





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

8. **Project# 1003359**  
12DRB-70090 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL
- RIO GRANDE ENGINEERING agent(s) for LEGACY HOSPITALITY LLC request(s) the above action(s) for all or a portion of Lot(s) 23 - 25 Block(s) 26 **TRACT A UNIT B NORTH ALBUQUERQUE ACRES** zoned SU-2 located on EAGLE ROCK BETWEEN LOUISIANA AND SAN PEDRO containing approximately 3 acre(s). (C-18) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR VERIFICATION OF MILES OF STREET CREATED AND FOR AGIS DXF.**
9. **Project# 1004360**  
12DRB-70086 EXT OF SIA FOR TEMP  
DEFER SDWK CONST 
- RIO GRANDE ENGINEERING agent(s) for ALFELD, LLC request(s) the above action(s) for all or a portion of **ENTRADA DEL BOSQUE** zoned RA-2, located on MOUNTAIN BETWEEN GABALDON AND LUCERO (J-12) **A TWO YEAR EXTENSION TO THE AGREEMENT FOR THE DEFERRAL OF SIDEWALKS WAS APPROVED.**
10. **Project# 1004530**  
12DRB-70084 EXT OF SIA FOR TEMP  
DEFER SDWK CONST 
- CUSTOM GRADING, INC. agent(s) for DWAYE PINO, AMERI-CONTRACTORS request(s) the above action(s) for all or a portion of **LAS MIRADAS TOWNHOMES** zoned SU-1 FOR PDA INCL C-3, located on PARADISE BETWEEN MARNA LYNN AND DAVEPORT containing approximately 1.7132 acre(s). (C-12) **A TWO YEAR EXTENSION TO THE AGREEMENT FOR THE DEFERRAL OF SIDEWALKS WAS APPROVED.**
11. **Project# 1007095**  
12DRB-70089 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL 
- ALPHA PROFESSIONAL SURVEYING, INC. agent(s) for EIGHTY SIXTH LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Lot(s) 1, **LANDS OF L.W. BARRETT** zoned SU-1 FOR DAY CARE, located on SAN YGNACIO AND 86TH ST containing approximately .9987 acre(s). (L-9) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 3/21/12, THE PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS INDEFINITELY DEFERRED FOR THE SIA.**
12. **Project# 1007766**  
12DRB-70088 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL 
- SURV-TEK INC agent(s) for MATTEUCCI TRUST, ET. AL. request(s) the above action(s) for all or a portion of Lot(s) SEE APPLICATION, **TRACT A, LANDS OF MATTEUCCI TRUST** zoned SU-2/HM, located on COMMERCIAL BETWEEN BACA AND MCKIGHT containing approximately 3.9712 acre(s). (J-14) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION FOR ENCROACHMENTS AND TO PLANNING FOR AGIS DXF.**

DRB CASE ACTION LOG - BLUE SHEET

- Preliminary/Final Plat [FP]
- Site Plan - Subdivision [SPS]
- Site Plan - Building Permit [SBP]

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

Project #: 1007766 Application #: 12DRB-70088  
Project Name: Tract A, Lands of Matteucci Trust  
Agent: Sou-Tek Inc. Phone #:

\*\*Your request was approved on 3-21-12 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed\*\*

TRANSPORTATION: address encroachment

ABCWUA:

CITY ENGINEER / AMAFCA:

PARKS / CIP:

PLANNING (Last to sign): [Signature]

**PLATS:**

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.
- County Treasurer's signature must be obtained prior to the recording of the plat with County Clerk.

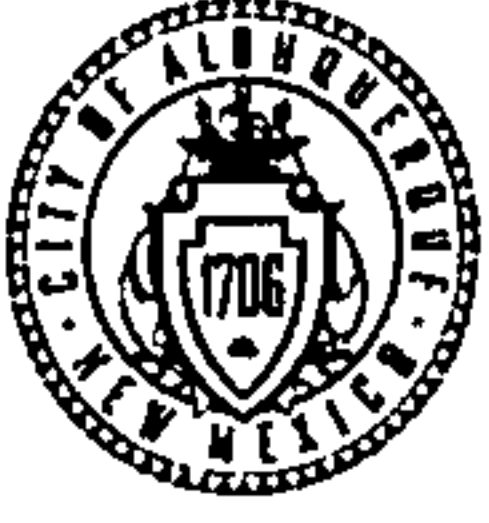
Property Management's signature must be obtained prior to Planning Department's signature.

AGIS DXF File approval required.

Copy of recorded plat for Planning.

**ALL SITE PLANS:**

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



COMPLETED SH-01/26/10  
**DRB CASE ACTION LOG**  
*(Preliminary/Final Plat)*

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

DRB Application No.: 09DRB-70386 Project # 1007766  
 Project Name: Pete Mattuecci & Springer Corp. TBKA Tract 1 & 2, Land of Mattuecci; Trust and Springer Corp.  
 Agent: Isaacson and Arfman Phone No.: \_\_\_\_\_

\*\*Your request was approved on 12-23-09 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):** - Real Property  
 \_\_\_\_\_  
 \_\_\_\_\_

**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.**
- Copy of recorded plat for Planning.**

*Handwritten initials/signature*





K

### DRB CASE ACTION LOG (Preliminary/Final Plat)

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

DRB Application No.: *09DRB-70386*

Project # *1007766*

Project Name: *Pete Mattuecci & Springer Corp. TBKA Tract 1 & 2, Land of Mattuecci; Trust and Springer Corp.*

Agent: *Isaacson and Arfman*

Phone No.:

