the public welfare because the development made possible
28 by the vacation is clearly more beneficial to the public welfare than the minor
29 detriment resulting from the vacation; and
30 c. There is no convincing evidence that any substantial property right is being abridged
31 against the will of the owner of the right.²
32

33 Appellants make several arguments regarding whether MGMe has met their burden before
34 the DRB. The record of the DRB is sparse insofar as it analyzed and evaluated the requirements of
35 the applicable section of the Subdivision Regulation. The stated purpose of the vacation action is
36 to bring Kimmick Drive into compliance with the Volcano Heights Sector Development Plan, dated
37 October 2006 (VHSDP). Implicit in this position is that the VHSDP provides the mechanism by

¹ See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

² See City of Albuquerque Subdivision Regulation, Section 14-14-7-2 Vacation of Public Right of Way, Private Ways and Easements.

1 which the public's welfare is determined. The decision of the DRB is clearly supported by the
2 VHSDP.

3
4 The length of Kimmick Drive, between Unser Boulevard, is designated as a collector Street
5 under the VHSDP.³ There are essentially two categories of collector streets described in the
6 VHSDP.⁴ Each subcategory has 58 feet of right-of-way. The two types are distinguishable by the
7 widths of dedicated walkway and setback. The VHSDP envisions all collector streets as having two
8 10 feet travel lanes and seven feet parking lanes.

9
10 Kimmick Drive, as it was platted in 1971, has 106 feet of dedicated right-of-way.
11 Historically, Kimmick Drive was conceived as an arterial thoroughfare. However, the alignment and
12 development of Unser Boulevard over the course of the last decade necessarily modified Kimmick
13 Drive's classification and status from an arterial to a collector street.

14
15 MGMe asserts that the vacation of the one block strip of Kimmick Drive is supported by the
16 VHSDP. Appellants, on the other hand, criticize the stated purpose for the vacation. Appellants
17 take the position that although Kimmick Drive as it presently exists encompasses 106 feet of right-
18 of-way, the City of Albuquerque should take this opportunity to utilize the excess roadway for bike
19 lanes rather than give it up to private development, and possibly for other uses.

20
21 Appellants also argue, the DRB should have considered that Kimmick Drive is designated
22 as a Class 3 signaled bicycle route on the VHSDP's Bicycle Trail Network.⁵ The crux of their
23 argument is that the vacation action will prevent the City from utilizing excess right-of-way for
24 bicycle lanes on Kimmick Drive.

25
26 Although, the DRB, in approving the vacation request, clearly failed to consider bicycle
27 uses on Kimmick Drive, I find that it was harmless error. Kimmick Drive as a class 3 route for
28 bicycles necessarily excludes the possibility of creation of bike lanes thereon.⁶ Therefore,
29 allowing excess space for bicycle lanes on Kimmick Drive is not envisioned in the VHSDP.

30
31 Appellants also have brought forth their own ideas to make good use of the excess right-
32 of-way. They suggest using the excess space for green mediums separating the directional

³ See page 53 of the VHSDP.

⁴ Two lane residential collector streets and 2 lane retail collector streets. *Id.*

⁵ See page 64, VHSDP.

⁶ See page 63 of the VHSDP. The bicycle trail network created in the VHSDP defines class 3 bike routes as routes that are "signaled for bicycles but without a [sic] separate bike lane...."

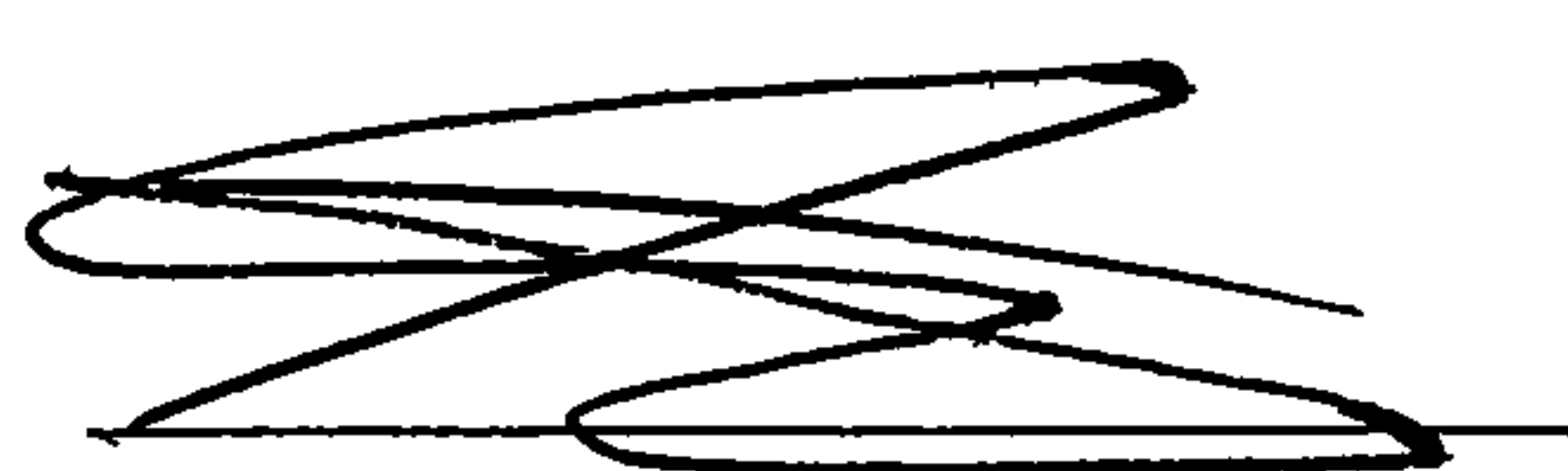
1 traffic. Yet, there is nothing in the VGSDP contemplating mediums, or any of their suggestions
2 for collector streets.
3

4 Although Appellants' proposed uses of the excess space are genuinely praiseworthy, the
5 standard in which this action must be judged is in the VHSDP and, whether, or not, there is a net
6 benefit after it is weighed against the detriment caused by the vacation. The detriment is a loss of
7 the public land. Yet, because the VHSDP envisions utilizing 58 feet of public land for right-of-
8 way, I cannot agree with Appellants that a loss of the excess land is a detriment, when there isn't
9 clear guidance on how the City will utilize the excess land. It is probable, and rational, that the
10 DRB took the position that the excess land is a detriment to the City.
11

12 The question of, whether, or not, a 106 foot right-of-way as opposed to a 58 foot right-of-
13 way satisfies the public welfare, has already been answered. The VHSDP provides this answer.
14 The VHSDP is presumed to be the public's voice for the answer to this question. Unless it is
15 determined by Court action, or by amendment, that it is not in the public's best interest, the
16 VHSDP is the standard by which the public's welfare must be judged.
17
18

19 **IV. RECOMMENDATION**
20

21 The record of this matter does not support, by a preponderance of the evidence,
22 Appellants' appeals. I, therefore, respectfully recommend that the City Council deny both AC-
23 07-14 and AC-07-15 in full for the reasons stated above.
24
25

26 
27
28 _____
29 Steven M. Chavez, Esq.
30 Land Use Hearing Officer
31
32

July 30, 2007



City of Albuquerque

Action Summary

City Council

Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM 87102

Council President, Debbie O'Malley, District 2
Vice-President, Sally Mayer, District 7

Council Members: Ken Sanchez, District 1;
Isaac Benton, District 3 ; Brad Winter, District 4;
Michael J. Cadigan, District 5; Martin Heinrich, District 6;
Craig Loy, District 8; Don Harris, District 9;

TTY Phone # - 1-800-659-8331
For Weekly Schedule of Meetings Call: 768-4777

Monday, August 20, 2007

5:14 PM

Vincent E. Griego Chambers
One Civic Plaza
Albuquerque/Bernalillo County
Government Center

O-07-66 F/S Clarifying the Status of "Buskers" (Street Performers) as Not Within Chapter 3, Article 13, the City's Business Solicitation and Old Town Solicitation Ordinances; Amending Section 14-16-2-25 to Clarify that "Buskering" Street Performing is a Permitted Use Within Old Town (Benton)

Motion: *Postpone, due back on September 5, 2007*

Status: Passed

Votes: For: 8 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Loy and Harris
Excused: 1 - Council Members: Heinrich

R-07-182 Creating The Neighborhood Task Force to Study and Report on Possible Legislation Relating to Homeowner Associations and Neighborhood Associations For The City of Albuquerque; Requiring a Report (Harris)

Motion: *Withdrawn by Sponsor*

Status: Passed

Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

R-07-275 Designating the East Gateway Metropolitan Redevelopment Area, Making Certain Findings And Determinations Pursuant to the Metropolitan Redevelopment Code, Authorizing and Directing the Metropolitan Redevelopment Agency to Prepare a Metropolitan Redevelopment Plan for the East Gateway Metropolitan Redevelopment Area (Harris)

Motion: *Postpone, due back on November 19, 2007*

Status: Passed

Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

-
- EC-07-491** Real Estate Sale Agreement for Purchase by the City of Condo Units in the Rosenwald Building at 320 Central SW
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-495** Legal Services Agreement Between Butt, Thornton & Baehr and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-496** Legal Services Agreement Between French & Associates and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-497** Legal Services Agreement Between Seyfarth & Shaw and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-498** Legal Services Agreement Between Yenson, Lynn, Allen & Wosick and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-499** Legal Services Agreement Between Walz & Associates and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-500** Legal Services Agreement Between Robles, Rael & Anaya and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

- EC-07-501** First Supplemental Agreement for Legal Services Between Robinson & Cole and the City of Albuquerque
Motion: *Approve*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-286** Approving and Authorizing the Acceptance of the Attached Grant Award for Funds Under the Emergency Medical Services Fund Act with the State of New Mexico Department of Health and Providing for an Appropriation to the Fire Department (O'Malley, by request)
Motion: *Do Pass*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-288** Adopting the Bernalillo County and the City of Albuquerque Hazard Mitigation Plan (Winter, by request)
Motion: *Do Pass*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-290** Approving and Authorizing U.S. Marshall Service Funds to Provide for Overtime Hours for the Purpose of Locating and Arresting Fugitives and Providing for an Appropriation to the City of Albuquerque, Police Department (Loy)
Motion: *Do Pass*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-539** Request from property owner to demolish a Contributing Property within the Huning Highland East Downtown Urban Conservation Overlay Zone. Maryellen Hennessy, Staff Planner
Motion: *Postpone, due back on September 5, 2007*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Mayer, Benton, Winter, Cadigan, Heinrich, Loy and Harris
Excused: 1 - Council Members: Sanchez
- AC-07-14** Joseph L. Archbold Appeals the Development Review Board's Approval of a Vacation of Kimmick Drive NW, for all or any portion of Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) Zoned SU-2 SRLL, Located on Rosa Parks Rd NW Between Unser Blvd NW and Calle Nortena NW, Containing Approximately 4 acres
Motion: *To Accept the Land Use Hearing Officer Recommendation*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

- AC-07-15** Volcano Cliffs Property Owners Association, Dave Heil, President and Barbara Mueller, Vice-President, Appeals the Development Review Board's Approval of a Vacation of Kimmick Drive NW, for all or any portion of Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) Zoned SU-2 SRLL, Located on Rosa Parks Rd NW Between Unser Blvd NW and Calle Nortena NW, Containing Approximately 4 acres
Motion: *To Accept the Land Use Hearing Officer Recommendation*
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- AC-07-11** Steve Wentworth, Agent for Alameda North Valley Association, Appeals the Environmental Planning Commission's Approval of a Site Development Plan for a Portion of Tract G-1, Balloon Fiesta Park, Zoned SU-2 for Balloon Fiesta Park & Museum & Related Uses, Located on Balloon Museum Drive NE Between Jefferson Street NE and Alameda Boulevard NE, containing approximately 9 acres
Motion: *Grant*
Status: Passed
Votes: For: 6 - Council Members: O'Malley, Benton, Winter, Cadigan, Heinrich and Harris
Against: 3 - Council Members: Mayer, Sanchez and Loy
- AC-07-16** Remand and Reversal by District Court of City Council's Grant of Appeal by Nor Este Neighborhood Association of Development Review Board's Approval of Preliminary Plat at Eagle Rock Avenue NE, Between Ventura Boulevard NE and Barstow Boulevard NE
Motion: *No Action Taken*
Status:
- EC-07-449** FY/07 Department of Family and Community Services, Goal 1, Priority Objective #6 Report to the Mayor and City Council
Motion: *Receipt Be Noted*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
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Motion: *Do Pass as Substituted*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich and Harris
Against: 1 - Council Members: Loy
- R-07-235** F/S Amending the Adopted Capital Implementation Program of the City of Albuquerque by Approving New Projects, Supplementing Current Appropriations and Changing the Scope of Existing Projects (Harris)
Motion: *Do Pass as Substituted, as Amended*
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Votes: For: 5 - Council Members: O'Malley, Benton, Winter, Cadigan and Harris
Against: 3 - Council Members: Mayer, Sanchez and Loy
Excused: 1 - Council Members: Heinrich
- O-06-53** C/S Amending ROA 1994, Adding to the Traffic Engineer Duties; Creating a Stakeholders' Process and Traffic Review For Large Retail Facilities; Adding Definitions; Creating New Large Retail Facility Regulations (O'Malley)
Motion: *Do Pass as Amended*
Status: Passed
Votes: For: 7 - Council Members: O'Malley, Sanchez, Benton, Winter, Cadigan, Heinrich and Loy
Against: 2 - Council Members: Mayer and Harris
- R-07-185** Repeal of The Nob Hill Sector Development Plan and Adoption of The Nob Hill Highland Sector Development Plan (NHSDP) and Change of Zoning For Certain Properties Within The NHSDP Boundary Area As Specified In Exhibit A (Heinrich)
Motion: *Do Pass as Amended*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-291** Appointing Precinct Board Members for Each Consolidated Precinct for the Tuesday, October 2, 2007 Municipal Election for the City of Albuquerque (O'Malley, by request)
Motion: *Do Pass*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-292** Concerning the Amended Designation of Polling Places for the Regular Municipal Election to be Held in the City of Albuquerque on Tuesday, the Second Day of October 2007 (O'Malley, by request)
Motion: *Do Pass as Amended*
Status: Passed
Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

- EC-07-430** FY/07 Goal 3, Annual Objective 12 - Bel-Air Street Lighting
Motion: *Postpone, due back on September 5, 2007*
Status:
- O-06-50** C/S Relating to Mobile Homes; Creating Provisions Relating to the Notification Requirements For Termination of Tenancy (O'Malley)
Motion: *Postpone, due back on September 5, 2007*
Status:
- O-07-65** F/S(2) Adopting Provisions to Abate the Nuisance of Illegal Use of Handicapped Parking Spaces; Setting Fines; Providing Enforcement; Repealing § 8-5-1-30 and Repealing The Existing Fine for Illegally Parking in a Disabled Parking Space (Mayer, by request)
Motion: *Postpone, due back on September 5, 2007*
Status:
- O-07-68** F/S Amending ROA 1994 of The Public Purchases Ordinance To Redefine The Greater Albuquerque Metropolitan Area, To Reserve For Small Businesses 10% of All Purchases of Goods and Services Including All Purchases Under \$10,000 and To Create a 5% Preference For Small Businesses Submitting Offers in Response to Requests for Bids, Proposals and Quotes (Winter)
Motion: *Postpone, due back on September 5, 2007*
Status:
- O-07-78** Establishing The Balloon Fiesta Park Operations And Management Policy Board By Ordinance; Ratifying The Actions of The Existing Board And Clarifying The Board's Responsibilities (O'Malley)
Motion: *Postpone, due back on September 5, 2007*
Status:
- O-07-81** F/S Creating an Independent Office of Hearings (Winter)
Motion: *Postpone, due back on September 5, 2007*
Status:
- O-07-89** Amending ROA 1994 Establishing a Procedure to Adopt the City of Albuquerque's Transportation Projects for Inclusion in the Albuquerque Metropolitan Transportation Plan and Transportation Improvement Program (Heinrich, Cadigan)
Motion: *Postpone, due back on September 5, 2007*
Status:
- O-07-90** C/S Adopting Provisions to Enhance Penalties for Crimes Committed in Furtherance of Criminal Street Gang Activity (Sanchez)
Motion: *Postpone, due back on September 5, 2007*
Status:

- O-07-91** F/S Adopting Provisions for Registration of Gang Members who have Committed Gang Related Crimes; Setting Forth Notification Requirements; Providing Penalties (Sanchez)
Motion: *Postpone, due back on September 5, 2007*
Status:
- O-07-94** F/S Granting a Water Utility Franchise to the New Mexico Utilities, Inc. to Develop, Lay, Re-Lay, Construct, Maintain, Operate And Remove Pipes, Systems and Other Structures and Facilities for the Purpose of Distributing Water and Wastewater Service for Domestic, Commercial, Institutional And Industrial Uses Within the City and its Public Regulation Commission Approved Service Area; Establishing the Terms and Conditions of the Franchise; Establishing Certain Remedies for the Violation of the Franchise (Heinrich, by request)
Motion: *Postpone, due back on September 5, 2007*
Status:
- R-07-229** Nuisance Abatement at 8821 Central NW is so Ruined, Damaged and Dilapidated as to be a Menace to the Public Comfort, Health, Peace or Safety and that it is to be Required to be Removed (Sanchez)
Motion: *Postpone, due back on September 5, 2007*
Status:
- R-07-239** F/S Amending the La Cueva Sector Plan to Clarify the Impact of Public Rights-of-Way and/or Roadway Easements in Computing Densities in RD Zones (Winter)
Motion: *Postpone, due back on September 5, 2007*
Status:
- R-07-273** Approving the Programming of Funds and Projects for the 2005 - 2014 Component Capital Improvement Plan (CCIP); Amending Enactment No. R-2007-023 (Cadigan)
Motion: *Postpone, due back on September 5, 2007*
Status:

**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

16 October 2007

Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

Dear Sheran:

Wilson & Company, Inc., acting as agents MGMe, Inc., requests deferral of the above referenced action in order to insure that Transportation has sufficient time to review submitted materials.

Thank you for your attention to this matter.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kiskusco@wilsonco.com

to Oct 24, 2007

City of Albuquerque Planning Department
One Stop Shop – Development and Building Services

09/25/2007 Issued By: PLNSDH

Permit Number: 2007 070 279 **Category Code 910**

Application Number: 07DRB-70279, Minor - Preliminary/ Final Plat Approval

Address:

Location Description: KIMMICK DR NW BETWEEN ROSA PARKS RD NW AND VALIENTE RD

Project Number: 1005539

Applicant
Mgme Development Inc

7720 Elena Dr Ne
Albuquerque, NM 87122
858-8889

Agent / Contact
Wilson And Company Inc
Robert S Madlake
4900 Lang Ave Ne
Albuquerque, NM 87109

rsmadlake@wilsonco.com

Application Fees

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$775.00
TOTAL:		\$795.00

City Of Albuquerque
Treasury Division

9/25/2007 12:15PM LOC: ANNX
WS# 008 TRANSH 0025
RECEIPT# 00081802-00081802
PERMITH 2007070279 TRSLJS
Trans Amt \$795.00
Conflict Manag. Fee \$20.00
DRB Actions \$775.00
CK \$795.00
CHANGE \$0.00

Thank You

**WILSON
& COMPANY**

2600 American Rd. SE, Suite 100
Rio Rancho, NM 87124
505-898-8021
505-898-8501 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

3 October 2007

Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103

Re: *Tierra Buena Estates*
COA Project #1006656, 07DRB-70279 Minor-Prelim&Final Plat Approval
WCI File: 07600002200

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development Inc., requests a one week deferral of the above referenced action. This deferral is requested so as to enable us to address hydrology issues. Please place this item on the calendar for the October 10 DRB hearing.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191. Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kiskusco@wilsonco.com

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
SUBDIVISION	S	ZONING & PLANNING	Z
<input 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	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	P	<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)	L		
		APPEAL / PROTEST of...	A
		<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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899
 ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net
 Proprietary interest in site: Owner List all owners: MGMe Development, Inc.
 AGENT (if any): Kristine Susco- Wilson and Company PHONE: (505) 348-4000
 ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request Preliminary/Final Plat Review of Lot 1, Block 5, Unit 26 of Volcano Cliffs Subdivision

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 1 Block: 5 Unit: 26
 Subdiv. / Addn. Volcano Cliffs Subdivision tbka Tierra Buena Estates
 Current Zoning: SU2-SRLL Proposed zoning: No Change
 Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 1
 Total area of site (acres): 3.62 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
 UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: ~~Rosa Parks Road NW~~ KIMMICK DR. NW
 Between: ~~Rosa Parks Road NW~~ ~~KIMMICK DR. NW~~ ROSA PARKS DR. NW and Valiente Road NW

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# 1005539

Check-off if project was previously reviewed by Sketch Plat Plan Yes, or Pre-application Review Team No Date of review: 5-01-2007
 SIGNATURE Kristine Susco DATE: 9-18-2007
 (Print) KRISTINE SUSCO 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>07 DRB - 70279</u>	<u>P&F</u>	<u>5(3)</u>	<u>\$ 775.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned				\$
<input checked="" type="checkbox"/> AGIS copy has been sent				\$
<input 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	Hearing date <u>10/03/07</u>			<u>\$ 795.00</u>

Sandy Handley 09/25/07
 Planner signature / date

Project # 1005539

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A **Bulk Land Variance** requires application on FORM-V in addition to application for subdivision on FORM-S.

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Copy of DRB approved infrastructure list
 - Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
 - List any original and/or related file numbers on the cover application
- Extension of preliminary plat approval expires after one year.**

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- Design elevations & cross sections of perimeter walls **3 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

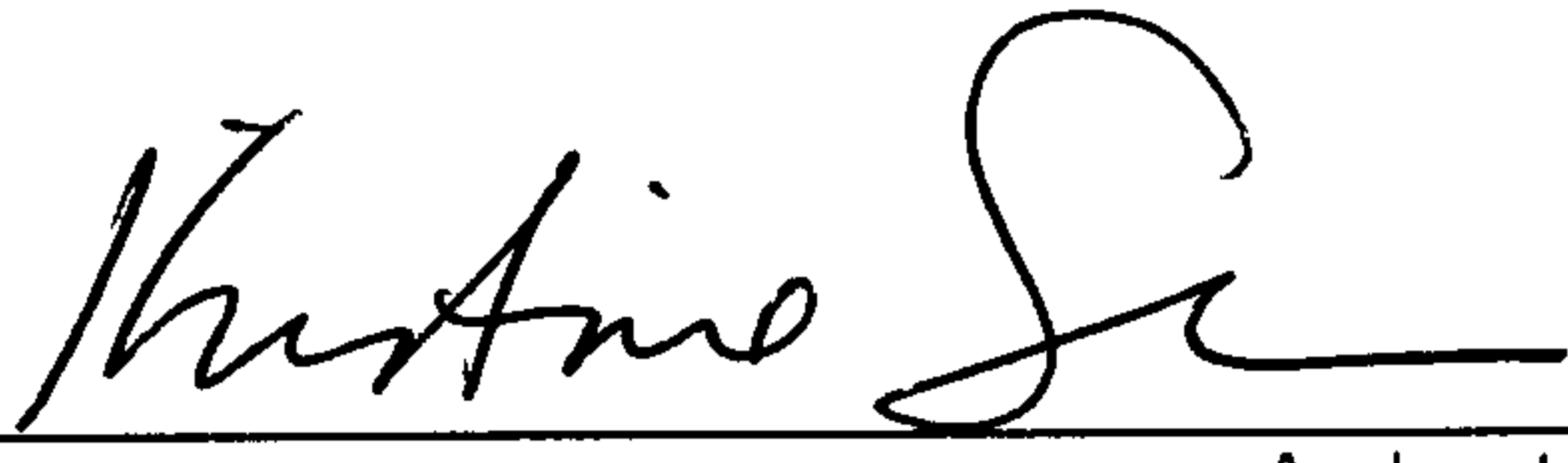
MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings
- Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, 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) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (**verify with DRB Engineer**)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) 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**
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers 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.




 KRISTINE SUSCO Applicant name (print)
 9-18-07 Applicant signature / date



Form revised 4/07

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- | | |
|--------------------------|--------|
| Application case numbers | |
| 07DRB-_____ | -70279 |
| _____ | _____ |
| _____ | _____ |



 Sandy Handley Planner signature / date
 09/25/07
Project # 1005539

**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

21 September 2007

Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

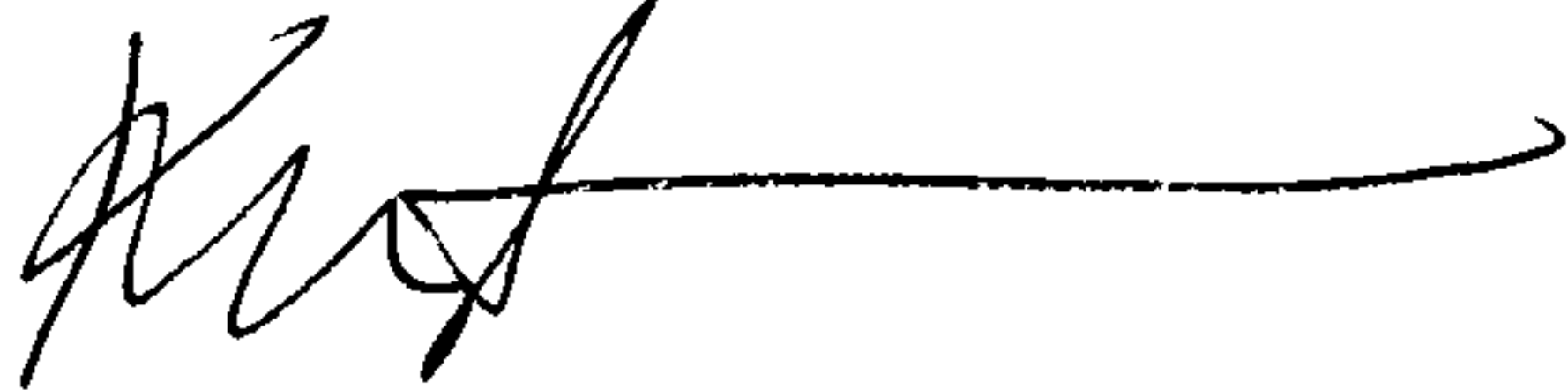
Dear Sheran:

Wilson & Company, Inc., acting as agents MGMe, Inc., requests approval of the Preliminary/Final Plat for Tierra Buena Estates. The plat subdivides Lot 1 Block 5 Unit 26 of Volcano Cliffs Subdivision filed in the of Office of the County Clerk on June 23, 1971 in Book D4, Page 133 containing approximately 36.12 Acres.

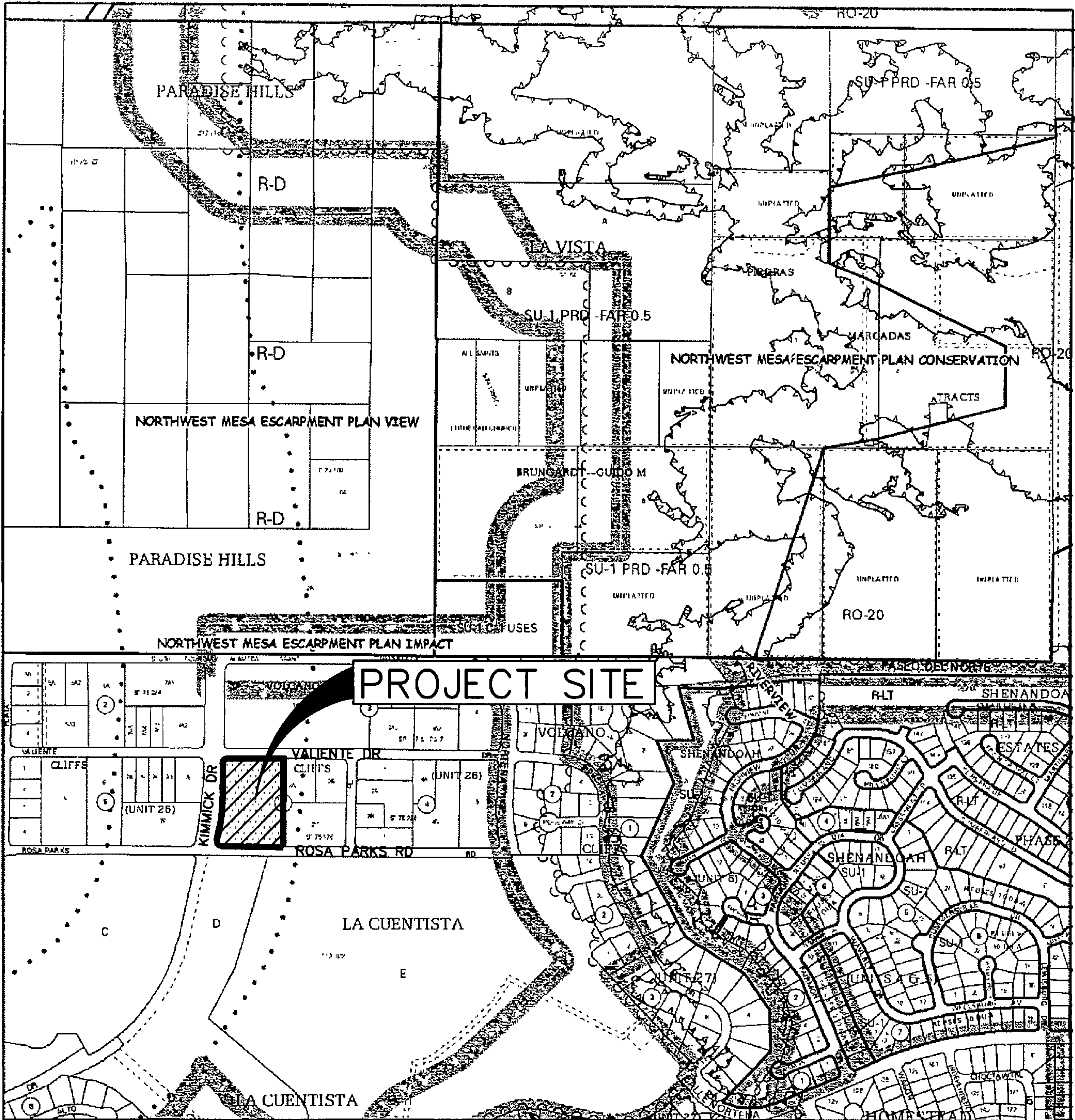
Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191.
Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kisusco@wilsonco.com



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

AGIS
Albuquerque Geographic Information System

Map amended through: 10/25/2006

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-11-Z

Selected Symbols

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

0 750 1,500 Feet

EXHIBIT B

FINAL
PRE-DEVELOPMENT FACILITIES FEE AGREEMENT

THIS AGREEMENT is made by and between the Albuquerque Municipal School District No. 12, Bernalillo and Sandoval Counties, New Mexico ("Albuquerque Public Schools" or "APS"), a public school district organized and existing pursuant to the laws of New Mexico, and MGMe, Inc. ("Developer") effective as of this 14 day of September, 2007, and pertains to the subdivision commonly known as TIERRA BUENA ESTATES, and more particularly described as LOT 1, BLOCK 5, UNIT 26 VOLCANO CLIFFS SUBDIVISION (the "Subdivision".) The following individual lots comprise the subdivision:

See attached list.

WHEREAS, the City of Albuquerque requires that APS approve the plat(s) for any new subdivision; and

WHEREAS, Developer is proposing the development of a new residential subdivision, and requires APS approval of the plat for said subdivision; and

WHEREAS, Developer is the owner of the real estate being subdivided and platted; and

WHEREAS, Developer is required by the Albuquerque Subdivision Ordinance to provide appropriate infrastructure and improvements as a condition of developing a subdivision; and

WHEREAS, as a condition of approving such plat APS requires the provision of appropriate infrastructure and facilities or the payment of a facilities fee for each new residence to be constructed to help defray the cost of school construction, expansion, or maintenance; and

WHEREAS, APS has determined that the amount of the facilities fee is reasonably related to the impact the subdivision will have on the operation of the area schools.

THEREFORE, in consideration of the mutual promises contained herein, APS and Developer agree as follows:

1. Developer agrees to pay to APS a facilities fee for each dwelling unit to be constructed in the Subdivision.
2. The amount of the fee shall be:
 - If the building permit is issued on or after January 1, 2007, the fee shall be \$1875 per dwelling unit.

Doc# 2007133001

09/17/2007 03:57 PM Page: 1 of 4
AGRE R:\$15.00 M. Toulouse, Bernalillo County



- If the building permit is issued on or after July 1, 2008, the fee shall be \$2425 per dwelling unit.
- If the permit is issued on or after January 1, 2010, the fee shall be \$2975 per dwelling unit.

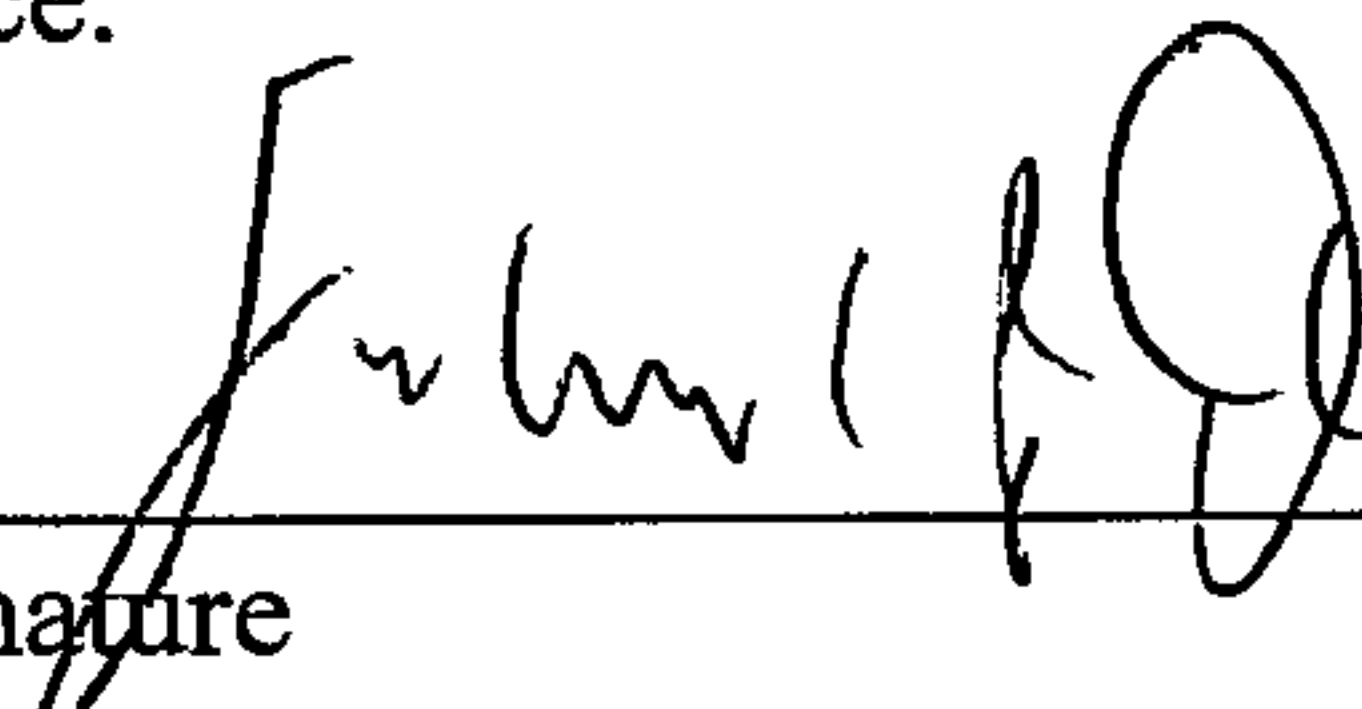
The fee for each dwelling unit in multi-family residential structures shall be sixty percent (60 %) of the fee for a single family home. "Multi-family residential structure" means any type of residential property other than single-family houses (one single family, detached dwelling unit per lot).

3. Developer agrees that the fee shall be paid to APS at or before the issuance of any building permit for any lot or other parcel of property subject to this agreement.

4. Developer may satisfy all or part of its obligations under this contract by transferring improved or unimproved property to APS, provided that APS must agree to the transfer and to the value placed on the transferred property. APS, upon accepting such transfer, shall credit Developer with an amount equal to the agreed value, and the developer may designate the lot(s) to which such amount(s) shall be applied in satisfaction of its obligations hereunder.

5. This contract may be recorded in the office of the County Clerk of Bernalillo and/or Sandoval County, and shall serve as notice of the Developer's obligation to pay facilities fees. Developer shall include on the plat of the Subdivision a statement that "The property on this plat is subject to a Pre-Development Facilities Fee Agreement with the Albuquerque Public Schools, recorded at [recording data]."

6. APS, through its Facilities Fee Administrator, will provide a Payment Acknowledgement in the form attached hereto to the Developer reflecting receipt of the facilities fee (or equivalent compensation as described in paragraph 4 above), which form may be given to the City to show satisfaction of the fee obligation and satisfy that condition for receiving building permits. Developer may record that Payment Acknowledgment in the real estate records of Bernalillo or Sandoval County, but APS shall not be responsible for paying any recording fees nor shall APS be responsible for recording any such documents with the office of the County Clerk or any other office.

 9.14.07

Signature

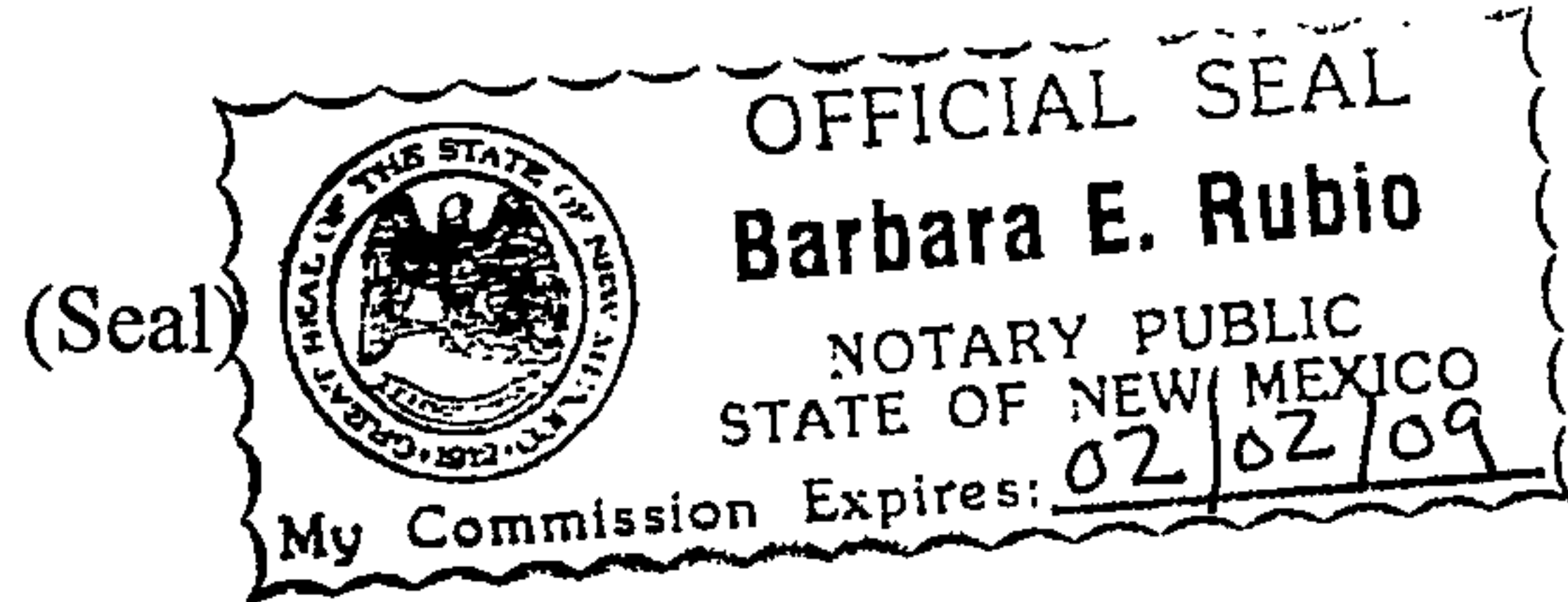
Michael Omlor, President
Name (typed or printed) and title

MGMe, Inc.
Developer

DRB # 1005539
Volcano Vista

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on September 14, 2007,
by Michael Omlor as President of MGMe, a corporation.



Barbara E. Rubio
Notary Public

My commission expires: February 2, 2009

ALBUQUERQUE PUBLIC SCHOOLS

By: [Signature]
Signature

Kizito Wijenje, Director, Capital Master Plan

Name (typed or printed) and title

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

This instrument was acknowledged before me on September 14, 2007, by Kizito Wijenje
as Director, CMP of the Albuquerque Municipal School
District No. 12, Bernalillo and Sandoval Counties, a school district organized and existing under
the laws of the State of New Mexico.

(Seal)



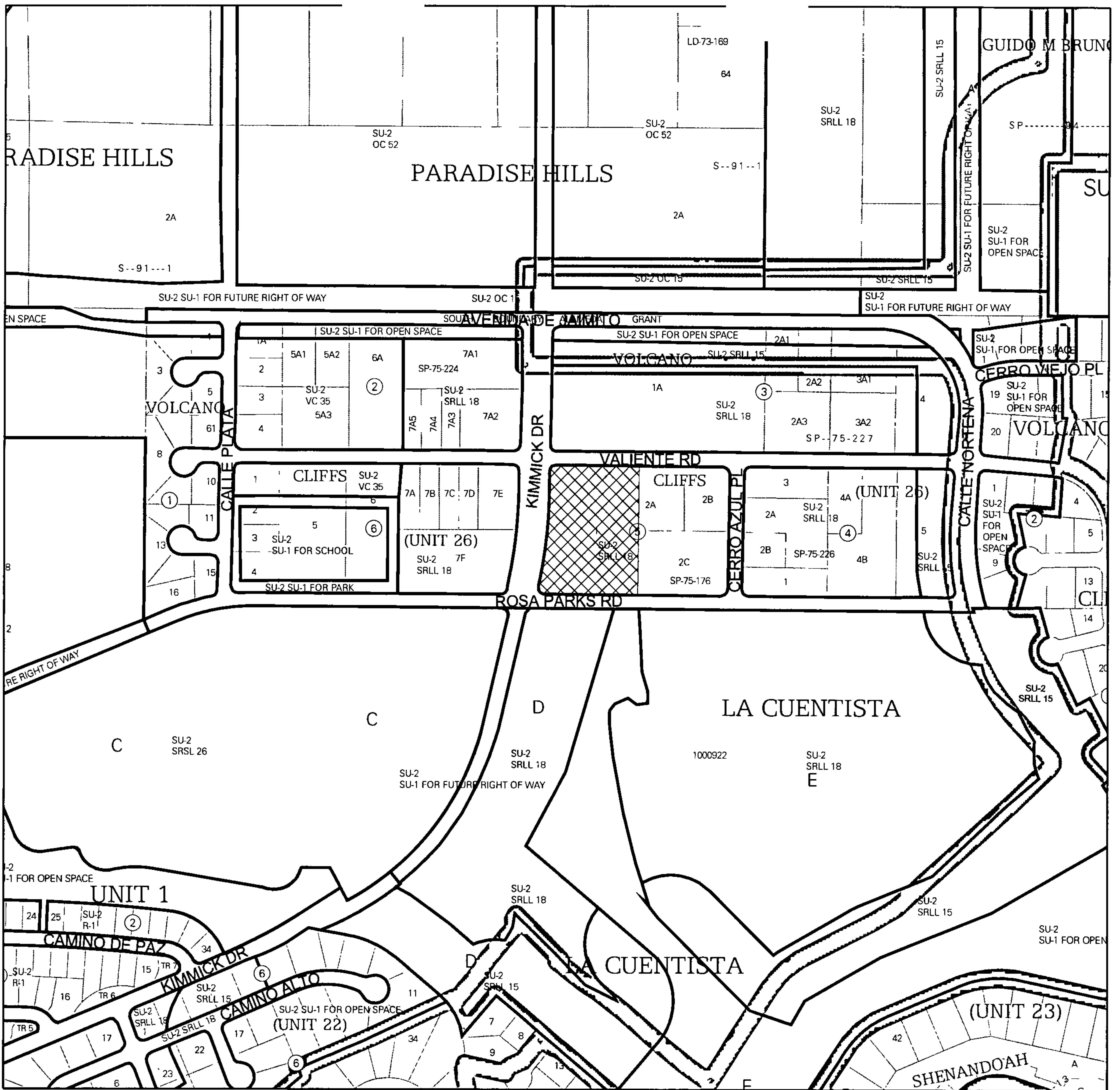
[Signature]
Notary Public

My commission expires: 5-18-11

EXHIBIT B - FINAL -DEVELOPMENT FACILITIES FEE AGREEMENT
TIERRA BUENA ESTATES
LOT 2, BLOCK 5, UNIT 26 OF VOLCANO CLIFFS SUBDIVISION

<u>Address</u>	<u>Lot #</u>	<u>Block #</u>
8300 Vida Pacifica Ct	Lot 9	Block 1
8301 Vida Pacifica Ct	Lot 1	Block 1
8304 Vida Pacifica Ct	Lot 8	Block 1
8305 Vida Pacifica Ct	Lot 2	Block 1
8308 Vida Pacifica Ct	Lot 7	Block 1
8309 Vida Pacifica Ct	Lot 3	Block 1
8311 Vida Pacifica Ct	Lot 4	Block 1
8312 Vida Pacifica Ct	Lot 6	Block 1
8315 Vida Pacifica Ct	Lot 5	Block 1

DRB # 1005589
Volcano Vista



ZONING MAP

Note: Grey shading indicates County.



1 inch equals 500 feet

Project Number:

AC-07-14

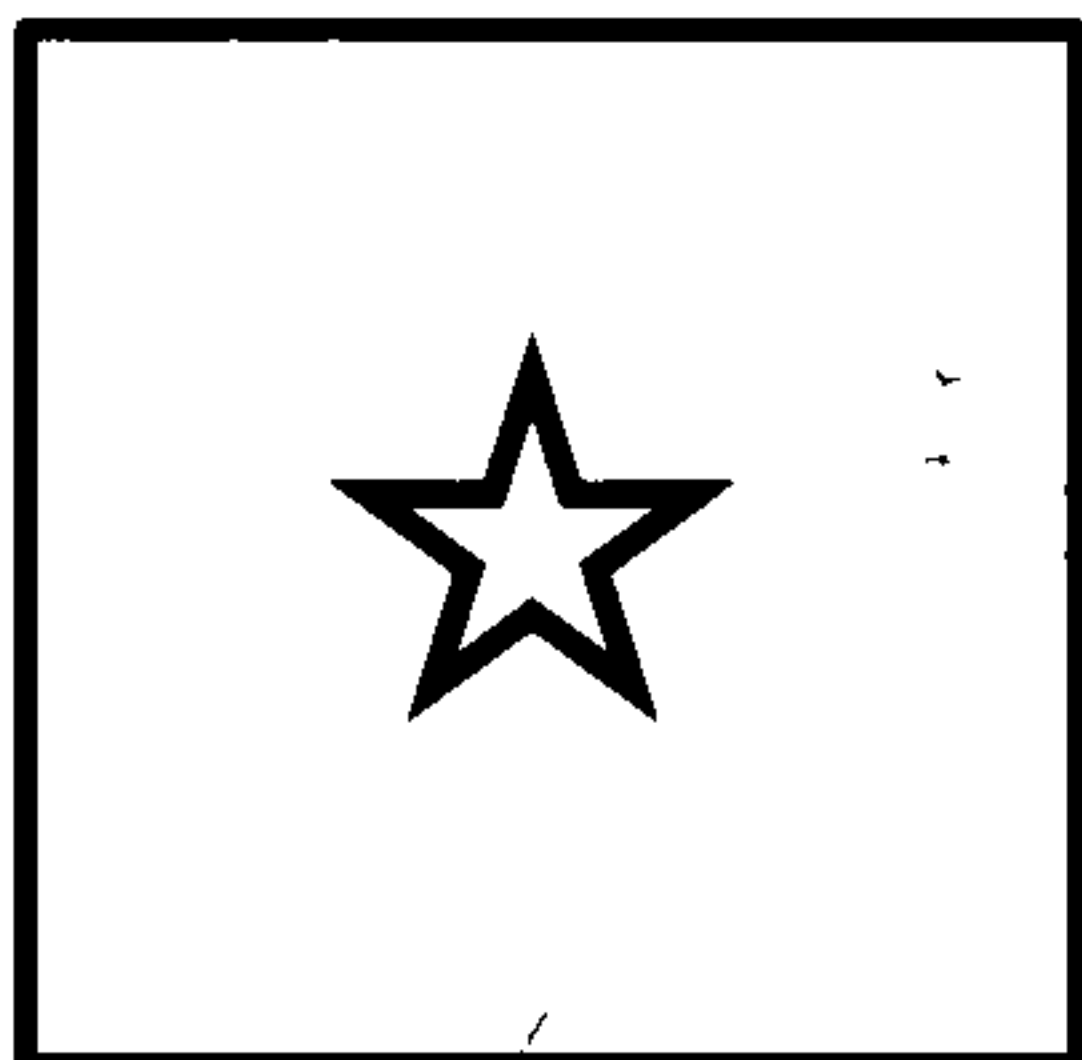
Hearing Date:

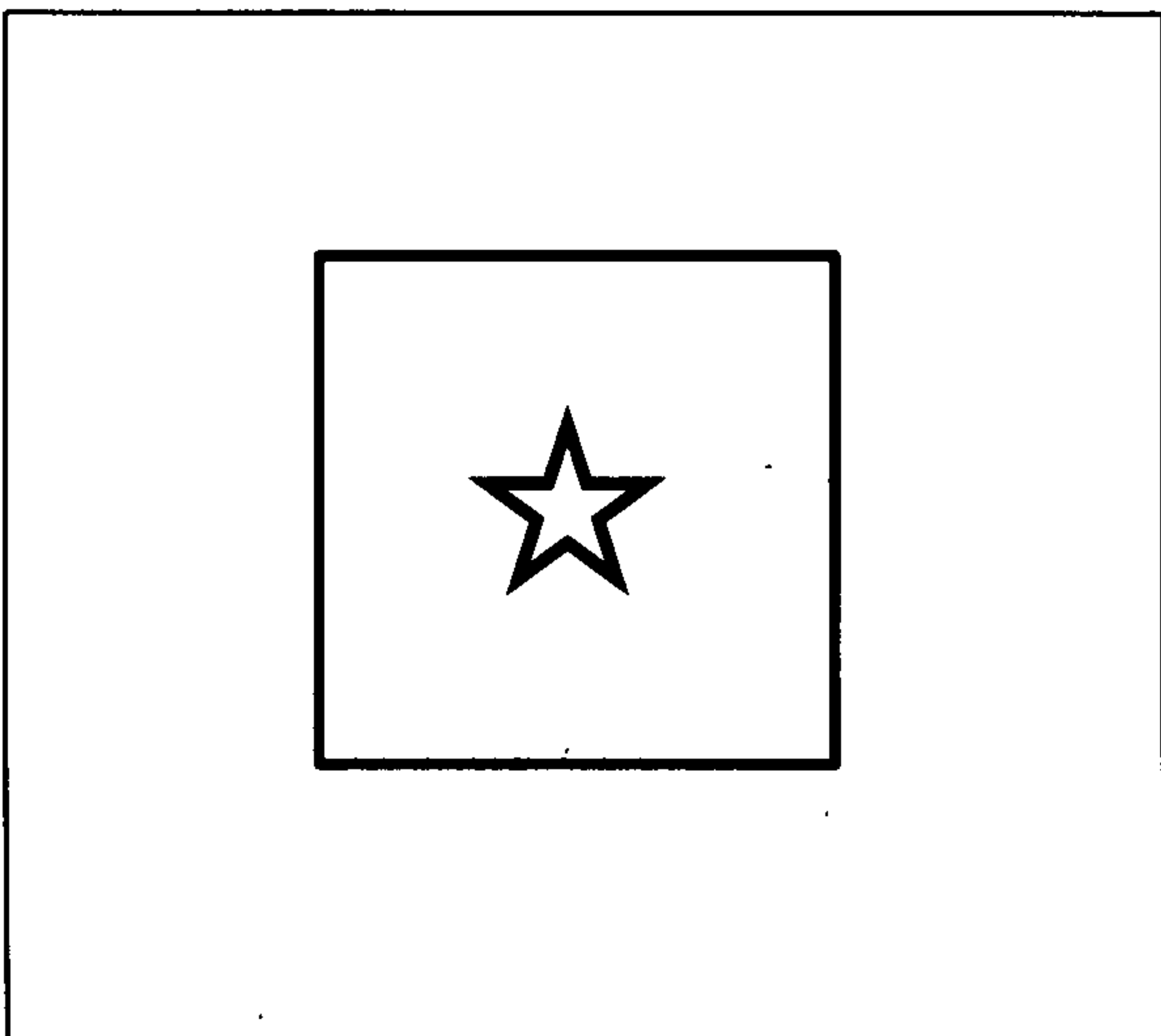
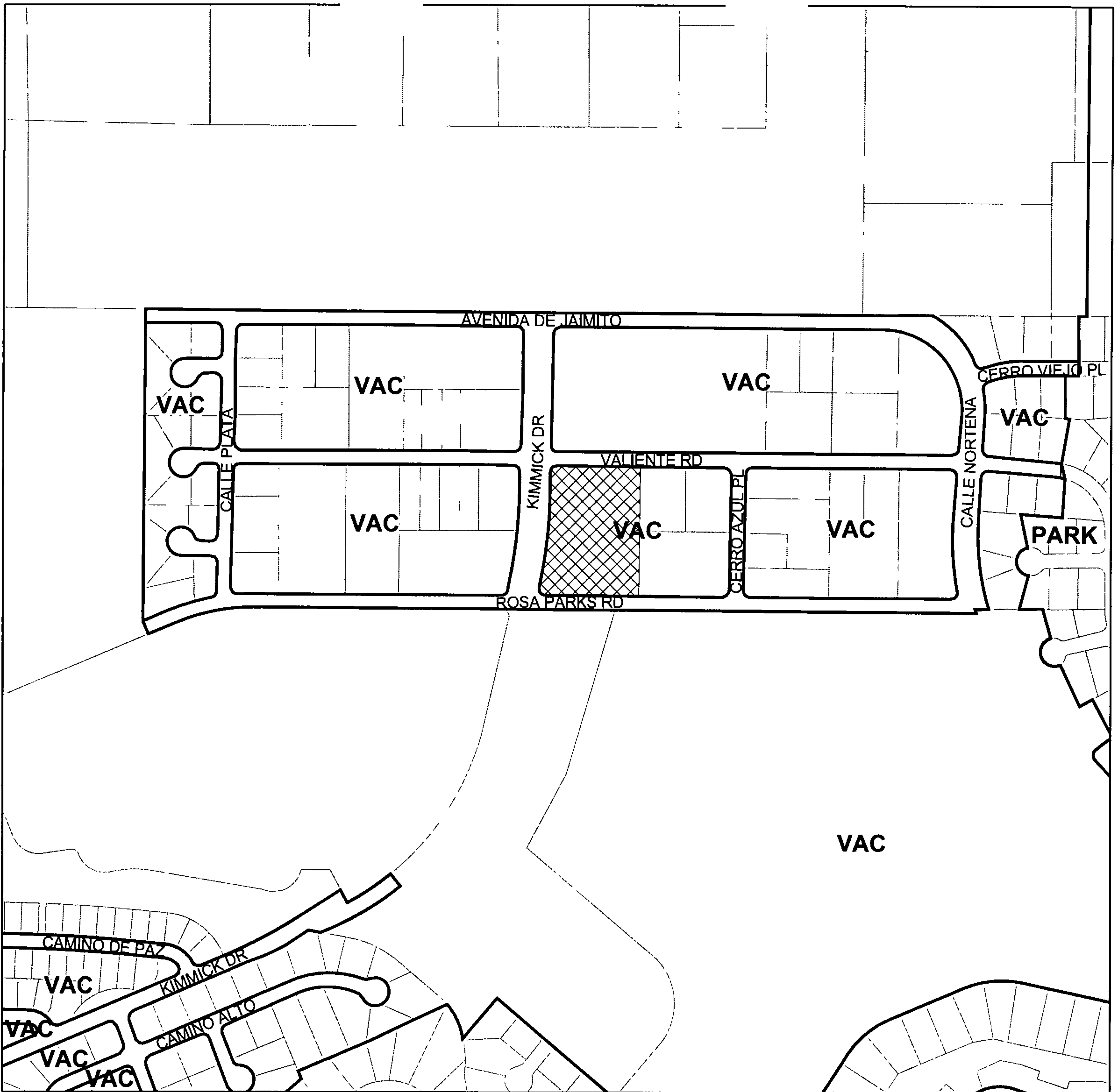
Zone Map Page:

C-11

Additional Case Numbers:

1005539, F07DRB-00580





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 Buildings
- WH Warehousing & Storage



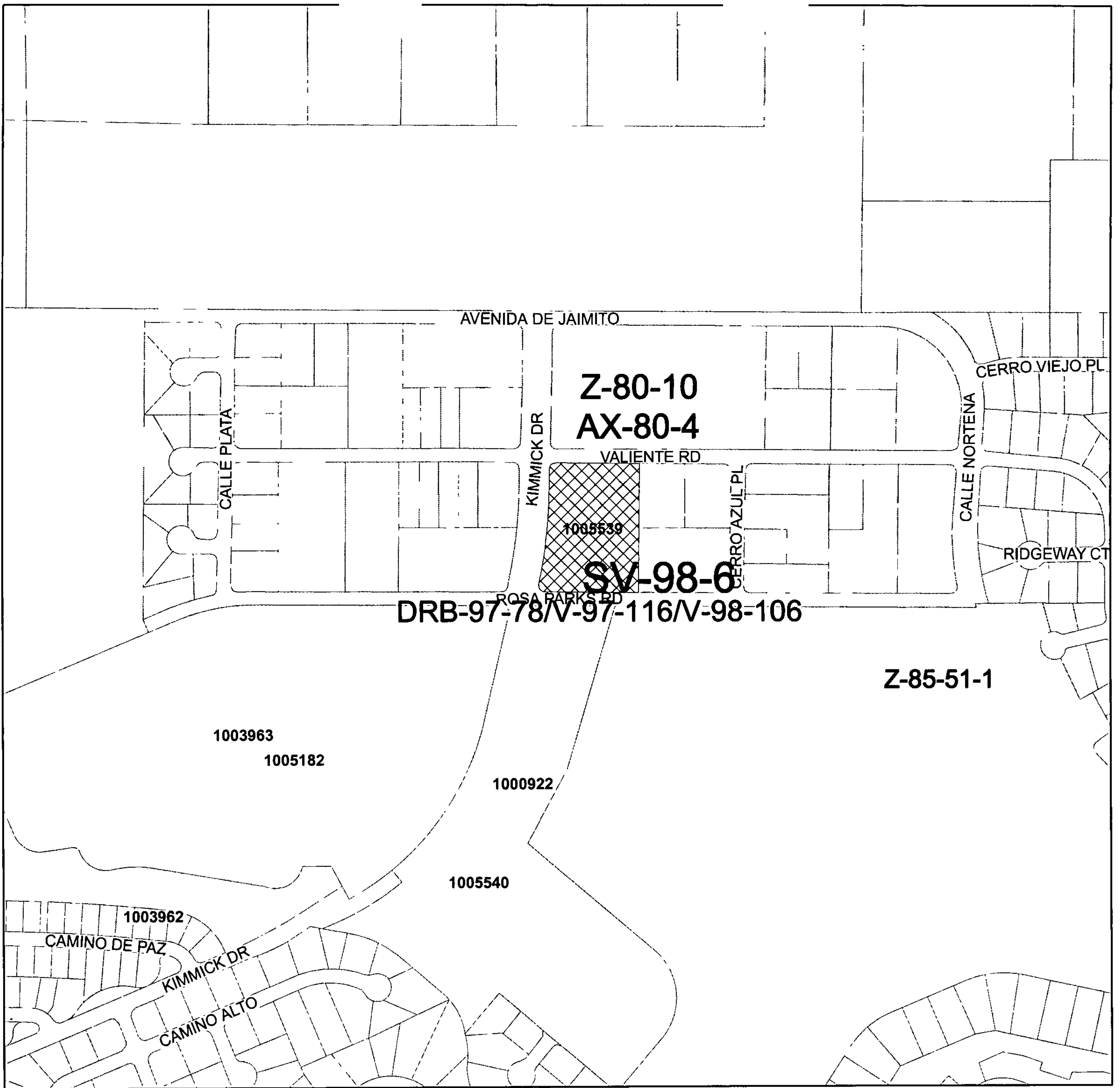
1 inch equals 500 feet

Project Number:
AC-07-14

Hearing Date:

Zone Map Page:
C-11

Additional Case Numbers:
1005539 07DRB-00580



HISTORY MAP

Note: Grey shading indicates County.



1 inch equals 500 feet

Project Number:

AC-07-14

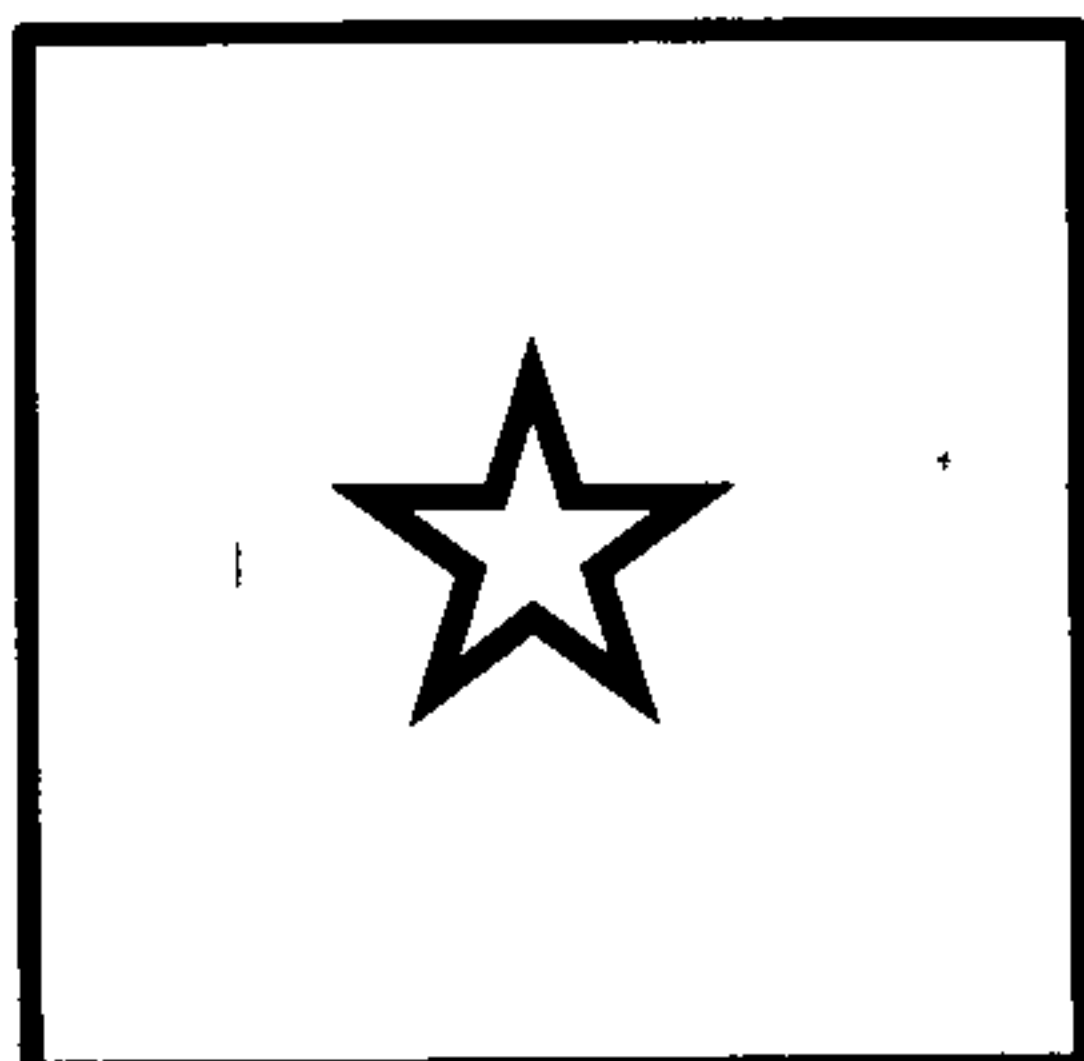
Hearing Date:

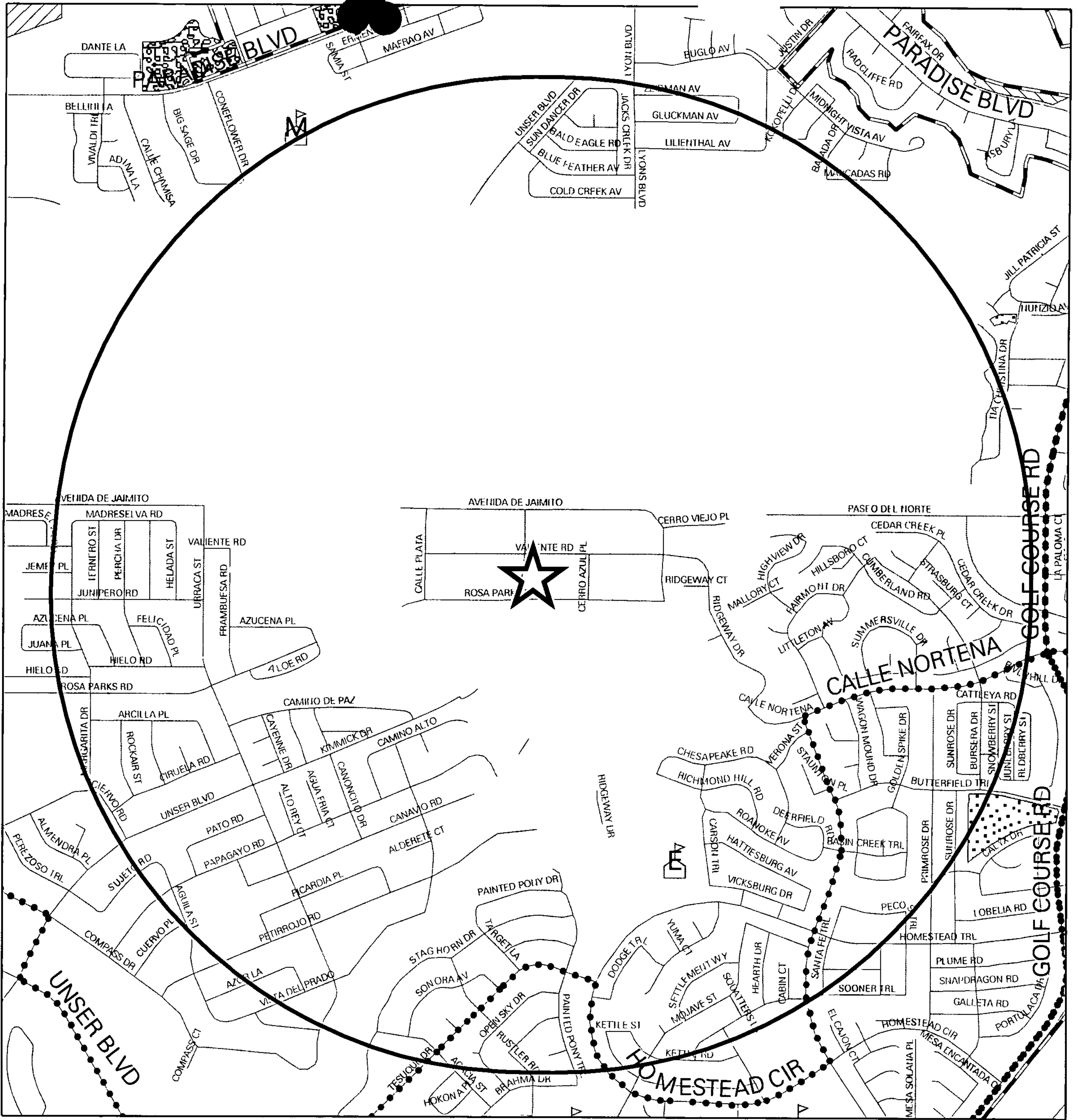
Zone Map Page:

C-11

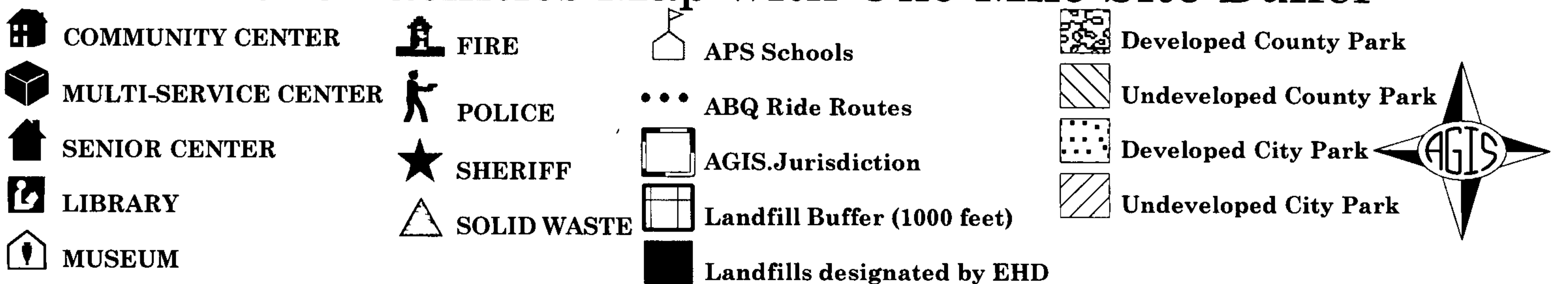
Additional Case Numbers:

1005539 07DRB-00580





Public Facilities Map with One-Mile Site Buffer



APPEAL

ac-07-15

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

Supplemental form

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)
APPEAL PROTEST of...
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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): Same as below PHONE:
ADDRESS: FAX:
CITY: STATE ZIP E-MAIL:

APPLICANT: Volcano Cliffs Property Owners Assoc. PHONE: 505-228-7189
ADDRESS: P.O. Box 27666 Dave Heil, Pres. and Barbara Mueller, Vice Pres. FAX: 505-892-7152
CITY: Albuquerque STATE NM ZIP 87125 E-MAIL: Dave Heil 16@msn.net
Proprietary interest in site: List all owners:

DESCRIPTION OF REQUEST: Appeal of Vacation of R of W on Kimmick NW

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

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

Lot or Tract No. Lot 1 Block: 5 Unit: 26
Subdiv/Addn/TBKA: Volcano Cliffs Subdivision (to be known as Tierra Buena Estates)
Existing Zoning: S u 2 S R L L Proposed zoning:
Zone Atlas page(s): C-11 UPC Code: 1011064 v 30201 MRGCD Map No 104118

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 07 DRB 00580

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill?
No. of existing lots: 1 No. of proposed lots: 9 Total area of site (acres): approx 4
LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Rd. NW
Between: Unser NW and Calle Nortena NW

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

SIGNATURE Volcano Cliffs Property owners Assoc. by Barbara Mueller DATE 6/13/07
(Print) Volcano Cliffs Property owners Assoc. by Barbara Mueller - Vice Pres. / Dave Heil - Pres. Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Table with columns: Application case numbers, Action, S.F., Fees. Includes handwritten entries for 'Appeal Adv.' and fees of \$190.00 and \$75.00.

Andrew Gomez 6/13/07
Planner signature / date

Project # 1005539

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; 100 55 39

Application number of case being appealed; 07 DRB - 00580

- 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.

Volcano Cliffs Property Owners Association
Applicant name (print)

Volcano Cliffs Property Owners Assoc. by Barbara Mueller - Vice Pres 6/13/07
Applicant signature / date



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

Application case numbers
07 CC - 20720

Andrew Gomez 6/13/07
Planner signature / date
Project # 1005539

Form revised 10/04 & March 2005

Volcano Cliffs Property Owners Association
P.O. Box 27666
Albuquerque, NM 87125

June 13, 2007

Appeal of Vacation of R-O-W on Kimmick NW

The Volcano Cliffs Property Owners Association is appealing the DRB approval of vacation of a portion of the KimmickNW R-O-W between Rosa Parks Rd. NW and Valiente Rd. NW because:

- a) the DRB erred in applying city plans, policies and ordinances
- b) the DRB erred in its stated facts
- c) the DRB's decision is not supported by substantive evidence, and
- d) the DRB acted arbitrarily and capriciously and abused its discretion.

In fact as evidenced by the attached Exhibit 1 there is a definite public welfare served by retaining the present R-O-W. No R-O-W should be vacated in this area, given the recent extensive development in the area and the passage of the Volcano Heights Sector Plan(which will bring additional density to the area and which is currently under appeal), until an up to date traffic study is done to justify such action.

Sincerely,



Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

Exhibit 1

VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION
P.O. Box 27666
ALBUQUERQUE, NM 87125

May 28, 2007

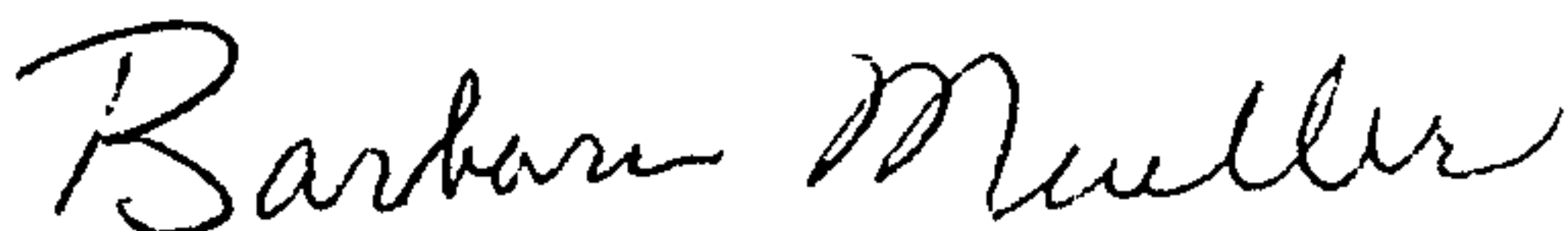
Dear Members of the DRB,

The Volcano Cliffs Property Owners Association protests the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

A) The Public Welfare is in no way served by retaining the right-of-way, and
B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

- The attached map, Exhibit 1, shows that the shortest route to eastbound Paseo from the Volcano Cliffs area (Units 17, 18, 19, 22 and a portion of 20) surrounding the La Cuentista subdivision (whose developers are requesting the vacation) is east on Kimmick thru La Cuentista to Paseo. This route is shown in green. Shown in red is the route suggested, in a response by the applicants agent, as the route most likely to be used. They are proposing that the people exiting Units 18, 19, and 22 are going to go north on Urraca to Rosa Parks, then west on Rosa Parks to Unser and then north a mile or so to Paseo and then back to the south east to the Paseo/Kimmick intersection when they could have driven northeast on Kimmick half a mile to this same intersection. This route necessitates widening Rosa Parks west of La Cuentista to handle the additional traffic. There has been no action by either the city of Albuquerque or by this applicant to obtain any additional right of way for Rosa Parks or Unser to alleviate the problems being caused by narrowing Kimmick.
- There is a definite public safety issue in narrowing this road. In the case of Unser being shut down for any reason there is no ability to rapidly move any appreciable amount of traffic out of this area of Volcano Cliffs, or for that matter La Cuentista, to the east onto Paseo or to move emergency vehicles into the area from the east.
- The response we received from the applicants agent stated that the vacation request is justified by a traffic study done in 1997 and other studies including a proposed SAD 228 and Unser and Paseo studies. This information is woefully out of date and inadequate since at the time of those studies the master plan for the entire Volcano Cliffs area was for 2-3 houses per acre. Since then the passage of the Volcano Heights Sector Plan has added massive amounts of population and commercial activity to this area, not to mention the new High School and the KB Homes high density housing project presently under construction.
- The Volcano Heights Sector Plan is presently being appealed in the courts. Should the appellants prevail and the court overturn the plan this right-of-way will have been vacated and it will be virtually impossible to reconstitute it at that time. If instead, this applicant is allowed to go ahead and develop their property while maintaining the present right of way, it can always be used for linear park open space or biking and jogging paths or additional traffic lanes if they are needed in the future. Absolutely no right of way should be vacated by anyone (including the present applicant) until the courts have ruled on the appeal of the Volcano Heights Sector Plan.

Sincerely,



Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

Exhibit 2

From: DAVID HEIL <daveheil16@msn.com>
To: Tim Flynn O'Brein <tim@flynnobrien.com>, Barb Mueller <mueller0311@comcast.net>
Subject: Kimmick
Date: Tuesday, June 12, 2007 4:21:14 PM

Sheran Matson, **DRB** Chairperson

As President of the The Volcano Cliffs Property Owners Association and as an individual owning property served by Kimmick I protest the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

A) The Public Welfare is in no way served by retaining the right-of-way, and
B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

Also, The traffic study that the applicant's agent references was done in 1997. In September 2006 the City Council approved the Volcano Heights Sector Plan which significantly increased the densities in the area.

Before any vacating of Kimmick is done another traffic study should be completed considering the increased densities.

Dave Heil



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

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

PAID RECEIPT

APPLICANT NAME Volcano Cliffs Property Owners Association
AGENT Dave Heil, Barbara Mueller
ADDRESS P.O. Box 27666
PROJECT & APP # 1005539 / 07CC 00720
PROJECT NAME Volcano Cliffs Subdivision TBKA Tierra Buena Estates

\$ _____ 441032/3424000 Conflict Management Fee

\$ _____ 441006/4983000 DRB Actions

\$ 265.⁰⁰ 441006/4971000 EPC/AA/LUCC Actions & All Appeals DRB.

\$ _____ 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

\$ 265.⁰⁰ TOTAL AMOUNT DUE

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

3696

VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION
P.O. BOX 27666
ALBUQUERQUE, NM 87125

DATE 6/9/07 95-219 151
1070

PAY TO THE ORDER OF City of Albuquerque \$ 265.00
Jim Anderson Site Fee no
100 DOLLARS

WELLS FARGO
Wells Fargo Bank New Mexico, N.A.
7530 Montgomery NE
Albuquerque, NM 87109
www.wellsfargo.com

FOR Kimmick Appeal Barbara Mueller

003696 1070021921025031575

City Of Albuquerque
Treasury Division

6/13/2007 9:46AM LOC: ANX
RECEIPT# 00076940 WS# 008 TRANS# 0013
Account 441006 Fund 0110
Activity 4971000 TRSDNG
Trans Amt \$265.00
J24 Misc \$265.00
CF \$265.00
CHANGE \$0.00

Thank You

ac-07-14

City of **APPEAL** Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

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

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- 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)
- APPEAL/ PROTEST of...**
- 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): JOSEPH L ARCHBOLD PHONE: 505-328-1331
 ADDRESS: PO BOX 65888 FAX: 505-890-9257
 CITY: ALBUQUERQUE STATE NM ZIP 87193-5888 E-MAIL: archbolde@flash.net

APPLICANT: SAME PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: appeal of VACATION OF R OF W ON KIMMICK NW

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

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

Lot or Tract No. lot 1 Block: 5 Unit: 26
 Subdiv/Addn/TBKA: VOLCANO CLIFFS SUBDIVISION (TO BE KNOWN AS TIERRA BUENA ESTATES)
 Existing Zoning: SURBLL Proposed zoning: _____
 Zone Atlas page(s): C-11 UPC Code: _____ MRGCD Map No _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): 07DRB.00580

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? _____
 No. of existing lots: _____ No. of proposed lots: _____ Total area of site (acres): approx 4
 LOCATION OF PROPERTY BY STREETS: On or Near: ROSA PARKS RD. NW
 Between: UNSER BLDG NW and CAJALE NORTENA NW

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

SIGNATURE Joseph L Archbold DATE 6/6/07
 (Print) JOSEPH L ARCHBOLD Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07CC - 00688</u>	<u>AP</u>		\$ <u>190.00</u>
<input checked="" type="checkbox"/> All fees have been collected			<u>ADV</u>	\$ <u>75.00</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 checked="" type="checkbox"/> F.H.D.P. density bonus				Total
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				\$ <u>265.00</u>

Hearing date APPEAL

Joseph L Archbold 6/6/07
Planner signature / date

Project # 1005539

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; 1005539

Application number of case being appealed; 07DRB-00580

- 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.

JOSEPH L ARCHBOLD
Applicant name (print)

Joseph L Archbold
Applicant signature / date



Form revised 10/04 & March 2005

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

Application case numbers
0700 - 00688
 _____ - _____
 _____ - _____

Joseph L Archbold 6/6/07
 Planner signature / date
 Project # 1005539

~~Ask DRB to deny request # 1005539 for vacation of a portion of Kimmick.~~

~~Dear DRB Members,~~ I AM APPEALING THE VACATION OF PROJECT
1005539 / 07 DRB-00580 A VACATION ACTION

I am a resident of the West Side of Albuquerque and own property in Unit 19 of Volcano Cliffs..

I am not here today in any way opposed in general to what this developer is doing. I actively support this subdivision and actively support their follow on request item # 1005540.

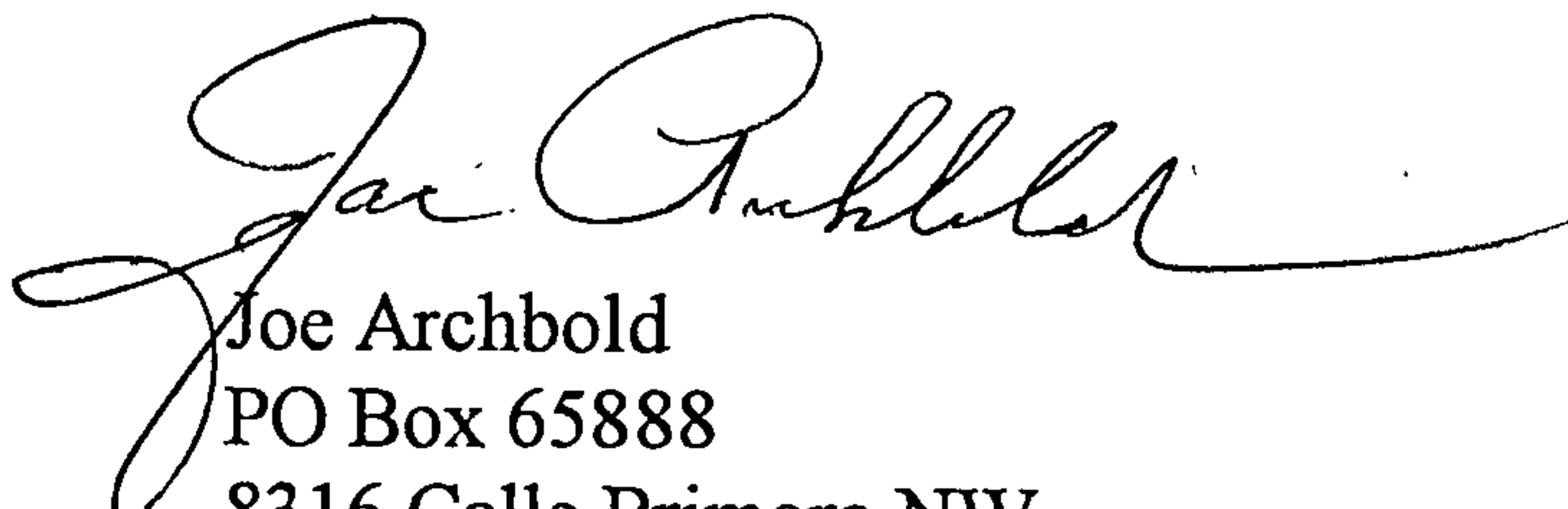
I am here to ask you to reject this particular request # 1005539 to vacate that portion of Kimmick south of Paseo Del Norte and north of Rosa Parks Blvd.

When I build my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did I would still run into the bottleneck, where Rosa Parks and Kimmick combine leading to Paseo, that is requested by this vacation.

The National Monument and the proposed trails through Open Space are for everyone in Albuquerque not just those living on top of the West Mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the West Side inadequate roads. They are too few and too narrow. This is a time for building not vacating.

Respectfully


Joe Archbold
PO Box 65888
8316 Calle Primera NW
Albuquerque, NM 87193-5888
Phone: 505-328-1331



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

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

PAID RECEIPT

APPLICANT NAME

AGENT

ADDRESS

PROJECT & APP #

PROJECT NAME

Joseph Archbold

1005539/07CC-00688

\$ _____ 441032/3424000 Conflict Management Fee

\$ 190.00 441006/4983000 DRB Actions *Appeal*

\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 75.00 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

\$ 265.00 TOTAL AMOUNT DUE

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

6/6/2007 4:05PM
RECEIPT# 00077695 US# 006 TRN# 004
Account 441018 Fund 0110
Activity 4971000
Trans Amt \$265.00
J24 Misc \$75.00
CH/LE \$265.00
\$0.00

DUPLICATE
City of Albuquerque
Treasury Division

DUPLICATE
City of Albuquerque
Treasury Division

6/6/2007 4:04PM L02: AMX
RECEIPT# 00077695 US# 006 TRN# 004
Account 441006 Fund 0110
Activity 4983000 TRSCDE
Trans Amt \$265.00
J24 Misc \$190.00

Thank You

Thank You

Counterreceipt.doc 6/21/04
\$75.00
\$265.00
\$0.00

rec'd 5/30/07

Ask DRB to deny request # 1005539 for vacation of a portion of Kimmick.

Dear DRB Members,

I am a resident of the West Side of Albuquerque and own property in Unit 19 of Volcano Cliffs..

I am not here today in any way opposed in general to what this developer is doing. I actively support this subdivision and actively support their follow on request item # 1005540.


I am here to ask you to reject this particular request # 1005539 to vacate that portion of Kimmick south of Paseo Del Norte and north of Rosa Parks Blvd.

When I build my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did I would still run into the bottleneck, where Rosa Parks and Kimmick combine leading to Paseo, that is requested by this vacation.

The National Monument and the proposed trails through Open Space are for everyone in Albuquerque not just those living on top of the West Mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the West Side inadequate roads. They are too few and too narrow. This is a time for building not vacating.

Respectfully


Joe Archbold
PO Box 65888
8316 Calle Primera NW
Albuquerque, NM 87193-5888
Phone: 505-328-1331

Matson, Sheran A.

From: DAVID HEIL [daveheil16@msn.com]
Sent: Wednesday, May 30, 2007 9:32 AM
To: Senova, Claire A.; Matson, Sheran A.
Subject: Vacation of part of Kimmick

Sheran Matson, **DRB** Chairperson

As President of the The Volcano Cliffs Property Owners Association and as an individual owning property served by Kimmick I protest the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

- A) The Public Welfare is in no way served by retaining the right-of-way, and
 - B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.
- Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

Also, The traffic study that the applicant's agent references was done in 1997. In September 2006 the City Council approved the Volcano Heights Sector Plan which significantly increased the densities in the area.

Before any vacating of Kimmick is done another traffic study should be completed considering the increased densities.

Dave Heil

VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION
P.O. Box 27666
ALBUQUERQUE, NM 87125

May 28, 2007

Ref. No. 1005539

Dear Members of the DRB,

The Volcano Cliffs Property Owners Association protests the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

- A) The Public Welfare is in no way served by retaining the right-of-way, and
- B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.

Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

- The attached map, Exhibit 1, shows that the shortest route to eastbound Paseo from the Volcano Cliffs area (Units 18, 19, 22 and the southeast portion of Unit 17) surrounding the La Cuentista subdivision is east on Kimmick thru La Cuentista to Paseo. Both Rosa Parks and Kimmick (the only east/west roads) through much of the La Cuentista subdivision have been narrowed to such an extent that the ability to move traffic thru there has been compromised severely already. It will only make it worse to narrow Kimmick in the remaining area just south of the Kimmick/Paseo intersection.
- There is a definite public safety issue in narrowing this road. In the case of Unser being shut down for any reason there is no ability to rapidly move any appreciable amount of traffic out of this area of Volcano Cliffs, or for that matter La Cuentista, to the east onto Paseo or to move emergency vehicles into the area from the east.
- The response we received from the applicant's agent stated that the vacation request is justified by a traffic study done in 1997 and other studies including a proposed SAD 228 and Unser and Paseo studies. This information is woefully out of date and inadequate since at the time of those studies the master plan for the entire Volcano Cliffs area was for 2-3 houses per acre. Since then the passage of the Volcano Heights Sector Plan has added massive amounts of population and commercial activity to this area, not to mention the new High School and the KB Homes high density housing project presently under construction.
- The Volcano Heights Sector Plan is presently being appealed in the courts. Should the appellants prevail and the court overturn the plan this right-of-way will have been vacated and it will be virtually impossible to reconstitute it at that time. If instead, this applicant is allowed to go ahead and develop their property while maintaining the present right of way, it can always be used for linear park open space or biking and jogging paths or additional traffic lanes if they are needed in the future. The city should commission a new traffic study to determine the needs of all units of Volcano Heights before vacating any right of way. Absolutely no right of way should be vacated by anyone (including the present applicant) until the courts have ruled on the appeal of the Volcano Heights Sector Plan.

Sincerely,



Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

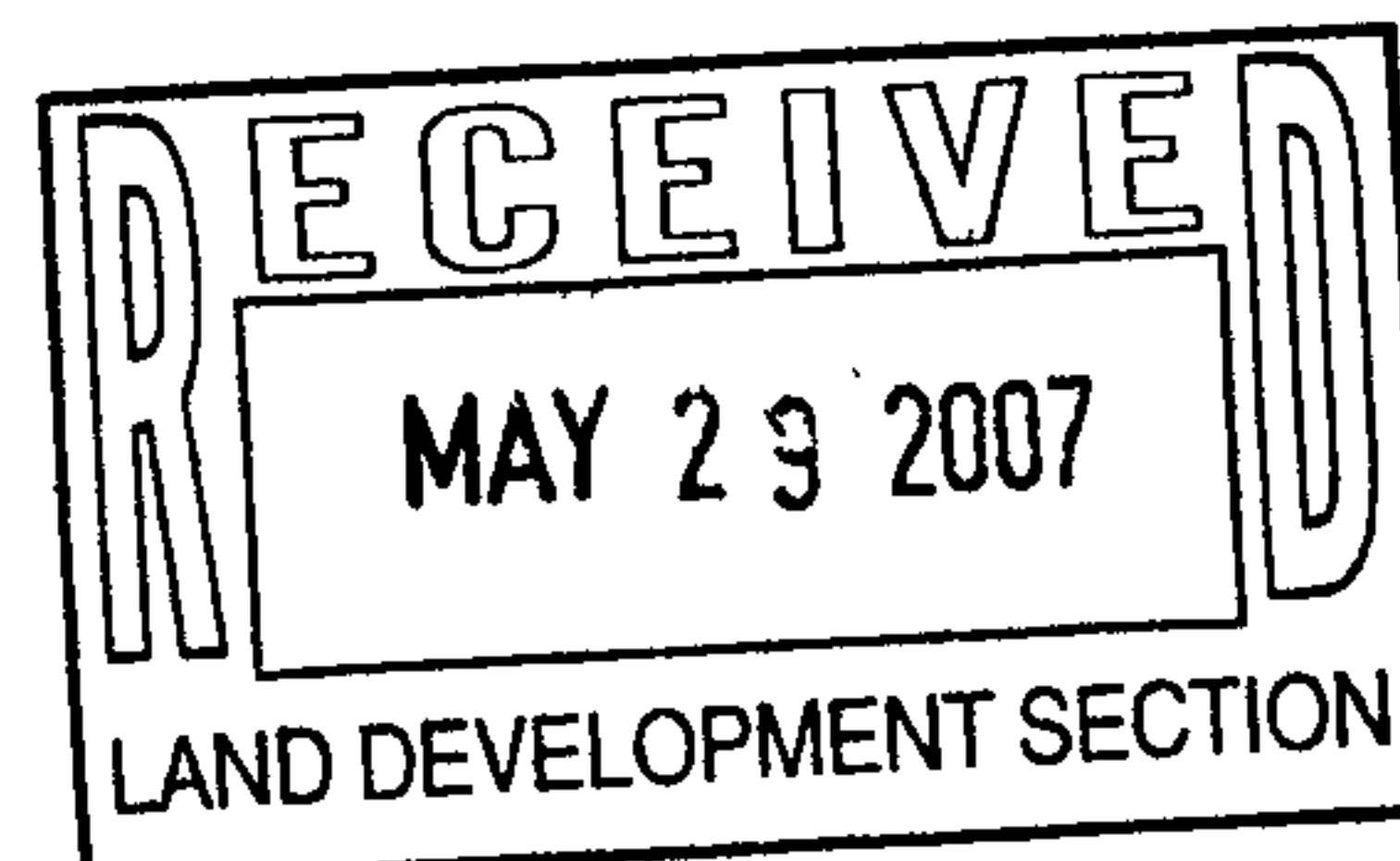
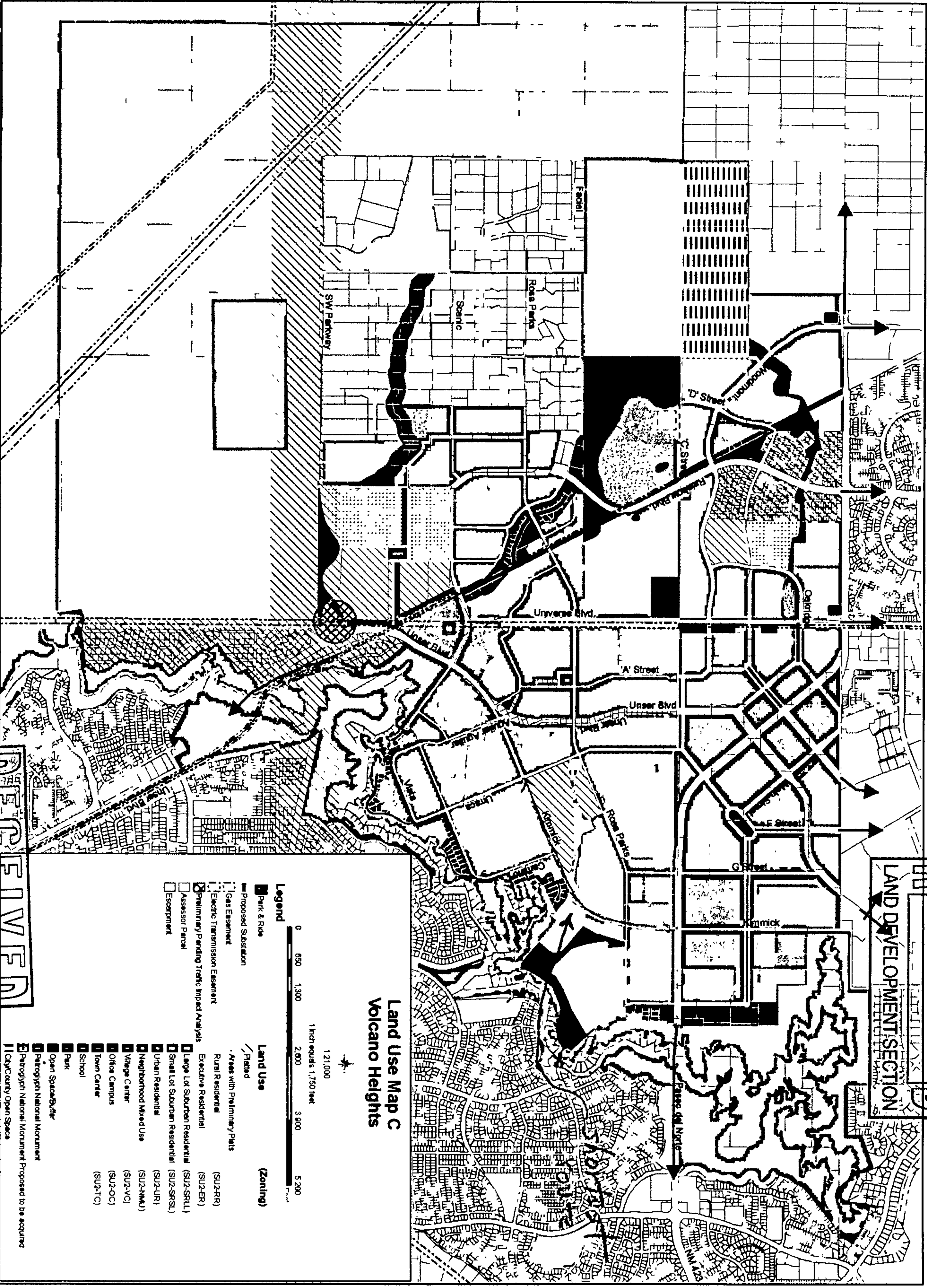


Exhibit 1



RECEIVED
MAY 29 2007

LAND DEVELOPMENT SECTION

**Land Use Map C
Volcano Heights**

1:21,000
1 inch equals 1,750 feet



- | | |
|---|--|
| Legend | Land Use (Zoning) |
| Park & Ride | Platted |
| Proposed Substation | Areas with Preliminary Plans |
| Gas Easement | Rural Residential (SU2-RR) |
| Electric Transmission Easement | Executive Residential (SU2-ER) |
| Preliminary Pending Traffic Impact Analysis | Large Lot Suburban Residential (SU2-SRL) |
| Assessor Parcel | Small Lot Suburban Residential (SU2-SRSL) |
| Easement | Urban Residential (SU2-UR) |
| | Neighborhood Mixed Use (SU2-NMU) |
| | Village Center (SU2-VC) |
| | Office Campus (SU2-OC) |
| | Town Center (SU2-TC) |
| | School |
| | Park |
| | Open Space Buffer |
| | Petroglyph National Monument |
| | Petroglyph National Monument Proposed to be acquired |
| | Clatsop County Open Space |

RECEIVED
MAY 29 2007

LAND DEVELOPMENT SECTION

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

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

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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899

ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415

CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net

Proprietary interest in site: Owner List all owners: MGMe Development, Inc.

