



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

August 5, 2010

**Project# 1007131**

10DRB-70182 VACATION OF PUBLIC RIGHT-OF-WAY

DOUG SMITH SURVEYING, INC. agent(s) for SLATE STREET PARTNERS, LLC request(s) the referenced/ above action(s) for all or a portion of the NORTH-SOUTH ALLEY adjacent to Lot(s) 24-27, Block(s) 9, **HOMESTEAD & GARDENSPOT ADDITION** [zoned SU-2/ C], located on the north side of SLATE ST NW between 2ND ST NW and 3RD ST NW containing approximately .6132 acre(s). (J-14)[*Deferred from 7/21/10, 7/28/10*]

At the August 4, 2010, Development Review Board meeting, 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.

### Findings

(A)(1) The public right of way vacation request was filed by the owners of all of the footage of land abutting the proposed vacation, Slate Street Partners LLC.

(B)(1) The public welfare is in no way served by retaining the subject portion of alley based on the configuration of the remaining alley right of way, which provides reasonable, alternative alley access from all other abutting properties to Marble Avenue NW. This alternative access is approximately the same width or wider than the vacated right way, and is only approximately 30 feet longer in length from the furthestmost property to public street right of way than the route provided by the vacated right of way.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. The owner of Lot 8, Block 9, of the Homestead & Gardenspot Addition has raised objection to the vacation by claiming use of the vacated right of way. However, the preceding Finding notes that there is reasonable, alternative access remaining, and that this access is only approximately 30 feet longer in length to public street right of way for Lot 8 than the route provided by the vacated right of way. As such, this vacation abridges no substantial property right.

### CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on the replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

If you wish to appeal this decision, you must do so by August 19, 2010 in the manner described below, accompanied by an Appeal Fee of \$190.00.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

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



Jack Cloud, AICP, DRB Chair

Cc: Doug Smith Surveying – 2121 San Mateo NE – Albuquerque, NM 87110  
Cc: Terrie Hertweck – 2400 Louisiana NE – Albuquerque, NM 87110 Suite 300  
Cc: Michael Kelly – 911 2<sup>nd</sup> St NW – Albuquerque, NM 87102

Marilyn Maldonado  
File