\*\*Your request was approved on *12-23-09* 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): *- Real Property*

\_\_\_\_\_

**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.

**Asa Weber**

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**From:** Zamora, David M. [dmzamora@cabq.gov]  
**Sent:** Monday, January 25, 2010 8:05 AM  
**To:** Asa Weber  
**Subject:** RE: MATTEUCCI / SPRINGER PLAT (BACA LANE)

Hi Åsa,

**Yes, this project has been approved. My apologies, I must have forgotten to send an email confirmation when I approved it on Jan 5, 2010.**

**-DZamora**

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**From:** Asa Weber [mailto:asaw@iacivil.com]  
**Sent:** Friday, January 22, 2010 3:56 PM  
**To:** Zamora, David M.  
**Subject:** FW: MATTEUCCI / SPRINGER PLAT (BACA LANE)

David,  
Has this submittal been approved? Please let me know. Thanks.

Åsa

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**From:** Asa Weber [mailto:asaw@iacivil.com]  
**Sent:** Tuesday, January 05, 2010 10:53 AM  
**To:** DAVID ZAMORA  
**Subject:** FW: MATTEUCCI / SPRINGER PLAT (BACA LANE)

David,

Attached are DFX and PDF's for project 1007766.  
Bearings are grid and ground distances.

Thank you.

**Åsa Nilsson-Weber, P.E.**  
**Principal / Vice President**

 Isaacson & Arfman, P.A.  
Consulting Engineering Associates  
128 Monroe St. N.E.  
Albuquerque, NM 87108  
Phone: (505)268-8828  
Fax: (505)268-2632  
[asaw@iacivil.com](mailto:asaw@iacivil.com)

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**From:** Richard J. Smith [mailto:Dick@survtek.com]  
**Sent:** Tuesday, January 05, 2010 10:46 AM  
**To:** Åsa Nilsson-Weber  
**Subject:** MATTEUCCI / SPRINGER PLAT (BACA LANE)

David,

1/25/2010

**7766**

### DXF Electronic Approval Form

DRB Project Case #: 1007766

Subdivision Name: MATTEUCCI TRUST & SPRINGER CORPORATION TRACTS 1 & 2

Surveyor: RUSS P HUGG

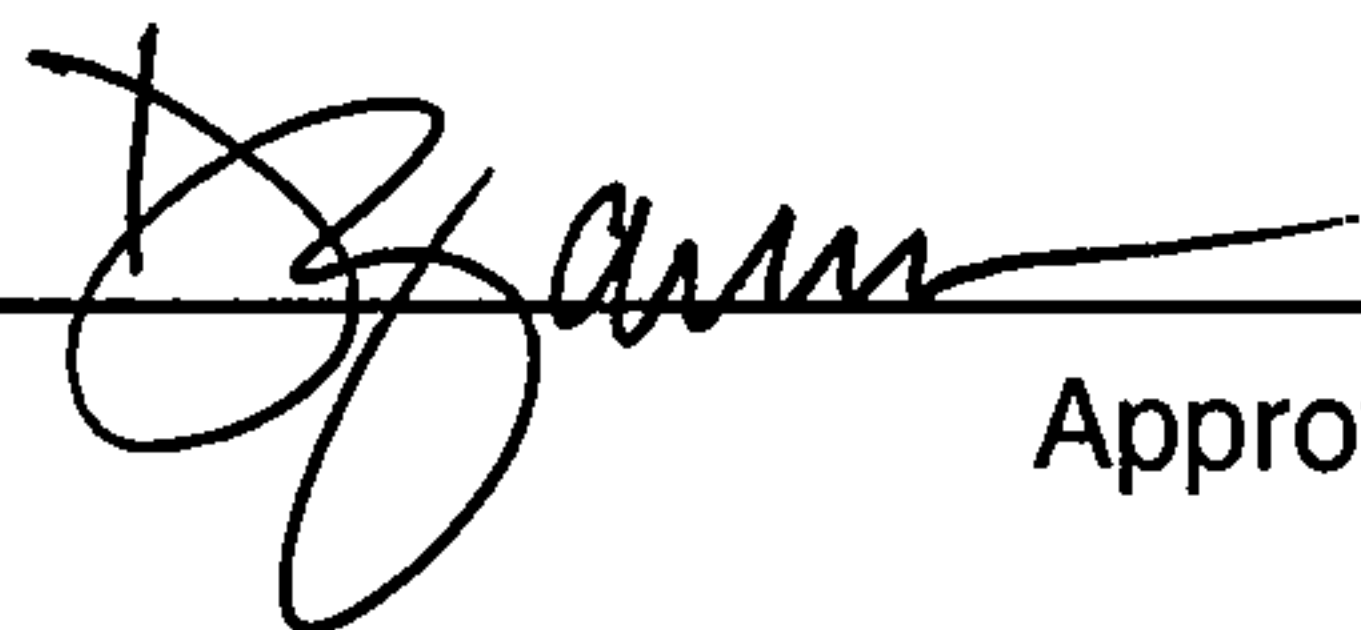
Contact Person: ASA NILSSON-WEBER

Contact Information: 268-8826

DXF Received: 1/5/2010

Hard Copy Received: 1/5/2010

Coordinate System: NMSP Grid (NAD 83)

  
Approved

01-06-2010  
Date

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

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#### AGIS Use Only

Copied fc 7766

to agiscov on 1/6/2010

Contact person notified on 1/6/2010

9. ~~Project#-1007766~~  
09DRB-70386 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