AGENT (if any): Kristine Susco- Wilson and Company PHONE: (505) 348-4191

ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request the Vacation of existing Public ROW on Kimmick Dr NW.

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

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

Lot or Tract No. Lot 1 Block: 5 Unit: 26

Subdiv. / Addn. Volcano Cliffs Subdivision TBK TIERRA BUENA ESTATES

Current Zoning: SU2-SRLL Proposed zoning: No Change

Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9

Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A

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

UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Road NW

Between: Rosa Parks Road NW and Valiente Road NW

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

DRB #1005539 - Sketch Plat Hearing Date 5-9-07 07DRB00561

Check-off if project was previously reviewed by Sketch Plat/Plan No, or Pre-application Review Team No Date of review: 5-4-07

SIGNATURE Kristine Susco DATE: 5-4-07

(Print) KRISTINE SUSCO ___ Applicant X Agent

FOR OFFICIAL USE ONLY

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

<p><input type="checkbox"/> INTERNAL ROUTING</p> <p><input checked="" type="checkbox"/> All checklists are complete</p> <p><input checked="" type="checkbox"/> All fees have been collected</p> <p><input checked="" type="checkbox"/> All case #s are assigned</p> <p><input checked="" type="checkbox"/> AGIS copy has been sent</p> <p><input checked="" type="checkbox"/> Case history #s are listed</p> <p><input checked="" type="checkbox"/> Site is within 1000ft of a landfill</p> <p><input checked="" type="checkbox"/> F.H.D.P. density bonus</p> <p><input checked="" type="checkbox"/> F.H.D.P. fee rebate</p>	<p>Application case numbers</p> <p><u>07 DRB</u> - <u>00580</u></p> <p>___ - ___</p> <p>___ - ___</p> <p>___ - ___</p> <p>___ - ___</p> <p>Hearing date <u>May 30, 2007</u></p>	<p>Action</p> <p><u>VRW</u></p> <p><u>CMF</u></p> <p><u>Adv</u></p> <p>___</p> <p>___</p>	<p>S.F.</p> <p>___</p> <p>___</p> <p>___</p> <p>___</p> <p>___</p> <p>Total</p> <p>\$ <u>395.⁰⁰</u></p>	<p>Fees</p> <p>\$ <u>300.⁰⁰</u></p> <p>\$ <u>20.⁰⁰</u></p> <p>\$ <u>75.⁰⁰</u></p> <p>\$</p> <p>\$</p>
--	---	---	--	--

Andrew Jones 5/11/07
Planner signature / date

Project # 1005539

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)**
 - ___ 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.**

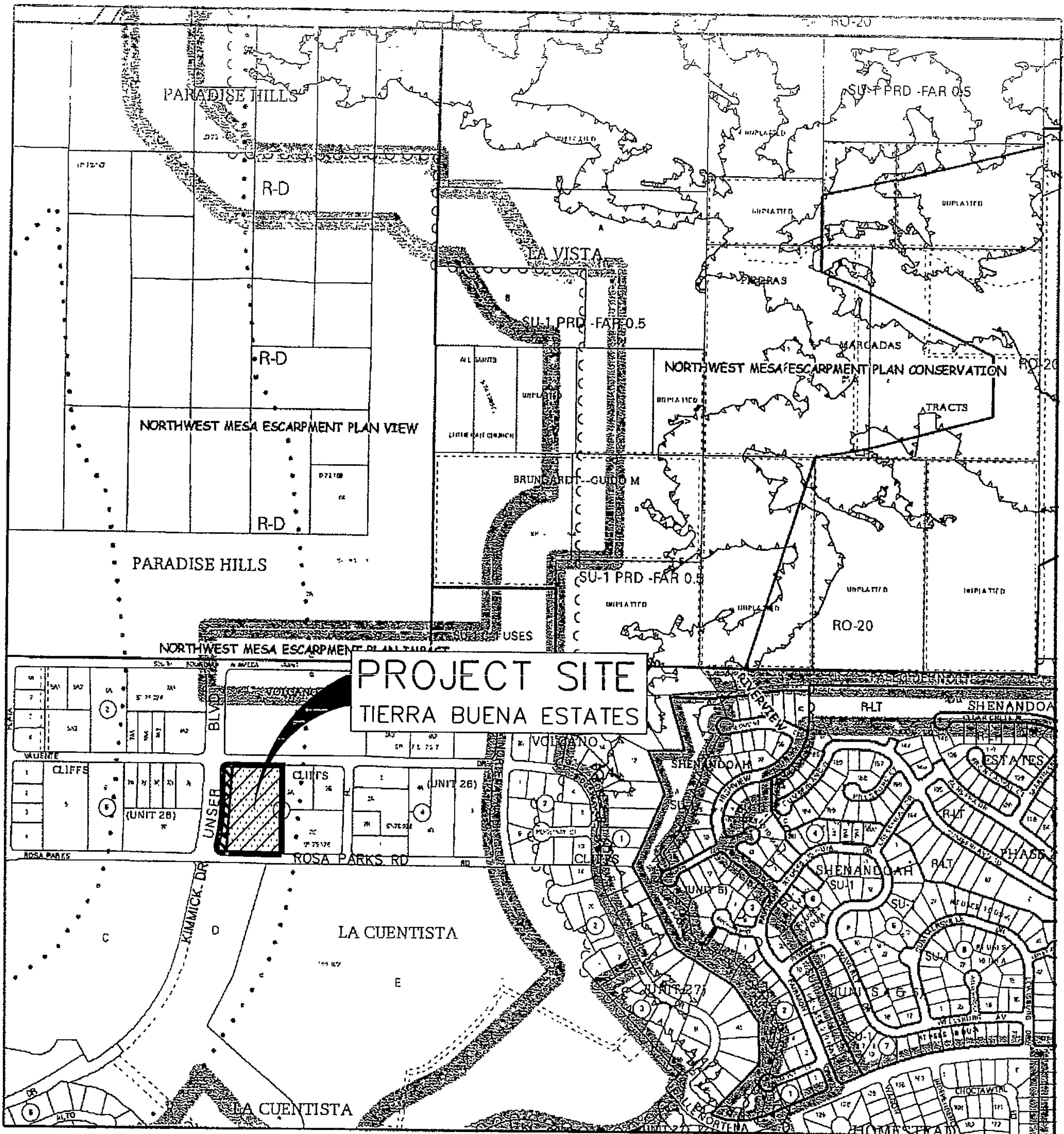
- VACATION OF PRIVATE EASEMENT (DRB26)**
 - VACATION OF RECORDED PLAT (DRB29)**
 - ___ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 - ___ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 - ___ Zone Atlas map 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.

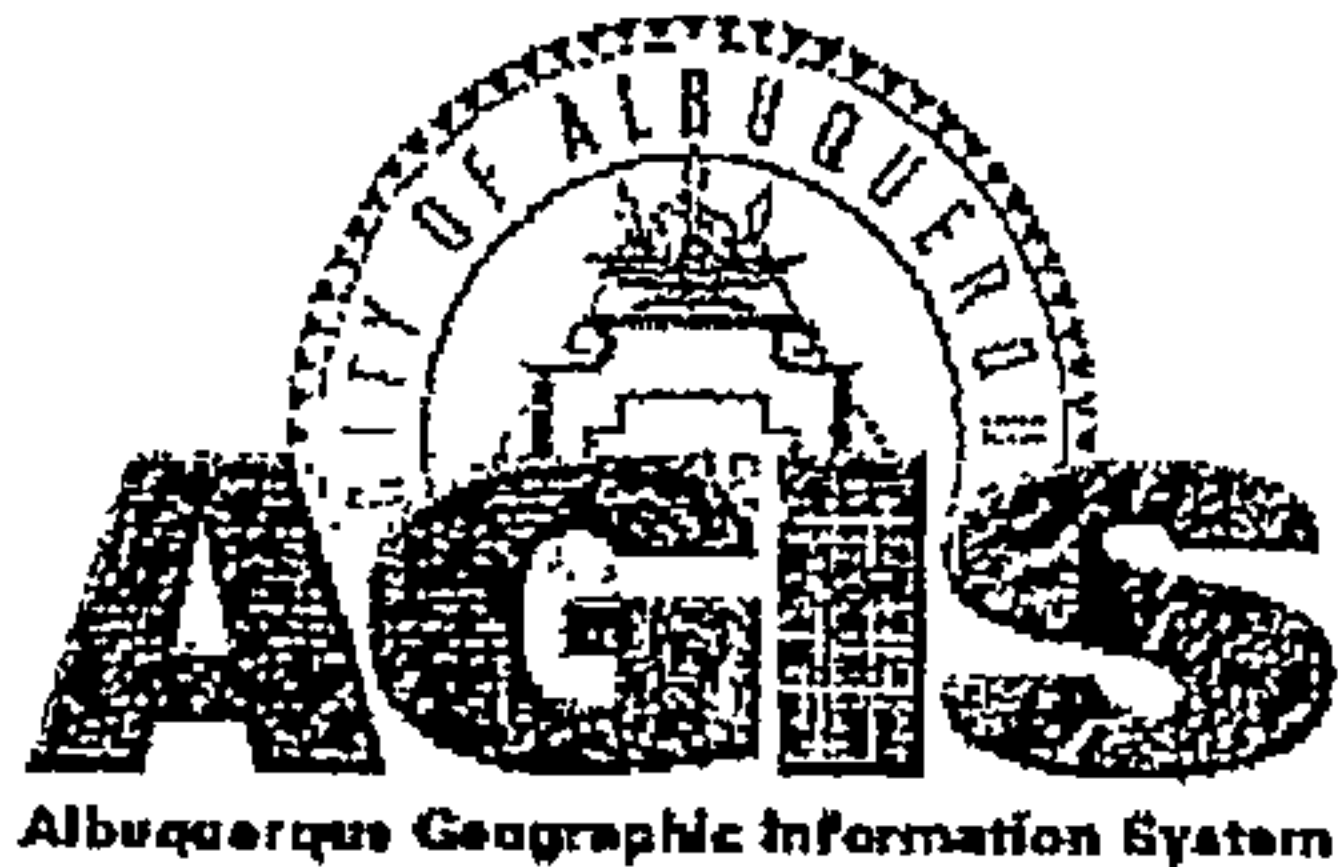
KRISTINE SUSCO
 Applicant name (print)
Kristine Susco 5-4-07
 Applicant signature / date



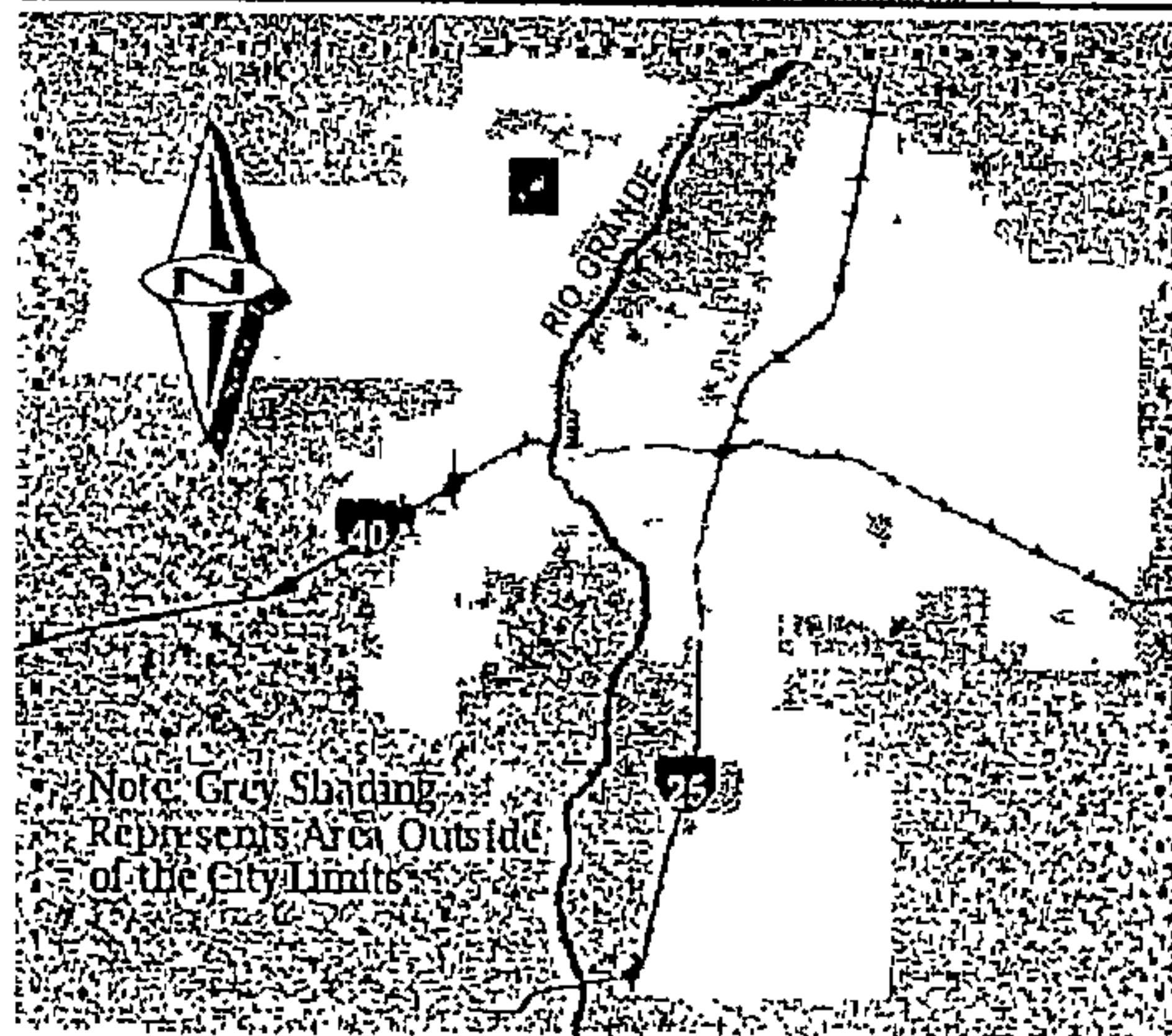
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Checklists complete <input checked="" type="checkbox"/> Fees collected <input type="checkbox"/> Case #s assigned <input checked="" type="checkbox"/> Related #s listed 	<p style="text-align: center;">Application case numbers</p> <p>07 DRB - _____ - 00580</p> <p>_____ - _____ - _____</p> <p>_____ - _____ - _____</p>	<p style="text-align: right;">Form revised 4/07</p> <p style="text-align: center;"> <u>Andrew Smith 5/4/07</u> Planner signature / date Project # <u>1005539</u> </p>
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For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 10/25/2006

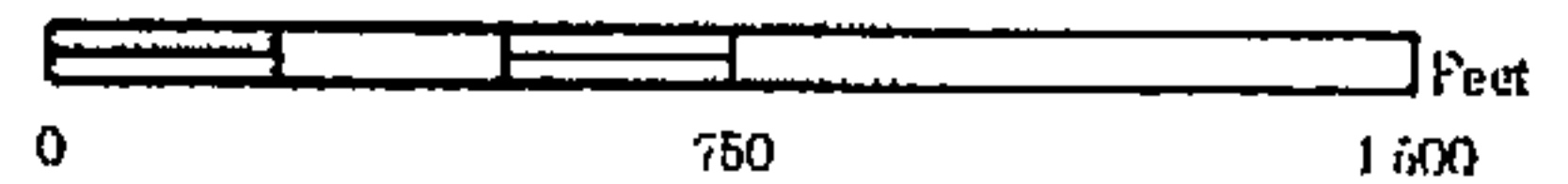


Zone Atlas Page:

C-11-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



**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

4 May 2007

Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development, Inc., requests approval for the Vacation of existing Public ROW on Kimmick Dr. adjacent to the planned Tierra Buena Estates. This Vacation will bring the Kimmick ROW width to 58', thereby adhering to the requirements of the Volcano Heights Sector Development Plan.

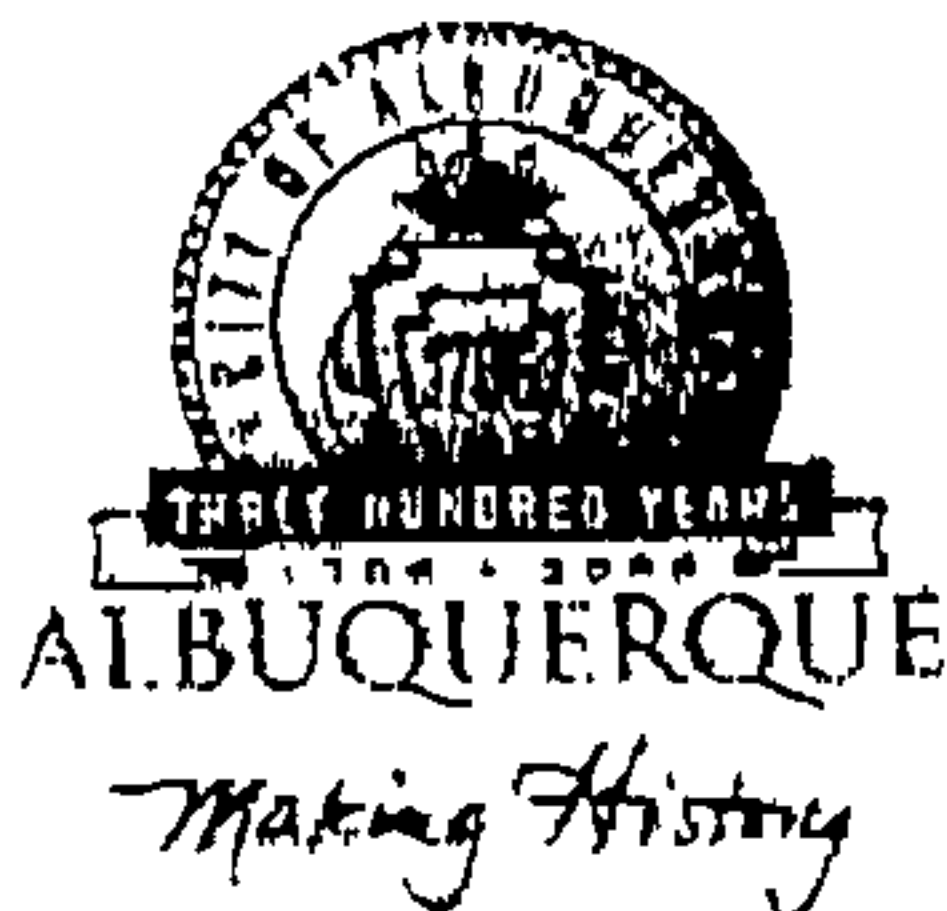
Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191.
Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kisusco@wilsonco.com



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: 5/13/07

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on May 3, 2007
(date)

TO CONTACT NAME: Shadi Hayati
COMPANY/AGENCY: Wilson Company
ADDRESS/ZIP: 4900 Lang Avenue NE
PHONE/FAX #: 348-4000, 348-4055

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at lot 1, blocks 5, units, unit 26 Udeam cliffs Subdivision, located on NE of Kimmick Dr. NW & Rosa Parks Rd between Rosa Parks Rd. NW & Valiente Rd NW zone map page(s) C-11-2.

Our records indicate that as of May 3, 2007 (date), there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

[Signature]
OFFICE OF NEIGHBORHOOD COORDINATION

May 3 2007 10:20AM

wilson abc

No. 8533 p. 2/3

DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Community and Neighborhood Coordination (OCNC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second St. NW, Fax - 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 924-3914. Your request is for the following: Cell Tower [] Private Development [X] City Project [] OR Other []

(specify)

CONTACT NAME: SMITH, HEYD

COMPANY NAME: AT&T

ADDRESS: 4100 WALKER HWY

ZIP CODE: 23104

PHONE (551) 346-4405 CELL ()

FAX (551) 346-4405

NEIGHBORHOOD ASSOCIATION INFORMATION

PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD ASSOCIATIONS IN THE AREA OF THE PROPERTY DESCRIBED AS West Hill Block S, District 16

located at the intersection of Highway 421 and Highway 16
(LEGAL DESCRIPTION)

LOCATED ON North Hill Road (STREET NAME OR OTHER IDENTIFYING LANDMARK) between Rosa Parks Rd

and BETWEEN Rosa Parks Rd (STREET NAME OR OTHER IDENTIFYING LANDMARK)

AND North Hill Road (STREET NAME OR OTHER IDENTIFYING LANDMARK)

THE SITE IS LOCATED ON THE FOLLOWING ZONE ATLAS PAGE(S) (2-11-2)
PLEASE HATCH OUT ZONE MAP WHERE PROPERTY IS LOCATED
(ZONE MAP MUST BE PROVIDED WITH REQUEST)

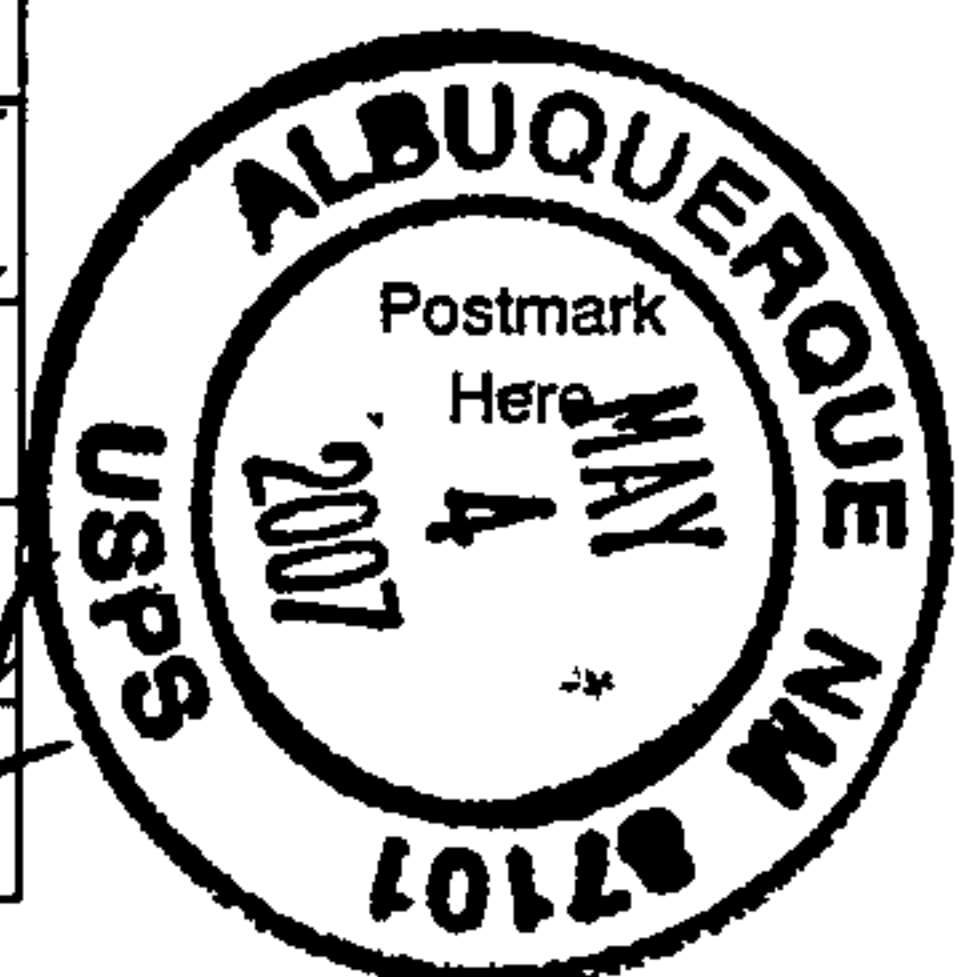
7002 3150 0000 05TE 2002

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Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64



Sent To *Larry Weaver*
 Street, Apt. No.; or PO Box No. *6001 Ventas Ct NW*
 City, State, ZIP+4 *Albuquerque NM 87114*

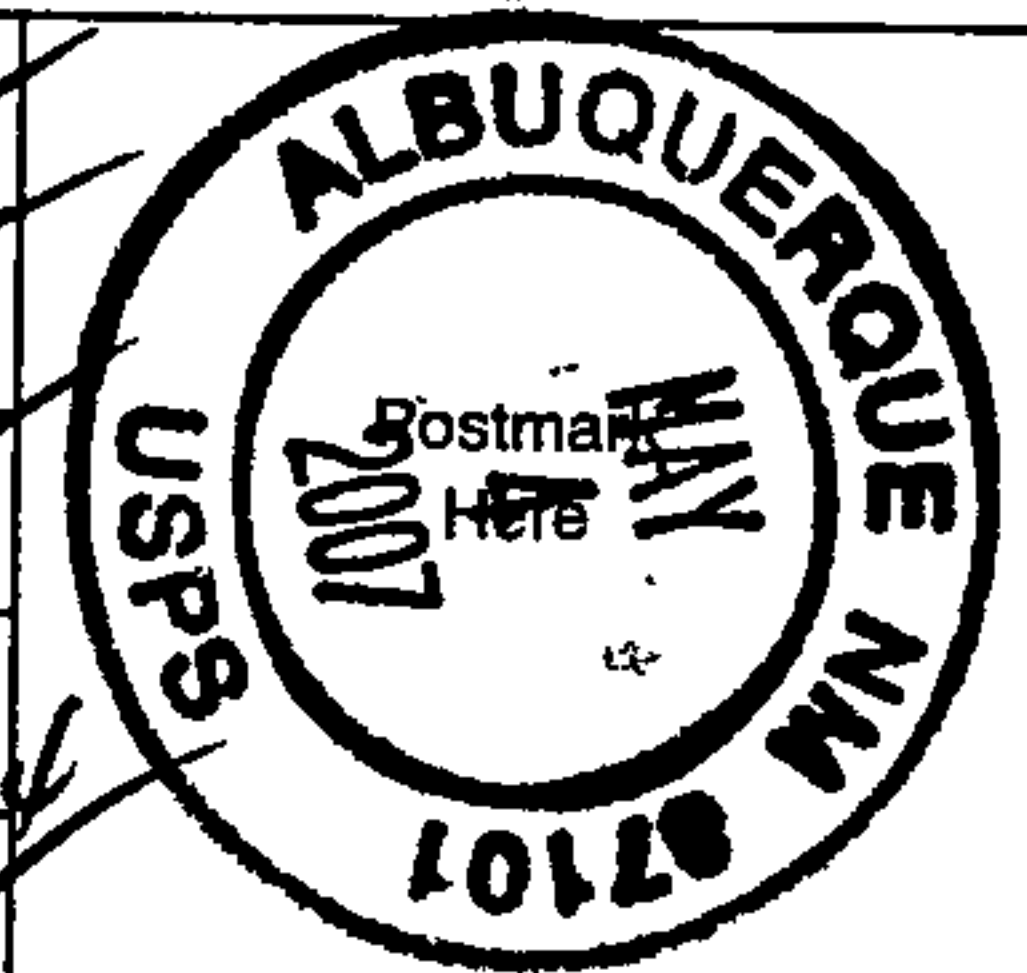
7002 3150 0000 05TE 2002

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Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64



Sent To *Dave Heit*
 Street, Apt. No.; or PO Box No. *160 Itasca Rd*
 City, State, ZIP+4 *Pro Prado NM 87124*

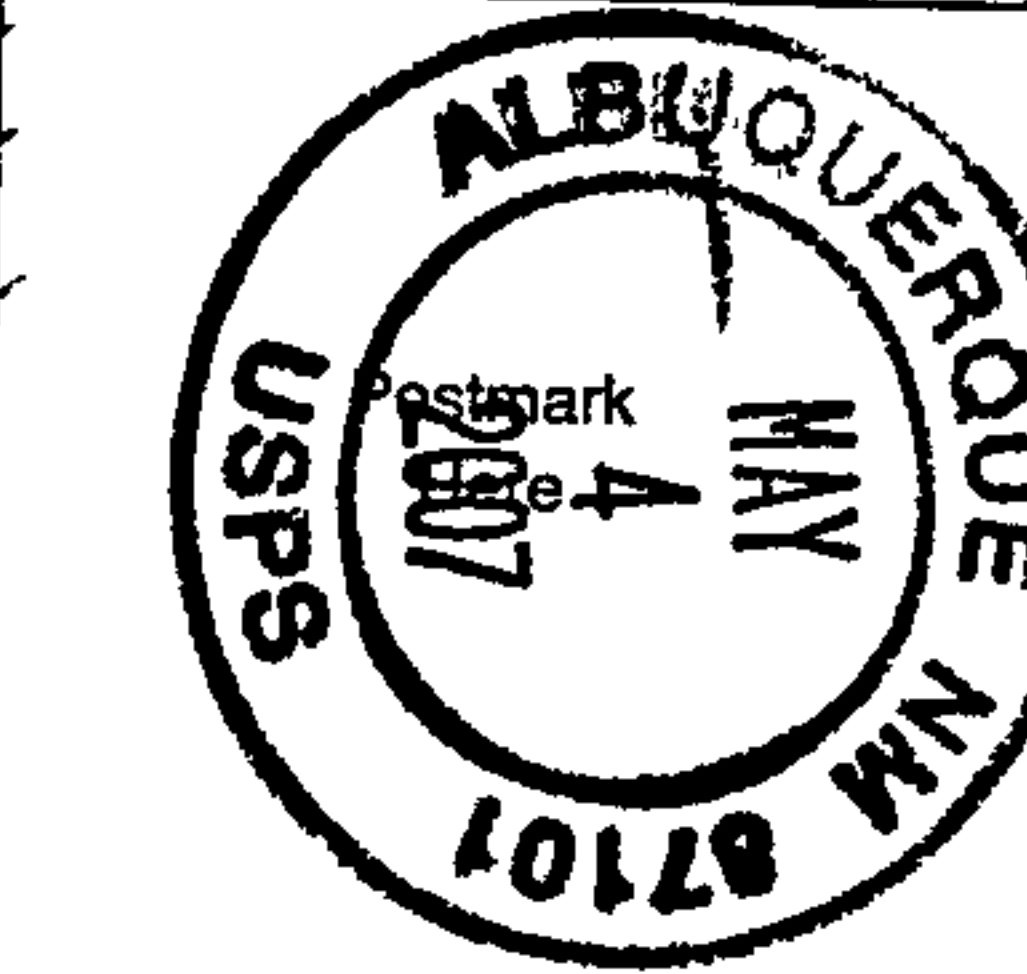
7002 3150 0000 05TE 2002

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Restricted Delivery Fee (Endorsement Required)		/
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Sent To *Bill Wright*
 Street, Apt. No.; or PO Box No. *4112 Blue Ridge Pl NE*
 City, State, ZIP+4 *Albuquerque NM 87111*

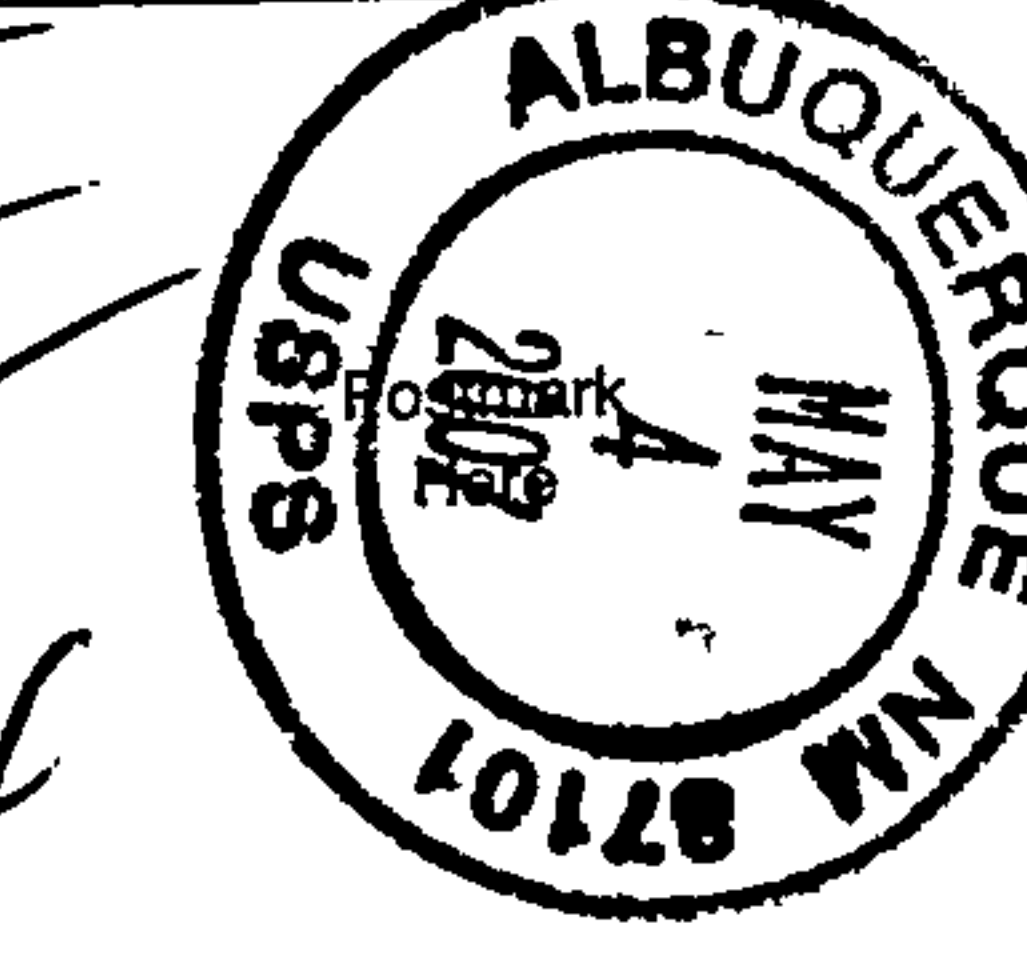
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Total Postage & Fees	\$	4.64



Sent To *Tom Anderson*
 Street, Apt. No.; or PO Box No. *10013 Plumlett Dr NW*
 City, State, ZIP+4 *Albuquerque NM 87114*

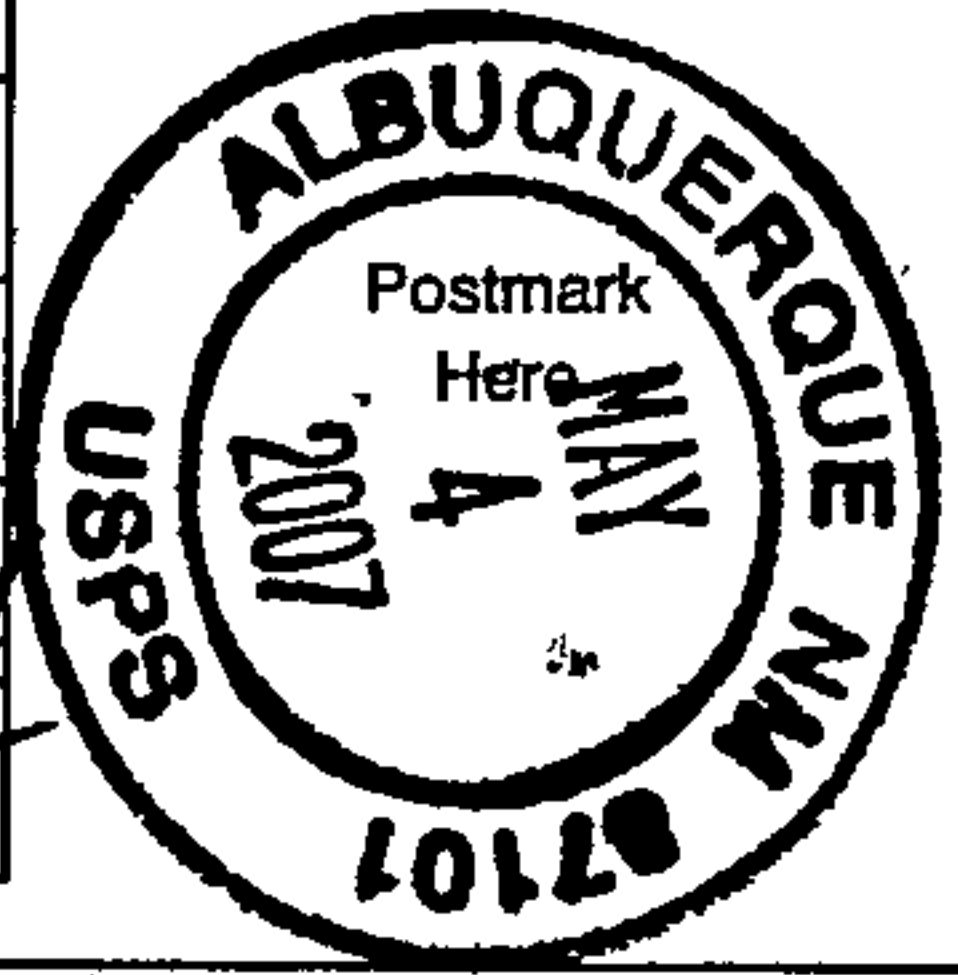
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Total Postage & Fees	\$	4.64



Sent To Larry Weaver
 Street, Apt. No., or PO Box No. 6001 Vanders G NW
 City, State, ZIP+4 Alb NM 87114

PS Form 3800, June 2002 See Reverse for Instructions

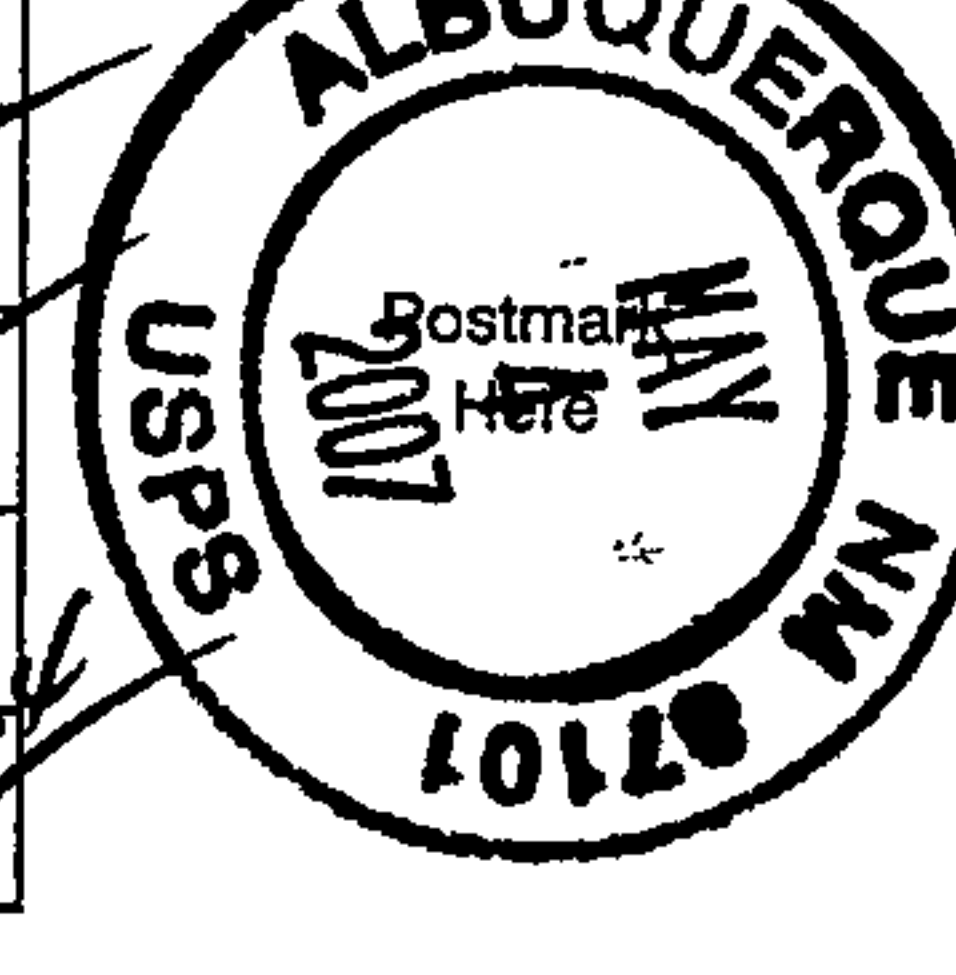
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Return Receipt Fee (Endorsement Required)		/
Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64



Sent To Dave Heif
 Street, Apt. No., or PO Box No. 160 Itasca Rd
 City, State, ZIP+4 Pro Rondo NM 87124

PS Form 3800, June 2002 See Reverse for Instructions

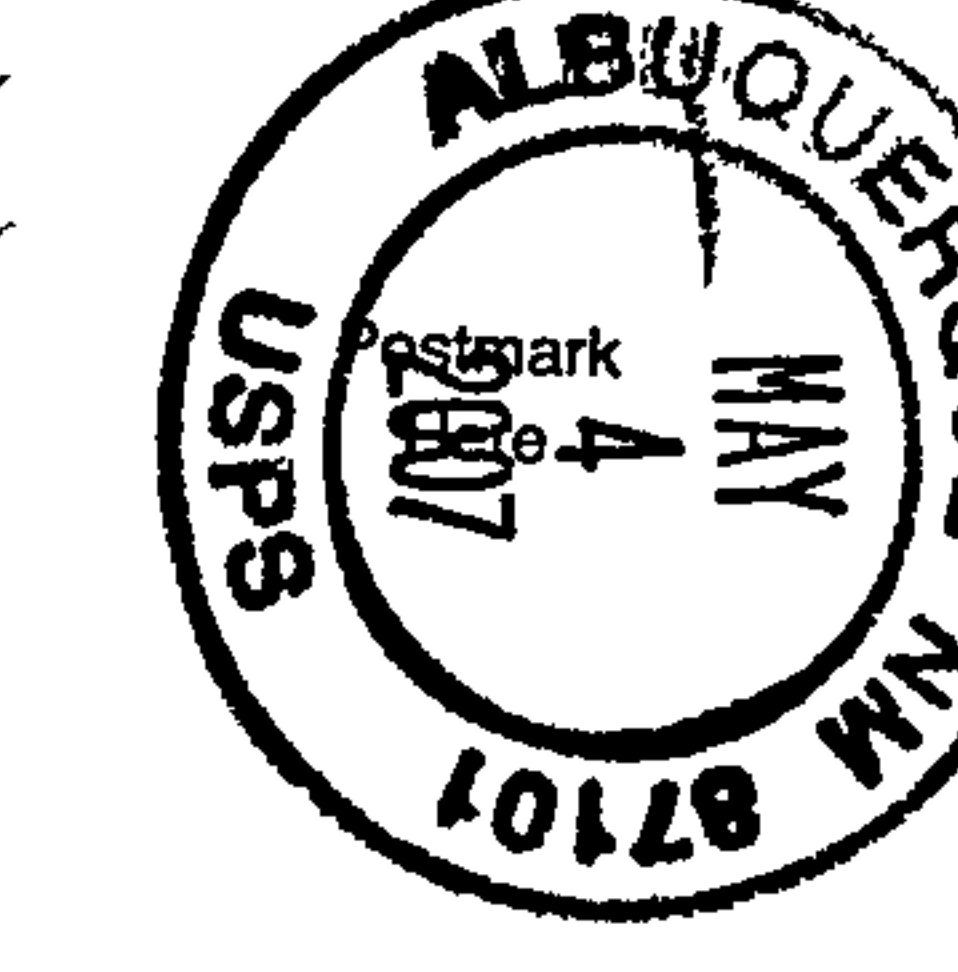
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Return Receipt Fee (Endorsement Required)		/
Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64



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 Street, Apt. No., or PO Box No. 4112 Blue Ridge Pl NE
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PS Form 3800, June 2002 See Reverse for Instructions

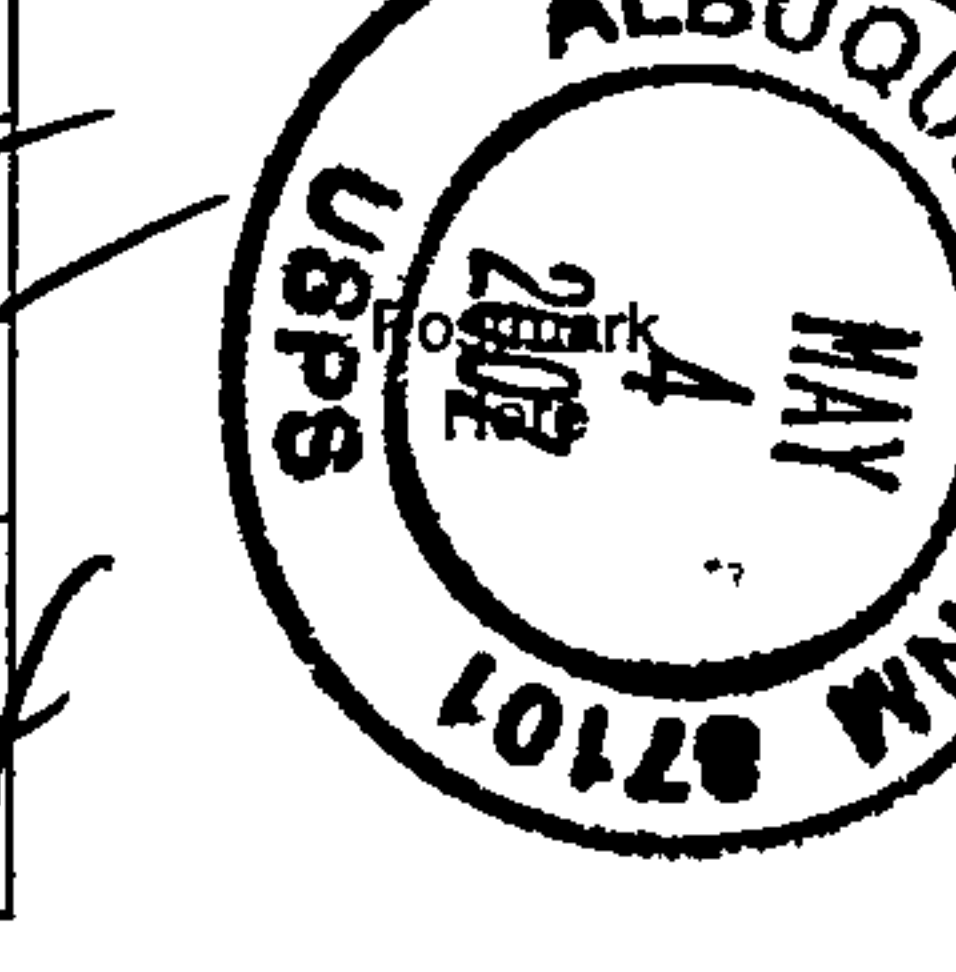
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For delivery information visit our website at www.usps.com

OFFICIAL USE

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Certified Fee		/
Return Receipt Fee (Endorsement Required)		/
Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64



Sent To Tom Anderson
 Street, Apt. No., or PO Box No. 10013 Plummett Dr NW
 City, State, ZIP+4 Alb NM 87114

PS Form 3800, June 2002 See Reverse for Instructions

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

PAID RECEIPT

APPLICANT NAME MGMe Development, Inc (Michael Omlor)
AGENT Kristine Susco - Wilson & Co
ADDRESS 4900 Lang Ave NE
PROJECT & APP # 1005539 / 07 DRB - 00580
PROJECT NAME Volcan Cliffs Subd.

\$ 20.⁰⁰ 441032/3424000 Conflict Management Fee
\$ 300.⁰⁰ 441006/4983000 DRB Actions
\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals
\$ 75.⁰⁰ 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
\$ 395.⁰⁰ TOTAL AMOUNT DUE

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

2245

MICHAEL A. OMLOR
7720 ELENA DR. NE
ALBUQUERQUE, NM 87122

DATE May 17 95-449-1070

PAY TO THE ORDER OF City of Albuquerque \$ 395.00

Michael Omlor

Peoples 2155 Louisiana Blvd. NE, Ste. 1008
Albuquerque, NM 87110
Ph: 505-888-3300
Member FDIC

FOR MGMe

002245 107004491 40003840

City of Chicago
Treasury Division

01/11/2007 12:04PM 1000 AMNY
RECEIPT# 00001152 USR 007 TRANSR 0017
ACCOUNT 4083000 FR 4 0110
AMOUNT 4083000 TRFNYC
CITY OF CHICAGO \$408,000
CITY OF CHICAGO \$408,000
CITY OF CHICAGO \$408,000

City of Chicago
Treasury Division

01/11/2007 12:04PM 1000 AMNY
RECEIPT# 00001154 USR 007 TRANSR 0017
ACCOUNT 411315 FR 4 0110
AMOUNT 4071000 TRFNYC
CITY OF CHICAGO \$407,000
CITY OF CHICAGO \$407,000
CITY OF CHICAGO \$407,000

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.

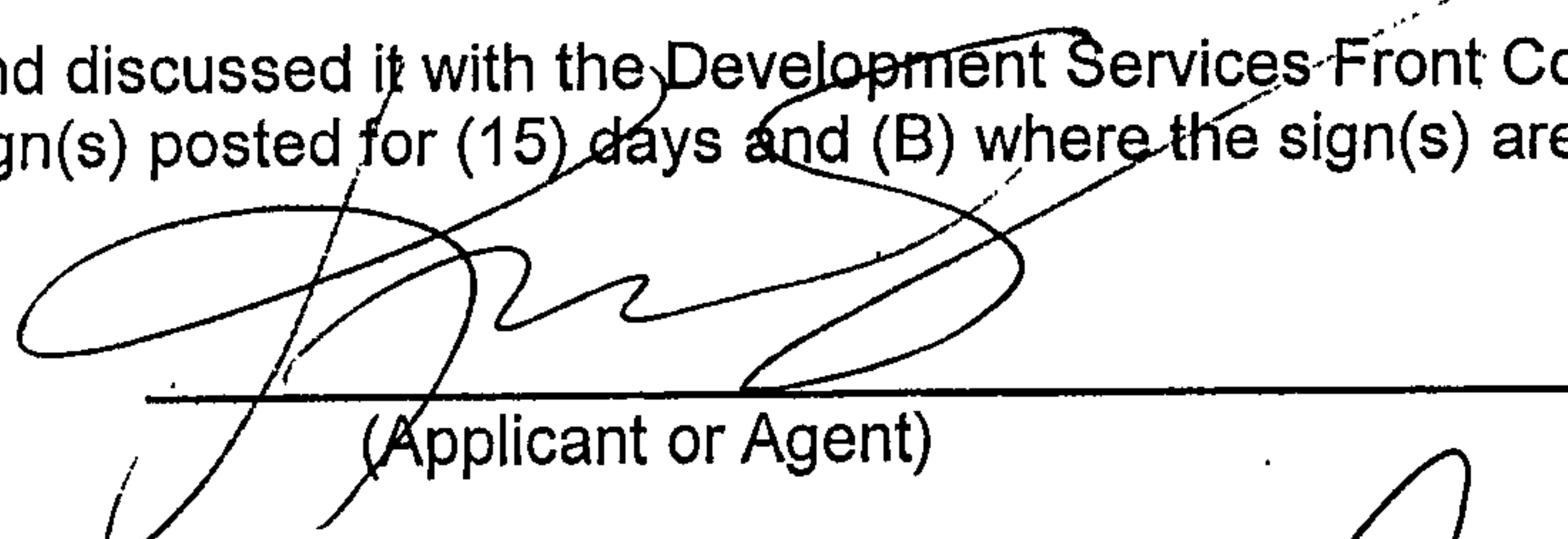
4. TIME

Signs must be posted from May 15, 2007 To May 30, 2007

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.



(Applicant or Agent)

5-4-07

(Date)

I issued 1 signs for this application, 5/4/07

(Date)

Andrew Jones 5/4/07

(Staff Member)

DRB PROJECT NUMBER: 1005539

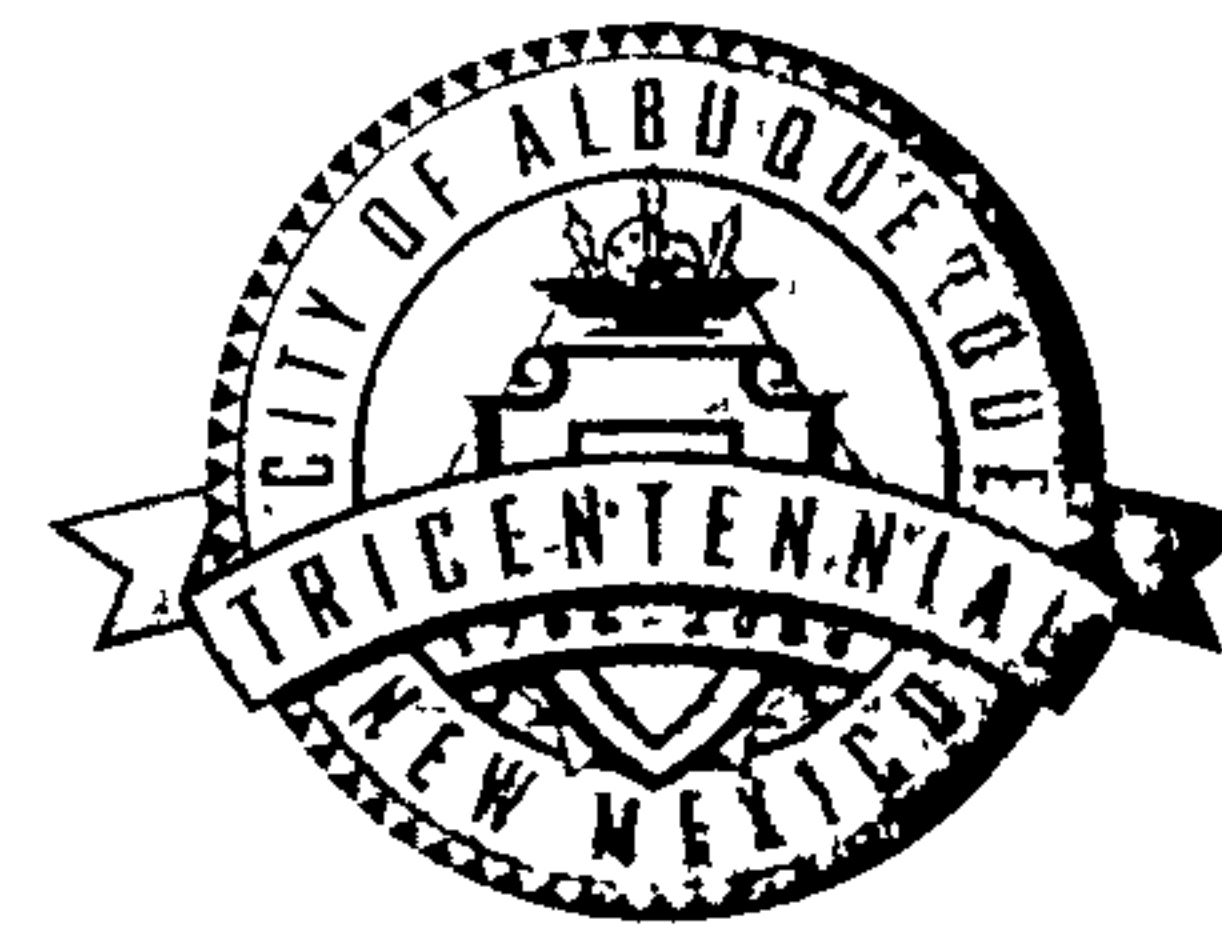
CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF HEARING

July 13, 2007

Joseph L. Archbold
PO Box 65888
Albuquerque, NM 87193

& Volcano Cliffs Property Owners Assoc.
Dave Heil, President
Barbara Mueller, Vice President
PO Box 27666
Albuquerque, NM 87125

AC-07-14 – 07DRB-00580 PROJECT #1005539 – Joseph L. Archbold appeals the Development Review Board's approval of a Vacation of Kimmick Drive, NW, for all or any portion of Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLL located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

AC-07-15 – 07DRB-00580 PROJECT #1005539 – Volcano Cliffs Property Owners Association President, Dave Heil, and Vice President, Barbara Mueller, appeal the Development Review Board's approval of a Vacation of Kimmick Drive, NW, adjacent to Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLL located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

The City of Albuquerque Land Use Hearing Officer will hear the above appealed cases on **Monday, July 23, 2007**. The hearing begins at **2:00 pm** in the Vincent E. Griego Chambers, Basement Level, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.

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

A copy of the record submitted to the Land Use Hearing Officer can be obtained by calling me at (505) 924-3889.

Sincerely,

Barbara J. Findley
Administrative Assistant

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Barbara Mueller, 4904 Alberta Lane NW, Abq., NM 87120
✓ Sheran Matson, DRB Chair, COA Planning Department, 600 2nd Street NW – Ground Level, Abq., NM 87102
Kevin Curran, COA Legal Dept, 600 2nd Street NW, 4th Floor, Abq., NM 87102
Marilyn Maldonado, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
Mandi Hinojos, Clerk to the Council, City/County Building – 9th Floor
DRB File

INTEROFFICE

Sheran Matson, DRB Chair
COA Planning Department
600 2nd St NW - Ground Level
Abq., NM 87102

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF HEARING

July 13, 2007

Joseph L. Archbold
PO Box 65888
Albuquerque, NM 87193

& Volcano Cliffs Property Owners Assoc.
Dave Heil, President
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PO Box 27666
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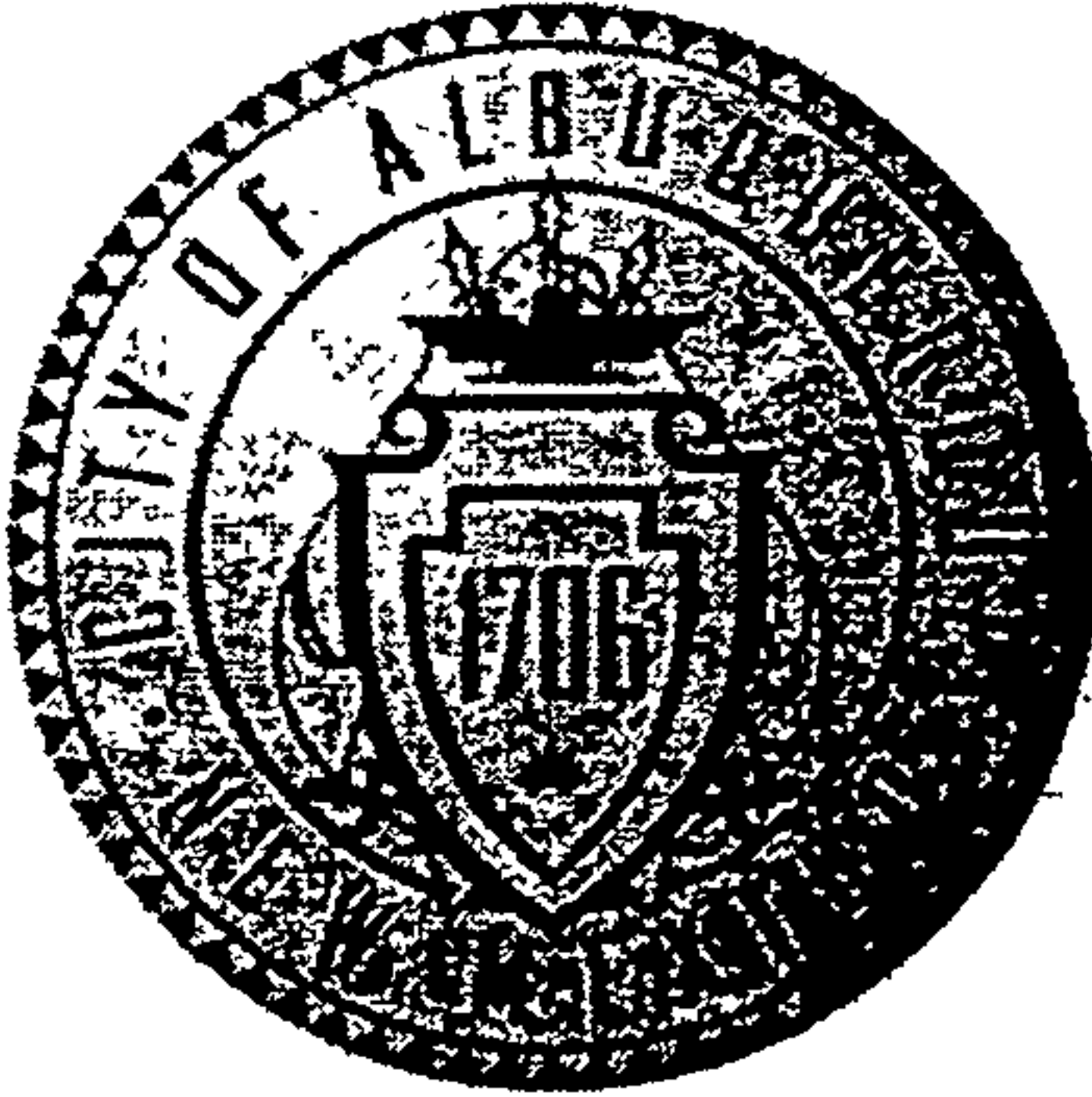
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Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
Mandi Hinojos, Clerk to the Council, City/County Building – 9th Floor

DRB File

File Copy



Mayor Martin J. Chávez

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

INTER-OFFICE MEMORANDUM

June 8, 2007

TO: Debbie O'Malley, President, City Council
FROM: Richard Dineen, Planning Department Director

SUBJECT: AC-07-14 – 07DRB-00580 PROJECT #1005539 – Joseph L. Archbold appeals the Development Review Board's approval of a Vacation of Kimmick Drive, NW, for all or any portion of Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLL located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

BACKGROUND

The application requested the vacation of 24 feet of Kimmick Drive, NW between Rosa Parks Rd, NW and Valiente Road, NW. The 24 foot vacation requested is on the east side of Kimmick to match the right of way to the south of Rosa Parks. (SEE EXHIBIT A.)

The existing Kimmick right of way in this segment of roadway is 106 feet. The 106 feet was designated as right of way with the platting of the Unit 26 Volcano Heights Subdivision in 1971.

Previous vacation actions have occurred to narrow the Kimmick right of way south of Rosa Parks to 56 feet prior to the adoption of the Volcano Heights Sector Plan. The designation of Kimmick changed from arterial to collector between the platting of Unit 26 Volcano Heights Subdivision and approvals of platting actions in the same area. Then, the Volcano Heights Sector Plan further defined Kimmick as a residential collector with a right of way of 58 feet. (SEE EXHIBIT B.)

RESPONSE TO APPELLANT

Appellant is opposed to the vacation of Kimmick Drive because it would narrow the width of this collector. He states the roads on the west side are too few and too narrow. He believes the Petroglyph National Monument will add traffic on the top of the northwest mesa.

Debbie O'Malley

AC-07-14

June 8, 2007

Page 2 of 2

The Volcano Heights Sector Plan designates Kimmick Drive as a residential collector in the area of this proposed subdivision. The land in this area is zoned for residential use. The cross section for a residential collector in the Sector Plan has a 58 foot width. (SEE EXHIBIT C.)

The approved 24 foot vacation is one half of the existing excess right of way width. The other 24 feet will be vacated when the land to the west of Kimmick is proposed for development.

In addition, DRB Project 1000922 has approved vacations of rights-of-way of Kimmick south of Rosa Parks. In this area, the right-of-way was narrowed to 56 feet with a previous action that preceded the Volcano Heights Sector Development Plan.

The Traffic Engineer has required the applicant to consider the widening of the rights-of-way near the major intersections of Kimmick with Rosa Parks and Valiente to accommodate left hand turn bays in order to separate traffic movements at these key locations.

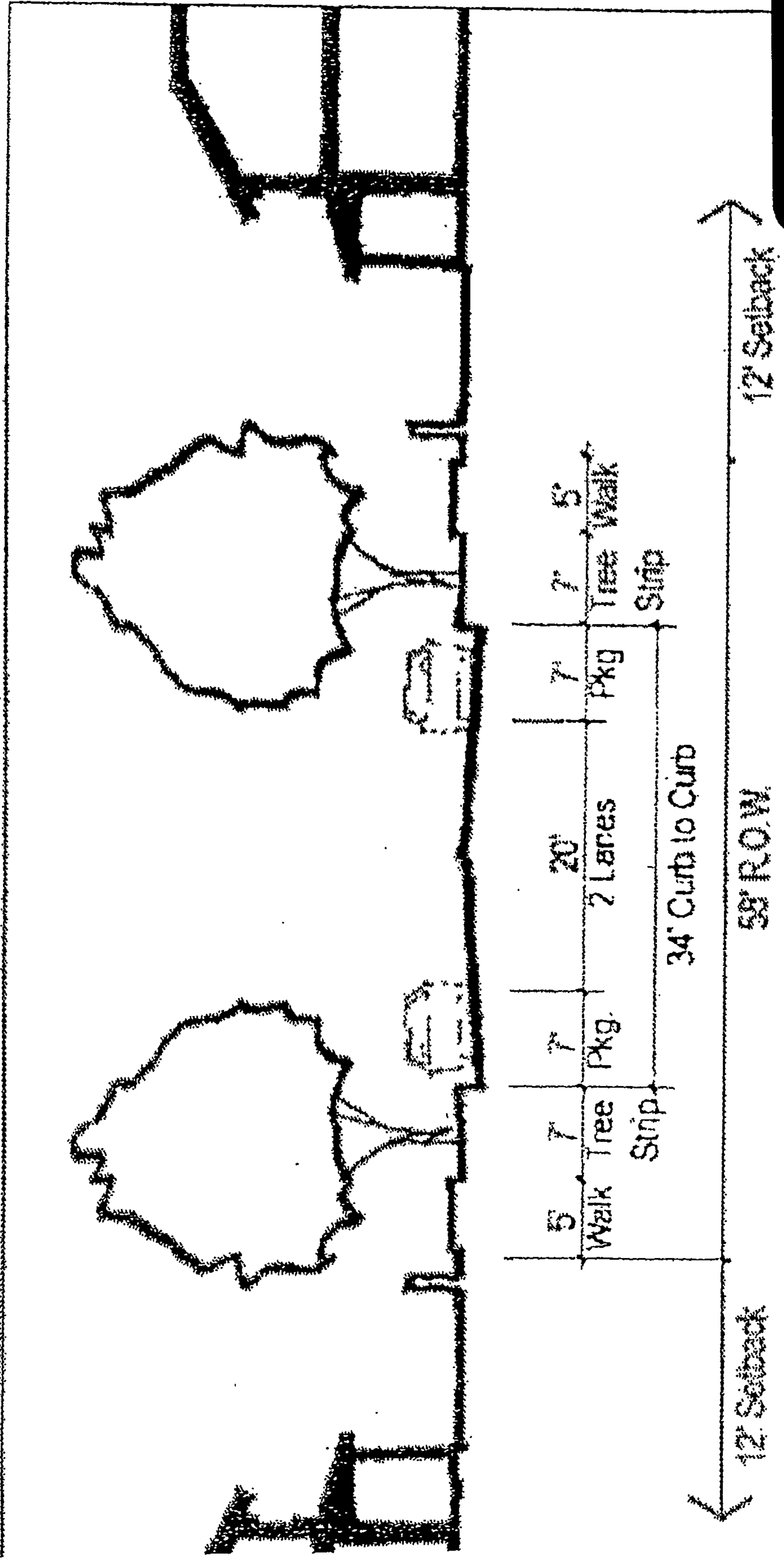
In summary, the 24 foot right of way vacation on the east side of Kimmick between Rosa Parks and Valiente is in compliance with the Volcano Heights Sector Plan's right of way requirement and the City's designation of Kimmick as a collector.

APPROVED:

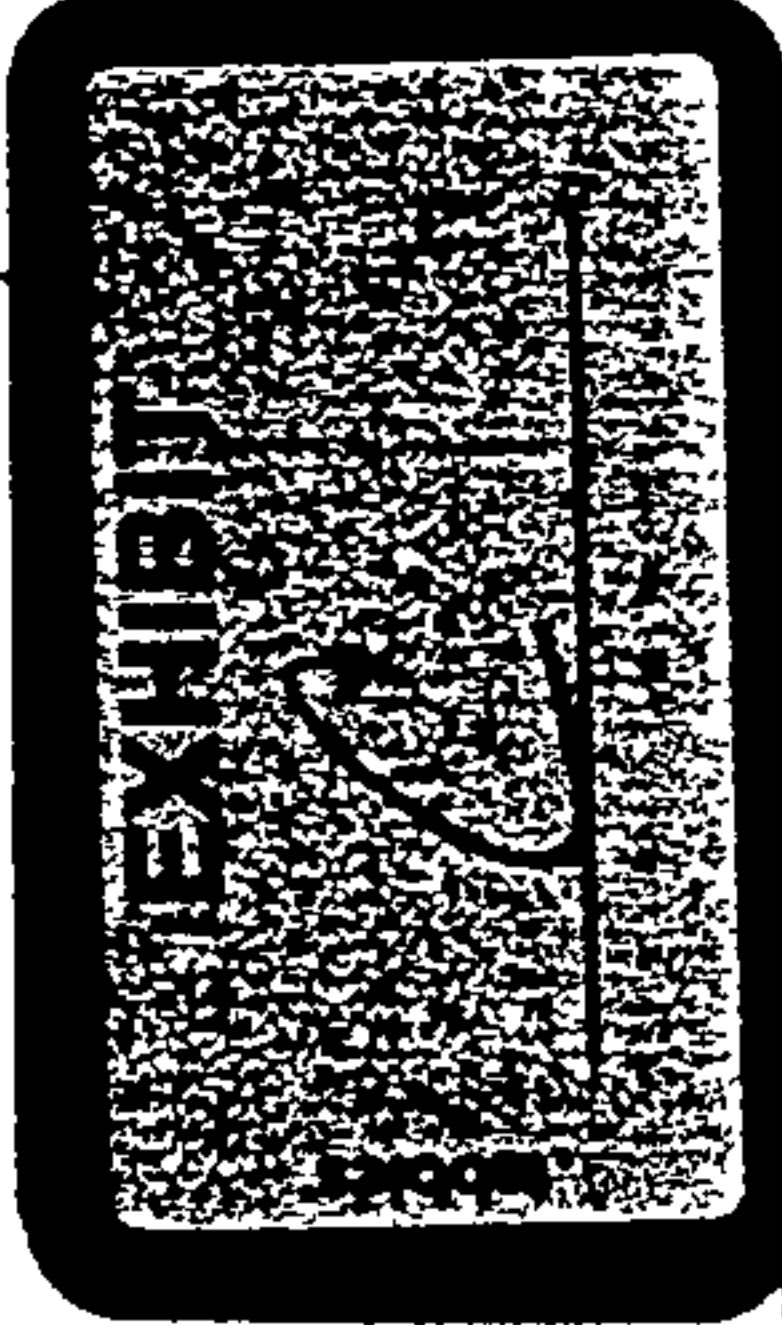

Russell Brito, Manager Development Review Division
Planning Department

x:share/council/appeals/2007/AC-07-14

Volcano Heights Sector Development Plan - 48



2 Lane Residential Collector



Tierra Buenavista
EXHIBIT 1

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07DRB-00580 – Project #1005539

**For Contents of Packet See Supplement to the Record for
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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

Mayor Martin J. Chávez

INTER-OFFICE MEMORANDUM

June 14, 2007

TO: Debbie O'Malley, President, City Council
FROM: Richard Dineen, Planning Department Director

SUBJECT: AC-07-15 – 07DRB-00580 PROJECT #1005539 – Volcano Cliffs Property Owners Association President, Dave Heil, and Vice President, Barbara Mueller, appeal the Development Review Board's approval of a Vacation of Kimmick Drive, NW, adjacent to Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SROLL located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

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The application requested the vacation of 24 feet of Kimmick Drive, NW between Rosa Parks Rd, NW and Valiente Road, NW. The 24 foot vacation requested is on the east side of Kimmick to match the right of way to the south of Rosa Parks. (SEE EXHIBIT A.)

The existing Kimmick right of way in this segment of roadway is 106 feet. The 106 feet was designated as right of way with the platting of the Unit 26 Volcano Heights Subdivision in 1971.

Previous vacation actions have occurred to narrow the Kimmick right of way south of Rosa Parks to 56 feet prior to the adoption of the Volcano Heights Sector Plan. The designation of Kimmick changed from arterial to collector between the platting of Unit 26 Volcano Heights Subdivision and approvals of platting actions in the same area. Then, the Volcano Heights Sector Plan further defined Kimmick as a residential collector with a right of way of 58 feet. (SEE EXHIBIT B.)

RESPONSE TO APPELLANTS

Appellants are opposed to the vacation of Kimmick Drive, NW, because they believe the public welfare is served by retaining the 106-foot right of way originally designated for Kimmick Drive. They further state that the adopted

Debbie O'Malley
AC-07-15
June 14, 2007
Page 2 of 2

Volcano Heights Sector Plan will bring additional density to the area. They are requesting an updated traffic study of the area.

The Volcano Heights Sector Plan designates Kimmick Drive as a residential collector in the area of this proposed subdivision. The land in this area is zoned for residential use. The cross section for a residential collector in the Sector Plan has a 58-foot width. (SEE EXHIBIT C.)


The approved 24-foot vacation is one half of the existing excess right of way width. The other 24 feet will be vacated when the land to the west of Kimmick is proposed for development.

In addition, DRB Project 1000922 has approved vacations of rights-of-way of Kimmick south of Rosa Parks. In this area, the right-of-way was narrowed to 56 feet with a previous action that preceded the Volcano Heights Sector Development Plan.

The Traffic Engineer has required the applicant to consider the widening of the rights-of-way near the major intersections of Kimmick with Rosa Parks and Valiente to accommodate left hand turn bays in order to separate traffic movements at these key locations.

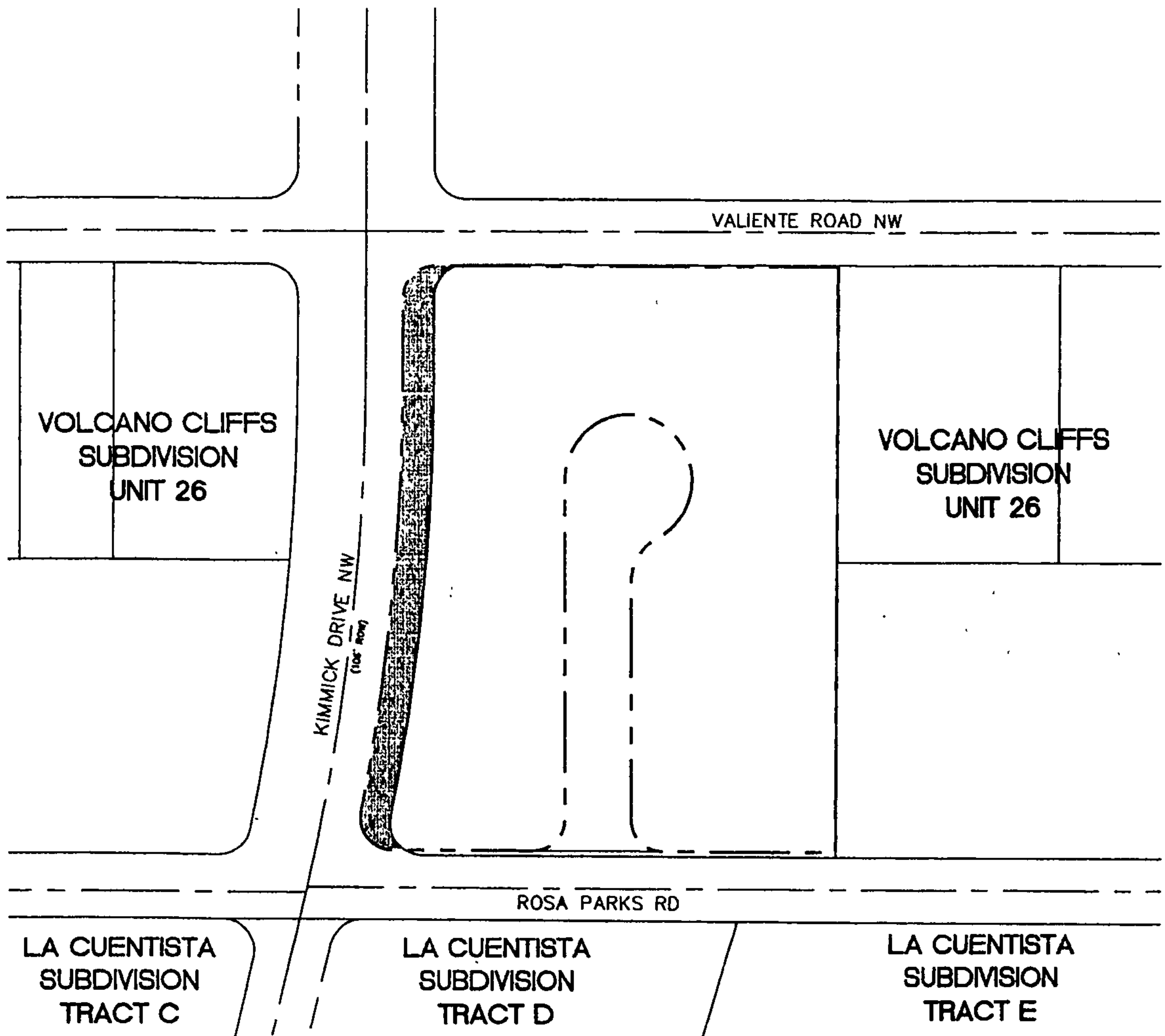
In summary, the 24 foot right of way vacation on the east side of Kimmick between Rosa Parks and Valiente is in compliance with the Volcano Heights Sector Plan's right of way requirement and the City's designation of Kimmick as a collector.

APPROVED:


Russell Brito, Manager Development Review Division
Planning Department

x:share/council/appeals/2007/AC-07-15

VACATION EXHIBIT
TIERRA BUENA ESTATES
MAY 2007



VACATION LEGEND

VACATE 24' PUBLIC ROW

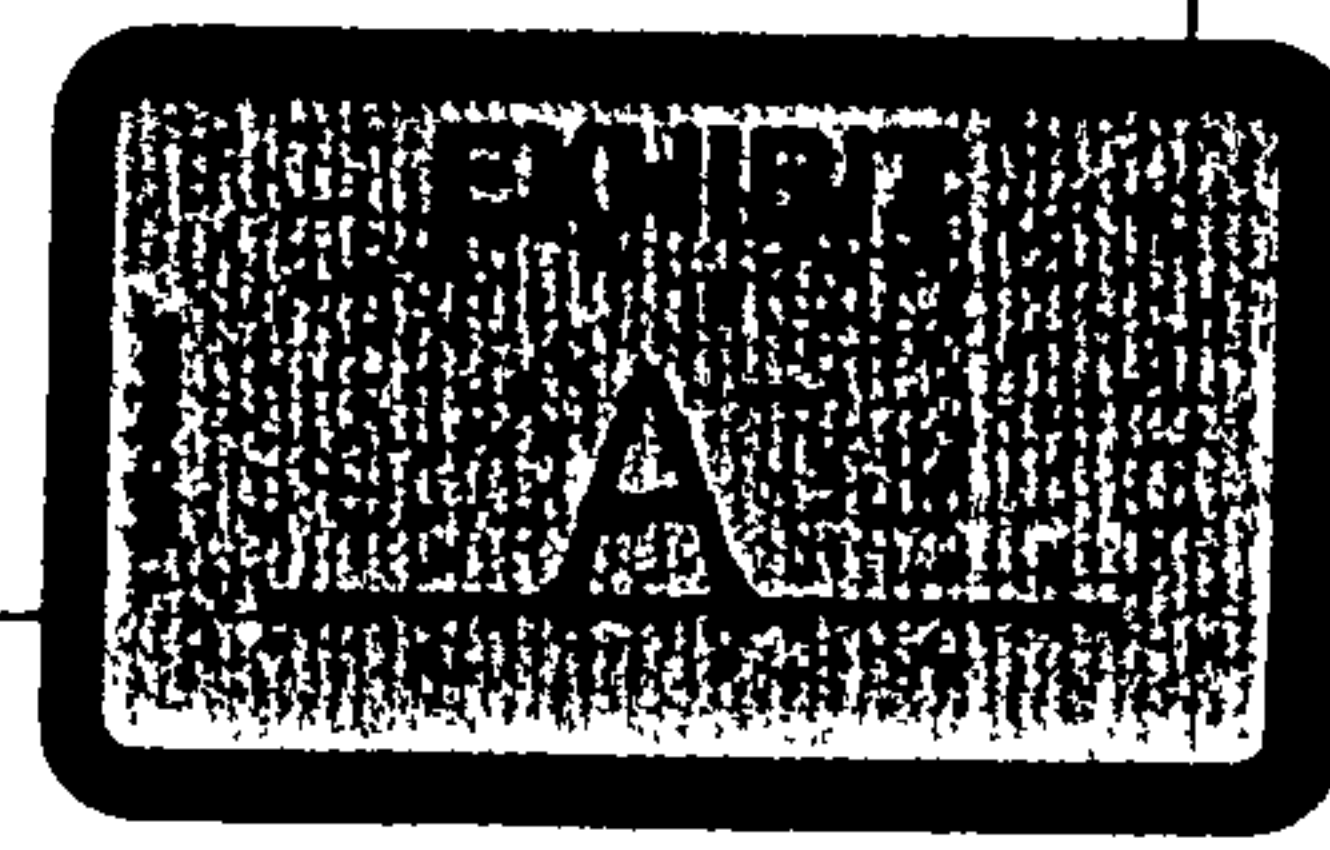


GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

VACATION EXHIBIT B
Date 05/30/07



WILSON COMPANY 200 LAKE AVE NE SPRINGFIELD, VT 05156 (802) 240-4990				TIERRA BUENA ESTATES	
				VACATION EXHIBIT	
DESIGN	KIS	WCEA NO.0780002200	DATE	MAY 2007	
DRAWN	OR	PROJECT NO.	SHEET NO.	1 of 1	
CHECK	DSA				

Road Network

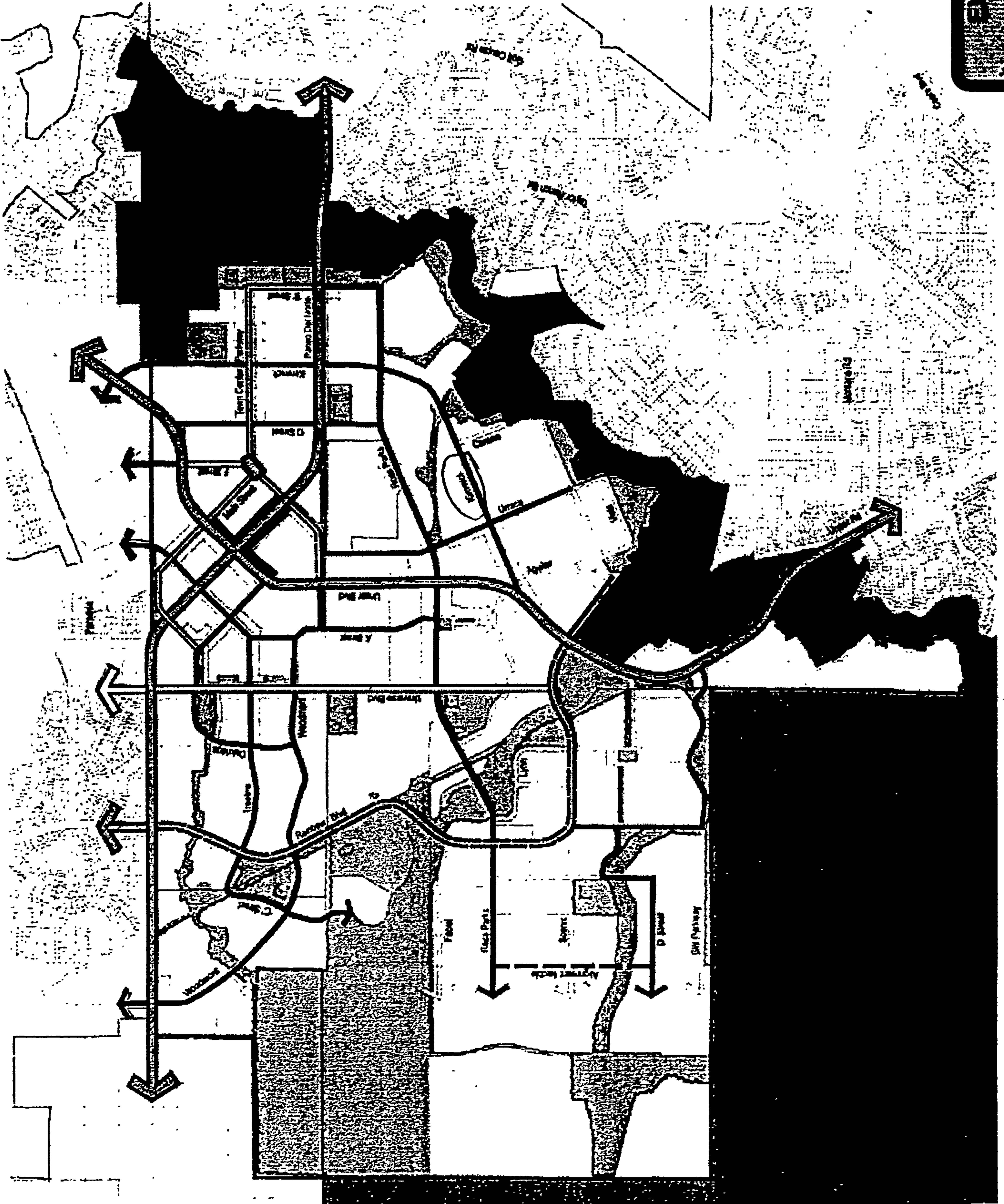
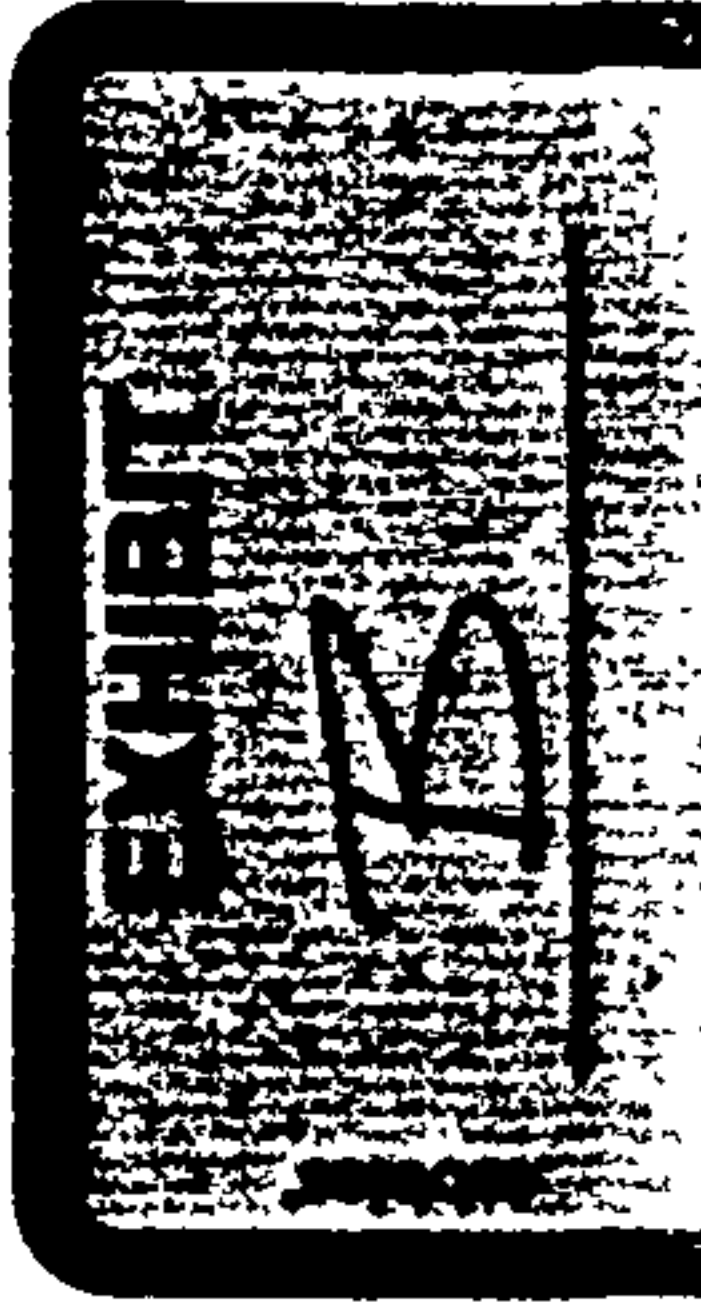
Volcano Heights,
City of Albuquerque,
New Mexico
August 3, 2006

- LEGEND**
- Urban Boulevard
 - Limited Access Arterial
 - Principal Arterial
 - Minor Arterial
 - Collector with BRT
 - Collector
- Refer to Cross Sections 1-12
for street design.

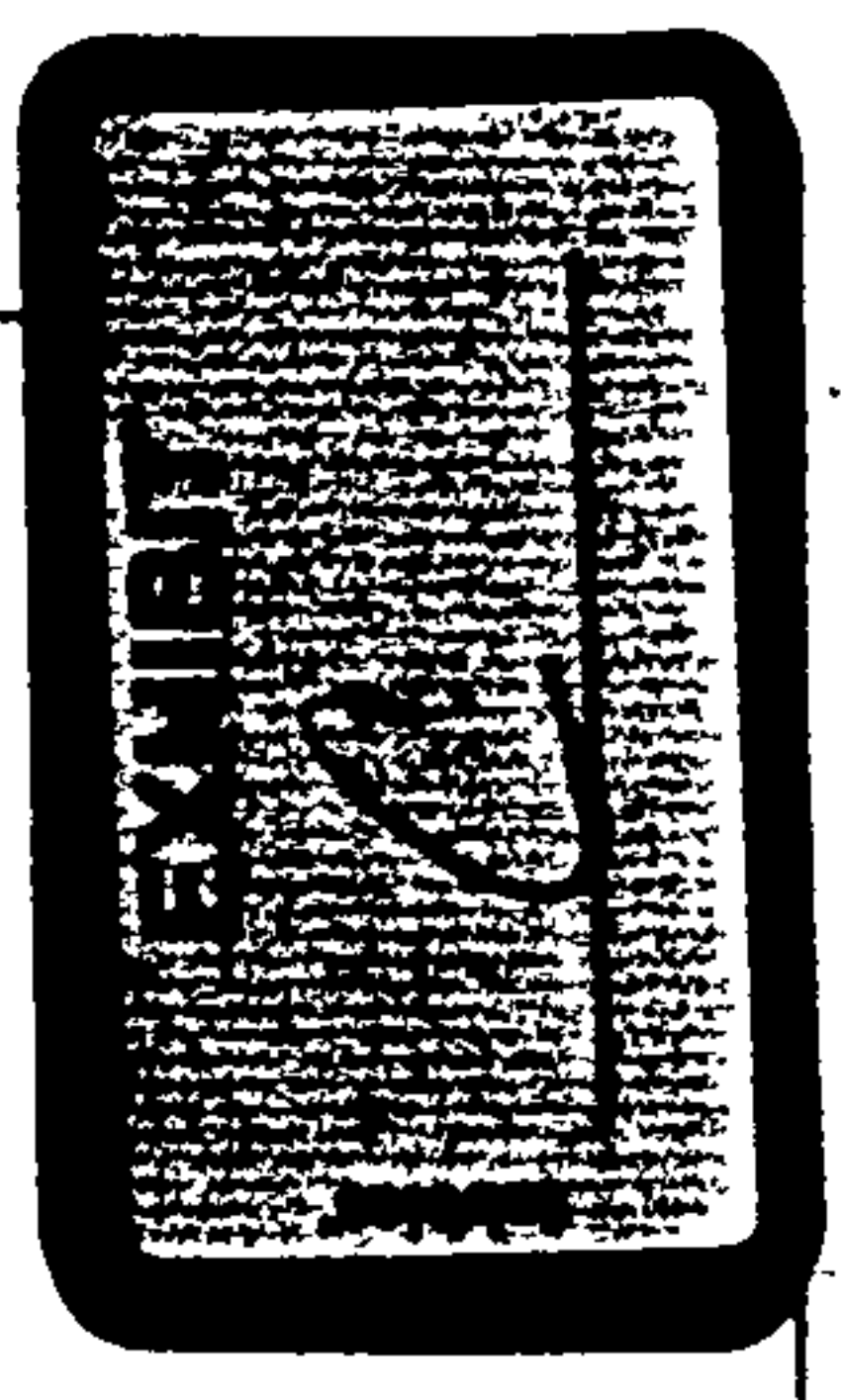
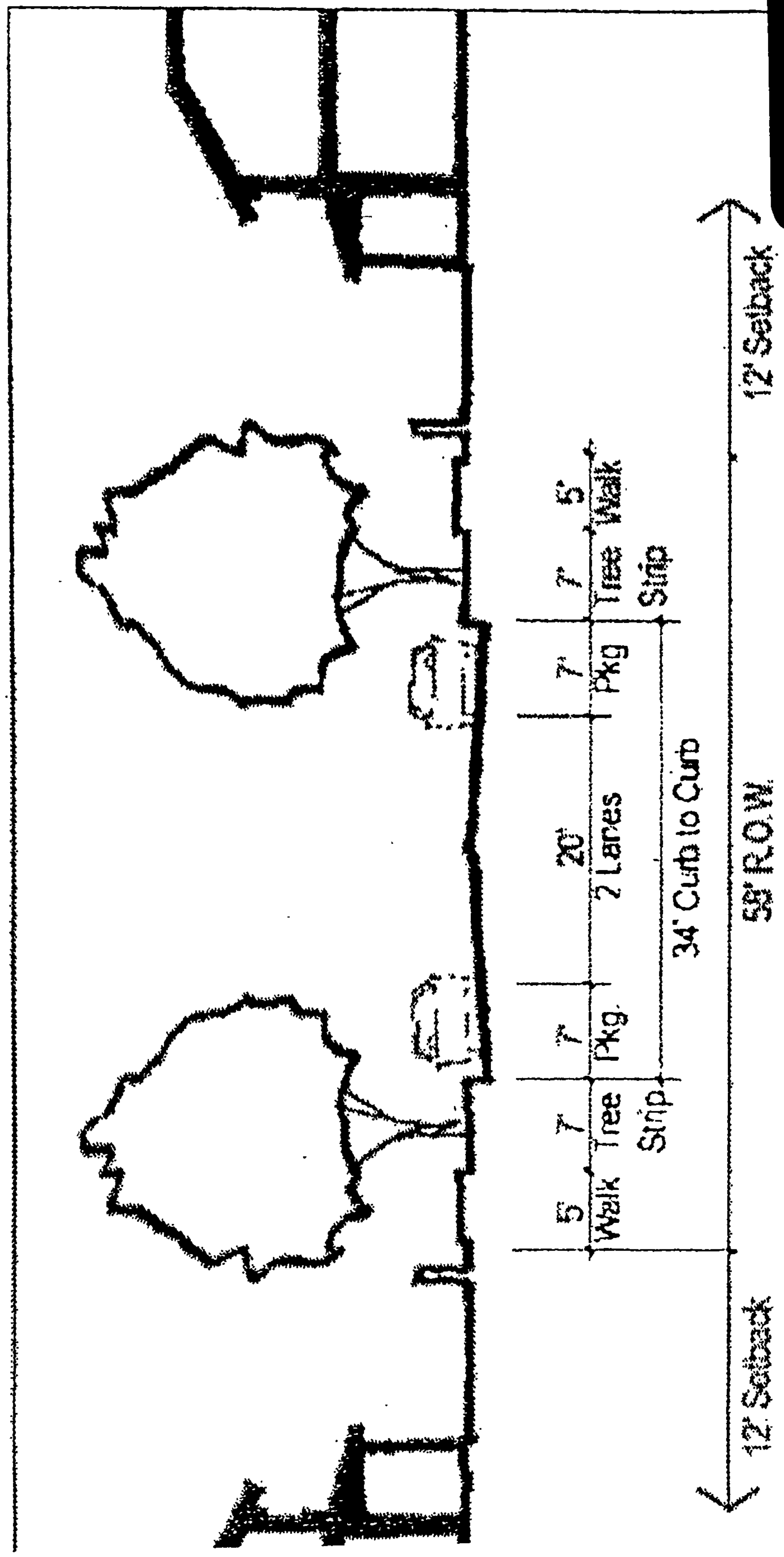


200 feet

Tancker Urban Design
and Planning, L.L.C.



Volcano Heights Sector Development Plan - 48



2 Lane Residential Collector

Terra Bevern State
 DEVELOPMENT

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**SUPPLEMENT TO
THE RECORD**

AC-07-14 & AC-07-15

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City of **APPEAL** Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S Z ZONING & PLANNING
<input type="checkbox"/> Major Subdivision action	<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor Subdivision action	<input type="checkbox"/> County Submittal
<input type="checkbox"/> Vacation	<input type="checkbox"/> EPC Submittal
<input type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	<input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Subdivision	<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"/> Administrative Amendment (AA)	<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan	<input checked="" type="checkbox"/> APPEAL / PROTEST of...
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
STORM DRAINAGE	
<input type="checkbox"/> 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): JOSEPH L ARCHBOLD PHONE: 505-328-1331
 ADDRESS: PO BOX 65888 FAX: 505-890-9257
 CITY: ALBUQUERQUE STATE NM ZIP 87193-5888 E-MAIL: archbold@flash.net

APPLICANT: SAME PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: appeal of VACATION OF R.O.F.W. ON KILMICK NW

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

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

Lot or Tract No. 6071 Block: 5 Unit: 26
 Subdiv/Addn/TBKA: VOLCANO CLIFFS SUBDIVISION (TO BE KNOWN AS TIERRA BUENA ESTATES)
 Existing Zoning: SU2 BRLL Proposed zoning: _____
 Zone Atlas page(s): C-11 UPC Code: _____ MRGCD Map No _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX,Z, V, S, etc.): 07DRB00580

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill?
 No. of existing lots: _____ No. of proposed lots: _____ Total area of site (acres): approx 4
 LOCATION OF PROPERTY BY STREETS: On or Near: ROSA PARKS RD. NW
 Between: UNSER BLVD NW and CALLE NORTENA NW

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

SIGNATURE Joseph L Archbold DATE 6/6/07
 (Print) JOSEPH L ARCHBOLD Applicant: Agent:

FOR OFFICIAL USE ONLY

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07CC</u> <u>00688</u>	<u>AP</u>		\$ <u>190.00</u>
<input checked="" type="checkbox"/> All fees have been collected			<u>ADV</u>	\$ <u>75.00</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 checked="" type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date <u>6/6/07</u>	<u>APPEAL</u>		Total \$ <u>265.00</u>
		Project # <u>1005539</u>		

Form revised 4/07

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; 1005539

Application number of case being appealed; 07DRB-00580

- 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.

JOSEPH L ARCHBOLD
Applicant name (print)

Joseph L Archbold
Applicant signature / date



Form revised 10/04 & March 2005

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

Application case numbers

0700- 00688

Project #

1005539

Joseph L Archbold 6/6/07
Planner signature / date

-2-

~~Ask DRB to deny request # 1005539 for vacation of a portion of Kimmick.~~

~~Dear DRB Members,~~ I AM APPEALING THE VACATION OF PROJECT
1005539 / 07 DRB-00580 A VACATION ACTION

I am a resident of the West Side of Albuquerque and own property in Unit 19 of Volcano Cliffs..

I am not here today in any way opposed in general to what this developer is doing. I actively support this subdivision and actively support their follow on request item # 1005540.


I am here to ask you to reject this particular request # 1005539 to vacate that portion of Kimmick south of Paseo Del Norte and north of Rosa Parks Blvd.

When I build my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did I would still run into the bottleneck, where Rosa Parks and Kimmick combine leading to Paseo, that is requested by this vacation.

The National Monument and the proposed trails through Open Space are for everyone in Albuquerque not just those living on top of the West Mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the West Side inadequate roads. They are too few and too narrow. This is a time for building not vacating.

Respectfully


Joe Archbold
PO Box 65888
8316 Calle Primera NW
Albuquerque, NM 87193-5888
Phone: 505-328-1331



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SRLR located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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.)

A handwritten signature in cursive script, reading "Sheran Matson", is positioned above the printed name.

Sheran Matson, AICP, DRB Chair

Cc: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

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

PAID RECEIPT

APPLICANT NAME

AGENT

ADDRESS

PROJECT & APP #

PROJECT NAME

Joseph Archbold
1005539/07CC-00688

\$ _____ 441032/3424000 Conflict Management Fee

\$ 190.00 441006/4983000 DRB Actions Appeal

\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 75.00 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

\$ 265.00 TOTAL AMOUNT DUE

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

5/6/2007
RECEIVED
CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
441006/4983000
DRB ACTIONS
APPEAL

6/21/04
Counterreceipt.doc
6/21/04

RECEIVED
CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
441006/4983000
DRB ACTIONS
APPEAL

APPEAL

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
for Building Permit
Administrative Amendment (AA)
IP Master Development Plan
Cert. of Appropriateness (LUCC)

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

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)
APPEAL/ PROTEST of...
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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): Same as below
ADDRESS:
CITY: STATE ZIP E-MAIL:

APPLICANT: Volcano Cliffs Property Owners Assoc. PHONE: 505-228-7189
ADDRESS: P.O. Box 27666 Dave Heil, Pres. and Barbara Mueller, Vice Pres. FAX: 505-892-7152
CITY: Albuquerque STATE NM ZIP 87125 E-MAIL: Dave Heil 16@msn.net

Proprietary interest in site: List all owners:
DESCRIPTION OF REQUEST: Appeal of Vacation of R of W on Kimmick NW

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

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

Lot or Tract No. Lot 1 Block: 5 Unit: 26
Subdiv/Addn/TBKA: Volcano Cliffs Subdivision (to be known as Tierra Buena Estates
Existing Zoning: S u 2 S R L L Proposed zoning:
Zone Atlas page(s): C-11 UPC Code: 1011064, 30201 MRGCD Map No 104118

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 07 DRB 00580

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill?
No. of existing lots: 1 No. of proposed lots: 9 Total area of site (acres): approx 4

LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Rd. NW
Between: Unser NW and Calle Nortena NW

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

SIGNATURE Volcano Cliffs Property owners Assoc. by Barbara Mueller Vice Pres. DATE 6/13/07
(Print) Volcano Cliffs Property owners Assoc. by Barbara Mueller - Vice Pres. / Dave Heil - Pres. Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Table with columns: Application case numbers, Action, S.F., Fees. Includes handwritten entries: 07CC, 00720, Appeal, Adv., \$190.00, \$75.00, \$265.00.

Hearing date: Appeal 6/13/07 Project # 1005539

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; 100 55 39

Application number of case being appealed; 07 DRB - 00580

- 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.

Volcano Cliffs Property Owners Association
Applicant name (print)

Volcano Cliffs Property Owners Assoc. by
Applicant signature / date

Barbara Mueller - Vice Pres 6/13/07
Applicant signature / date



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

Application case numbers
07CC - 00720

Andrew Gomez 6/13/07
 Planner signature / date

Project # 1005539

Volcano Cliffs Property Owners Association
P.O. Box 27666
Albuquerque, NM 87125

June 13, 2007

Appeal of Vacation of R-O-W on Kimmick NW

The Volcano Cliffs Property Owners Association is appealing the DRB approval of vacation of a portion of the KimmickNW R-O-W between Rosa Parks Rd. NW and Valiente Rd. NW because:

- a) the DRB erred in applying city plans, policies and ordinances
- b) the DRB erred in its stated facts
- c) the DRB's decision is not supported by substantive evidence, and
- d) the DRB acted arbitrarily and capriciously and abused its discretion.

In fact as evidenced by the attached Exhibit 1 there is a definite public welfare served by retaining the present R-O-W. No R-O-W should be vacated in this area, given the recent extensive development in the area and the passage of the Volcano Heights Sector Plan(which will bring additional density to the area and which is currently under appeal), until an up to date traffic study is done to justify such action.

Sincerely,



Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

Exhibit 1

VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION
P.O. Box 27666
ALBUQUERQUE, NM 87125

May 28, 2007

Dear Members of the DRB,

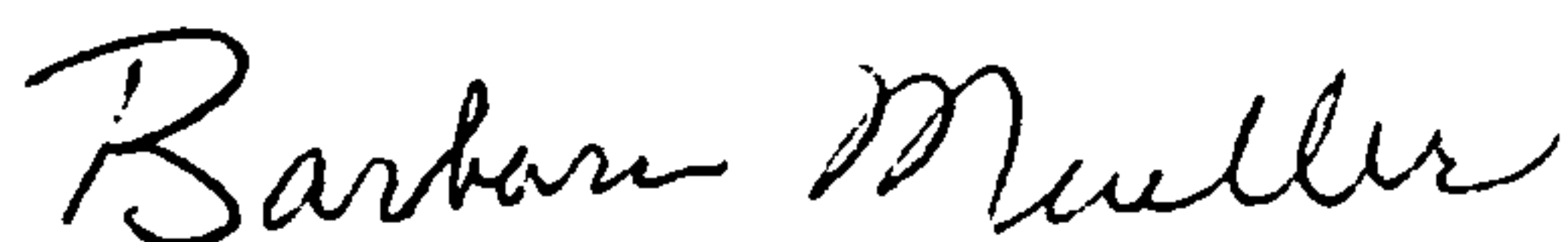
The Volcano Cliffs Property Owners Association protests the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

A) The Public Welfare is in no way served by retaining the right-of-way, and

B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

- The attached map, Exhibit 1, shows that the shortest route to eastbound Paseo from the Volcano Cliffs area (Units 17, 18, 19, 22 and a portion of 20) surrounding the La Cuentista subdivision (whose developers are requesting the vacation) is east on Kimmick thru La Cuentista to Paseo. This route is shown in green. Shown in red is the route suggested, in a response by the applicants agent, as the route most likely to be used. They are proposing that the people exiting Units 18, 19, and 22 are going to go north on Urraca to Rosa Parks, then west on Rosa Parks to Unser and then north a mile or so to Paseo and then back to the south east to the Paseo/Kimmick intersection when they could have driven northeast on Kimmick half a mile to this same intersection. This route necessitates widening Rosa Parks west of La Cuentista to handle the additional traffic. There has been no action by either the city of Albuquerque or by this applicant to obtain any additional right of way for Rosa Parks or Unser to alleviate the problems being caused by narrowing Kimmick.
- There is a definite public safety issue in narrowing this road. In the case of Unser being shut down for any reason there is no ability to rapidly move any appreciable amount of traffic out of this area of Volcano Cliffs, or for that matter La Cuentista, to the east onto Paseo or to move emergency vehicles into the area from the east.
- The response we received from the applicants agent stated that the vacation request is justified by a traffic study done in 1997 and other studies including a proposed SAD 228 and Unser and Paseo studies. This information is woefully out of date and inadequate since at the time of those studies the master plan for the entire Volcano Cliffs area was for 2-3 houses per acre. Since then the passage of the Volcano Heights Sector Plan has added massive amounts of population and commercial activity to this area, not to mention the new High School and the KB Homes high density housing project presently under construction.
- The Volcano Heights Sector Plan is presently being appealed in the courts. Should the appellants prevail and the court overturn the plan this right-of-way will have been vacated and it will be virtually impossible to reconstitute it at that time. If instead, this applicant is allowed to go ahead and develop their property while maintaining the present right of way, it can always be used for linear park open space or biking and jogging paths or additional traffic lanes if they are needed in the future. Absolutely no right of way should be vacated by anyone (including the present applicant) until the courts have ruled on the appeal of the Volcano Heights Sector Plan.

Sincerely,



Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

Exhibit 2

From: DAVID HEIL <daveheil16@msn.com>
To: Tim Flynn O'Brein <tim@flynnobrien.com>, Barb Mueller <mueller0311@comcast.net>
Subject: Kimmick
Date: Tuesday, June 12, 2007 4:21:14 PM

Sheran Matson, **DRB** Chairperson

As President of the The Volcano Cliffs Property Owners Association and as an individual owning property served by Kimmick I protest the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

- A) The Public Welfare is in no way served by retaining the right-of-way, and**
 - B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.**
- Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.**

Also, The traffic study that the applicant's agent references was done in 1997. In September 2006 the City Council approved the Volcano Heights Sector Plan which significantly increased the densities in the area.

Before any vacating of Kimmick is done another traffic study should be completed considering the increased densities.

Dave Heil

-12-



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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.)

A handwritten signature in black ink, appearing to read "Sheran Matson".

Sheran Matson, AICP, DRB Chair

Cc: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
SUBDIVISION	S	ZONING & PLANNING	Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input checked="" type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	P	<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)	L	APPEAL / PROTEST of...	A
		<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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899
 ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net
 Proprietary interest in site: Owner List all owners: MGMe Development, Inc.
 AGENT (if any): Kristine Susco- Wilson and Company PHONE: (505) 348-4191
 ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request the Vacation of existing Public ROW on Kimmick Dr NW.

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 1 Block: 5 Unit: 26
 Subdiv. / Adn. Volcano Cliffs Subdivision **TBK TIERRA BUENA ESTATES**
 Current Zoning: SU2-SRLL Proposed zoning: No Change
 Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9
 Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
 UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Road NW
 Between: Rosa Parks Road NW and Valiente Road NW

CASE HISTORY: List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):
DRB #1005539 - Sketch Plat Hearing Date 5-9-07 07DRB00561

Check-off if project was previously reviewed by Sketch Plat/Plan NO, or Pre-application Review Team NO Date of review: _____
 SIGNATURE Kristine Susco DATE: 5-4-07
 (Print) KRISTINE SUSCO 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>07 DRB - 00580</u>	<u>VRW</u>		<u>\$ 300.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned		<u>Adv</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				<u>\$</u>
<input checked="" type="checkbox"/> Case history #s are listed				<u>\$</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	Hearing date <u>May 30, 2007</u>			<u>\$</u>
	<u>15</u>			<u>\$ 395.00</u>
<u>Andrew Garcia 5/4/07</u>	Project # <u>1005539</u>			

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)**
- 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.

KRISTINE SUSCO
Applicant name (print)

Kristine Susco 5-4-07
Applicant signature / date

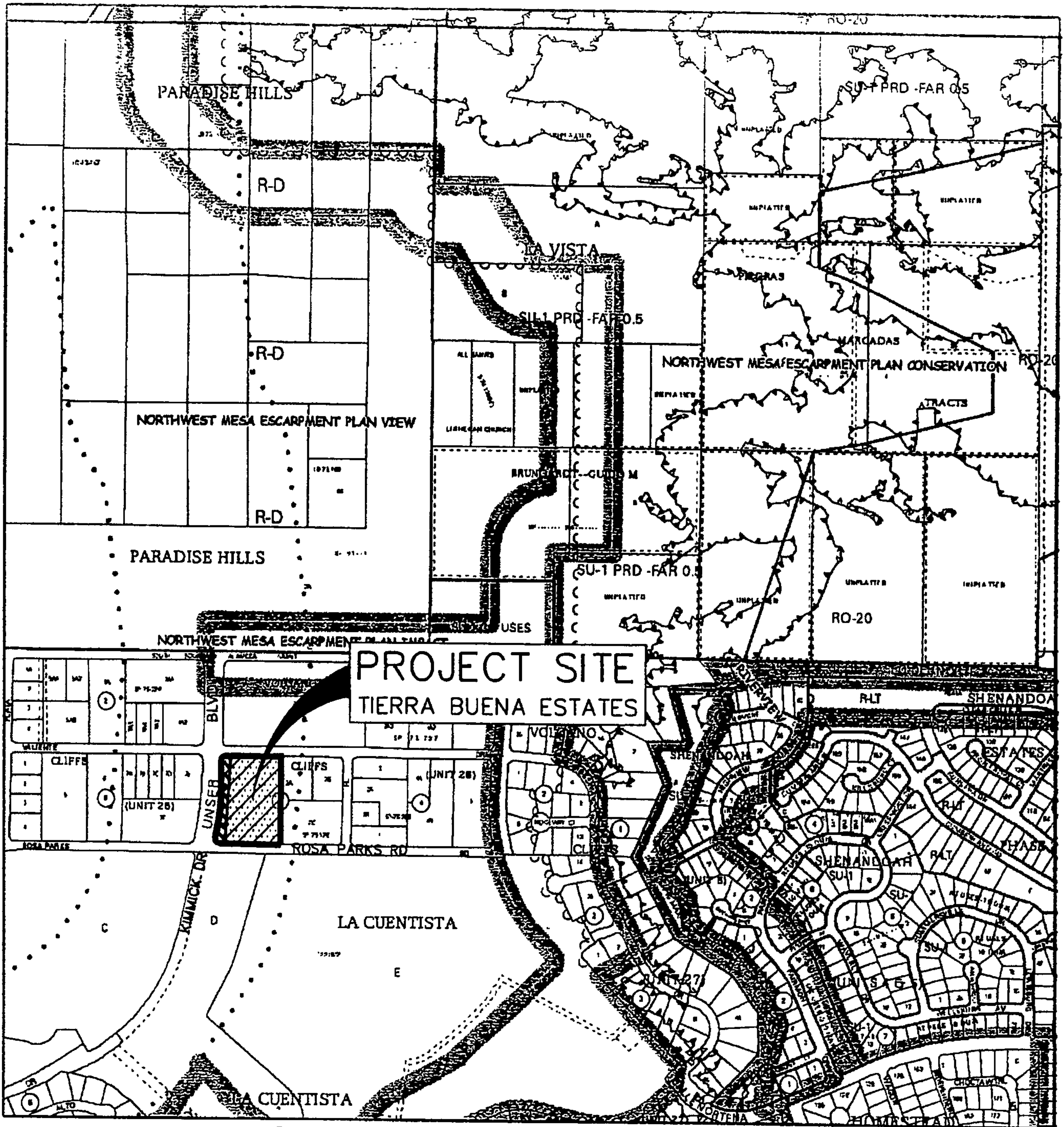


- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
07 DRB - 00580

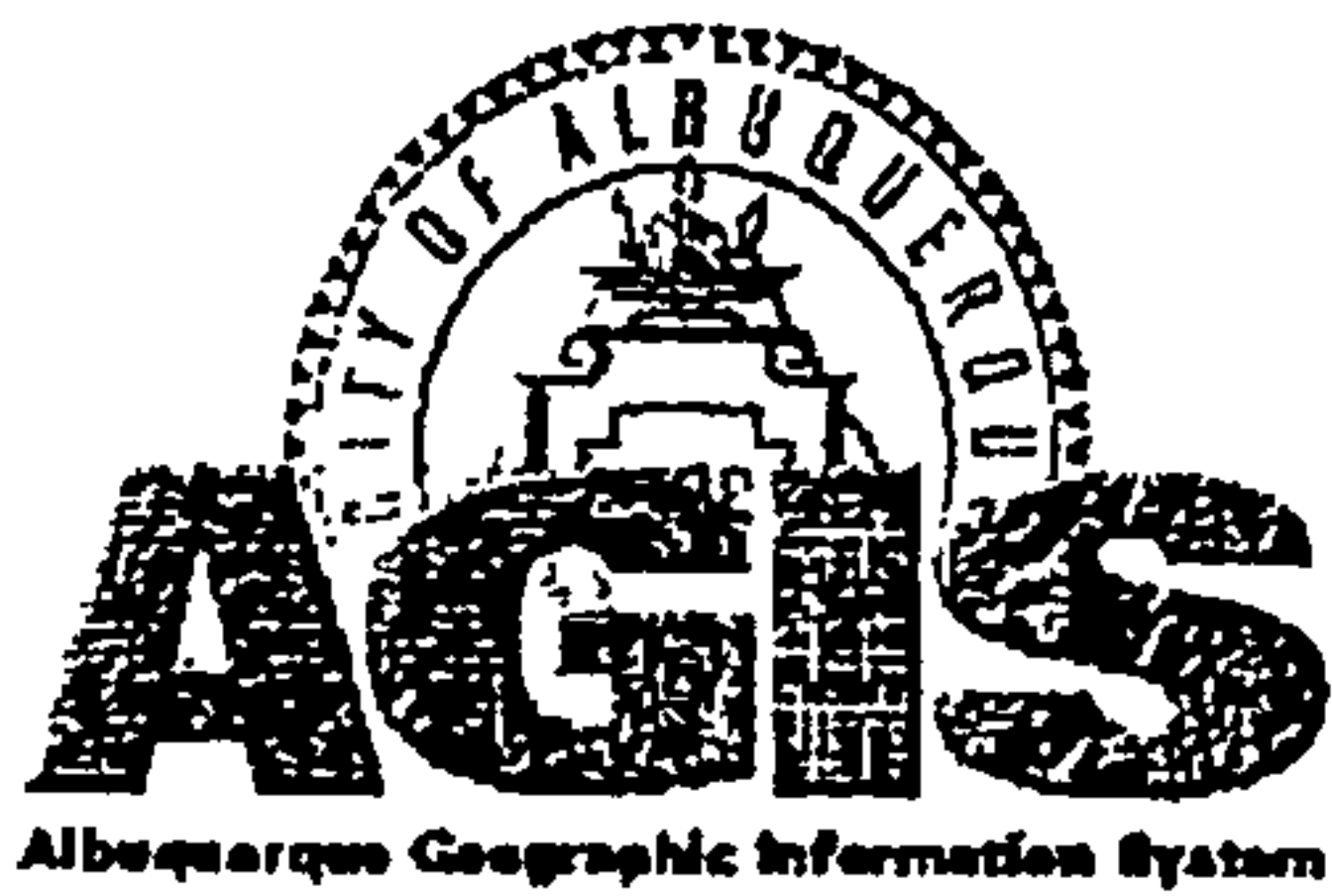
Form revised 4/07

Andrew Jones 5/4/07
Planner signature / date

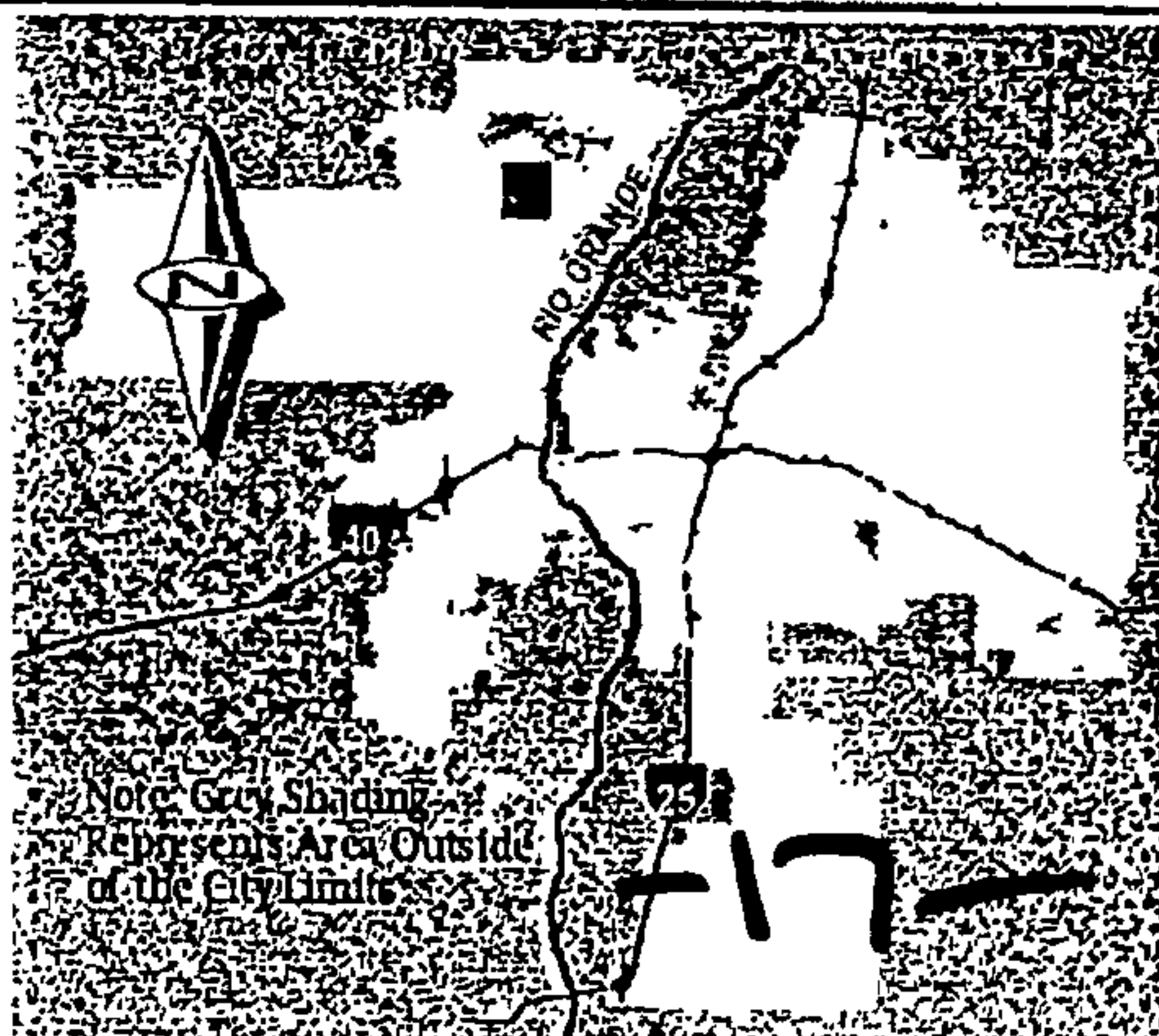
Project # 1005539



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



Map amended through: 10/25/2006

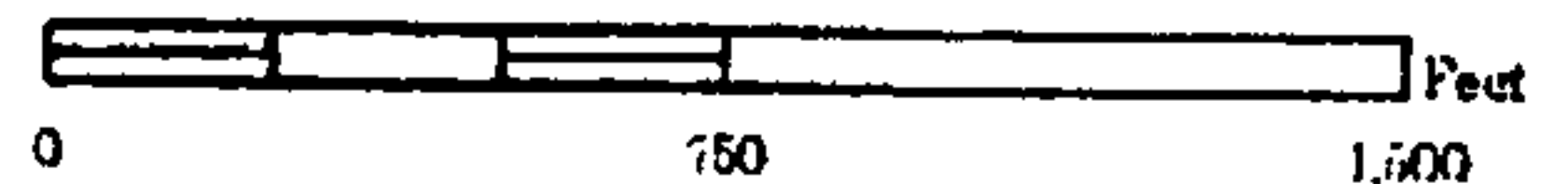


Zone Atlas Page:

C-11-Z

Selected Symbols

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



**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

4 May 2007

**Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103**

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development, Inc., requests approval for the Vacation of existing Public ROW on Kimmick Dr. adjacent to the planned Tierra Buena Estates. This Vacation will bring the Kimmick ROW width to 58', thereby adhering to the requirements of the Volcano Heights Sector Development Plan.

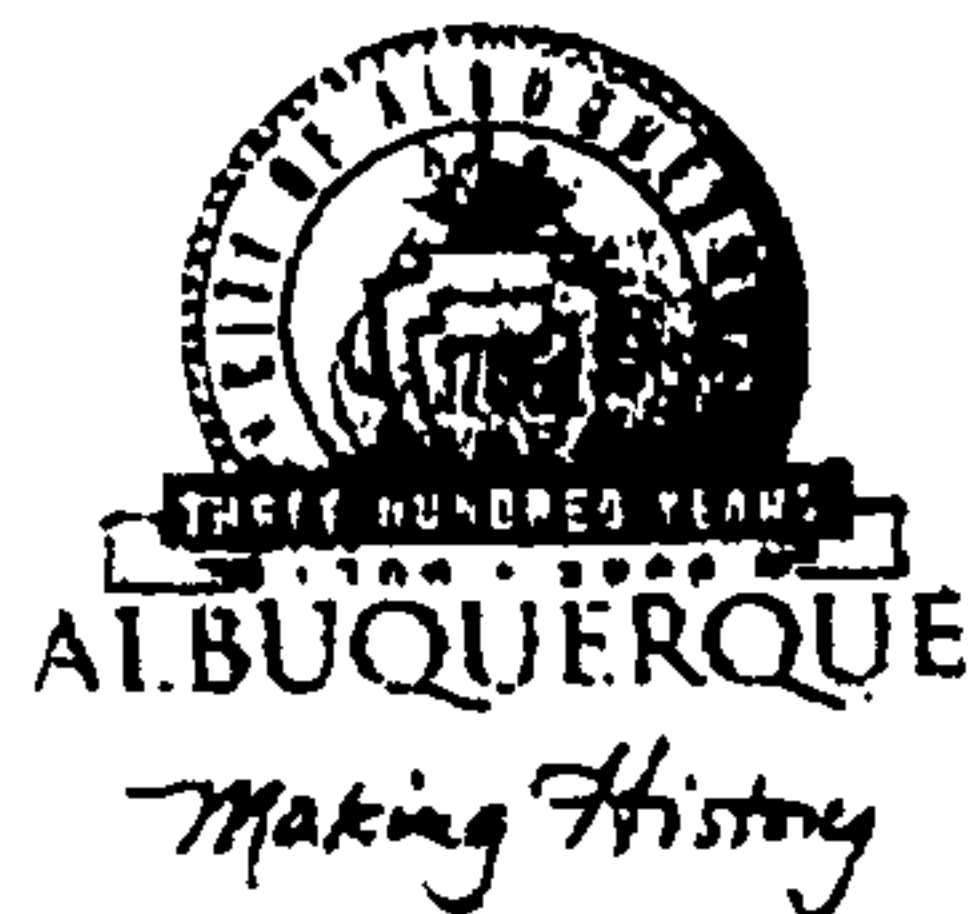
Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191. Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kiskusco@wilsonco.com



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: 5/13/07

Planning Department
 Plaza Del Sol Building
 600 Second St. NW
 Second Floor (924-3860)

This letter will serve to notify you that on May 3, 2007 (date)

TO CONTACT NAME: Shadi Hayati
 COMPANY/AGENCY: Wilson Company
 ADDRESS/ZIP: 4900 Lang Avenue NE
 PHONE/FAX #: 348-4000, 348-4055

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at lot 1, block 5, units, unit 26 Udeancliffs Subdivision located on NE of Kimmick Dr NW & Rose Parks Rd between Rose Parks Rd NW & Valiente Rd NW zone map page(s) C-11-2.

Our records indicate that as of May 3, 2007 (date), there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

Leo Padilla
 OFFICE OF NEIGHBORHOOD COORDINATION

May 3 2007 10:20AM

wilson abb

No. 3588 p. 2/3

DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Community and Neighborhood Coordination (OCNC) located in Room 120A (basement) of the Plaza Federal Building, 100 Second St. NY, Fax - 924-3943 - will receive all OCNC information. BEFORE development association information will be released to the citizens developer on any project being presented to the Planning Department. If you have any questions, please feel free to contact our office at 924-3943. If you require a copy of the following, call tower 11 Private Development (X)

City District: 100

(specify)

Project Name:

Company Name:

Address:

City:

Phone:

Fax:

NEIGHBORHOOD ASSOCIATION INFORMATION

PLEASE PROVIDE INFORMATION ON ANY NEIGHBORHOOD ASSOCIATIONS IN

THE AREA OF THE PROJECT. THE ADDRESS IS 100 Second St. NY

LEGAL DESCRIPTION: Lot 100, Block 100, Section 100

LOCATED ON Rosa Parks Rd

STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN _____ AND _____

STREET NAME OR OTHER IDENTIFYING LANDMARK

STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS LOCATED ON THE FOLLOWING ZONE AT AS PAGES 100-102

PLEASE ATTACH ONE MAP WHERE PROPERTY IS LOCATED

MAP MUST BE PROVIDED WITH REQUEST

7002 3150 0000 5090 3001

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Restricted Delivery Fee (Endorsement Required)		/
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 ALBUQUERQUE NM 87101
 USPS
 MAY 4 2002

Sent To
 Larry Weaver
 Street, Apt. No., or PO Box No. 6001 Vender St NW
 City, State, ZIP+4 ALB NM 87114

PS Form 3800, June 2002 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64

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 ALBUQUERQUE NM 87101
 USPS
 MAY 4 2002

Sent To
 Dave Heit
 Street, Apt. No., or PO Box No. 160 Itasca Rd
 City, State, ZIP+4 Pro Rondo NM 87124

PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0000 5090 2981

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Total Postage & Fees	\$	4.64

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 USPS
 MAY 4 2002

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 Bill Wright
 Street, Apt. No., or PO Box No. 4112 Blue Ridge Pl NE
 City, State, ZIP+4 ALB NM 87111

PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0000 5090 2998

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Total Postage & Fees	\$	4.64

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 ALBUQUERQUE NM 87101
 USPS
 MAY 4 2002

Sent To
 Tom Anderson
 Street, Apt. No., or PO Box No. 10013 Plumett Dr NW
 City, State, ZIP+4 ALB NM 87114

PS Form 3800, June 2002 See Reverse for Instructions

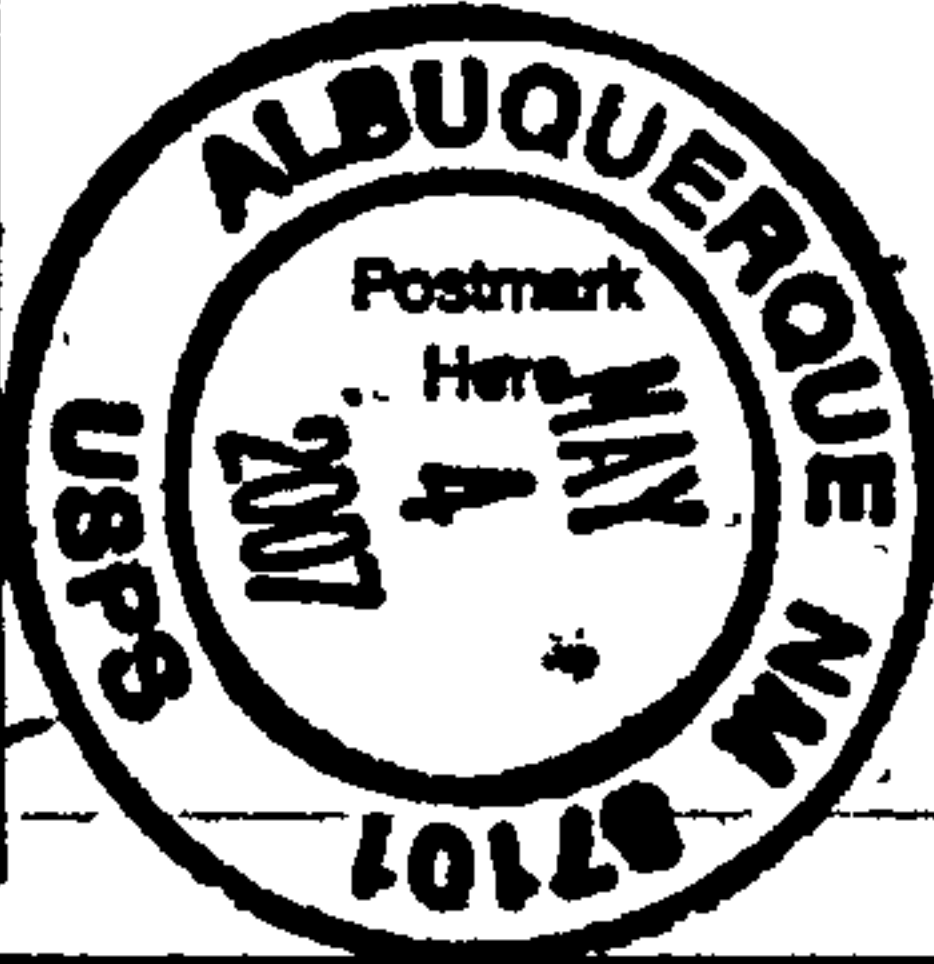
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Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64



Sent To Larry Wewer
 Street, Apt. No., or PO Box No. 6001 Venitas G.N.W.
 City, State, ZIP+4 ALB NM 87114

PS Form 3800, June 2002 See Reverse for Instructions

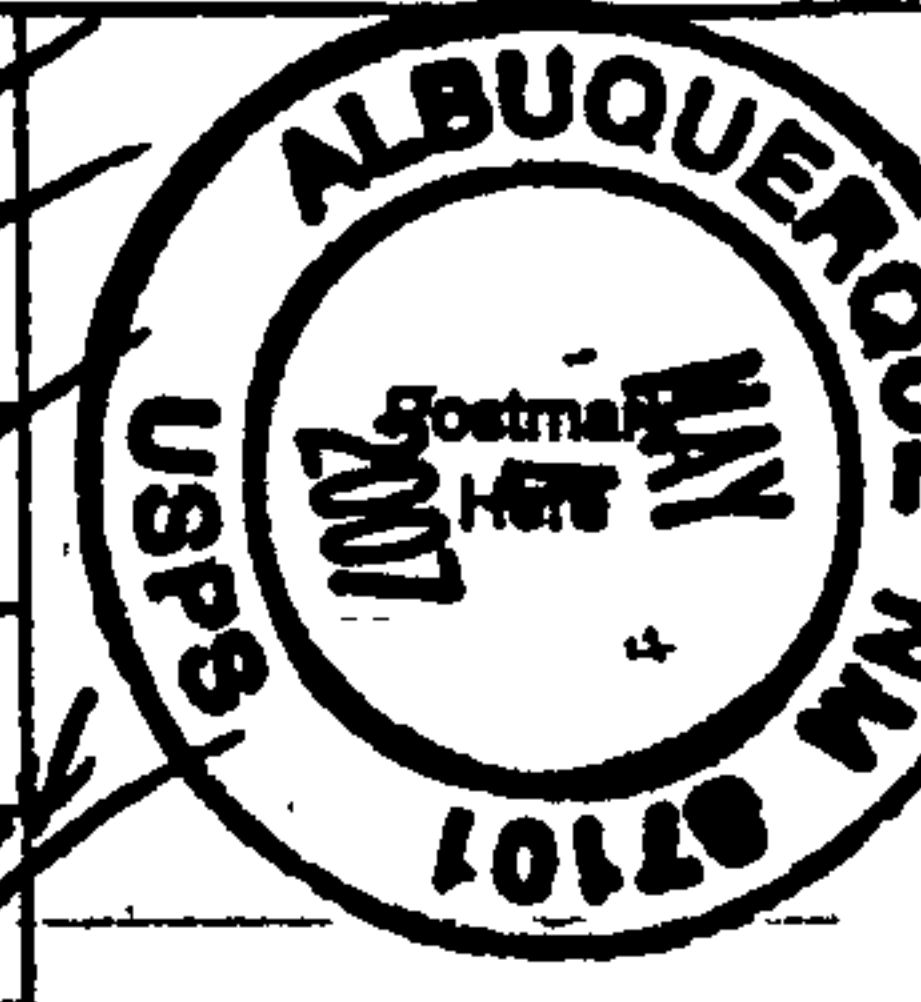
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Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64



Sent To Dave Heif
 Street, Apt. No., or PO Box No. 160 Itasca Rd.
 City, State, ZIP+4 Res Ranchos NM 87124

PS Form 3800, June 2002 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64



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 Street, Apt. No., or PO Box No. 4112 Blue Ridge Pl NE
 City, State, ZIP+4 ALB NM 87111

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Return Receipt Fee (Endorsement Required)		/
Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64



Sent To Tom Anderson
 Street, Apt. No., or PO Box No. 10013 Plumett Dr NW
 City, State, ZIP+4 ALB NM 87114

PS Form 3800, June 2002 See Reverse for Instructions

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 May 15, 2007 to May 30, 2007

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.


(Applicant or Agent)

5-4-07
(Date)

I issued 1 signs for this application,


5/4/07
(Date)

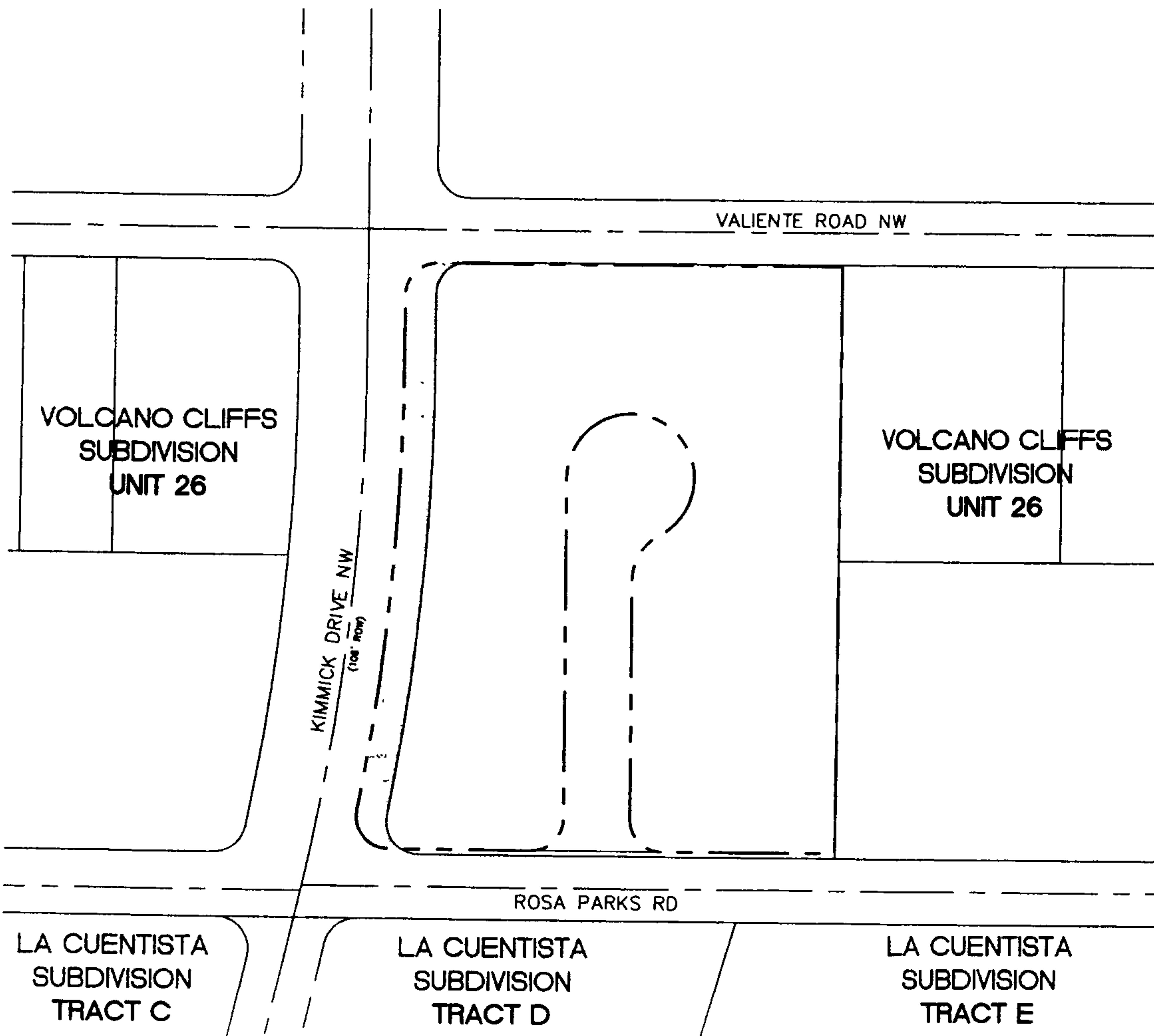
Andrew Jones 5/4/07
(Staff Member)

DRB PROJECT NUMBER: 1005539

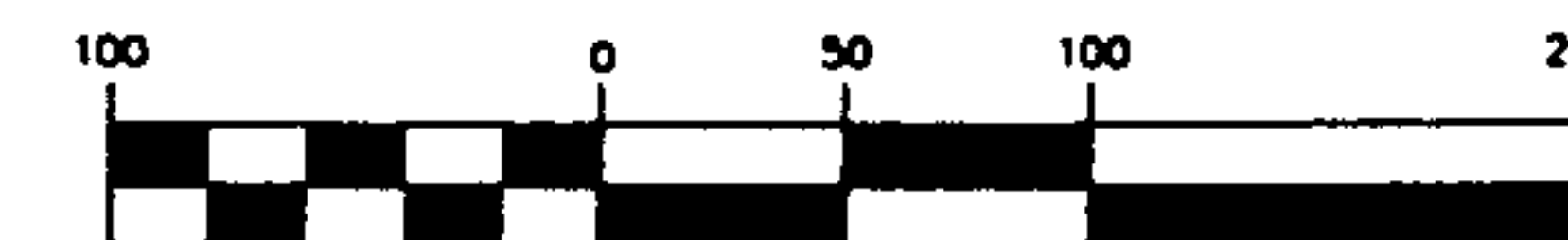
VACATION EXHIBIT
TIERRA BUENA ESTATES
MAY 2007

VACATION LEGEND

 VACATE 24' PUBLIC ROW

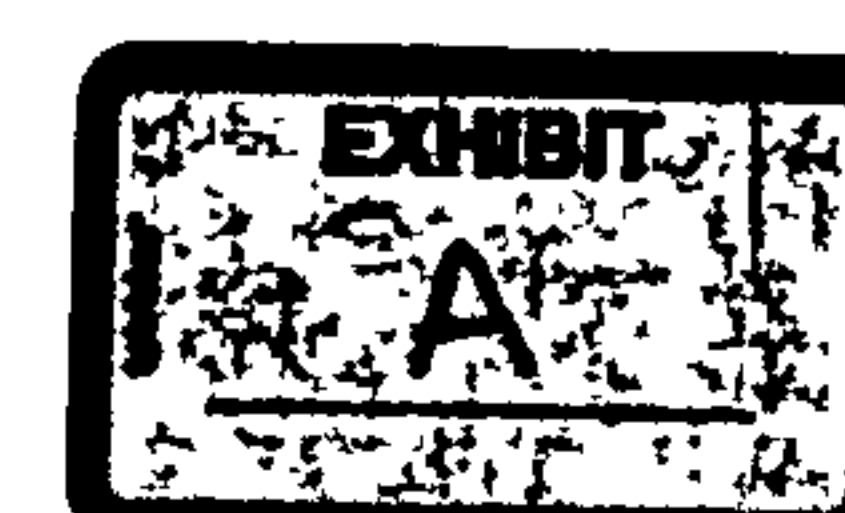



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

VACATION
EXHIBIT B
Date 05/30/07



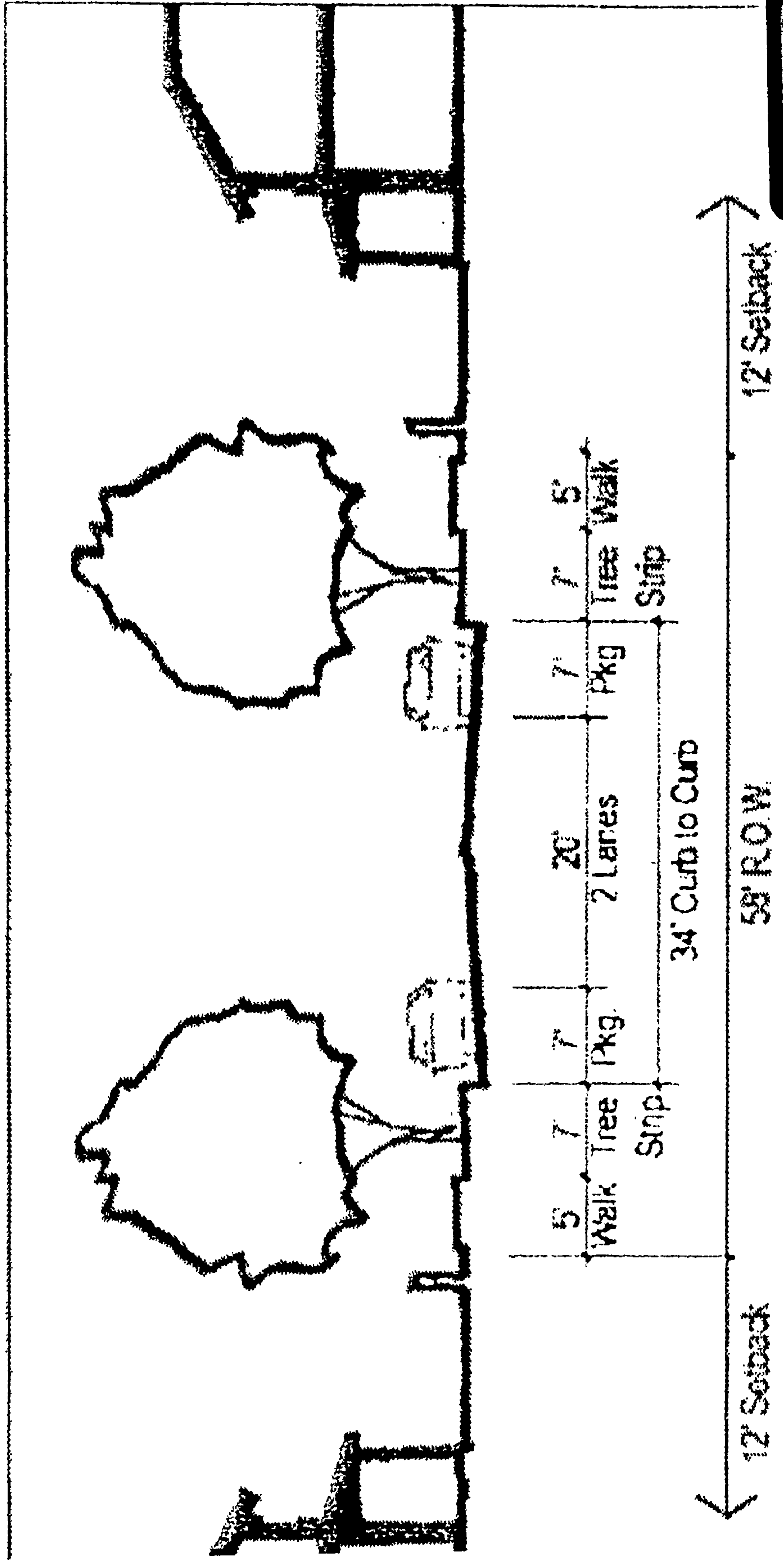
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				VACATION EXHIBIT	
DESIGN	KIS	MCEA 000760002200	DATE	MAY 2007	
DRAWN	OR	PROJECT NO.	SHEET NO.		
CHECK	DSA		1 of 1		

-24-

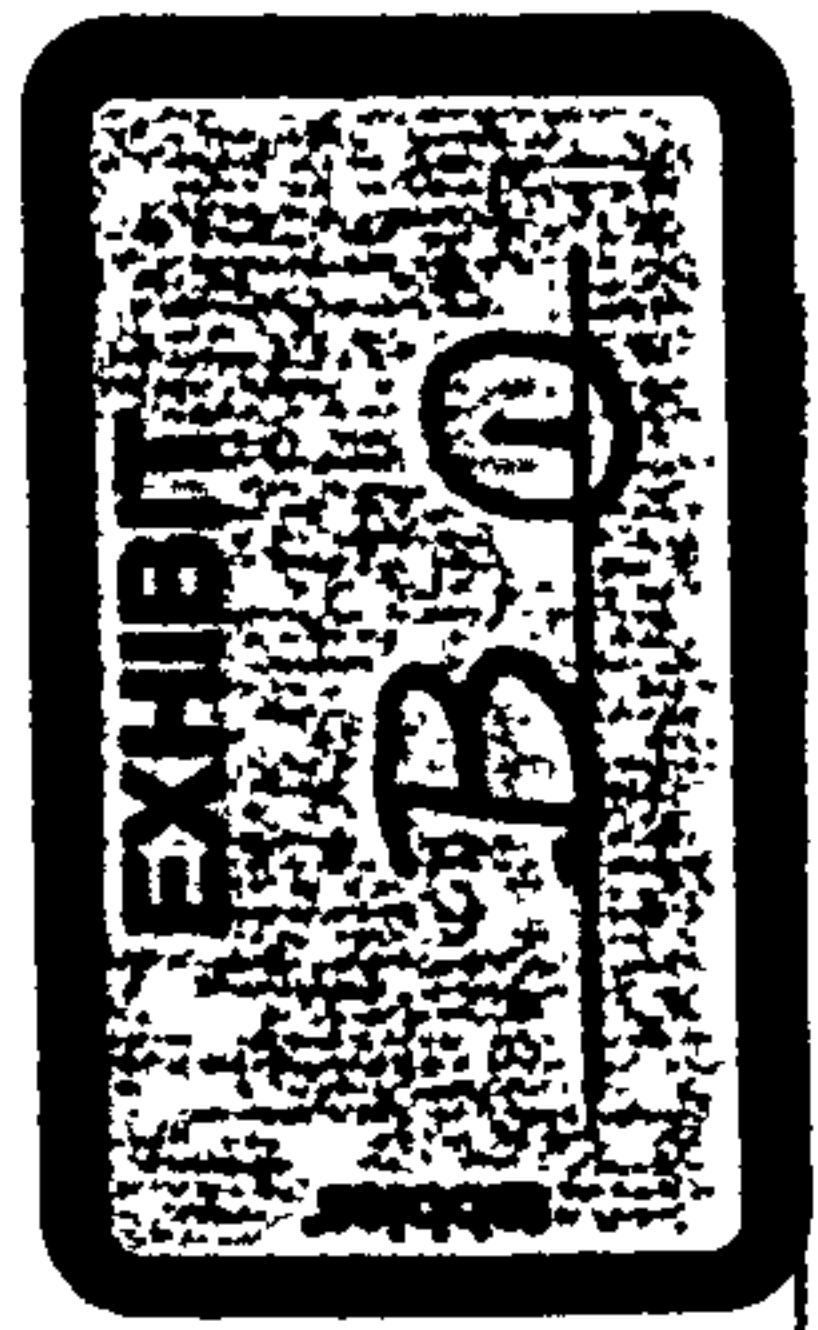
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rec'd 5/30/07

Volcano Heights Sector Development Plan - 48

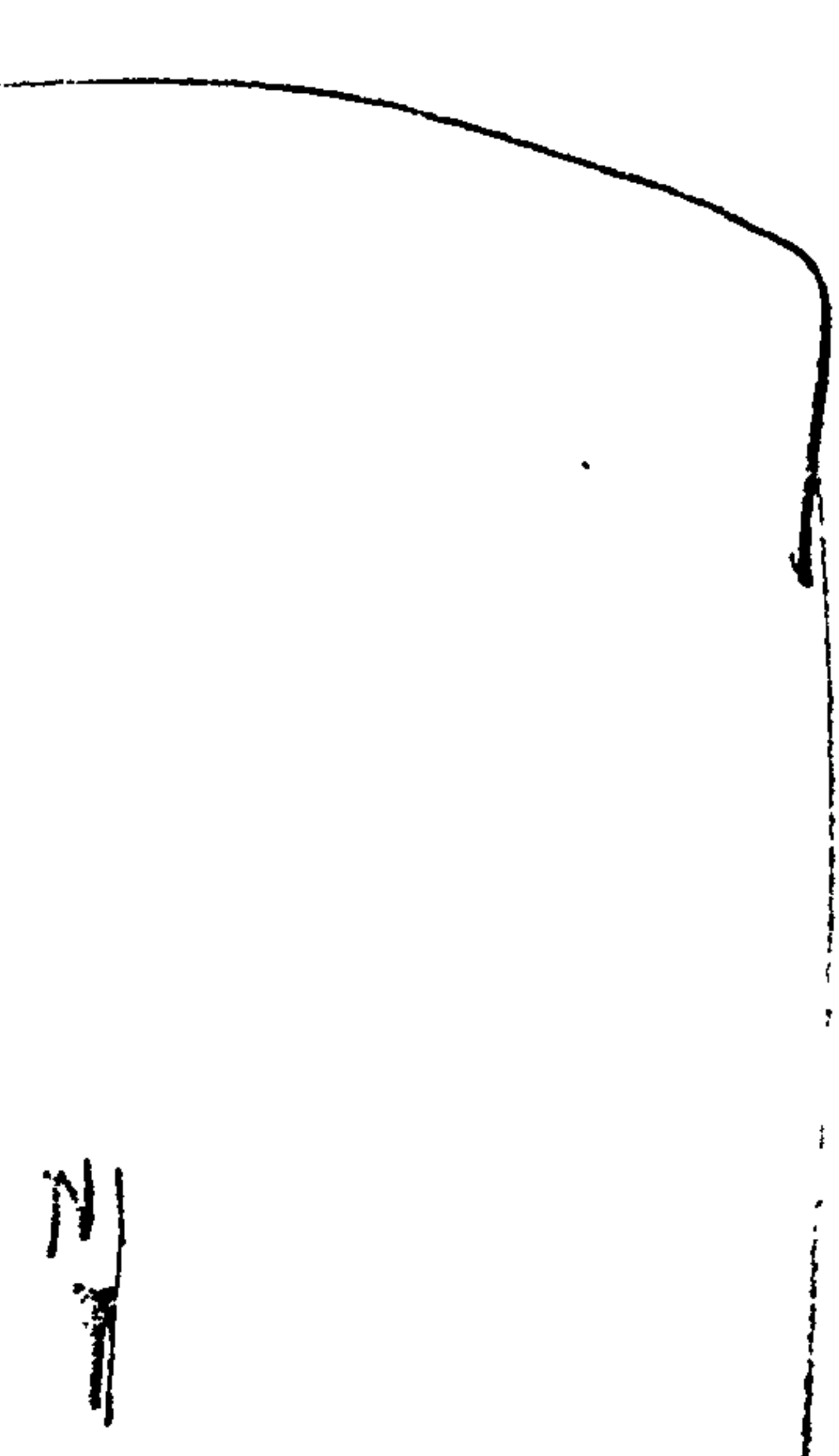
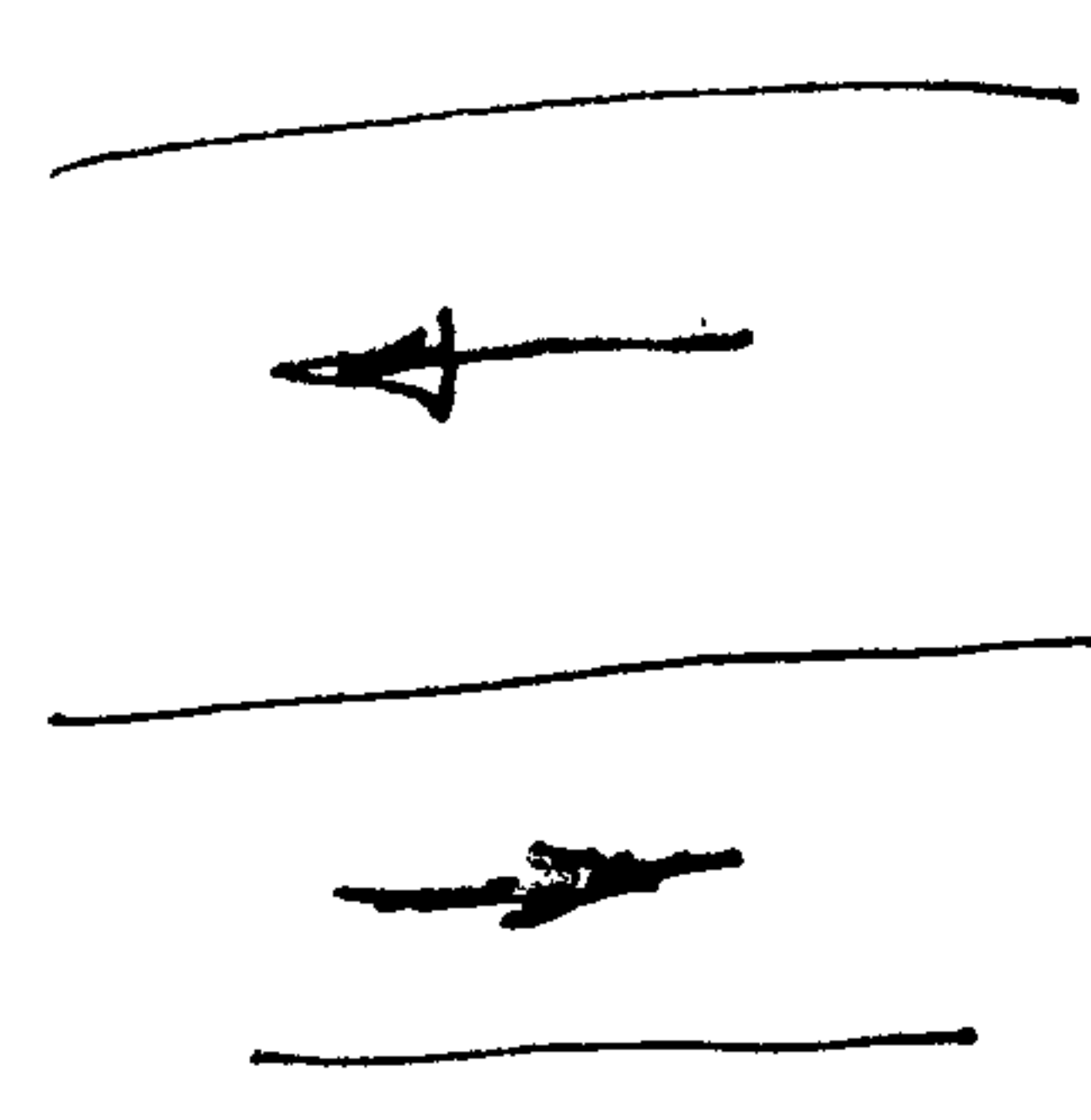
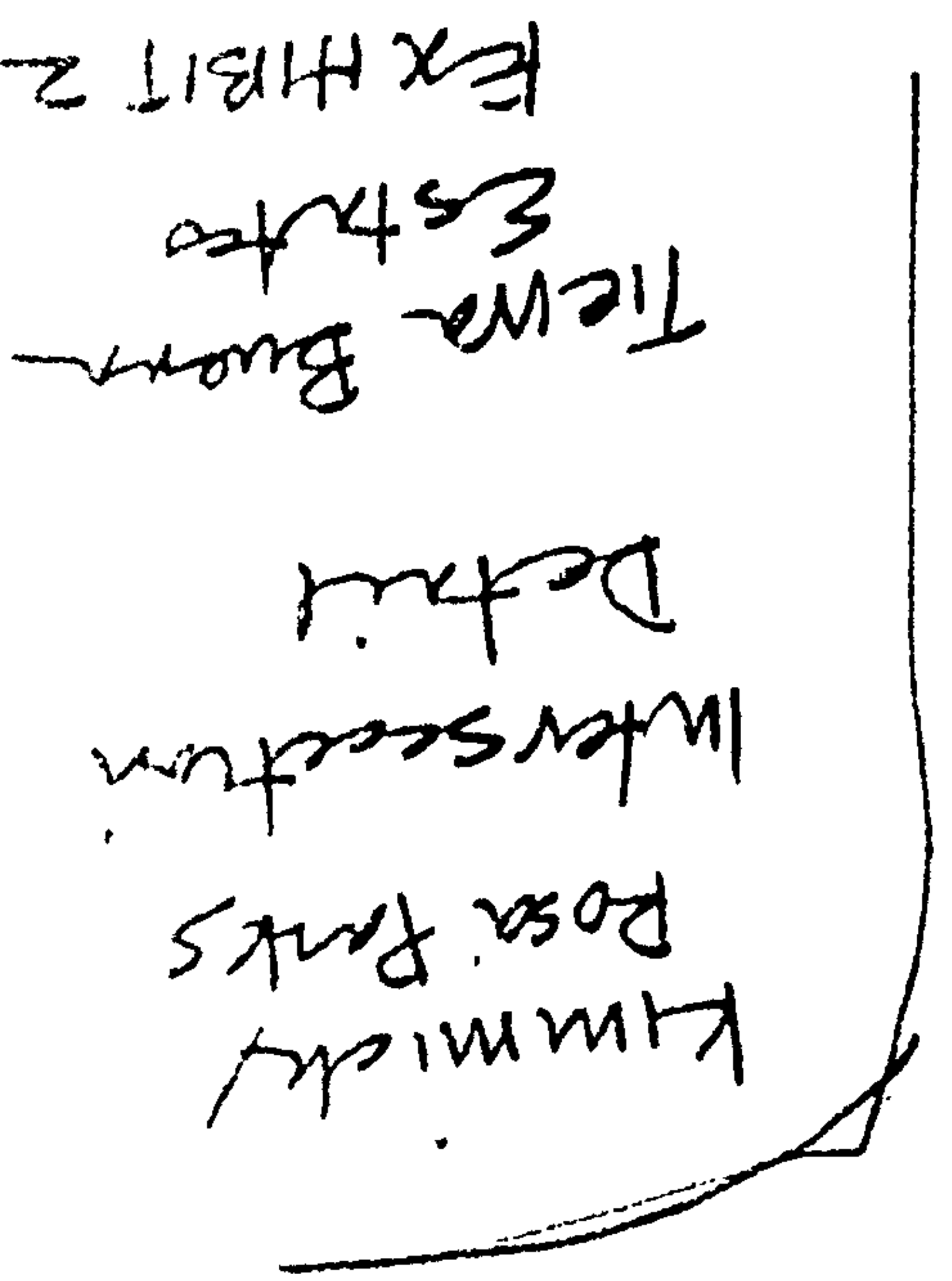
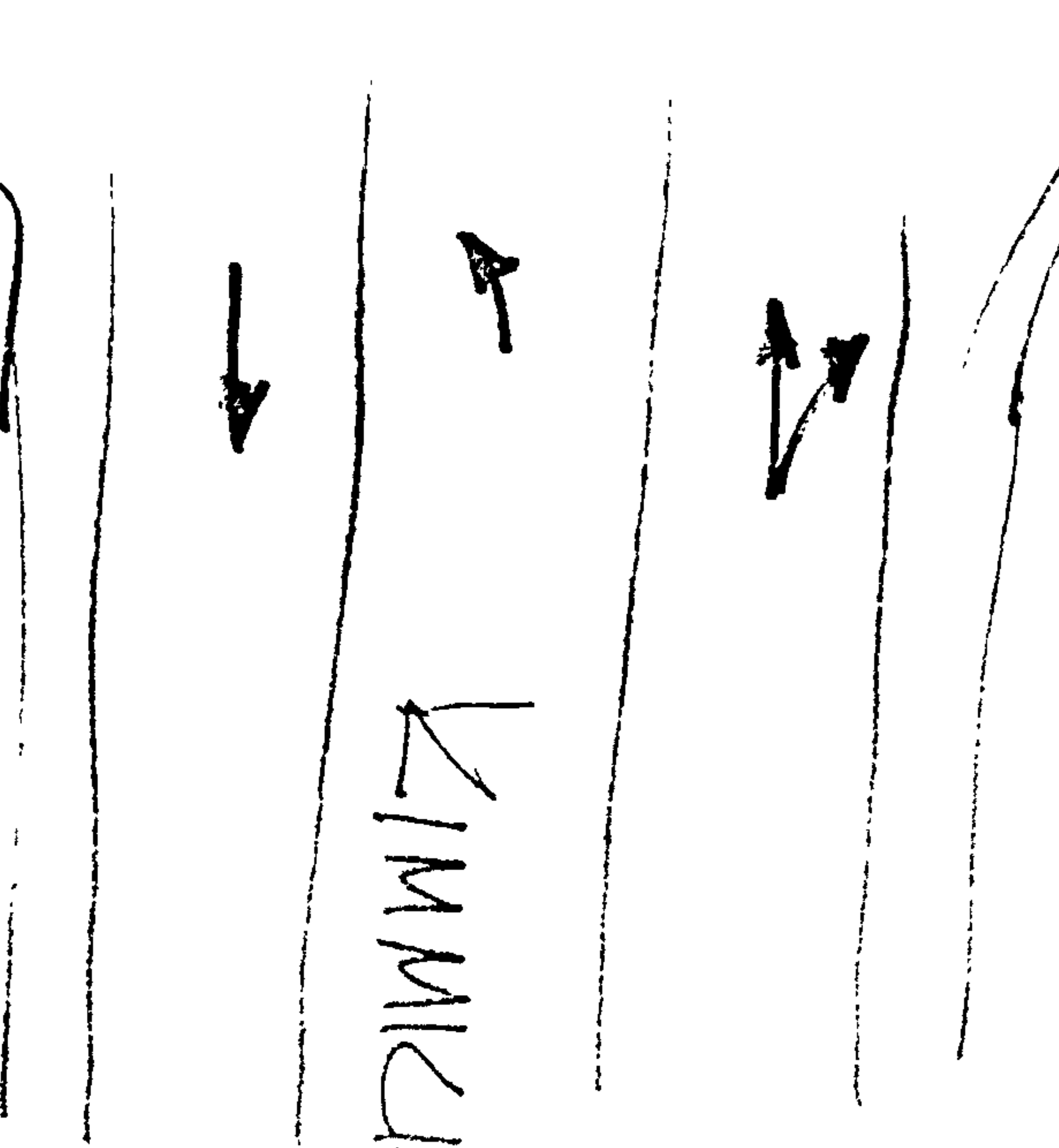
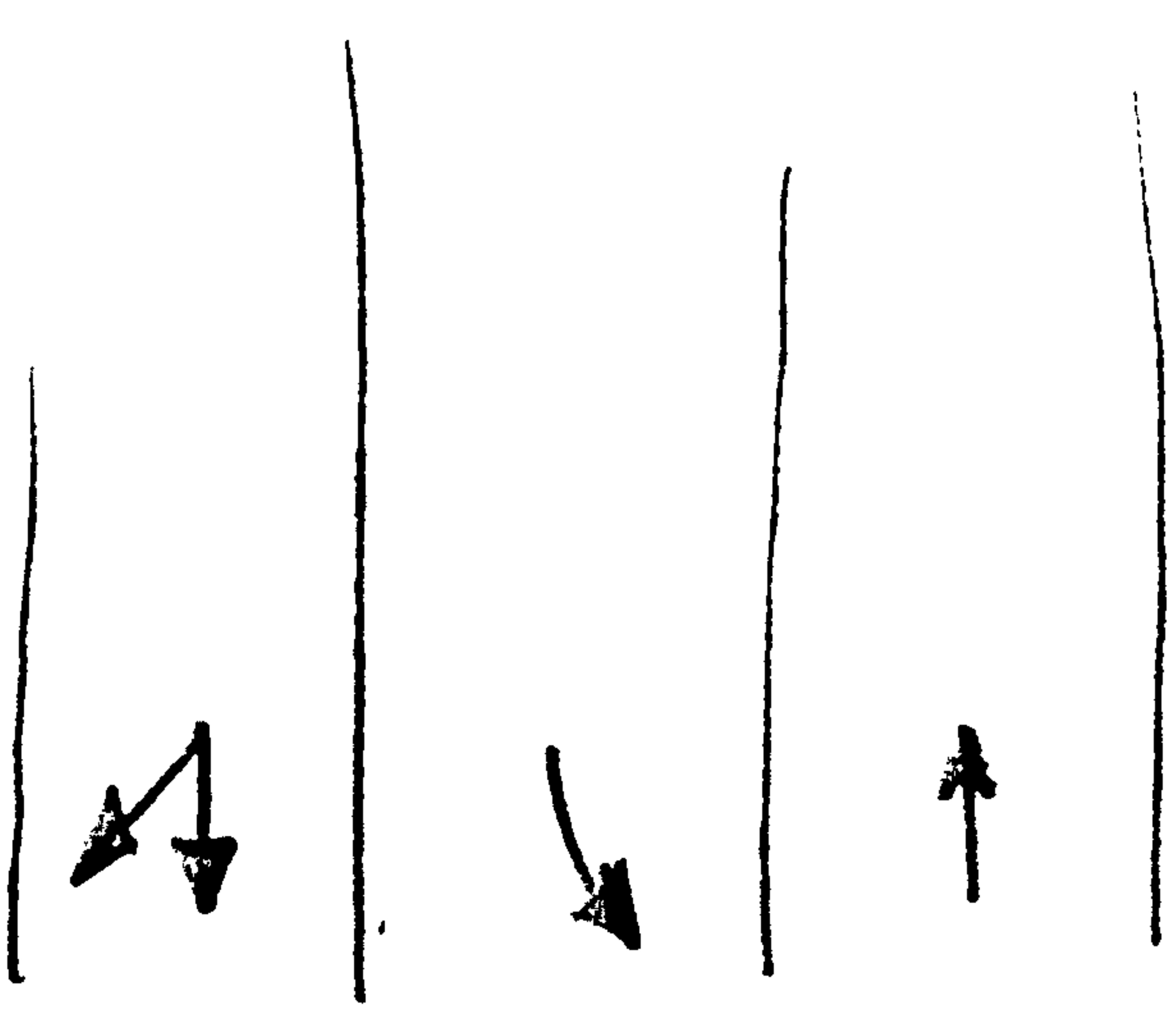
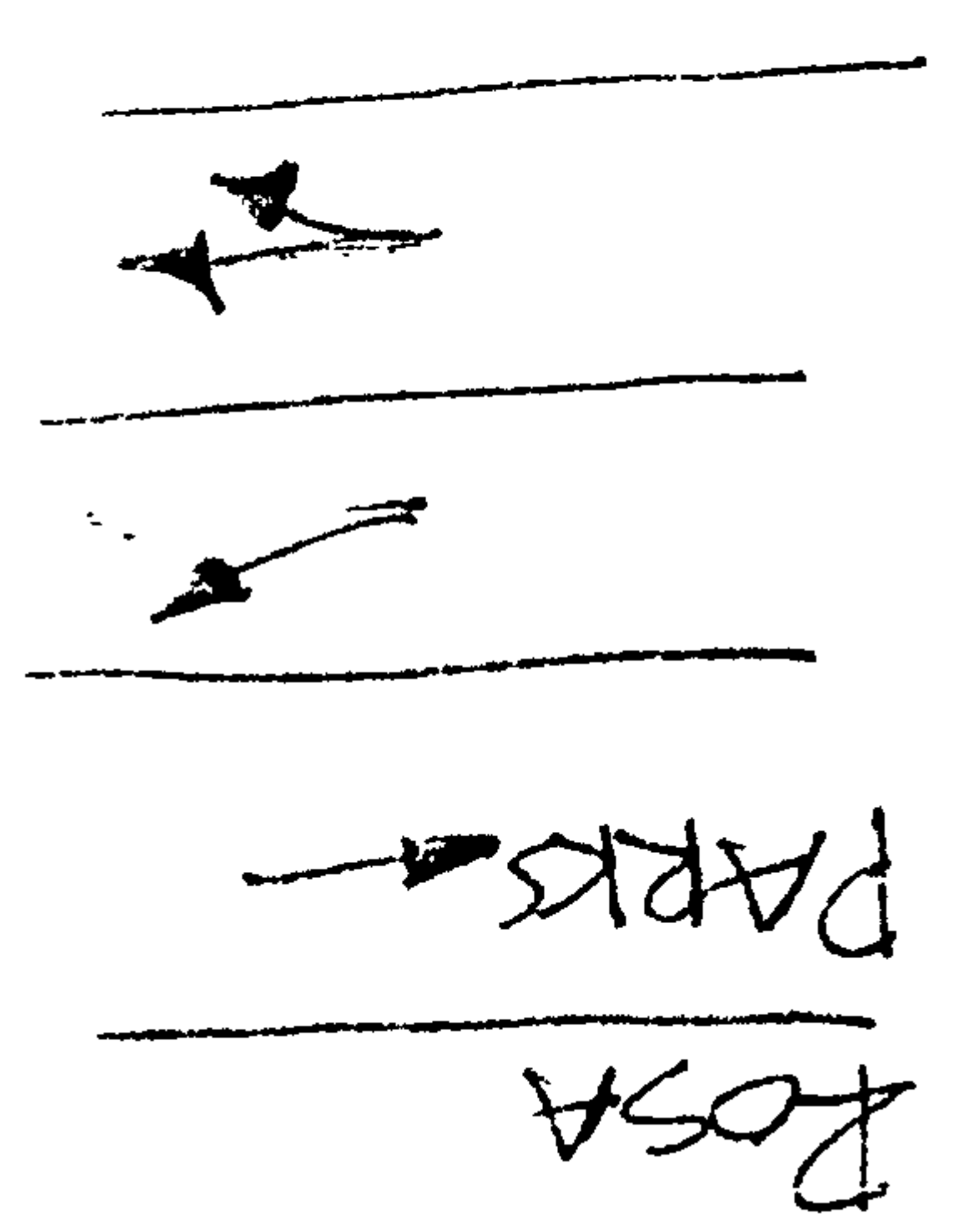


-25-

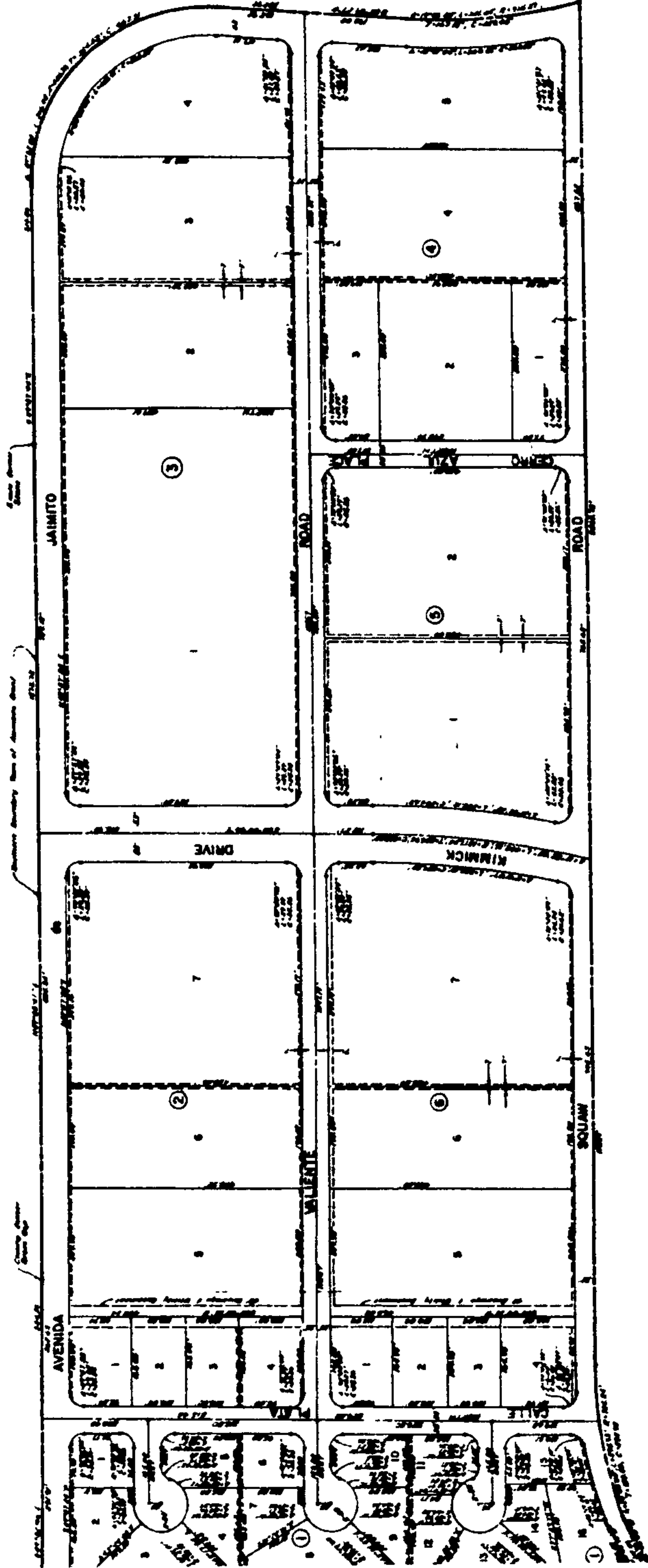


2 Lane Residential Collector

Tierra Buena State
EXHIBIT 1



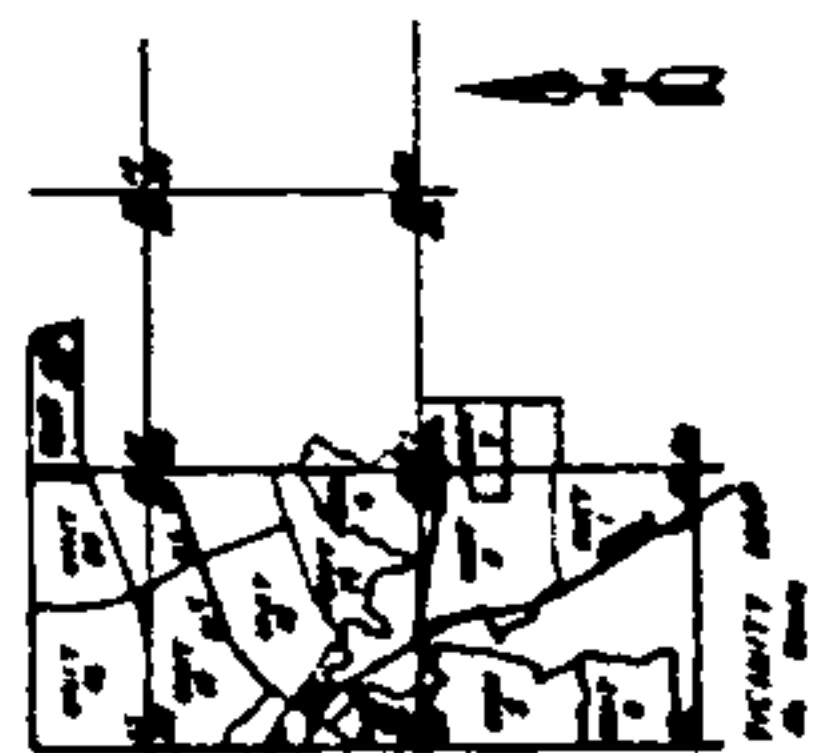
UNIT NO. 26
VOLCANO CLIFFS SUBDIVISION
BERNALILLO COUNTY, NEW MEXICO
JUNE 1971
SCALE: 1"=100'



REMARKS

1. The first American title insurance is hereby notified that all taxes have been paid for all the property included in the plat for the subdivision. The taxes are as follows: 1970, \$1,234.56; 1971, \$1,345.67.

First American Title Insurance Co. is hereby notified that the above subdivision was prepared under my supervision and that I am a duly licensed surveyor in the State of New Mexico. My commission expires on 12/31/72.



The first American title insurance is hereby notified that all taxes have been paid for all the property included in the plat for the subdivision. The taxes are as follows: 1970, \$1,234.56; 1971, \$1,345.67.

Lot No.	Area (Acres)	Area (Sq. Ft.)	Area (Sq. Ft.)
1	0.12	8,361	8,361
2	0.12	8,361	8,361
3	0.12	8,361	8,361
4	0.12	8,361	8,361
5	0.12	8,361	8,361
6	0.12	8,361	8,361
7	0.12	8,361	8,361
8	0.12	8,361	8,361
9	0.12	8,361	8,361
10	0.12	8,361	8,361
11	0.12	8,361	8,361
12	0.12	8,361	8,361

- 1. All boundary lines intersect at right angles unless otherwise noted.
- 2. All block corners have width = 30' - 0" x 30' - 0".
- 3. All lot lengths = 30' - 0" unless otherwise noted.

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

Meeting Date: May 30, 2007
Z one Atlas Page: C-11
Notification Radius: 100 Ft.

**Project# 1005539
App#07DRB-00580**

**Cross Reference and Location: ROSA PARKS RD NW BETWEEN ROSA PARKS
RD NW AND VALEINTE RD NW**

Applicant: MICHAEL OMLOR
MGME DEVELOPMENT, INC.
7720 ELENA DR NE
ALBUQUERQUE, NM 87122

Agent: KRISTINE SUSCO
WILSON AND COMPANY
4900 LANG AVE NE
ALBUQUERQUE, NM 87109

Special Instructions:

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

Date Mailed: MAY 11, 2007
Signature: ERIN TREMLIN

A City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form **S**

SUBDIVISION

___ Major Subdivision action

___ Minor Subdivision action

X 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899

ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415

CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net

Proprietary interest in site: Owner List all owners: MGMe Development, Inc.

AGENT (if any): Kristine Susco- Wilson and Company PHONE: (505) 348-4191

ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072

CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request the Vacation of existing Public ROW on Kimmick Dr NW.

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

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

Lot or Tract No. Lot 1 Block: 5 Unit: 26

Subdiv. / Addn. Volcano Cliffs Subdivision TBK TIERRA BUENA ESTATES

Current Zoning: SU2-SRLL Proposed zoning: No Change

Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9

Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A

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

UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Road NW

Between: Rosa Parks Road NW and Vallente Road NW

CASE HISTORY: List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):

DRB #1005539 - Sketch Plat Hearing Date 5-9-07 07DRB00561

Check-off if project was previously reviewed by Sketch Plat/Plan NO, or Pre-application Review Team NO Date of review: 5-4-07

SIGNATURE Kristine Susco DATE: 5-4-07

(Print) KRISTINE SUSCO ___ Applicant X Agent

FOR OFFICIAL USE ONLY

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

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07 DRB - 00580</u>	<u>VRW</u>		<u>\$ 300.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned		<u>Adv</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				<u>\$</u>
<input checked="" type="checkbox"/> Case history #s are listed				<u>\$</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				<u>\$</u>
	Hearing date <u>May 30, 2007</u>	<u>-29-</u>		Total <u>\$ 395.00</u>

Rudew Coner 5/11/07

Project # 1005539

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)
 ___ 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.


KRISTINE SUSCO
 Applicant name (print)
Kristine Susco 5/4/07
 Applicant signature / date



- Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed
- Application case numbers
 01 DRB - 00580

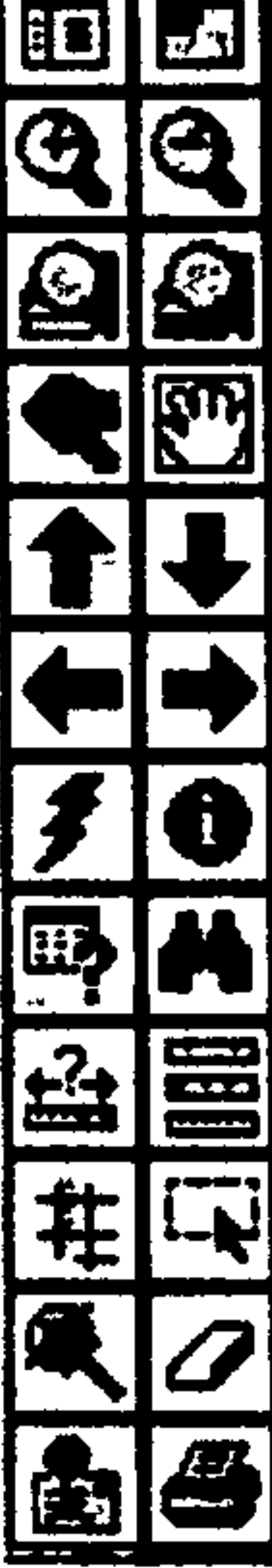
Form revised 4/07
Andrew Jones 5/4/07
 Planner signature / date
 Project # 1005539

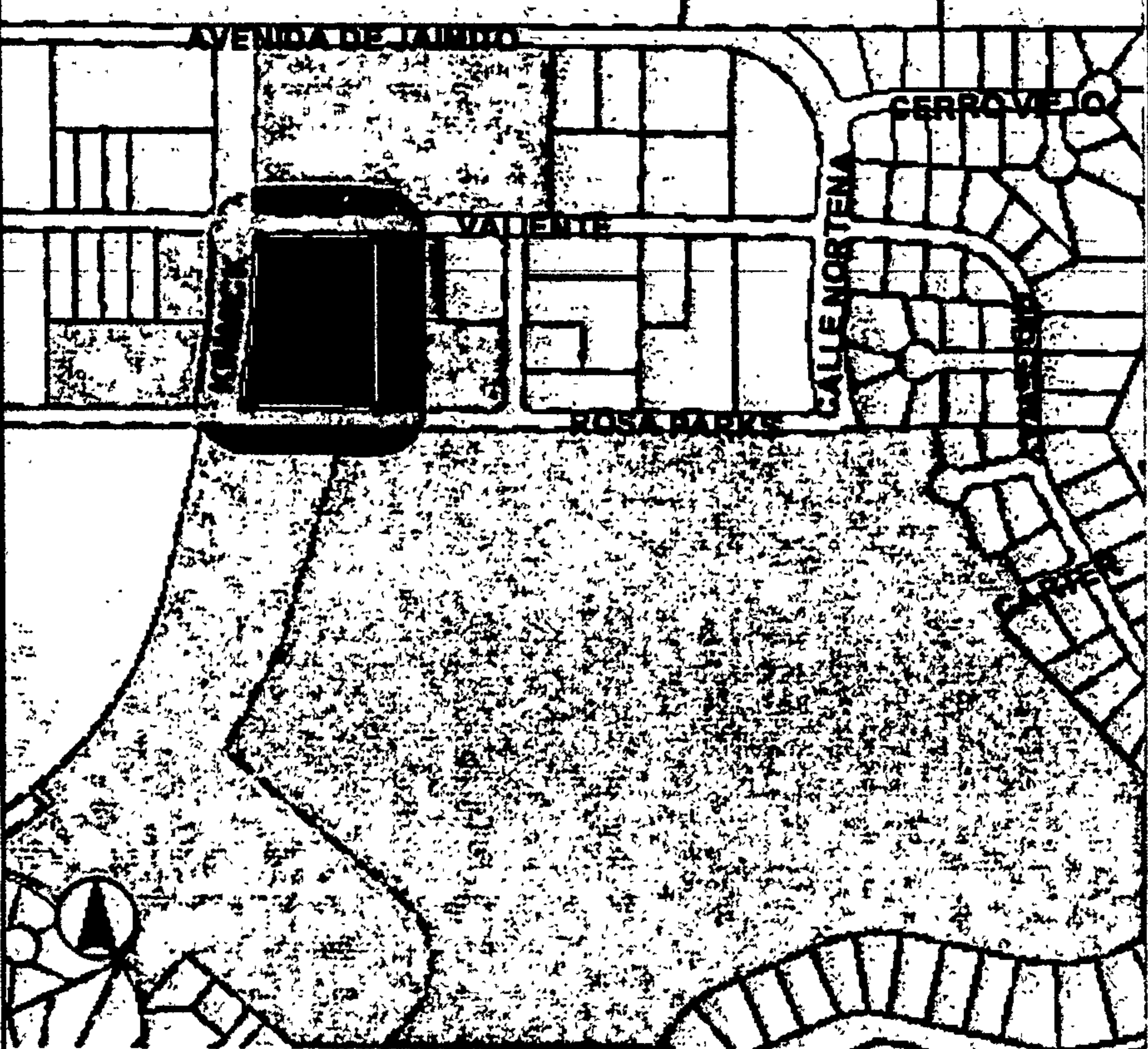
R e c	UPC CODE	OWNER	OWNER ADDRESS	OWN ER CITY	OW NE R ST AT E	OW NE R ZIP CO DE	PR OP ERT Y CLA SS	TA X DIS TRI CT	LEGAL
1	101106 405610 730103	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*007F0006VOLCANO CLIFFS SUBD UNIT 26 REP L LOT 7 BLK 6 VOLCAN O CLIFFS SUBD UNIT
2	101106 413710 630202	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*2C 5 REPLAT OF LOT 2 BLOCK 5 UNIT 26 VOLC ANO CLIFFS SUBD CO NT 1.714 AC
3	101106 406501 030601	DIAMOND STANLE Y L	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	TR D CORRECTION PLAT OF THE BULK LAND P LAT OF LA CUENTISTA SUBDIVISION (TRACTS A THROUGH E) CONT 19.7760 AC
4	101106 419500 830602	DIAMOND STANLE Y L	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	TR E CORRECTION PLAT OF THE BULK LAND P LAT OF LA CUENTISTA SUBDIVISION (TRACTS A THROUGH E) CONT 71.2610 AC
5	101106 412716 830501	VOLCANO CLIFFS I NC.	4112 BLU E RIDGE P L NE	ALBU QUE RQU E	N M	871 114 167	V	A1 A	*001A0003VOLCANO CLIFFS UNIT 26 REPL LOT S 1 THRU 4 BLK 3
6	101106 407112 930104	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*007E0006VOLCANO CLIFFS SUBD UNIT 26 REP L LOT 7 BLK 6 VOLCAN O CLIFFS SUBD UNIT
7	101106 410411 830201	DIAMOND STANLE Y	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	*00010005VOLCANO CLIFFS SUBD UNIT 26
8	101106 412813 030204	FALLS LAND & DE VEL CORP C/O RO NALD F KEGLE	7864 N S OMBRERO PEAK DR	TUCS ON	AZ	857 43	V	A1 A	*2A 5 REPLAT OF LT 2 BLK 5 UNIT 26 VOLCANO CLIFFS SUBD CONT 0.858 AC



CITY OF ALBUQUERQUE
www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE





LAYERS

- STREETS
- BASEMAP
- PARCELS
- LOT NUMBERS
- METRO ADDRESS
- ZONING
- OWNERSHIP
- 2FT CONTOUR
- ADDRESS POINTS
- LANDUSE
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
 - MUNICIPAL LIMITS
 - ZONE GRID
 - NEIGHBORHOODS
 - METRO DEV AREA
 - DASZ
 - DESIGN OVERLAY
 - POLICE BEATS
 - COUNCIL
 - PARKS
 - PETROGLYPH MNT
 - BOSQUE SECTORS
 - OPENSOURCE
 - COMP PLAN
 - AREA PLANS
 - SECTOR PLANS
 - SENATE DISTRICT
 - REP. DISTRICTS
 - PLANNING AREAS
 - HISTORIC ZONES
 - CORRIDORS
 - ZIPCODES
 - POVERTY POCKET
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
 - 2006 AIR PHOTO
 - 2004 AIR PHOTO
 - 2002 AIR PHOTO
 - 1999 AIR PHOTO

OWNERSHIP

Rec	UPC CODE	OWNER	
1	101106405610730103	LEDERER A C JR	5 PIN
2	101106413710630202	LEDERER A C JR	5 PIN
3	101106408501020601	DIAMOND STANLEY L	24 VI

Pan

[SEARCH CONTACT](#)

[REFRESH](#)

[HELP](#)

[INDEX PAGE](#)

[Refresh Map](#)

Auto Refresh



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: 5/13/07

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on May 3, 2007
(date)

TO CONTACT NAME: Shadi Hayati
COMPANY/AGENCY: Wilson Company
ADDRESS/ZIP: 4900 Long Avenue NE
PHONE/FAX #: 348-4000, 348-4055

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at lot 1, block 5, units, unit 26 Udeancliffs Subdivision, located on NE of Kimmick Dr. NW & Rose Parks Rd between Rose Parks Rd. NW & Valiente Rd NW zone map page(s) C-11-2.