ISAACSON AND ARFMAN PA agent(s) for SOUTHERN WINE & SPIRITS OF NEW MEXICO INC request(s) the above action(s) for all or a portion of Tract(s) A & 1-A-A-1-A, PETE MATTUECCI & SPRINGER CORPORATION (to be known as TRACT 1 & 2, LANDS OF MATTUECCI; TRUST & SPRINGER CORPORATION) zoned SU-2 HM, located on BACA LANE NE BETWEEN COMMERCIAL ST NE AND AT&SF RAILROAD containing approximately 13.7988 acre(s). (J-14) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AGIS DXF FILE AND TO RECORD.**

10. Project# 1007922  
09DRB-70387 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

WAYJOHN SURVEYING INC agent(s) for ST MICHAEL'S ALL ANGLES EPISCOPAL CHURCH request(s) the above action(s) for all or a portion of Lot(s) 9-A & 10-A, ZAPF - VAN ADDITION NO 10 zoned R-1 SU-2, located on MONTANO RD NW BETWEEN 4TH ST NW AND 9TH ST NW containing approximately 1.97 acre(s). (F-14) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR NOTICE OF DECISION FOR ZONING AND FOR AGIS DXF FILE.**

11. Project# 1008087  
09DRB-70372 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

TIERRA WEST LLC agent(s) for PENN STATION PARTNERS I NM, LLC request(s) the above action(s) for all or a portion of Lot(s) 1 & 2, Block(s) 2, SOMBA DEL MONTE ADDITION zoned C-2, located on MENAUL BETWEEN PENNSYLVANIA AND RHODE ISLAND containing approximately 0.3785 acre(s). (H-19)[*Deferred from 12/16/09*]**DEFERRED TO 1/6/09 AT THE AGENT'S REQUEST.**

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

12. Project# 1008121  
09DRB-70388 SKETCH PLAT REVIEW  
AND COMMENT

BOHANNAN HUSTON INC agent(s) for ACC OP DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 2,, Tract(s) 3-A & 4,C, UNIVERSITY OF NEW MEXICO SOUTH CAMPUS, C. R. DAVIS PROPERTY zoned SU-1, O-1, C-3, located on AVENIDA CESAR CHAVEZ SE BETWEEN UNIVERSITY SE AND AMAFCA SOUTH DIVERSION CHANNEL containing approximately 74.1 acre(s). (L-15) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

13. Other Matters: None.  
Adjourned: 10:30

HEARING DATE 12-23-09





## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 10, 2009

**Project# 1007766**

09DRB-70147 VACATION OF PUBLIC EASEMENT

09DRB-70148 VACATION OF PUBLIC RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agent(s) for SOUTHERN WINE & SPIRITS OF NEW MEXICO, INC request(s) Vacation (closing) of BACA LANE NE between COMMERCIAL ST NE and the AT & SF Railroad Right-of-Way, plus Vacation of the adjacent PNM and MST & T Co. 7 foot Easement on adjacent Tract A-1, **LANDS OF PETE MATTEUCCI** zoned SU-2/ HM, located on the north side of BACA LN NE and the west side of COMMERCIAL ST NE. (J-14) *[Deferred from 5/13/09, 5/20/09, 6/3/09]*

At the June 10, 2009 Development Review Board meeting, the vacations were approved as shown on Exhibit B in the Planning file based on the following Findings per section 14-14-7-2(A)(1) and (B) (1), (3) of the Subdivision Ordinance:

FINDINGS:

(A)(1) The public easment vacation and the vacation of public right-of-way requests wwere filed by the owners of a majority of the footage of land abutting the proposed vacations.

(B)(1) The public welfare is in no way served by retaining either the public easement or the public right-of-way respectively; the City of Albuquerque does anticipate any need to utilize the existing right of way for roadway purposes, however a drainage easement will need to be retained.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. Property owners of record abutting the proposed vacation were notified by first class mail at least six days prior to the Development Review Board hearing approving the vacation, and the other abutting property on the south side of the right of way indicated concurrence with the vacation.

CONDITIONS:

1. A storm drain easement shall be retained over the southern 25 feet of the vacated right of way for the Mid-Valley Drainage Improvement Project(s).

2. Final disposition of the vacated right of way shall be through the City Real Estate Office; if the property owner to the south of the vacated right of way elects to acquire the southern half, the Development Review Board request a replat be submitted within 6 months of this decision.

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.

If you wish to appeal this decision, you must do so by June 25, 2009 in the manner described below.

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

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

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

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



Jack Cloud, AICP, DRB Chair

Cc: Isaacson & Arfman, P.A. – 128 Monroe Street NE – Albuquerque 87108

Cc: Southern Wine & Spirits of New Mexico, Inc. – 1600 NW 163<sup>rd</sup> Street –  
Miami, FL, 33169

Roger Cox Equity Corp. – 1717 Louisiana Blvd NE Suite 111 – 87110

Scott Howell

Marilyn Maldonado

File

# CITY OF ALBUQUERQUE



## CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

### DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1007766**

**AGENDA ITEM NO: 2**

**SUBJECT:**

Vacation

**ACTION REQUESTED:**

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

PO Box 1293

**ENGINEERING COMMENTS:**

Albuquerque

The Hydrology Section has no objection to the vacation of public R/W but must retain a 25 foot public drainage easement.