Our records indicate that as of May 3, 2007 (date), there were no Recognized Neighborhood Associations in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

OFFICE OF NEIGHBORHOOD COORDINATION

DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Community and Neighborhood Coordination (OCNC) located in Room 207 (basement) of the Plaza Park Building, 600 Second St. NW, Fax - 924-3913 will release all the following information: EARLY 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 924-3913. Your request is for the following: Private Development Cell Tower Other Project

City Project: JAN-GRUBB (specify)

Company Name: _____

Address: _____

City/State: _____

Phone: _____

Fax: _____

NEIGHBORHOOD ASSOCIATION INFORMATION

PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD ASSOCIATIONS IN THE AREA OF THE PROPERTY DESCRIBED AS 1111 1st St. NW

LOCATION: 1111 1st St. NW

LOCATED ON: 1st St. NW BETWEEN 1st St. NW AND Rosa Parks Rd

BETWEEN 1st St. NW AND 1st St. NW (SPECIFY OTHER IDENTIFYING LANDMARK)

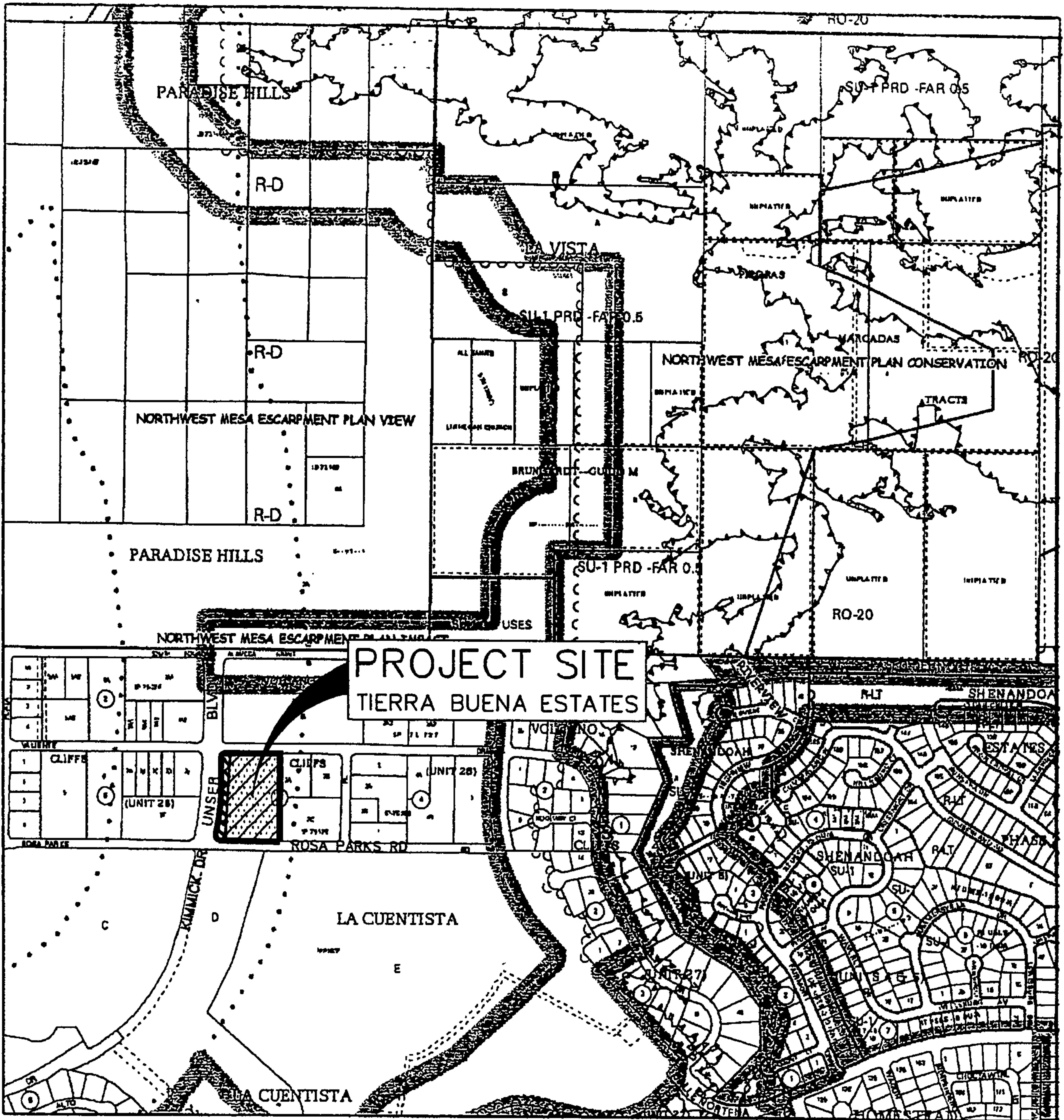
BETWEEN 1st St. NW AND 1st St. NW (SPECIFY OTHER IDENTIFYING LANDMARK)

BETWEEN 1st St. NW AND 1st St. NW (SPECIFY OTHER IDENTIFYING LANDMARK)

THE SITE IS LOCATED ON THE FOLLOWING ZONE MAP PAGE(S): 112

PLEASE PRINT THE NAME OF THE NEIGHBORHOOD ASSOCIATION WHERE PROPERTY IS LOCATED

PLEASE PRINT THE ADDRESS WHERE PROVIDED WITH REQUEST



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

Map amended through: 10/25/2006

Zone Atlas Page:
C-11-Z

Selected Symbols

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

0 750 1,500 Feet

**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

4 May 2007

**Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103**

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development, Inc., requests approval for the Vacation of existing Public ROW on Kimmick Dr. adjacent to the planned Tierra Buena Estates. This Vacation will bring the Kimmick ROW width to 58', thereby adhering to the requirements of the Volcano Heights Sector Development Plan.

Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191.
Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kiskusco@wilsonco.com

CITY OF ALBUQUERQUE

FYI



"COURTESY" DRB NOTIFICATION LETTER

May 10, 2007

TO: Dave Heil and Bill Wright, Volcano Cliffs Property Owners Association

This letter is a **"COURTESY NOTIFICATION"** from the City of Albuquerque pertaining to a request for: *Approximately four (4) acre(s) for a Major Vacation of Public Right-of-Way for the Tierra Buena Estates Subdivision.*

Proposed by: Wilson and Company at 505-348-4191

Agent for: MGMe Development Inc.

For property located: On or near Rosa Parks Road NW between Unser Boulevard NW and Calle Nortena NW.

P.O. Box 1293

The case number(s) assigned is: 07DRB-00580, Project #1005539.

City Planning accepted application for this request on May 4, 2007.

Albuquerque

The owner, applicant, and/or agent **WAS NOT** required notifying you of the proposed action by *certified mail, return receipt requested.*

New Mexico 87103

Please be advised that this application is scheduled for a hearing before the Development Review Board (DRB) at 9 a.m. on Wednesday, May 30, 2007 in the Planning Hearing Room, Room 160, Plaza Del Sol Building, 600 Second St. NW.

www.cabq.gov

You should contact Claire Senova at 924-3946 to confirm this date, time, and to seek further information.

If you have any questions, please call Stephani Winklepleck at 924-3902 or by e-mail at swinklepleck@cabq.gov

Sincerely,

Stephani J. Winklepleck

Neighborhood Program Coordinator

OFFICE OF NEIGHBORHOOD COORDINATION

PLANNING DEPARTMENT

cc: Claire Senova, DRB
Administrative Assistant



**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, May 30, 2007, beginning at 9:00 a.m. for the purpose of considering the following:

Project # 1002371

07DRB-00577 Major-Vacation of Public Easements
07DRB-00576 Minor-Prelim&Final Plat Approval

TIERRA WEST LLC agent(s) for HOFFMANTOWN WEST CHURCH request(s) the above action(s) for all or any portion of Tract(s) 1-A-1, Block(s) 15, ALBAN HILLS (to be known as HOFFMANTOWN WEST CHURCH) zoned SU-1 for R-2 with church related uses, located on LA ORILLA RD NW between COORS BLVD NW and the CORRALES DRAIN containing approximately 17 acre(s). [REF: 02DRB01824, 03DRB02150, 05DRB00560, 03DRB02085, 03DRB02086, 03EPC01285, 07DRB00286] (D-12)

Project # 1005539

07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

Project # 1005540

07DRB-00578 Major-Vacation of Public Easements
07DRB-00579 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT INC request(s) the above action(s) for all or any portion of Tract(s) D, LA CUENTISTA SUBDIVISION, UNIT 3, zoned SU-2 SRLL, located on KIMMICK DR NW between ROSA PARKS RD NW and the PETROGLYPH NATIONAL MONUMENT containing approximately 20 acre(s). [REF: 07DRB00562] (C-11 & D-11)

Details of the application(s) may be examined at the Planning Department Development Services Center One Stop Shop, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 8:00 a.m. and 4:30 p.m., Monday through Friday except holidays. INDIVIDUALS WITH DISABILITIES needing special assistance to participate in this hearing should contact Claire Senova, Planning Department, at 924-3946. TTY users may call the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, MAY 14, 2007.

VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION
P.O. Box 27666
ALBUQUERQUE, NM 87125

May 28, 2007

Ref. No. 1005539

Dear Members of the DRB,

The Volcano Cliffs Property Owners Association protests the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

- A) The Public Welfare is in no way served by retaining the right-of-way, and
- B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.

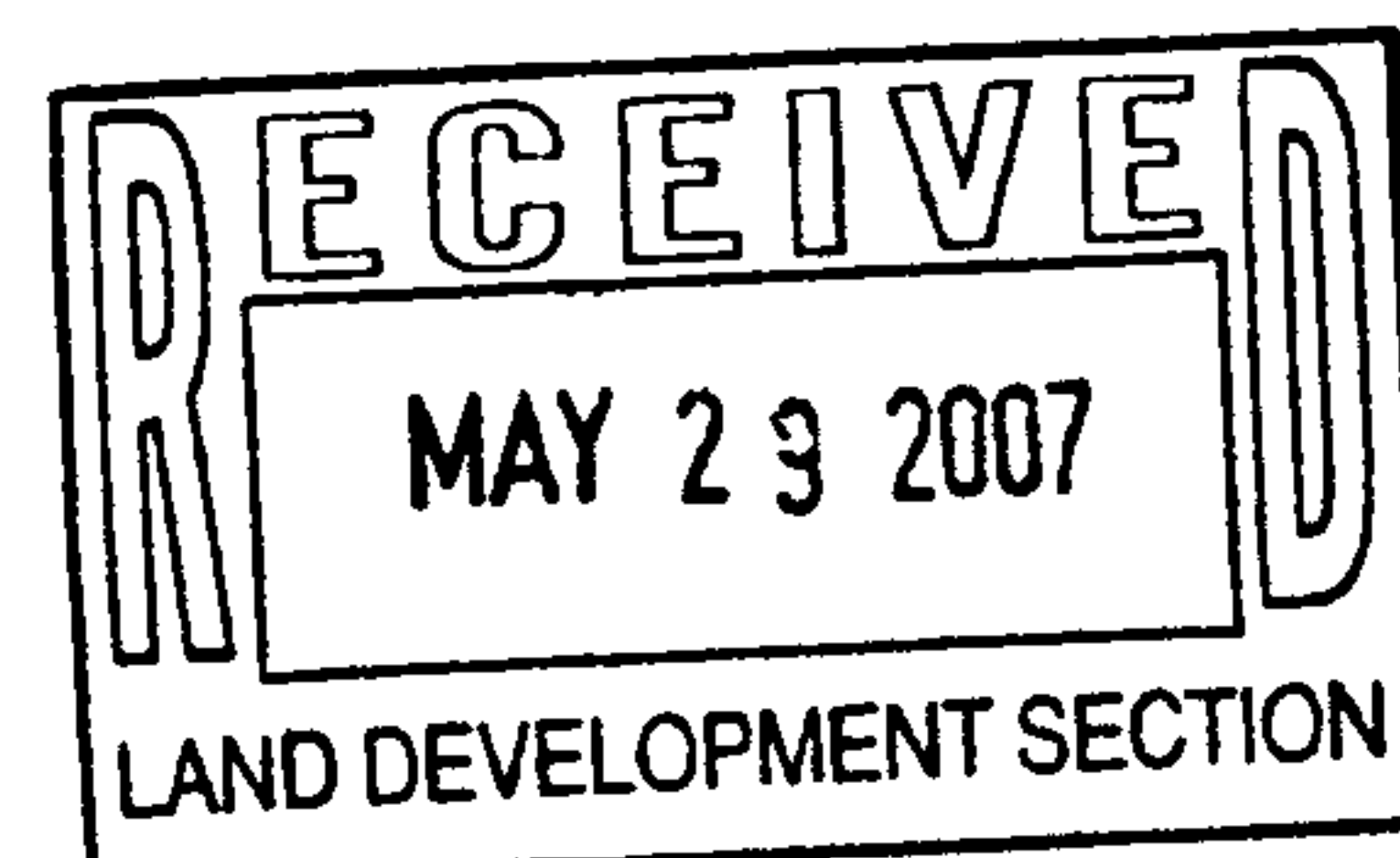
Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

- The attached map, Exhibit 1, shows that the shortest route to eastbound Paseo from the Volcano Cliffs area (Units 18, 19, 22 and the southeast portion of Unit 17) surrounding the La Cuentista subdivision is east on Kimmick thru La Cuentista to Paseo. Both Rosa Parks and Kimmick (the only east/west roads) through much of the La Cuentista subdivision have been narrowed to such an extent that the ability to move traffic thru there has been compromised severely already. It will only make it worse to narrow Kimmick in the remaining area just south of the Kimmick/Paseo intersection.
- There is a definite public safety issue in narrowing this road. In the case of Unser being shut down for any reason there is no ability to rapidly move any appreciable amount of traffic out of this area of Volcano Cliffs, or for that matter La Cuentista, to the east onto Paseo or to move emergency vehicles into the area from the east.
- The response we received from the applicant's agent stated that the vacation request is justified by a traffic study done in 1997 and other studies including a proposed SAD 228 and Unser and Paseo studies. This information is woefully out of date and inadequate since at the time of those studies the master plan for the entire Volcano Cliffs area was for 2-3 houses per acre. Since then the passage of the Volcano Heights Sector Plan has added massive amounts of population and commercial activity to this area, not to mention the new High School and the KB Homes high density housing project presently under construction.
- The Volcano Heights Sector Plan is presently being appealed in the courts. Should the appellants prevail and the court overturn the plan this right-of-way will have been vacated and it will be virtually impossible to reconstitute it at that time. If instead, this applicant is allowed to go ahead and develop their property while maintaining the present right of way, it can always be used for linear park open space or biking and jogging paths or additional traffic lanes if they are needed in the future. The city should commission a new traffic study to determine the needs of all units of Volcano Heights before vacating any right of way. Absolutely no right of way should be vacated by anyone (including the present applicant) until the courts have ruled on the appeal of the Volcano Heights Sector Plan.

Sincerely,

Barbara Mueller

Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820



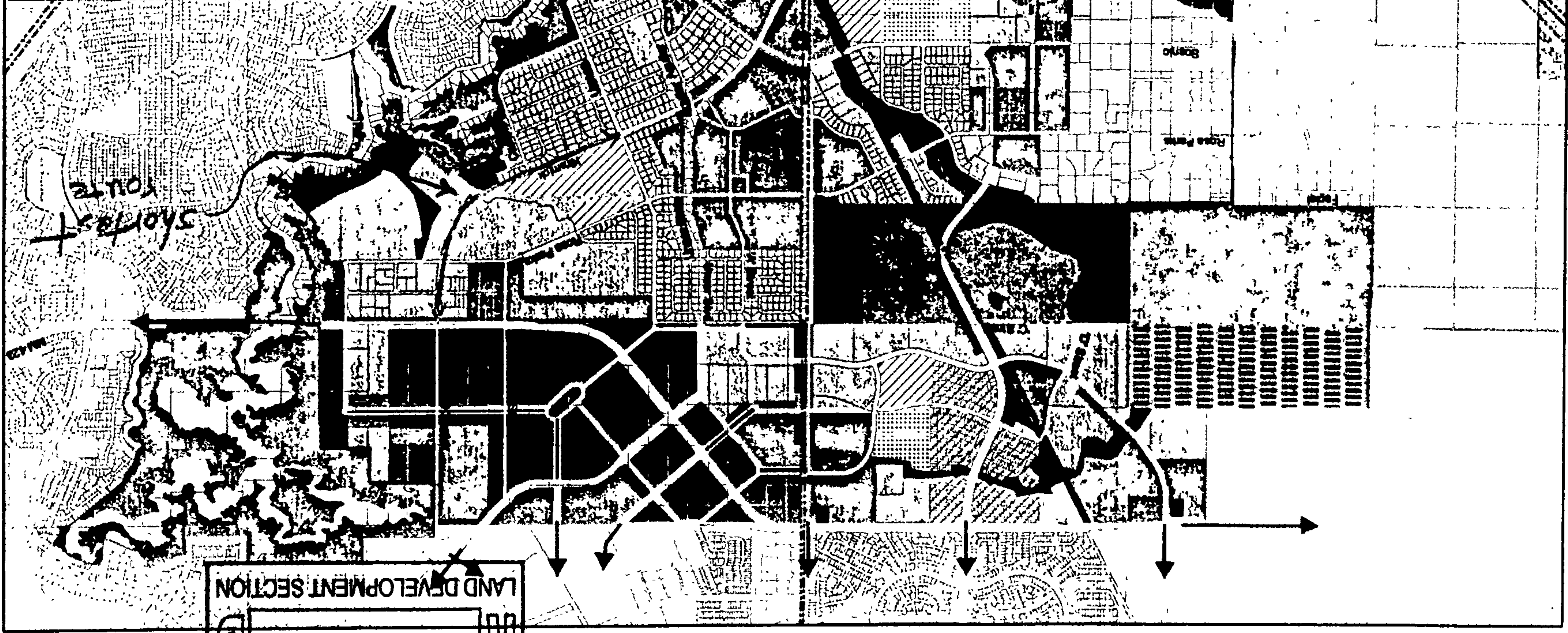
RECEIVED
MAY 29 2007
LAND DEVELOPMENT SECTION

**Land Use Map C
Volcano Heights**

1:21,000
1 inch equals 1,750 feet

Legend

█ Land Use (Zoning)	█ Park & Play	█ Proposed Subarea	█ Gas Easement
█ Rural Residential (SU2-R)	█ Roadway Pending Traffic Imped. Analysis	█ Easement	█ Electric Transmission Easement
█ Excelsior Residential (SU2-ER)	█ Large Lot Suburban Residential (SU2-SRL)	█ Small Lot Suburban Residential (SU2-SRL)	█ Urban Residential (SU2-UR)
█ Neighborhood Mixed Use (SU2-MU)	█ Village Center (SU2-VC)	█ Office Campus (SU2-OC)	█ Team Center (SU2-TC)
█ School	█ Park	█ Open Space/Buffer	█ Foreign National Monument
█ City/County Open Space	█ Foreign National Monument Proposed to be Acquired		



RECEIVED
MAY 29 2007
LAND DEVELOPMENT SECTION

EXHIBIT 1

104



CITY OF ALBUQUERQUE
 PLANNING DEPARTMENT
 DEVELOPMENT REVIEW BOARD

May 30, 2007

Project # 1005539
 07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

AMAFCA

No adverse comments.

COG Kimmick Dr. does not appear on the Long Range System Map. Development in this area is outpacing planning efforts; coordination between DMD, MPO, and the Planning Department is recommended to bring the Long Range Roadway System Map and the adopted Sector Development Plan into congruence.

Transit

No comments received.

Zoning Enforcement

No adverse comments.

Neighborhood Coordination

Courtesy Notify Only: Volcano Cliffs Property Owners Assoc.

APS

Tierra Buena Estates (Lot 1 Block 5, Volcano Cliffs Subdivision Unit 26) located on Rosa Parks Rd NW and Kimmick Drive NW appears to consist of 9 lots. This project will impact Marie Hughes Elementary School, LBJ Middle School, and Cibola High School. **Cibola High School is exceeding capacity and Marie Hughes Elementary School and LBJ Middle School are nearing capacity.**

Loc No	School	2007-08 Projections	2006-07 Capacity	Space Available
365	Marie Hughes	720	802	82
485	L.B. Johnson	1,044	1,204	160
580	Cibola	2,717	2,300	-417

A new northwest high school is planned to open with a 9th grade academy in 2007 with the remainder of the school to open in 2008. The new northwest high school will relieve overcrowding at Cibola High School.

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round
 - Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

Police Department	No crime prevention or CPTED comments at this time.
Fire Department	No adverse comments.
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	The Hydrology section has no objection to the vacation request.

Transportation Development

No objection to the vacation requests. However, wider sections of right-of-way may need to be retained at intersections to provide for left turn bays. These will need to be evaluated prior to replatting.

Parks & Recreation

Defer to Transportation.

Utilities Development

Comments will be provided at the meeting.

Planning Department

No objection to the vacation request. Defer to Transportation.

Impact Fee Administrator

No comment on proposed vacation of easements.

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

Cc: MGMe Development Inc, 7720 Elena Dr NE, 87122

Wilson and Company, 4900 Lang Ave NE, 87109

rec'd 5/30/07

Ask DRB to deny request # 1005539 for vacation of a portion of Kimmick.

Dear DRB Members,

I am a resident of the West Side of Albuquerque and own property in Unit 19 of Volcano Cliffs..

I am not here today in any way opposed in general to what this developer is doing. I actively support this subdivision and actively support their follow on request item # 1005540.

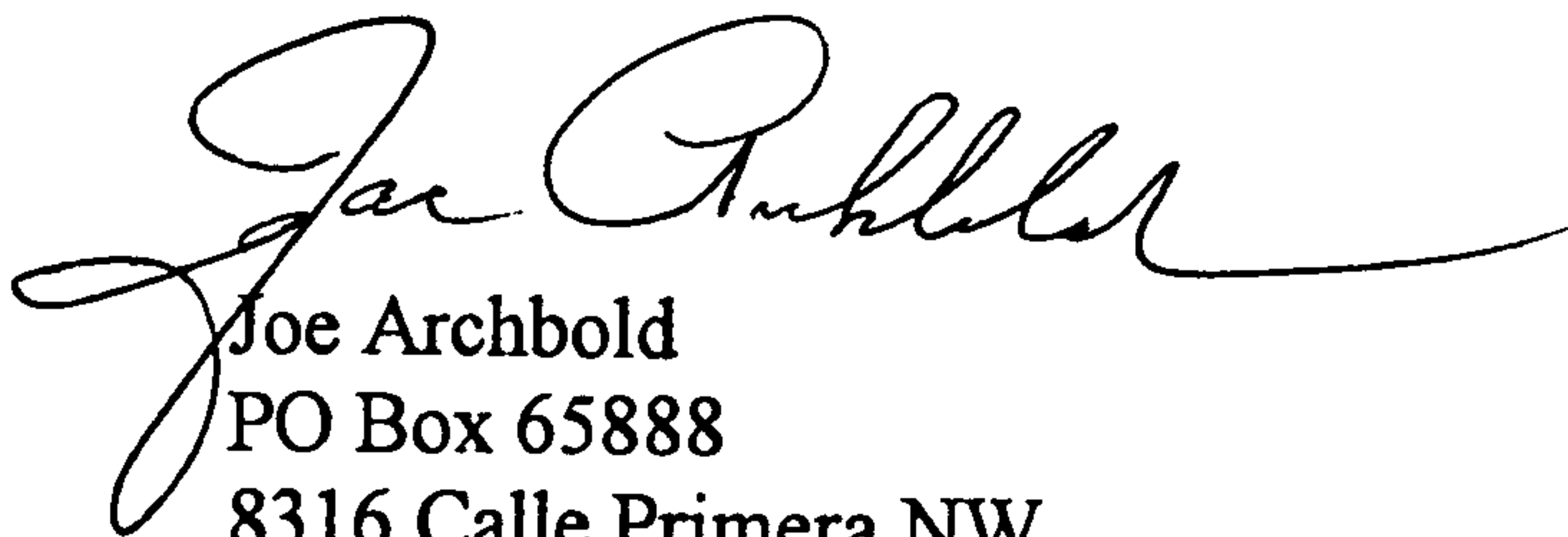
I am here to ask you to reject this particular request # 1005539 to vacate that portion of Kimmick south of Paseo Del Norte and north of Rosa Parks Blvd.

When I build my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did I would still run into the bottleneck, where Rosa Parks and Kimmick combine leading to Paseo, that is requested by this vacation.

The National Monument and the proposed trails through Open Space are for everyone in Albuquerque not just those living on top of the West Mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the West Side inadequate roads. They are too few and too narrow. This is a time for building not vacating.

Respectfully


Joe Archbold
PO Box 65888
8316 Calle Primera NW
Albuquerque, NM 87193-5888
Phone: 505-328-1331

Matson, Sheran A.

From: DAVID HEIL [daveheil16@msn.com]
Sent: Wednesday, May 30, 2007 9:32 AM
To: Senova, Claire A.; Matson, Sheran A.
Subject: Vacation of part of Kimmick

Sheran Matson, **DRB** Chairperson

As President of the The Volcano Cliffs Property Owners Association and as an individual owning property served by Kimmick I protest the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

A) The Public Welfare is in no way served by retaining the right-of-way, and

B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.

Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

Also, The traffic study that the applicant's agent references was done in 1997. In September 2006 the City Council approved the Volcano Heights Sector Plan which significantly increased the densities in the area.

Before any vacating of Kimmick is done another traffic study should be completed considering the increased densities.

Dave Heil

-45-

5/30/2007



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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.)

A handwritten signature in black ink, appearing to read "S. Matson", is positioned above the typed name.

Sheran Matson, AICP, DRB Chair

Cc: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB MINUTES FROM THE MAY 30, 2007, DEVELOPMENT REVIEW BOARD MEETING.

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SROLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Frances Pavich, Legacy Sustainable Development Inc., 21 Vista Valle Circle, 87540

PERSONS SPEAKING IN OPPOSITION:

Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193-5888

PERSONS PRESENT IN INTEREST:

Peter R Yocky, 8201 Golf Course Rd NW, #D3-301, 87120

ALL PERSONS WERE SWORN IN

CHAIR MATSON: We are now on Item 2, Project #1005539. Good morning everybody. I'll have the agent's identify themselves and explain the project first of all please.

MS. SUSCO: My name is Kristine Susco with Wilson & Company Engineering. This is Dan Aguirre with Wilson & Company Engineering. We are the agents for MGMe Development Corporation who is proposing a 9-lot subdivision in Lot 1 of Block 5 of Volcano Cliffs Subdivision. Our request today is to vacate the easterly 24-feet of the 106-foot right-of-way adjacent to MGMe's subdivision in order to bring the roadway width into compliance with the Sector Plan and to essentially align its width with the section coming from the south through Unit 1 and adjacent to Unit 2 and proposed Unit 3 of La Cuentista Subdivision.

CHAIR MATSON: Okay. Thank you. Mr. Aguirre did you already identify yourself?

MR. AGUIRRE: I'm Dan Aguirre with Wilson and Company.

CHAIR MATSON: Since we have people signed up to speak, we'll proceed with that. Kristine, if you want to make comments at the end of anybody's specific comments, just raise your hand up.

MS. SUSCO: Okay.

CHAIR MATSON: Otherwise I'll just wait to the end. I'd appreciate it if everybody would limit their comments to just a few minutes please. We will start with Barbara Mueller.

MS. MUELLER: My name is Barbara Mueller and I am here representing both the Volcano Cliffs Property Owner's Association and myself. I turned in a written statement yesterday which I hope you have in the record.

CHAIR MATSON: Yes.

MS. MUELLER: Basically we are protesting the vacation of that portion of Kimmick at this time. We don't feel that it's appropriate to vacate it. It doesn't meet the requirement that the public welfare is in no way served by retaining the right-of-way. It doesn't meet the requirement that there's a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. Obviously there is no benefit to the public to vacating this.

The shortest route to reach the intersection of Paseo and Kimmick coming from Units 18, 19, 22 in the southeast portion of Unit 17 is down Kimmick. Kimmick has already been narrowed and Rosa Parks has been narrowed and you are narrowing a road that according to COG (Council of Governments) does not even appear on the Long Range System Map. Development in this area is outpacing planning efforts.

The people from Volcano Cliffs would naturally drive east down Kimmick and come to this point where this roadway is going to be narrowed. The roadway, as they're approaching, has already been made too narrow. We didn't protest that. I don't know if there's anything that can be done about it at this stage but it makes it just worse to further narrow the roadway as you approach that intersection.

The Sector Development Plan is being appealed in three (3) lawsuits. Should the courts agree with the appellants and throw out the Sector Development Plan, this right-of-way would then have been vacated and there's no way we could put it back into the roadway.

As I say, even according to COG (Council of Governments) the road's not even on the Long Range Plan and you're dealing with the right-of-way and changing it on a road that you don't even have on the Long Range Plan. Planning is behind what's going on out there and there is no assurance at all that the Volcano Heights Sector Plan is going to hold given the three (3) appeals in court. The Board and I personally and the Board of the Volcano Cliffs Property Owner's Association are protesting this vacation.

Supposedly this vacation is based on a traffic study done in 1997 and some other studies including a proposed SAD 228 and Unser and Paseo studies.

I would maintain that this information is woefully out-of-date given the passage of the Sector Development Plan which put massive amounts of more people and commercial activity in this area. I think we need a new traffic study before anybody starts widening, narrowing or moving roads.

I think the City should do a traffic study for that whole area, for all the areas of Volcano Heights before they decide that they will widen, narrow or move roads. We are against any vacation until the courts have ruled on whether this plan is going to stand.

CHAIR MATSON: Okay. Thank you. Joe Archbold?

MR. ARCHBOLD: Good morning. My name is Joe Archbold and I'm here representing myself. I am, by the way, a member of the Volcano Cliffs Property Owners' Association and do fully support everything that Barbara Mueller has mentioned this morning.

I am a resident of the west side of Albuquerque and own property in Unit 19 of Volcano Cliffs. I am not here today in any way opposed in general to what this developer is doing. I actively support his subdivision and actively support the follow on request Item number 1005540.

I am here to ask you to reject this particular request 1005539 to vacate that portion of Kimmick, south of Paseo del Norte and north of Rosa Parks Blvd.

When I build my house, when I go about building my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick. Then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did, I would still run into the bottleneck where Rosa Parks and Kimmick combine leading up to Paseo that is requested in this vacation.

The National Monument and the proposed trails through open space are for everyone in Albuquerque not just those living on top of the west mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the west side inadequate roads. They are too few and too narrow. This is a time for building and not vacating. Thank you.

CHAIR MATSON: Mr. Archbold, did you provide us with a copy of your statement that you are reading from?

MR. ARCHBOLD: No, but I would gladly give you this copy.

CHAIR MATSON: Do you have a copy for yourself? Claire, if you will bring it up and we'll put it in the record. Thank you.

Peter Yocky is it?

MR. YOCKY: Mine probably relates more to 1005540. I just came up with this one.

CHAIR MATSON: So notice only on this case then?

MR. YOCKY: That's fine.

CHAIR MATSON: Frances Pavich, did you have anything you wanted to say? No. Okay. Kristine, I guess it's your turn again.

MS. SUSCO: I would just like to say in response to the comments my client is proposing this development. Our defined criteria is based on the Sector Development Plan at this time. We have, and I would be happy to pass out for reference, a copy of the required residential collector section which at this point is pertinent to Rosa Parks.

Kimmick is classified as part of the Sector Plan as a major local street and therefore does not have a specific designation in the Sector Development Plan. However, with the exception of the 7-foot tree strip, which we've modified to 6-foot, actually we are going to match the same collector section for that section of Kimmick Road.

So if you take the 106-feet and subtract 58, the residual 48 feet divided by 2 is the 24 feet that we are requesting vacation of in order that our developer can build his typical section, his one-half of the required typical section to match the Sector Plan.

This is a street map for the Volcano Cliffs area and from this far away I can't necessarily point out, but I did want to point out...

CHAIR MATSON: Kristine, I'm sorry to interrupt, but if you want you can stand up and take that microphone that's in front of Barbara and just hold it if that would help.

MS. SUSCO: Is this okay?

CHAIR MATSON: Yes, it's fine.

MS. SUSCO: I just want to point out that the arterial road network in this area is developing and provides viable routes via Paseo del Norte, Unser Blvd., Universe Blvd. and Rainbow Blvd. and Compass down on the south. Those are the arterial routes identified in the Sector Plan.

Kimmick, as I stated, is identified as a major local and has a right-in, right-out future planned access onto Unser once it's developed in this area. Rosa Parks will have a signalized intersection with Unser and Urraca. At this point, I'm not sure because it's not clearly identified but it will probably have a right-in, right-out access onto Paseo. This section of Kimmick from Rosa Parks will tie with Paseo del Norte.

As I said, we are matching the criteria of the Sector Development Plan. However, as we move forward with any unit as in Unit 1, Unit 2, Unit 3 et cetera, we do meet with the Transportation Department and meet their requirements for roadway width and/or intersection development.

We've already met with Transportation in order to, at the intersection of Kimmick and Rosa Parks, provide a left-turn separate lane in order to accommodate traffic at that intersection.

It is our feeling from general numbers that we've generated from Units 18, 19 and 22, which are identified down here, and from development in this area, where everything is essentially yellow, in this area here, which is suburban residential large lot. Some of it is small lot so that traffic volumes should not exceed 8,000 to 9,000 trips both ways. I think this is an allowable limit for a typical section.

CHAIR MATSON: You're talking about Kimmick then right?

MS. SUSCO: Yes I am talking about Kimmick. I believe that would conclude my response to comments. If there are any further questions, I'd be happy to answer them.

CHAIR MATSON: Does anybody else have any questions of Kristine? Would you state your name again please?

MR. ARCHBOLD: Do we get an opportunity to respond to the comments in response to our comments?

CHAIR MATSON: If you'd like to just state your name again please.

MR. ARCHBOLD: My name is Joe Archbold, Westside resident and owner of Volcano Cliffs property. Could I show the picture again please. As you can see from the picture you've just seen there's two roads here okay. They conjoin right here. This is an area they want to narrow. Now I have no objection in the future, when everything is settled, that this may be narrowed. In the meantime, I can see a lot of good purposes for leaving that road wider. For example, bike paths, open space. The City is always looking for open space.

May I have the thing turned around? As you can see the benefit of the narrowing is right here to give more size to the lots where they have platted this. We believe this quite adequate space for houses in here without the narrowing. So the only benefit from this whole thing is that the developer can advertise bigger lots. Now in the rest of Volcano Cliffs each lot in the suburban residential we are asked to give up 50% of our lot for open space. In this subdivision no such requirement exists.

CHAIR MATSON: What does that have to do with the narrowing of Kimmick?

MR. ARCHBOLD: The narrowing of Kimmick gives more property to this developer.

CHAIR MATSON: No, I meant the open space comment you had. I didn't understand what that had to do with the narrowing of Kimmick.

MR. ARCHBOLD: The fact is that what I would ask is that this be considered open space and left as is if you need. But you don't give that to the developer. He already has bought land and has adequate land for his development.

He really doesn't need any more. I mean that's the only benefit to this whole thing. If they wish to show other benefits that would be fine. Thank you.

CHAIR MATSON: State your name, please, Barbara.

MS. MUELLER: This is Barbara Mueller and I would second everything that Mr. Archbold has said. The only reason for this vacation is to benefit the developer. He gets more land and he gets to have bigger lots without giving any open space. I would think that reserving that land for open space or for future lanes of traffic or bike trails or anything that proves appropriate once it's really decided if the Sector Development Plan is going to stick or not. There could be many other uses for that right-of-way and I agree that it should be reserved and the decision made when the whole thing shakes out and we really decide what is happening in this area.

CHAIR MATSON: Okay. Thank you. Kristine, did you have any other comments?

MS. SUSCO: I would just respond with two things. I don't feel that my client should be held at bay with developing according to the requirements under both the DPM (Development Process Manual) and the Sector Development Plan until such time that things "shake-out" as it were. My client he can develop the lot without that additional 24-feet. The only reason for doing it is not so he gets that 24-feet. It's that 24-foot strip becomes a liability to both the property owner and the City of Albuquerque in terms of being a vacant strip that becomes a collector of trash and of weeds et cetera. I would just like to point that out that by vacating it he is merely adhering to the right-of-way requirements for the Sector Plan.

CHAIR MATSON: Okay. Thank you. Let me see if there are any adverse comments from the outside agencies. I don't see any. APS has some concerns but that will be taken care of. I'm going to break with tradition and start with Transportation in terms of comments since we are all going to defer to him anyway. Mr. Gallegos you're on.

MR. GALLEGOS: I have no objection to the request as presented here. I did give you the comment that I am going to require you to dedicate back or I'm not going to let you vacate the entire amount at the intersections due to the left hand turn movements.

MS. SUSCO: Right.

MR. GALLEGOS: What we probably do need to do is take a look at the volumes again that we think we're generating and what those turn-bay lengths are going to be.

MS. SUSCO: Right.

MR. GALLEGOS: It is in conformance with the Sector Plan. I know that you guys are appealing it. There are lawsuits. But that is what is on the books at this point in time.

CHAIR MATSON: Okay. Utilities?

MR. GREEN: I have no objection.

CHAIR MATSON: Okay. Planning's comments were essentially those that Mr. Gallegos just gave. Even though the Volcano Heights Sector Plan is under protest, right now we are required to follow it. I find that this proposal or request follows that intent. We are in support as well. Hydrology?

MS. METRO: Hydrology has no objection.

CHAIR MATSON: Okay. Parks?

MR. FLORES: Parks has no objection.

CHAIR MATSON: Okay. We are going to approve the vacation of public right-of-way as shown on Exhibit B in the Planning file subject to the provisions of the Subdivision Ordinance. You need to make sure that you file a final plat within one-year or you will need to come back again.

MR. GALLEGOS: I have a condition Madam Chair.

CHAIR MATSON: Okay go ahead.

MR. GALLEGOS: A condition of the final plat again, prior to the replat, we will have to evaluate the left-hand turn bays and what is going to be required. Re-evaluation of the left hand turn bays will be needed. My concern is that those are two major intersections and so what I want to be sure of is that the through movements aren't being jammed up with people waiting to make a left-hand turn movements.

MS. SUSCO: I understand and we're prepared to, as you said, dedicate back whatever is required in order to accomplish the length and the width of those turn bays.

CHAIR MATSON: Are you talking about the intersections of Kimmick and Rosa Parks and Valiente?

MR. GALLEGOS: It's actually all the intersections. It's going to be on Valiente also plus the one down at Kimmick and Rosa Parks for this request.

CHAIR MATSON: Okay.

The vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

June 8, 2007

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on June 7, 2007. You will receive a Notice of Hearing as to when the appeal will be heard by 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.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-14

Albuquerque

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1005539
07DRB-00580**

New Mexico 87103

APPELLANT(s): Same as Agent

www.cabq.gov

**AGENT: Joseph L. Archbold
PO Box 65888
Albuquerque, NM 87193-5888**

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Barbara Mueller, 4904 Alberta Ln NW, Abq., NM 87120
Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
Sheran Matson, DRB Chair, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Marilyn Maldonado, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB File

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

CITY OF ALBUQUERQUE

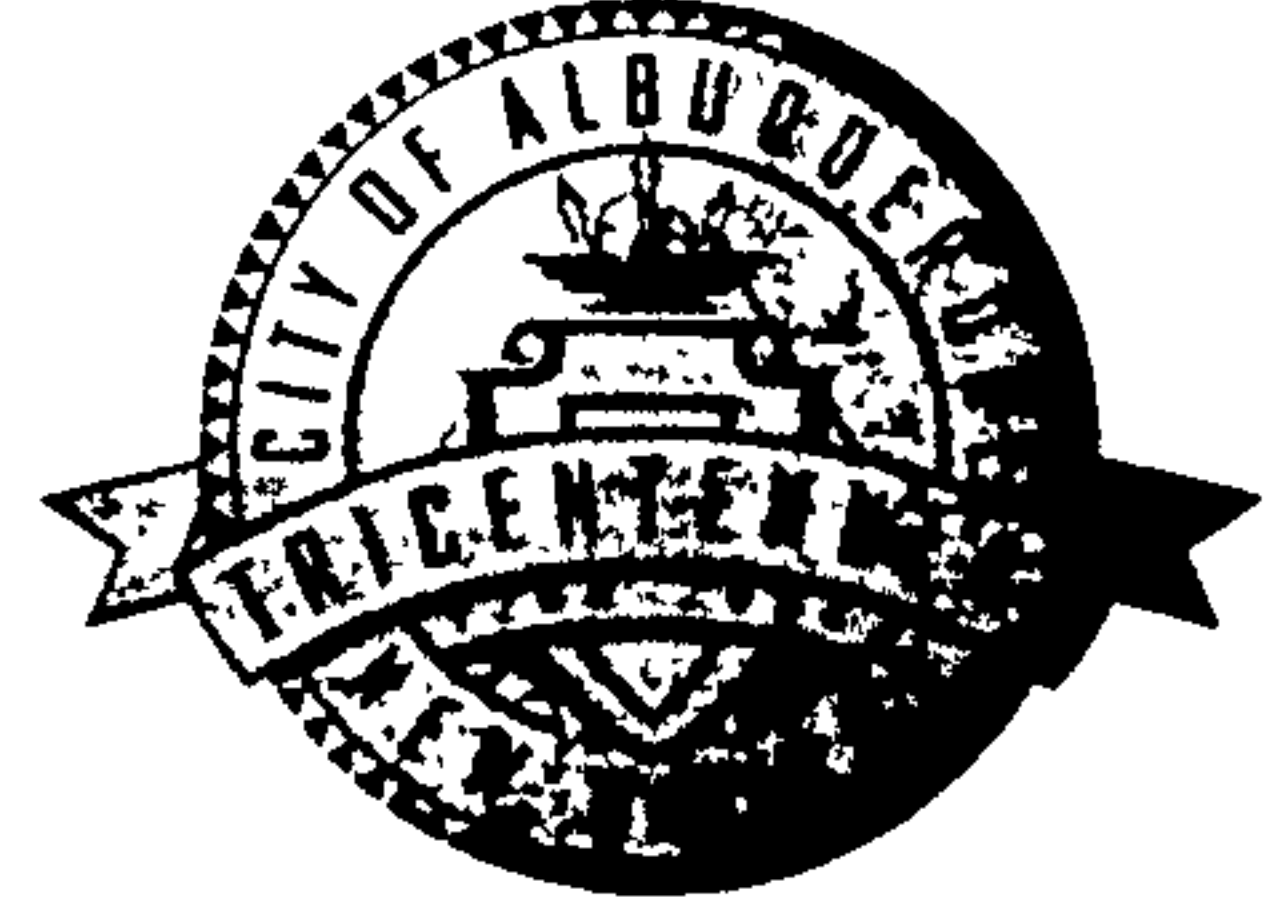
Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102



NOTICE OF APPEAL

June 13, 2007

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on June 13, 2007. You will receive a Notice of Hearing as to when the appeal will be heard by 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.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-15

Albuquerque

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1005539
07DRB-00580**

New Mexico 87103

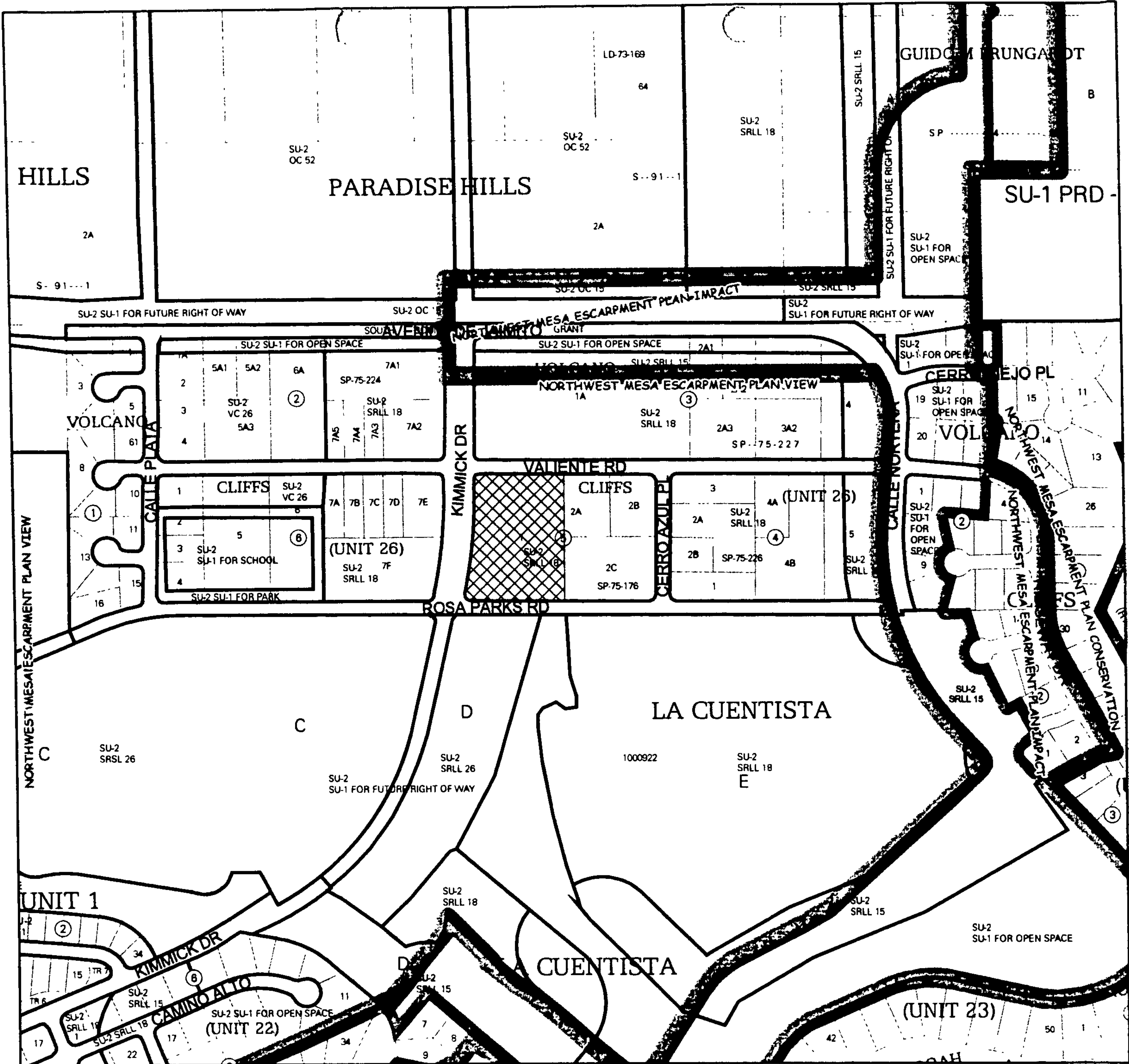
APPELLANT(s): Volcano Cliffs Property Owners Association
Dave Heil, President
Barbara Mueller, Vice President
PO Box 27666
Albuquerque, NM 87125

www.cabq.gov

AGENT: Same as Above

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Barbara Mueller, 4904 Alberta Ln NE, Albuquerque, NM 87120
Joe Archbold, Post Office Box 65888, Albuquerque, NM 87193-5888
Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
Sheran Matson, DRB Chair, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Marilyn Maldonado, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB File

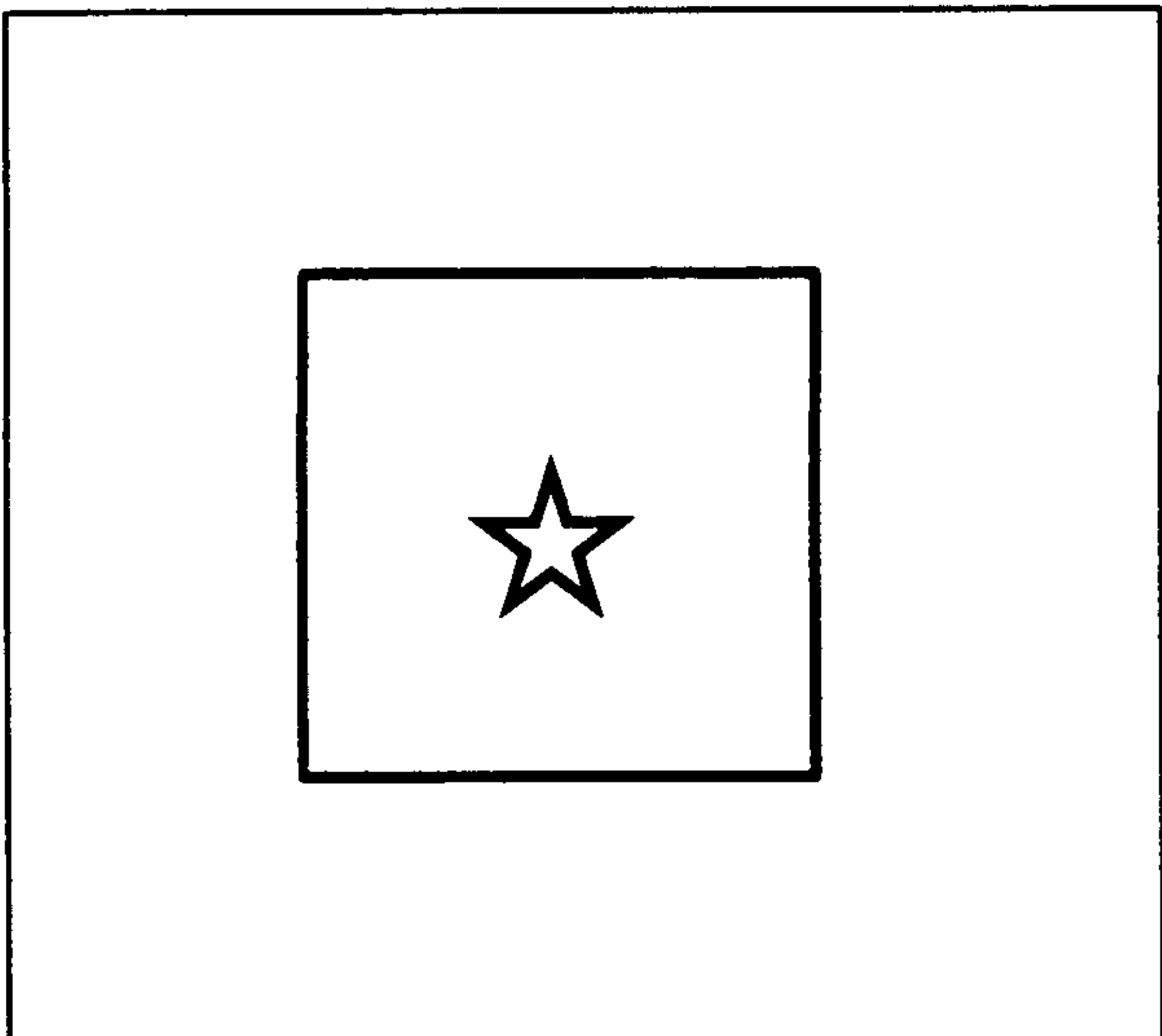
Enclosure: LUHO Rules of Procedure and Qualifications (6 pages)



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ZONING MAP

Note: Grey shading indicates County.



1 inch equals 500 feet

Project Number:
1005539

Hearing Date:
5/30/2007

Zone Map Page:
C-11

Additional Case Numbers:
07DRB-00580 07DRB-00561

-58-

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
October 10, 2007
DRB Comments**

ITEM # 15

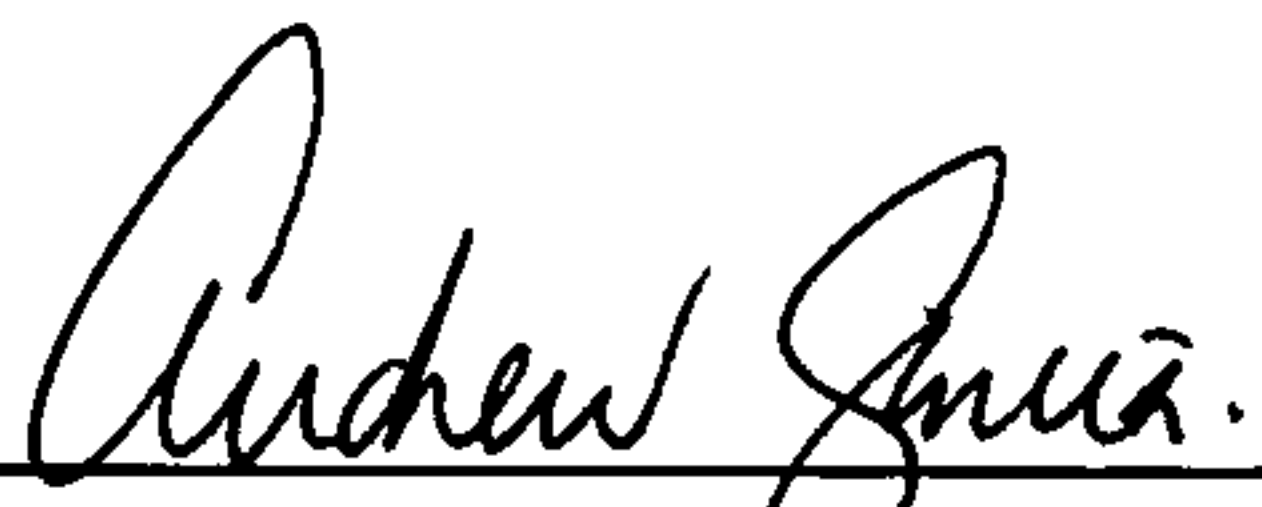
PROJECT # 1005539

APPLICATION # 07-70279

RE: Lot 1, Block 5, Volcano Cliffs Subdivision/p&f

The required ban on solar collectors' prohibition is missing from the plat.

Planning will take delegation to record the plat and for the required solar collector language.



Andrew Garcia, Planning Alternate
924-3858 agarcia@cabq.gov



Mayor Martin J. Chávez

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

INTER-OFFICE MEMORANDUM

June 14, 2007

TO: Debbie O'Malley, President, City Council
FROM: Richard Dineen, Planning Department Director

SUBJECT: AC-07-15 – 07DRB-00580 PROJECT #1005539 – Volcano Cliffs Property Owners Association President, Dave Heil, and Vice President, Barbara Mueller, appeal the Development Review Board's approval of a Vacation of Kimmick Drive, NW, adjacent to Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLL located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

BACKGROUND

The application requested the vacation of 24 feet of Kimmick Drive, NW between Rosa Parks Rd, NW and Valiente Road, NW. The 24 foot vacation requested is on the east side of Kimmick to match the right of way to the south of Rosa Parks. (SEE EXHIBIT A.)

The existing Kimmick right of way in this segment of roadway is 106 feet. The 106 feet was designated as right of way with the platting of the Unit 26 Volcano Heights Subdivision in 1971.

Previous vacation actions have occurred to narrow the Kimmick right of way south of Rosa Parks to 56 feet prior to the adoption of the Volcano Heights Sector Plan. The designation of Kimmick changed from arterial to collector between the platting of Unit 26 Volcano Heights Subdivision and approvals of platting actions in the same area. Then, the Volcano Heights Sector Plan further defined Kimmick as a residential collector with a right of way of 58 feet. (SEE EXHIBIT B.)

RESPONSE TO APPELLANTS

Appellants are opposed to the vacation of Kimmick Drive, NW, because they believe the public welfare is served by retaining the 106-foot right of way originally designated for Kimmick Drive. They further state that the adopted

Debbie O'Malley
AC-07-15
June 14, 2007
Page 2 of 2

Volcano Heights Sector Plan will bring additional density to the area. They are requesting an updated traffic study of the area.

The Volcano Heights Sector Plan designates Kimmick Drive as a residential collector in the area of this proposed subdivision. The land in this area is zoned for residential use. The cross section for a residential collector in the Sector Plan has a 58-foot width. (SEE EXHIBIT C.)


The approved 24-foot vacation is one half of the existing excess right of way width. The other 24 feet will be vacated when the land to the west of Kimmick is proposed for development.

In addition, DRB Project 1000922 has approved vacations of rights-of-way of Kimmick south of Rosa Parks. In this area, the right-of-way was narrowed to 56 feet with a previous action that preceded the Volcano Heights Sector Development Plan.

The Traffic Engineer has required the applicant to consider the widening of the rights-of-way near the major intersections of Kimmick with Rosa Parks and Valiente to accommodate left hand turn bays in order to separate traffic movements at these key locations.

In summary, the 24 foot right of way vacation on the east side of Kimmick between Rosa Parks and Valiente is in compliance with the Volcano Heights Sector Plan's right of way requirement and the City's designation of Kimmick as a collector.


APPROVED:

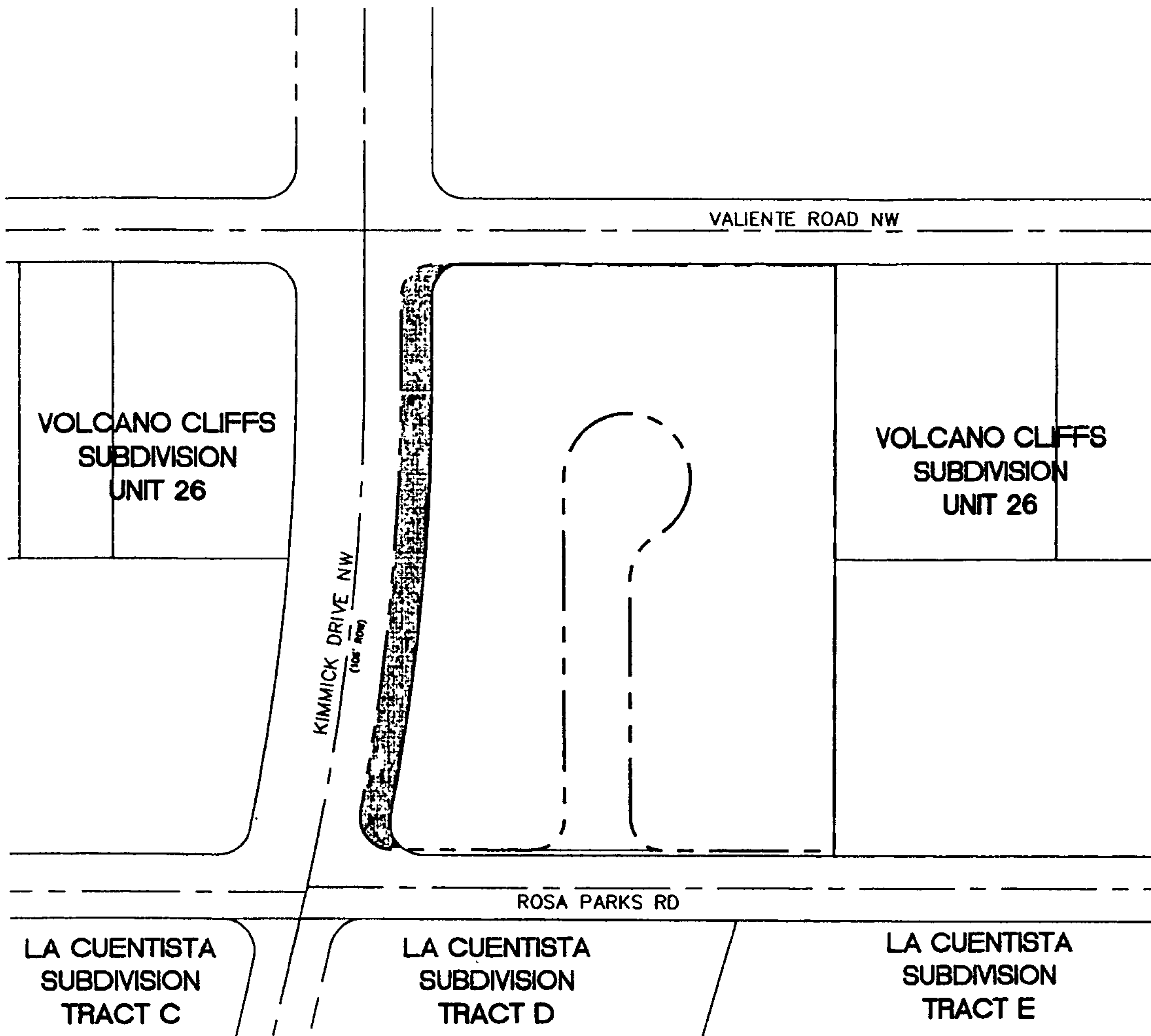

Russell Brito, Manager Development Review Division
Planning Department

x:share/council/appeals/2007/AC-07-15

VACATION EXHIBIT
TIERRA BUENA ESTATES
MAY 2007

VACATION LEGEND

 VACATE 24' PUBLIC ROW



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

VACATION
EXHIBIT B
Date 05/30/07



WILSON COMPANY NO. 1000 10th St. N.E. ALBUQUERQUE, N.M. 87102 (505) 243-4000			
TIERRA BUENA ESTATES			
VACATION EXHIBIT			
DESIGN: KJS	WCE A NO. 0780002300	DATE: MAY 2007	
DRAWN: CR	PROJECT NO.	SHEET NO.	
CHECK: DEB		1 of 1	

Road Network

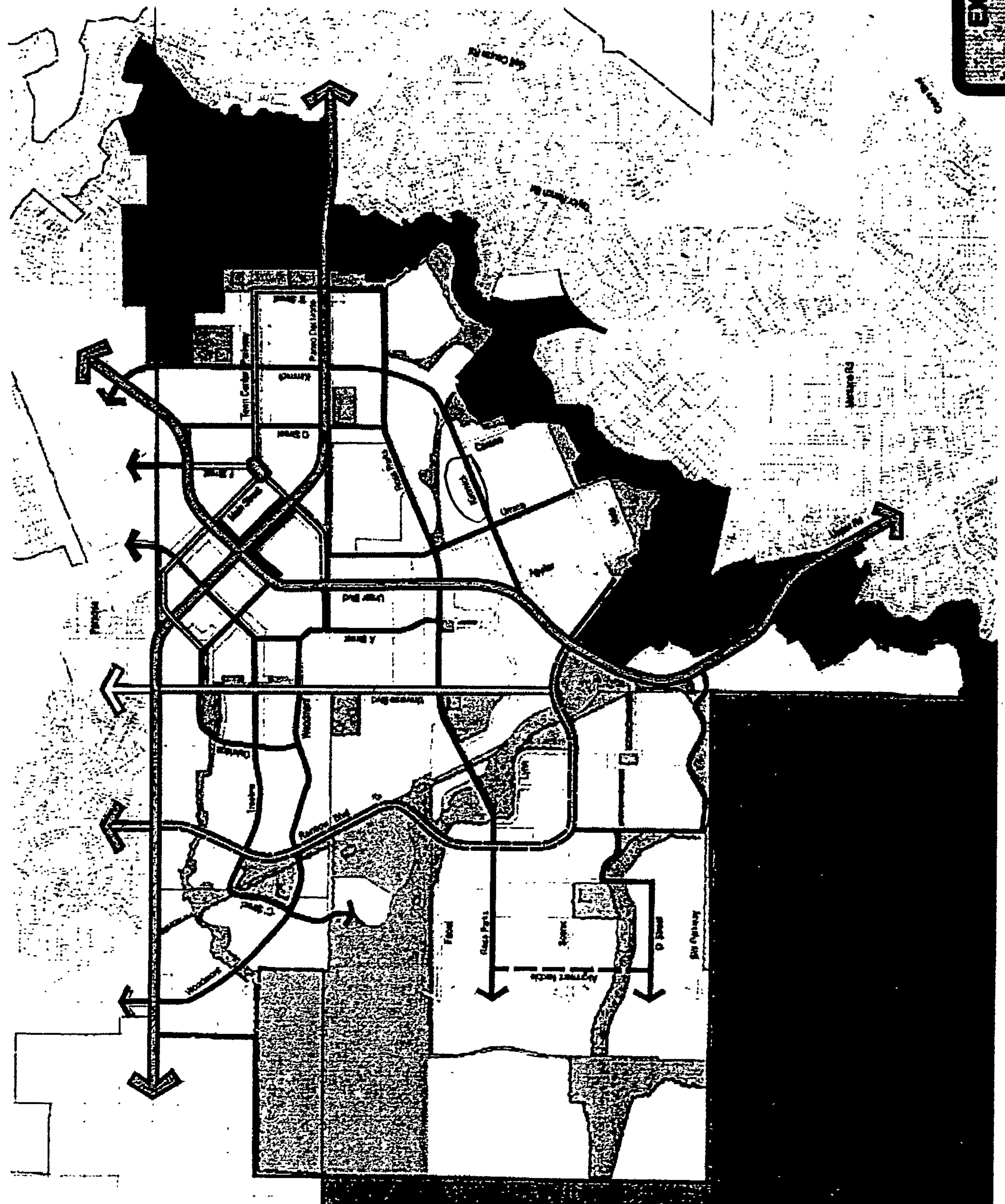
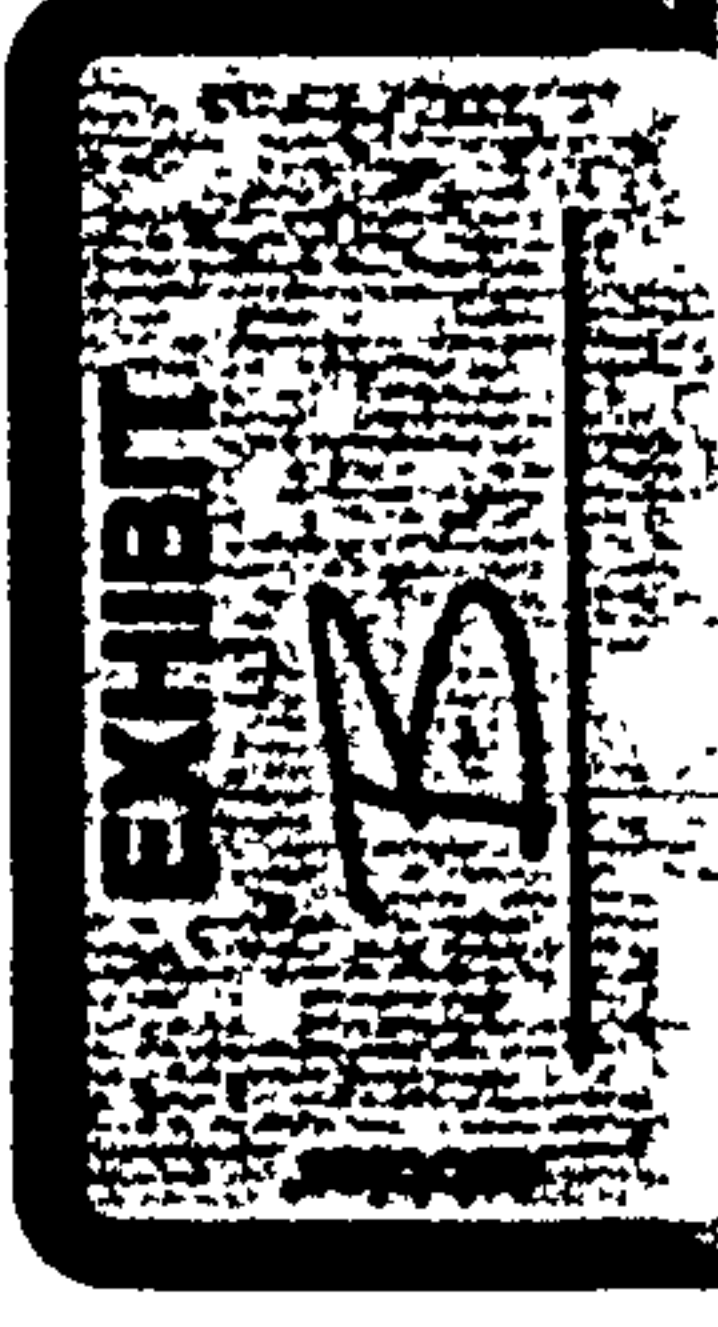
Volcano Heights,
City of Albuquerque,
New Mexico
August 3, 2006

- LEGEND**
- Urban Boulevard
 - Limited Access Arterial
 - Principal Arterial
 - Minor Arterial
 - Collector with BRT
 - Collector
- Refer to Cross Sections 1-12 for street design.

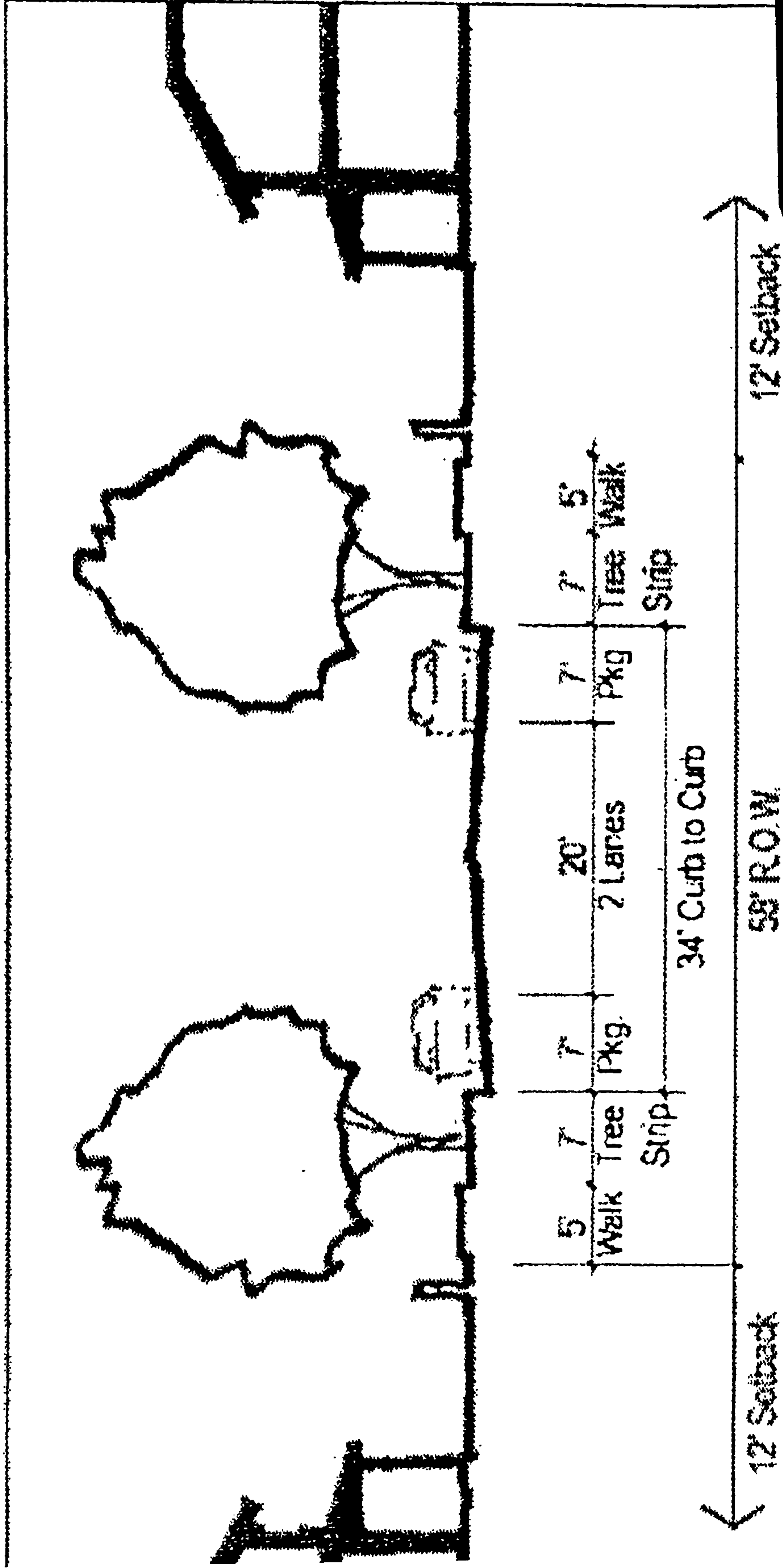


200 feet

Tacker Urban Design
and Planning, LLC



Volcano Heights Sector Development Plan - 48



2 Lane Residential Collector

Tierra Buena State
 Exhibit 1

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07DRB-00580 – Project #1005539

**For Contents of Packet See Supplement to the Record for
AC-07-14 & AC-07-15**



Mayor Martin J. Chávez

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

June 8, 2007

TO: Debbie O'Malley, President, City Council

FROM: Richard Dineen, Planning Department Director

SUBJECT: AC-07-14 – 07DRB-00580 PROJECT #1005539 – Joseph L. Archbold appeals the Development Review Board's approval of a Vacation of Kimmick Drive, NW, for all or any portion of Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLI located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

BACKGROUND

The application requested the vacation of 24 feet of Kimmick Drive, NW between Rosa Parks Rd, NW and Valiente Road, NW. The 24 foot vacation requested is on the east side of Kimmick to match the right of way to the south of Rosa Parks. (SEE EXHIBIT A.)

The existing Kimmick right of way in this segment of roadway is 106 feet. The 106 feet was designated as right of way with the platting of the Unit 26 Volcano Heights Subdivision in 1971.

Previous vacation actions have occurred to narrow the Kimmick right of way south of Rosa Parks to 56 feet prior to the adoption of the Volcano Heights Sector Plan. The designation of Kimmick changed from arterial to collector between the platting of Unit 26 Volcano Heights Subdivision and approvals of platting actions in the same area. Then, the Volcano Heights Sector Plan further defined Kimmick as a residential collector with a right of way of 58 feet. (SEE EXHIBIT B.)

RESPONSE TO APPELLANT

Appellant is opposed to the vacation of Kimmick Drive because it would narrow the width of this collector. He states the roads on the west side are too few and too narrow. He believes the Petroglyph National Monument will add traffic on the top of the northwest mesa.

The Volcano Heights Sector Plan designates Kimmick Drive as a residential collector in the area of this proposed subdivision. The land in this area is zoned for residential use. The cross section for a residential collector in the Sector Plan has a 58 foot width. (SEE EXHIBIT C.)

The approved 24 foot vacation is one half of the existing excess right of way width. The other 24 feet will be vacated when the land to the west of Kimmick is proposed for development.

In addition, DRB Project 1000922 has approved vacations of rights-of-way of Kimmick south of Rosa Parks. In this area, the right-of-way was narrowed to 56 feet with a previous action that preceded the Volcano Heights Sector Development Plan.

The Traffic Engineer has required the applicant to consider the widening of the rights-of-way near the major intersections of Kimmick with Rosa Parks and Valiente to accommodate left hand turn bays in order to separate traffic movements at these key locations.

In summary, the 24 foot right of way vacation on the east side of Kimmick between Rosa Parks and Valiente is in compliance with the Volcano Heights Sector Plan's right of way requirement and the City's designation of Kimmick as a collector.

APPROVED:



Russell Brito, Manager Development Review Division
Planning Department

x:share/council/appeals/2007/AC-07-14

File Copy -
Do Not
Remove
Make a copy
if you need
one - then replace
in file
Thank you

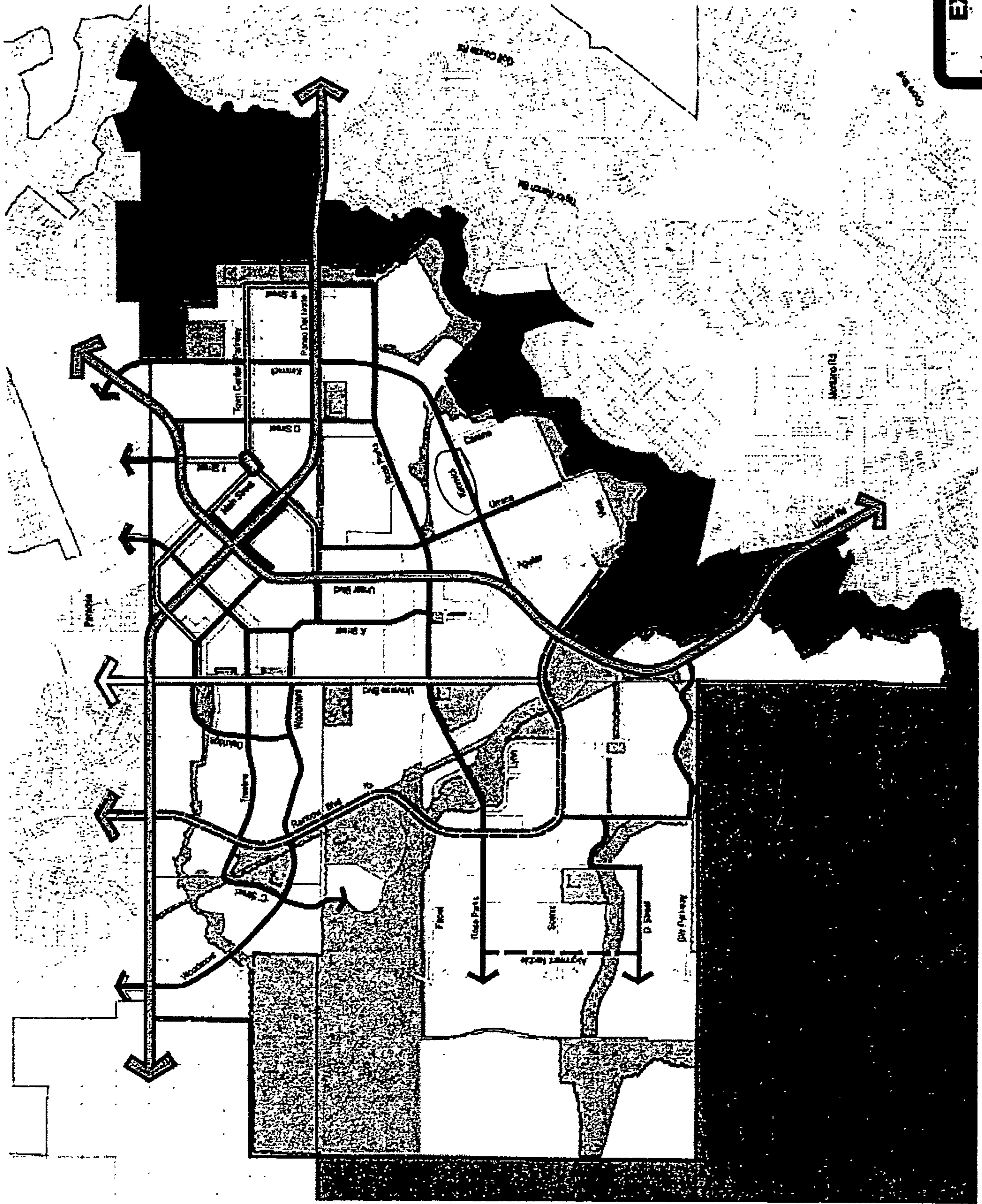
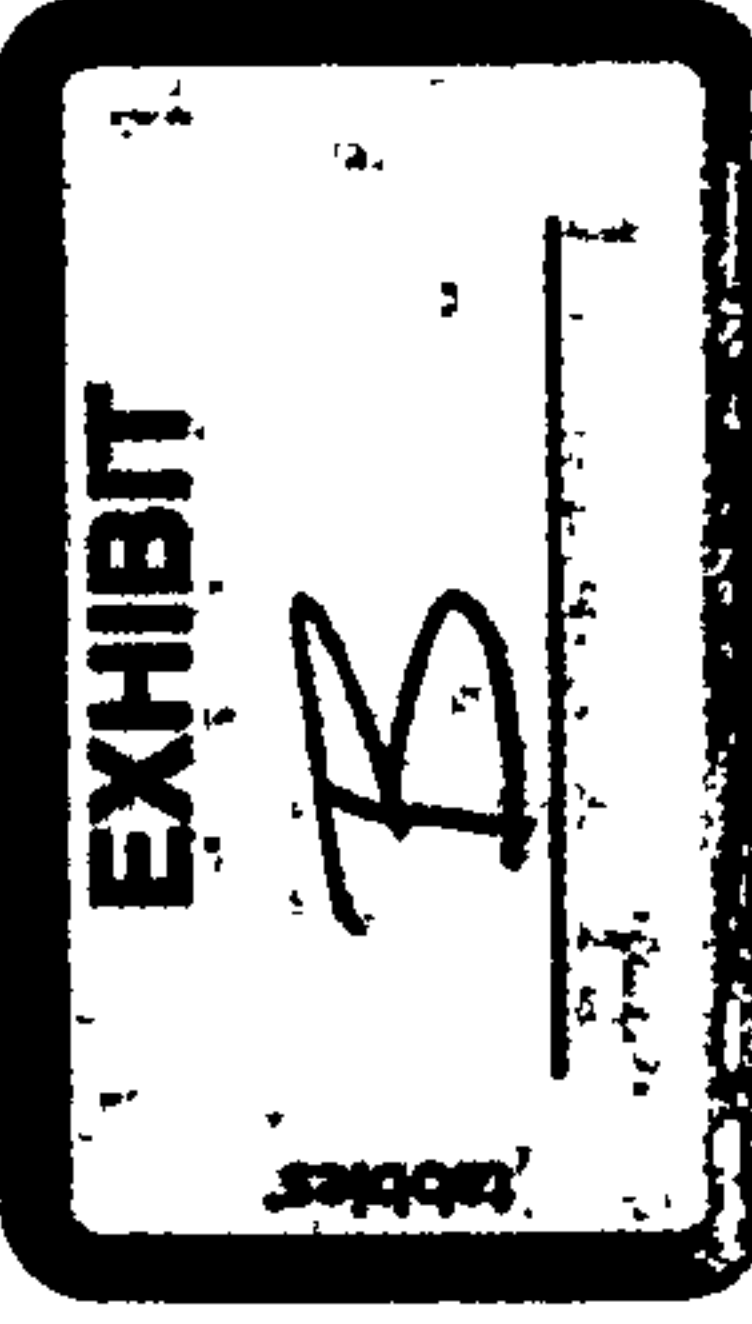
Road Network

Volcano Heights,
City of Albuquerque,
New Mexico
August 3, 2006

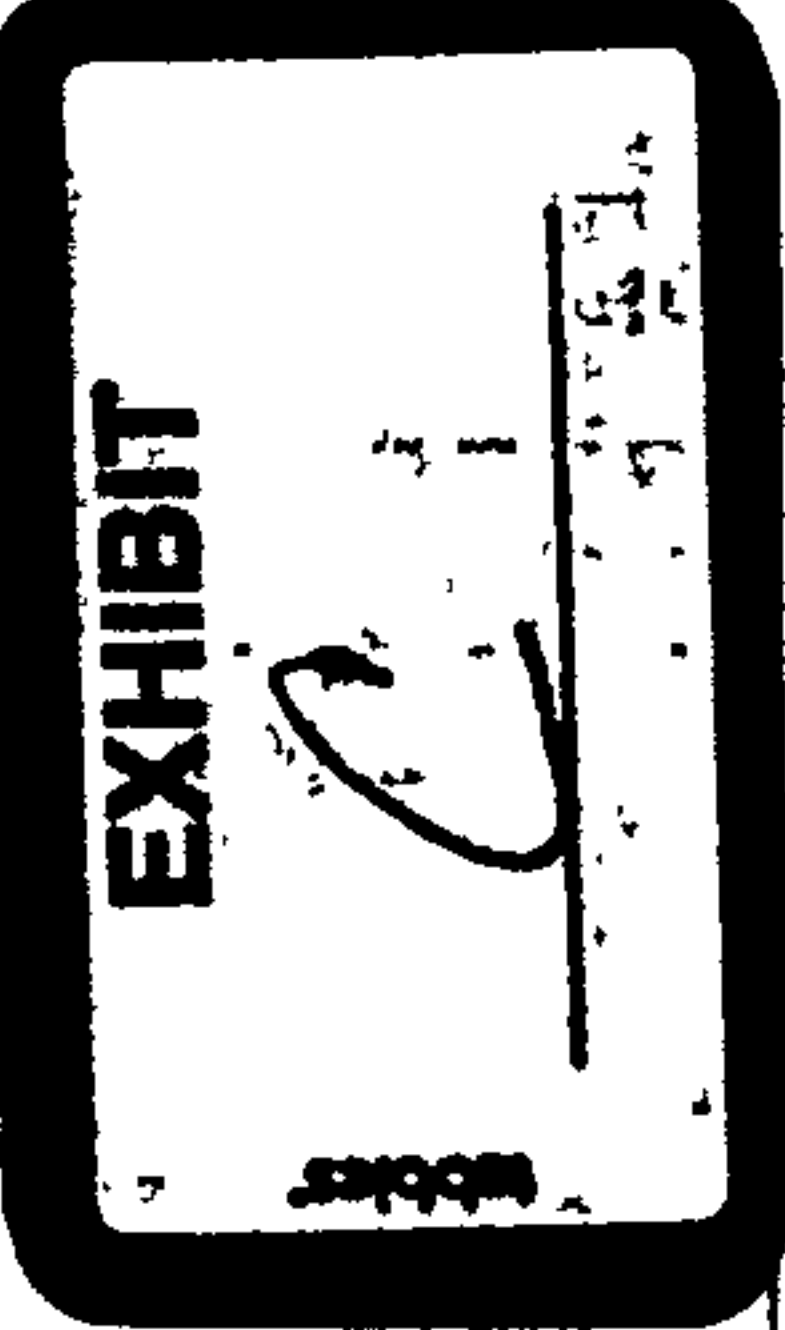
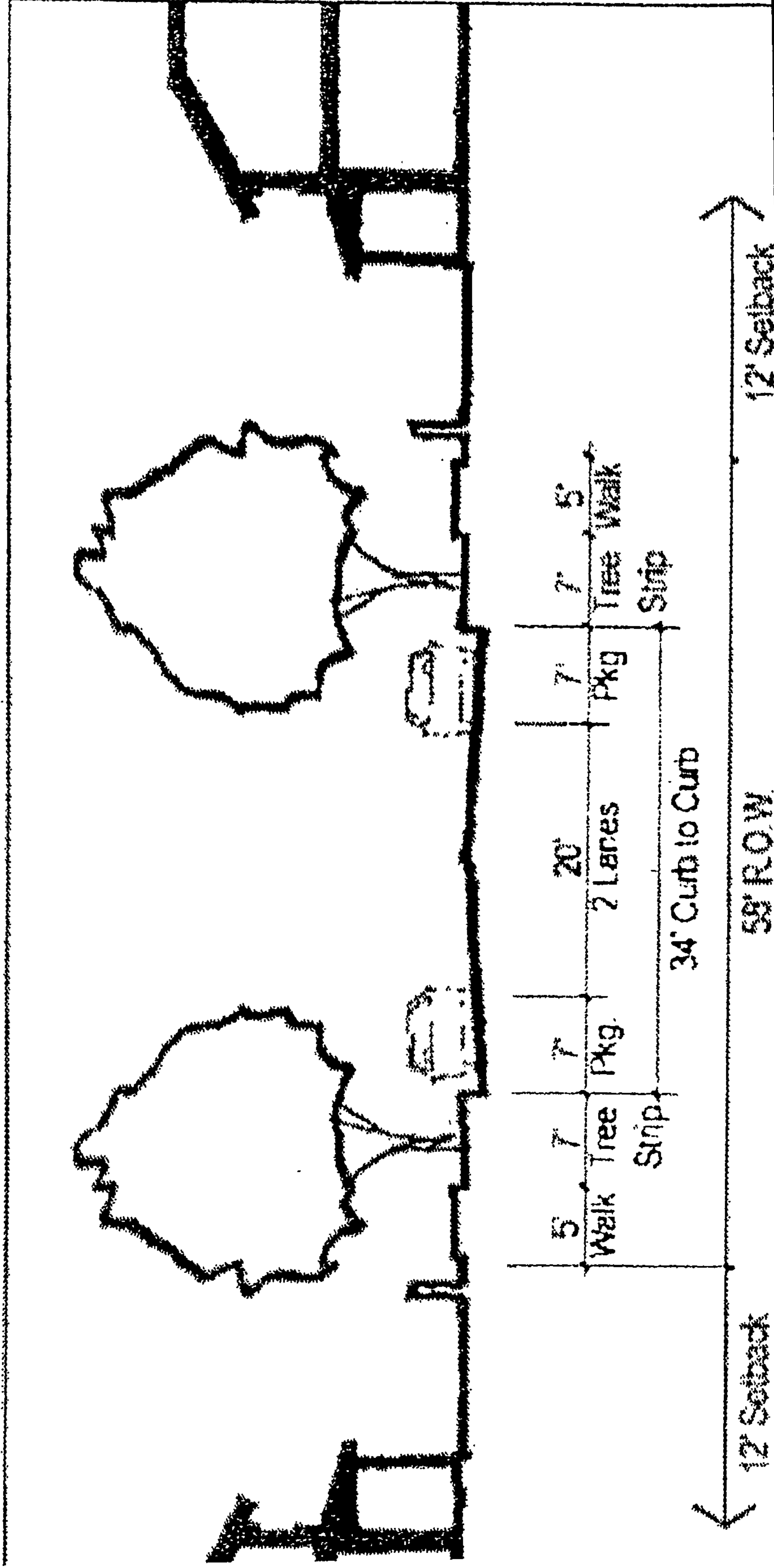
- LEGEND**
- Urban Boulevard
 - Limited Access Arterial
 - Principal Arterial
 - Minor Arterial
 - Collector with BRT
 - Collector
- Refer to Cross Sections 1-12
for street design



Taecker Urban Design
and Planning, LLC



Volcano Heights Sector Development Plan - 48



2 Lane Residential Collector

Tierra Buenavista
EXHIBIT 1

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07DRB-00580 – Project #1005539

**For Contents of Packet See Supplement to the Record for
AC-07-14 & AC-07-15**

**SUPPLEMENT TO
THE RECORD**

AC-07-14 & AC-07-15

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City of **APPEAL** Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

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

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- 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)
- APPEAL** / **PROTEST** of...
- 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): JOSEPH L ARCHBOLD PHONE: 505-328-1331
 ADDRESS: PO BOX 65888 FAX: 505-890-9257
 CITY: ALBUQUERQUE STATE NM ZIP 87193-5888 E-MAIL: archbold@flash.net

APPLICANT: SAME PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: appeal of VACATION OF R of W ON KILMICK NW

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

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

Lot or Tract No. 6071 Block: 5 Unit: 26
 Subdiv/Addn/TBKA: VOLCANO CLIFFS SUBDIVISION (TO BE KNOWN AS TIERRA BUENA ESTADOS)
 Existing Zoning: SUP BRLL Proposed zoning: _____
 Zone Atlas page(s): C-11 UPC Code: _____ MRGCD Map No _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 07DRB.00580

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill?
 No. of existing lots: _____ No. of proposed lots: _____ Total area of site (acres): approx 4
 LOCATION OF PROPERTY BY STREETS: On or Near: ROSA PARKS RD. NW
 Between: UNSER BURN NW and CALLE NORTENA NW

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

SIGNATURE Joseph L Archbold DATE 6/6/07
 (Print) JOSEPH L ARCHBOLD Applicant: Agent

FOR OFFICIAL USE ONLY

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07CC-00688</u>	<u>AP</u>		\$ <u>190.00</u>
<input checked="" type="checkbox"/> All fees have been collected			<u>ADV</u>	\$ <u>75.00</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 checked="" type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date <u>6/6/07</u>			Total \$ <u>265.00</u>
		Project # <u>1005539</u>		

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; 1005539

✓ Application number of case being appealed; 07DRB-00580

- ✓ Reason for the appeal *
- ✓ Appellant's basis of standing as an appellant *
- NA 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.

JOSEPH L ARCHBOLD
Applicant name (print)

Joseph L Archbold
Applicant signature / date



Form revised 10/04 & March 2005

<input type="checkbox"/> Checklists complete	Application case numbers		
<input type="checkbox"/> Fees collected	<u>0700</u>	<u>00688</u>	<u>Joseph L Archbold 6/6/07</u>
<input type="checkbox"/> Case #s assigned	___	___	Planner signature / date
<input type="checkbox"/> Related #s listed	___	<u>-2-</u>	Project # <u>1005539</u>

~~Ask DRB to deny request # 1005539 for vacation of a portion of Kimmick~~

~~Dear DRB Members,~~ I AM APPEALING THE VACATION OF PROJECT
1005539 / 07 DRB-00580 A VACATION ACTION

I am a resident of the West Side of Albuquerque and own property in Unit 19 of Volcano Cliffs..

I am not here today in any way opposed in general to what this developer is doing. I actively support this subdivision and actively support their follow on request item # 1005540.

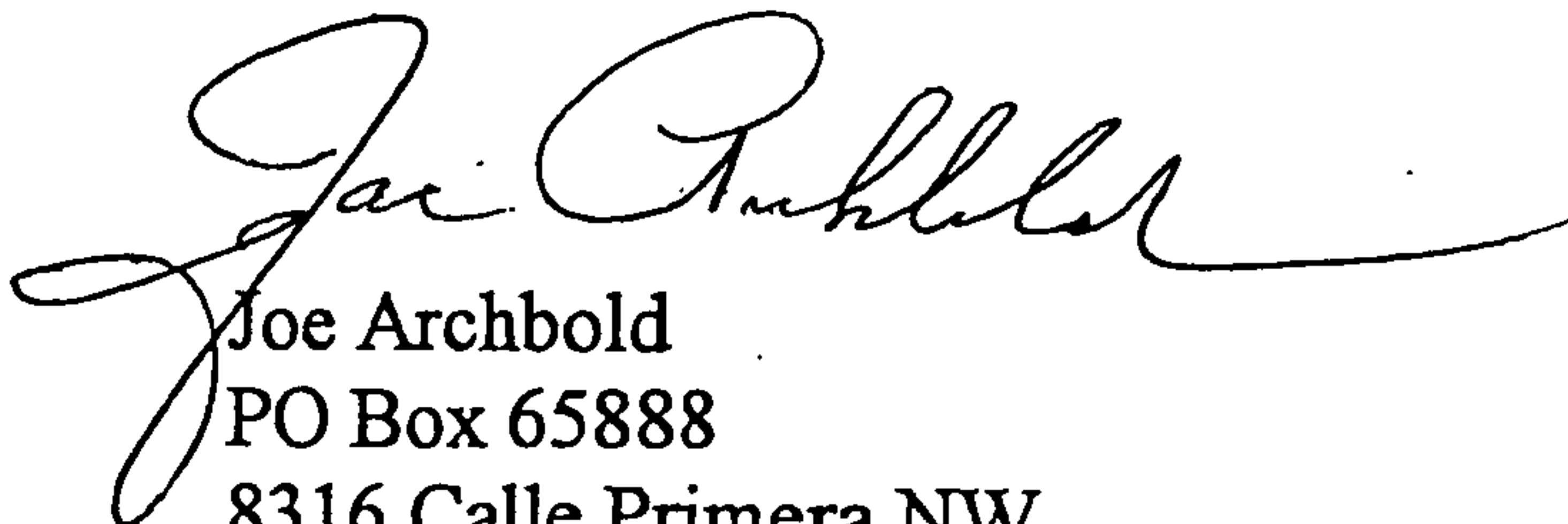
I am here to ask you to reject this particular request # 1005539 to vacate that portion of Kimmick south of Paseo Del Norte and north of Rosa Parks Blvd.

When I build my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did I would still run into the bottleneck, where Rosa Parks and Kimmick combine leading to Paseo, that is requested by this vacation.

The National Monument and the proposed trails through Open Space are for everyone in Albuquerque not just those living on top of the West Mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the West Side inadequate roads. They are too few and too narrow. This is a time for building not vacating.

Respectfully


Joe Archbold
PO Box 65888
8316 Calle Primera NW
Albuquerque, NM 87193-5888
Phone: 505-328-1331



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SROLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

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

PAID RECEIPT

APPLICANT NAME

AGENT

ADDRESS

PROJECT & APP #

PROJECT NAME

Joseph Archbold

1005539/07CC-00688

\$ _____ 441032/3424000 Conflict Management Fee

\$ *190.00* 441006/4983000 DRB Actions *Appeal*

\$ _____ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ *75.00* 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

\$ *265.00* TOTAL AMOUNT DUE

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

6/6/2007
RECEIVED
44,015
1071150

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

DUPLICATE

6/6/2007
RECEIVED
44,015
1071150

Counterreceipt.doc 6/21/04

APPEAL

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S Z ZONING & PLANNING
<input type="checkbox"/> Major Subdivision action	<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor Subdivision action	<input type="checkbox"/> County Submittal
<input type="checkbox"/> Vacation	<input type="checkbox"/> EPC Submittal
<input type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	<input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Subdivision	<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"/> Administrative Amendment (AA)	<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan	L A APPEAL/ PROTEST of...
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
STORM DRAINAGE	
<input type="checkbox"/> 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): Same as below PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: Volcano Cliffs Property Owners Assoc. PHONE: 505-228-7139
 ADDRESS: P.O. Box 27666 Dave Heil, Pres. and Barbara Mueller, Vice Pres. FAX: 505-892-7152
 CITY: Albuquerque STATE NM ZIP 87125 E-MAIL: Dave Heil 16@mon.net
 Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: Appeal of Vacation of R of W on Kimmick NW

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

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

Lot or Tract No. Lot 1 Block: 5 Unit: 26
 Subdiv/Addn/TBKA: Volcano Cliffs Subdivision (to be known as Tierra Buena Estates)
 Existing Zoning: Bu2 SRLL Proposed zoning: _____
 Zone Atlas page(s): C-11 UPC Code: 1011064 v 30201 MRGCD Map No. 104118

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): 07 DRB 00580

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill?
 No. of existing lots: 1 No. of proposed lots: 9 Total area of site (acres): approx 4
 LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Rd. NW
 Between: Unser NW and Calle Nortena NW

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

SIGNATURE Volcano Cliffs Property owners Assoc. by Barbara Mueller DATE 6/13/07
 (Print) Volcano Cliffs Property owners Assoc. by Barbara Mueller - Vice Pres. / Dave Heil - Pres. Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Application case numbers	Action	S.F.	Fees
<u>07CC - 00720</u>	<u>Appeal</u>	<u>A</u>	<u>\$ 190.⁰⁰</u>
_____	<u>Adv.</u>	_____	<u>\$ 75.⁰⁰</u>
_____	_____	_____	<u>\$ _____</u>
_____	_____	_____	<u>\$ _____</u>
_____	_____	_____	<u>\$ _____</u>
Hearing date <u>6/13/07</u>	Appeal	Total	<u>\$ 265.⁰⁰</u>

Andrew Gomez Project # 1005539

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; 100 55 39

Application number of case being appealed; 07 DRB - 00580

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.

Volcano Cliffs Property Owners Association

Applicant name (print)

Volcano Cliffs Property Owners Assoc. by

Applicant signature / date

Barbara Mueller - Vice Pres 6/13/07

Form revised 10/04 & March 2005



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

Application case numbers
07 CC - 20720

Andrew Gnucc 6/13/07
Planner signature / date
Project # 1005539

Volcano Cliffs Property Owners Association
P.O. Box 27666
Albuquerque, NM 87125

June 13, 2007

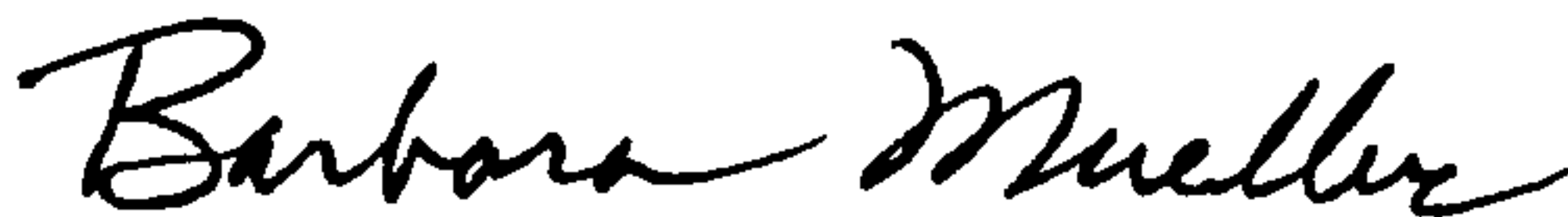
Appeal of Vacation of R-O-W on Kimmick NW

The Volcano Cliffs Property Owners Association is appealing the DRB approval of vacation of a portion of the KimmickNW R-O-W between Rosa Parks Rd. NW and Valiente Rd. NW because:

- a) the DRB erred in applying city plans, policies and ordinances
- b) the DRB erred in its stated facts
- c) the DRB's decision is not supported by substantive evidence, and
- d) the DRB acted arbitrarily and capriciously and abused its discretion.

In fact as evidenced by the attached Exhibit 1 there is a definite public welfare served by retaining the present R-O-W. No R-O-W should be vacated in this area, given the recent extensive development in the area and the passage of the Volcano Heights Sector Plan(which will bring additional density to the area and which is currently under appeal), until an up to date traffic study is done to justify such action.

Sincerely,



Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

Exhibit 1

VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION
P.O. Box 27666
ALBUQUERQUE, NM 87125

May 28, 2007

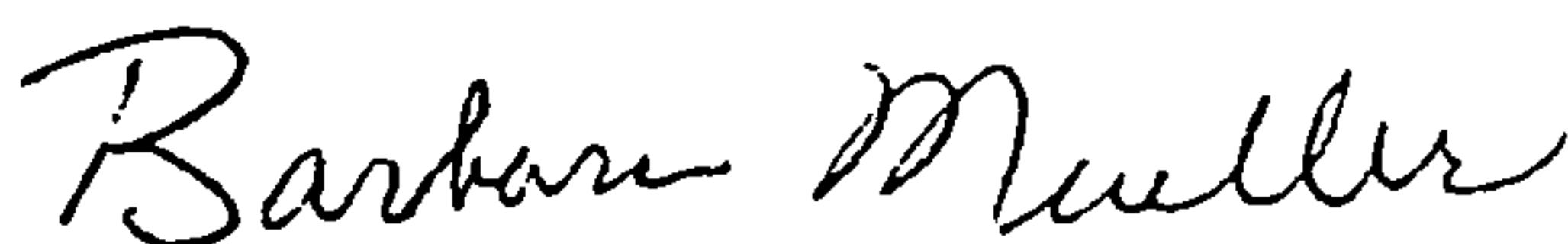
Dear Members of the DRB,

The Volcano Cliffs Property Owners Association protests the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

A) The Public Welfare is in no way served by retaining the right-of-way, and
B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

- The attached map, Exhibit 1, shows that the shortest route to eastbound Paseo from the Volcano Cliffs area (Units 17, 18, 19, 22 and a portion of 20) surrounding the La Cuentista subdivision (whose developers are requesting the vacation) is east on Kimmick thru La Cuentista to Paseo. This route is shown in green. Shown in red is the route suggested, in a response by the applicants agent, as the route most likely to be used. They are proposing that the people exiting Units 18, 19, and 22 are going to go north on Urraca to Rosa Parks, then west on Rosa Parks to Unser and then north a mile or so to Paseo and then back to the south east to the Paseo/Kimmick intersection when they could have driven northeast on Kimmick half a mile to this same intersection. This route necessitates widening Rosa Parks west of La Cuentista to handle the additional traffic. There has been no action by either the city of Albuquerque or by this applicant to obtain any additional right of way for Rosa Parks or Unser to alleviate the problems being caused by narrowing Kimmick.
- There is a definite public safety issue in narrowing this road. In the case of Unser being shut down for any reason there is no ability to rapidly move any appreciable amount of traffic out of this area of Volcano Cliffs, or for that matter La Cuentista, to the east onto Paseo or to move emergency vehicles into the area from the east.
- The response we received from the applicants agent stated that the vacation request is justified by a traffic study done in 1997 and other studies including a proposed SAD 228 and Unser and Paseo studies. This information is woefully out of date and inadequate since at the time of those studies the master plan for the entire Volcano Cliffs area was for 2-3 houses per acre. Since then the passage of the Volcano Heights Sector Plan has added massive amounts of population and commercial activity to this area, not to mention the new High School and the KB Homes high density housing project presently under construction.
- The Volcano Heights Sector Plan is presently being appealed in the courts. Should the appellants prevail and the court overturn the plan this right-of-way will have been vacated and it will be virtually impossible to reconstitute it at that time. If instead, this applicant is allowed to go ahead and develop their property while maintaining the present right of way, it can always be used for linear park open space or biking and jogging paths or additional traffic lanes if they are needed in the future. Absolutely no right of way should be vacated by anyone (including the present applicant) until the courts have ruled on the appeal of the Volcano Heights Sector Plan.

Sincerely,



Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

Exhibit 2

From: DAVID HEIL <daveheil16@msn.com>
To: Tim Flynn O'Brein <tim@flynnobrien.com>, Barb Mueller <mueller0311@comcast.net>
Subject: Kimmick
Date: Tuesday, June 12, 2007 4:21:14 PM

Sheran Matson, **DRB** Chairperson

As President of the The Volcano Cliffs Property Owners Association and as an individual owning property served by Kimmick I protest the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

- A) The Public Welfare is in no way served by retaining the right-of-way, and
 - B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.
- Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

Also, The traffic study that the applicant's agent references was done in 1997. In September 2006 the City Council approved the Volcano Heights Sector Plan which significantly increased the densities in the area.

Before any vacating of Kimmick is done another traffic study should be completed considering the increased densities.

Dave Heil

-12-



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
SUBDIVISION	S	ZONING & PLANNING	Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input checked="" type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	P	<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)	L	APPEAL / PROTEST of...	A
		<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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899
 ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net
 Proprietary interest in site: Owner List all owners: MGMe Development, Inc.
 AGENT (if any): Kristine Susco - Wilson and Company PHONE: (505) 348-4191
 ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com
 DESCRIPTION OF REQUEST: Request the Vacation of existing Public ROW on Kimmick Dr NW.

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 1 Block: 5 Unit: 26
 Subdiv. / Addn. Volcano Cliffs Subdivision TBK TIERRA BUENA ESTATES
 Current Zoning: SU2-SRLL Proposed zoning: No Change
 Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9
 Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
 UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Road NW
 Between: Rosa Parks Road NW and Valiente Road NW

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

DRB #1005539 - Sketch Plat Hearing Date 5-9-07 07DRB00561

Check-off if project was previously reviewed by Sketch Plat/Plan NO, or Pre-application Review Team NO Date of review: _____

SIGNATURE Kristine Susco DATE: 5-4-07
 (Print) KRISTINE SUSCO 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>07 DRB - -00580</u>	<u>VRW</u>		<u>\$ 300.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned		<u>Adv</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				<u>\$</u>
<input checked="" type="checkbox"/> Case history #s are listed				<u>\$</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	Hearing date <u>May 30, 2007</u>			<u>\$ 395.00</u>

Andrew Conner 5/4/07

Project # 1005539

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)
 ___ 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.

KRISTINE SUSCO
 Applicant name (print)
Kristine Susco 5-4-07
 Applicant signature / date

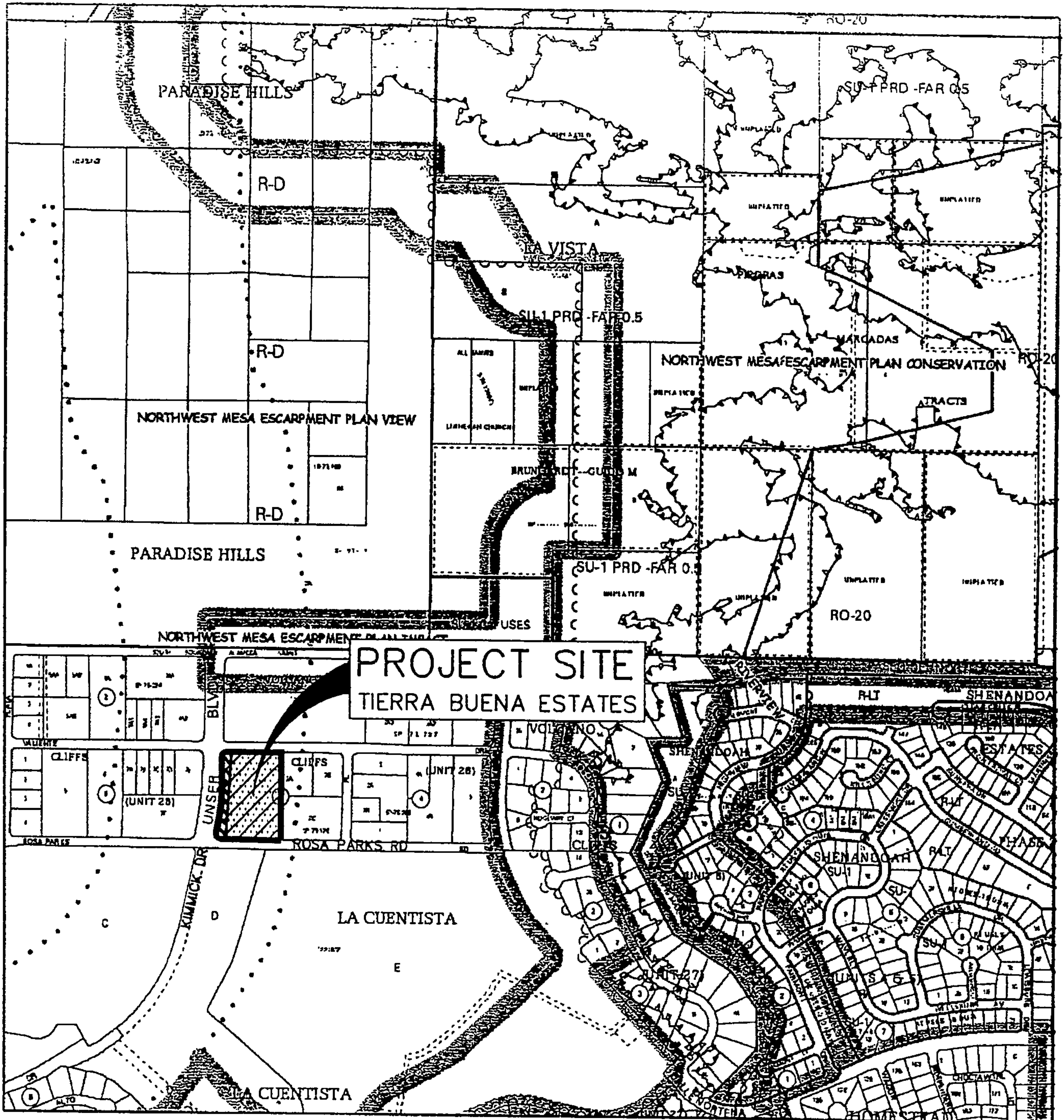


Form revised 4/07

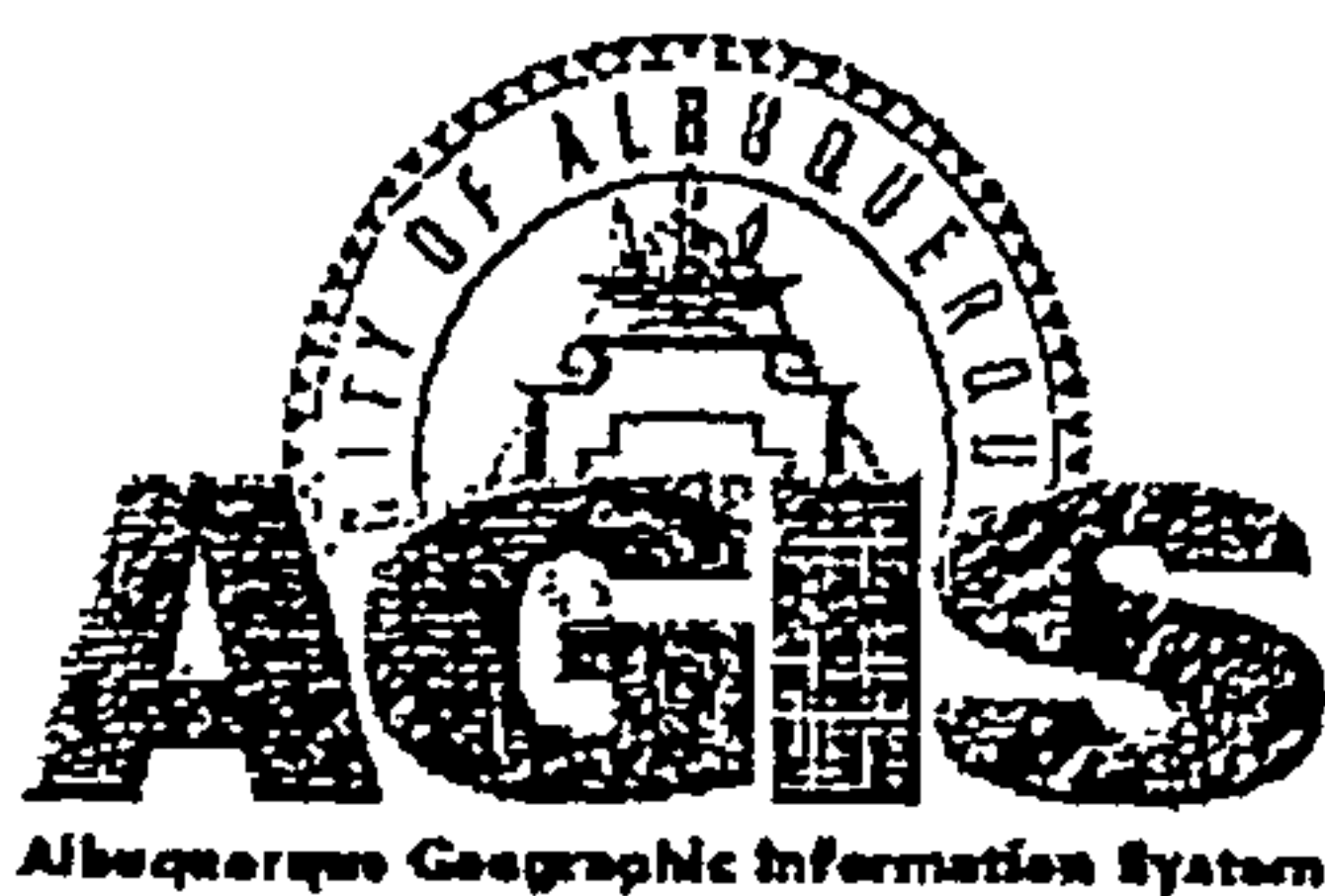
Andrew Jones 5/4/07
 Planner signature / date

Project # 1005539

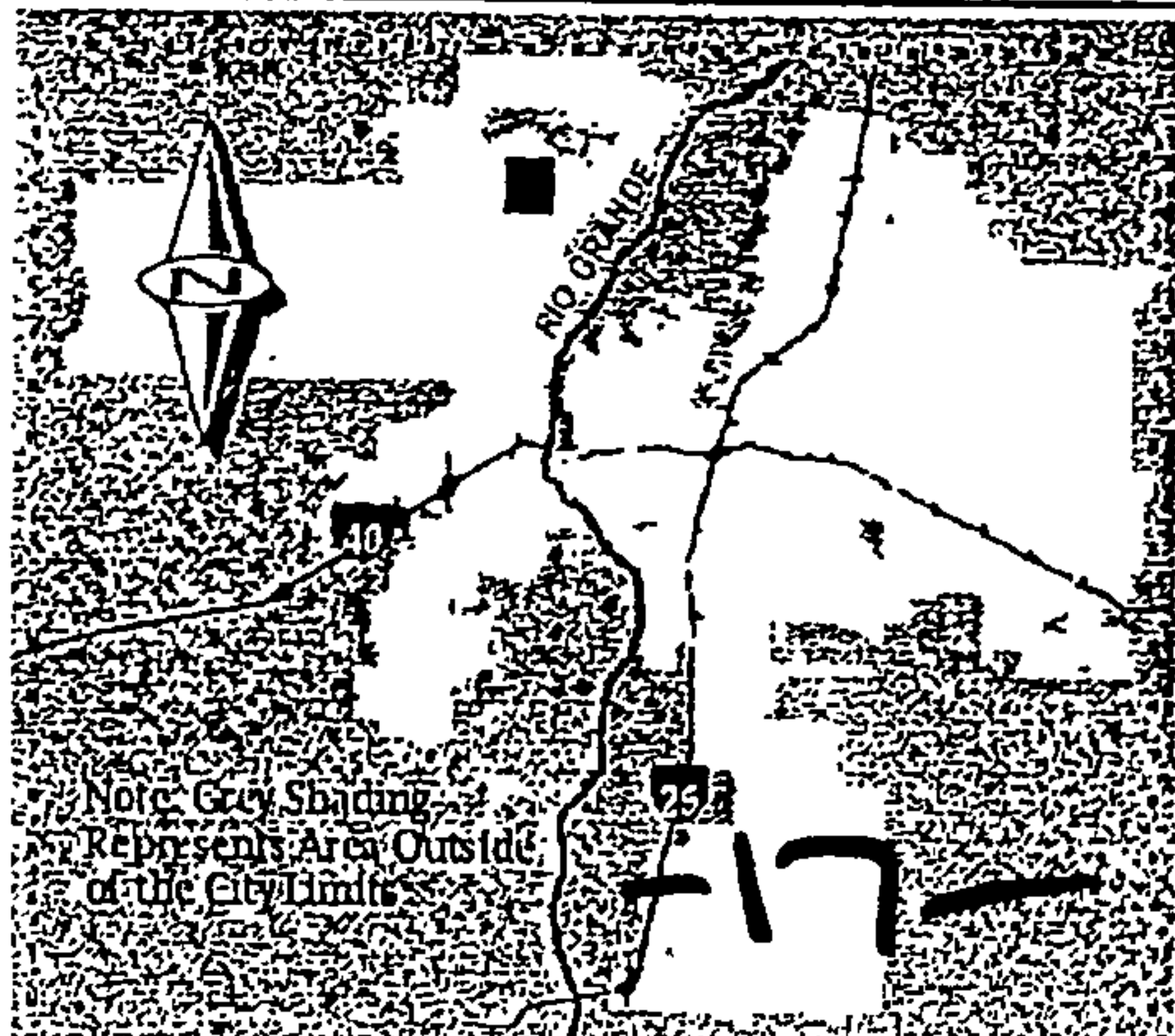
- Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed
- | | |
|--------------------------|-------|
| Application case numbers | |
| 07 DRB - | 00580 |
| - | - |
| - | - |



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



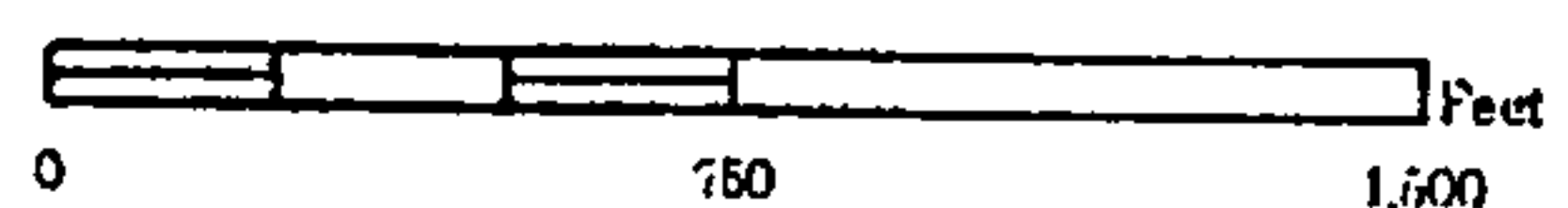
Map amended through: 10/25/2006



Zone Atlas Page:
C-11-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



**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

4 May 2007

**Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103**

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development, Inc., requests approval for the Vacation of existing Public ROW on Kimmick Dr. adjacent to the planned Tierra Buena Estates. This Vacation will bring the Kimmick ROW width to 58', thereby adhering to the requirements of the Volcano Heights Sector Development Plan.

Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191.
Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kisusco@wilsonco.com



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Date: 5/13/07

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on May 3, 2007
(date)

TO CONTACT NAME: Shadi Hayati
COMPANY/AGENCY: Wilson Company
ADDRESS/ZIP: 4900 Lang Avenue NE
PHONE/FAX #: 348-4000, 348-4055

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at Lot 1, blocks units, unit 26 Udeamcliffs Subdivision, located on NE of Kimmick Dr. and Rose Parks Rd between Rose Parks Rd. NW & Valiente Rd NW zone map page(s) C-11-2.

Our records indicate that as of May 3, 2007, there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

[Signature]
OFFICE OF NEIGHBORHOOD COORDINATION

May 3, 2007 10:20AM

wilson|abc

No. 3538 P. 2/3

DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Community and Neighborhood Coordination (OCNC) located in Room 120 (basement) of the Plaza Bank Building 600 Second St NW Fax - 924-3943 - will need the following information and **EXISTING** 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 924-

3014. You request is for the following: Cell Tower () Private Development (X) City Project () or other ()

(specify)

CONTACT NAME _____

COMPANY NAME _____

ADDRESS _____

ZIP/DEPT _____

PHONE (XXX) _____ CELL _____

FAX (XXX) _____

NEIGHBORHOOD ASSOCIATION INFORMATION

PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD ASSOCIATIONS IN THE AREA OF THE PROPERTY DESCRIBED AS 1211 1st Street S, Apt 26

LEGAL DESCRIPTION _____

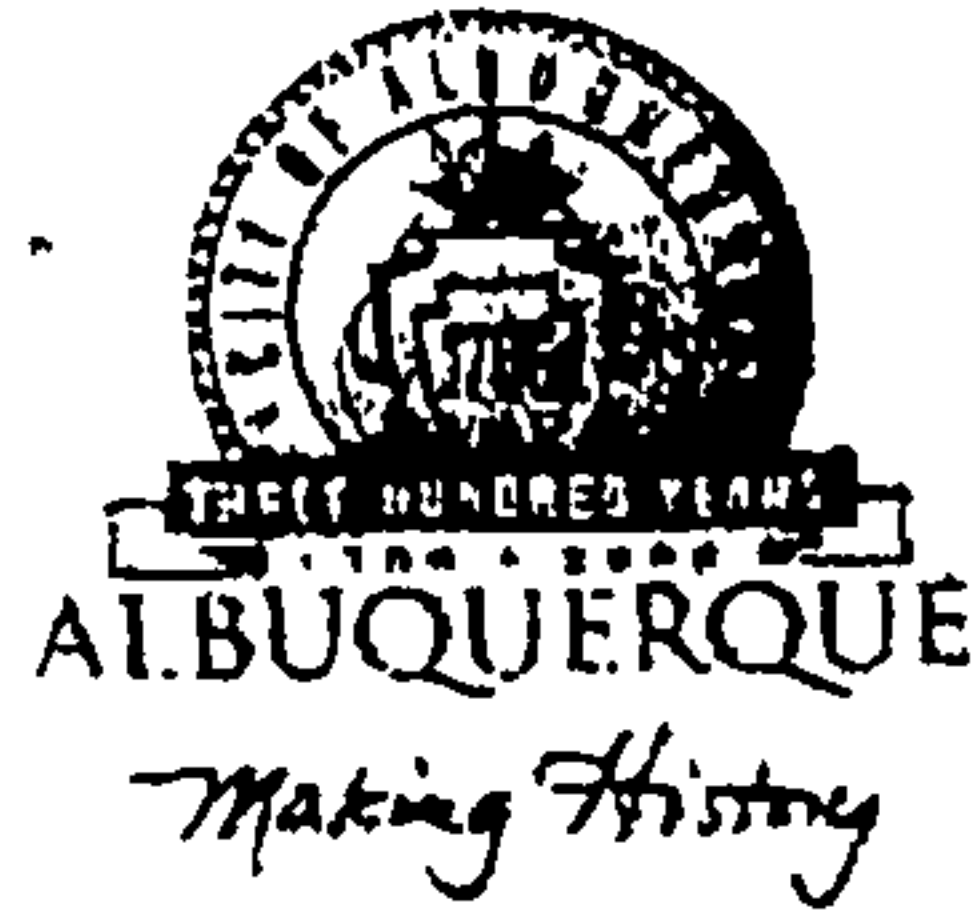
LOCATED ON _____ (STREET NAME OR OTHER IDENTIFYING LANDMARK)

BETWEEN _____ AND _____ (STREET NAME OR OTHER IDENTIFYING LANDMARK)

_____ (STREET NAME OR OTHER IDENTIFYING LANDMARK)

THE SITE IS LOCATED ON THE FOLLOWING ZONE ATLAS PAGE(S) (A-11Z)

PLEASE MATCH ACT ZONE MAP WHERE PROPERTY IS LOCATED (ZONING MAP MUST BE PROVIDED WITH REQUEST)



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.

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Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

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(date)

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Sincerely,

[Signature]
OFFICE OF NEIGHBORHOOD COORDINATION

May 3 2007 10:20AM

wilsonlab

No. 3538 p. 2/3

DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Community and Neighborhood Coordination (CCNC) located in Room 1204 (basement) of the Plaza Bank Building, 600 Second St. NW, Fax - 924-3913 - will need the following information BEFORE neighborhood association information will be released to the applicants/developer on any project being presented to the Planning Department. If you have any questions, please feel free to contact our office at 924-3913. Your request is for the following: Cell Tower, Private Development, City Project, or other.

CITY PROJECT OR OTHER: _____ (specify)

CONTACT NAME: _____

COMPANY NAME: _____

ADDRESS: _____

ZIP CODE: _____

PHONE (DAY): _____ CELL: _____

FAX (DAY): _____

NEIGHBORHOOD ASSOCIATION INFORMATION

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

VEGA DESCRIPTION: _____

LOCATED ON _____ (STREET NAME OR OTHER IDENTIFYING LANDMARK)

BETWEEN _____ AND _____ (STREET NAME OR OTHER IDENTIFYING LANDMARK)

_____ (STREET NAME OR OTHER IDENTIFYING LANDMARK)

THE SITE IS LOCATED ON THE FOLLOWING ZONE ATLAS PAGE(S): _____

PLEASE MATCH OUT ZONE MAP WHERE PROPERTY IS LOCATED. ZONE MAP MUST BE PROVIDED WITH REQUEST.

7002 3150 0000 5090 3001

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 MAY 4 2007

Sent To *Larry Weaver*
 Street, Apt. No., or PO Box No. *6001 Ventres G NW*
 City, State, ZIP+4 *ALB NM 87114*

PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0000 5090 2974

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Return Receipt Fee (Endorsement Required)		/
Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64

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 ALBUQUERQUE NM 87101
 USPS
 MAY 4 2007

Sent To *Dave Heit*
 Street, Apt. No., or PO Box No. *160 Itasca Rd*
 City, State, ZIP+4 *Pro Rondo NM 87124*

PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0000 5090 2982

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Total Postage & Fees	\$	4.64

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Sent To *Bill Wright*
 Street, Apt. No., or PO Box No. *4112 Blue Ridge PL NE*
 City, State, ZIP+4 *ALB NM 87111*

PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0000 5090 2998

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Restricted Delivery Fee (Endorsement Required)		/
Total Postage & Fees	\$	4.64

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 ALBUQUERQUE NM 87101
 USPS
 MAY 4 2007

Sent To *Tom Anderson*
 Street, Apt. No., or PO Box No. *10013 Plumlett Dr NW*
 City, State, ZIP+4 *ALB NM 87114*

PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0000 5090 0000 05TE 2002

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: *Larry Wemar*
 Street, Apt. No., or PO Box No.: *6001 Ventas G NW*
 City, State, ZIP+4: *ALB NM 87114*

PS Form 3800, June 2002 See Reverse for Instructions

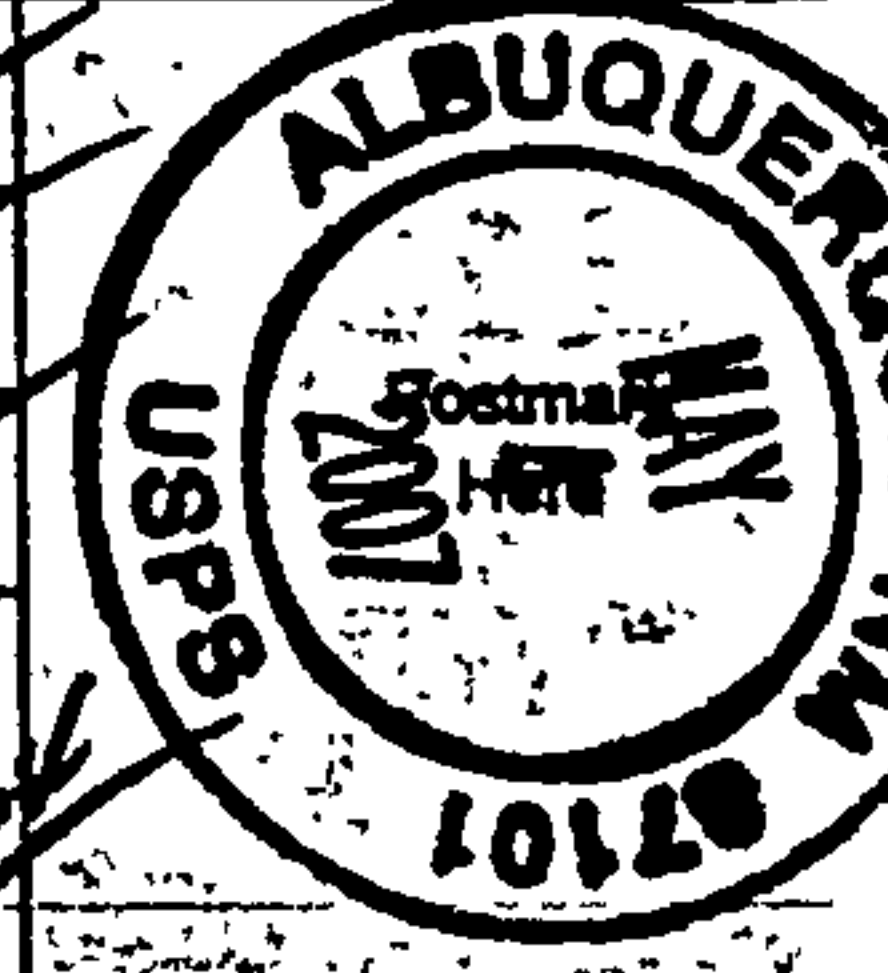
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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: *Dave Heit*
 Street, Apt. No., or PO Box No.: *160 Itasca Rd*
 City, State, ZIP+4: *Res Pardo NM 87124*

PS Form 3800, June 2002 See Reverse for Instructions

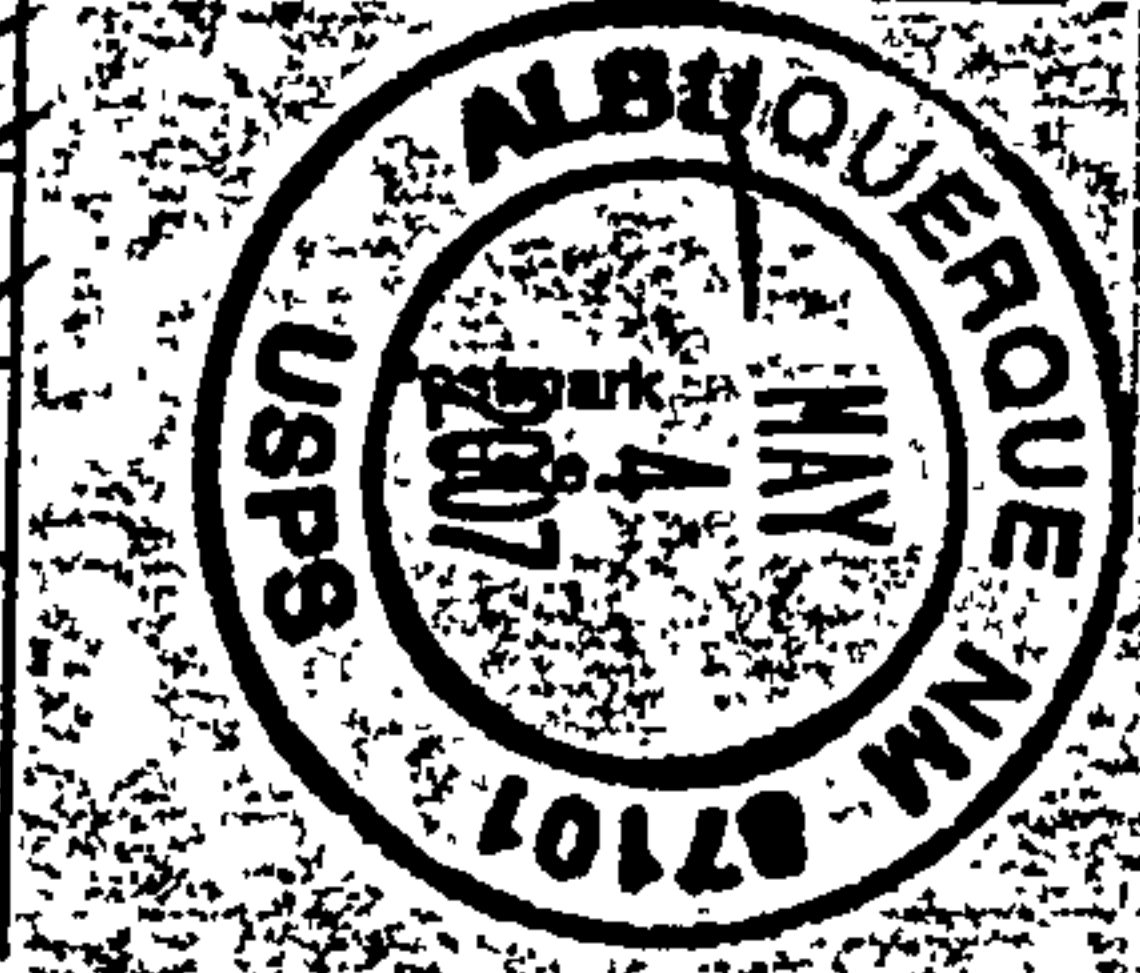
7002 3150 0000 5090 0000 05TE 2002

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: *Bill Wright*
 Street, Apt. No., or PO Box No.: *4112 Blue Ridge Pl NE*
 City, State, ZIP+4: *ALB NM 87111*

PS Form 3800, June 2002 See Reverse for Instructions

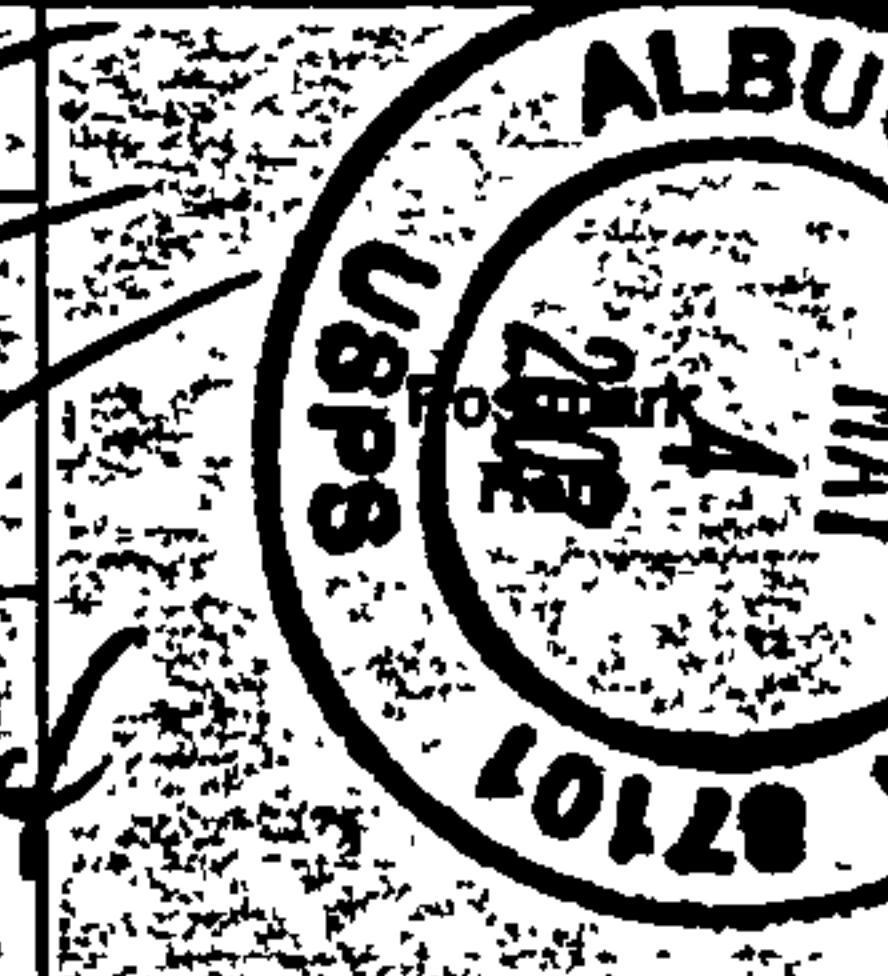
7002 3150 0000 5090 0000 05TE 2002

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: *Tom Anderson*
 Street, Apt. No., or PO Box No.: *10013 Plumett Dr NW*
 City, State, ZIP+4: *ALB NM 87114*

PS Form 3800, June 2002 See Reverse for Instructions

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

May 15, 2007 To May 30, 2007

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.


(Applicant or Agent)

5-4-07
(Date)

I issued 1 signs for this application,

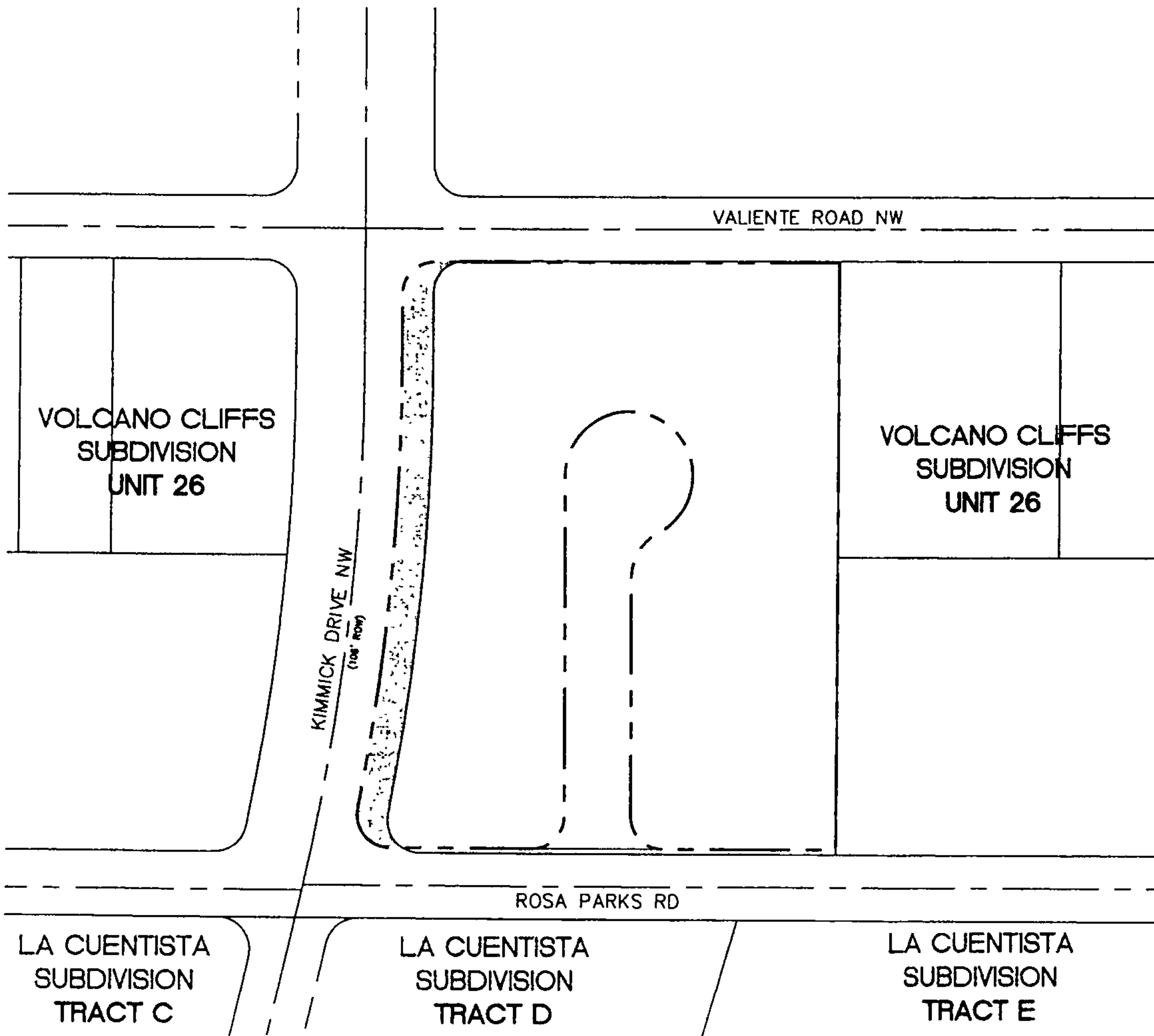
5/4/07
(Date)

Andrew Jones 5/4/07
(Staff Member)

DRB PROJECT NUMBER: 1005539

-24-

VACATION EXHIBIT TIERRA BUENA ESTATES MAY 2007

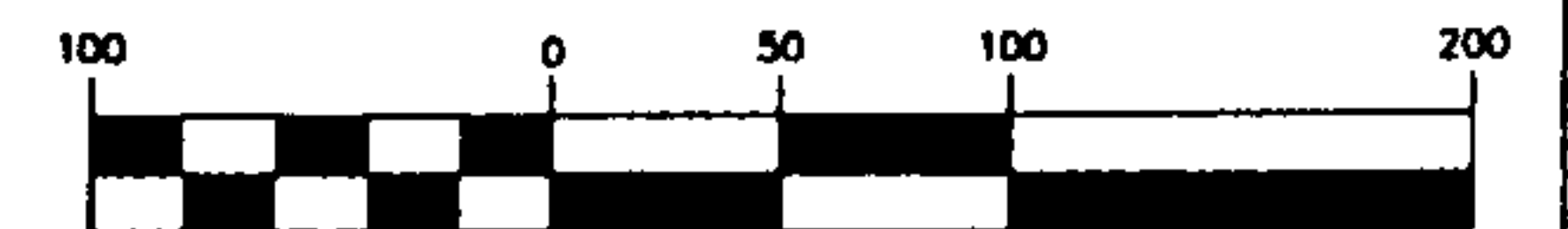


VACATION LEGEND

VACATE 24' PUBLIC ROW

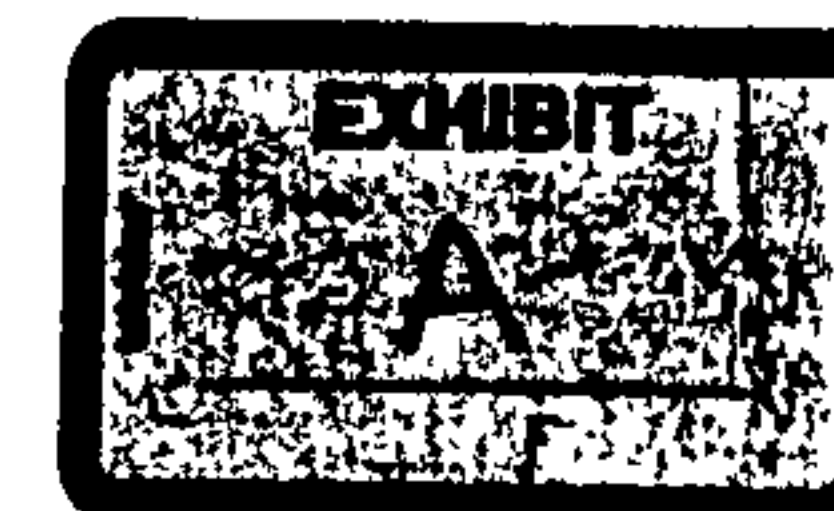


GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft

VACATION EXHIBIT B
Date 05/30/07



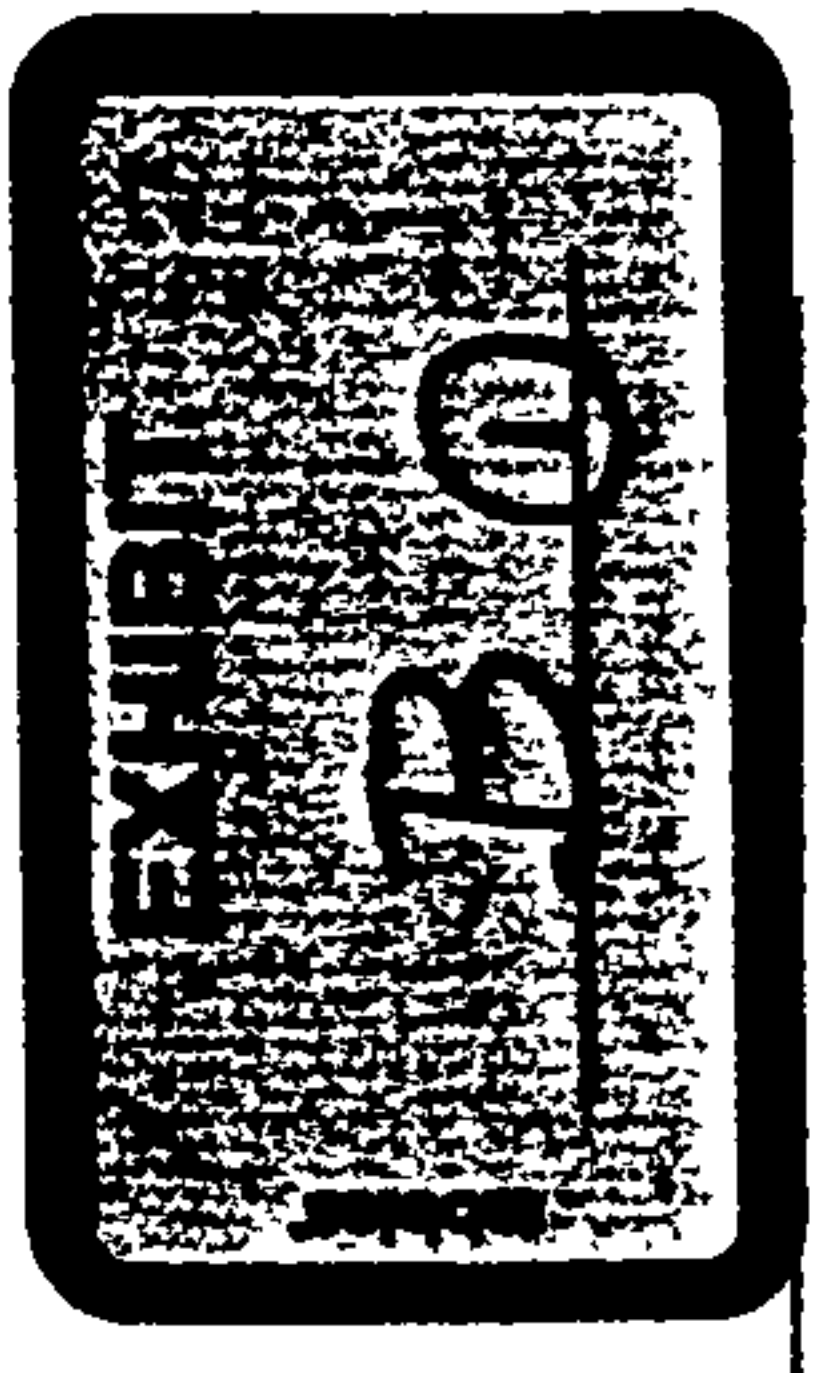
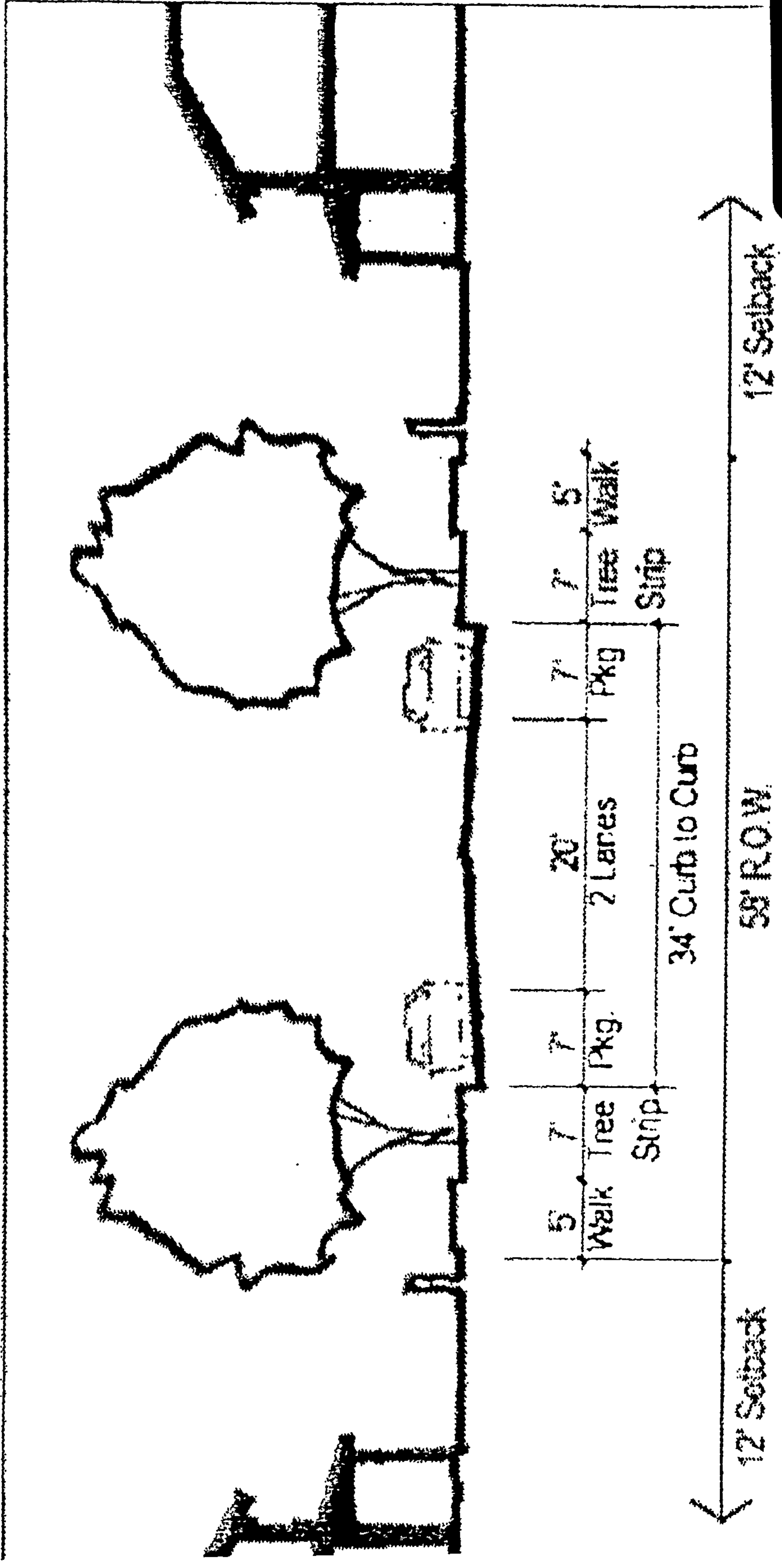
WILSON & COMPANY
4900 LANG AVE NE
ALBUQUERQUE, NEW MEXICO 87109
(505) 348-4000

TIERRA BUENA ESTATES

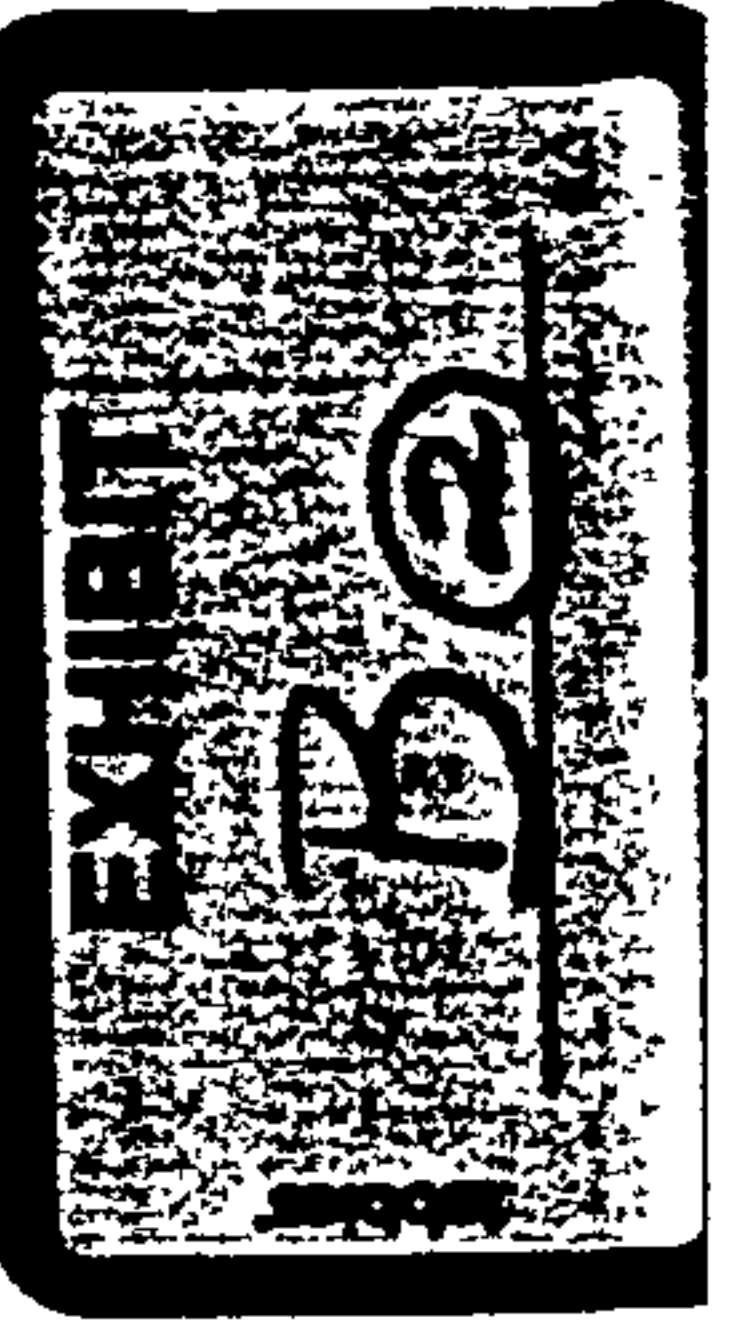
VACATION EXHIBIT

DESIGN	MIS	WCEA NO.0760002200	DATE	MAY 2007
DRAWN	OM	PROJECT NO.	SHEET NO.	
CHECKED	DSA		1	of 1

Volcano Heights Sector Development Plan - 4a

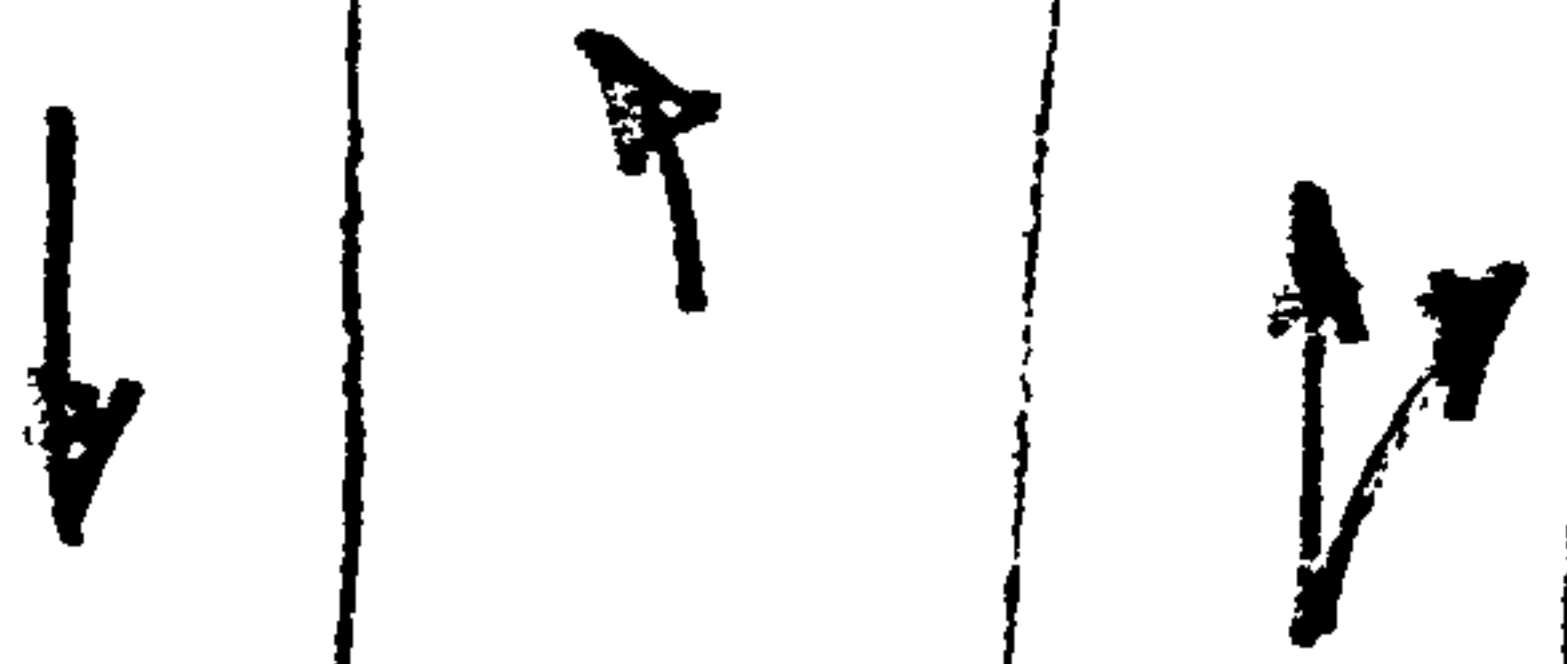
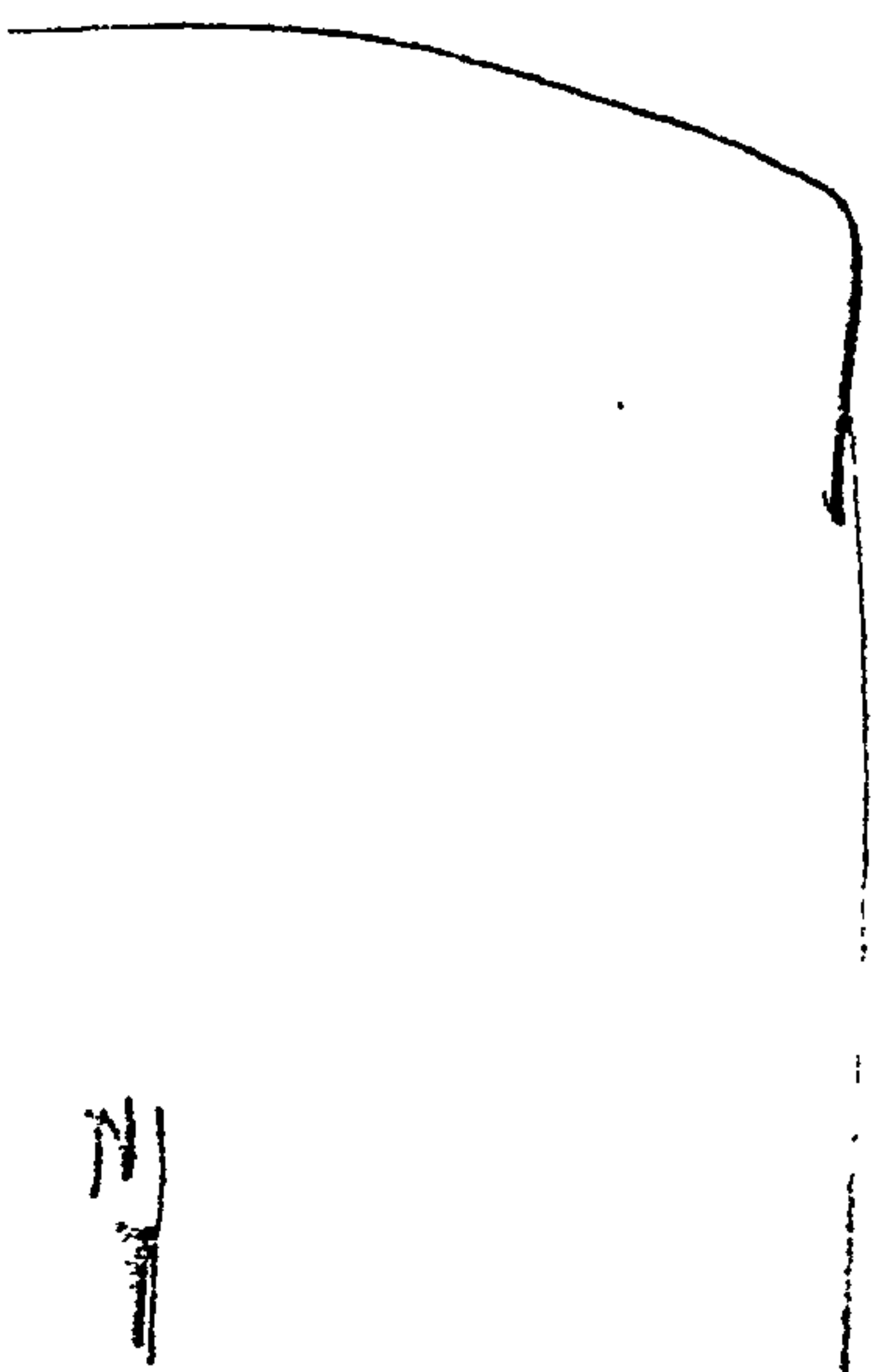
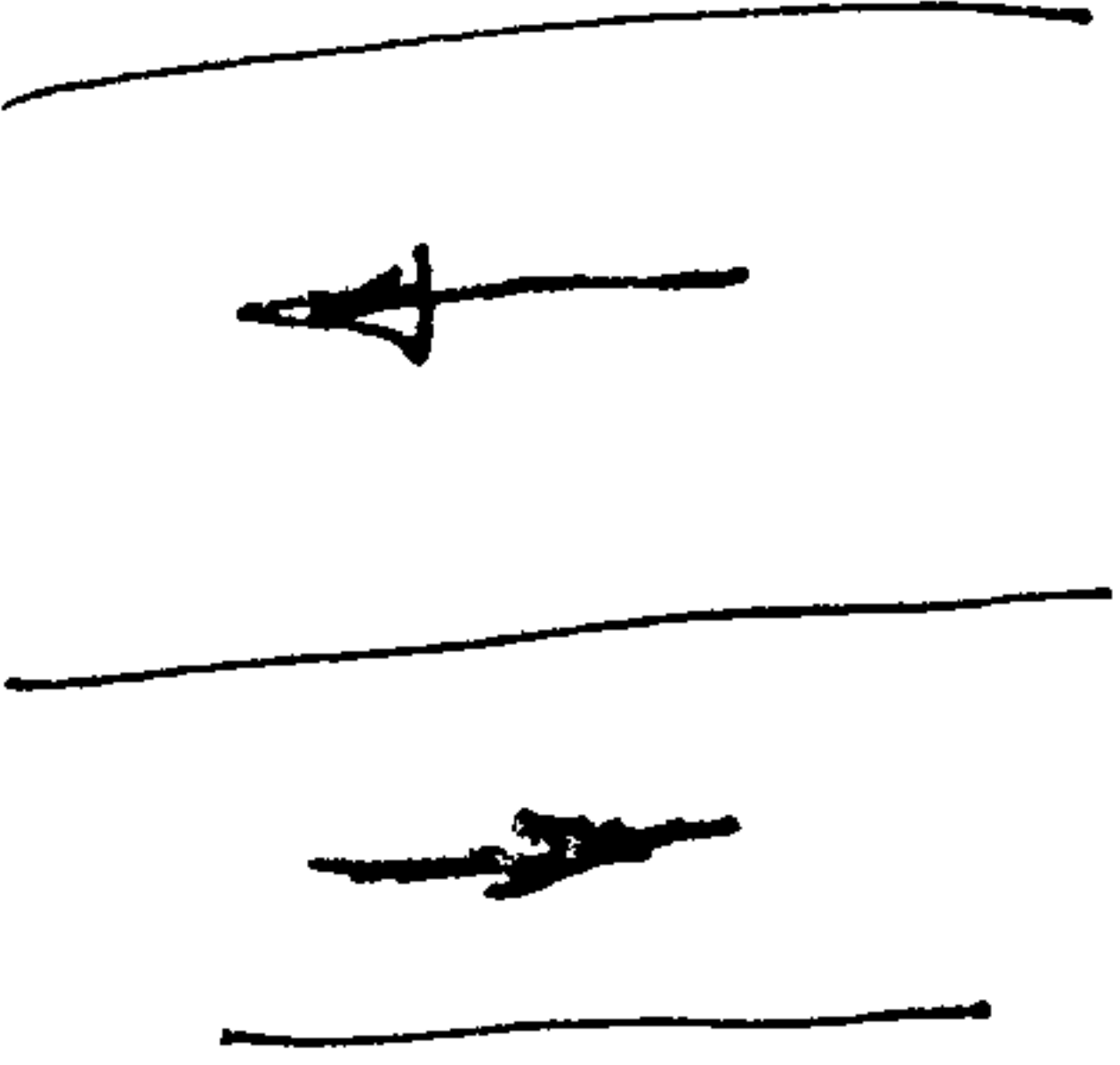
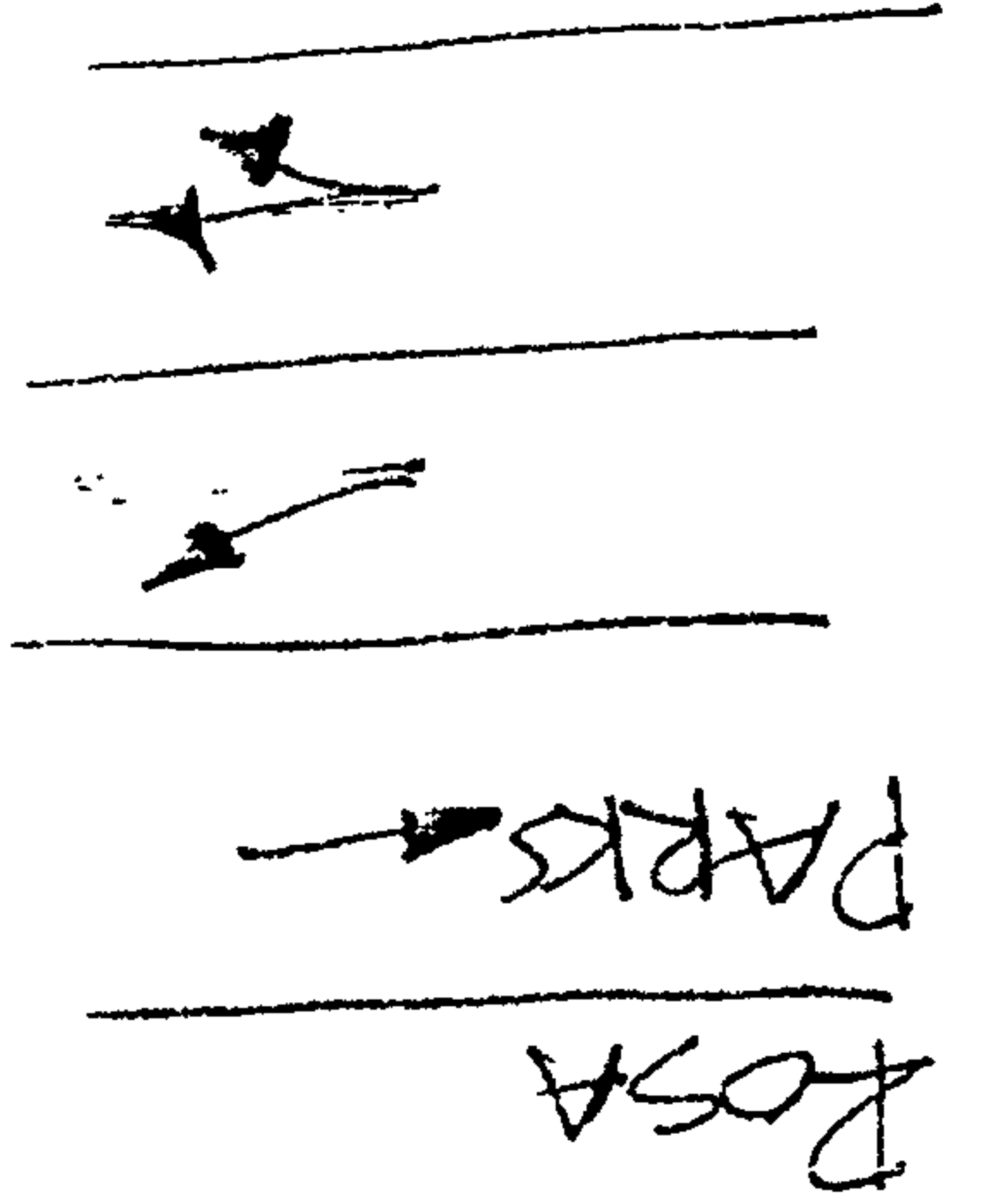


2 Lane Residential Collector



Tiera Buora
Estates
EXHIBIT 2

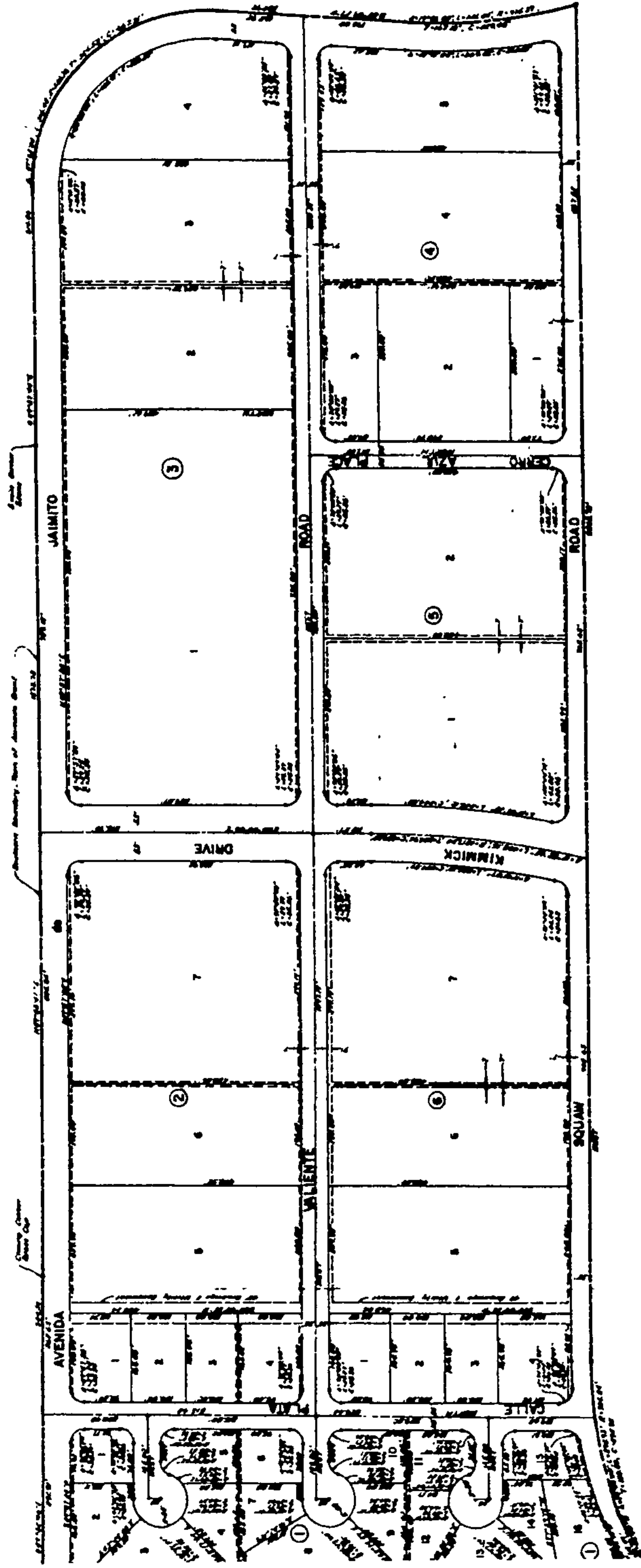
Kimmick/
Rosa Parks
Intersection
Detail



KIMMICK

UNIT NO. 26
VOLCANO CLIFFS SUBDIVISION
BERNALILLO COUNTY, NEW MEXICO
SCALE: 1"=100'
JUNE 1971

1:00 PM 1971



DESCRIPTION

The following is a description of the several lots of this block as they are shown on the plat of the Volcanos Cliffs Subdivision, Bernalillo County, New Mexico, as recorded in the office of the County Clerk, Bernalillo County, New Mexico, on June 17, 1971.

Lot 1 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 2 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 3 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 4 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 5 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 6 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 7 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 8 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 9 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 10 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 11 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

Lot 12 is a rectangular lot measuring 135.00 feet by 135.00 feet, located in the northeast corner of the block. The lot is bounded to the north and east by the street frontage of the block, to the south by the centerline of the street, and to the west by the centerline of the street.

APPROVALS

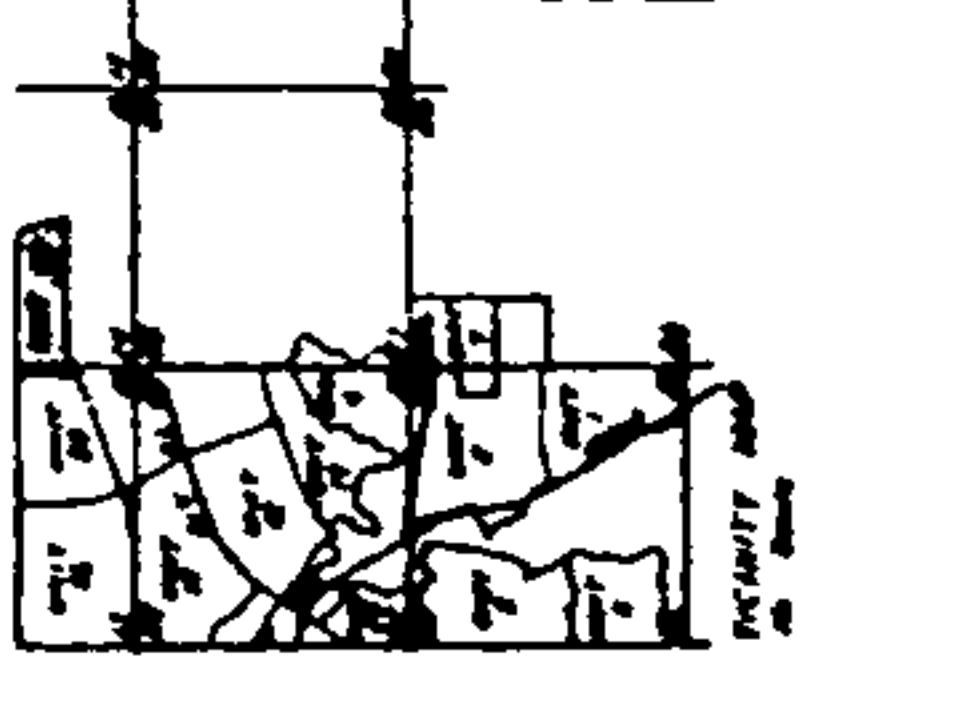
City Clerk: *[Signature]*
County Clerk: *[Signature]*
City Engineer: *[Signature]*
City Attorney: *[Signature]*
City Planning Commission: *[Signature]*
City Council: *[Signature]*

NOTICE TO THE PUBLIC

The undersigned, County Clerk of Bernalillo County, New Mexico, hereby certifies that the above described plat of the Volcanos Cliffs Subdivision, Bernalillo County, New Mexico, was recorded in the office of the County Clerk, Bernalillo County, New Mexico, on June 17, 1971.

Witness my hand and seal of office this 17th day of June, 1971.

County Clerk, Bernalillo County, New Mexico



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

Meeting Date: May 30, 2007
Z one Atlas Page: C-11
Notification Radius: 100 Ft.

Project# 1005539
App#07DRB-00580

Cross Reference and Location: ROSA PARKS RD NW BETWEEN ROSA PARKS
RD NW AND VALEINTE RD NW

Applicant: MICHAEL OMLOR
MGME DEVELOPMENT, INC.
7720 ELENA DR NE
ALBUQUERQUE, NM 87122

Agent: KRISTINE SUSCO
WILSON AND COMPANY
4900 LANG AVE NE
ALBUQUERQUE, NM 87109

Special Instructions:

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

Date Mailed: MAY 11, 2007
Signature: ERIN TREMLIN

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
SUBDIVISION	S	ZONING & PLANNING	Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input checked="" type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	P	<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)	L		
		APPEAL / PROTEST of...	A
		<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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899
 ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net
 Proprietary interest in site: Owner List all owners: MGMe Development, Inc.
 AGENT (if any): Kristine Susco- Wilson and Company PHONE: (505) 348-4191
 ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com
 DESCRIPTION OF REQUEST: Request the Vacation of existing Public ROW on Kimmick Dr NW.

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 1 Block: 5 Unit: 26
 Subdiv. / Addn. Volcano Cliffs Subdivision TBK TIERRA BUENA ESTATES
 Current Zoning: SU2-SRLL Proposed zoning: No Change
 Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9
 Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
 UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Road NW
 Between: Rosa Parks Road NW and Valiente Road NW

CASE HISTORY: List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):
DRB #1005539 - Sketch Plat Hearing Date 5-9-07 07DRB00561

Check-off if project was previously reviewed by Sketch Plat/Plan No, or Pre-application Review Team No Date of review: _____
 SIGNATURE Kristine Susco DATE: 5-4-07
 (Print) KRISTINE SUSCO 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>07DRB - 00580</u>	<u>VRW</u>		<u>\$ 300.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned		<u>Adv</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				<u>\$</u>
<input checked="" type="checkbox"/> Case history #s are listed				<u>\$</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus	Hearing date <u>May 30, 2007</u>			Total <u>\$ 395.00</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				

Project # 1005539

Rickon Carter 5/11/07

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)
 ___ 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.

KRISTINE SUSCO
 Applicant name (print)
Kristine Susco 5-4-07
 Applicant signature / date




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

Application case numbers
 07 DRB - 00580

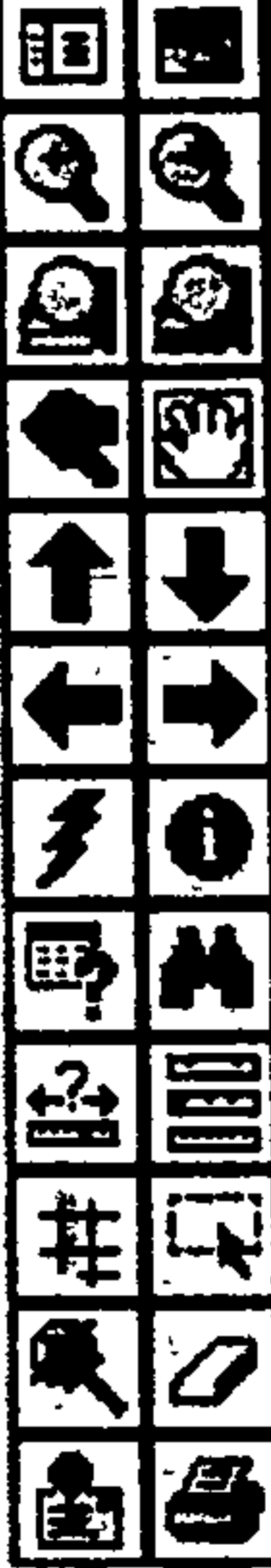
Form revised 4/07
Andrew Jones 5/4/07
 Planner signature / date
 Project # 1005539

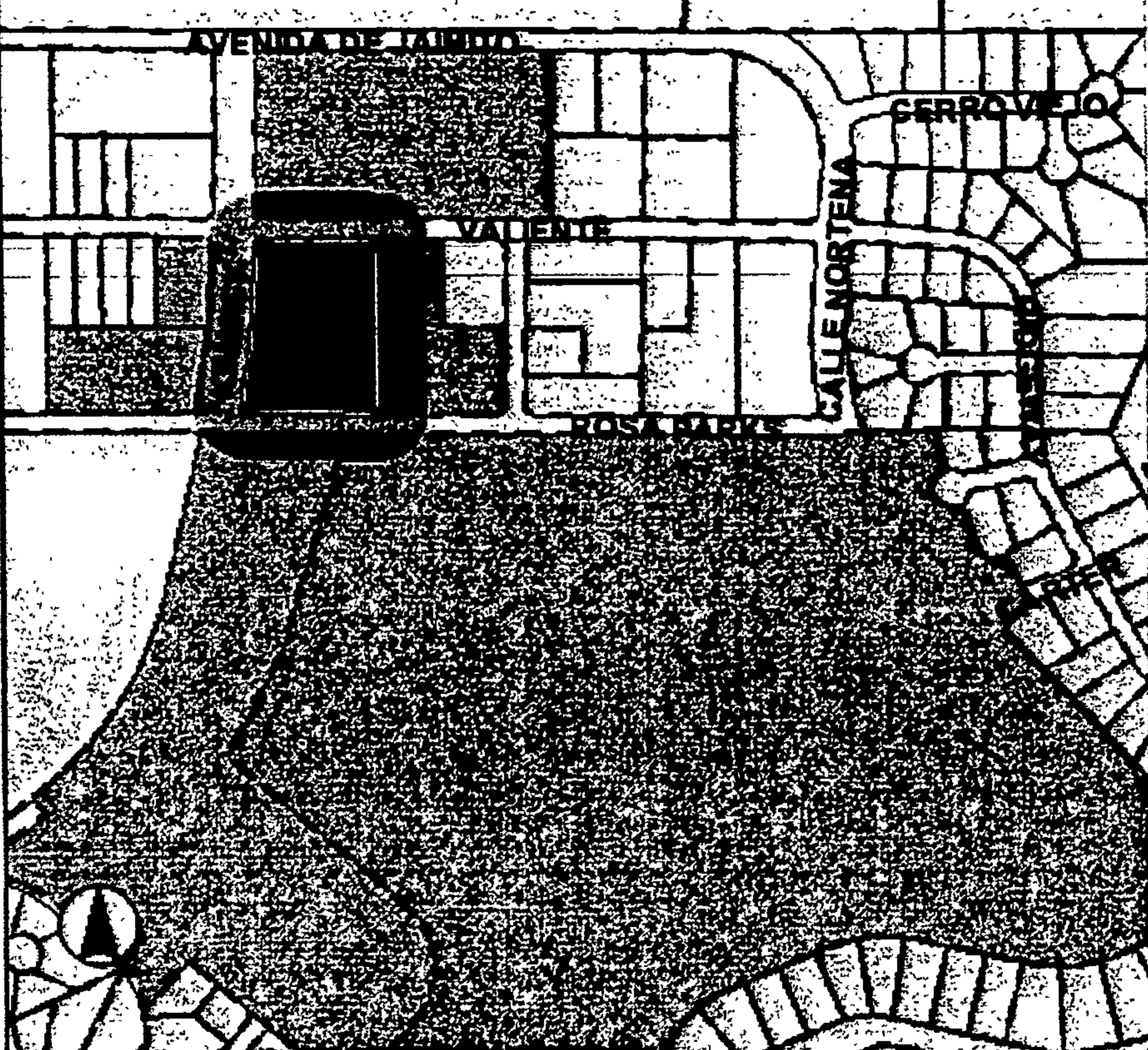
R ● c	UPC CODE	OWNER	OWNER ADDRESS	OWN ER CITY	OW NE R ST ATE	OW NE R ZIP CODE	PR OP ERT Y CLA SS	TA X DIS TRIC T	LEGAL
1	101106 405610 730103	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*007F0006VOLCANO CLIFFS SUBD UNIT 26 REP L LOT 7 BLK 6 VOLCAN O CLIFFS SUBD UNIT
2	101106 413710 630202	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*2C 5 REPLAT OF LOT 2 BLOCK 5 UNIT 26 VOLC ANO CLIFFS SUBD CO NT 1.714 AC
3	101106 406501 030601	DIAMOND STANLE Y L	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	TR D CORRECTION PLAT OF THE BULK LAND P LAT OF LA CUENTISTA SUBDIVISION (TRACTS A THROUGH E) CONT 19.7760 AC
4	101106 419500 830602	DIAMOND STANLE Y L	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	TR E CORRECTION PLAT OF THE BULK LAND P LAT OF LA CUENTISTA SUBDIVISION (TRACTS A THROUGH E) CONT 71.2610 AC
5	101106 412716 830501	VOLCANO CLIFFS I NC.	4112 BLU E RIDGE P L NE	ALBU QUE RQU E	N M	871 11 4 167	V	A1 A	*001A0003VOLCANO CLIFFS UNIT 26 REPL LOT S 1 THRU 4 BLK 3
6	101106 407112 930104	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*007E0006VOLCANO CLIFFS SUBD UNIT 26 REP L LOT 7 BLK 6 VOLCAN O CLIFFS SUBD UNIT
7	101106 410411 830201	DIAMOND STANLE Y	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	*00010005VOLCANO CLIFFS SUBD UNIT 26
8	101106 412813 030204	FALLS LAND & DE VEL CORP C/O RO NALD F KEGLE	7864 N S OMBRERO PEAK DR	TUCS ON	AZ	857 43	V	A1 A	*2A 5 REPLAT OF LT 2 BLK 5 UNIT 26 VOLCANO CLIFFS SUBD CONT 0.858 AC



CITY OF ALBUQUERQUE
www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE





LAYERS

- STREETS
- BASEMAP
- PARCELS
- LOT NUMBERS
- METRO ADDRESS
- ZONING
- OWNERSHIP
- 2FT CONTOUR
- ADDRESS POINTS
- LANDUSE
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
 - MUNICIPAL LIMITS
 - ZONE GRID
 - NEIGHBORHOODS
 - METRO DEV AREA
 - DASZ
 - DESIGN OVERLAY
 - POLICE BEATS
 - COUNCIL
 - PARKS
 - PETROGLYPH MNT
 - BOSQUE SECTORS
 - OPENSOURCE
 - COMP PLAN
 - AREA PLANS
 - SECTOR PLANS
 - SENATE DISTRICT
 - REP. DISTRICTS
 - PLANNING AREAS
 - HISTORIC ZONES
 - CORRIDORS
 - ZIPCODES
 - POVERTY POCKET
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
 - 2006 AIR PHOTO
 - 2004 AIR PHOTO
 - 2002 AIR PHOTO
 - 1999 AIR PHOTO

OWNERSHIP

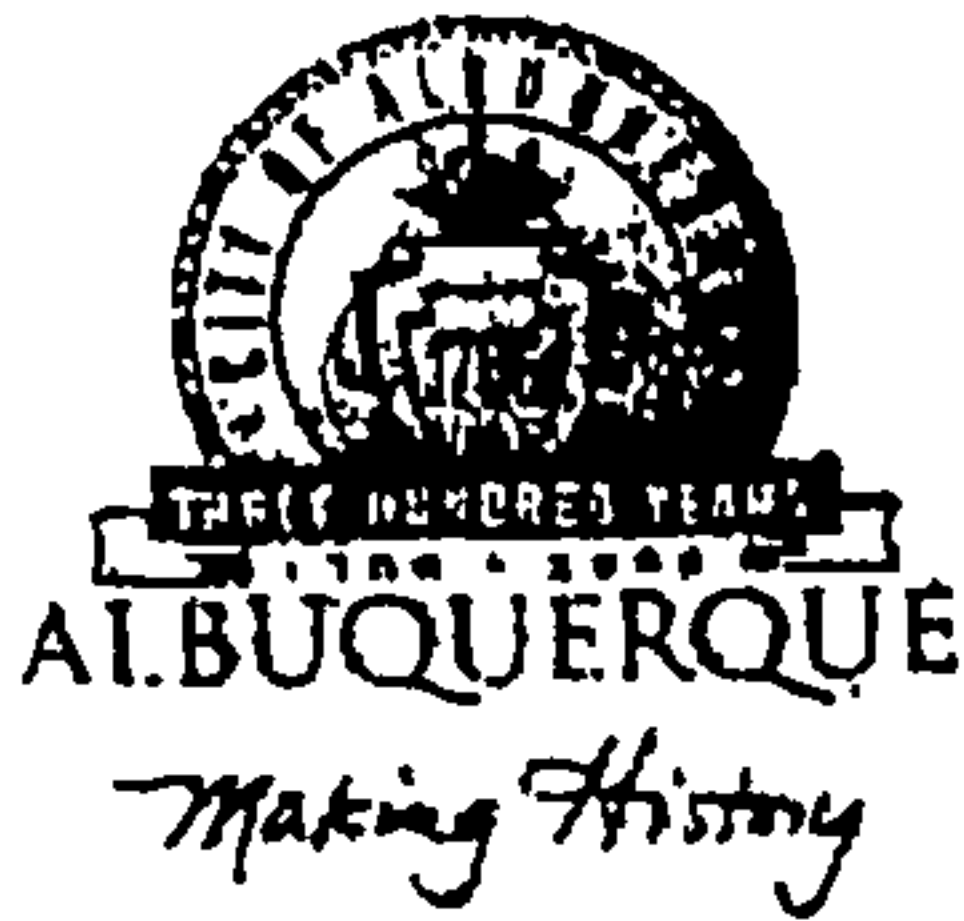
Rec	UPC CODE	OWNER	
1	101106405610730103	LEDERER A C JR	5 PIN
2	101106413710630202	LEDERER A C JR	5 PIN
3	101106406501020801	DIAMOND STANLEY J	01 V

Refresh Map

Auto Refresh

Pan
SEARCH
REFRESH
HELP
INDEX PAGE

CONTACT



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: 5/13/07

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on May 3, 2007
(date)

TO CONTACT NAME: Shadi Hayati
COMPANY/AGENCY: Wilson Company
ADDRESS/ZIP: 4900 Lang Avenue NE
PHONE/FAX #: 348-4000, 348-4055

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at lot 1, block 5, unit 5, unit 6, Ute and Cliffs Subdivision, located on NE of Kimmick Dr. NW & Rose Parks Rd between Rose Parks Rd. NW & Valiente Rd NW
zone map page(s) C-11-2.

Our records indicate that as of May 3, 2007 (date), there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

[Signature]
OFFICE OF NEIGHBORHOOD COORDINATION

DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Community and Neighborhood Coordination (OCNC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second St. NW, Fax - 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 924-

3913. Your request is for the following: Cell Tower [] Private Development [X] City Project [] OR Other [] (specify)

CONTACT NAME

COMPANY NAME

ADDRESS

ZIP CODE

PHONE (602) _____

FAX (602) _____

NEIGHBORHOOD ASSOCIATION INFORMATION

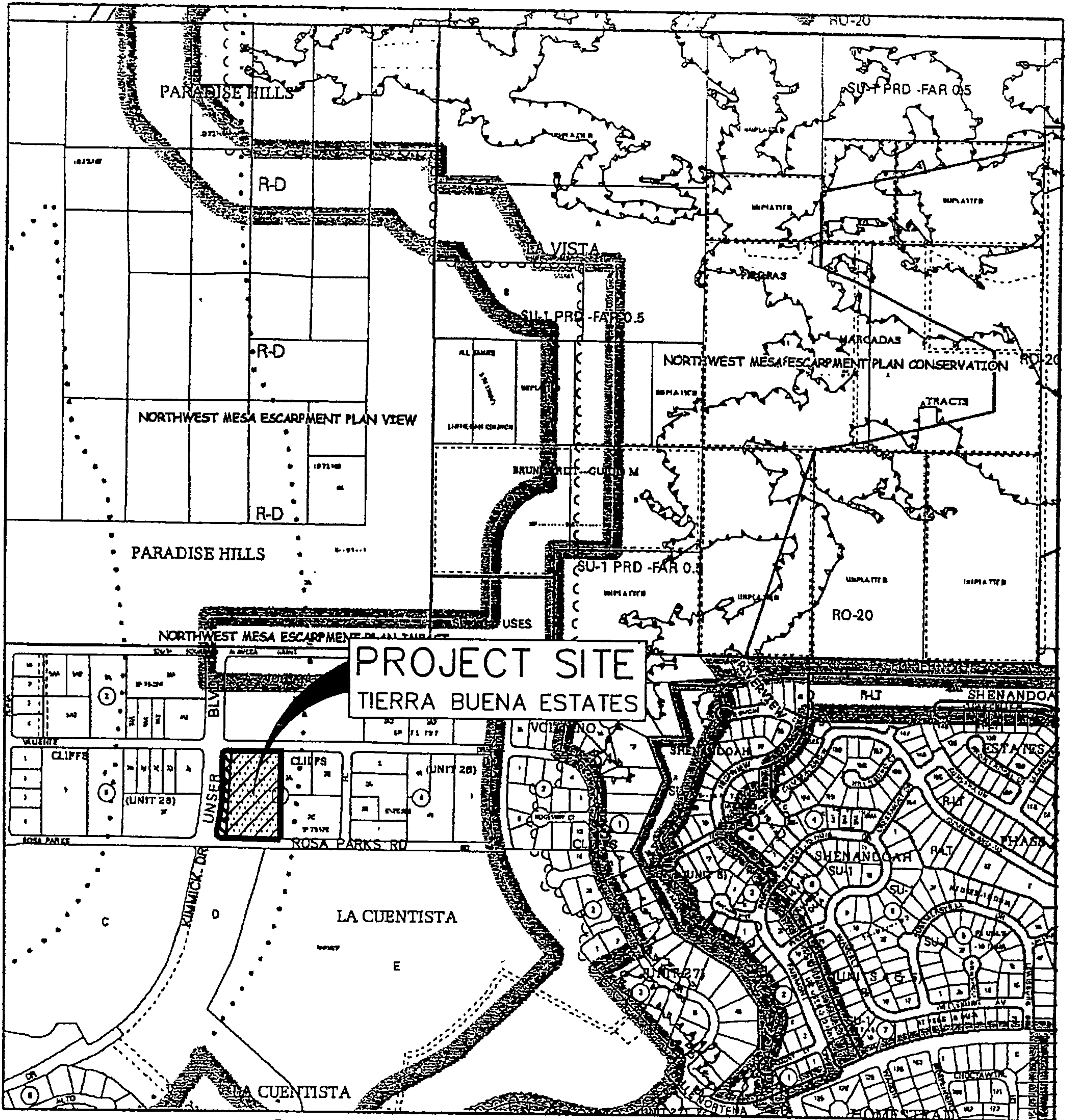
PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD ASSOCIATIONS IN THE AREA OF THE PROPERTY DESCRIBED AS

LOCATED ON _____

BETWEEN _____ AND _____

THE SITE IS LOCATED ON THE FOLLOWING ZONE ATLAS PAGE(S) _____

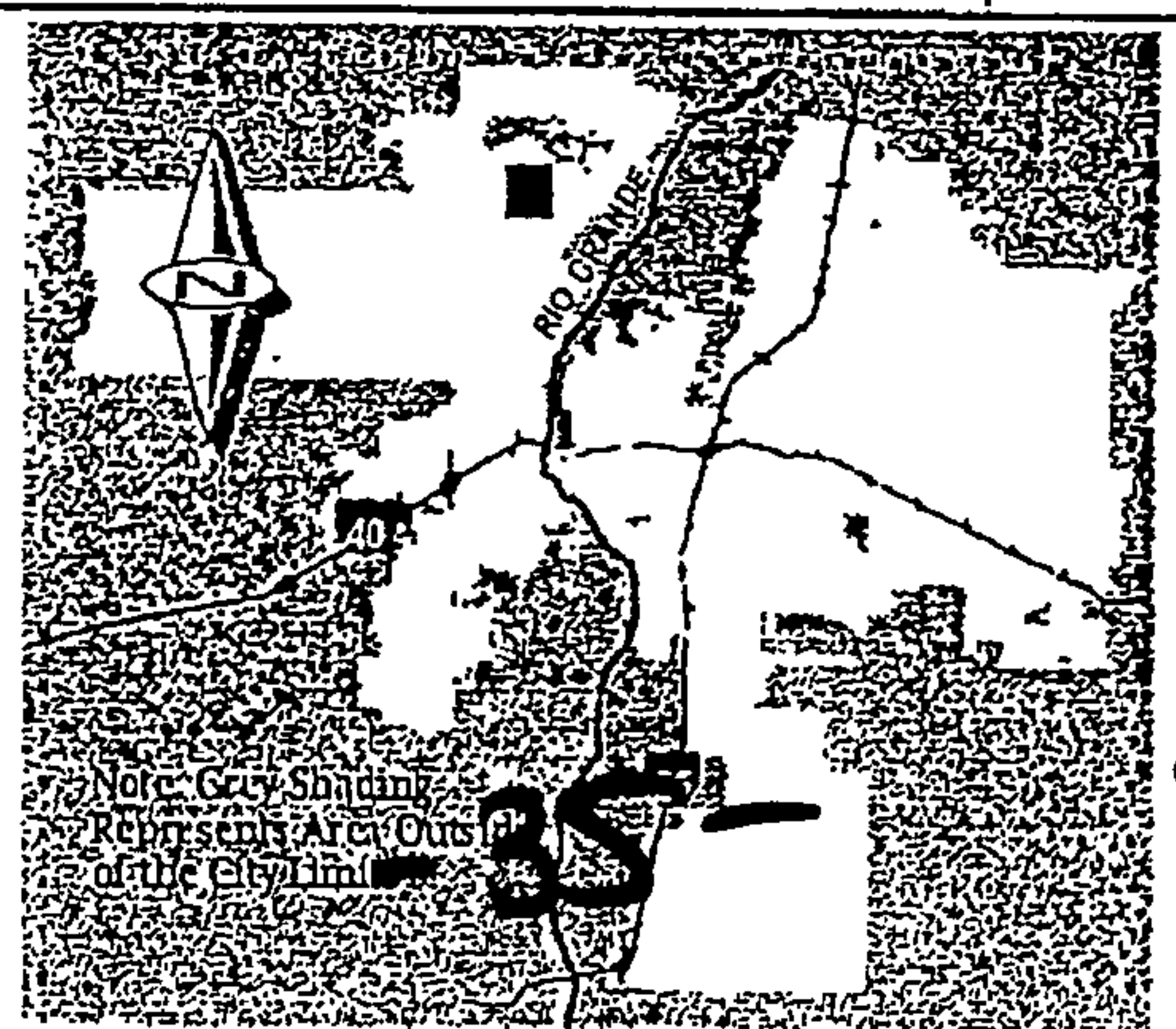
PLEASE HIGHLIGHT ZONE MAP WHERE PROPERTY IS LOCATED



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



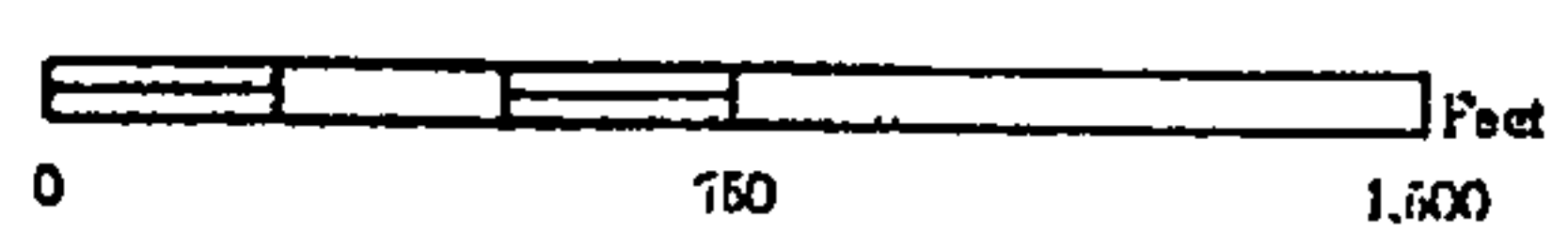
Map amended through: 10/25/2006



Zone Atlas Page:
C-11-Z

Selected Symbols

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



**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

4 May 2007

Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development, Inc., requests approval for the Vacation of existing Public ROW on Kimmick Dr. adjacent to the planned Tierra Buena Estates. This Vacation will bring the Kimmick ROW width to 58', thereby adhering to the requirements of the Volcano Heights Sector Development Plan.

Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191.
Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kiskusco@wilsonco.com



"COURTESY" DRB NOTIFICATION LETTER

May 10, 2007

TO: Dave Heil and Bill Wright, Volcano Cliffs Property Owners Association

This letter is a **"COURTESY NOTIFICATION"** from the City of Albuquerque pertaining to a request for: *Approximately four (4) acre(s) for a Major Vacation of Public Right-of-Way for the Tierra Buena Estates Subdivision.*

Proposed by: Wilson and Company at 505-348-4191

Agent for: MGMe Development Inc.

For property located: On or near Rosa Parks Road NW between Unser Boulevard NW and Calle Nortena NW.

P.O. Box 1293

The case number(s) assigned is: 07DRB-00580, Project #1005539.

City Planning accepted application for this request on May 4, 2007.

Albuquerque

The owner, applicant, and/or agent **WAS NOT** required notifying you of the proposed action by *certified mail, return receipt requested.*

New Mexico 87103

Please be advised that this application is scheduled for a hearing before the Development Review Board (DRB) at 9 a.m. on Wednesday, May 30, 2007 in the **Planning Hearing Room, Room 160, Plaza Del Sol Building, 600 Second St. NW.**

www.cabq.gov

You should contact Claire Senova at 924-3946 to confirm this date, time, and to seek further information.

If you have any questions, please call Stephani Winklepleck at 924-3902 or by e-mail at swinklepleck@cabq.gov

Sincerely,

Stephani J. Winklepleck

Neighborhood Program Coordinator

OFFICE OF NEIGHBORHOOD COORDINATION

PLANNING DEPARTMENT

cc: Claire Senova, DRB
Administrative Assistant



**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, May 30, 2007, beginning at 9:00 a.m. for the purpose of considering the following:

Project # 1002371

07DRB-00577 Major-Vacation of Public Easements
07DRB-00576 Minor-Prelim&Final Plat Approval

TIERRA WEST LLC agent(s) for HOFFMANTOWN WEST CHURCH request(s) the above action(s) for all or any portion of Tract(s) 1-A-1, Block(s) 15, ALBAN HILLS (to be known as **HOFFMANTOWN WEST CHURCH**) zoned SU-1 for R-2 with church related uses, located on LA ORILLA RD NW between COORS BLVD NW and the CORRALES DRAIN containing approximately 17 acre(s). [REF: 02DRB01824, 03DRB02150, 05DRB00560, 03DRB02085, 03DRB02086, 03EPC01285, 07DRB00286] (D-12)

Project # 1005539

07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

Project # 1005540

07DRB-00578 Major-Vacation of Public Easements
07DRB-00579 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT INC request(s) the above action(s) for all or any portion of Tract(s) D, **LA CUENTISTA SUBDIVISION, UNIT 3**, zoned SU-2 SRLL, located on KIMMICK DR NW between ROSA PARKS RD NW and the PETROGLYPH NATIONAL MONUMENT containing approximately 20 acre(s). [REF: 07DRB00562] (C-11 & D-11)

Details of the application(s) may be examined at the Planning Department Development Services Center One Stop Shop, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 8:00 a.m. and 4:30 p.m., Monday through Friday except holidays. INDIVIDUALS WITH DISABILITIES needing special assistance to participate in this hearing should contact Claire Senova, Planning Department, at 924-3946. TTY users may call the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, MAY 14, 2007.

VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION
P.O. Box 27866
ALBUQUERQUE, NM 87125

May 28, 2007

Ref. No. 1005539

Dear Members of the DRB,

The Volcano Cliffs Property Owners Association protests the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

- A) The Public Welfare is in no way served by retaining the right-of-way, and
- B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.

Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

- The attached map, Exhibit 1, shows that the shortest route to eastbound Paseo from the Volcano Cliffs area (Units 18, 19, 22 and the southeast portion of Unit 17) surrounding the La Cuentista subdivision is east on Kimmick thru La Cuentista to Paseo. Both Rosa Parks and Kimmick (the only east/west roads) through much of the La Cuentista subdivision have been narrowed to such an extent that the ability to move traffic thru there has been compromised severely already. It will only make it worse to narrow Kimmick in the remaining area just south of the Kimmick/Paseo intersection.
- There is a definite public safety issue in narrowing this road. In the case of Unser being shut down for any reason there is no ability to rapidly move any appreciable amount of traffic out of this area of Volcano Cliffs, or for that matter La Cuentista, to the east onto Paseo or to move emergency vehicles into the area from the east.
- The response we received from the applicant's agent stated that the vacation request is justified by a traffic study done in 1997 and other studies including a proposed SAD 228 and Unser and Paseo studies. This information is woefully out of date and inadequate since at the time of those studies the master plan for the entire Volcano Cliffs area was for 2-3 houses per acre. Since then the passage of the Volcano Heights Sector Plan has added massive amounts of population and commercial activity to this area, not to mention the new High School and the KB Homes high density housing project presently under construction.
- The Volcano Heights Sector Plan is presently being appealed in the courts. Should the appellants prevail and the court overturn the plan this right-of-way will have been vacated and it will be virtually impossible to reconstitute it at that time. If instead, this applicant is allowed to go ahead and develop their property while maintaining the present right of way, it can always be used for linear park open space or biking and jogging paths or additional traffic lanes if they are needed in the future. The city should commission a new traffic study to determine the needs of all units of Volcano Heights before vacating any right of way. Absolutely no right of way should be vacated by anyone (including the present applicant) until the courts have ruled on the appeal of the Volcano Heights Sector Plan.

Sincerely,

Barbara Mueller

Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

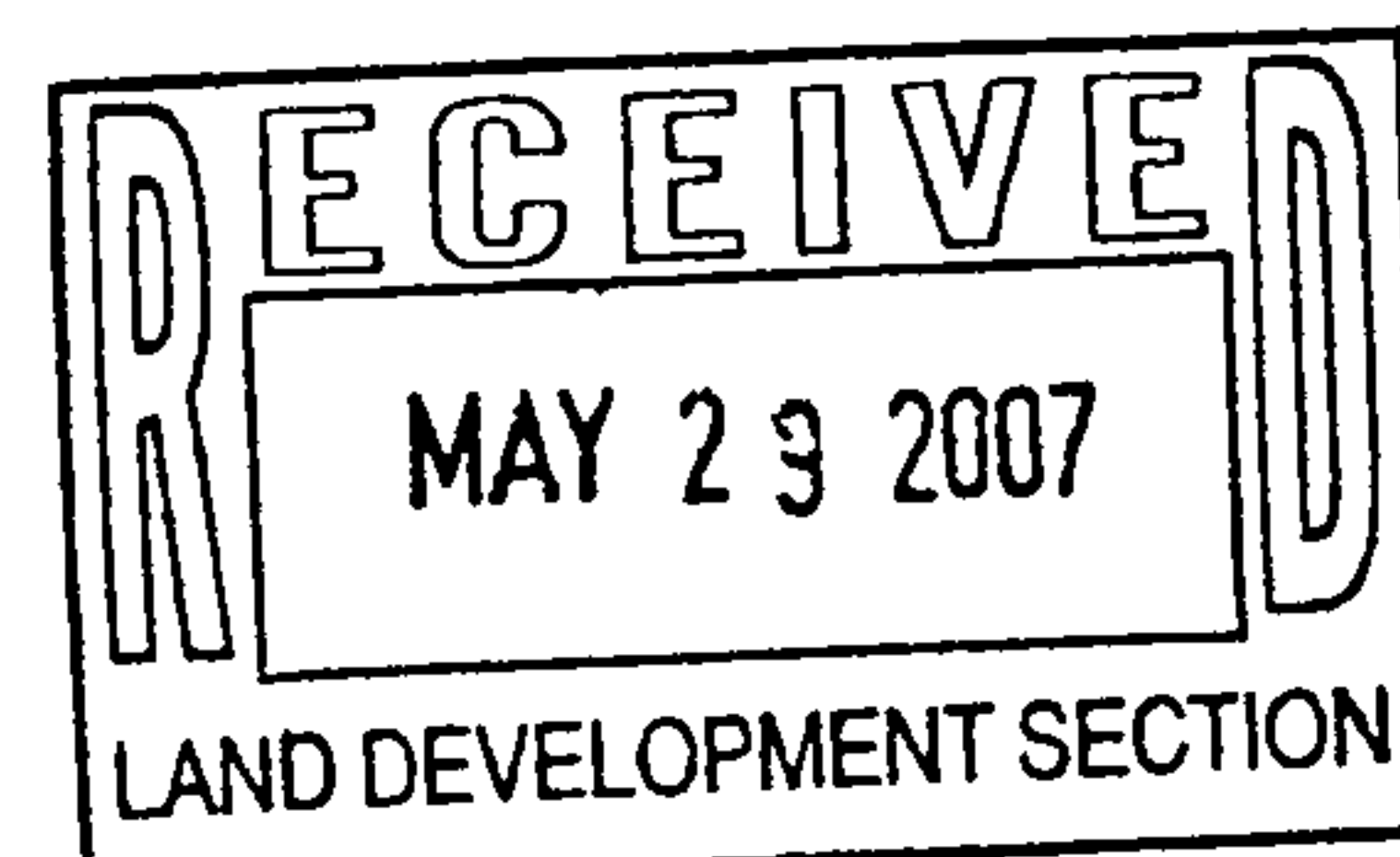
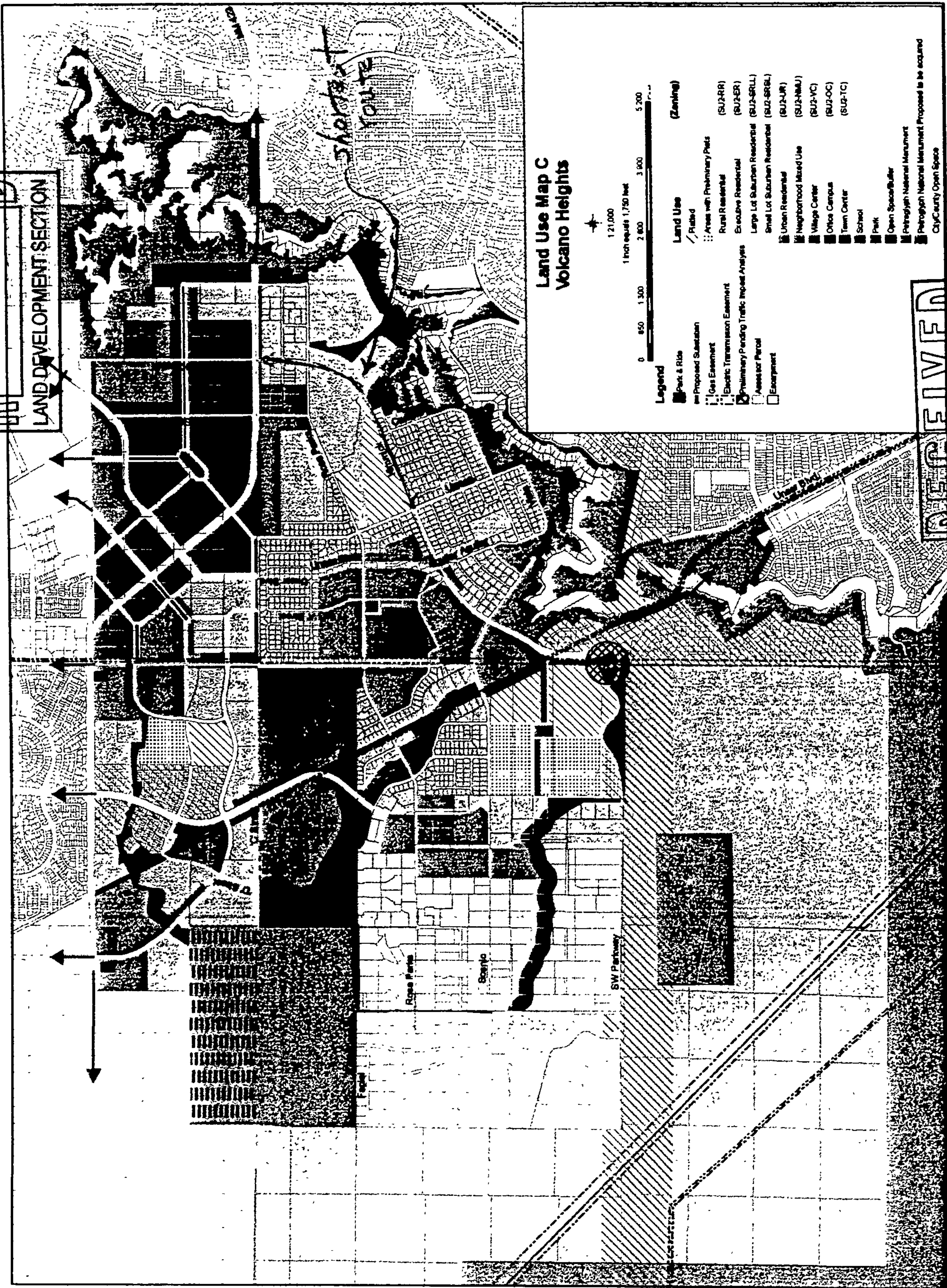


Exhibit 1

RECEIVED
MAY 29 2007
LAND DEVELOPMENT SECTION



Land Use Map C
Volcano Heights

1:21,000
1 inch equals 1,750 feet
0 850 1,300 2,800 3,000 5,200 Feet

- Legend**
- █ Park & Ride
 - █ Proposed Substation
 - █ Gas Easement
 - █ Electric Transmission Easement
 - █ Preliminary Pending Traffic Impact Analysis
 - █ Assessor Parcel
 - █ Encroachment
- Land Use (Zoning)**
- ▨ Areas with Preliminary Plats
 - ▨ Rural Residential (SU2-RR)
 - ▨ Exclusive Residential (SU2-ER)
 - ▨ Large Lot Suburban Residential (SU2-SRL)
 - ▨ Small Lot Suburban Residential (SU2-SRL)
 - ▨ Urban Residential (SU2-UR)
 - ▨ Neighborhood Mixed Use (SU2-NMU)
 - ▨ Village Center (SU2-VC)
 - ▨ Office Campus (SU2-OC)
 - ▨ Town Center (SU2-TC)
 - ▨ School
 - ▨ Park
 - ▨ Open Space/Buffer
 - ▨ Patagonia National Monument
 - ▨ City/County Open Space
- Note: Patagonia National Monument Proposed to be acquired by City/County Open Space*

RECEIVED
MAY 29 2007
LAND DEVELOPMENT SECTION



CITY OF ALBUQUERQUE
 PLANNING DEPARTMENT
 DEVELOPMENT REVIEW BOARD

May 30, 2007

Project # 1005539
 07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLI located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

AMAFCA No adverse comments.

COG Kimmick Dr. does not appear on the Long Range System Map. Development in this area is outpacing planning efforts; coordination between DMD, MPO, and the Planning Department is recommended to bring the Long Range Roadway System Map and the adopted Sector Development Plan into congruence.

Transit No comments received.

Zoning Enforcement No adverse comments.

Neighborhood Coordination **Courtesy Notify Only: Volcano Cliffs Property Owners Assoc.**

APS **Tierra Buena Estates** (Lot 1 Block 5, Volcano Cliffs Subdivision Unit 26) located on Rosa Parks Rd NW and Kimmick Drive NW appears to consist of 9 lots. This project will impact Marie Hughes Elementary School, LBJ Middle School, and Cibola High School. **Cibola High School is exceeding capacity and Marie Hughes Elementary School and LBJ Middle School are nearing capacity.**

Loc No	School	2007-08 Projections	2006-07 Capacity	Space Available
365	Marie Hughes	720	802	82
485	L.B. Johnson	1,044	1,204	160
580	Cibola	2,717	2,300	-417

A new northwest high school is planned to open with a 9th grade academy in 2007 with the remainder of the school to open in 2008. The new northwest high school will relieve overcrowding at Cibola High School.

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round
 - Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

Police Department	No crime prevention or CPTED comments at this time.
Fire Department	No adverse comments.
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	The Hydrology section has no objection to the vacation request.

Transportation Development

No objection to the vacation requests. However, wider sections of right-of-way may need to be retained at intersections to provide for left turn bays. These will need to be evaluated prior to replatting.

Parks & Recreation

Defer to Transportation.

Utilities Development

Comments will be provided at the meeting.

Planning Department

No objection to the vacation request. Defer to Transportation.

Impact Fee Administrator

No comment on proposed vacation of easements.

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

Cc: MGMe Development Inc, 7720 Elena Dr NE, 87122

Wilson and Company, 4900 Lang Ave NE, 87109

rec'd 5/30/07

Ask DRB to deny request # 1005539 for vacation of a portion of Kimmick.

Dear DRB Members,

I am a resident of the West Side of Albuquerque and own property in Unit 19 of Volcano Cliffs..

I am not here today in any way opposed in general to what this developer is doing. I actively support this subdivision and actively support their follow on request item # 1005540.

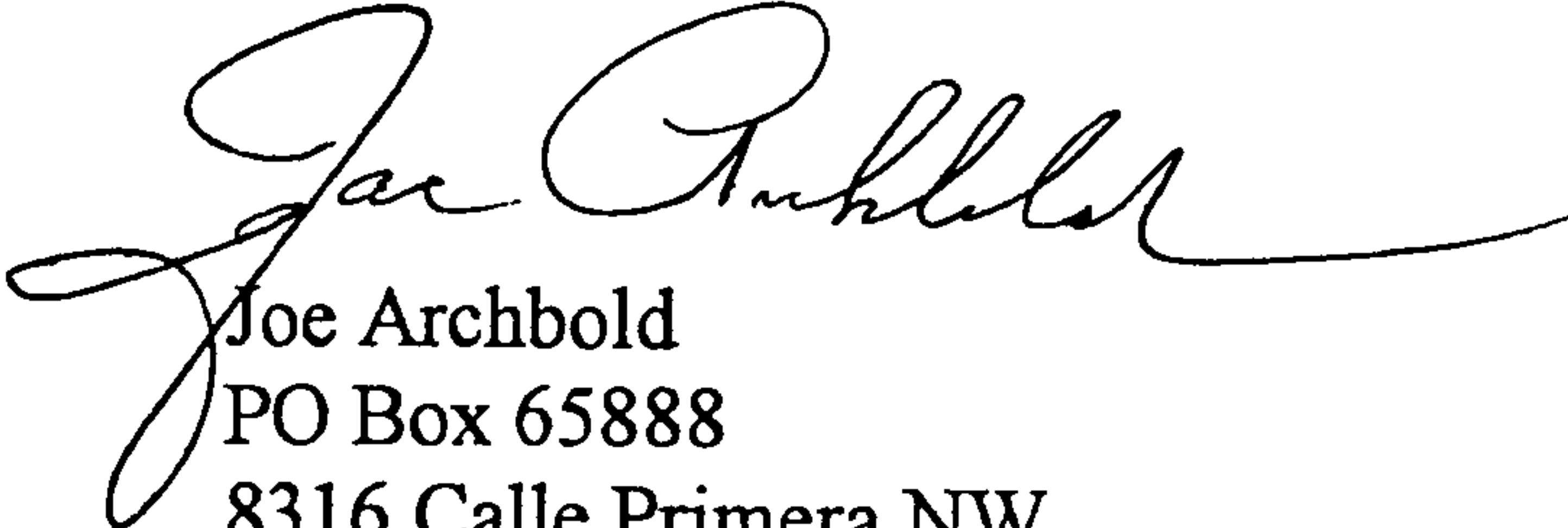
I am here to ask you to reject this particular request # 1005539 to vacate that portion of Kimmick south of Paseo Del Norte and north of Rosa Parks Blvd.

When I build my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did I would still run into the bottleneck, where Rosa Parks and Kimmick combine leading to Paseo, that is requested by this vacation.

The National Monument and the proposed trails through Open Space are for everyone in Albuquerque not just those living on top of the West Mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the West Side inadequate roads. They are too few and too narrow. This is a time for building not vacating.

Respectfully


Joe Archbold
PO Box 65888
8316 Calle Primera NW
Albuquerque, NM 87193-5888
Phone: 505-328-1331

Matson, Sheran A.

From: DAVID HEIL [daveheil16@msn.com]
Sent: Wednesday, May 30, 2007 9:32 AM
To: Senova, Claire A.; Matson, Sheran A.
Subject: Vacation of part of Kimmick

Sheran Matson, **DRB** Chairperson

As President of the The Volcano Cliffs Property Owners Association and as an individual owning property served by Kimmick I protest the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

A) The Public Welfare is in no way served by retaining the right-of-way, and

B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.

Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

Also, The traffic study that the applicant's agent references was done in 1997. In September 2006 the City Council approved the Volcano Heights Sector Plan which significantly increased the densities in the area.

Before any vacating of Kimmick is done another traffic study should be completed considering the increased densities.

Dave Heil

-45-

5/30/2007



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SROLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB MINUTES FROM THE MAY 30, 2007, DEVELOPMENT REVIEW BOARD MEETING.

2. Project # 1005539

07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SROLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

MGMe Development Inc, 7720 Elena Dr NE, 87122

Wilson and Company, 4900 Lang Ave NE, 87109

Frances Pavich, Legacy Sustainable Development Inc., 21 Vista Valle Circle, 87540

PERSONS SPEAKING IN OPPOSITION:

Barbara Mueller, 4904 Alberta Ln NW, 87120

Joe Archbold, P.O. Box 65888, 87193-5888

PERSONS PRESENT IN INTEREST:

Peter R Yocky, 8201 Golf Course Rd NW, #D3-301, 87120

ALL PERSONS WERE SWORN IN

CHAIR MATSON: We are now on Item 2, Project #1005539. Good morning everybody. I'll have the agent's identify themselves and explain the project first of all please.

MS. SUSCO: My name is Kristine Susco with Wilson & Company Engineering. This is Dan Aguirre with Wilson & Company Engineering. We are the agents for MGMe Development Corporation who is proposing a 9-lot subdivision in Lot 1 of Block 5 of Volcano Cliffs Subdivision. Our request today is to vacate the easterly 24-feet of the 106-foot right-of-way adjacent to MGMe's subdivision in order to bring the roadway width into compliance with the Sector Plan and to essentially align its width with the section coming from the south through Unit 1 and adjacent to Unit 2 and proposed Unit 3 of La Cuentista Subdivision.

CHAIR MATSON: Okay. Thank you. Mr. Aguirre did you already identify yourself?

MR. AGUIRRE: I'm Dan Aguirre with Wilson and Company.

CHAIR MATSON: Since we have people signed up to speak, we'll proceed with that. Kristine, if you want to make comments at the end of anybody's specific comments, just raise your hand up.

MS. SUSCO: Okay.

CHAIR MATSON: Otherwise I'll just wait to the end. I'd appreciate it if everybody would limit their comments to just a few minutes please. We will start with Barbara Mueller.

MS. MUELLER: My name is Barbara Mueller and I am here representing both the Volcano Cliffs Property Owner's Association and myself. I turned in a written statement yesterday which I hope you have in the record.

CHAIR MATSON: Yes.

MS. MUELLER: Basically we are protesting the vacation of that portion of Kimmick at this time. We don't feel that it's appropriate to vacate it. It doesn't meet the requirement that the public welfare is in no way served by retaining the right-of-way. It doesn't meet the requirement that there's a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. Obviously there is no benefit to the public to vacating this.

The shortest route to reach the intersection of Paseo and Kimmick coming from Units 18, 19, 22 in the southeast portion of Unit 17 is down Kimmick. Kimmick has already been narrowed and Rosa Parks has been narrowed and you are narrowing a road that according to COG (Council of Governments) does not even appear on the Long Range System Map. Development in this area is outpacing planning efforts.

The people from Volcano Cliffs would naturally drive east down Kimmick and come to this point where this roadway is going to be narrowed. The roadway, as they're approaching, has already been made too narrow. We didn't protest that. I don't know if there's anything that can be done about it at this stage but it makes it just worse to further narrow the roadway as you approach that intersection.

The Sector Development Plan is being appealed in three (3) lawsuits. Should the courts agree with the appellants and throw out the Sector Development Plan, this right-of-way would then have been vacated and there's no way we could put it back into the roadway.

As I say, even according to COG (Council of Governments) the road's not even on the Long Range Plan and you're dealing with the right-of-way and changing it on a road that you don't even have on the Long Range Plan. Planning is behind what's going on out there and there is no assurance at all that the Volcano Heights Sector Plan is going to hold given the three (3) appeals in court. The Board and I personally and the Board of the Volcano Cliffs Property Owner's Association are protesting this vacation.

Supposedly this vacation is based on a traffic study done in 1997 and some other studies including a proposed SAD 228 and Unser and Paseo studies.

I would maintain that this information is woefully out-of-date given the passage of the Sector Development Plan which put massive amounts of more people and commercial activity in this area. I think we need a new traffic study before anybody starts widening, narrowing or moving roads.

I think the City should do a traffic study for that whole area, for all the areas of Volcano Heights before they decide that they will widen, narrow or move roads. We are against any vacation until the courts have ruled on whether this plan is going to stand.

CHAIR MATSON: Okay. Thank you. Joe Archbold?

MR. ARCHBOLD: Good morning. My name is Joe Archbold and I'm here representing myself. I am, by the way, a member of the Volcano Cliffs Property Owners' Association and do fully support everything that Barbara Mueller has mentioned this morning.

I am a resident of the west side of Albuquerque and own property in Unit 19 of Volcano Cliffs. I am not here today in any way opposed in general to what this developer is doing. I actively support his subdivision and actively support the follow on request Item number 1005540.

I am here to ask you to reject this particular request 1005539 to vacate that portion of Kimmick, south of Paseo del Norte and north of Rosa Parks Blvd.

When I build my house, when I go about building my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick. Then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did, I would still run into the bottleneck where Rosa Parks and Kimmick combine leading up to Paseo that is requested in this vacation.

The National Monument and the proposed trails through open space are for everyone in Albuquerque not just those living on top of the west mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the west side inadequate roads. They are too few and too narrow. This is a time for building and not vacating. Thank you.

CHAIR MATSON: Mr. Archbold, did you provide us with a copy of your statement that you are reading from?

MR. ARCHBOLD: No, but I would gladly give you this copy.

CHAIR MATSON: Do you have a copy for yourself? Claire, if you will bring it up and we'll put it in the record. Thank you.

Peter Yocky is it?

MR. YOCKY: Mine probably relates more to 1005540. I just came up with this one.

CHAIR MATSON: So notice only on this case then?

MR. YOCKY: That's fine.

CHAIR MATSON: Frances Pavich, did you have anything you wanted to say? No. Okay. Kristine, I guess it's your turn again.

MS. SUSCO: I would just like to say in response to the comments my client is proposing this development. Our defined criteria is based on the Sector Development Plan at this time. We have, and I would be happy to pass out for reference, a copy of the required residential collector section which at this point is pertinent to Rosa Parks.

Kimmick is classified as part of the Sector Plan as a major local street and therefore does not have a specific designation in the Sector Development Plan. However, with the exception of the 7-foot tree strip, which we've modified to 6-foot, actually we are going to match the same collector section for that section of Kimmick Road.

So if you take the 106-feet and subtract 58, the residual 48 feet divided by 2 is the 24 feet that we are requesting vacation of in order that our developer can build his typical section, his one-half of the required typical section to match the Sector Plan.

This is a street map for the Volcano Cliffs area and from this far away I can't necessarily point out, but I did want to point out...

CHAIR MATSON: Kristine, I'm sorry to interrupt, but if you want you can stand up and take that microphone that's in front of Barbara and just hold it if that would help.

MS. SUSCO: Is this okay?

CHAIR MATSON: Yes, it's fine.

MS. SUSCO: I just want to point out that the arterial road network in this area is developing and provides viable routes via Paseo del Norte, Unser Blvd., Universe Blvd. and Rainbow Blvd. and Compass down on the south. Those are the arterial routes identified in the Sector Plan.

Kimmick, as I stated, is identified as a major local and has a right-in, right-out future planned access onto Unser once it's developed in this area. Rosa Parks will have a signalized intersection with Unser and Urraca. At this point, I'm not sure because it's not clearly identified but it will probably have a right-in, right-out access onto Paseo. This section of Kimmick from Rosa Parks will tie with Paseo del Norte.

As I said, we are matching the criteria of the Sector Development Plan. However, as we move forward with any unit as in Unit 1, Unit 2, Unit 3 et cetera, we do meet with the Transportation Department and meet their requirements for roadway width and/or intersection development.

We've already met with Transportation in order to, at the intersection of Kimmick and Rosa Parks, provide a left-turn separate lane in order to accommodate traffic at that intersection.

It is our feeling from general numbers that we've generated from Units 18, 19 and 22, which are identified down here, and from development in this area, where everything is essentially yellow, in this area here, which is suburban residential large lot. Some of it is small lot so that traffic volumes should not exceed 8,000 to 9,000 trips both ways. I think this is an allowable limit for a typical section.

CHAIR MATSON: You're talking about Kimmick then right?

MS. SUSCO: Yes I am talking about Kimmick. I believe that would conclude my response to comments. If there are any further questions, I'd be happy to answer them.

CHAIR MATSON: Does anybody else have any questions of Kristine? Would you state your name again please?

MR. ARCHBOLD: Do we get an opportunity to respond to the comments in response to our comments?

CHAIR MATSON: If you'd like to just state your name again please.

MR. ARCHBOLD: My name is Joe Archbold, Westside resident and owner of Volcano Cliffs property. Could I show the picture again please. As you can see from the picture you've just seen there's two roads here okay. They conjoin right here. This is an area they want to narrow. Now I have no objection in the future, when everything is settled, that this may be narrowed. In the meantime, I can see a lot of good purposes for leaving that road wider. For example, bike paths, open space. The City is always looking for open space.

May I have the thing turned around? As you can see the benefit of the narrowing is right here to give more size to the lots where they have platted this. We believe this quite adequate space for houses in here without the narrowing. So the only benefit from this whole thing is that the developer can advertise bigger lots. Now in the rest of Volcano Cliffs each lot in the suburban residential we are asked to give up 50% of our lot for open space. In this subdivision no such requirement exists.

CHAIR MATSON: What does that have to do with the narrowing of Kimmick?

MR. ARCHBOLD: The narrowing of Kimmick gives more property to this developer.

CHAIR MATSON: No, I meant the open space comment you had. I didn't understand what that had to do with the narrowing of Kimmick.

MR. ARCHBOLD: The fact is that what I would ask is that this be considered open space and left as is if you need. But you don't give that to the developer. He already has bought land and has adequate land for his development.

He really doesn't need any more. I mean that's the only benefit to this whole thing. If they wish to show other benefits that would be fine. Thank you.

CHAIR MATSON: State your name, please, Barbara.

MS. MUELLER: This is Barbara Mueller and I would second everything that Mr. Archbold has said. The only reason for this vacation is to benefit the developer. He gets more land and he gets to have bigger lots without giving any open space. I would think that reserving that land for open space or for future lanes of traffic or bike trails or anything that proves appropriate once it's really decided if the Sector Development Plan is going to stick or not. There could be many other uses for that right-of-way and I agree that it should be reserved and the decision made when the whole thing shakes out and we really decide what is happening in this area.

CHAIR MATSON: Okay. Thank you. Kristine, did you have any other comments?

MS. SUSCO: I would just respond with two things. I don't feel that my client should be held at bay with developing according to the requirements under both the DPM (Development Process Manual) and the Sector Development Plan until such time that things "shake-out" as it were. My client he can develop the lot without that additional 24-feet. The only reason for doing it is not so he gets that 24-feet. It's that 24-foot strip becomes a liability to both the property owner and the City of Albuquerque in terms of being a vacant strip that becomes a collector of trash and of weeds et cetera. I would just like to point that out that by vacating it he is merely adhering to the right-of-way requirements for the Sector Plan.

CHAIR MATSON: Okay. Thank you. Let me see if there are any adverse comments from the outside agencies. I don't see any. APS has some concerns but that will be taken care of. I'm going to break with tradition and start with Transportation in terms of comments since we are all going to defer to him anyway. Mr. Gallegos you're on.

MR. GALLEGOS: I have no objection to the request as presented here. I did give you the comment that I am going to require you to dedicate back or I'm not going to let you vacate the entire amount at the intersections due to the left hand turn movements.

MS. SUSCO: Right.

MR. GALLEGOS: What we probably do need to do is take a look at the volumes again that we think we're generating and what those turn-bay lengths are going to be.

MS. SUSCO: Right.

MR. GALLEGOS: It is in conformance with the Sector Plan. I know that you guys are appealing it. There are lawsuits. But that is what is on the books at this point in time.

CHAIR MATSON: Okay. Utilities?

MR. GREEN: I have no objection.

CHAIR MATSON: Okay. Planning's comments were essentially those that Mr. Gallegos just gave. Even though the Volcano Heights Sector Plan is under protest, right now we are required to follow it. I find that this proposal or request follows that intent. We are in support as well. Hydrology?

MS. METRO: Hydrology has no objection.

CHAIR MATSON: Okay. Parks?

MR. FLORES: Parks has no objection.

CHAIR MATSON: Okay. We are going to approve the vacation of public right-of-way as shown on Exhibit B in the Planning file subject to the provisions of the Subdivision Ordinance. You need to make sure that you file a final plat within one-year or you will need to come back again.

MR. GALLEGOS: I have a condition Madam Chair.

CHAIR MATSON: Okay go ahead.

MR. GALLEGOS: A condition of the final plat again, prior to the replat, we will have to evaluate the left-hand turn bays and what is going to be required. Re-evaluation of the left hand turn bays will be needed. My concern is that those are two major intersections and so what I want to be sure of is that the through movements aren't being jammed up with people waiting to make a left-hand turn movements.

MS. SUSCO: I understand and we're prepared to, as you said, dedicate back whatever is required in order to accomplish the length and the width of those turn bays.

CHAIR MATSON: Are you talking about the intersections of Kimmick and Rosa Parks and Valiente?

MR. GALLEGOS: It's actually all the intersections. It's going to be on Valiente also plus the one down at Kimmick and Rosa Parks for this request.

CHAIR MATSON: Okay.

The vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

June 8, 2007

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on June 7, 2007. You will receive a Notice of Hearing as to when the appeal will be heard by 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.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-14

Albuquerque

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1005539
07DRB-00580**

New Mexico 87103

APPELLANT(s): Same as Agent

www.cabq.gov

**AGENT: Joseph L. Archbold
PO Box 65888
Albuquerque, NM 87193-5888**

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Barbara Mueller, 4904 Alberta Ln NW, Abq., NM 87120
Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
Sheran Matson, DRB Chair, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Marilyn Maldonado, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB File

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

- 56 -

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

June 13, 2007

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on June 13, 2007. You will receive a Notice of Hearing as to when the appeal will be heard by 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.

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P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-15

Albuquerque

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1005539
07DRB-00580**

New Mexico 87103

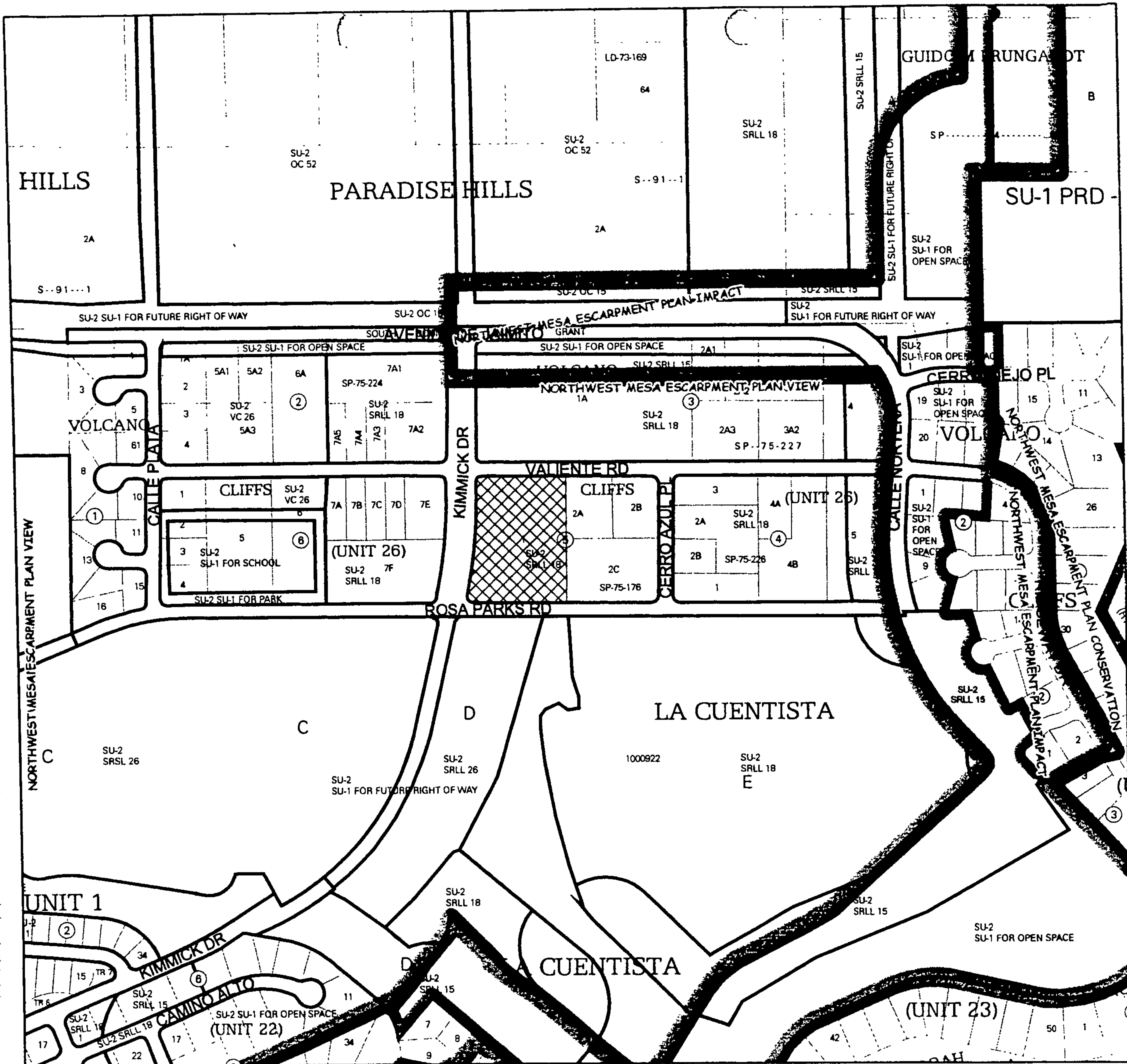
APPELLANT(s): Volcano Cliffs Property Owners Association
Dave Heil, President
Barbara Mueller, Vice President
PO Box 27666
Albuquerque, NM 87125

www.cabq.gov

AGENT: Same as Above

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Barbara Mueller, 4904 Alberta Ln NE, Albuquerque, NM 87120
Joe Archbold, Post Office Box 65888, Albuquerque, NM 87193-5888
Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
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Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB File

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



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ZONING MAP

Note: Grey shading indicates County.



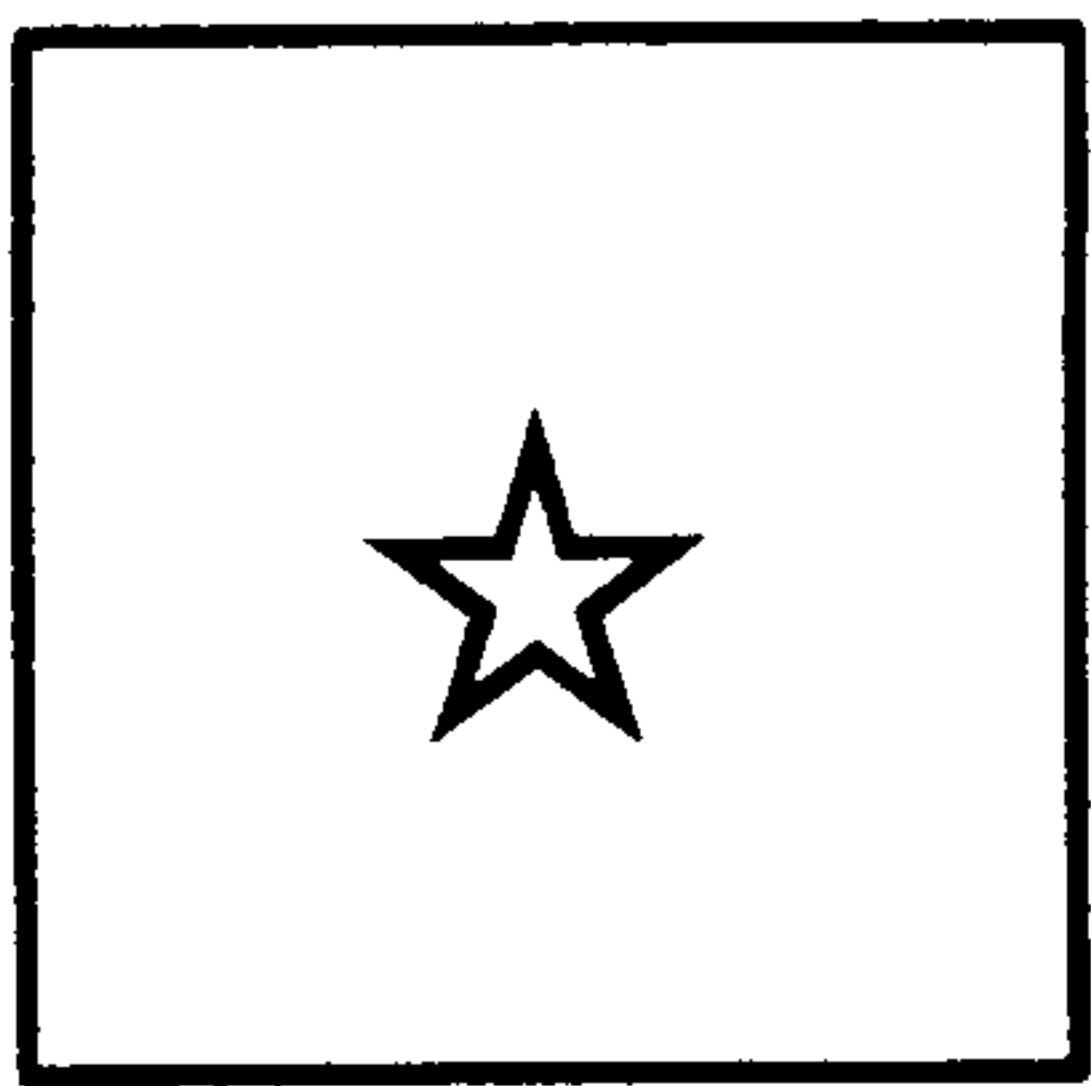
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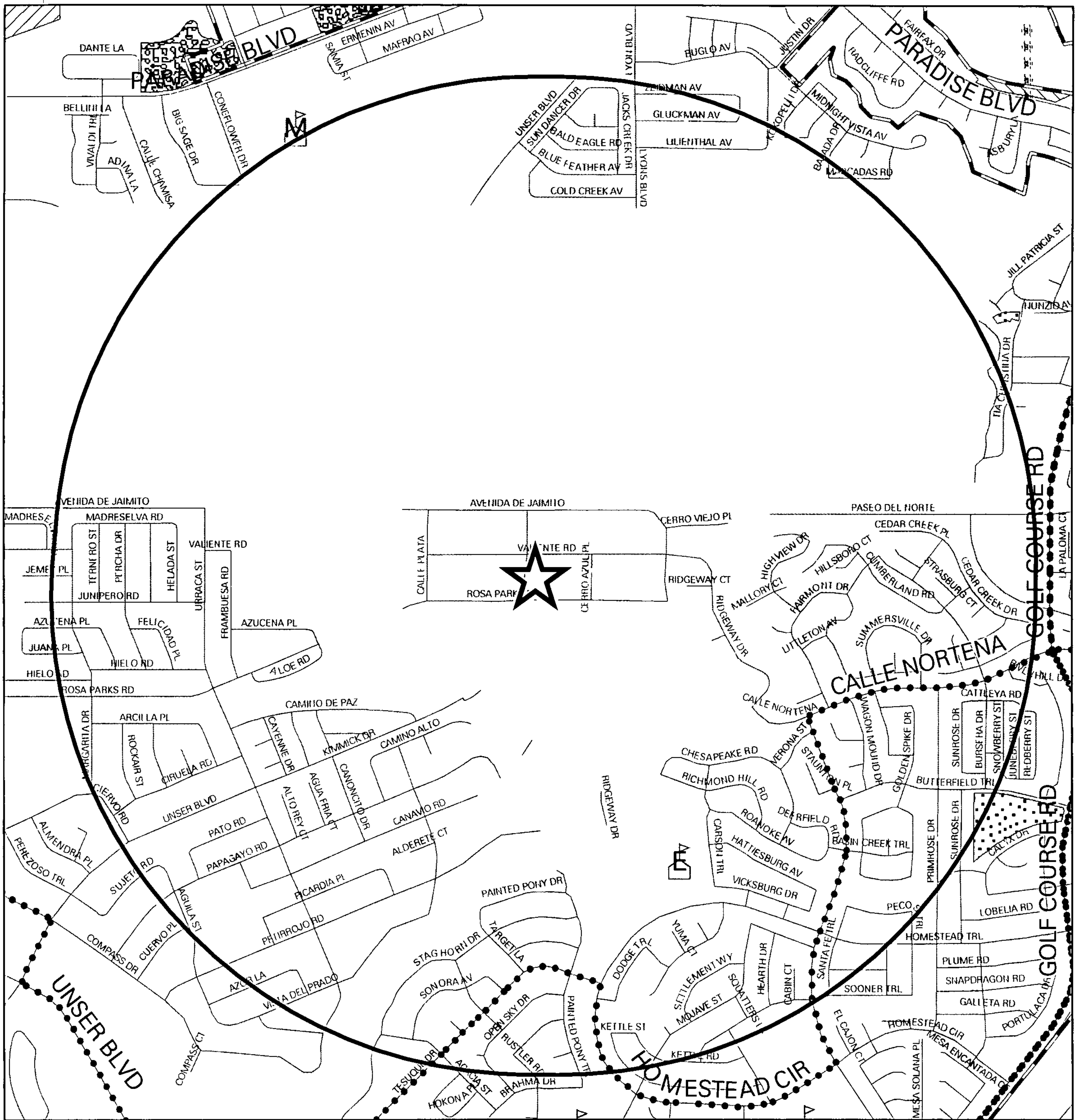
Project Number:
1005539

Hearing Date:
5/30/2007



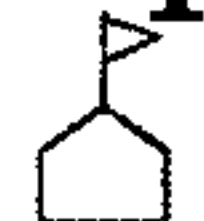





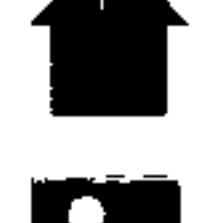






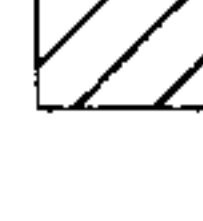

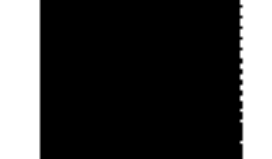
Zone Map Page:
C-11

Additional Case Numbers:
07DRB-00580 07DRB-00561





Public Facilities Map with One-Mile Site Buffer

- | | | | |
|---|---|---|---|
|  COMMUNITY CENTER |  FIRE |  APS Schools |  Developed County Park |
|  MULTI-SERVICE CENTER |  POLICE |  ABQ Ride Routes |  Undeveloped County Park |
|  SENIOR CENTER |  SHERIFF |  AGIS Jurisdiction |  Developed City Park |
|  LIBRARY |  SOLID WASTE |  Landfill Buffer (1000 feet) |  Undeveloped City Park |
|  MUSEUM |  Landfills designated by EHD | | |



Sandy:

These should
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the file for

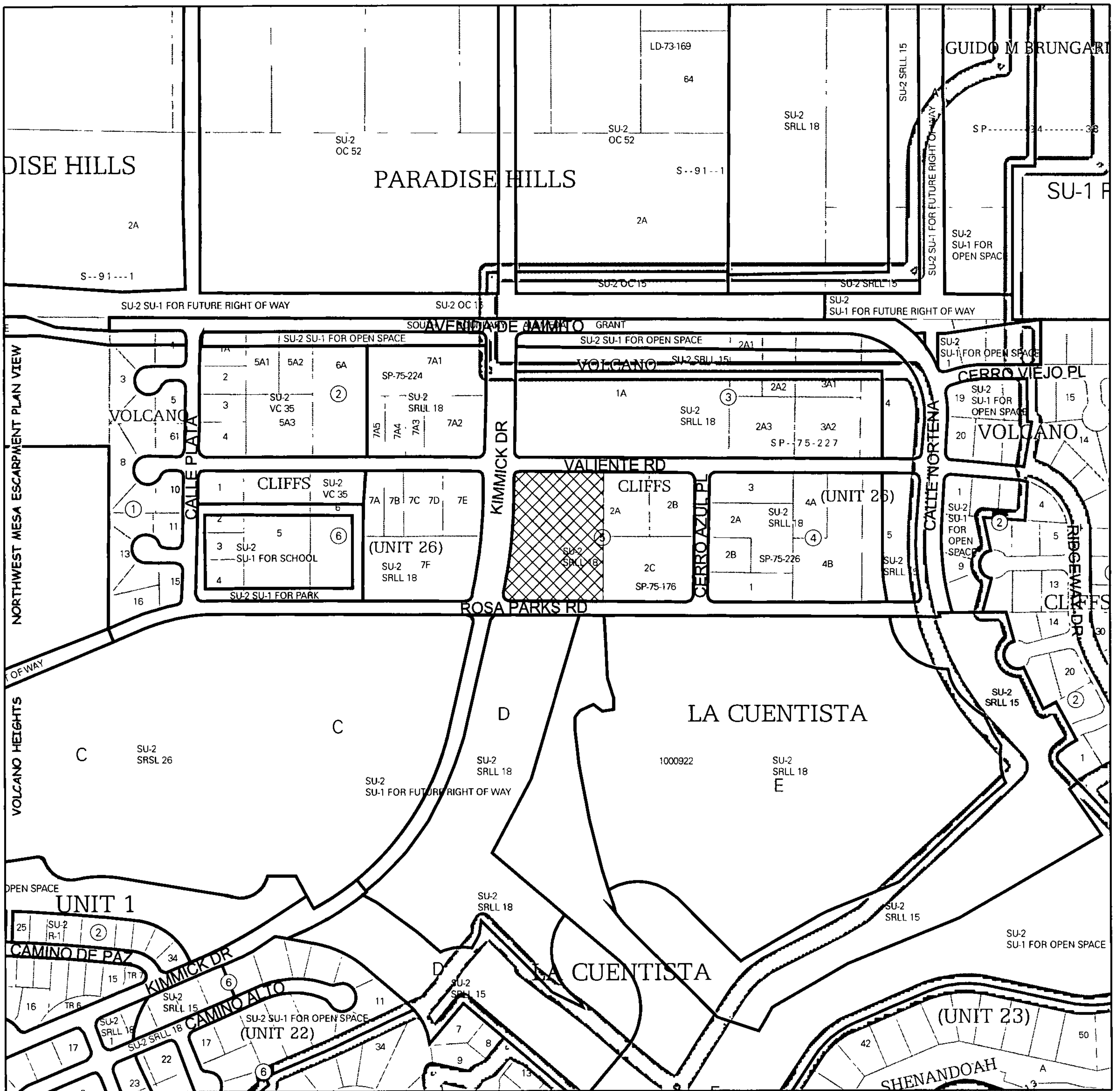
Project #

1005539

07DRB-00580

AC-07-14

AC-02-15



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ZONING MAP

Note. Grey shading indicates County.



1 inch equals 500 feet

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AC-07-15

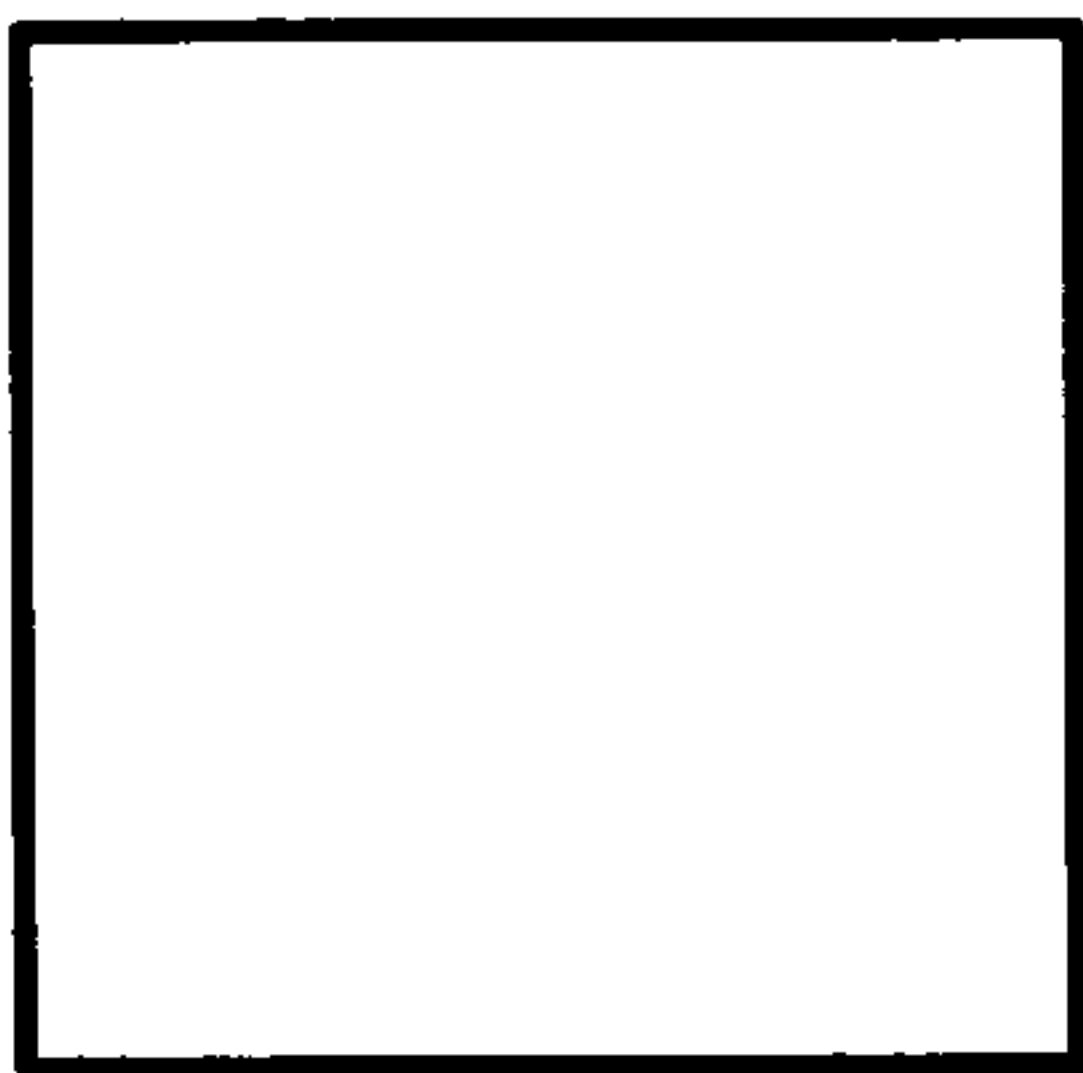
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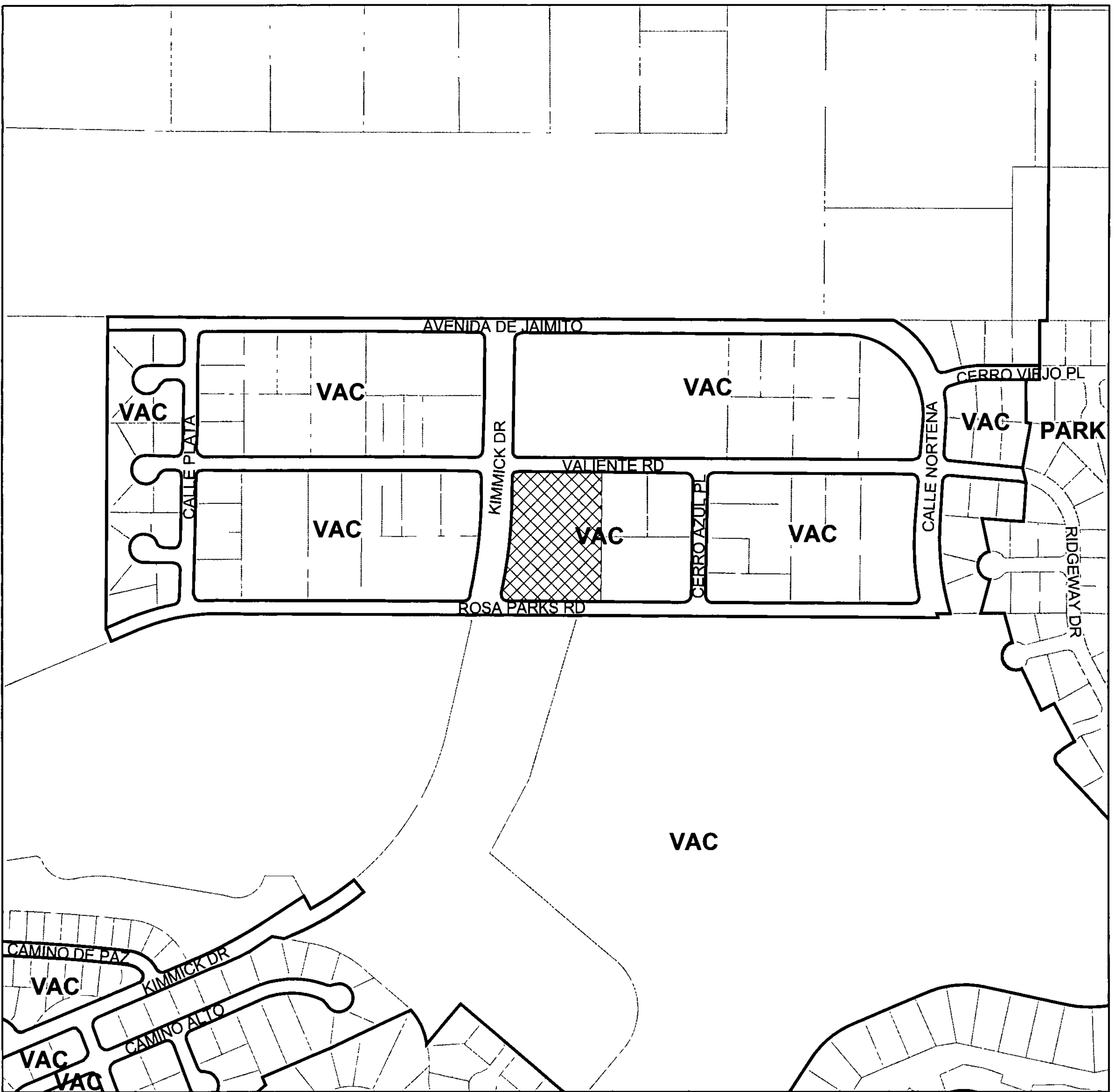
Zone Map Page:

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Additional Case Numbers:

100539 07DRB-00580





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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
 PUB/INST Public & Institutional
 SF Single Family
 TRAN Transportation Facility
 VAC Vacant Land or Abandoned Buildings
 WH Warehousing & Storage



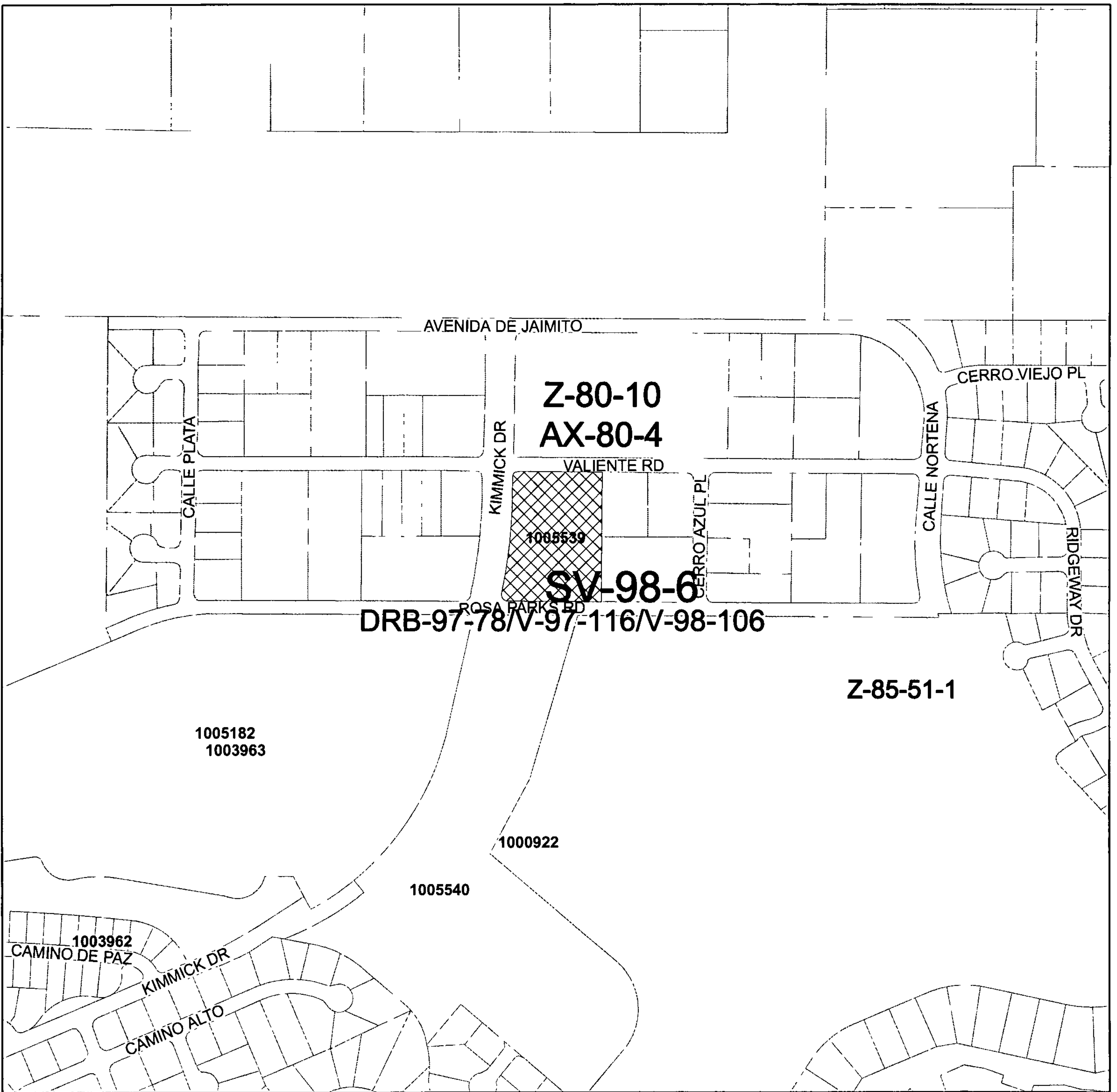
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Project Number:
AC-07-15

Hearing Date:

Zone Map Page:
C-11

Additional Case Numbers:
1005539 07DRB-00580



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HISTORY MAP

Note: Grey shading
indicates County



1 inch equals 500 feet

Project Number:

AC-07-15

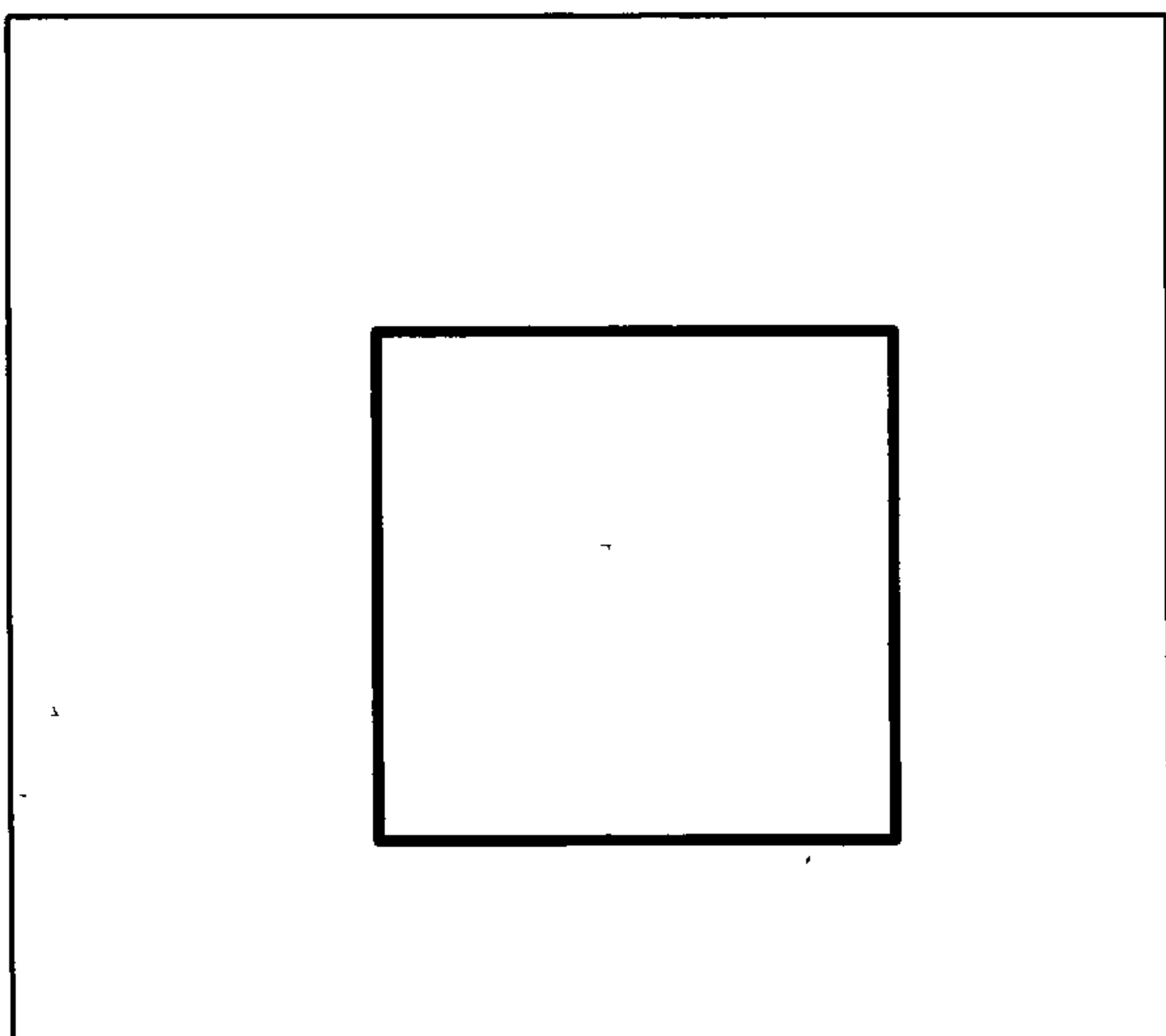
Hearing Date:

Zone Map Page:

C-11

Additional Case Numbers:

1005539 07DRB-00580



1005539

- EC-07-501** First Supplemental Agreement for Legal Services Between Robinson & Cole and the City of Albuquerque
- Motion:** *Approve*
- Status:** Passed
- Votes:** For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-286** Approving and Authorizing the Acceptance of the Attached Grant Award for Funds Under the Emergency Medical Services Fund Act with the State of New Mexico Department of Health and Providing for an Appropriation to the Fire Department (O'Malley, by request)
- Motion:** *Do Pass*
- Status:** Passed
- Votes:** For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-288** Adopting the Bernalillo County and the City of Albuquerque Hazard Mitigation Plan (Winter, by request)
- Motion:** *Do Pass*
- Status:** Passed
- Votes:** For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- R-07-290** Approving and Authorizing U.S. Marshall Service Funds to Provide for Overtime Hours for the Purpose of Locating and Arresting Fugitives and Providing for an Appropriation to the City of Albuquerque, Police Department (Loy)
- Motion:** *Do Pass*
- Status:** Passed
- Votes:** For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris
- EC-07-539** Request from property owner to demolish a Contributing Property within the Huning Highland East Downtown Urban Conservation Overlay Zone. Maryellen Hennessy, Staff Planner
- Motion:** *Postpone, due back on September 5, 2007*
- Status:** Passed
- Votes:** For: 8 - Council Members: O'Malley, Mayer, Benton, Winter, Cadigan, Heinrich, Loy and Harris
Excused: 1 - Council Members: Sanchez
- AC-07-14** Joseph L. Archbold Appeals the Development Review Board's Approval of a Vacation of Kimmick Drive NW, for all or any portion of Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) Zoned SU-2 SRLL, Located on Rosa Parks Rd NW Between Unser Blvd NW and Calle Nortena NW, Containing Approximately 4 acres

--- -- Containing Approximately 4 acres

Motion: *To Accept the Land Use Hearing Officer Recommendation*

Status: Passed

Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

AC-07-15 Volcano Cliffs Property Owners Association, Dave Heil, President and Barbara Mueller, Vice-President, Appeals the Development Review Board's Approval of a Vacation of Kimmick Drive NW, for all or any portion of Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) Zoned SU-2 SROLL, Located on Rosa Parks Rd NW Between Unser Blvd NW and Calle Nortena NW, Containing Approximately 4 acres

Motion: *To Accept the Land Use Hearing Officer Recommendation*

Status: Passed

Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

AC-07-11 Steve Wentworth, Agent for Alameda North Valley Association, Appeals the Environmental Planning Commission's Approval of a Site Development Plan for a Portion of Tract G-1, Balloon Fiesta Park, Zoned SU-2 for Balloon Fiesta Park & Museum & Related Uses, Located on Balloon Museum Drive NE Between Jefferson Street NE and Alameda Boulevard NE, containing approximately 9 acres

Motion: *Grant*

Status: Passed

Votes: For: 6 - Council Members: O'Malley, Benton, Winter, Cadigan, Heinrich and Harris
Against: 3 - Council Members: Mayer, Sanchez and Loy

EC-07-449 FY/07 Department of Family and Community Services, Goal 1, Priority Objective #6 Report to the Mayor and City Council

Motion: *Receipt Be Noted*

Status: Passed

Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

O-07-73 F/S Amending ROA 1994 To Adopt The 2006 International Energy Conservation Code; Creating The Albuquerque High Performance Building Ordinance Establishing Certain Environmentally Sensitive Practices In Construction; Amending ROA 1994, The "Woodburning Ordinance" To Define Products That Should Not Be Burned (Benton, Cadigan, Heinrich)

Motion: *Postpone as Substituted, as Amended, due back on September 5, 2007*

Status: Passed

Votes: For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

R-07-210 F/S Establishing the Programming of Authorizing Policies, Funds and Projects For The 2008-2013 Transportation Improvement Program For The Albuquerque Metropolitan Planning Area (O'Malley)

Motion: *Do Pass as Substituted*

1005539

Containing Approximately 4 acres

Motion: *To Accept the Land Use Hearing Officer Recommendation***Status:** Passed**Votes:** For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

AC-07-15 Volcano Cliffs Property Owners Association, Dave Heil, President and Barbara Mueller, Vice-President, Appeals the Development Review Board's Approval of a Vacation of Kimmick Drive NW, for all or any portion of Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) Zoned SU-2 SROLL, Located on Rosa Parks Rd NW Between Unser Blvd NW and Calle Nortena NW, Containing Approximately 4 acres

Motion: *To Accept the Land Use Hearing Officer Recommendation***Status:** Passed**Votes:** For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

AC-07-11 Steve Wentworth, Agent for Alameda North Valley Association, Appeals the Environmental Planning Commission's Approval of a Site Development Plan for a Portion of Tract G-1, Balloon Fiesta Park, Zoned SU-2 for Balloon Fiesta Park & Museum & Related Uses, Located on Balloon Museum Drive NE Between Jefferson Street NE and Alameda Boulevard NE, containing approximately 9 acres

Motion: *Grant***Status:** Passed**Votes:** For: 6 - Council Members: O'Malley, Benton, Winter, Cadigan, Heinrich and Harris
Against: 3 - Council Members: Mayer, Sanchez and Loy

EC-07-449 FY/07 Department of Family and Community Services, Goal 1, Priority Objective #6 Report to the Mayor and City Council

Motion: *Receipt Be Noted***Status:** Passed**Votes:** For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

O-07-73 F/S Amending ROA 1994 To Adopt The 2006 International Energy Conservation Code; Creating The Albuquerque High Performance Building Ordinance Establishing Certain Environmentally Sensitive Practices In Construction; Amending ROA 1994, The "Woodburning Ordinance" To Define Products That Should Not Be Burned (Benton, Cadigan, Heinrich)

Motion: *Postpone as Substituted, as Amended, due back on September 5, 2007***Status:** Passed**Votes:** For: 9 - Council Members: O'Malley, Mayer, Sanchez, Benton, Winter, Cadigan, Heinrich, Loy and Harris

R-07-210 F/S Establishing the Programming of Authorizing Policies, Funds and Projects For The 2008-2013 Transportation Improvement Program For The Albuquerque Metropolitan Planning Area (O'Malley)

Motion: *Do Pass as Substituted*

F A C S I M I L E T R A N S M I T T A L



CHAVEZ LAW FIRM, P.C.

643 U.S. Highway 314, S.W., Suite C • P.O. Box 2415 • Los Lunas, N.M. 87031
telephone: (505) 565-3650
facsimile: (505) 565-3651
e-mail: chavezlawfirm@earthlink.net

TO:	Kevin J. Curran
FROM:	Steven M. Chavez, Esq.
DATE:	August 1, 2007
SUBJECT:	AC-07-14 and AC-07-15 Appeal Decisions
FAX:	768-4525
PAGES:	5

ENCLOSED PLEASE FIND THE FOLLOWING:

XX Correspondence dated: Today's date

 Pleading: _____

XX Other: AC-07-14 & AC-07-15 Appeal Decision

MESSAGE:

 PLEASE CALL UPON REVIEW OF DOCUMENT(S)

 PLEASE CALL WITH YOUR APPROVAL OR TO DISCUSS.

XX FOR YOUR RECORDS.

 OTHER

If any pages are not received or if there is a problem in receiving this transmission, please call (505-565-3650)

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CHAVEZ LAW FIRM, P.C.

STEVEN M. CHAVEZ
ATTORNEY AT LAW

August 1, 2007

Joe Archbold
PO Box 65888
Albuquerque, NM 87193-5888

Kevin J. Curran, Esq.
City of Albuquerque
P.O. Box 2248
Albuquerque, NM 87103
Via Fax: 768-4525

Kristine Susco
MGMc Development, Inc.
7720 Elcna Dr. NE
Albuquerque, NM 87122

Dave Heil, President
Barbara Mueller, Vice President
P.O. Box 27666
Albuquerque, NM 87103

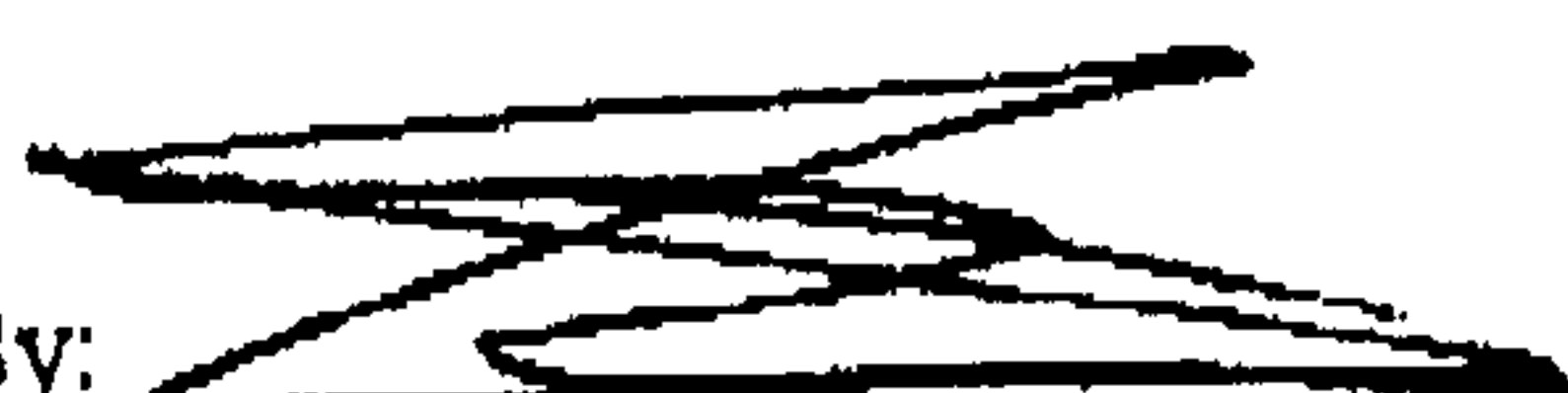
RE: Albuquerque Appeal
No. AC-07-14 and AC-07-15

Dear Parties:

Enclosed is a copy of my Opinion on the above referenced appeal matter. The Original has been forwarded to the City Council with the Exhibits, if any. 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-07-14
07-DRB-00580
Project No. 10005539
Joseph L. Archbold, Appellant,
Kristine Susco, agent for MGMe Development Corporation, and
The City Of Albuquerque, Party Opponents,**

Consolidated with:

**APPEAL NO. AC-07-15
07-DRB-00580
Project No. 10005539
David Heil and Barbara Mueller, President and Vice President of
Volcano Cliffs Property Owners Association, Appellants,
Kristine Susco, agent for MGMe Development Corporation, and
The City Of Albuquerque, Party Opponents,**

I. PROCEDURAL BACKGROUND

These appeals concern a decision of the Development Review Board (hereinafter "DRB") approving a proposal vacating a portion of a public right-of-way, pursuant to Section 14-14-7-2(B)(3) of the City of Albuquerque Subdivision Regulations (Hereinafter the "Regulations"). On May 30, 2007, the DRB held a public hearing, approving MGMe Development Corporation's (MGMe) proposal to vacate 24 feet from the East side of Kimmick Drive, a dedicated public street in the Volcano Cliffs neighborhood. The 24 feet proposed to be vacated in this action encompasses one City block between Rosa Parks Road and Valiente Road, N.W.

In its Official Notice of Decision, dated May 30, 2007, the DRB approved the request, setting one condition. In two separate appeals, Appellants, Joseph Archbold, David Heil, and Barbara Mueller filed timely appeals. Because the subject matter of the appeals, issues and facts are the same in each of the appeals, upon stipulation of all the parties, the two appeals were consolidated and presented in one hearing before this Hearing Officer.

II. ISSUES PRESENTED

Appellants challenge the vacation action on the grounds that it does not meet the criteria of the City of Albuquerque Subdivision Regulation, Section 14-14-7-2(B). Specifically they claim that the benefit of vacating 24 feet of City dedicated right-of-way is not outweighed by the detriment of losing this dedicated right-of-way. Accordingly, the precise issue raised concerns weighing the public benefit that will be derived from the vacation action against the detriment it causes, if any, and determining if the benefit outweighs the detriment.

1 **III. STANDARD OF REVIEW**
2

3 A review of an appeal is a whole record review to determine if there is error:
4

- 5 1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
6 2. In the appealed action or decision, including its stated facts;
7 3. In acting arbitrary, capriciously or manifestly abusive of discretion.
8

9 The decision and record must be supported by a preponderance of the evidence to be upheld.
10 *Whether the evidence is, or is not supported by a preponderance of the evidence in the record, the*
11 *Land Use Hearing Officer may not substitute his judgment for that of the reviewing Body below. The*
12 Land Use Hearing Officer's opinion is advisory to the City Council. The Hearing Officer may
13 recommend that the Council "grant, in whole or in part, an appeal, deny, in whole or in part, an
14 appeal, or remand an appeal for reconsideration if the remand is necessary to clarify or supplement
15 the record, or if the remand would expeditiously dispose of the matter."¹ Decisions of the City are
16 presumably valid and the burden of proving otherwise rests upon a party seeking to void such
17 decision.
18

19
20 **IV. DISCUSSION**
21

22 Section 4-14-7-2(B) of the City of Albuquerque's Subdivision regulations provide the burden
23 of proof in this matter. The Regulations requires that the applicant demonstrate:
24

- 25 a. The public welfare is in no way served by retaining the [right-of way] or easement;
26 or
27 b. There is a net benefit to the public welfare because the development made possible
28 by the vacation is clearly more beneficial to the public welfare than the minor
29 detriment resulting from the vacation; and
30 c. There is no convincing evidence that any substantial property right is being abridged
31 against the will of the owner of the right.²
32

33 Appellants make several arguments regarding whether MGMe has met their burden before
34 the DRB. The record of the DRB is sparse insofar as it analyzed and evaluated the requirements of
35 the applicable section of the Subdivision Regulation. The stated purpose of the vacation action is
36 to bring Kimmick Drive into compliance with the Volcano Heights Sector Development Plan, dated
37 October 2006 (VHSDP). Implicit in this position is that the VHSDP provides the mechanism by

¹ See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

² See City of Albuquerque Subdivision Regulation, Section 14-14-7-2 Vacation of Public Right of Way, Private Ways and Easements.

1 which the public's welfare is determined. The decision of the DRB is clearly supported by the
2 VHSDP.

3
4 The length of Kimmick Drive, between Unser Boulevard, is designated as a collector Street
5 under the VHSDP.³ There are essentially two categories of collector streets described in the
6 VHSDP.⁴ Each subcategory has 58 feet of right-of-way. The two types are distinguishable by the
7 widths of dedicated walkway and setback. The VHSDP envisions all collector streets as having two
8 10 feet travel lanes and seven feet parking lanes.

9
10 Kimmick Drive, as it was platted in 1971, has 106 feet of dedicated right-of-way.
11 Historically, Kimmick Drive was conceived as an arterial thoroughfare. However, the alignment and
12 development of Unser Boulevard over the course of the last decade necessarily modified Kimmick
13 Drive's classification and status from an arterial to a collector street.

14
15 MGMe asserts that the vacation of the one block strip of Kimmick Drive is supported by the
16 VIISDP. Appellants, on the other hand, criticize the stated purpose for the vacation. Appellants
17 take the position that although Kimmick Drive as it presently exists encompasses 106 feet of right-
18 of-way, the City of Albuquerque should take this opportunity to utilize the excess roadway for bike
19 lanes rather than give it up to private development, and possibly for other uses.

20
21 Appellants also argue, the DRB should have considered that Kimmick Drive is designated
22 as a Class 3 signaled bicycle route on the VHSDP's Bicycle Trail Network.⁵ The crux of their
23 argument is that the vacation action will prevent the City from utilizing excess right-of-way for
24 bicycle lanes on Kimmick Drive.

25
26 Although, the DRB, in approving the vacation request, clearly failed to consider bicycle
27 uses on Kimmick Drive, I find that it was harmless error. Kimmick Drive as a class 3 route for
28 bicycles necessarily excludes the possibility of creation of bike lanes thereon.⁶ Therefore,
29 allowing excess space for bicycle lanes on Kimmick Drive is not envisioned in the VHSDP.

30
31 Appellants also have brought forth their own ideas to make good use of the excess right-
32 of-way. They suggest using the excess space for green mediums separating the directional

³ See page 53 of the VHSDP.

⁴ Two lane residential collector streets and 2 lane retail collector streets. *Id.*

⁵ See page 64, VIISDP.

⁶ See page 63 of the VHSDP. The bicycle trail network created in the VHSDP defines class 3 bike routes as routes that are "signaled for bicycles but without a [sic] separate bike lane...."

1 traffic. Yet, there is nothing in the VGSDP contemplating mediums, or any of their suggestions
2 for collector streets.
3

4 Although Appellants' proposed uses of the excess space are genuinely praiseworthy, the
5 standard in which this action must be judged is in the VHSDP and, whether, or not, there is a net
6 benefit after it is weighed against the detriment caused by the vacation. The detriment is a loss of
7 the public land. Yet, because the VHSDP envisions utilizing 58 feet of public land for right-of-
8 way, I cannot agree with Appellants that a loss of the excess land is a detriment, when there isn't
9 clear guidance on how the City will utilize the excess land. It is probable, and rational, that the
10 DRB took the position that the excess land is a detriment to the City.
11

12 The question of, whether, or not, a 106 foot right-of-way as opposed to a 58 foot right-of-
13 way satisfies the public welfare, has already been answered. The VHSDP provides this answer.
14 The VHSDP is presumed to be the public's voice for the answer to this question. Unless it is
15 determined by Court action, or by amendment, that it is not in the public's best interest, the
16 VHSDP is the standard by which the public's welfare must be judged.
17

18 19 **IV. RECOMMENDATION**

20
21 The record of this matter does not support, by a preponderance of the evidence,
22 Appellants' appeals. I, therefore, respectfully recommend that the City Council deny both AC-
23 07-14 and AC-07-15 in full for the reasons stated above.
24

25
26
27
28
29 
30 Steven M. Chavez, Esq.
31 Land Use Hearing Officer
32

July 30, 2007



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

Mayor Martin J. Chávez

INTER-OFFICE MEMORANDUM

June 8, 2007

TO: Debbie O'Malley, President, City Council

FROM: Richard Dineen, Planning Department Director

SUBJECT: AC-07-14 – 07DRB-00580 PROJECT #1005539 – Joseph L. Archbold appeals the Development Review Board's approval of a Vacation of Kimmick Drive, NW, for all or any portion of Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SRLI located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containint approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

BACKGROUND

The application requested the vacation of 24 feet of Kimmick Drive, NW between Rosa Parks Rd, NW and Valiente Road, NW. The 24 foot vacation requested is on the east side of Kimmick to match the right of way to the south of Rosa Parks. (SEE EXHIBIT A.)

The existing Kimick right of way in this segment of roadway is 106 feet. The 106 feet was designated as right of way with the platting of the Unit 26 Volcano Heights Subdivision in 1971.

Previous vacation actions have occurred to narrow the Kimmick right of way south of Rosa Parks to 56 feet prior to the adoption of the Volcano Heights Sector Plan. The designation of Kimmick changed from arterial to collector between the platting of Unit 26 Volcano Heights Subdivision and approvals of platting actions in the same area. Then, the Volcano Heights Sector Plan further defined Kimmick as a residential collector with a right of way of 58 feet. (SEE EXHIBIT B.)

RESPONSE TO APPELLANT

Appellant is opposed to the vacation of Kimmick Drive because it would narrow the width of this collector. He states the roads on the west side are too few and too narrow. He believes the Petroglyph National Monument will add traffic on the top of the northwest mesa.

*See side of record
See HSD*

~~The Volcano Heights Sector Plan designates Kimmick Drive as a residential collector in the area of this proposed subdivision. The land in this area is zoned for residential use. The cross section for a residential collector in the Sector Plan has a 58-foot width. (SEE EXHIBIT C.)~~

~~The approved 24-foot vacation is one-half of the existing excess right of way width. The other 24 feet will be vacated when the land to the west of Kimmick is proposed for development.~~

~~In addition, DRB Project 1000922 has approved vacations of rights-of-way of Kimmick south of Rosa Parks. In this area, the right-of-way was narrowed to 56 feet with a previous action that preceded the Volcano Heights Sector Development Plan.~~

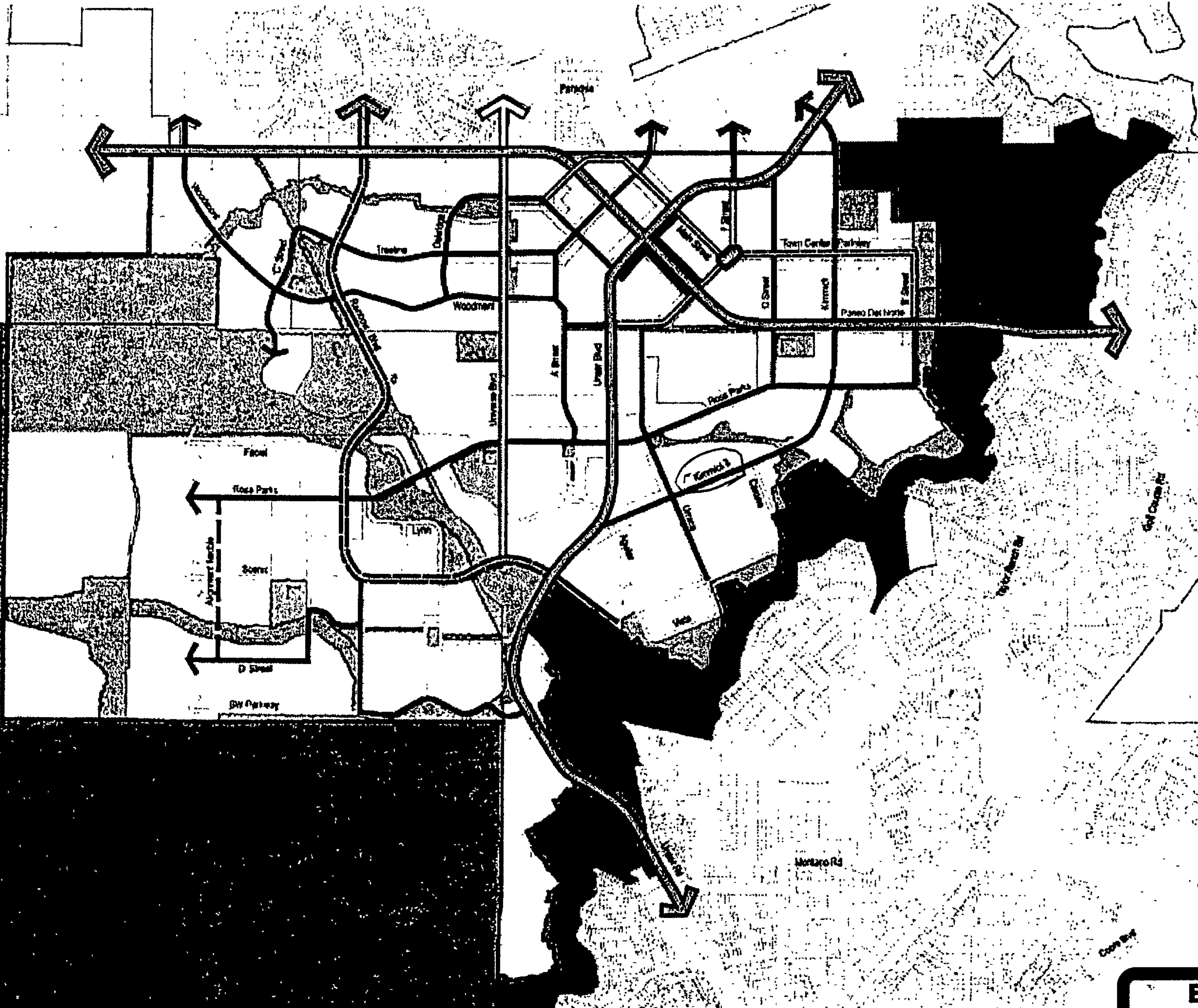
~~The Traffic Engineer has required the applicant to consider the widening of the rights-of-way near the major intersections of Kimmick with Rosa Parks and Valiente to accommodate left-hand turn bays in order to separate traffic movements at these key locations.~~

~~In summary, the 24-foot right of way vacation on the east side of Kimmick between Rosa Parks and Valiente is in compliance with the Volcano Heights Sector Plan's right of way requirement and the City's designation of Kimmick as a collector.~~

APPROVED:



Russell Brito, Manager Development Review Division
Planning Department



Road Network

Volcano Heights,
City of Albuquerque,
New Mexico
August 3, 2006

- LEGEND**
- Urban Boulevard
 - Limited Access Arterial
 - Principal Arterial
 - Minor Arterial
 - Collector with BRT
 - Collector

Refer to Cross Sections 1-12
for street design.