NM 87103

**RESOLUTION:**

www.cabq.gov

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

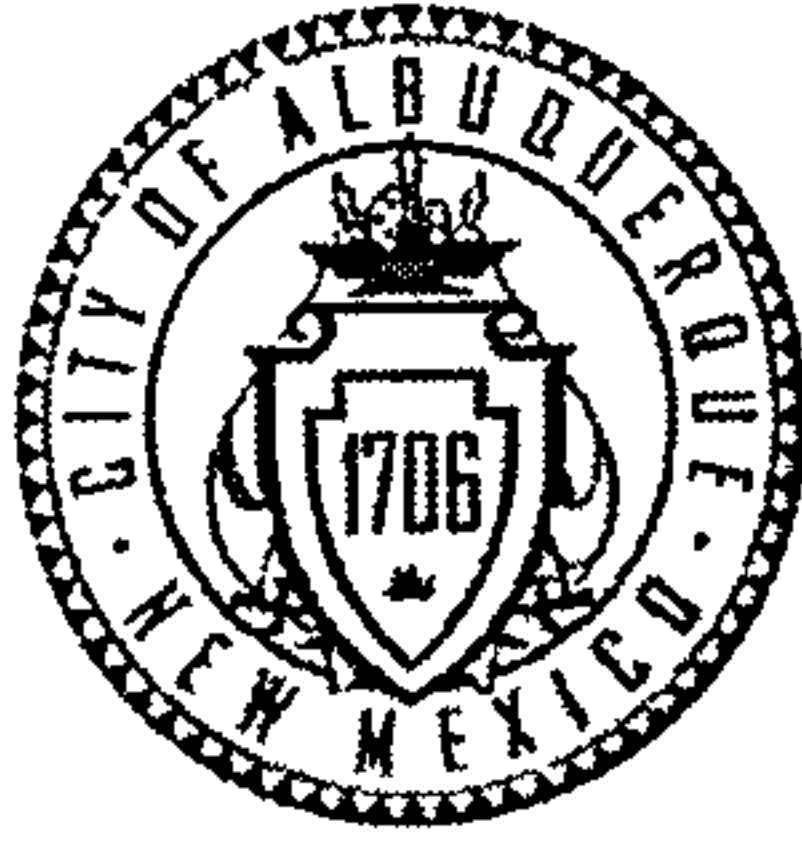
SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

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

FOR:

**SIGNED:** Bradley L. Bingham  
City Engineer/AMAFCA Designee  
924-3986

**DATE:** June 10, 2009



**DEVELOPMENT REVIEW BOARD**  
**Action Sheet**

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

May 13, 2009 9:00 AM  
MEMBERS:

**Jack Cloud, AICP, DRB Chairman, Planning Department**  
**Angela Gomez, Administrative Assistant**

**Kristal Metro, P.E. , Transportation Development**  
**Brad Bingham, P.E., Hydrology/ Alternate City Engineer**

**Roger Green, P.E., Albuquerque/ Bernalillo Co.WUA**  
**Christina Sandoval, Parks/Municipal Development**

**CASES WHICH REQUIRE PUBLIC NOTIFICATION**

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

1. **Project# 1007766**  
09DRB-70147 VACATION OF PUBLIC EASEMENT  
09DRB-70148 VACATION OF PUBLIC RIGHT-OF-WAY
- ISAACSON AND ARFMAN PA agent(s) for SOUTHERN WINE & SPIRITS OF NEW MEXICO, INC request(s) the above action(s) for all or a portion of Tract(s) A-1 & B-2, **LANDS OF PETE MATTEUCCI** zoned SU-2/HM, located on BACA LANE NE BETWEEN COMMERCIAL ST NE AND AT & SF RAILROAD containing approximately 3.7968 acre(s). (J-14)**DEFERRED TO 5/20/09 AT THE AGENT'S REQUEST.**

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

2. **Project# 1000570**  
09DRB-70155 EPC APPROVED SDP FOR SUBDIVISION
- THE DESIGN GROUP agent(s) for SUNCAL COMPANIES NEW MEXICO DIVISION request(s) the above action(s) for all or a portion of Lot(s) C, D, E, F, G, & H, **WESTLAND NORTH BULK PLAT** zoned SU-2 FOR RLT, R-2, C-1, PRD, & OS, located on ARROYO VISTA NW & 118TH ST NW BETWEEN HIGH MESA DR NW AND 98TH ST NW containing approximately 506 acre(s). (J-7, J-8, K-7, & K-8)[*Deferred from 4/29/09*]  
**THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR CASE PLANNER REVIEW AND APPROVAL AND 3 COPIES OF THE APPROVED SITE PLAN.**



PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1007766

AGENDA ITEM NO: 7

SUBJECT:

VACATION OF PUBLIC EASEMENTS  
VACATION OF PUBLIC RIGHT-OF-WAY

ENGINEERING COMMENTS:

Condition of platting action:  
Infrastructure and / or signing improvements may be required.

FINDINGS

RESOLUTION:

**06-10-09**

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

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

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

SIGNED:

Kristal D. Metro  
Transportation Development

505-924-3991

DATE: JUNE 3, 2009

PLANNING DEPARTMENT  
DEVELOPMENT AND BUILDING SERVICES  
TRANSPORTATION SECTION

DEVELOPMENT REVIEW BOARD – SPEED MEMO

DRB CASE NO: 1007766

AGENDA ITEM NO: 5

SUBJECT:

VACATION OF PUBLIC EASEMENTS  
VACATION OF PUBLIC RIGHT-OF-WAY

ENGINEERING COMMENTS:

Condition of platting action:  
Infrastructure and / or signing improvements may be required.