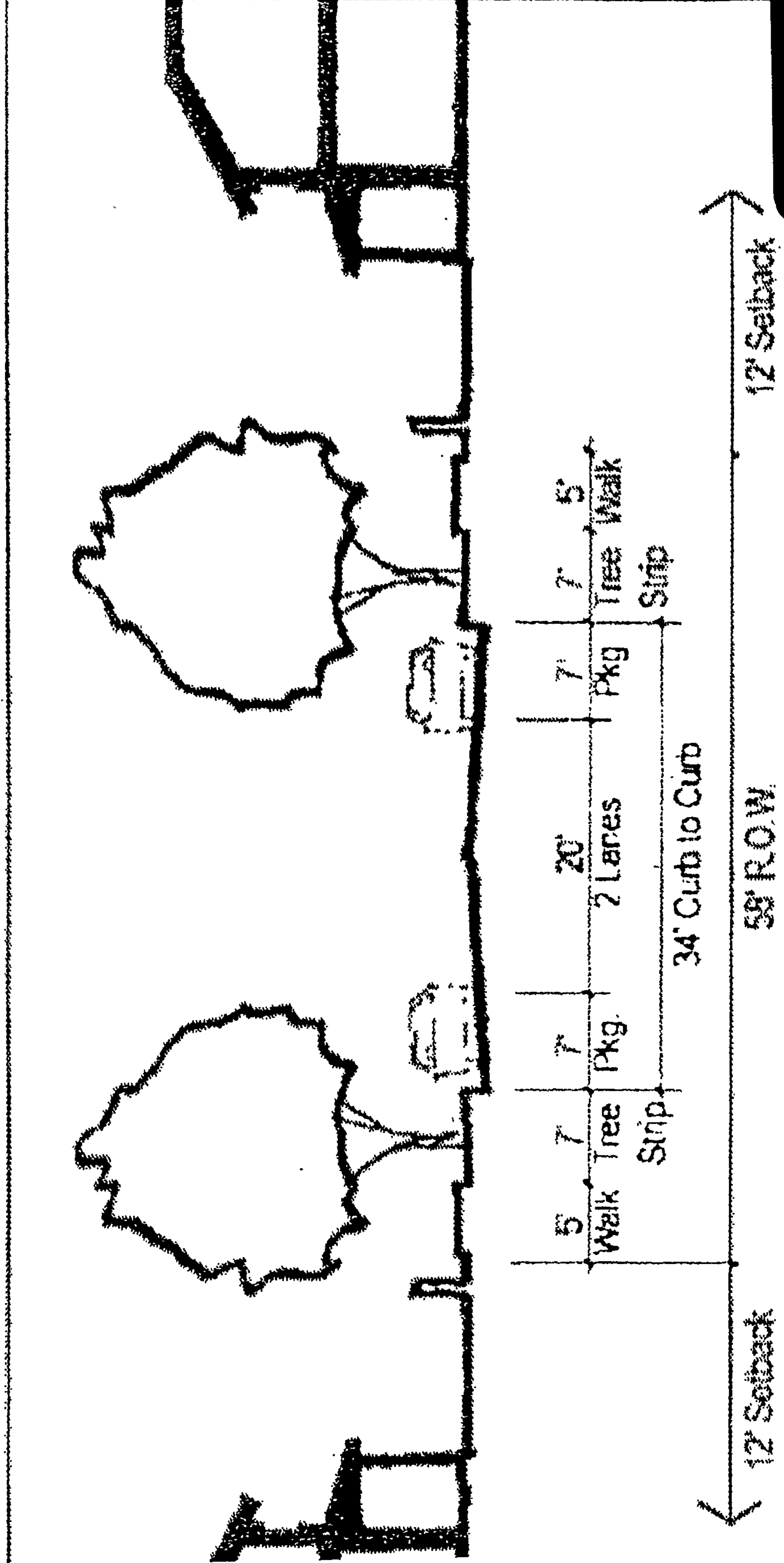
Taecker Urban Design
and Planning, LLC

EXHIBIT

B

Exhibit 17

Volcano Heights Sector Development Plan - 48



2 Lane Residential Collector

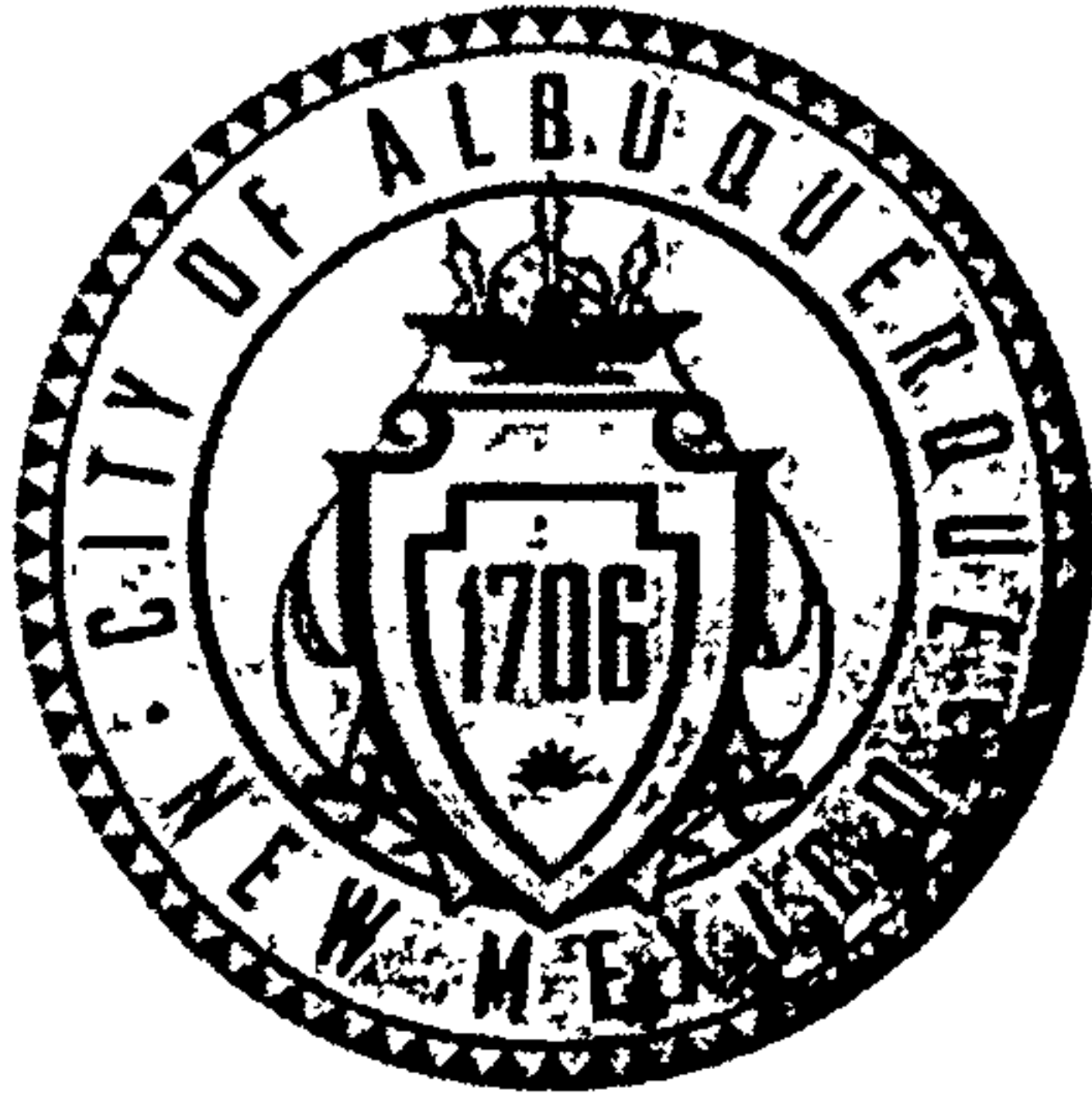
Tierra Buena State
 EXHIBIT 1

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07DRB-00580 – Project #1005539

**For Contents of Packet See Supplement to the Record for
AC-07-14 & AC-07-15**



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

Mayor Martin J. Chávez

INTER-OFFICE MEMORANDUM

June 14, 2007

TO: Debbie O'Malley, President, City Council
FROM: Richard Dineen, Planning Department Director

SUBJECT: AC-07-15 – 07DRB-00580 PROJECT #1005539 – Volcano Cliffs Property Owners Association President, Dave Heil, and Vice President, Barbara Mueller, appeal the Development Review Board's approval of a Vacation of Kimmick Drive, NW, adjacent to Lot(s) 1, Block(s) 5, Volcano Cliffs Subdivision, Unit 26 (to be known as Tierra Buena Estates) zoned SU-2 SLL located on Rosa Parks Rd NW between Unser Blvd NW and Calle Nortena NW containing approximately 4 acre(s). [Ref: 07DRB-00561] (C-11) Sheran Matson, DRB Chair

BACKGROUND

The application requested the vacation of 24 feet of Kimmick Drive, NW between Rosa Parks Rd, NW and Valiente Road, NW. The 24 foot vacation requested is on the east side of Kimmick to match the right of way to the south of Rosa Parks. (SEE EXHIBIT A.)

The existing Kimmick right of way in this segment of roadway is 106 feet. The 106 feet was designated as right of way with the platting of the Unit 26 Volcano Heights Subdivision in 1971.

Previous vacation actions have occurred to narrow the Kimmick right of way south of Rosa Parks to 56 feet prior to the adoption of the Volcano Heights Sector Plan. The designation of Kimmick changed from arterial to collector between the platting of Unit 26 Volcano Heights Subdivision and approvals of platting actions in the same area. Then, the Volcano Heights Sector Plan further defined Kimmick as a residential collector with a right of way of 58 feet. (SEE EXHIBIT B.)

RESPONSE TO APPELLANTS

Appellants are opposed to the vacation of Kimmick Drive, NW, because they believe the public welfare is served by retaining the 106-foot right of way originally designated for Kimmick Drive. They further state that the adopted

Debbie O'Malley
AC-07-15
June 14, 2007
Page 2 of 2

Volcano Heights Sector Plan will bring additional density to the area. They are requesting an updated traffic study of the area.

The Volcano Heights Sector Plan designates Kimmick Drive as a residential collector in the area of this proposed subdivision. The land in this area is zoned for residential use. The cross section for a residential collector in the Sector Plan has a 58-foot width. (SEE EXHIBIT C.)

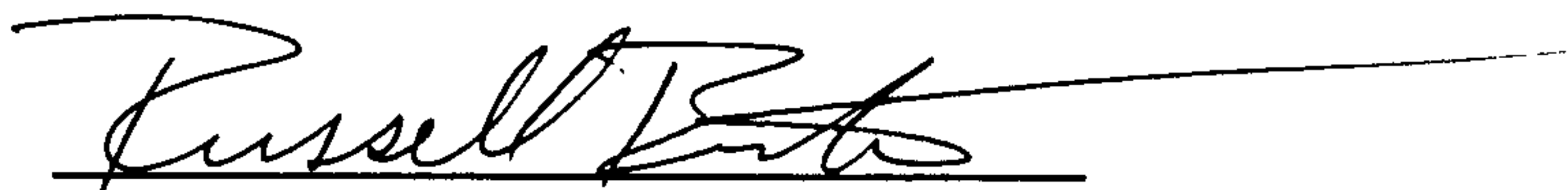
The approved 24-foot vacation is one half of the existing excess right of way width. The other 24 feet will be vacated when the land to the west of Kimmick is proposed for development.

In addition, DRB Project 1000922 has approved vacations of rights-of-way of Kimmick south of Rosa Parks. In this area, the right-of-way was narrowed to 56 feet with a previous action that preceded the Volcano Heights Sector Development Plan.

The Traffic Engineer has required the applicant to consider the widening of the rights-of-way near the major intersections of Kimmick with Rosa Parks and Valiente to accommodate left hand turn bays in order to separate traffic movements at these key locations.

In summary, the 24 foot right of way vacation on the east side of Kimmick between Rosa Parks and Valiente is in compliance with the Volcano Heights Sector Plan's right of way requirement and the City's designation of Kimmick as a collector.

APPROVED:




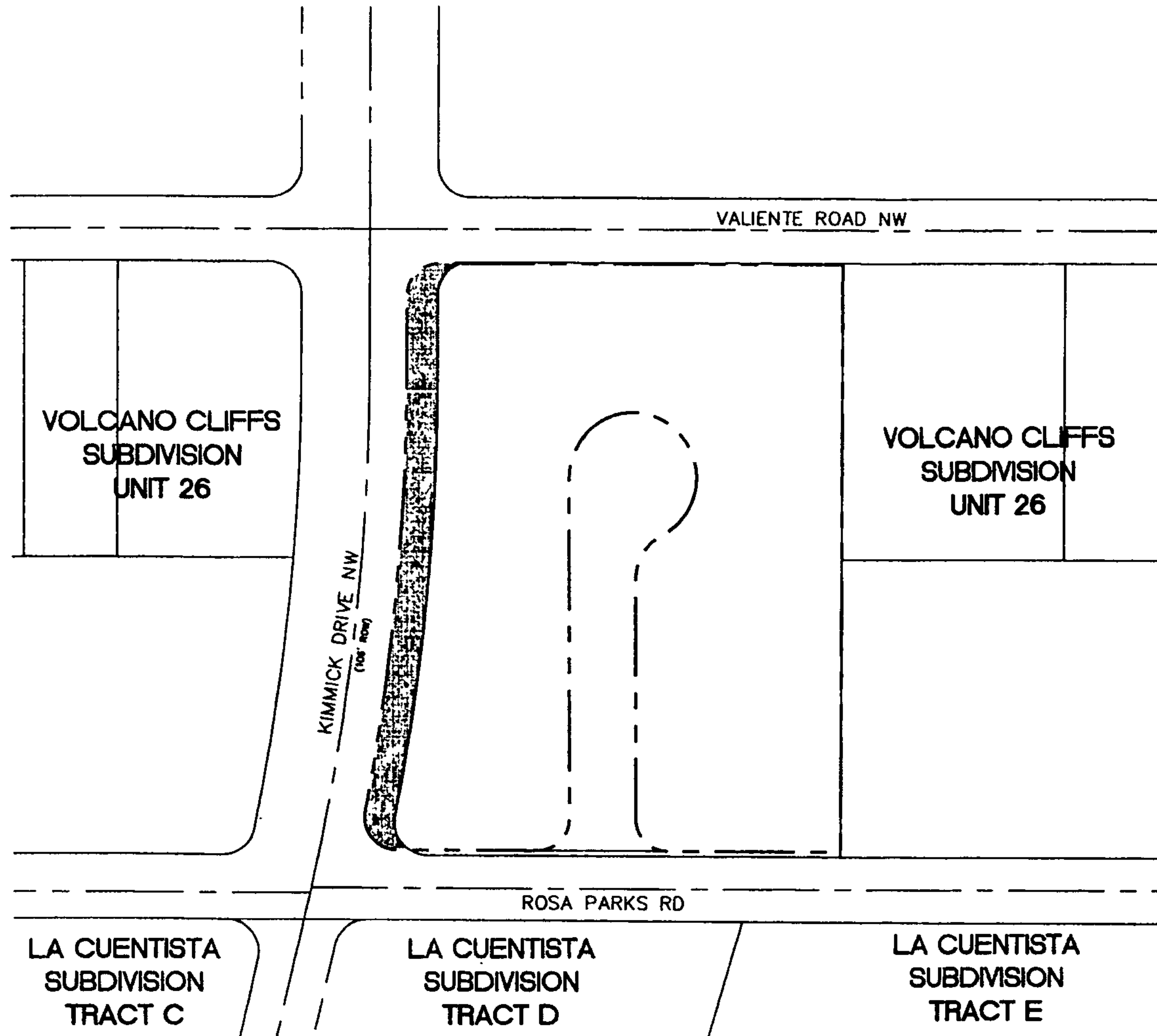
Russell Brito, Manager Development Review Division
Planning Department

x:share/council/appeals/2007/AC-07-15

VACATION I
 TIERRA BUENA ESTATES
 MAY 2007

VACATION LEGEND

 VACATE 24' PUBLIC ROW



GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.

VACATION
 EXHIBIT B
 Date 05/30/07



WELSON COMPANY <small>300 LAKE AVE. SE ALBUQUERQUE, NEW MEXICO 87102 (505) 242-4800</small>			
TIERRA BUENA ESTATES			
VACATION EXHIBIT			
DESIGN:	KIS	WCEA NO.0790002800	DATE MAY 2007
DRAWN:	OR	PROJECT NO.	SHEET NO.
CHECK:	DSA		1 of 1

Road Network

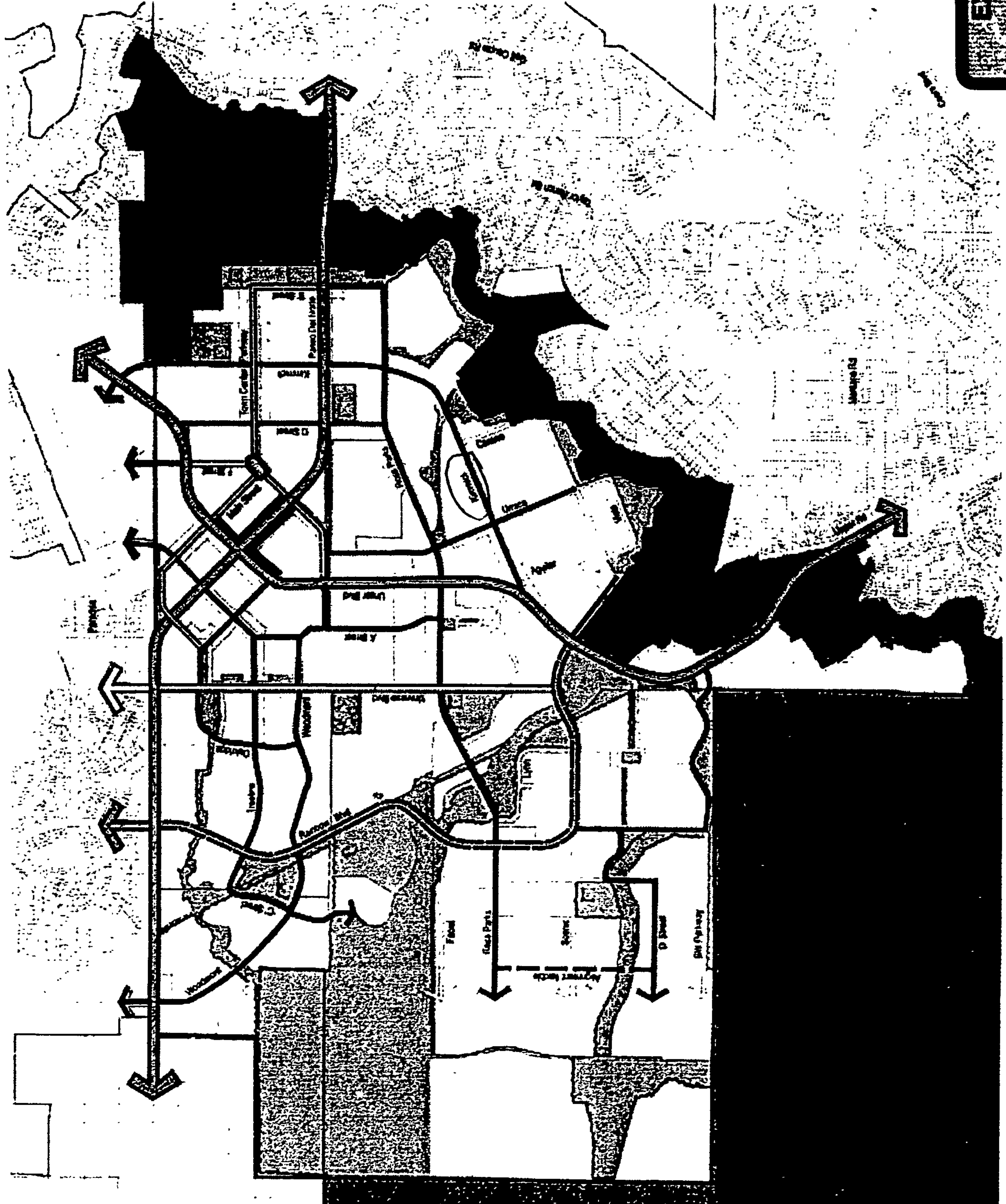
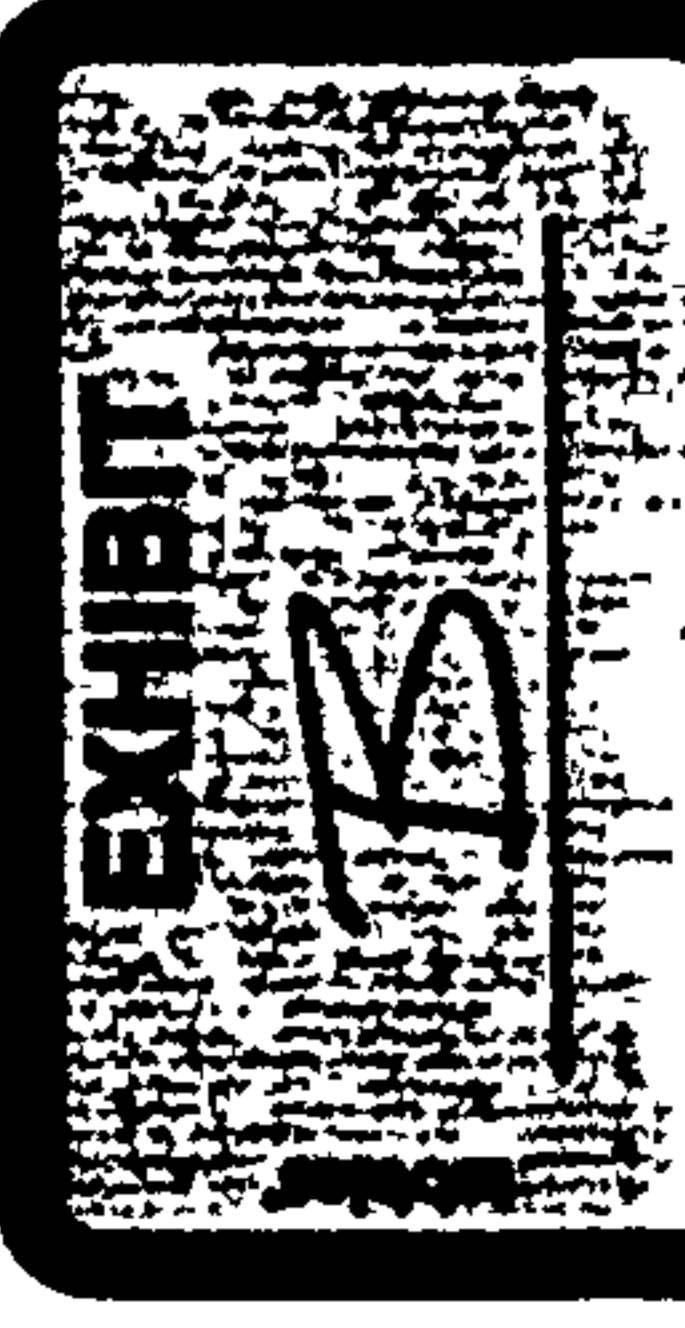
Volcano Heights,
City of Albuquerque,
New Mexico
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- Urban Boulevard
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 - Collector

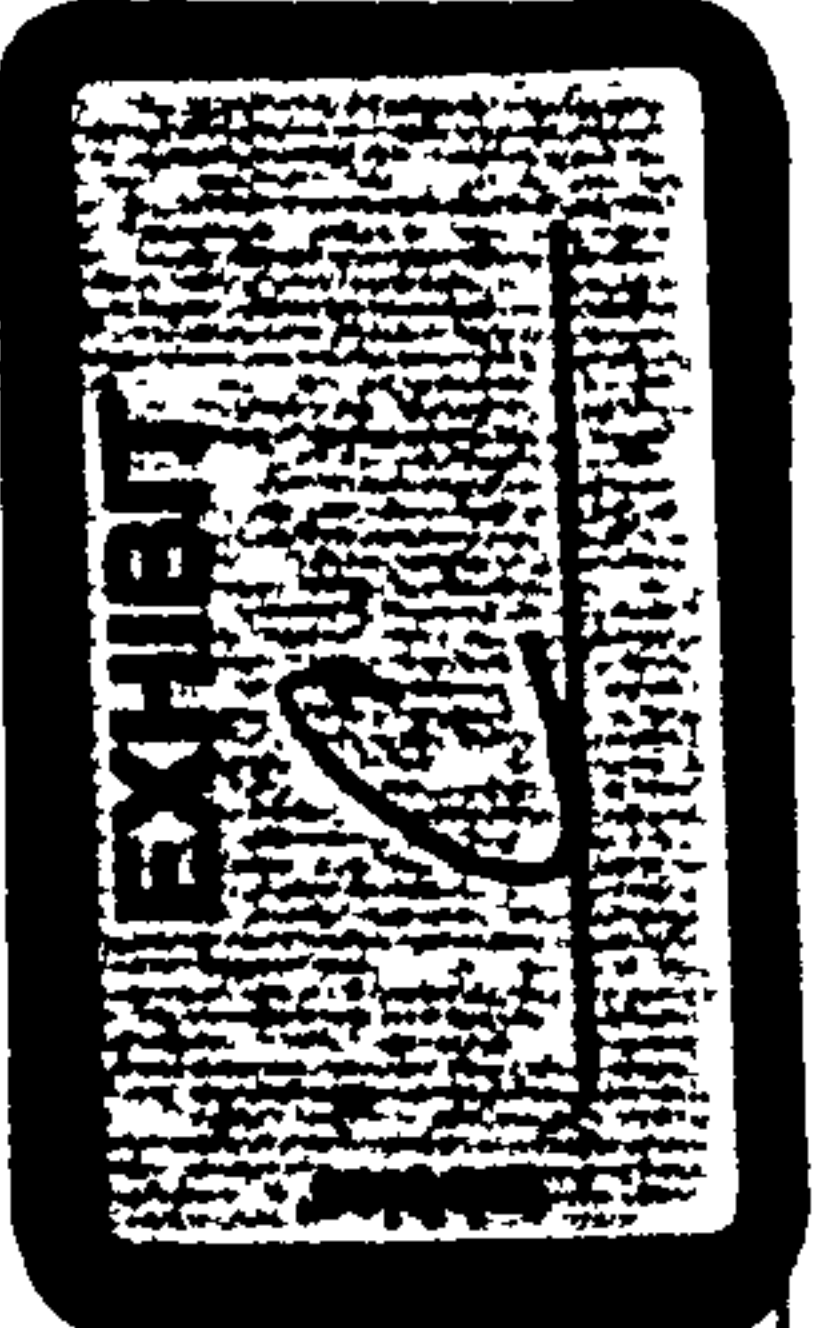
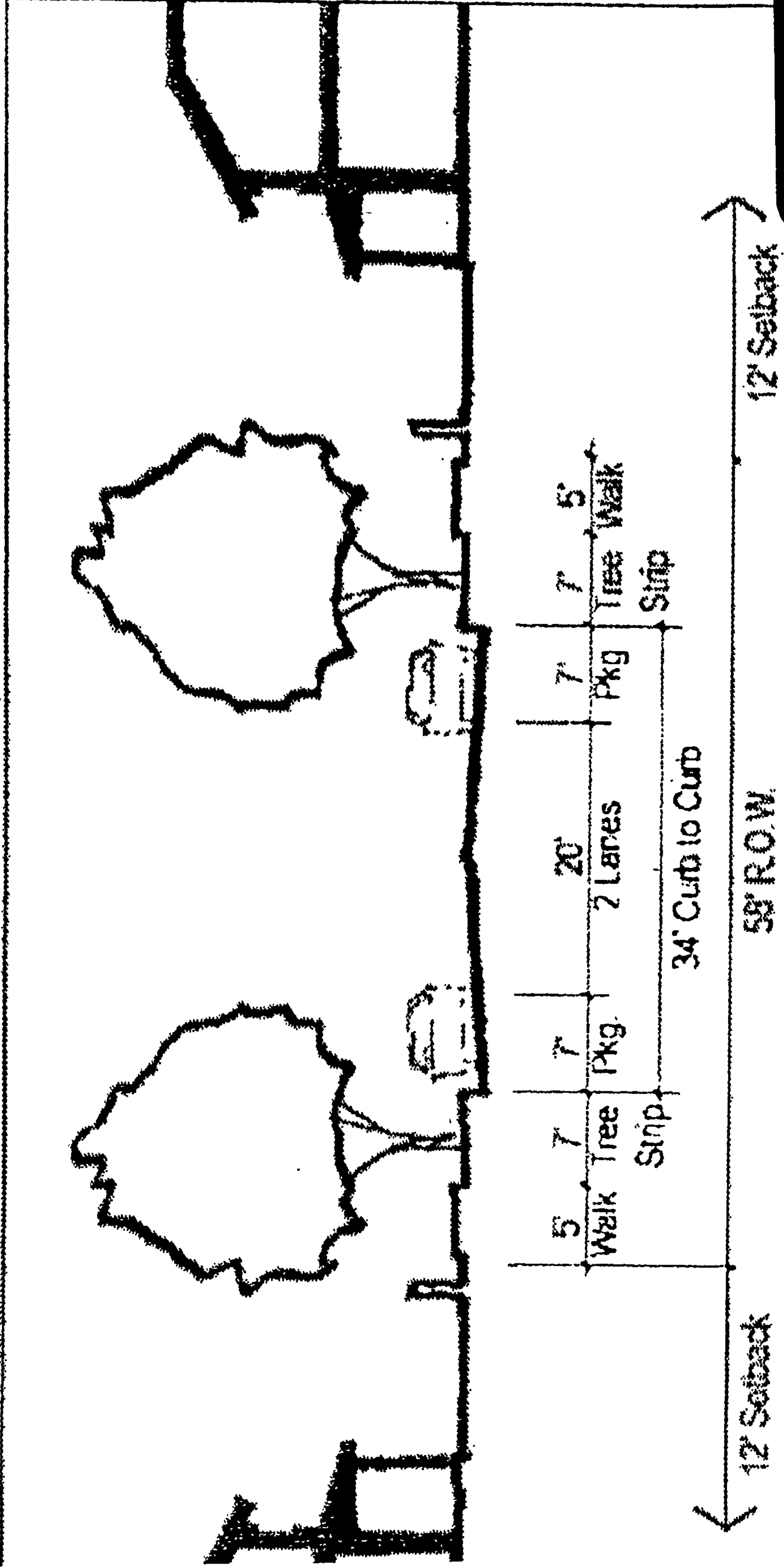
Refer to Cross Sections 1-12
for street design.



Taecker Urban Design
and Planning, LLC



Volcano Heights Sector Development Plan - 48



2 Lane Residential Collector

Tierra Buena State
EXHIBIT 1

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07DRB-00580 – Project #1005539

**For Contents of Packet See Supplement to the Record for
AC-07-14 & AC-07-15**

City of **APPEAL** Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S Z ZONING & PLANNING
<input type="checkbox"/> Major Subdivision action	<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor Subdivision action	<input type="checkbox"/> County Submittal
<input type="checkbox"/> Vacation	<input type="checkbox"/> EPC Submittal
<input type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	<input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Subdivision	<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"/> Administrative Amendment (AA)	<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan	<input type="checkbox"/> A APPEAL/ PROTEST of...
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<input type="checkbox"/> Decision by DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
STORM DRAINAGE	
<input type="checkbox"/> 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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): JOSEPH L ARCHBOLD PHONE: 505-328-1331
 ADDRESS: PO Box 65888 FAX: 505-890-9257
 CITY: ALBUQUERQUE STATE NM ZIP 87193-5888 E-MAIL: archbold@flash.net

APPLICANT: SAME PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: appeal of VACATION OF R of W ON KIMMICK NW

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

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

Lot or Tract No. 6071 Block: 5 Unit: 26
 Subdiv/Addn/TBKA: VOLCANO CLIFFS SUBDIVISION (TO BE KNOWN AS TIERRA BUENA ESTATES)
 Existing Zoning: SUB RLL Proposed zoning: _____
 Zone Atlas page(s): C-11 UPC Code: _____ MRGCD Map No _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 07DRB 00580

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? _____
 No. of existing lots: _____ No. of proposed lots: _____ Total area of site (acres): approx 4
 LOCATION OF PROPERTY BY STREETS: On or Near: ROSA PARKS RD. NW
 Between: UNSCR BLDG NW and CALLE NORTENA NW

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

SIGNATURE Joseph L Archbold DATE 6/6/07
 (Print) JOSEPH L ARCHBOLD Applicant: Agent:

FOR OFFICIAL USE ONLY

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07CC</u> <u>00688</u>	<u>AP</u>		\$ <u>190.00</u>
<input checked="" type="checkbox"/> All fees have been collected			<u>ADV</u>	\$ <u>75.00</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 checked="" type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date <u>APPEAL</u>			Total \$ <u>265.00</u>
	<u>see above 6/6/07</u>	Project # <u>1005539</u>		

Form revised 4/07

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; 1005539

Application number of case being appealed; 07DRB-00580

- 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.

JOSEPH L ARCHBOLD
Applicant name (print)

Joseph L Archbold
Applicant signature / date



Form revised 10/04 & March 2005

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

Application case numbers

0700 - 00688

-2-

Joseph L Archbold 6/6/07
Planner signature / date

Project # 1005539

~~Ask DRB to deny request # 1005539 for vacation of a portion of Kimmick.~~

~~Dear DRB Members,~~

I AM APPEALING THE VACATION OF PROJECT
1005539 / 07 DRB-00580 A VACATION ACTION

I am a resident of the West Side of Albuquerque and own property in Unit 19 of Volcano Cliffs..

I am not here today in any way opposed in general to what this developer is doing. I actively support this subdivision and actively support their follow on request item # 1005540.


I am here to ask you to reject this particular request # 1005539 to vacate that portion of Kimmick south of Paseo Del Norte and north of Rosa Parks Blvd.

When I build my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did I would still run into the bottleneck, where Rosa Parks and Kimmick combine leading to Paseo, that is requested by this vacation.

The National Monument and the proposed trails through Open Space are for everyone in Albuquerque not just those living on top of the West Mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the West Side inadequate roads. They are too few and too narrow. This is a time for building not vacating.

Respectfully


Joe Archbold
PO Box 65888
8316 Calle Primera NW
Albuquerque, NM 87193-5888
Phone: 505-328-1331



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SROLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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.)

A handwritten signature in cursive script, appearing to read "S. Matson".

Sheran Matson, AICP, DRB Chair

Cc: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

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

PAID RECEIPT

APPLICANT NAME

AGENT

Joseph Archbold

ADDRESS

PROJECT & APP #

1005539/07CC-00688

PROJECT NAME

\$ 441032/3424000 Conflict Management Fee

\$ 190.00 441006/4983000 DRB Actions Appeal

\$ 441006/4971000 EPC/AA/LUCC Actions & All Appeals

\$ 75.00 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

\$ 265.00 TOTAL AMOUNT DUE

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

6/21/2007
RECEIVED
CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
441006/4983000
1005539/07CC-00688
J. ARCHBOLD
6/21/07
CASH
CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
CITY CLERK'S OFFICE

Counterreceipt.doc 6/21/04

DUPLICATE FOR

6/21/07
CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
441006/4983000
1005539/07CC-00688
J. ARCHBOLD
6/21/07
CASH
CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
CITY CLERK'S OFFICE

APPEAL

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
for Building Permit
Administrative Amendment (AA)
IP Master Development Plan
Cert. of Appropriateness (LUCC)

STORM DRAINAGE

- Storm Drainage Cost Allocation Plan

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)
APPEAL PROTEST of...
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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

Professional/Agent (if any): Same as below PHONE:
ADDRESS: FAX:
CITY: STATE ZIP E-MAIL:

APPLICANT: Volcano Cliffs Property Owners Assoc. PHONE: 505-228-7189
ADDRESS: P.O. Box 27666 Dave Heil, Pres. and Barbara Mueller, Vice Pres. FAX: 505-892-7152
CITY: Albuquerque STATE NM ZIP 87125 E-MAIL: Dave Heil 16@msn.net
Proprietary interest in site: List all owners:

DESCRIPTION OF REQUEST: Appeal of Vacation of R of W on Kimmick NW

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

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

Lot or Tract No. Lot 1 Block: 5 Unit: 26
Subdiv/Addn/TBKA: Volcano Cliffs Subdivision (to be known as Tierra Buena Estates
Existing Zoning: S U 2 S R L L Proposed zoning:
Zone Atlas page(s): C-11 UPC Code: 1011064, 30201 MRGCD Map No 104118

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 07 DRB 00580

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill?
No. of existing lots: 1 No. of proposed lots: 9 Total area of site (acres): approx 4

LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Rd. NW
Between: Unser NW and Calle Nortena NW

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

SIGNATURE Volcano Cliffs Property owners Assoc. by Barbara Mueller, Vice Pres. DATE 6/13/07
(Print) Volcano Cliffs Property owners Assoc. by Barbara Mueller - Vice Pres. / Dave Heil - Pres. Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Table with columns: Application case numbers, Action, S.F., Fees. Includes handwritten entries for case numbers 07CC and 00720, action 'Appeal Adv.', and fees of \$190.00 and \$75.00.

Hearing date: 6/13/07 Project #: 1005539

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; 100 55 39

Application number of case being appealed; 07 DRB - 00580

- 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.

Volcano Cliffs Property Owners Association
Applicant name (print)

Volcano Cliffs Property Owners Assoc. by Barbara Mueller - Vice Pres
Applicant signature / date 6/13/07



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

Application case numbers
07 CC - 20720

Andrew Jones 6/13/07
Planner signature / date
Project # 1005539

Volcano Cliffs Property Owners Association
P.O. Box 27666
Albuquerque, NM 87125

June 13, 2007

Appeal of Vacation of R-O-W on Kimmick NW

The Volcano Cliffs Property Owners Association is appealing the DRB approval of vacation of a portion of the KimmickNW R-O-W between Rosa Parks Rd. NW and Valiente Rd. NW because:

- how* a) the DRB erred in applying city plans, policies and ordinances
how b) the DRB erred in its stated facts
how c) the DRB's decision is not supported by substantive evidence, and
how d) the DRB acted arbitrarily and capriciously and abused its discretion.

In fact as evidenced by the attached Exhibit 1 there is a definite public welfare served by retaining the present R-O-W. No R-O-W should be vacated in this area, given the recent extensive development in the area and the passage of the Volcano Heights Sector Plan(which will bring additional density to the area and which is currently under appeal), until an up to date traffic study is done to justify such action.

Sincerely,

Barbara Mueller

Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

Exhibit 1

VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION
P.O. Box 27666
ALBUQUERQUE, NM 87125

May 28, 2007

Dear Members of the DRB,

The Volcano Cliffs Property Owners Association protests the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

(A) The Public Welfare is in no way served by retaining the right-of-way, and
(B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

- The attached map, Exhibit 1, shows that the shortest route to eastbound Paseo from the Volcano Cliffs area (Units 17, 18, 19, 22 and a portion of 20) surrounding the La Cuentista subdivision (whose developers are requesting the vacation) is east on Kimmick thru La Cuentista to Paseo. This route is shown in green. Shown in red is the route suggested, in a response by the applicants agent, as the route most likely to be used. They are proposing that the people exiting Units 18, 19, and 22 are going to go north on Urraca to Rosa Parks, then west on Rosa Parks to Unser and then north a mile or so to Paseo and then back to the south east to the Paseo/Kimmick intersection when they could have driven northeast on Kimmick half a mile to this same intersection. This route necessitates widening Rosa Parks west of La Cuentista to handle the additional traffic. There has been no action by either the city of Albuquerque or by this applicant to obtain any additional right of way for Rosa Parks or Unser to alleviate the problems being caused by narrowing Kimmick.
- There is a definite public safety issue in narrowing this road. In the case of Unser being shut down for any reason there is no ability to rapidly move any appreciable amount of traffic out of this area of Volcano Cliffs, or for that matter La Cuentista, to the east onto Paseo or to move emergency vehicles into the area from the east.
- The response we received from the applicants agent stated that the vacation request is justified by a traffic study done in 1997 and other studies including a proposed SAD 228 and Unser and Paseo studies. This information is woefully out of date and inadequate since at the time of those studies the master plan for the entire Volcano Cliffs area was for 2-3 houses per acre. Since then the passage of the Volcano Heights Sector Plan has added massive amounts of population and commercial activity to this area, not to mention the new High School and the KB Homes high density housing project presently under construction.
- The Volcano Heights Sector Plan is presently being appealed in the courts. Should the appellants prevail and the court overturn the plan this right-of-way will have been vacated and it will be virtually impossible to reconstitute it at that time. If instead, this applicant is allowed to go ahead and develop their property while maintaining the present right of way, it can always be used for linear park open space or biking and jogging paths or additional traffic lanes if they are needed in the future. Absolutely no right of way should be vacated by anyone (including the present applicant) until the courts have ruled on the appeal of the Volcano Heights Sector Plan.

WG
All of Kimmick
WG

The Major
Street System
Map collector
56
Evening
VIASP is
thrown out
by courts

Sincerely,
Barbara Mueller
Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

Exhibit 2

From: DAVID HEIL <daveheil16@msn.com>
To: Tim Flynn O'Brein <tim@flynnobrien.com>, Barb Mueller <mueller0311@comcast.net>
Subject: Kimmick
Date: Tuesday, June 12, 2007 4:21:14 PM

Sheran Matson, **DRB** Chairperson

As President of the The Volcano Cliffs Property Owners Association and as an individual owning property served by Kimmick I protest the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

- A) The Public Welfare is in no way served by retaining the right-of-way, and
 - B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.
- Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

Also, The traffic study that the applicant's agent references was done in 1997. In September 2006 the City Council approved the Volcano Heights Sector Plan which significantly increased the densities in the area.

Before any vacating of Kimmick is done another traffic study should be completed considering the increased densities.

Dave Heil

-12-



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, in the manner described below.

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OFFICIAL NOTICE OF DECISION

PAGE 2

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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.)

A handwritten signature in cursive script, appearing to read "S. Matson".

Sheran Matson, AICP, DRB Chair

Cc: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
SUBDIVISION	S	ZONING & PLANNING	Z
<input type="checkbox"/> Major Subdivision action		<input type="checkbox"/> Annexation	
<input type="checkbox"/> Minor Subdivision action		<input type="checkbox"/> County Submittal	
<input checked="" type="checkbox"/> Vacation	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	P	<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)	L	APPEAL / PROTEST of...	A
		<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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899
 ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net
 Proprietary interest in site: Owner List all owners: MGMe Development, Inc.
 AGENT (if any): Kristine Susco - Wilson and Company PHONE: (505) 348-4191
 ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request the Vacation of existing Public ROW on Kimmick Dr NW.

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 1 Block: 5 Unit: 26
 Subdiv. / Addn. Volcano Cliffs Subdivision TBK TIERRA BUENA ESTATES
 Current Zoning: SU2-SRLL Proposed zoning: No Change
 Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9
 Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
 UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Road NW
 Between: Rosa Parks Road NW and Valiente Road NW

CASE HISTORY: List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):
DRB #1005539 - Sketch Plat Hearing Date 5-9-07 07DRB00561

Check-off if project was previously reviewed by Sketch Plat/Plan NO, or Pre-application Review Team NO Date of review: _____
 SIGNATURE Kristine Susco DATE: 5-4-07
 (Print) KRISTINE SUSCO 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>07 DRB - -00580</u>	<u>VRW</u>		<u>\$ 300.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned		<u>Adv</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				<u>\$</u>
<input checked="" type="checkbox"/> Case history #s are listed				<u>\$</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>Total</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	Hearing date <u>May 30, 2007</u>			<u>\$ 395.00</u>

Andrew Carter 5/4/07

Project # 1005539

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)
 ___ 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.

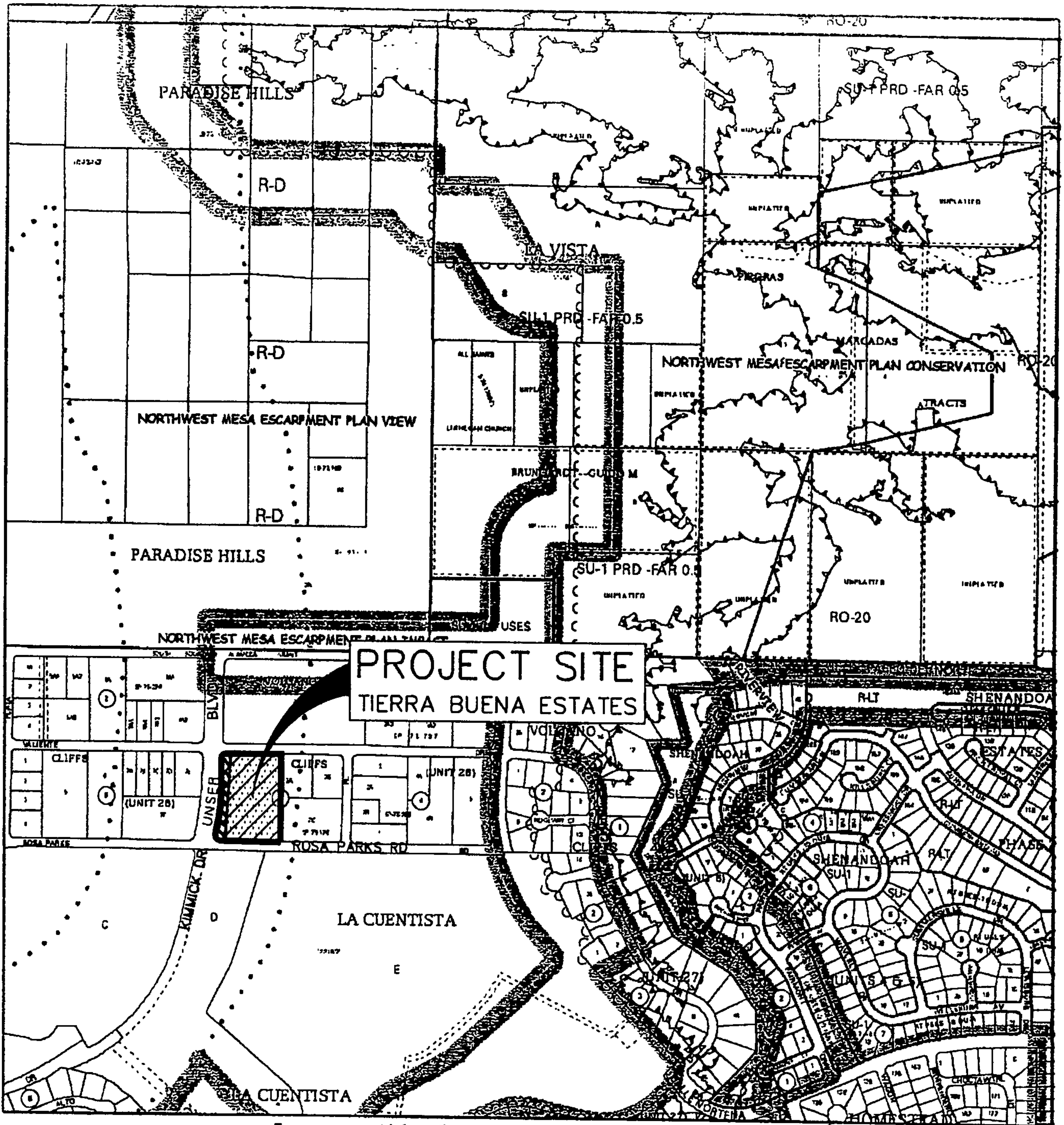
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

KRISTINE SUSCO
 Applicant name (print)
Kristine Susco 5-4-07
 Applicant signature / date

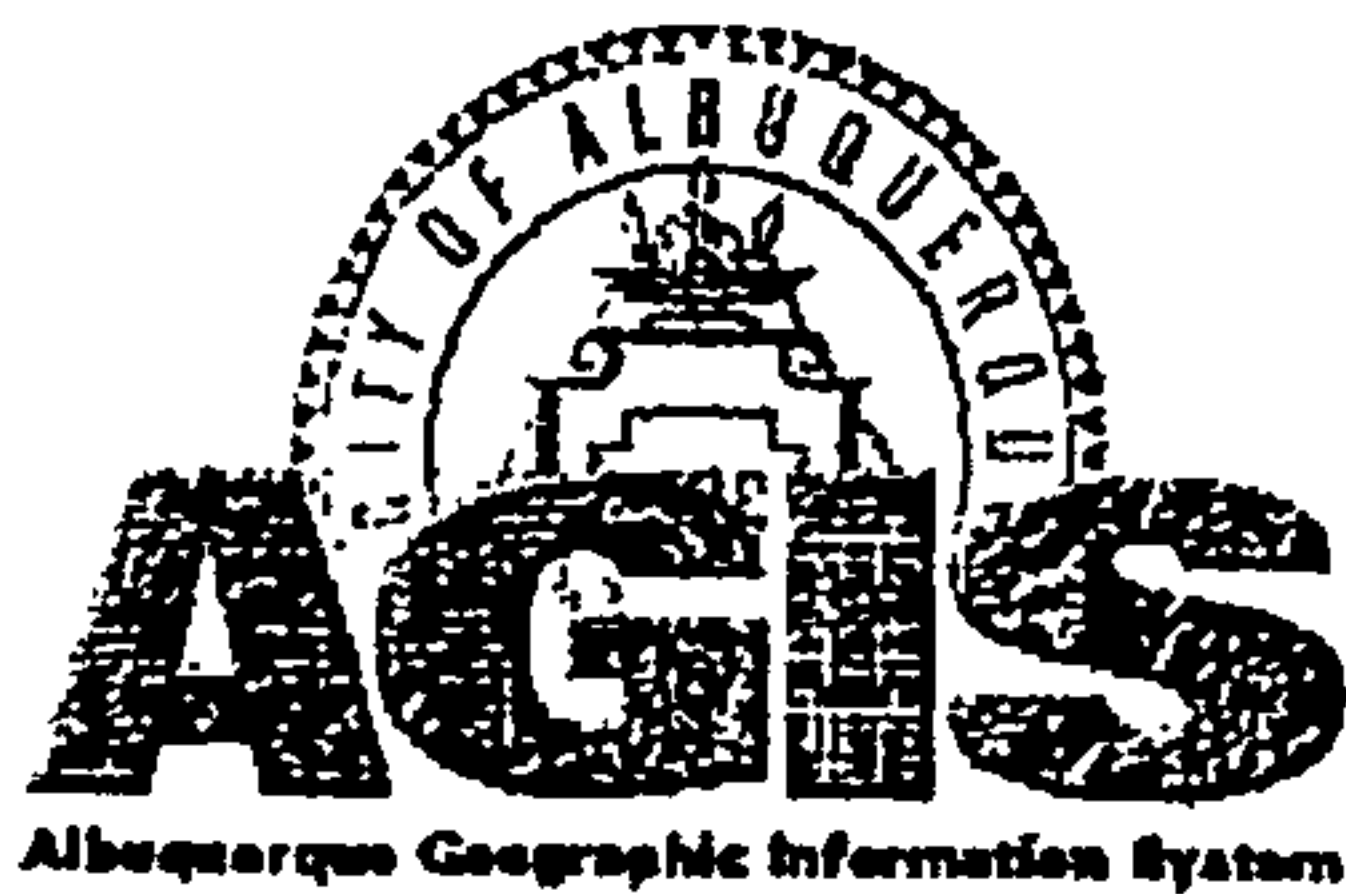
Form revised 4/07
Andrew J. ... 5/4/07
 Planner signature / date
 Project # 1005539



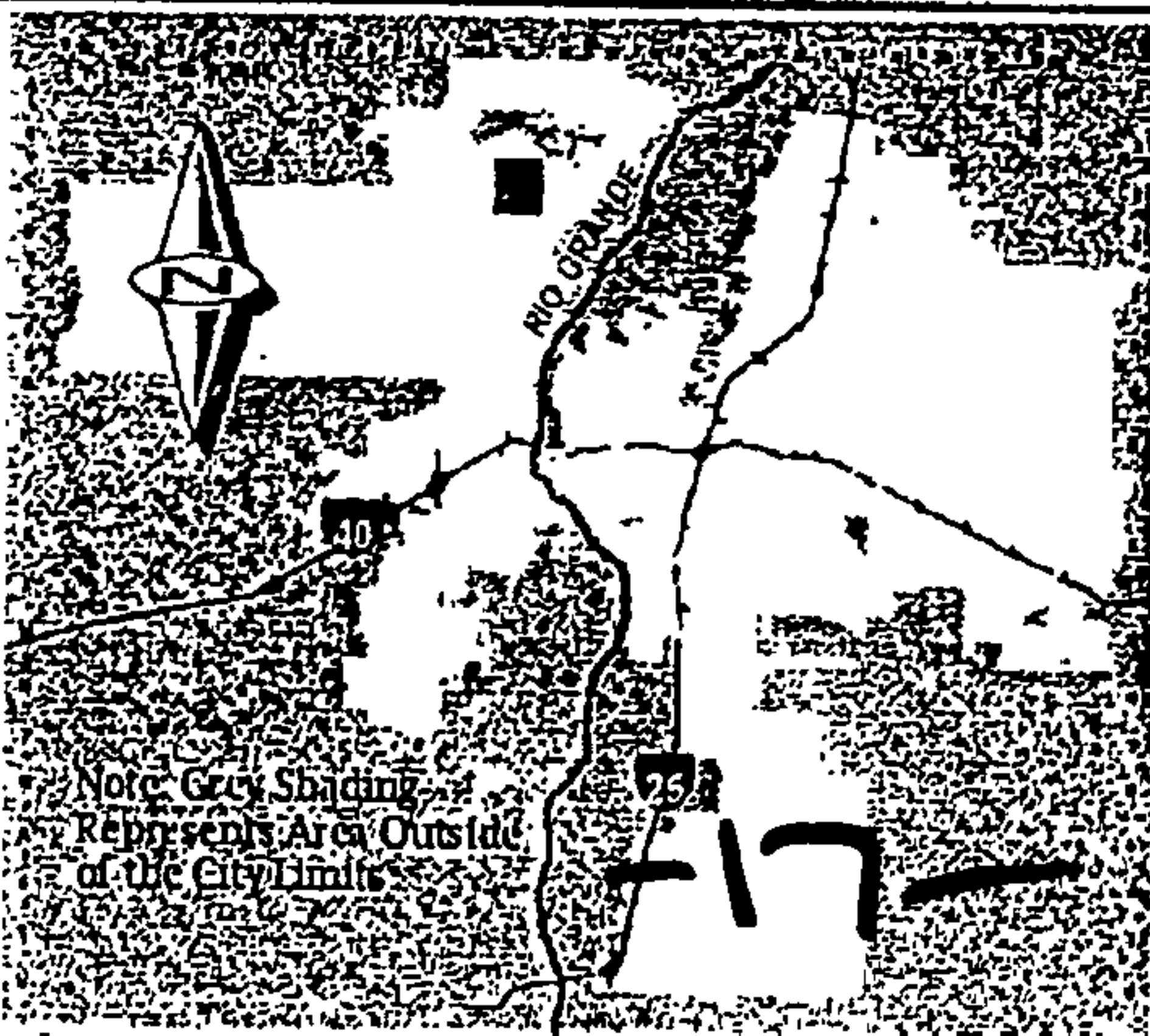
- Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed
- Application case numbers
 07 DRB - 00580



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



Map amended through: 10/25/2006

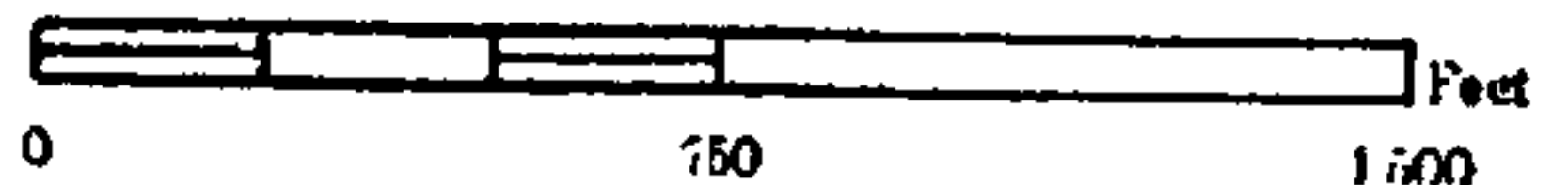


Zone Atlas Page:

C-11-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



**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

4 May 2007

**Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103**

Re: **TIERRA BUENA ESTATES**
DRB # 1005539
WCI File: 0760002200

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development, Inc., requests approval for the Vacation of existing Public ROW on Kimmick Dr. adjacent to the planned Tierra Buena Estates. This Vacation will bring the Kimmick ROW width to 58', thereby adhering to the requirements of the Volcano Heights Sector Development Plan.

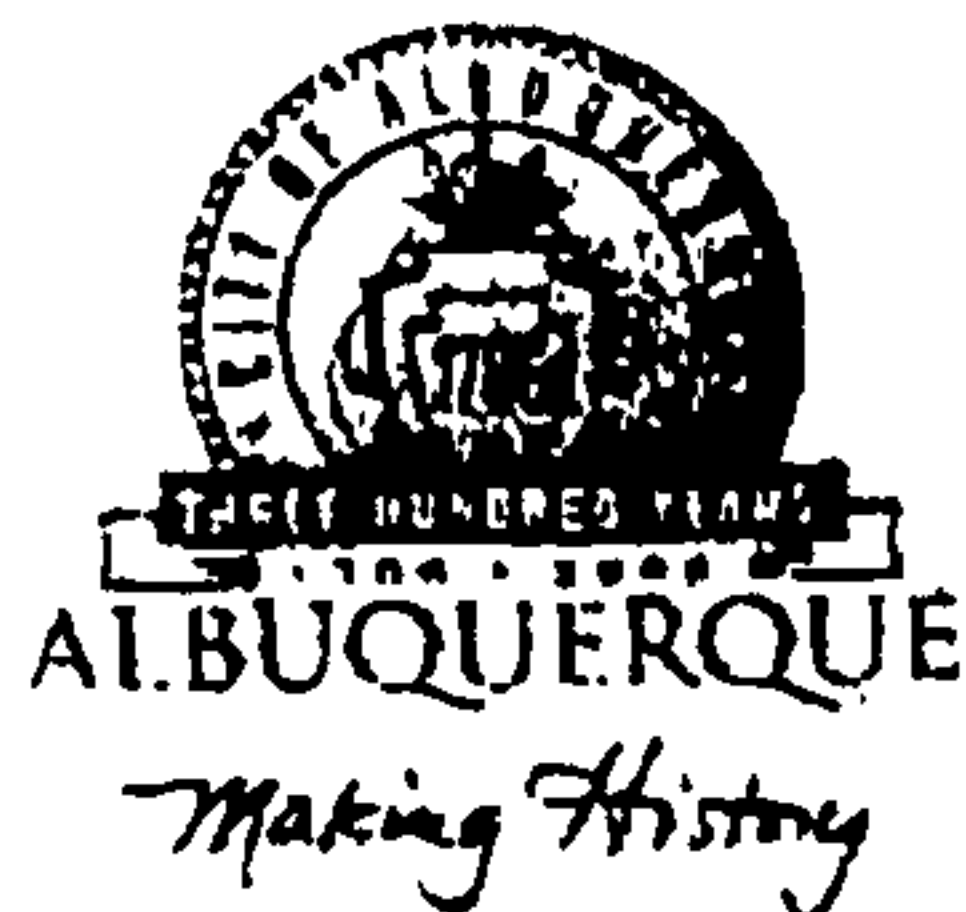
Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191.
Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kisusco@wilsonco.com



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: 5/13/07

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on May 3, 2007
(date)

TO CONTACT NAME: Shadi Hayati
COMPANY/AGENCY: Wilson Company
ADDRESS/ZIP: 4900 Long Avenue NE
PHONE/FAX #: 348-4000, 348-4055

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at lot 1, blocks units, unit 60 Udeancliffs Subdivision located on NE of Kimmick Dr. and Rosa Parks Rd between Rosa Parks Rd. NW & Valiente Rd NW zone map page(s) C-11-2.

Our records indicate that as of May 3, 2007 (date), there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

[Signature]
OFFICE OF NEIGHBORHOOD COORDINATION

7002 3150 0000 5090 3001

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 MAY 4 2007
 USPS

Sent To
 Larry Wewer
 Street, Apt. No., or PO Box No. 6001 Ventas G NW
 City, State, ZIP+4 ALB NM 87114

PS Form 3800, June 2002 See Reverse for Instructions

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 USPS

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 Dave Heit
 Street, Apt. No., or PO Box No. 160 Itasca Rd
 City, State, ZIP+4 Rio Rancho NM 87124

PS Form 3800, June 2002 See Reverse for Instructions

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 USPS

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 Bill Wright
 Street, Apt. No., or PO Box No. 4112 Blue Ridge Pl NE
 City, State, ZIP+4 ALB NM 87111

PS Form 3800, June 2002 See Reverse for Instructions

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 MAY 4 2007
 USPS

Sent To
 Tom Anderson
 Street, Apt. No., or PO Box No. 10013 Plumett Dr NW
 City, State, ZIP+4 ALB NM 87114

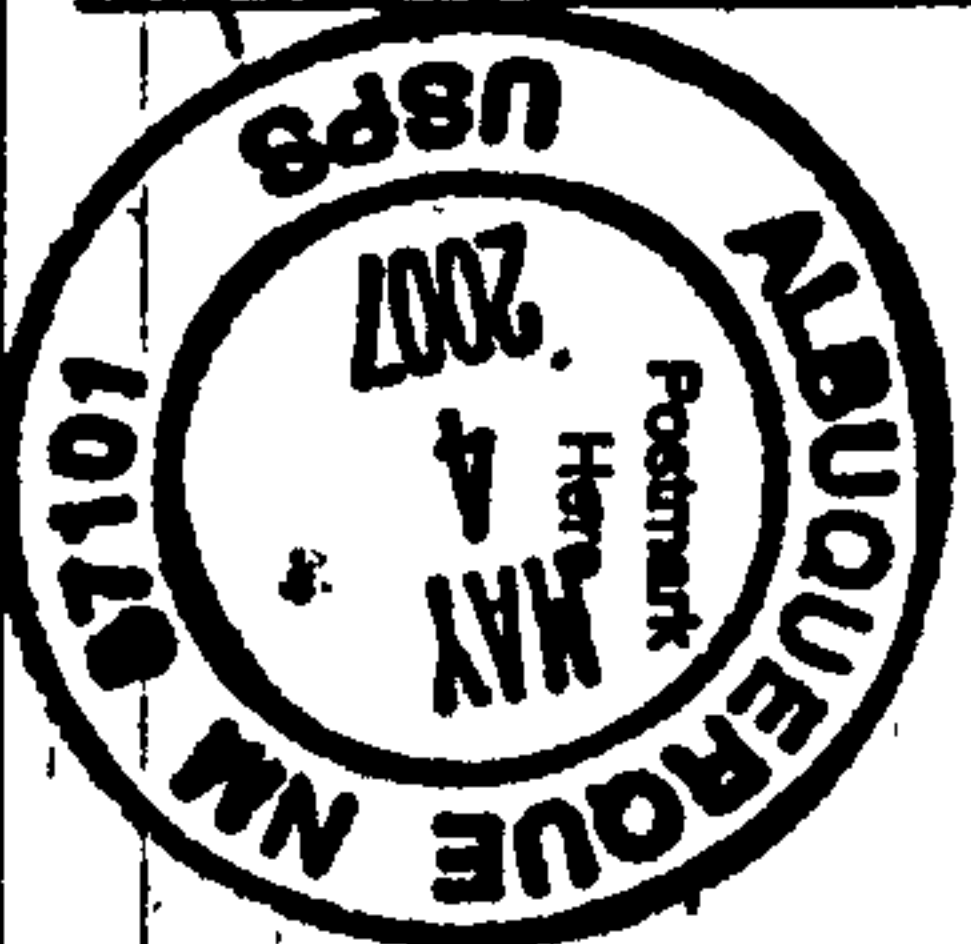
PS Form 3800, June 2002 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)		✓
Total Postage & Fees	\$	4.64



Sent To Lenny Weimer
Street, Apt. No., or PO Box No. 6001 Vanders G NW
City, State, ZIP+4 ALB NM 87114

PS Form 3800, June 2002

See Reverse for Instructions

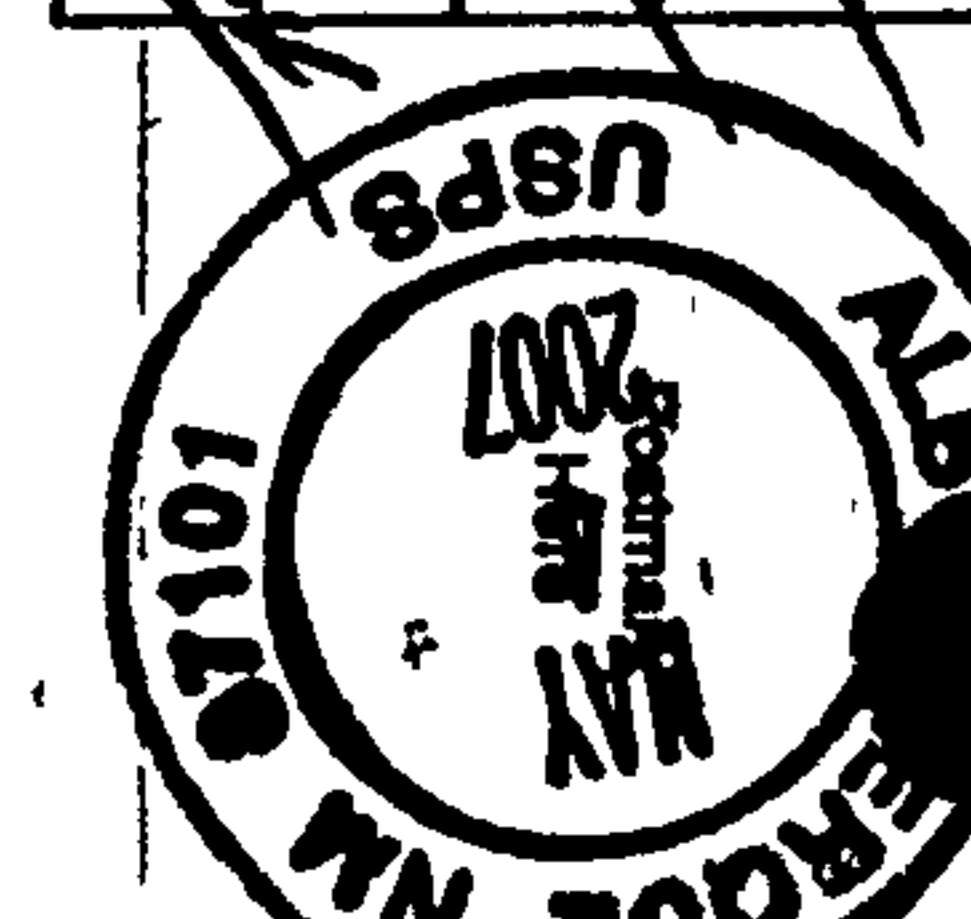
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Return Receipt Fee (Endorsement Required)		✓
Restricted Delivery Fee (Endorsement Required)		✓
Total Postage & Fees	\$	4.64



Sent To Dave Heil
Street, Apt. No., or PO Box No. 140-Itasca Pt
City, State, ZIP+4 P.O. Parulas NM 87124

PS Form 3800, June 2002

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Return Receipt Fee (Endorsement Required)		✓
Restricted Delivery Fee (Endorsement Required)		✓
Total Postage & Fees	\$	4.64



Sent To Bill Winger
Street, Apt. No., or PO Box No. 4112 Blue Ridge Pl NE
City, State, ZIP+4 ALB NM 87111

PS Form 3800, June 2002

See Reverse for Instructions

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Certified Fee		✓
Return Receipt Fee (Endorsement Required)		✓
Restricted Delivery Fee (Endorsement Required)		✓
Total Postage & Fees	\$	4.64



Sent To Tom Anderson
Street, Apt. No., or PO Box No. 10013 Pumbeth Dr NW
City, State, ZIP+4 ALB NM 87114

PS Form 3800, June 2002

See Reverse for Instructions

7002 3150 0000 5090 2998

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

May 15, 2007 To May 30, 2007

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.


(Applicant or Agent)

5-4-07
(Date)

I issued 1 signs for this application,

5/4/07
(Date)

Andrew Jones
(Staff Member)

DRB PROJECT NUMBER: 1005539

VACATION EXHIBIT
TIERRA BUENA ESTATES
MAY 2007

-24-



VACATION LEGEND

VACATE 24' PUBLIC ROW



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft

VACATION EXHIBIT B
Date 05/30/07



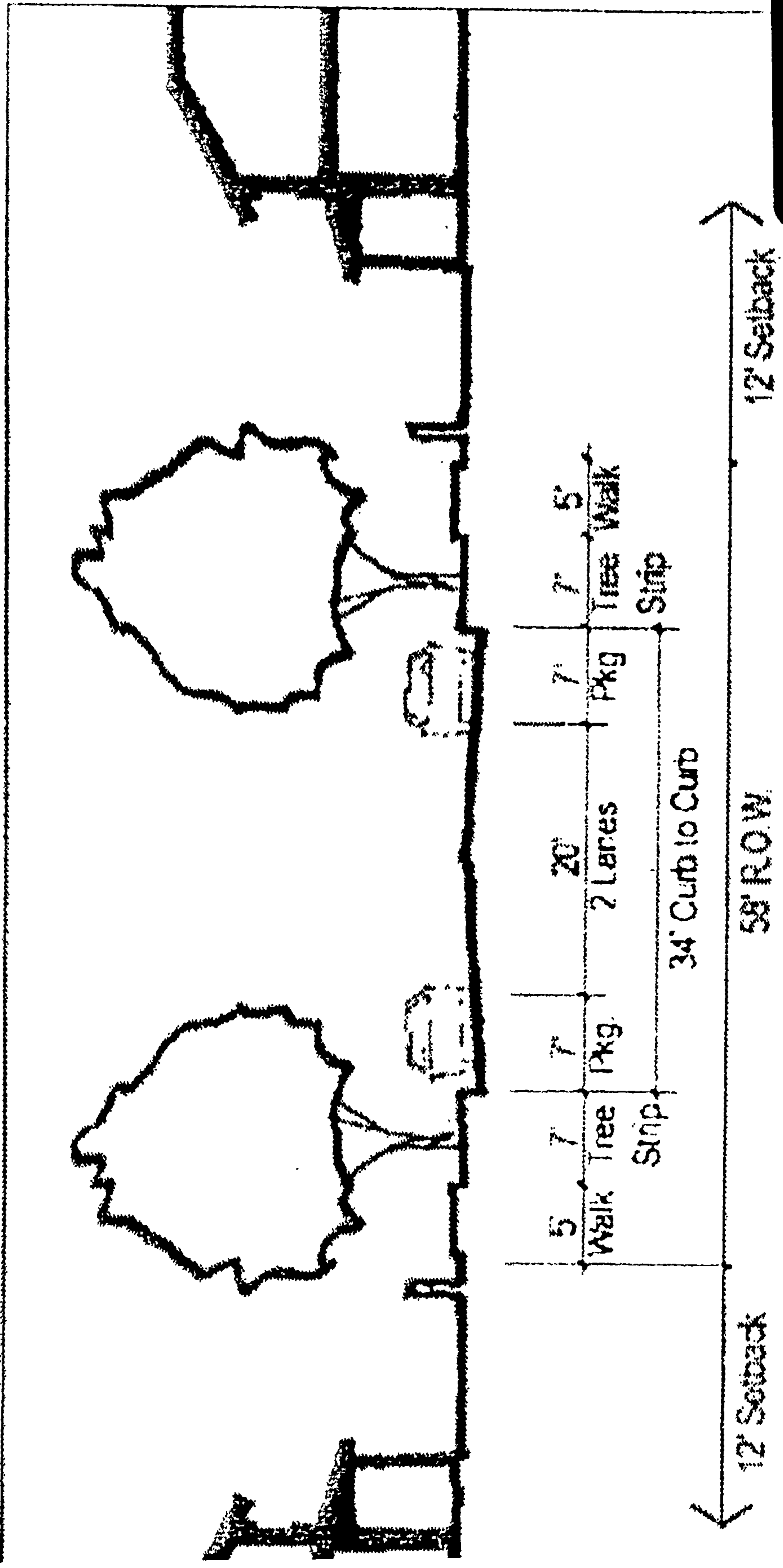
WILSON & COMPANY
4880 LANG AVE NE
ALBUQUERQUE, NEW MEXICO
87109
(505) 348-4000

TIERRA BUENA ESTATES			
VACATION EXHIBIT			
DESIGN	KIS	WCEA NO.0760002200	DATE MAY 2007
DRAWN	OR	PROJECT NO	SHEET NO
CHECKED	DSA		1 OF 1

V:\05\07-480-022-00\0400\GENERAL\TITLE FOR PLATTING\07-480-022-00-01.dwg

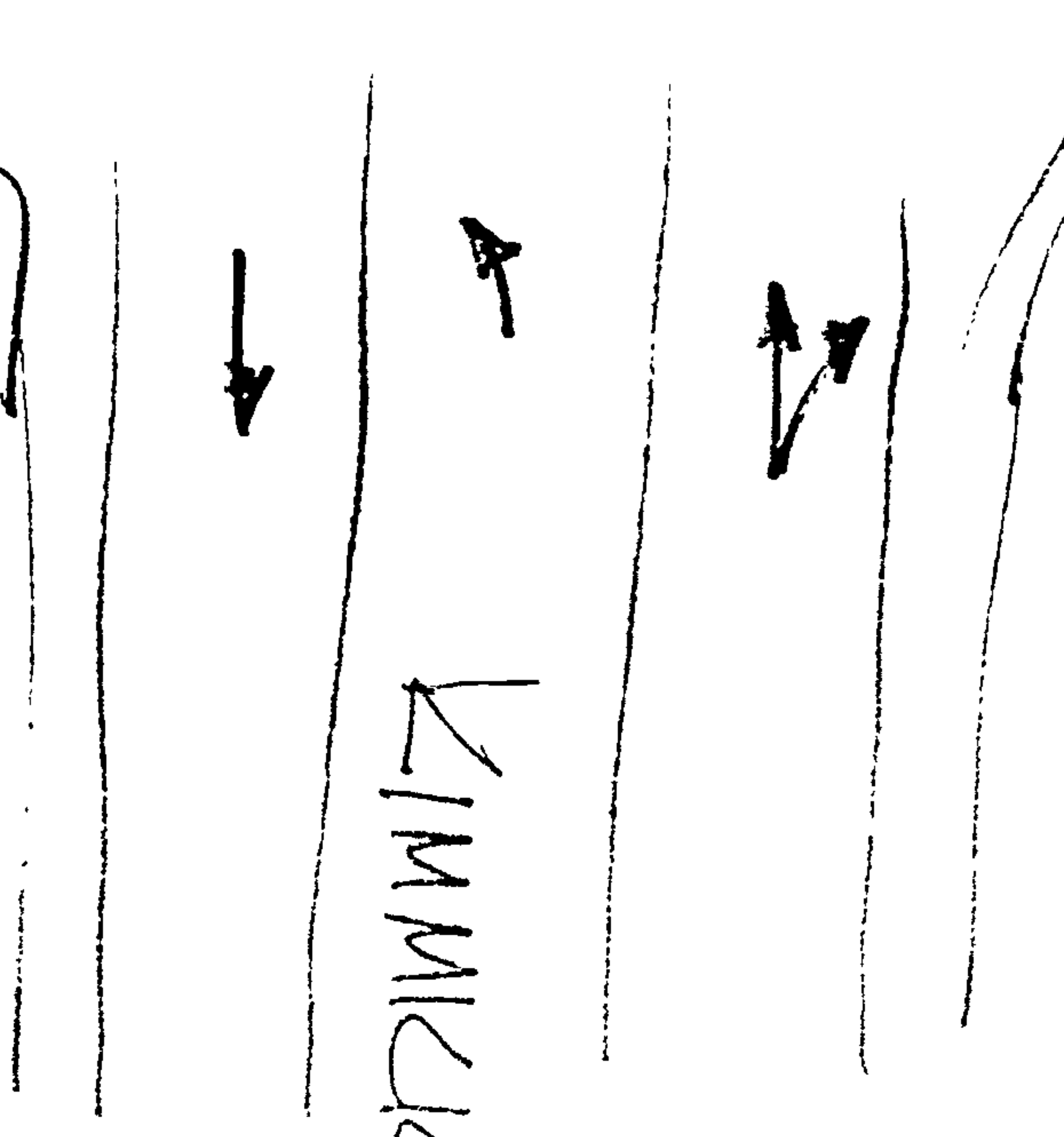
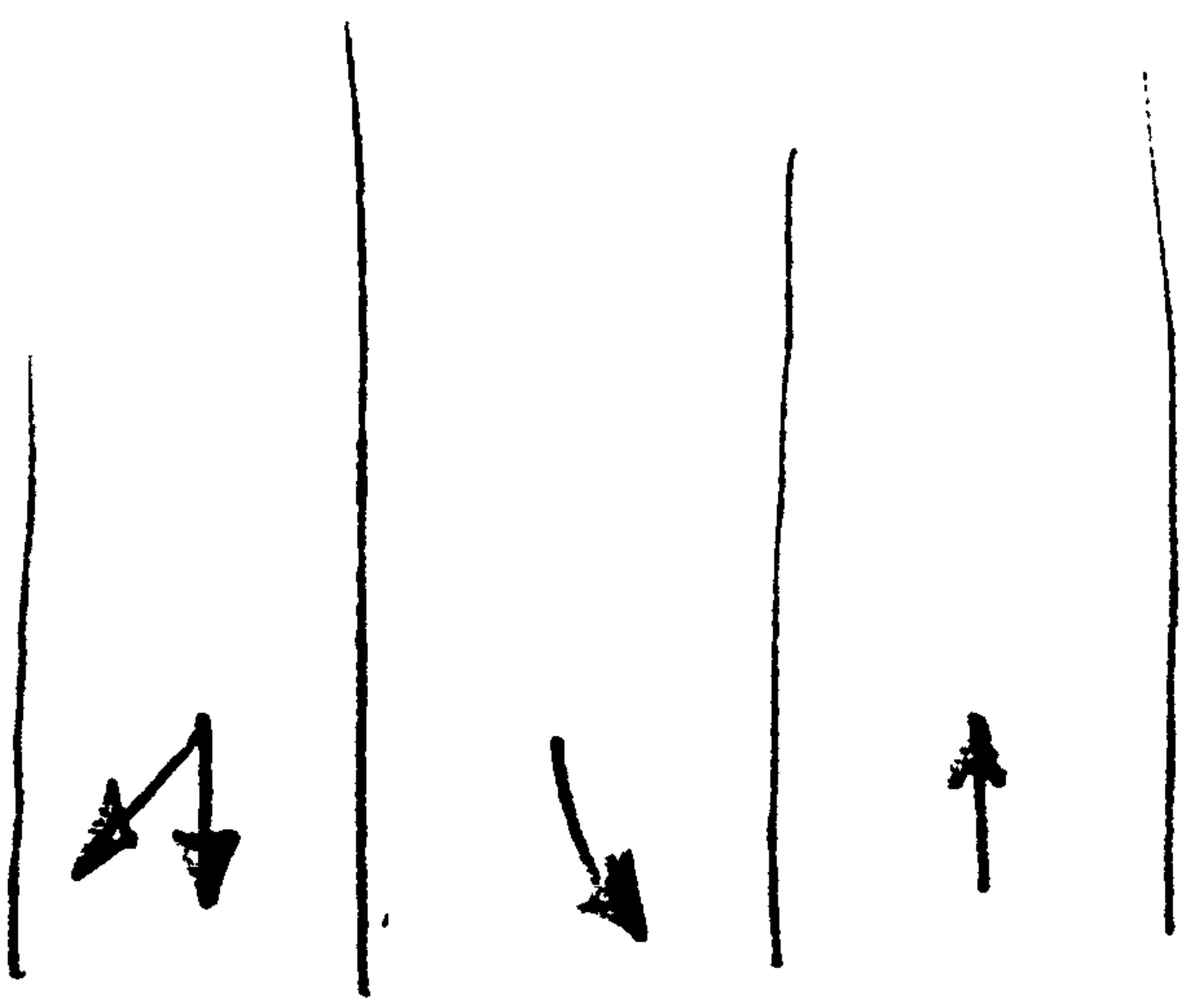
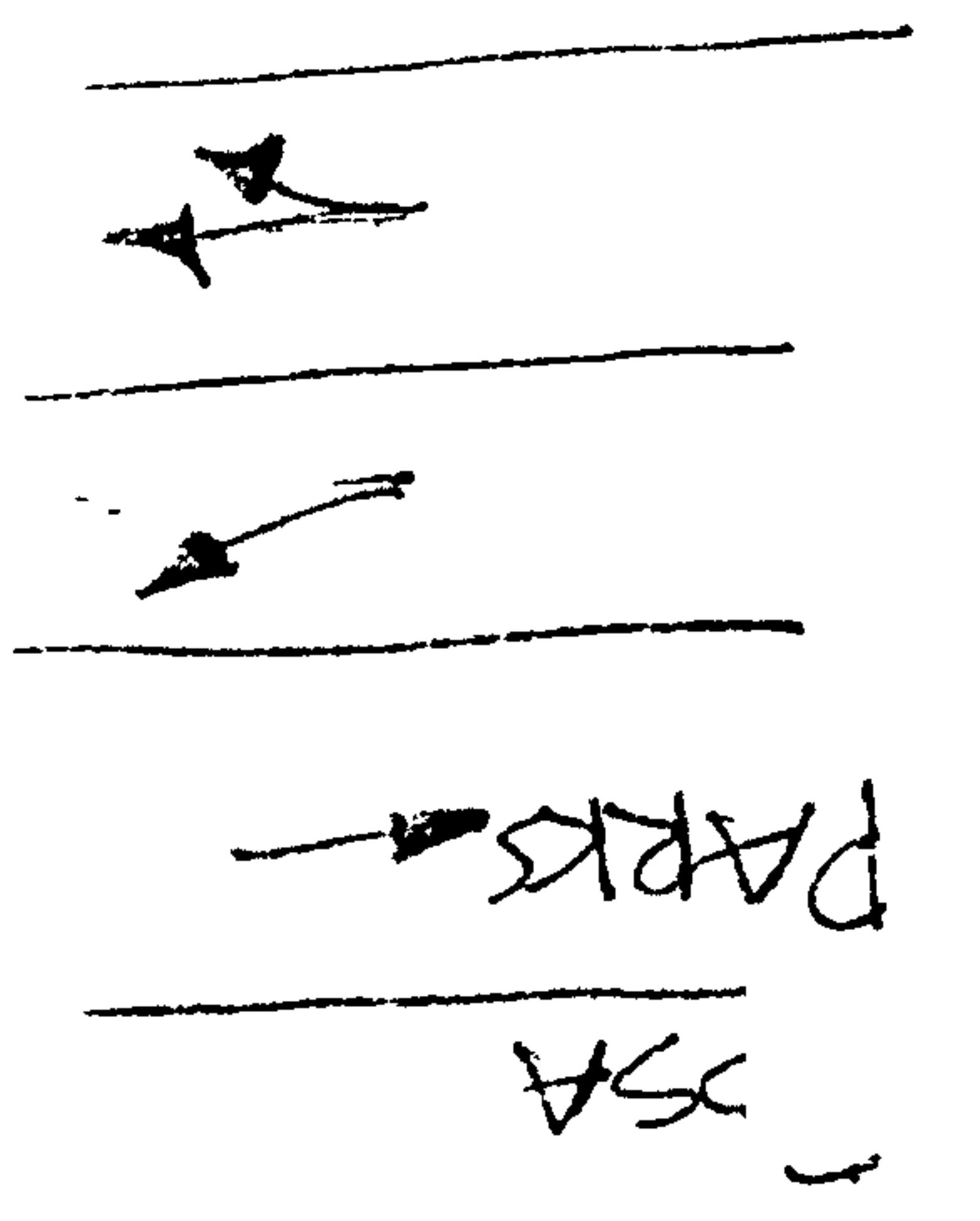
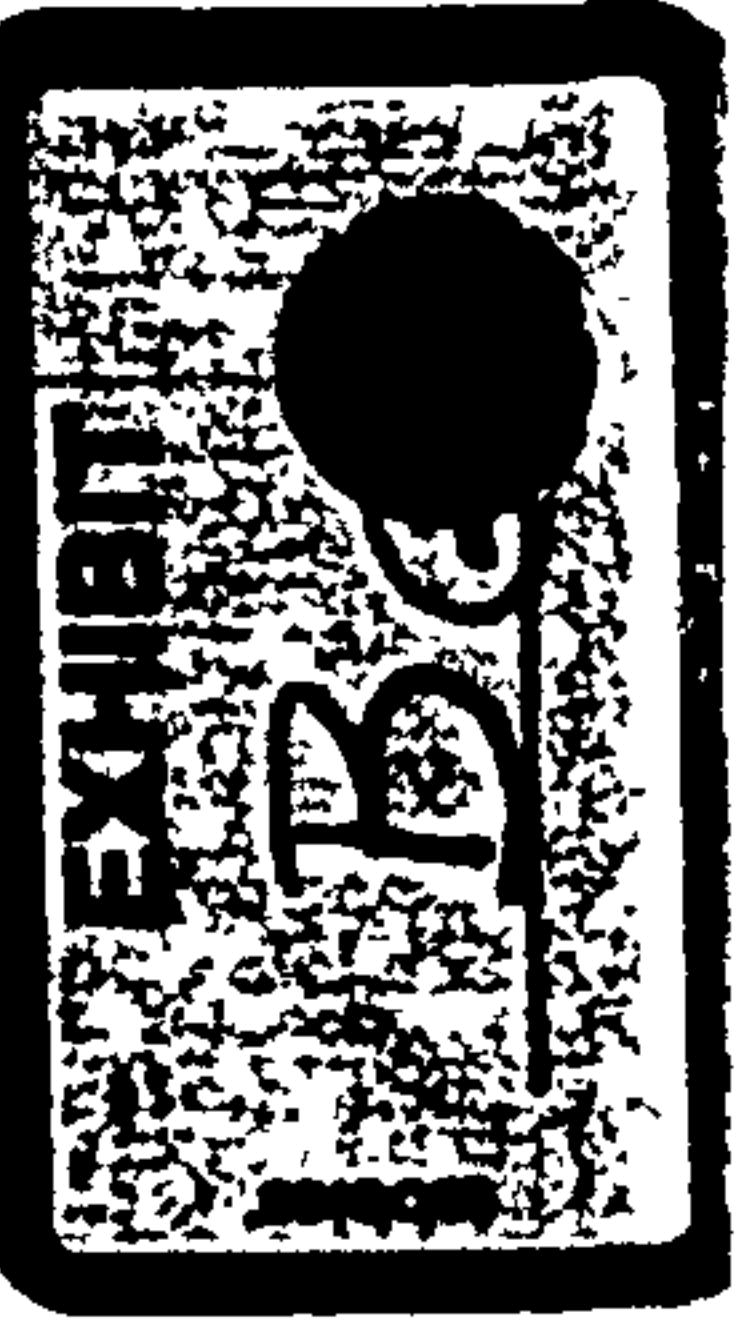
rec'd 5/30/07

Volcano Heights Sector Development Plan - 48

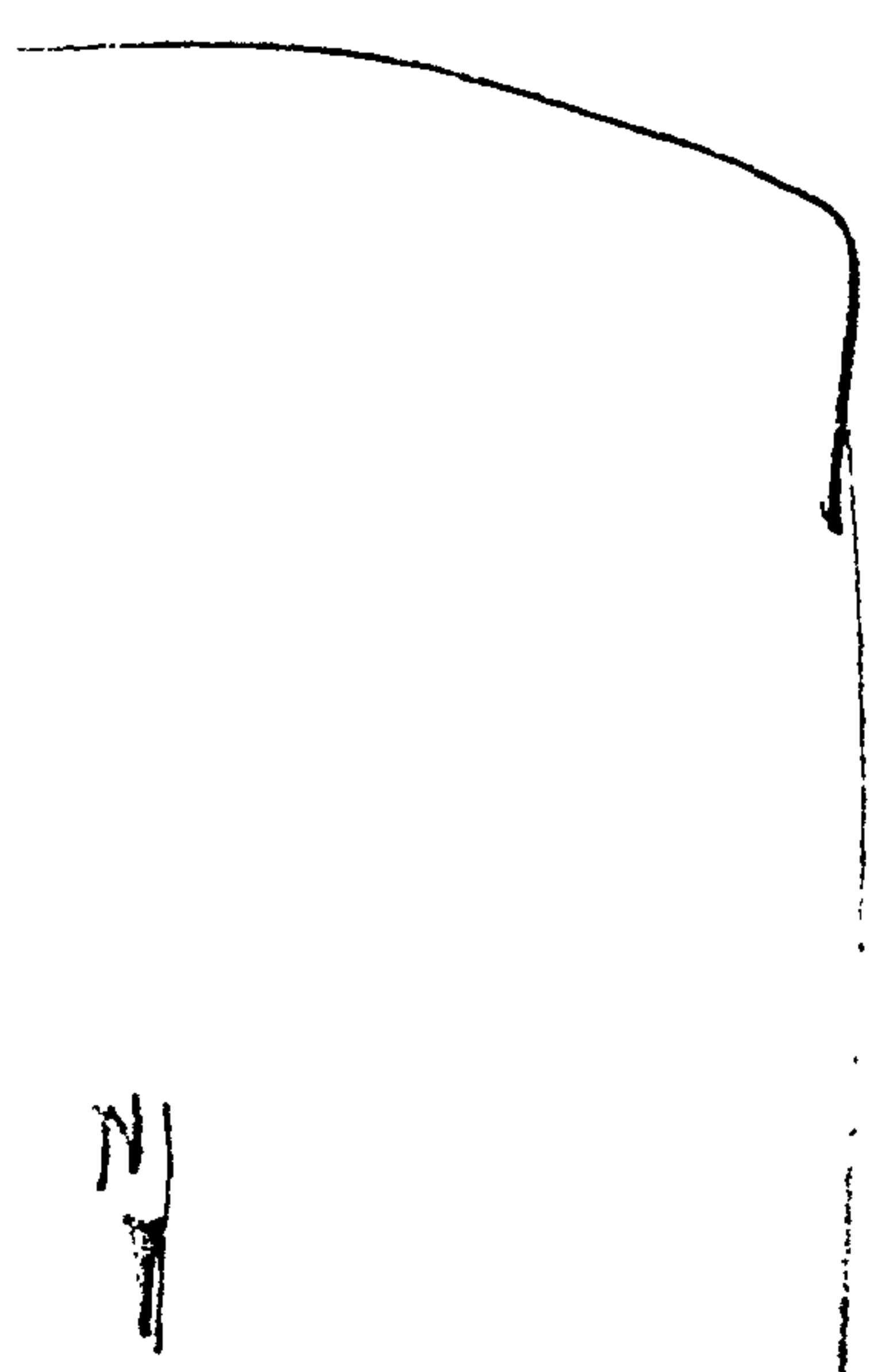
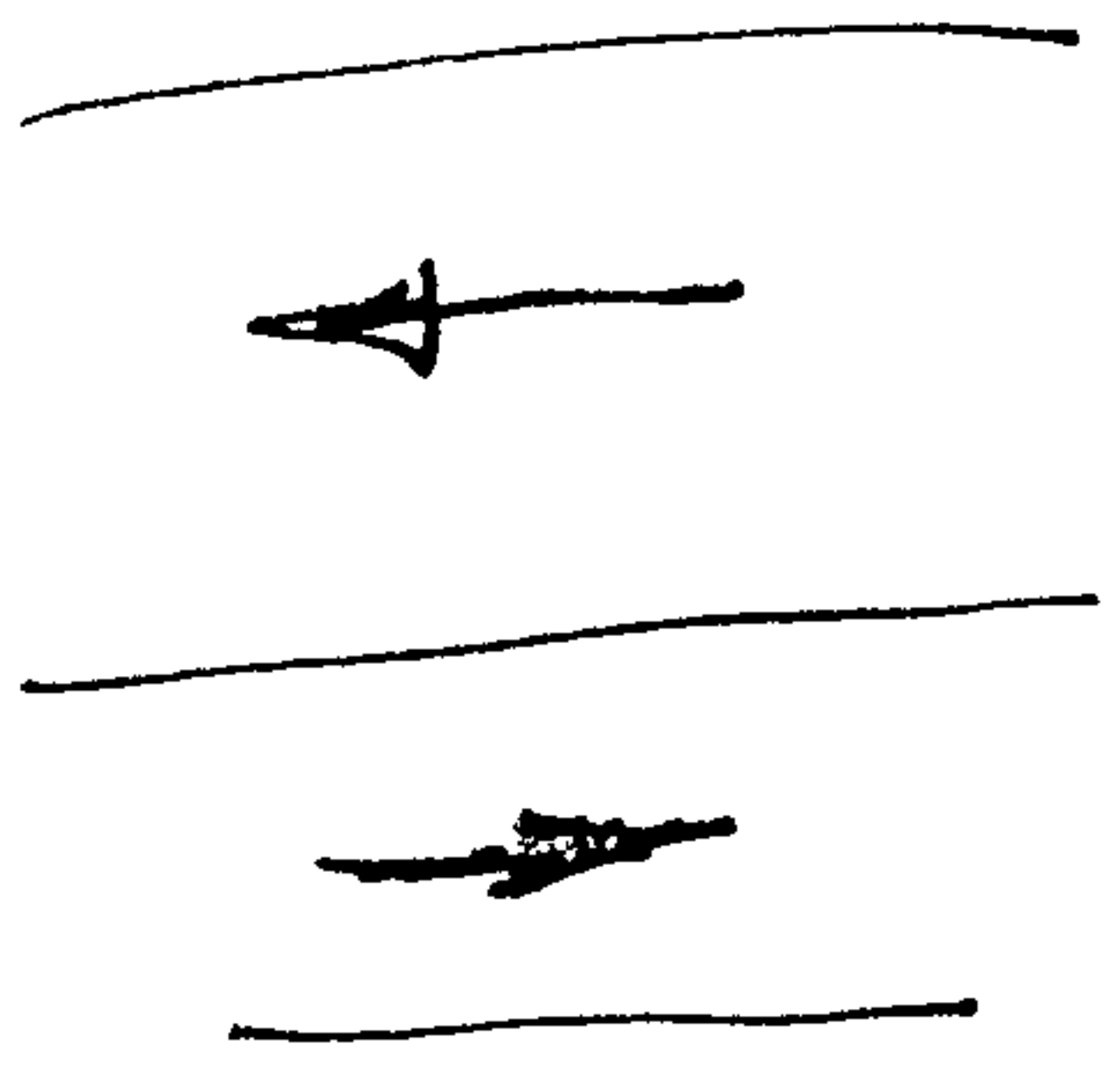


2 Lane Residential Collector

Tierra Berman States
EXHIBIT 1



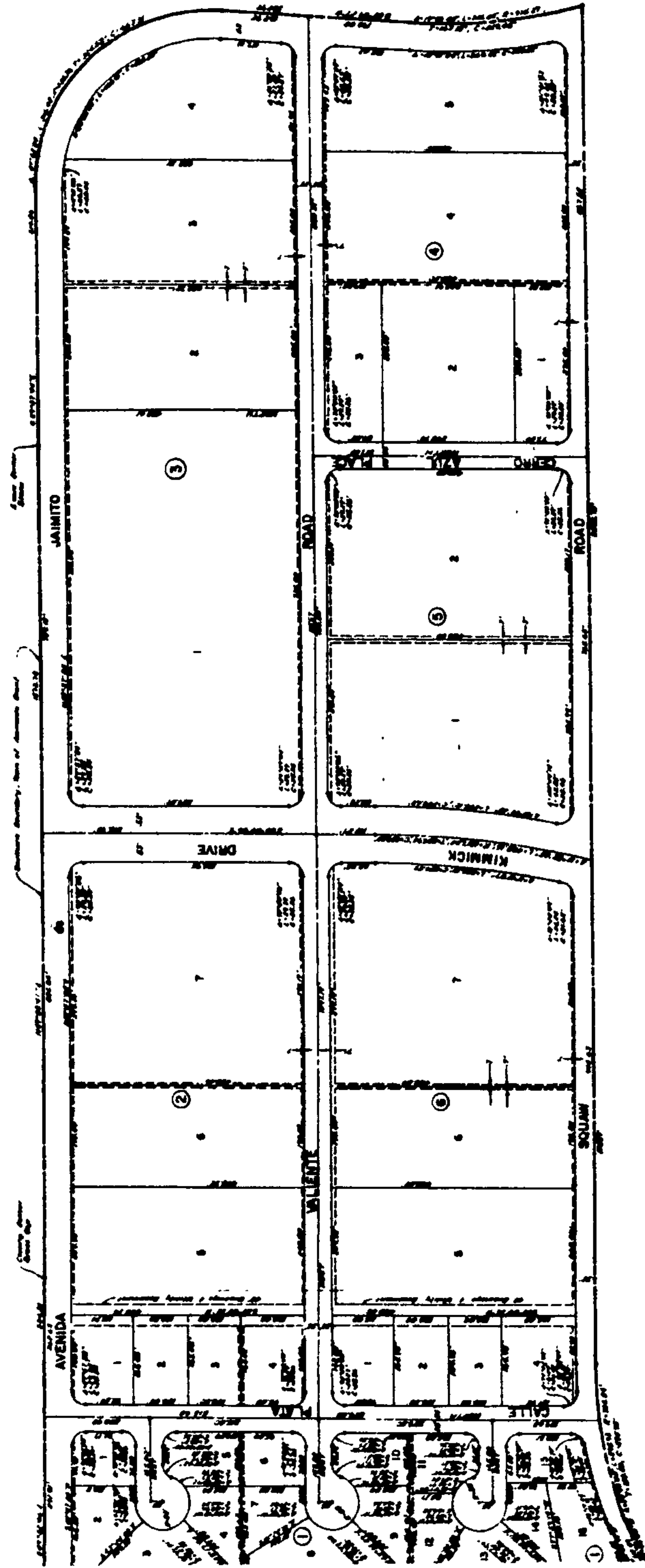
Kimmick
Posa Parks
Intersectum
Detail
Tierra Buena
Estates
EXHIBIT 2



UNIT NO. 26
VOLCANO CLIFFS SUBDIVISION
BERNALILLO COUNTY, NEW MEXICO
SCALE: 1"=100'
JUNE 1971

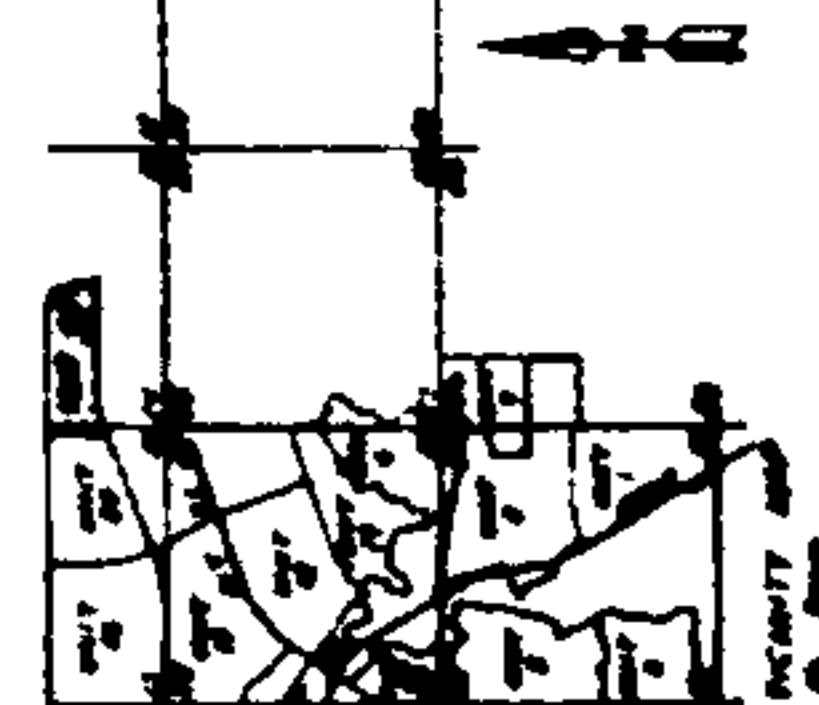
31888

11/11/71



REMARKS:
The first American title insurance is hereby notified that all items have been paid for all for the benefit of the fact that the title insurance company has been approved for filing by the County Commission of Bernalillo County, New Mexico, with this certificate number.