RESOLUTION:

**06-03-09**

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

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

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

SIGNED:

Kristal D. Metro  
Transportation Development

505-924-3991

DATE: MAY 20, 2009

# CITY OF ALBUQUERQUE



## CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

### DEVELOPMENT REVIEW BOARD MEMO

**DRB CASE NO/PROJECT NO: 1007766**

**AGENDA ITEM NO: 5**

**SUBJECT:**

Vacation of Public Easement

Vacation of Public ROW

**ENGINEERING COMMENTS:**

Hydrology has no objection

Hydrology may need to retain a storm drain easement in Baca Ln.

PO Box 1293

Albuquerque

**RESOLUTION:**

NM 87103

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

www.cabq.gov SIGNED: (UD) (CE) (TRANS) (PKS) (PLNG)

**COMMENTS:**

**SIGNED:**

Curtis Cherne  
Hydrology Section  
City Engineer Designee  
924-3695

**DATE:** 5-20-09

# CITY OF ALBUQUERQUE

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44



## CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

### DEVELOPMENT REVIEW BOARD--SPEED MEMO

**DRB CASE NO/PROJECT NO: 1007766**

**AGENDA ITEM NO: 7**

**SUBJECT:**

Vacation

**ACTION REQUESTED:**

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

PO Box 1293

**ENGINEERING COMMENTS:**

The Hydrology Section has no objection to the vacation of R/W but must retain a public drainage easement.

Albuquerque

NM 87103

**RESOLUTION:**

6-10-09

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED X; 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:** June 3, 2009



7. ~~Project# 1007766~~  
09DRB-70147 VACATION OF PUBLIC EASEMENT  
09DRB-70148 VACATION OF PUBLIC RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agent(s) for SOUTHERN WINE & SPIRITS OF NEW MEXICO, INC request(s) the above action(s) for all or a portion of Tract(s) A-1 & B-2, **LANDS OF PETE MATTEUCCI** zoned SU-2/HM, located on BACA LANE NE BETWEEN COMMERCIAL ST NE AND AT & SF RAILROAD containing approximately 3.7968 acre(s). (J-14) [Deferred from 5/13/09, 5/20/09] **DEFERRED TO 6/10/09 AT THE AGENT'S REQUEST.**

8. **Project# 1001946**  
09DRB-70156 MAJOR – SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

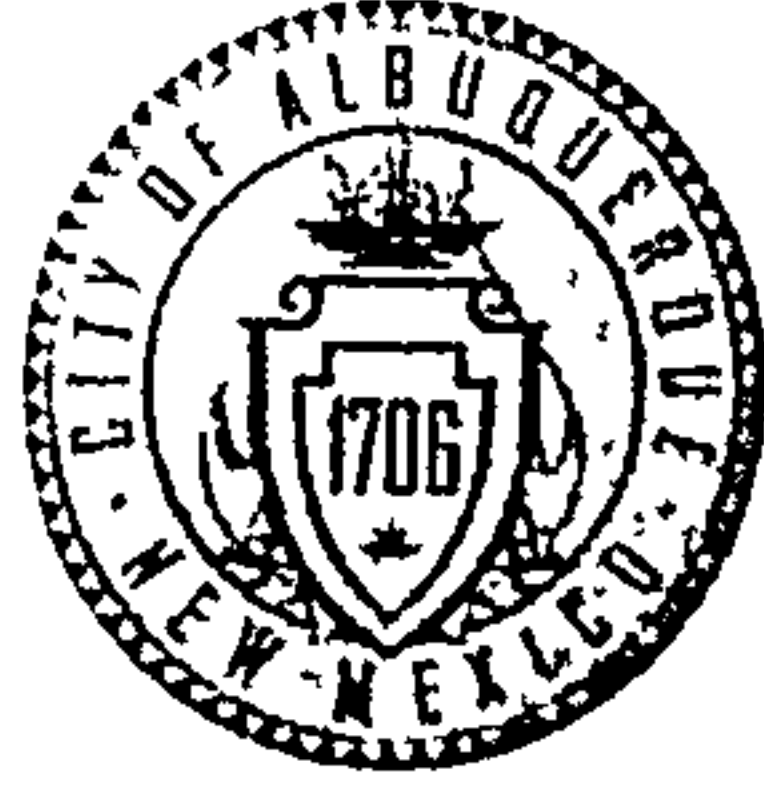
MODULUS ARCHITECTS agent(s) for UNITED GROWTH LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) A-1-B, **LOS ANGELES CENTER** zoned M-1, located on the south side of PASEO DEL NORTE NE between I-25 and SAN PEDRO NE containing approximately .6721 acre(s). (D-18) [Deferred from 5/27/09] **DEFERRED TO 6/10/09 AT THE AGENT'S REQUEST.**

9. **Project# 1007263**  
09DRB-70012 MAJOR - PRELIMINARY PLAT APPROVAL  
09DRB-70013 SIDEWALK WAIVER  
09DRB-70014 MINOR - TEMP DEFR SWDK CONST  
09DRB-70185 SUBDIVISION DESIGN VARIANCE

BOHANNAN HUSTON INC agent(s) for KHANI COMPANY-NASER ALIKHANI request(s) the above action(s) for all or a portion of Tract(s) A-1, **FOUR HILLS VILLAGE- 21ST INSTALLMENT**, zoned R-1, located on HIDEWAY LN SE AND WARM SANDS DR SE AND OPEN SPACE containing approximately 7.2734 acre(s). (M-23)[Deferred from 2/11/09, 3/4/09, 3/18/09, 4/8/09, 4/29/09, 5/6/09, 5/20/09, 5/27/09] At the June 3, 2009 Development Review Board meeting, based on the Drainage Report/ Engineer stamp dated 05/22/09, and with the signing of the Infrastructure List dated June 3, 2009, the preliminary plat was approved subject to the following Variances and Findings:

Based on the absence of sidewalks in the Four Hills Subdivision and existing conditions, a Sidewalk Waiver was approved; with no sidewalks to be built, there is no need for a Sidewalk Variance for Temporary Deferral of Construction.

Based on physical constraints, existing topography and the minimal number of lots affected, a Subdivision Design Variance was approved for Hideaway Lane SE to have a modified cul-de-sac radius of approximately 30 feet; a stub street length of approximately 320 feet north of the modified cul-de-sac; and a street pavement width of 24 feet north of the modified cul-de-sac.



**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 13, 2009, beginning at 9:00 a.m. for the purpose of considering the following:

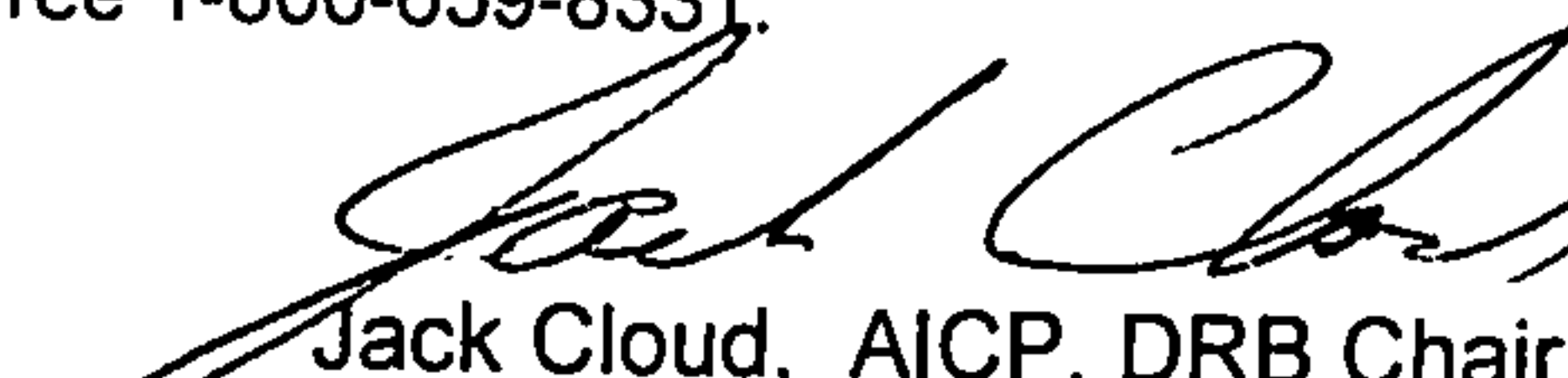
**Project# 1007766**

09DRB-70147 VACATION OF PUBLIC  
UTILITY EASEMENT

09DRB-70148 VACATION OF PUBLIC  
RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agent(s) for SOUTHERN WINE & SPIRITS OF NEW MEXICO, INC request(s) Vacation (closing) of BACA LANE NE between COMMERCIAL ST NE and the AT & SF Railroad Right-of-Way, plus Vacation of the adjacent PNM and MST & T Co. 7 foot Easement on adjacent Tract A-1, **LANDS OF PETE MATTEUCCI** zoned SU-2/ HM, located on the north side of BACA LN NE and the west side of COMMERCIAL ST NE.  
(J-14)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

  
Jack Cloud, AICP, DRB Chair  
Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, APRIL 27, 2009.**

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

**Meeting Date:** May 13, 2009  
**Zone Atlas Page:** J-14  
**Notification Radius:** 100 Ft.

**Project#** 1007766  
**App#** 09DRB-70148

Cross Reference and Location: BACA LANE NE BETWEEN COMMERCIAL ST NE  
AND AT&SF RAILROAD

**Applicant:** SOUTHERN WINE AND SPIRITS  
. OF NEW MEXICO INC.  
1600 NW 163<sup>RD</sup> ST  
MIAMI, FL 33169

**Agent:**

**Special Instructions:**

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

**Date Mailed:** MAY 6, 2009  
**Signature:** ERIN TREMLIN





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

**APPLICANT INFORMATION:**

Professional/Agent (if any): Isaacson + Artman, P.A. PHONE: 268-8828  
 ADDRESS: 128 Monroe Street NE FAX: 268-2632  
 CITY: ABQ STATE NM ZIP 87108 E-MAIL: \_\_\_\_\_

APPLICANT: Southern Wine + Spirits of New Mexico, Inc. PHONE: (305) 627-1400  
 ADDRESS: 1600 NW 163rd Street FAX: (305) 621-9157  
 CITY: Miami STATE FL ZIP 33169 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: Owner Purchaser Under Contract List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: Vacation of Public Right-Of-Way  
Vacation of Public Easement

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. Tracts A-1 + B-2 Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Lands of Pete Matteucci  
 Existing Zoning: SLL-2/HM Proposed zoning: N/A  
 Zone Atlas page(s): J-14 UPC Code: 101405841146211652 MRGCD Map No NA

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): S-74-136(SP)

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? No  
 No. of existing lots. 2 No. of proposed lots: 0 Total area of site (acres): 3.7968 ac.  
 LOCATION OF PROPERTY BY STREETS On or Near: Baca Lane NE  
 Between: Commercial St. NE and AT&SF Railroad

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

SIGNATURE Asa Nilsson-Weber DATE 4/17/09  
 (Print) Asa Nilsson-Weber Applicant:  Agent.