APPROVALS:
City Engineer
County Engineer
City Attorney
County Attorney
City Clerk
County Clerk



County Clerk of the County of Bernalillo
New Mexico, hereby certify that the plat was filed with this certificate number as approved for filing by the County Commission of said County at its meeting held on the 11th day of June 1971.

County Clerk

- 1. all boundary lines intersect at right angles unless otherwise noted
- 2. all block numbers have been set in the block - 26 - and are located in the center of the block
- 3. lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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

Meeting Date: May 30, 2007
Z one Atlas Page: C-11
Notification Radius: 100 Ft.

**Project# 1005539
App#07DRB-00580**

**Cross Reference and Location: ROSA PARKS RD NW BETWEEN ROSA PARKS
RD NW AND VALEINTE RD NW**

Applicant: MICHAEL OMLOR
MGME DEVELOPMENT, INC.
7720 ELENA DR NE
ALBUQUERQUE, NM 87122

Agent: KRISTINE SUSCO
WILSON AND COMPANY
4900 LANG AVE NE
ALBUQUERQUE, NM 87109

Special Instructions:

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

Date Mailed: MAY 11, 2007
Signature: ERIN TREMLIN

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

___ ...for Subdivision Purposes **P**

___ ...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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGM Development, Inc. (Michael Omlor) PHONE: (505) 856-6899

ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415

CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net

Proprietary interest in site: Owner List all owners: MGM Development, Inc.

AGENT (if any): Kristine Susco-Wilson and Company PHONE: (505) 348-4191

ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072

TY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request the Vacation of existing Public ROW on Kimmick Dr NW.

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 1 Block: 5 Unit: 26

Subdiv. / Addn. Volcano Cliffs Subdivision TBK TIERRA BUENA ESTATES

Current Zoning: SU2-SRLL Proposed zoning: No Change

Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9

Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A

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

UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Road NW

Between: Rosa Parks Road NW and Valiente Road NW

CASE HISTORY: List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):
DRB #1005539 - Sketch Plat Hearing Date 5-9-07 07DRB00561

Check-off if project was previously reviewed by Sketch Plat/Plan No, or Pre-application Review Team No Date of review: _____

SIGNATURE Kristine Susco DATE: 5-4-07

(Print) KRISTINE SUSCO ___ 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>07 DRB - 00580</u>	<u>VRW</u>		<u>\$ 300.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 20.00</u>
<input checked="" type="checkbox"/> Case #s are assigned		<u>Adv</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> GIS copy has been sent				<u>\$</u>
<input checked="" type="checkbox"/> Case history #s are listed				<u>\$</u>
<input checked="" type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. density bonus				<u>\$</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				<u>\$</u>
	Hearing date <u>May 30, 2007</u>	<u>-29-</u>		Total <u>\$ 395.00</u>

Project # 1005539

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)
 ___ 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.


KRISTINE SUSCO
 Applicant name (print)
Kristine Susco 5-4-07
 Applicant signature / date



- Checklists complete
 Fees collected
 Case #'s assigned
 Related #'s listed
- Application case numbers
 07 DRB - 00580

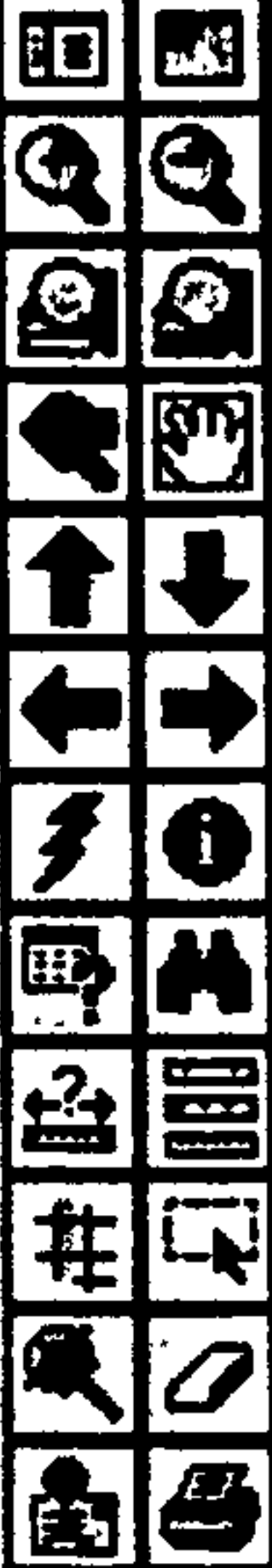
Form revised 4/07
Andrew Smeo 5/4/07
 Planner signature / date
 Project # 1005539

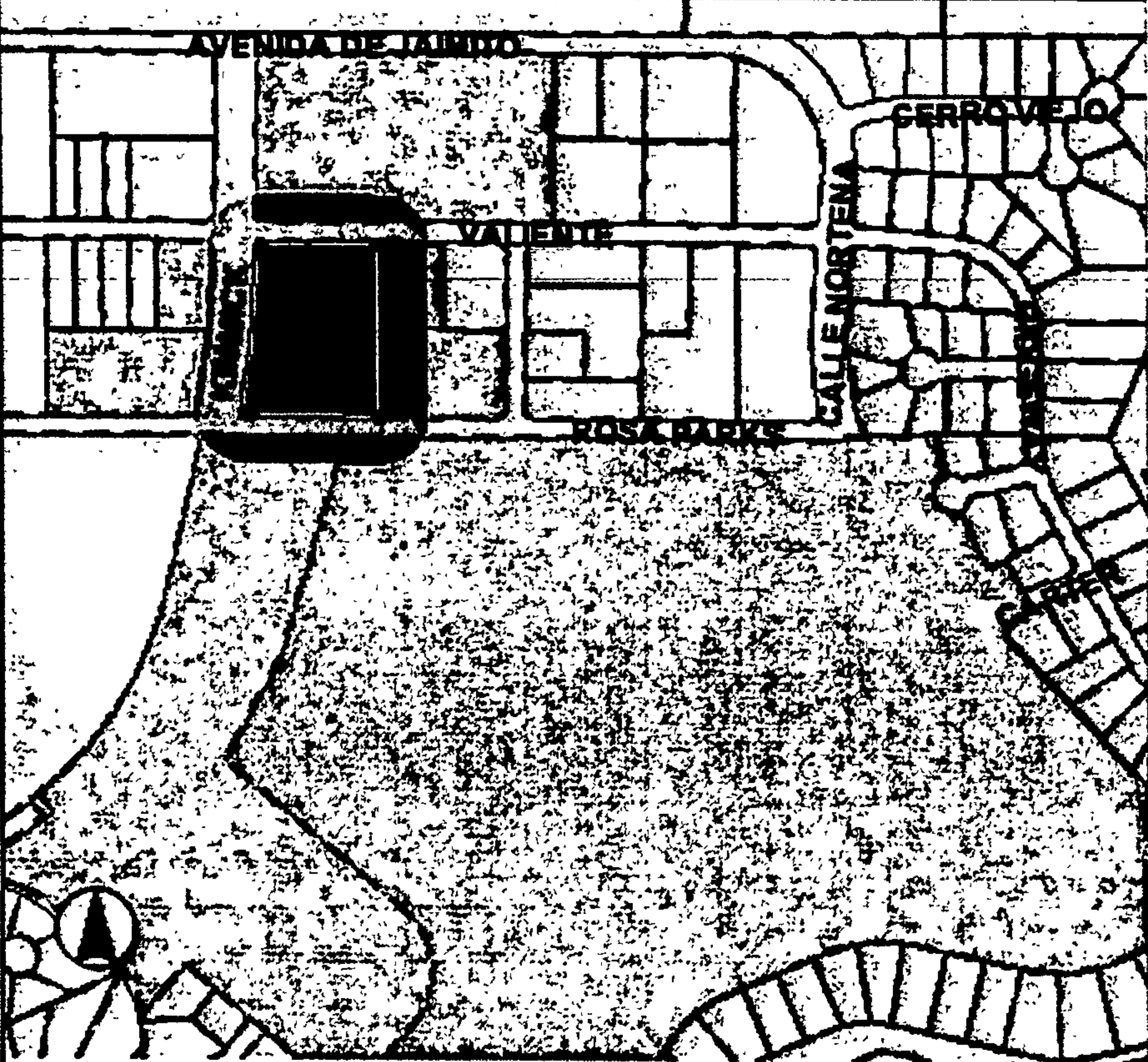
R e c	UPC CODE	OWNER	OWNER ADDRESS	OWN ER CITY	OW NE R ST ATE	OW NE R ZIP CO DE	PR OP ERT Y CLA SS	TA X DIS TRIC T	LEGAL
1	101106 405610 730103	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*007F0006VOLCANO CLIFFS SUBD UNIT 26 REPL L LOT 7 BLK 6 VOLCAN O CLIFFS SUBD UNIT
2	101106 413710 630202	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*2C 5 REPLAT OF LOT 2 BLOCK 5 UNIT 26 VOLC ANO CLIFFS SUBD CO NT 1.714 AC
3	101106 406501 030601	DIAMOND STANLE YL	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	TR D CORRECTION PLAT OF THE BULK LAND P LAT OF LA CUENTISTA SUBDIVISION (TRACTS A THROUGH E) CONT 19.7760 AC
4	101106 419500 830602	DIAMOND STANLE YL	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	TR E CORRECTION PLAT OF THE BULK LAND P LAT OF LA CUENTISTA SUBDIVISION (TRACTS A THROUGH E) CONT 71.2610 AC
5	101106 412716 830501	VOLCANO CLIFFS I NC.	4112 BLU E RIDGE P L NE	ALBU QUE RQU E	N M	871 114 167	V	A1 A	*001A0003VOLCANO CLIFFS UNIT 26 REPL LOT S 1 THRU 4 BLK 3
6	101106 407112 930104	LEDERER A C JR	5 PINE HI LL LN	HOU STON	TX	770 19	V	A1 A	*007E0006VOLCANO CLIFFS SUBD UNIT 26 REPL L LOT 7 BLK 6 VOLCAN O CLIFFS SUBD UNIT
7	101106 410411 830201	DIAMOND STANLE Y	21 VISTA VALLE CIR	LAMY	N M	875 40	V	A1 A	*00010005VOLCANO CLIFFS SUBD UNIT 26
8	101106 412813 030204	FALLS LAND & DE VEL CORP C/O RO NALD F KEGLE	7864 N S OMBRERO PEAK DR	TUCS ON	AZ	857 43	V	A1 A	*2A 5 REPLAT OF LT 2 BLK 5 UNIT 26 VOLCANO CLIFFS SUBD CONT 0.858 AC



CITY OF ALBUQUERQUE
www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE





LAYERS

- STREETS
- BASEMAP
- PARCELS
- LOT NUMBERS
- METRO ADDRESS
- ZONING
- OWNERSHIP
- 2FT CONTOUR
- ADDRESS POINTS
- LANDUSE
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
 - MUNICIPAL LIMITS
 - ZONE GRID
 - NEIGHBORHOODS
 - METRO DEV AREA
 - DASZ
 - DESIGN OVERLAY
 - POLICE BEATS
 - COUNCIL
 - PARKS
 - PETROGLYPH MNT
 - BOSQUE SECTORS
 - OPENSOURCE
 - COMP PLAN
 - AREA PLANS
 - SECTOR PLANS
 - SENATE DISTRICT
 - REP. DISTRICTS
 - PLANNING AREAS
 - HISTORIC ZONES
 - CORRIDORS
 - ZIPCODES
 - POVERTY POCKET
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
 - 2006 AIR PHOTO
 - 2004 AIR PHOTO
 - 2002 AIR PHOTO
 - 1999 AIR PHOTO

OWNERSHIP

Rec	UPC CODE	OWNER	
1	101106405610730103	LEDERER A C JR	5 PIN
2	101106413710630202	LEDERER A C JR	5 PIN
3	101106406601020001	DIAMOND STANLEY	24 VI

Pan

[SEARCH](#) [CONTACT](#)

[REFRESH](#) [HELP](#) [INDEX PAGE](#)

Auto Refresh



City of Albuquerque

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Date: 5/13/07

Planning Department
 Plaza Del Sol Building
 600 Second St. NW
 Second Floor (924-3860)

This letter will serve to notify you that on May 3, 2007 (date)

TO CONTACT NAME: Shadi Hayati
 COMPANY/AGENCY: Wilson Company
 ADDRESS/ZIP: 4900 Lang Avenue NE
 PHONE/FAX #: 348-4000, 348-4055

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at lot 1, block 5, units 5, unit 6 & 7 cleancliffes Subdivision, located on NE of Kimmick Dr. and Rose Parks Rd between Rose Parks Rd. NW & Valiente Rd NW zone map page(s) C-11-2.

Our records indicate that as of May 3, 2007 (date), there were **no Recognized Neighborhood Associations** in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

OFFICE OF NEIGHBORHOOD COORDINATION

DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Community and Neighborhood Coordination (OCNC) located in Room 120 (basement) of the Plaza Central Building, 600 Second St. NW, Fax - 924-3943 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 924-3943. Your request is for the following: Cell Tower, Private Development, City Project, Port-Coin, _____ specify _____

OWNER NAME _____

COMPANY NAME _____

ADDRESS _____

CITY _____

PHONE (City) _____

FAX (City) _____

NEIGHBORHOOD ASSOCIATION INFORMATION

PLEASE PROVIDE INFORMATION ON ANY NEIGHBORHOOD ASSOCIATIONS IN THE AREA OF THE PROPERTY DES. (DESIG. NO. _____)

NAME OF NEIGHBORHOOD ASSOCIATION _____

LEGAL DESCRIPTION _____

LOCATED ON _____ (e.g., Plaza Park Rd)

BETWEEN _____ AND _____

KNOWN AS OTHER IDENTIFYING LANDMARK _____

STREET NAME OF OTHER IDENTIFYING LANDMARK _____

THE SITE IS LOCATED ON THE FOLLOWING ZONE AT (PAGE(S) _____)

PLEASE PRINT THE NAME OF THE NEIGHBORHOOD ASSOCIATION WHERE PROPERTY IS LOCATED

NAME OF NEIGHBORHOOD ASSOCIATION _____

**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

4 May 2007

**Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103**

**Re: TIERRA BUENA ESTATES
DRB # 1005539
WCI File: 0760002200**

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development, Inc., requests approval for the Vacation of existing Public ROW on Kimmick Dr. adjacent to the planned Tierra Buena Estates. This Vacation will bring the Kimmick ROW width to 58', thereby adhering to the requirements of the Volcano Heights Sector Development Plan.

Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191.
Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kiskusco@wilsonco.com



"COURTESY" DRB NOTIFICATION LETTER

May 10, 2007

TO: Dave Heil and Bill Wright, Volcano Cliffs Property Owners Association

This letter is a **"COURTESY NOTIFICATION"** from the City of Albuquerque pertaining to a request for: *Approximately four (4) acre(s) for a Major Vacation of Public Right-of-Way for the Tierra Buena Estates Subdivision.*

Proposed by: Wilson and Company at 505-348-4191

Agent for: MGMe Development Inc.

For property located: On or near Rosa Parks Road NW between Unser Boulevard NW and Calle Nortena NW.

P.O. Box 1293

The case number(s) assigned is: 07DRB-00580, Project #1005539.

City Planning accepted application for this request on May 4, 2007.

Albuquerque

The owner, applicant, and/or agent **WAS NOT** required notifying you of the proposed action by *certified mail, return receipt requested.*

New Mexico 87103

Please be advised that this application is scheduled for a hearing before the Development Review Board (DRB) at 9 a.m. on Wednesday, May 30, 2007 in the Planning Hearing Room, Room 160, Plaza Del Sol Building, 600 Second St. NW.

www.cabq.gov

You should contact Claire Senova at 924-3946 to confirm this date, time, and to seek further information.

If you have any questions, please call Stephani Winklepleck at 924-3902 or by e-mail at swinklepleck@cabq.gov

Sincerely,

Stephani J. Winklepleck

Neighborhood Program Coordinator

OFFICE OF NEIGHBORHOOD COORDINATION

PLANNING DEPARTMENT

cc: Claire Senova, DRB
Administrative Assistant



**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, May 30, 2007, beginning at 9:00 a.m. for the purpose of considering the following:

Project # 1002371
07DRB-00577 Major-Vacation of Public Easements
07DRB-00576 Minor-Prelim&Final Plat Approval

TIERRA WEST LLC agent(s) for HOFFMANTOWN WEST CHURCH request(s) the above action(s) for all or any portion of Tract(s) 1-A-1, Block(s) 15, ALBAN HILLS (to be known as HOFFMANTOWN WEST CHURCH) zoned SU-1 for R-2 with church related uses, located on LA ORILLA RD NW between COORS BLVD NW and the CORRALES DRAIN containing approximately 17 acre(s). [REF: 02DRB01824, 03DRB02150, 05DRB00560, 03DRB02085, 03DRB02086, 03EPC01285, 07DRB00286] (D-12)

~~Project # 1005539~~
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SRLL loc on ROSA PARKS RD NW between UNSER B NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

Project # 1005540
07DRB-00578 Major-Vacation of Public Easements
07DRB-00579 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT INC request(s) the above action(s) for all or any portion of Tract(s) D, LA CUENTISTA SUBDIVISION, UNIT 3, zoned SU-2 SRLL, located on KIMMICK DR NW between ROSA PARKS RD NW and the PETROGLYPH NATIONAL MONUMENT containing approximately 20 acre(s). [REF: 07DRB00562] (C-11 & D-11)

Details of the application(s) may be examined at the Planning Department Development Services Center One Stop Shop, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 8:00 a.m. and 4:30 p.m., Monday through Friday except holidays. INDIVIDUALS WITH DISABILITIES needing special assistance to participate in this hearing should contact Claire Senova, Planning Department, at 924-3946. TTY users may call the New Mexico Relay Network by calling toll-free 1-800-659-8331.

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, MAY 14, 2007.

VOLCANO CLIFFS PROPERTY OWNERS ASSOCIATION
P.O. Box 27666
ALBUQUERQUE, NM 87125

May 28, 2007

Ref. No. 1005539

Dear Members of the DRB,

The Volcano Cliffs Property Owners Association protests the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

- A) The Public Welfare is in no way served by retaining the right-of-way, and
- B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.

Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

- The attached map, Exhibit 1, shows that the shortest route to eastbound Paseo from the Volcano Cliffs area (Units 18, 19, 22 and the southeast portion of Unit 17) surrounding the La Cuentista subdivision is east on Kimmick thru La Cuentista to Paseo. Both Rosa Parks and Kimmick (the only east/west roads) through much of the La Cuentista subdivision have been narrowed to such an extent that the ability to move traffic thru there has been compromised severely already. It will only make it worse to narrow Kimmick in the remaining area just south of the Kimmick/Paseo intersection.
- There is a definite public safety issue in narrowing this road. In the case of Unser being shut down for any reason there is no ability to rapidly move any appreciable amount of traffic out of this area of Volcano Cliffs, or for that matter La Cuentista, to the east onto Paseo or to move emergency vehicles into the area from the east.
- The response we received from the applicant's agent stated that the vacation request is justified by a traffic study done in 1997 and other studies including a proposed SAD 228 and Unser and Paseo studies. This information is woefully out of date and inadequate since at the time of those studies the master plan for the entire Volcano Cliffs area was for 2-3 houses per acre. Since then the passage of the Volcano Heights Sector Plan has added massive amounts of population and commercial activity to this area, not to mention the new High School and the KB Homes high density housing project presently under construction.
- The Volcano Heights Sector Plan is presently being appealed in the courts. Should the appellants prevail and the court overturn the plan this right-of-way will have been vacated and it will be virtually impossible to reconstitute it at that time. If instead, this applicant is allowed to go ahead and develop their property while maintaining the present right of way, it can always be used for linear park open space or biking and jogging paths or additional traffic lanes if they are needed in the future. The city should commission a new traffic study to determine the needs of all units of Volcano Heights before vacating any right of way. Absolutely no right of way should be vacated by anyone (including the present applicant) until the courts have ruled on the appeal of the Volcano Heights Sector Plan.

Sincerely,

Barbara Mueller

Barbara Mueller-Vice President
Volcano Cliffs Property Owners Association
ph: 505-259-4820

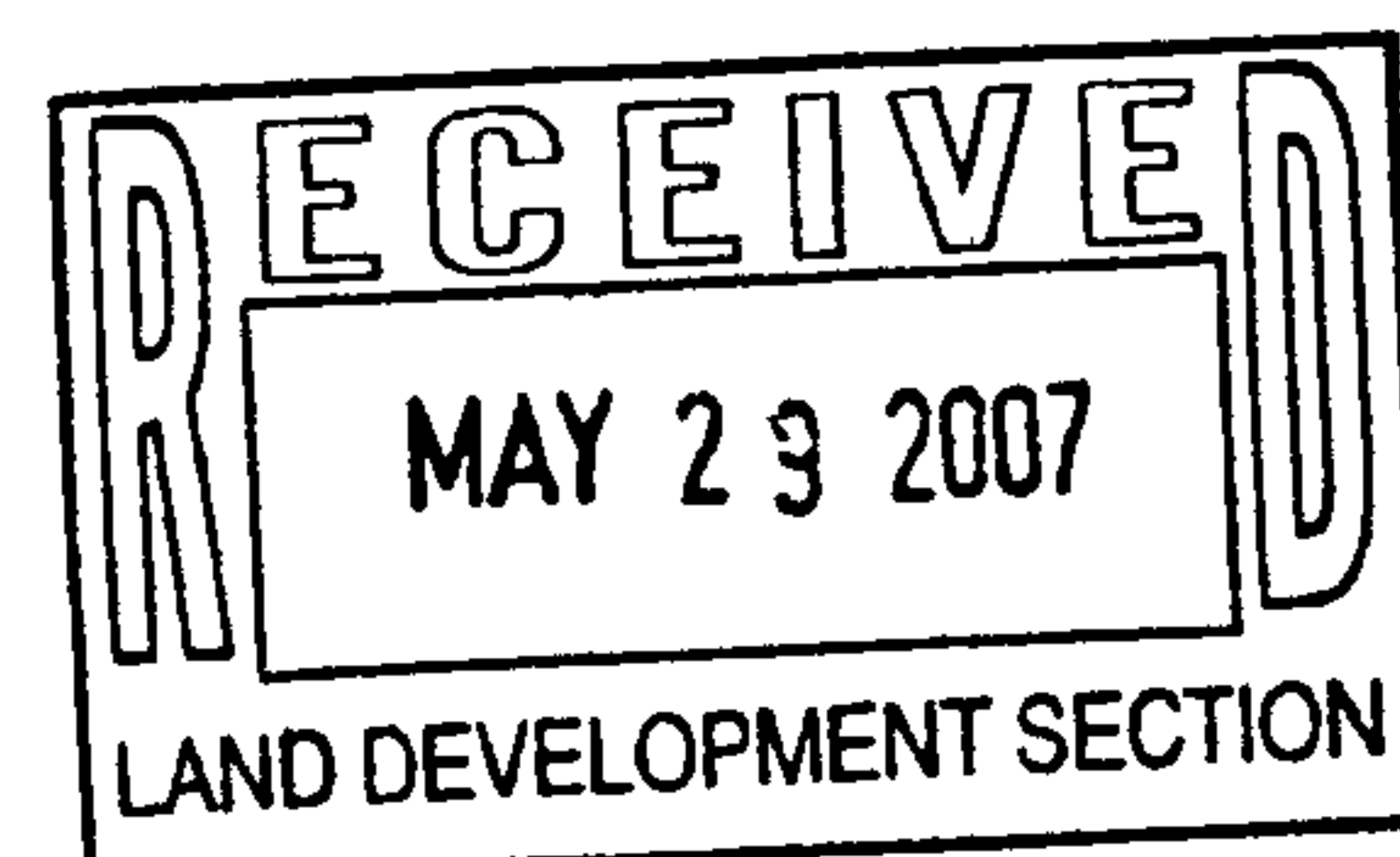
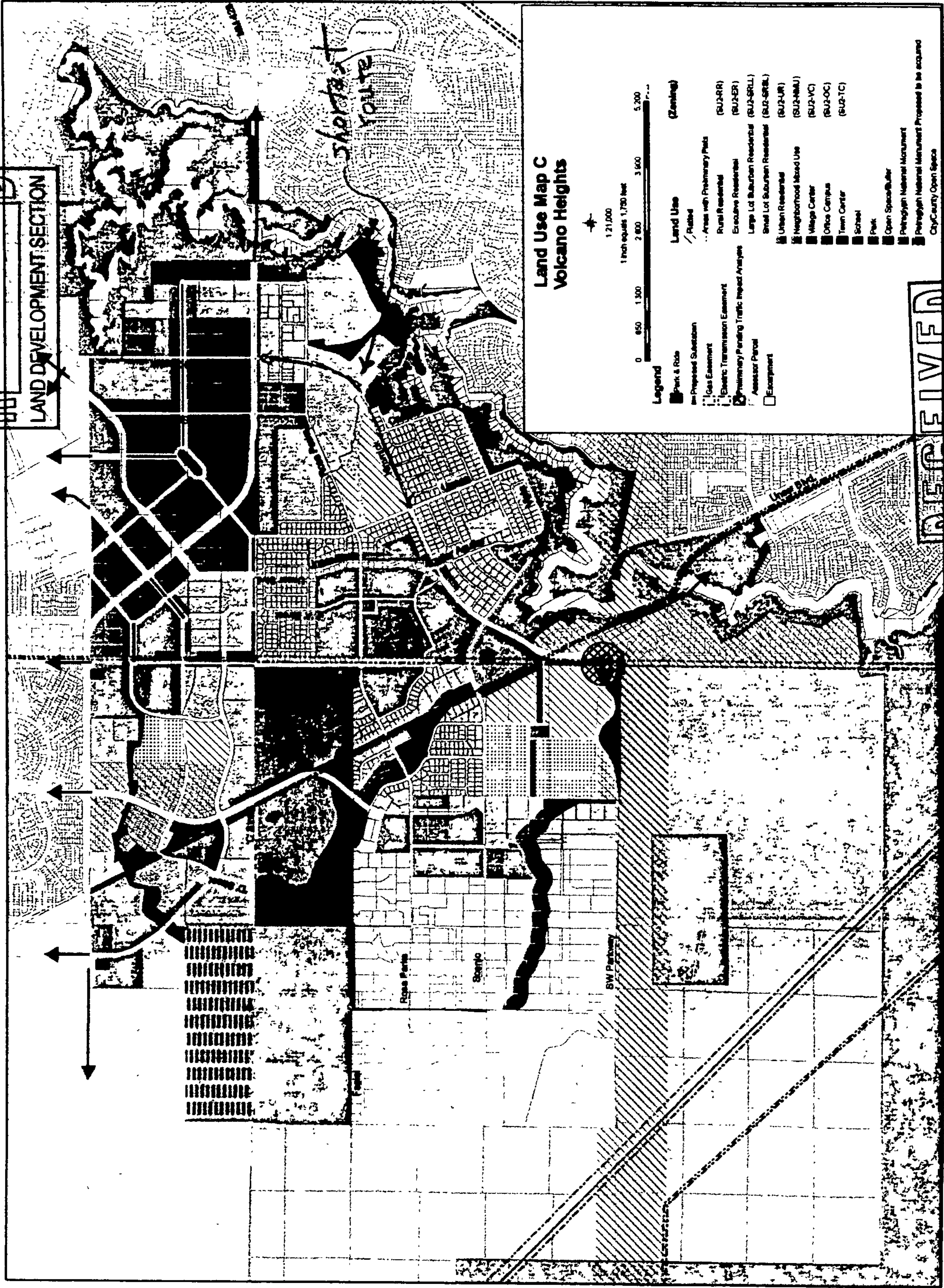


Exhibit 1

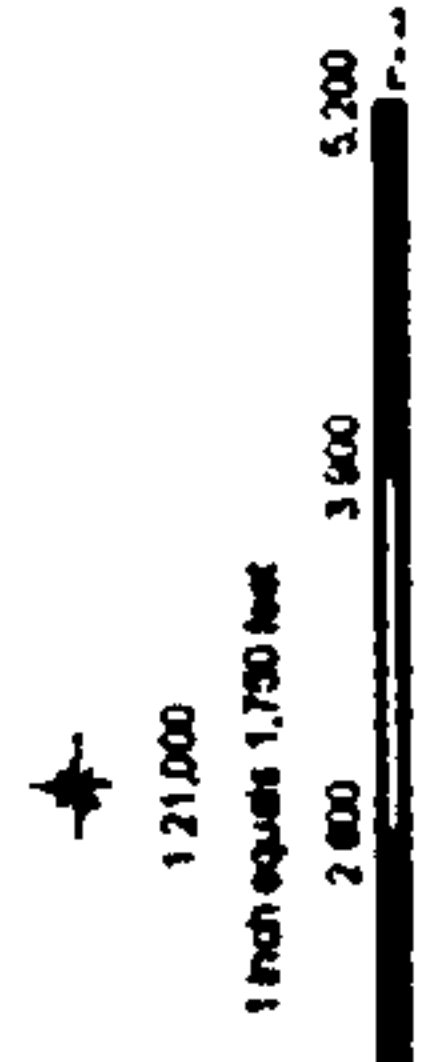
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RECEIVED
MAY 29 2007
LAND DEVELOPMENT SECTION

RECEIVED
MAY 29 2007
LAND DEVELOPMENT SECTION



Land Use Map C
Volcano Heights



- Legend**
- █ Park & Ride
 - █ Proposed Substation
 - █ Gas Easement
 - █ Electric Transmission Easement
 - █ Preliminary Pending Traffic Impact Analysis
 - █ Assessor Parcel
 - Easement
- Land Use**
- ▨ Areas with Preliminary Plans
 - ▨ Rural Residential (SU2-RR)
 - ▨ Exclusive Residential (SU2-ER)
 - ▨ Large Lot Suburban Residential (SU2-SRLL)
 - ▨ Small Lot Suburban Residential (SU2-SRSL)
 - ▨ Urban Residential (SU2-UR)
 - ▨ Neighborhood Mixed Use (SU2-NMU)
 - ▨ Village Center (SU2-VC)
 - ▨ Office Campus (SU2-OC)
 - ▨ Town Center (SU2-TC)
- (Zoning)**
- ▨ Park
 - ▨ Open Space/Buffer
 - ▨ Pinnacled National Monument
 - ▨ Pinnacled National Monument Proposed to be acquired
 - ▨ City/County Open Space



CITY OF ALBUQUERQUE
 PLANNING DEPARTMENT
 DEVELOPMENT REVIEW BOARD

May 30, 2007

Project # 1005539
 07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

AMAFCA No adverse comments.

COG Kimmick Dr. does not appear on the Long Range System Map. Development in this area is outpacing planning efforts; coordination between DMD, MPO, and the Planning Department is recommended to bring the Long Range Roadway System Map and the adopted Sector Development Plan into congruence.

Transit No comments received.

Zoning Enforcement No adverse comments.

Neighborhood Coordination **Courtesy Notify Only: Volcano Cliffs Property Owners Assoc.**

APS **Tierra Buena Estates** (Lot 1 Block 5, Volcano Cliffs Subdivision Unit 26) located on Rosa Parks Rd NW and Kimmick Drive NW appears to consist of 9 lots. This project will impact Marie Hughes Elementary School, LBJ Middle School, and Cibola High School. **Cibola High School is exceeding capacity and Marie Hughes Elementary School and LBJ Middle School are nearing capacity.**

Loc No	School	2007-08 Projections	2006-07 Capacity	Space Available
365	Marie Hughes	720	802	82
485	L.B. Johnson	1,044	1,204	160
580	Cibola	2,717	2,300	-417

A new northwest high school is planned to open with a 9th grade academy in 2007 with the remainder of the school to open in 2008. The new northwest high school will relieve overcrowding at Cibola High School.

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round
 - Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

Police Department	No crime prevention or CPTED comments at this time.
Fire Department	No adverse comments.
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	The Hydrology section has no objection to the vacation request.

Transportation Development

No objection to the vacation requests. However, wider sections of right-of-way may need to be retained at intersections to provide for left turn bays. These will need to be evaluated prior to replatting.

Parks & Recreation

Defer to Transportation.

Utilities Development

Comments will be provided at the meeting.

Planning Department

No objection to the vacation request. Defer to Transportation.

Impact Fee Administrator

No comment on proposed vacation of easements.

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

Cc: MGMe Development Inc, 7720 Elena Dr NE, 87122

Wilson and Company, 4900 Lang Ave NE, 87109

rec'd 5/30/07

Ask DRB to deny request # 1005539 for vacation of a portion of Kimmick.

Dear DRB Members,

I am a resident of the West Side of Albuquerque and own property in Unit 19 of Volcano Cliffs..

I am not here today in any way opposed in general to what this developer is doing. I actively support this subdivision and actively support their follow on request item # 1005540.

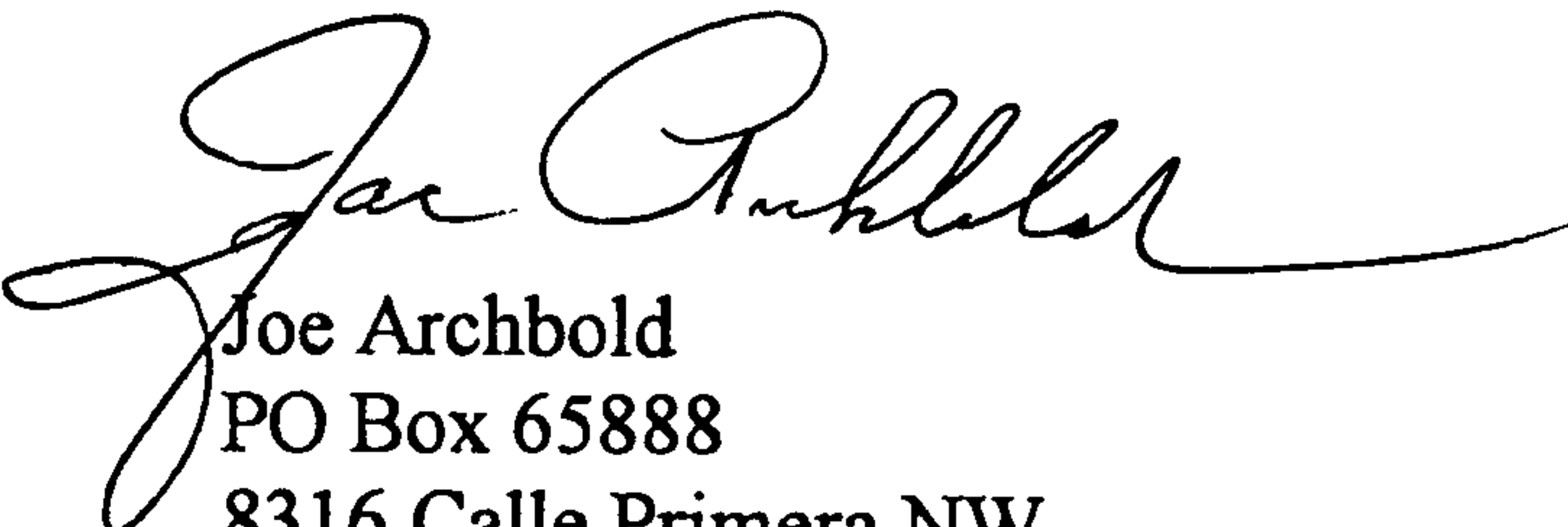
I am here to ask you to reject this particular request # 1005539 to vacate that portion of Kimmick south of Paseo Del Norte and north of Rosa Parks Blvd.

When I build my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did I would still run into the bottleneck, where Rosa Parks and Kimmick combine leading to Paseo, that is requested by this vacation.

The National Monument and the proposed trails through Open Space are for everyone in Albuquerque not just those living on top of the West Mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the West Side inadequate roads. They are too few and too narrow. This is a time for building not vacating.

Respectfully


Joe Archbold
PO Box 65888
8316 Calle Primera NW
Albuquerque, NM 87193-5888
Phone: 505-328-1331

Matson, Sheran A.

From: DAVID HEIL [daveheil16@msn.com]
Sent: Wednesday, May 30, 2007 9:32 AM
To: Senova, Claire A.; Matson, Sheran A.
Subject: Vacation of part of Kimmick

Sheran Matson, **DRB** Chairperson

As President of the The Volcano Cliffs Property Owners Association and as an individual owning property served by Kimmick I protest the vacation of a portion of Kimmick Dr. at this time because the rules for vacation of a public street state that a vacation shall be approved only when it is determined by the DRB that:

- A) The Public Welfare is in no way served by retaining the right-of-way, and
 - B) There is a net benefit to the Public Welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.
- Neither of the above is true. Obviously there is no benefit to the public from vacation of this right-of-way.

Also, The traffic study that the applicant's agent references was done in 1997. In September 2006 the City Council approved the Volcano Heights Sector Plan which significantly increased the densities in the area.

Before any vacating of Kimmick is done another traffic study should be completed considering the increased densities.

Dave Heil

-45-



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as TIERRA BUENA ESTATES) zoned SU-2 SROLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

At the May 30, 2007, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

- 1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
- 2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
- 3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

If you wish to appeal this decision, you must do so by June 14, 2007, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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: MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB MINUTES FROM THE MAY 30, 2007, DEVELOPMENT REVIEW BOARD MEETING.

2. Project # 1005539
07DRB-00580 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for MGMe DEVELOPMENT INC request(s) the above action(s) for all or any portion of Lot(s) 1, Block(s) 5, VOLCANO CLIFFS SUBDIVISION, UNIT 26 (to be known as **TIERRA BUENA ESTATES**) zoned SU-2 SRLL located on ROSA PARKS RD NW between UNSER BLVD NW and CALLE NORTENA NW containing approximately 4 acre(s). [REF: 07DRB00561] (C-11)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

MGMe Development Inc, 7720 Elena Dr NE, 87122
Wilson and Company, 4900 Lang Ave NE, 87109
Frances Pavich, Legacy Sustainable Development Inc., 21 Vista Valle Circle, 87540

PERSONS SPEAKING IN OPPOSITION:

Barbara Mueller, 4904 Alberta Ln NW, 87120
Joe Archbold, P.O. Box 65888, 87193-5888

PERSONS PRESENT IN INTEREST:

Peter R Yocky, 8201 Golf Course Rd NW, #D3-301, 87120

ALL PERSONS WERE SWORN IN

CHAIR MATSON: We are now on Item 2, Project #1005539. Good morning everybody. I'll have the agent's identify themselves and explain the project first of all please.

MS. SUSCO: My name is Kristine Susco with Wilson & Company Engineering. This is Dan Aguirre with Wilson & Company Engineering. We are the agents for MGMe Development Corporation who is proposing a 9-lot subdivision in Lot 1 of Block 5 of Volcano Cliffs Subdivision. Our request today is to vacate the easterly 24-feet of the 106-foot right-of-way adjacent to MGMe's subdivision in order to bring the roadway width into compliance with the Sector Plan and to essentially align its width with the section coming from the south through Unit 1 and adjacent to Unit 2 and proposed Unit 3 of La Cuentista Subdivision.

CHAIR MATSON: Okay. Thank you. Mr. Aguirre did you already identify yourself?

MR. AGUIRRE: I'm Dan Aguirre with Wilson and Company.

CHAIR MATSON: Since we have people signed up to speak, we'll proceed with that. Kristine, if you want to make comments at the end of anybody's specific comments, just raise your hand up.

MS. SUSCO: Okay.

CHAIR MATSON: Otherwise I'll just wait to the end. I'd appreciate it if everybody would limit their comments to just a few minutes please. We will start with Barbara Mueller.

MS. MUELLER: My name is Barbara Mueller and I am here representing both the Volcano Cliffs Property Owner's Association and myself. I turned in a written statement yesterday which I hope you have in the record.

CHAIR MATSON: Yes.

MS. MUELLER: Basically we are protesting the vacation of that portion of Kimmick at this time. We don't feel that it's appropriate to vacate it. It doesn't meet the requirement that the public welfare is in no way served by retaining the right-of-way. It doesn't meet the requirement that there's a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. Obviously there is no benefit to the public to vacating this.

The shortest route to reach the intersection of Paseo and Kimmick coming from Units 18, 19, 22 in the southeast portion of Unit 17 is down Kimmick. Kimmick has already been narrowed and Rosa Parks has been narrowed and you are narrowing a road that according to COG (Council of Governments) does not even appear on the Long Range System Map. Development in this area is outpacing planning efforts.

The people from Volcano Cliffs would naturally drive east down Kimmick and come to this point where this roadway is going to be narrowed. The roadway, as they're approaching, has already been made too narrow. We didn't protest that. I don't know if there's anything that can be done about it at this stage but it makes it just worse to further narrow the roadway as you approach that intersection.

The Sector Development Plan is being appealed in three (3) lawsuits. Should the courts agree with the appellants and throw out the Sector Development Plan, this right-of-way would then have been vacated and there's no way we could put it back into the roadway.

As I say, even according to COG (Council of Governments) the road's not even on the Long Range Plan and you're dealing with the right-of-way and changing it on a road that you don't even have on the Long Range Plan. Planning is behind what's going on out there and there is no assurance at all that the Volcano Heights Sector Plan is going to hold given the three (3) appeals in court. The Board and I personally and the Board of the Volcano Cliffs Property Owner's Association are protesting this vacation.

Supposedly this vacation is based on a traffic study done in 1997 and some other studies including a proposed SAD 228 and Unser and Paseo studies.

I would maintain that this information is woefully out-of-date given the passage of the Sector Development Plan which put massive amounts of more people and commercial activity in this area. I think we need a new traffic study before anybody starts widening, narrowing or moving roads.

I think the City should do a traffic study for that whole area, for all the areas of Volcano Heights before they decide that they will widen, narrow or move roads. We are against any vacation until the courts have ruled on whether this plan is going to stand.

CHAIR MATSON: Okay. Thank you. Joe Archbold?

MR. ARCHBOLD: Good morning. My name is Joe Archbold and I'm here representing myself. I am, by the way, a member of the Volcano Cliffs Property Owners' Association and do fully support everything that Barbara Mueller has mentioned this morning.

I am a resident of the west side of Albuquerque and own property in Unit 19 of Volcano Cliffs. I am not here today in any way opposed in general to what this developer is doing. I actively support his subdivision and actively support the follow on request Item number 1005540.

I am here to ask you to reject this particular request 1005539 to vacate that portion of Kimmick, south of Paseo del Norte and north of Rosa Parks Blvd.

When I build my house, when I go about building my house in Unit 19 and need to travel to points east on Paseo, I will travel north on Urraca to Kimmick. Then northeast to Paseo. I will not use the route suggested by the petitioners. North on Urraca to Rosa Parks then east on Rosa Parks to Kimmick. Even if I did, I would still run into the bottleneck where Rosa Parks and Kimmick combine leading up to Paseo that is requested in this vacation.

The National Monument and the proposed trails through open space are for everyone in Albuquerque not just those living on top of the west mesa. Provisions for traffic and parking need to be assured before unnecessary vacation is done.

We have on the west side inadequate roads. They are too few and too narrow. This is a time for building and not vacating. Thank you.

CHAIR MATSON: Mr. Archbold, did you provide us with a copy of your statement that you are reading from?

MR. ARCHBOLD: No, but I would gladly give you this copy.

CHAIR MATSON: Do you have a copy for yourself? Claire, if you will bring it up and we'll put it in the record. Thank you.

Peter Yocky is it?

MR. YOCKY: Mine probably relates more to 1005540. I just came up with this one.

CHAIR MATSON: So notice only on this case then?

MR. YOCKY: That's fine.

CHAIR MATSON: Frances Pavich, did you have anything you wanted to say? No. Okay. Kristine, I guess it's your turn again.

MS. SUSCO: I would just like to say in response to the comments my client is proposing this development. Our defined criteria is based on the Sector Development Plan at this time. We have, and I would be happy to pass out for reference, a copy of the required residential collector section which at this point is pertinent to Rosa Parks.

Kimmick is classified as part of the Sector Plan as a major local street and therefore does not have a specific designation in the Sector Development Plan. However, with the exception of the 7-foot tree strip, which we've modified to 6-foot, actually we are going to match the same collector section for that section of Kimmick Road.

So if you take the 106-feet and subtract 58, the residual 48 feet divided by 2 is the 24 feet that we are requesting vacation of in order that our developer can build his typical section, his one-half of the required typical section to match the Sector Plan.

This is a street map for the Volcano Cliffs area and from this far away I can't necessarily point out, but I did want to point out...

CHAIR MATSON: Kristine, I'm sorry to interrupt, but if you want you can stand up and take that microphone that's in front of Barbara and just hold it if that would help.

MS. SUSCO: Is this okay?

CHAIR MATSON: Yes, it's fine.

MS. SUSCO: I just want to point out that the arterial road network in this area is developing and provides viable routes via Paseo del Norte, Unser Blvd., Universe Blvd. and Rainbow Blvd. and Compass down on the south. Those are the arterial routes identified in the Sector Plan.

Kimmick, as I stated, is identified as a major local and has a right-in, right-out future planned access onto Unser once it's developed in this area. Rosa Parks will have a signalized intersection with Unser and Urraca. At this point, I'm not sure because it's not clearly identified but it will probably have a right-in, right-out access onto Paseo. This section of Kimmick from Rosa Parks will tie with Paseo del Norte.

As I said, we are matching the criteria of the Sector Development Plan. However, as we move forward with any unit as in Unit 1, Unit 2, Unit 3 et cetera, we do meet with the Transportation Department and meet their requirements for roadway width and/or intersection development.

We've already met with Transportation in order to, at the intersection of Kimmick and Rosa Parks, provide a left-turn separate lane in order to accommodate traffic at that intersection.

It is our feeling from general numbers that we've generated from Units 18, 19 and 22, which are identified down here, and from development in this area, where everything is essentially yellow, in this area here, which is suburban residential large lot. Some of it is small lot so that traffic volumes should not exceed 8,000 to 9,000 trips both ways. I think this is an allowable limit for a typical section.

CHAIR MATSON: You're talking about Kimmick then right?

MS. SUSCO: Yes I am talking about Kimmick. I believe that would conclude my response to comments. If there are any further questions, I'd be happy to answer them.

CHAIR MATSON: Does anybody else have any questions of Kristine? Would you state your name again please?

MR. ARCHBOLD: Do we get an opportunity to respond to the comments in response to our comments?

CHAIR MATSON: If you'd like to just state your name again please.

MR. ARCHBOLD: My name is Joe Archbold, Westside resident and owner of Volcano Cliffs property. Could I show the picture again please. As you can see from the picture you've just seen there's two roads here okay. They conjoin right here. This is an area they want to narrow. Now I have no objection in the future, when everything is settled, that this may be narrowed. In the meantime, I can see a lot of good purposes for leaving that road wider. For example, bike paths, open space. The City is always looking for open space.

May I have the thing turned around? As you can see the benefit of the narrowing is right here to give more size to the lots where they have platted this. We believe this quite adequate space for houses in here without the narrowing. So the only benefit from this whole thing is that the developer can advertise bigger lots. Now in the rest of Volcano Cliffs each lot in the suburban residential we are asked to give up 50% of our lot for open space. In this subdivision no such requirement exists.

CHAIR MATSON: What does that have to do with the narrowing of Kimmick?

MR. ARCHBOLD: The narrowing of Kimmick gives more property to this developer.

CHAIR MATSON: No, I meant the open space comment you had. I didn't understand what that had to do with the narrowing of Kimmick.

MR. ARCHBOLD: The fact is that what I would ask is that this be considered open space and left as is if you need. But you don't give that to the developer. He already has bought land and has adequate land for his development.

He really doesn't need any more. I mean that's the only benefit to this whole thing. If they wish to show other benefits that would be fine. Thank you.

CHAIR MATSON: State your name, please, Barbara.

MS. MUELLER: This is Barbara Mueller and I would second everything that Mr. Archbold has said. The only reason for this vacation is to benefit the developer. He gets more land and he gets to have bigger lots without giving any open space. I would think that reserving that land for open space or for future lanes of traffic or bike trails or anything that proves appropriate once it's really decided if the Sector Development Plan is going to stick or not. There could be many other uses for that right-of-way and I agree that it should be reserved and the decision made when the whole thing shakes out and we really decide what is happening in this area.

CHAIR MATSON: Okay. Thank you. Kristine, did you have any other comments?

MS. SUSCO: I would just respond with two things. I don't feel that my client should be held at bay with developing according to the requirements under both the DPM (Development Process Manual) and the Sector Development Plan until such time that things "shake-out" as it were. My client he can develop the lot without that additional 24-feet. The only reason for doing it is not so he gets that 24-feet. It's that 24-foot strip becomes a liability to both the property owner and the City of Albuquerque in terms of being a vacant strip that becomes a collector of trash and of weeds et cetera. I would just like to point that out that by vacating it he is merely adhering to the right-of-way requirements for the Sector Plan.

CHAIR MATSON: Okay. Thank you. Let me see if there are any adverse comments from the outside agencies. I don't see any. APS has some concerns but that will be taken care of. I'm going to break with tradition and start with Transportation in terms of comments since we are all going to defer to him anyway. Mr. Gallegos you're on.

MR. GALLEGOS: I have no objection to the request as presented here. I did give you the comment that I am going to require you to dedicate back or I'm not going to let you vacate the entire amount at the intersections due to the left hand turn movements.

MS. SUSCO: Right.

MR. GALLEGOS: What we probably do need to do is take a look at the volumes again that we think we're generating and what those turn-bay lengths are going to be.

MS. SUSCO: Right.

MR. GALLEGOS: It is in conformance with the Sector Plan. I know that you guys are appealing it. There are lawsuits. But that is what is on the books at this point in time.

CHAIR MATSON: Okay. Utilities?

MR. GREEN: I have no objection.

CHAIR MATSON: Okay. Planning's comments were essentially those that Mr. Gallegos just gave. Even though the Volcano Heights Sector Plan is under protest, right now we are required to follow it. I find that this proposal or request follows that intent. We are in support as well. Hydrology?

MS. METRO: Hydrology has no objection.

CHAIR MATSON: Okay. Parks?

MR. FLORES: Parks has no objection.

CHAIR MATSON: Okay. We are going to approve the vacation of public right-of-way as shown on Exhibit B in the Planning file subject to the provisions of the Subdivision Ordinance. You need to make sure that you file a final plat within one-year or you will need to come back again.

MR. GALLEGOS: I have a condition Madam Chair.

CHAIR MATSON: Okay go ahead.

MR. GALLEGOS: A condition of the final plat again, prior to the replat, we will have to evaluate the left-hand turn bays and what is going to be required. Re-evaluation of the left hand turn bays will be needed. My concern is that those are two major intersections and so what I want to be sure of is that the through movements aren't being jammed up with people waiting to make a left-hand turn movements.

MS. SUSCO: I understand and we're prepared to, as you said, dedicate back whatever is required in order to accomplish the length and the width of those turn bays.

CHAIR MATSON: Are you talking about the intersections of Kimmick and Rosa Parks and Valiente?

MR. GALLEGOS: It's actually all the intersections. It's going to be on Valiente also plus the one down at Kimmick and Rosa Parks for this request.

CHAIR MATSON: Okay.

The vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

3. The vacation is in conformance with the Kimmick Drive roadway width in the Volcano Heights Sector Plan.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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 following is a condition of final plat approval:

A re-evaluation of the left hand turn bays at the intersections of Valiente Road NW and Rosa Parks Road NW with Kimmick Drive NW is needed.

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102



NOTICE OF APPEAL

June 8, 2007

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on June 7, 2007. You will receive a Notice of Hearing as to when the appeal will be heard by 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.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-14

Albuquerque

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1005539
07DRB-00580**

New Mexico 87103

APPELLANT(s): Same as Agent

www.cabq.gov

**AGENT: Joseph L. Archbold
PO Box 65888
Albuquerque, NM 87193-5888**

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Barbara Mueller, 4904 Alberta Ln NW, Abq., NM 87120
Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
Sheran Matson, DRB Chair, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Marilyn Maldonado, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB File

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

CITY OF ALBUQUERQUE

Planning Department

Richard Dineen, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102



NOTICE OF APPEAL

June 13, 2007

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on June 13, 2007. You will receive a Notice of Hearing as to when the appeal will be heard by 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.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

P.O. Box 1293

CITY COUNCIL APPEAL NUMBER: AC-07-15

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1005539
07DRB-00580**

Albuquerque

APPELLANT(s): Volcano Cliffs Property Owners Association
Dave Heil, President
Barbara Mueller, Vice President
PO Box 27666
Albuquerque, NM 87125

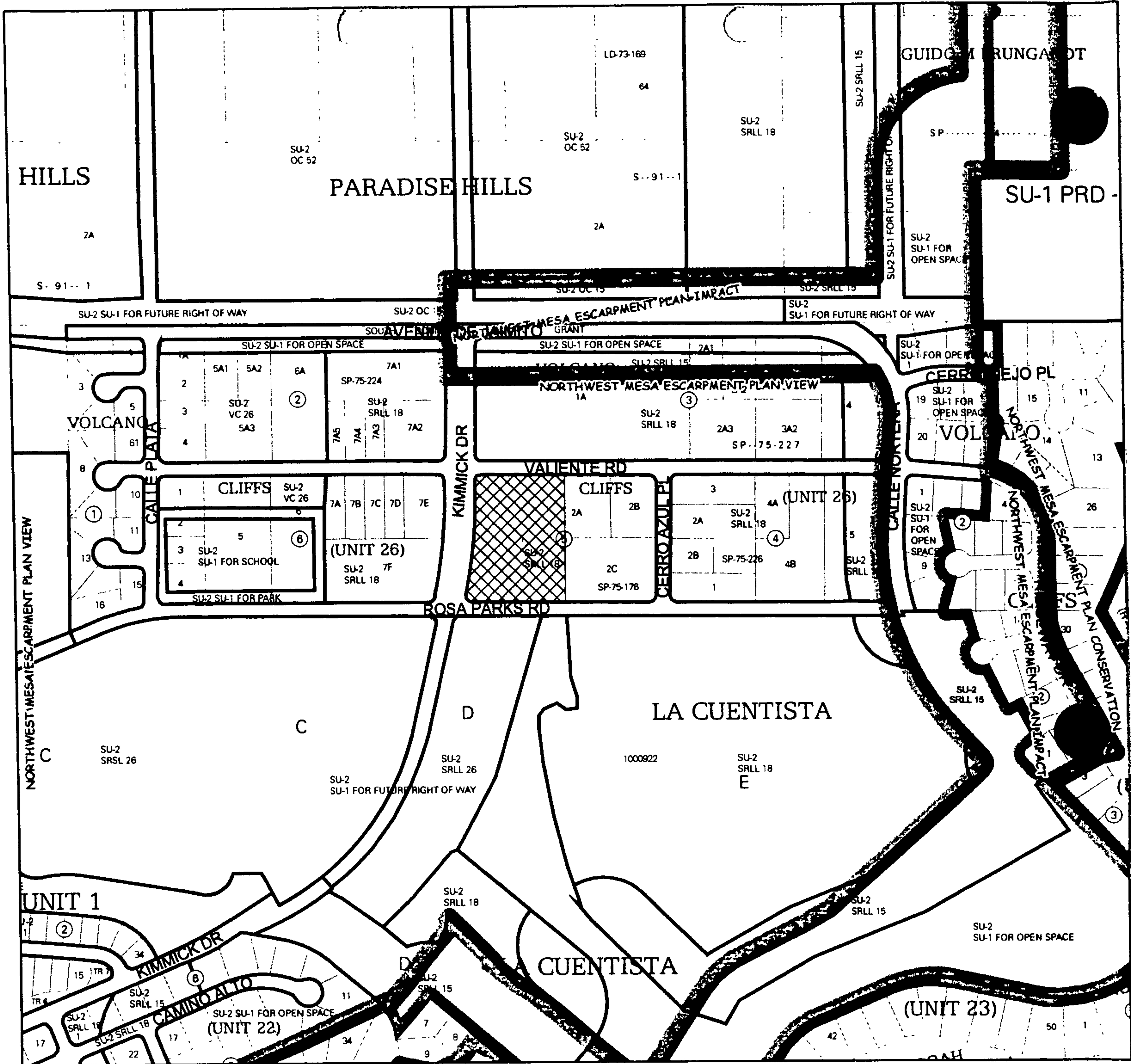
New Mexico 87103

AGENT: Same as Above

www.cabq.gov

cc: MGMe Development, Inc., 7720 Elena Dr NE, Abq., NM 87122
Wilson & Company, 4900 Lang Ave NE, Abq., NM 87109
Barbara Mueller, 4904 Alberta Ln NE, Albuquerque, NM 87120
Joe Archbold, Post Office Box 65888, Albuquerque, NM 87193-5888
Scott Howell, Property Management, City of Albuquerque Legal Department, CC/ Bldg – 4th Floor
Sheran Matson, DRB Chair, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Marilyn Maldonado, COA Planning Department, 600 2nd Street NW – 4th Floor, Abq., NM 87102
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB File

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



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ZONING MAP

Note: Grey shading indicates County.



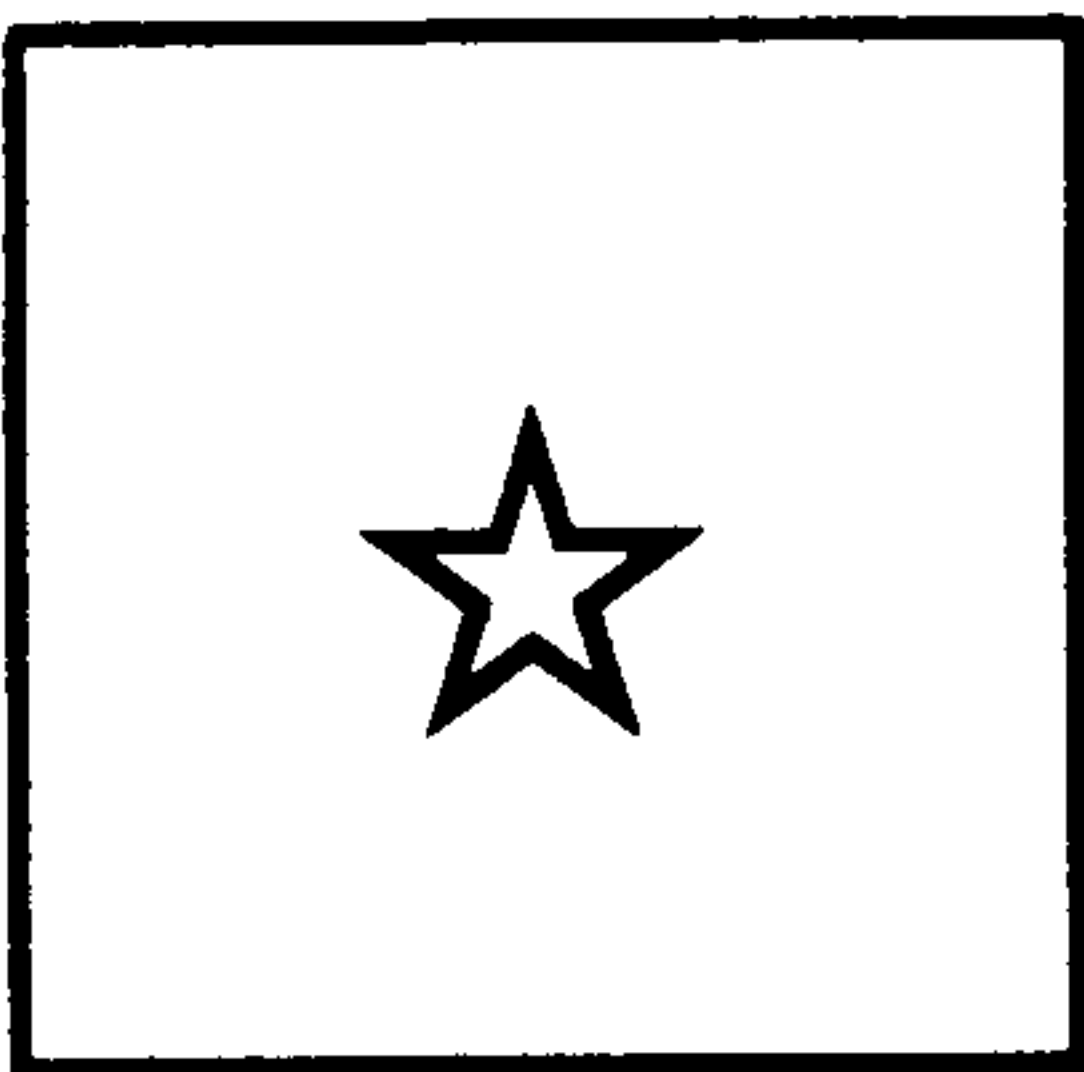
1 inch equals 500 feet

Project Number:
1005539

Hearing Date:
5/30/2007

Zone Map Page:
C-11


Additional Case Numbers:
07DRB-00580 07DRB-00561



VACATION EXHIBIT
TIERRA BUENA ESTATES
MAY 2007

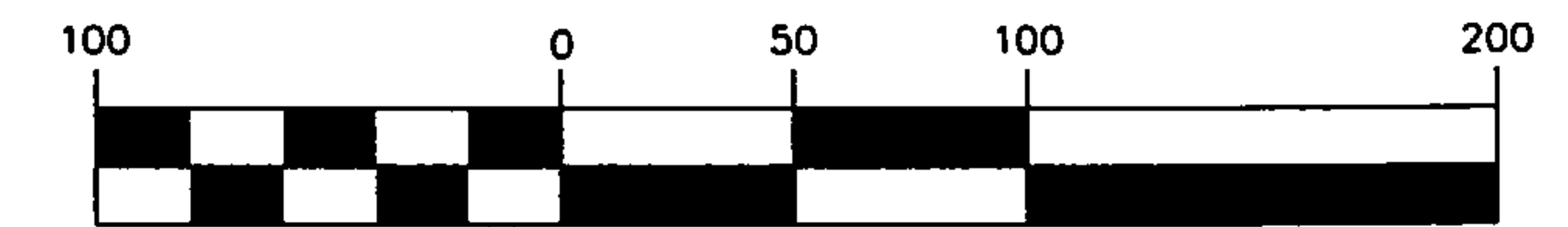


VACATION LEGEND

 VACATE 24' PUBLIC ROW

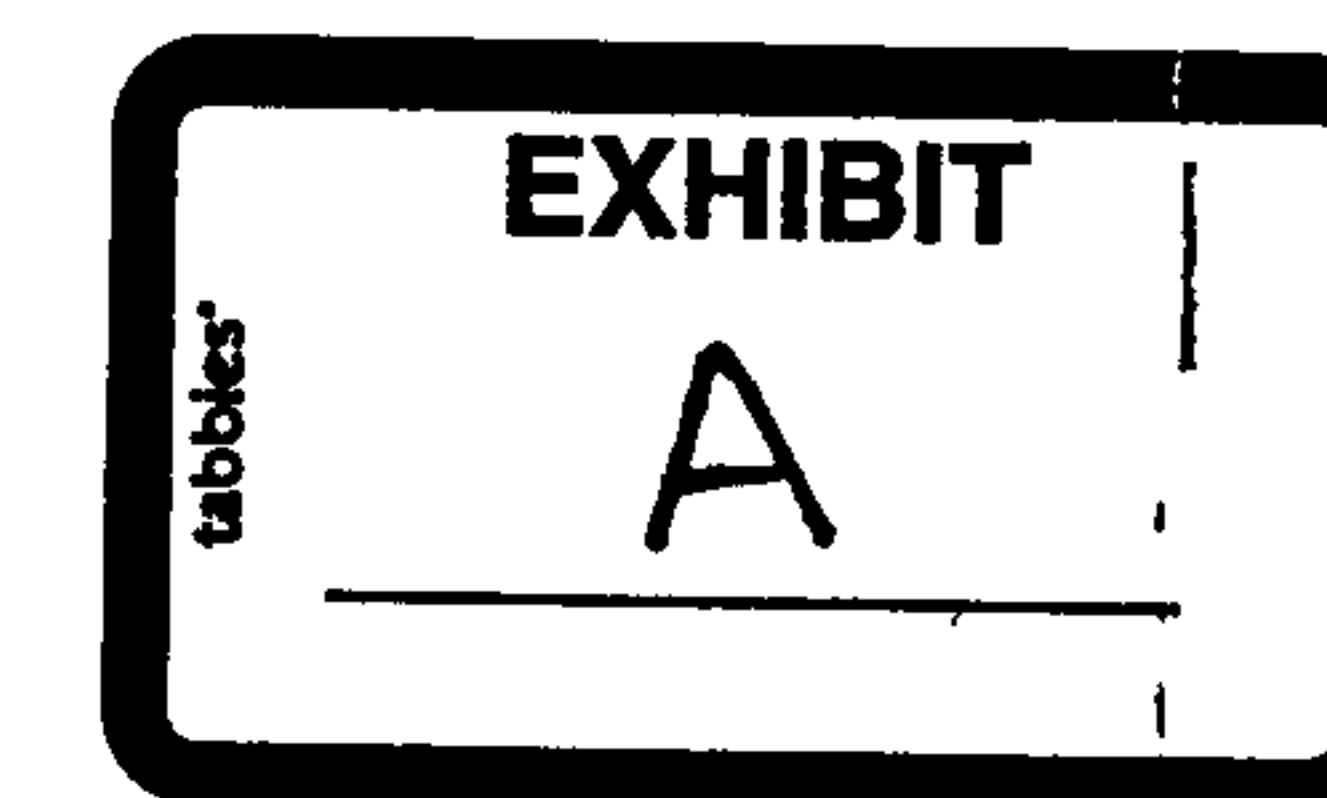


GRAPHIC SCALE



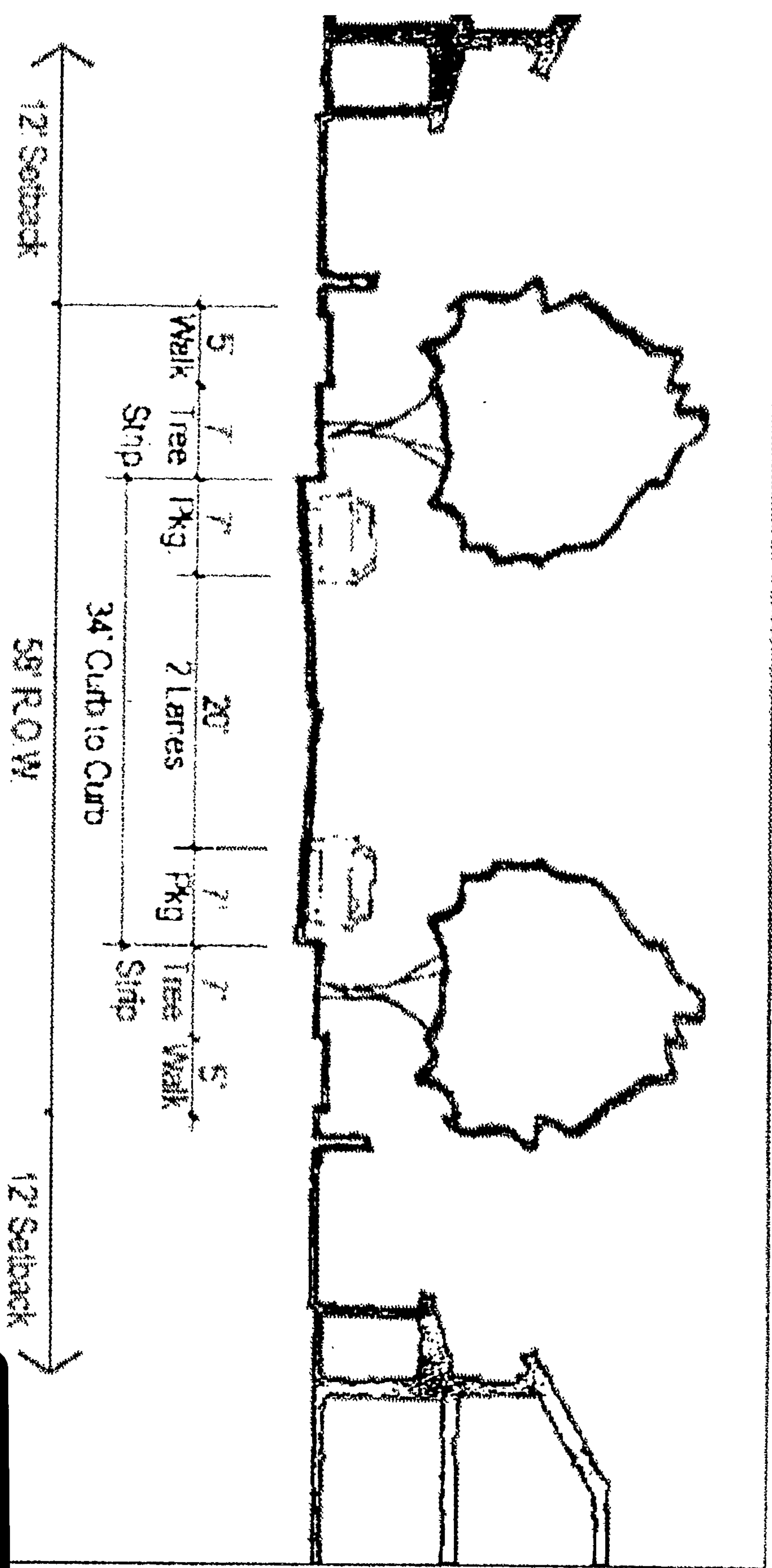
(IN FEET)
1 inch = 100 ft.

VACATION
EXHIBIT B
Date 05/30/07



WILSON & COMPANY 4900 LANG AVE NE ALBUQUERQUE, NEW MEXICO 87109 (505) 348-4000			
TIERRA BUENA ESTATES			
VACATION EXHIBIT			
DESIGN	KIS	WCEA NO.0760002200	DATE MAY 2007
DRAWN	OR	PROJECT NO	SHEET NO
CHECK	DSA		1 OF 1

Volcano Heights Sector Development Plan - 48



2 Lane Residential Collector

tabbles

EXHIBIT

B ①

Tierra Beverly Sites
EXHIBIT 1

KIMMICK

N

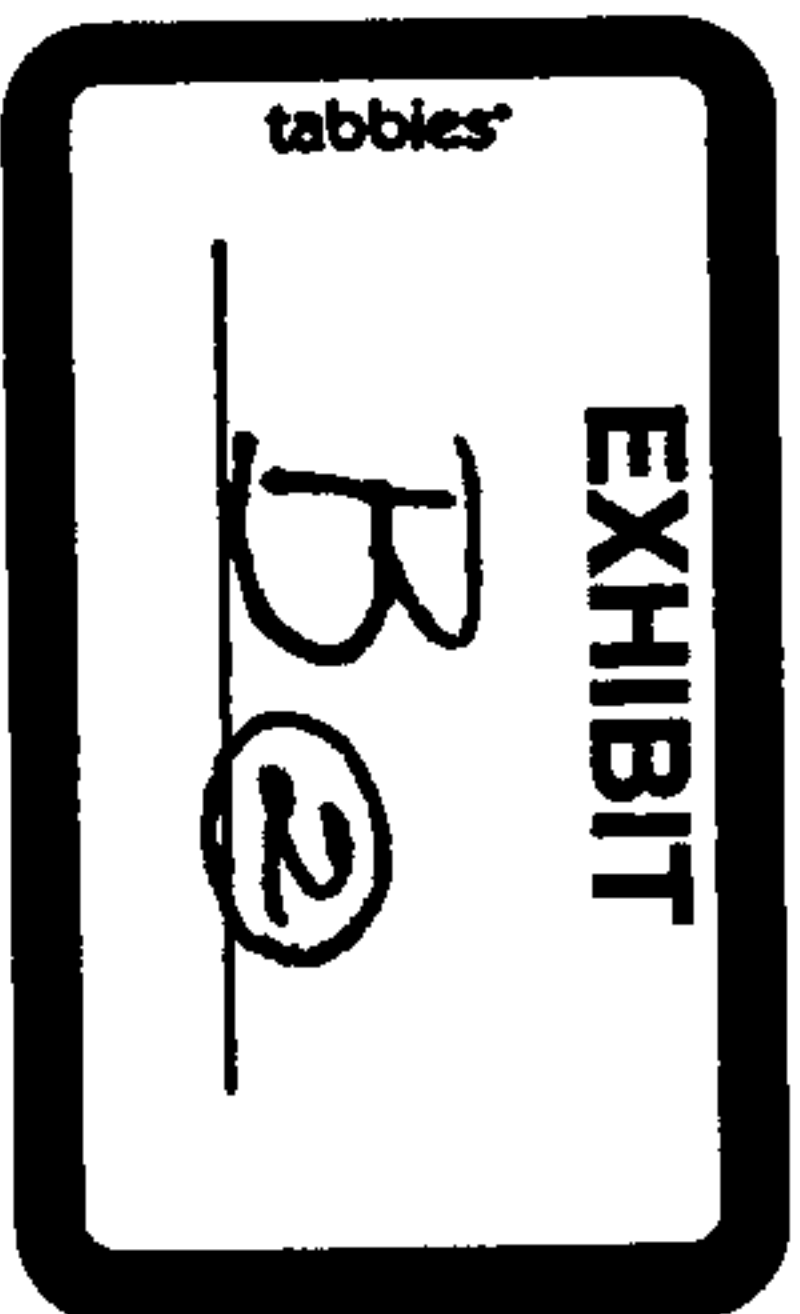
ROSA

PARKS

Kimmick/
Rosa Parks
Intersection
Detail

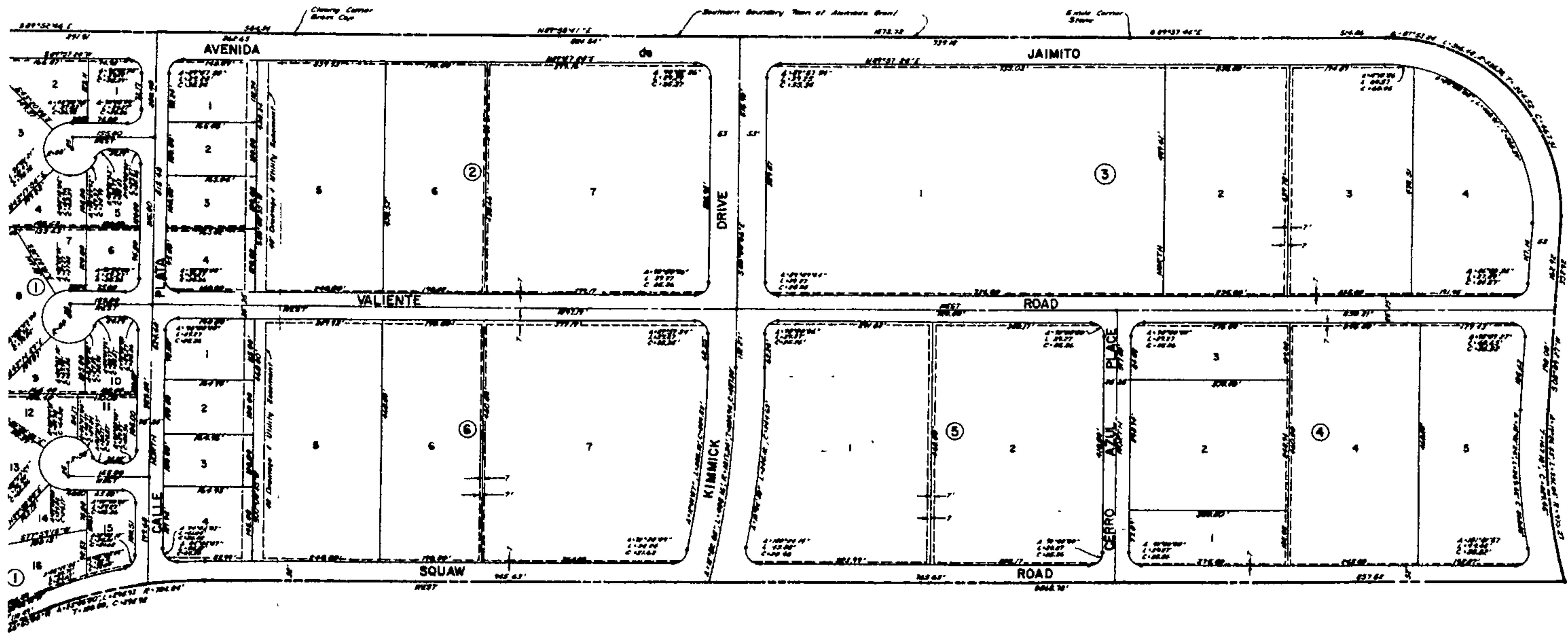
Tierra Buena
Estates

EXHIBIT 2



UNIT NO. 26
VOLCANO CLIFFS SUBDIVISION
BERNALILLO COUNTY, NEW MEXICO
SCALE - 1" = 100' JUNE 1971

31552



DEDICATION

The undersigned, subdivision of the several lots of land shown on the plat...
SECTION 16 of the 34th and 35th Townships of the 10th Range, Bernalillo County, New Mexico...
SECTION 16 of the 34th and 35th Townships of the 10th Range, Bernalillo County, New Mexico...
SECTION 16 of the 34th and 35th Townships of the 10th Range, Bernalillo County, New Mexico...

The First American Title Insurance Co., hereby certify that all taxes have been paid in full for the period of the last ten years, up to and including the date of this certificate for all the property included in the plat, Volcano Cliffs, a subdivision, Bernalillo County, New Mexico, upon which this certificate appears.

Benett L. Lillis, N.M.P.L.S. No. 4473, do hereby certify that the above subdivision was prepared under my supervision from actual field notes and is true and correct to the best of my knowledge and belief.

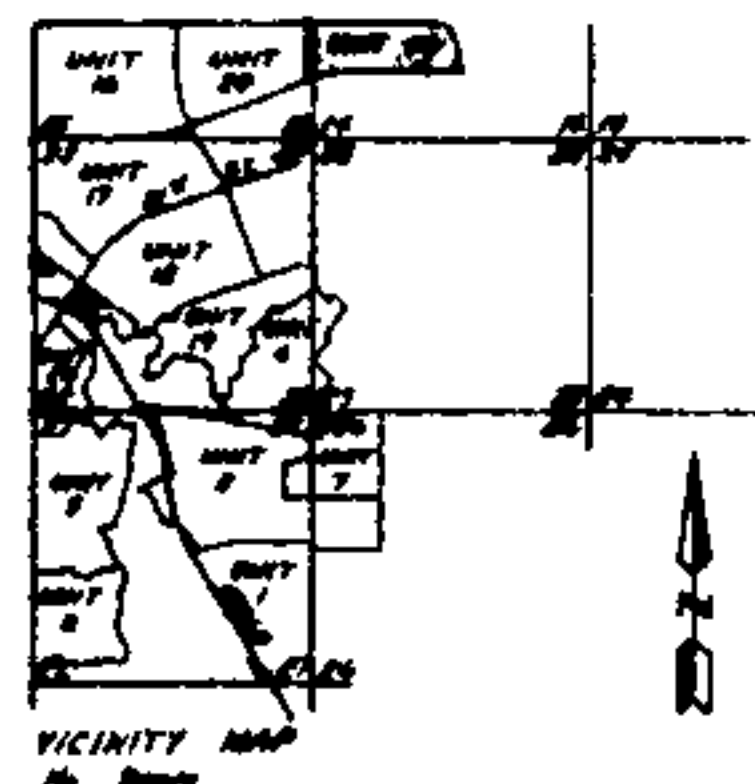
APPROVALS

- Public Service Company
Northern States Telephone & Telegraph Company
Southern Union Gas Company
City Engineer
Director of Parks and Recreation
Executive Secretary, County Planning Commission
Vice Chairman, City Planning Commission
Executive Secretary, City Planning Commission

First American Title Insurance Co. as Trustee
By: K.C. Tompkins, Vice-President, F.M. Tompkins

ACKNOWLEDGEMENTS

I, the undersigned, do hereby acknowledge that I have read and understand the contents of the above instrument and that I have signed and sealed the same in the presence of the undersigned witnesses, by commission expires...



NOTES

- 1. All boundary lines intersect at right angles unless otherwise noted.
2. All block corners have widths = 98" Radii = 25', and Arc lengths = 39.27' unless otherwise noted.
3. Lots 1 thru 16, inclusive, Block 1. Lots 1 thru 4, inclusive, Block 2 and Lots 1 thru 5, inclusive, Block 6 are zoned R-1. Lots 5 and 6, Block 2, Lots 7 and 4, Block 3, Lots 4 and 5, Block 4 and Lots 5 and 6, Block 6 are zoned G-1. The remainder of lots are zoned C-1.

TO-G



IMPACT FEES

Development Review Board 5/9/07

Project Number: 1005539

Agenda Item number: 19

Site: Volcano Cliffs Subdivision

Lots: 1, Block 5, Unit 26

Zoned: SU-2 SRL

The creation of a new residential subdivision containing 9 lots, will not require payment of Impact Fees. However, Impact Fees will be required at the time a building permit is issued for each home on each lot. Using an average of 2000sf of heated area and .05 acres for impervious acreage the estimated impact fees are as follows.

1. Roadway Facilities for the NW Mesa: \$3,662.00
2. Public Safety Facilities for the Westside: \$414.00
3. Drainage Facilities for the NW Mesa: \$702.60
4. Parks, Rec Trails for the NW Mesa: \$2420.00

Impact Fees are to be paid at the time of issuance of building permits.

**JACK CLOUD
IMPACT FEE ADMINISTRATOR**

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
May 9, 2007
DRB Comments**

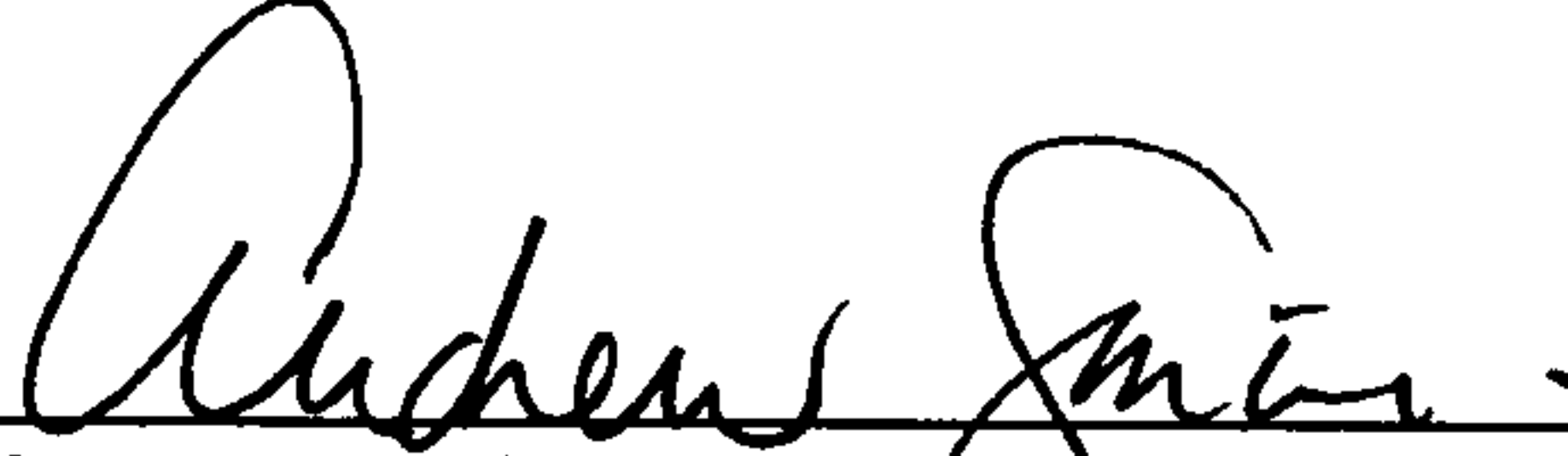
ITEM # 19

PROJECT # 1005539

APPLICATION # 07-00561

RE: Lot 1, Block 5, Volcano Cliffs Subdivision, Unit 26/sketch

The Minimum lot size is 11,000 square feet per the zoning of SU-2 –
SRLL zone of the Sector plan.



Andrew Garcia, Planning Alternate
924-3858 agarcia@cabq.gov



#19
#1005539
05/09/2007

KIMMICK

VALLE

CERRO AZUL

C11

SU-2
SU-2

SU-2

CITY OF ALBUQUERQUE



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

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO/PROJECT NO: 1005539

AGENDA ITEM NO: 19

SUBJECT:

Sketch Plat

ACTION REQUESTED:

REV/CMT: (X) APPROVAL: () SIGN-OFF: () EXTN: () AMEND: ()

ENGINEERING COMMENTS:

An approved drainage report must be on file prior to Preliminary Plat approval.
An approved infrastructure list is required for Preliminary Plat approval.

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

RESOLUTION:

APPROVED ___; DENIED ___; DEFERRED ___; COMMENTS PROVIDED *discussal* X; WITHDRAWN ___

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

SIGNED: Bradley L. Bingham
City Engineer / AMAFCA Designee

DATE: MAY 9, 2007

0

DEVELOPMENT REVIEW BOARD
UTILITY DEVELOPMENT
Standard Comment Sheet

DRB- 1005539

Item No. 19

Zone Atlas C-11

DATE ON AGENDA 5/09/07

INFRASTRUCTURE REQUIRED YES ()NO

CROSS REFERENCE: N/A

TYPE OF APPROVAL REQUESTED: () ANNEXATION

SKETCH PLAT ()PRELIMINARY PLAT ()FINAL PLAT

()SITE PLAN REVIEW AND COMMENT ()SITE PLAN FOR SUBDIVISION

()SITE PLAN FOR BUILDING PERMIT

Comments:

1. Must request a Water/Sewer Serviceability Statement. Public line extensions will be required.

2. A Development Agreement with the ABCWUA will be required prior to Final Plat approval. Items required may include water rights surcharges, and cash contribution toward a 4W reservoir.

If you have any questions or comments please call Roger Green at 924-3989.

PLANNING TRACKING LOG

#19 Date	Project Name & #	Action Request	Action Taken
05/09/06	TIERRA BUENA ESTATES	SK	Comments given

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form		Supplemental form	
SUBDIVISION	S	ZONING & PLANNING	Z
<input 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	V	<input type="checkbox"/> EPC Submittal	
<input type="checkbox"/> Variance (Non-Zoning)		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	P	<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)	L		
		APPEAL / PROTEST of...	A
		<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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: MGMe Development, Inc. (Michael Omlor) PHONE: (505) 856-6899
 ADDRESS: 7720 Elena Dr. NE FAX: (505) 856-6415
 CITY: Albuquerque STATE NM ZIP 87122 E-MAIL: omlorma@comcast.net
 Proprietary interest in site: Owner List all owners: MGMe Development, Inc.
 AGENT (if any): Kristine Susco-Wilson and Company PHONE: (505) 348-4000
 ADDRESS: 4900 Lang Avenue NE FAX: (505) 348-4072
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: Kristine.Susco@wilsonco.com

DESCRIPTION OF REQUEST: Request Sketch Plat Review of Lot 1, Block 5, Unit 26 of Volcano Cliffs Subdivision

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 1 Block: 5 Unit: 26
 Subdiv. / Addn. Volcano Cliffs Subdivision TBK Sierra Buena Estates
 Current Zoning: SU2-SRLL Proposed zoning: No Change
 Zone Atlas page(s): C-11 No. of existing lots: 1 No. of proposed lots: 9
 Total area of site (acres): 3.48 Density if applicable: dwellings per gross acre: N/A dwellings per net acre: N/A
 Within city limits? Yes. No , but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
 UPC No. 1-011-064-104-118-3-02-01 MRGCD Map No. N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: Rosa Parks Road NW
 Between: Rosa Parks Road NW and Valiente Road

CASE HISTORY: List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):

Check-off if project was previously reviewed by Sketch Plat/Plan NO, or Pre-application Review Team NO Date of review: _____

SIGNATURE Kristine Susco DATE: 5-1-07
 (Print) KRISTINE SUSCO Applicant Agent

FOR OFFICIAL USE ONLY

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

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>07DRB - -00561</u>	<u>SK</u>	<u>53</u>	<u>\$ 0.00</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	Hearing date <u>5-9-07</u>			Total <u>\$ 0.00</u>
<input checked="" type="checkbox"/> F.H.D.P. fee rebate				

Joshua Berce 5-1-07
 Planner signature / date

Project # 1005539

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.
- N/A* 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
- N/A* 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
- Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- Design elevations & cross sections of perimeter walls **3 copies**
- 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
- Copy of recorded SIA
- 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.
- Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
- 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.

Kristine Susco

Applicant name (print)

KRISTINE SUSCO

5-1-07

Applicant signature / date

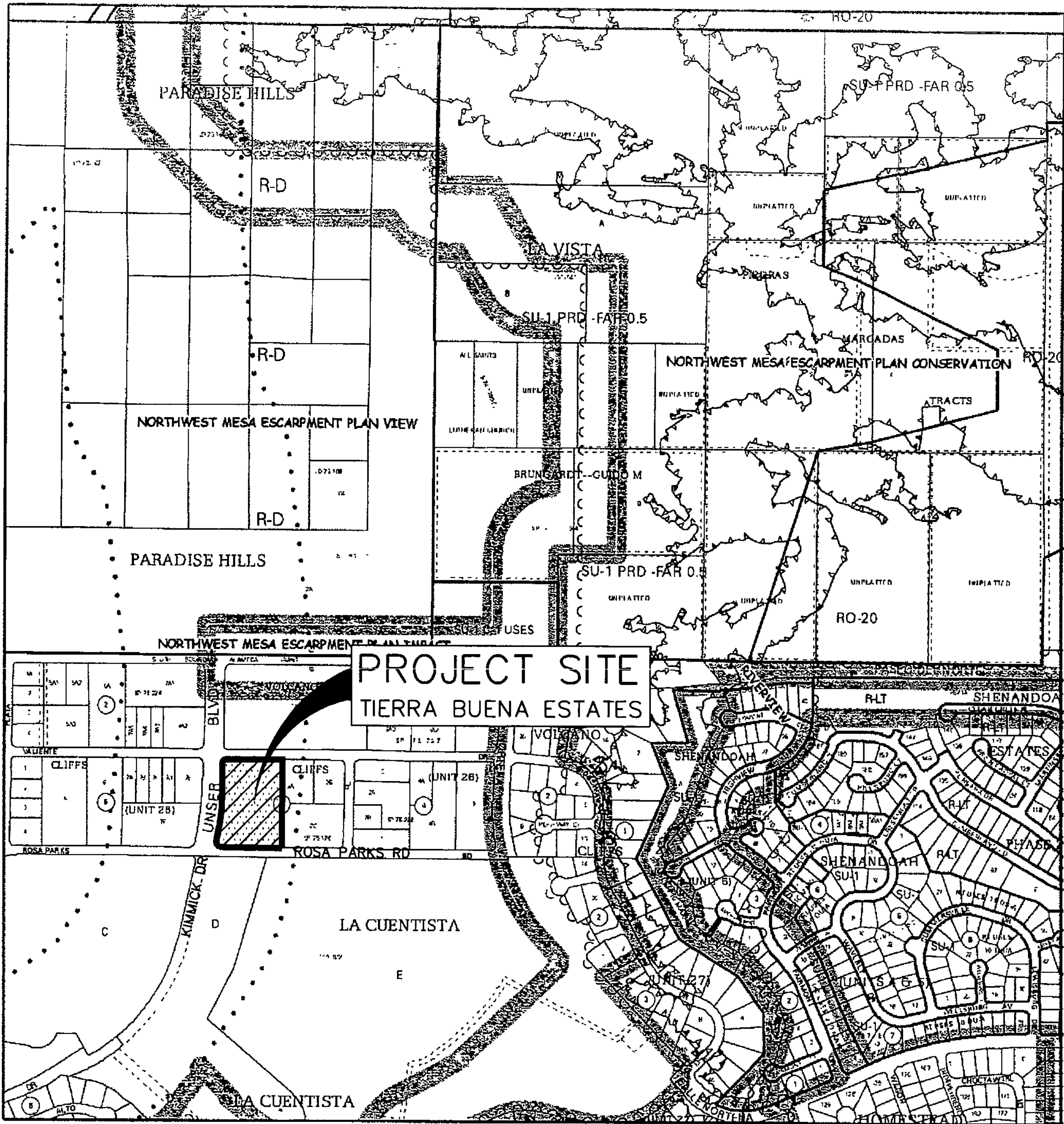


Form revised 8/04, 1/05, 10/05 & NOV 06

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

Application case numbers
07DRB - 00561

Jack on Remy 5-1-07
 Planner signature / date
Project # 1005539



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

AGIS
Albuquerque Geographic Information System

Map amended through: 10/25/2006

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-11-Z

Selected Symbols

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

0 750 1,500 Feet

**WILSON
& COMPANY**

4900 Lang Ave. NE
Albuquerque, NM 87109
505-348-4000
505-348-1072 Fax

Albuquerque
Arlington
Colorado Springs
Denver
El Paso
Fort Worth
Houston
Kansas City
Las Cruces
Lenexa
Los Angeles
Omaha
Phoenix
Rio Rancho
Salina
San Bernardino

1 May 2007

Sheran Matson, Chairperson
City of Albuquerque
Development Review Board
Plaza Del Sol
600 Second Street NW
Albuquerque, NM 87103

Re: **TIERRA BUENA ESTATES**

WCI File: 0760002200

Dear Sheran:

Wilson & Company, Inc., acting as agents for MGMe Development, Inc. requests Sketch Plat Review for Tierra Buena Estates. The Sketch Plat subdivides Lot 1, Block 5, Unit 26 Volcano Cliffs Subdivision filed in the Office of the County Clerk on June 23, 1971, in Book D4, Page 133.

Attached are the required items for this submittal.

If you have any questions or comments, please do not hesitate to contact me at (505) 348-4191.
Thank you for your time.

WILSON & COMPANY



Kristine Susco
Project Manager
Email: kiskusco@wilsonco.com