**FOR OFFICIAL USE ONLY**

Form revised 4/07

- 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>09DRR - 70148</u>	<u>VPR</u>	_____	<u>\$ 300.00</u>
_____	<u>VPE</u>	_____	<u>\$ 45.00</u>
_____	<u>ADV</u>	_____	<u>\$ 75.00</u>
_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	Total
_____	_____	_____	<u>\$ 440.00</u>

Hearing date May 13, 2009

4.17.09  
 Planner signature / date

Project # 1007766



FORM V: SUBDIVISION VARIANCES & VACATIONS

(PUBLIC HEARING CASE)

- BULK LAND VARIANCE (DRB04)** 24 copies
    - Application for Minor Plat on FORM S-3, including those submittal requirements.
    - 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)** 24 copies.
    - ✓ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket)
    - (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)** 6 copies
    - Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14")
    - 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)** 24 copies
    - Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14")
    - 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)** 6 copies
    - Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14")
    - 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)** 6 copies
    - The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14")
    - 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.

Asa Nilsson-Weber  
 Applicant name (print)  
Maria Cristina Torres 4/17/09  
 Applicant signature / date



Form revised 4/07

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

Application case numbers  
 29DRB - 7048

Kelly 4.17.09  
 Planner signature / date  
 Project # 1007766

REC	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP CODE	PROPERTY CLASS	TAX DISTRICT	LEGAL	ACRES
1	1014 0584 1639 9116 33	SPRINGER INDUSTRIAL CENTER LTD	1717 LOUISIANA BLVD NE 111	ALBUQUERQUE	NM	87110	C	A1AM	PARCEL 1AA1A PLAT OF PARCELS 1-A-A-1-A AND A-1-A-1-A LANDS OF SPRINGER CORPORATION CONT 9.987 AC	9.37408381
2	1014 0583 7442 4121 01	TANAGER CO C/O MR LEE S BLAUGRUND @ AMERICAN FURNITURE CO	PO BOX 3685	ALBUQUERQUE	NM	87190	C	A1AM	LTS 1 THRU 6 BLK 16 CONT 27,418.58 SF	0.62944133
3	1014 0584 5750 9116 42	SPRINGER INDUSTRIAL CENTER INC	1717 LOUISIANA BLVD NE 111	ALBUQUERQUE	NM	87110	C	A1AM	TRACT 1 C PLAT OF TRACT NO 1 SPRINGER CORP CONT 3.509 AC	4.08684086
4	1014 0583 8953 5130 03	JEANNIE REALTY	2025 SAN PEDRO DRIVE	ALBUQUERQUE	NM	87110	V	A1AM	007MATTHEW ADD	1.48481179
5	1014 0583 8047 4121 05	EFS LLC	3815 BONNIE ANN CT NE	ALBUQUERQUE	NM	87111	C	A1AM	TRACT 280 MAP 37	0.63920763
6	1014 0584 5045 3116 38	SPRINGER INDUSTRIAL CENTER INC	1717 LOUISIANA BLVD NE 111	ALBUQUERQUE	NM	87110	C	A1AM	TRACT 1 B PLAT OF TRACT NO 1 SPRINGER CORP CONT 4.047 AC	4.00327609
7	1014 0584 1146 2116 52	MATTEUCCI MARGARET B TRUSTEE MATTEUCCI RVT	4128 COE DRIVE	ALBUQUERQUE	NM	87110	C	A1AM	TRACTS A-1 & B-2 DIVISION OF LAND OF PETE MATTEUCCI & TRACTS 60 & 194 A1 M	4.31666958
8	1014 0583 7341 6121 04	TANAGER CO C/O MR LEE S BLAUGRUND @ AMERICAN FURNITURE CO	PO BOX 3685	ALBUQUERQUE	NM	87190	C	A1AM	THE N'LY 30 FT OF VACATED CONSTITUTION AVE ORD #164-1971CONT 6,847.04 SF	0.15719274
9	1014 0584 2251 5116 45	SYMPHER GERALD V & JANICE M & JARRETT ZANE A & CHERYL A	PO BOX 6286	ALBUQUERQUE	NM	87197	C	A1AM	TR B LAND OF ESTATE OF SOFIA GARCIA COMPRISING TRS 2-A & 2-B & 194A12 MRGC	1.4861364
10	1014 0583 7343 3121 02	TANAGER COMPANY C/O LEE S BLAUGRUND AMER FURN	PO BOX 3685	ALBUQUERQUE	NM	87190	C	A1AM	001PORTOFLOTS1X2 ALLLOTS3THRU7 ANDERSON ADD	0.76174506
11	1014 0583 7745 4121 03	TANAGER COMPANY	PO BOX 3685 STAD	ALBUQUERQUE	NM	87190	C	A1AM	PARCEL A OF SUMMARY REPL SHOWING PARCEL A BRIGHTWOOD & ANDERSON ADDN (REPL OF LT A LANDS OF ISABEL DOW & LTS 1 THRU 8 ANDERSON & BRIGHTWOOD ADDN) CONT 1.247 AC	1.25989356
12	1014 0584	SYMPHER GERALD V & JANICE M & JAR	PO BOX 6286	ALBUQUERQUE	NM	87197	C	A1A	LAND OF PETE MATTEUCCI N FRAC 160 OF PARCEL	0.926

	1349 3116 46	RETT ZANE A & CH ERYL A		UER QU E		7		M		37 51 6
1 3	1014 0583 8249 9121 06	A T S X F RAILWAY CO % PROPERTY T AX DEPARTMENT	PO BOX 961089	FOR T W ORT H	T X	76 16 1	C	A1 A M	* 001 006MATTHEW ADD L 1 TO 7	1.0 63 53 12 7

OR CURRENT RESIDENT  
101405838249912106  
A T S X F RAILWAY CO % PROPERTY  
TAX DEPARTMENT  
PO BOX 961089  
FORT WORTH, TX 76161

OR CURRENT RESIDENT  
101405838047412105  
EFS LLC  
3815 BONNIE ANN CT NE  
ALBUQUERQUE, NM 87111

OR CURRENT RESIDENT  
101405838953513003  
JEANNIE REALTY  
2025 SAN PEDRO DR NE  
ALBUQUERQUE, NM 87110

OR CURRENT RESIDENT  
101405841146211652  
MATTEUCCI MARGARET B TRUSTEE  
MATTEUCCI RVT  
4128 COE DR NE  
ALBUQUERQUE, NM 87110

OR CURRENT RESIDENT  
101405845750911642  
SPRINGER INDUSTRIAL CENTER INC  
1717 LOUISIANA BLVD NE 111  
ALBUQUERQUE, NM 87110

OR CURRENT RESIDENT  
101405842251511645  
SYPHER GERALD V & JANICE M &  
JARRETT ZANE A & CHERYL A  
PO BOX 6286  
ALBUQUERQUE, NM 87197

OR CURRENT RESIDENT  
101405837343312102  
TANAGER COMPANY C/O LEE S  
BLAUGRUND AMER FURN  
PO BOX 3685  
ALBUQUERQUE, NM 87190

Project# 1007766  
ISAACSON & ARFMAN PA  
128 MONROE ST NE  
ALBUQUERQUE, NM 87108

Project# 1007766  
SOUTHERN WINE & SPIRITS OF NM INC  
1600 NW 163<sup>RD</sup> ST  
MIAMI, FL 33169

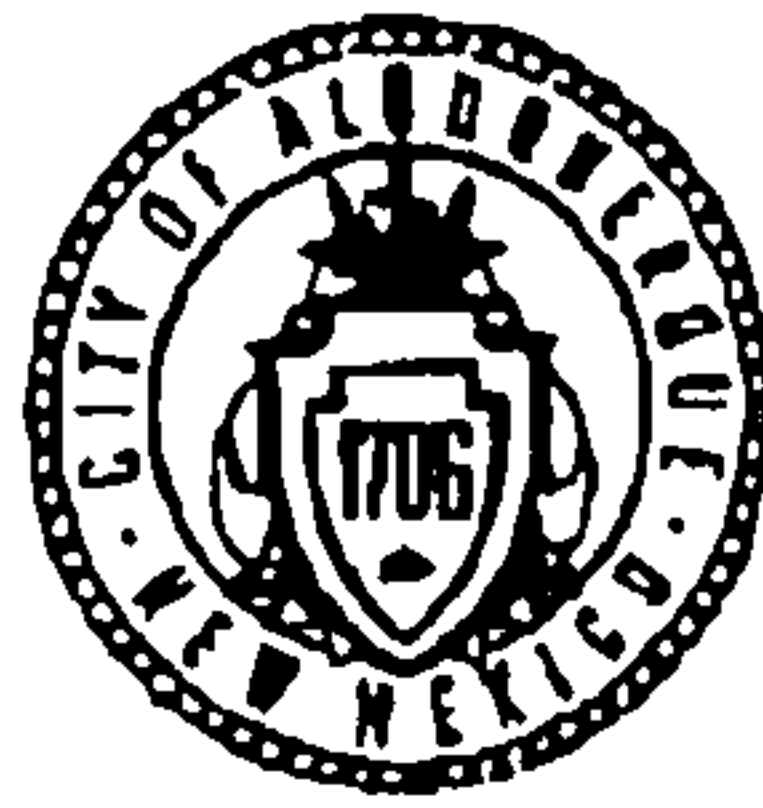
Project# 1007766  
PHIL HERN  
Santa Barbara-Martineztown Assoc.  
509 SAN IGNACIO NE  
ALBUQUERQUE, NM 87102

Project# 1007766  
CHAL-MARIE LUCERO  
Santa Barbara-Martineztown Assoc.  
420 HANNETT NE  
ALBUQUERQUE, NM 87102

Project# 1007766  
FRED SAIS  
Wells Park NA  
1508 LOS TOMASES NW  
ALBUQUERQUE, NM 87120

Project# 1007766  
MARK CLAYBURGH  
Wells Park NA  
1310 5<sup>TH</sup> ST NW  
ALBUQUERQUE, NM 87102





City of Albuquerque  
P.O. Box 1293, Albuquerque, NM. 87103

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

April 8, 2009

Ruth Lozano  
Isaacson and Arfman, P.A.  
128 Monroe St. NE/87108  
Phone: (505) 268-8828/Fax: (505) 268-2632

Dear Ruth:

Thank you for your inquiry of April 8, 2009 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) - TRACTS A-1 AND B-2, LANDS OF PETE MATEUCCI, LOCATED ON COMMERCIAL STREET NE BETWEEN BNSF RAILROAD AND BACA LANE NE zone map J-14.**

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

**SANTA BARBARA-MARTINEZTOWN ASSOC. (SBM) "R"**

Phil Hern  
509 San Ignacio NE/87102 238-1548 (h)  
Chal-Marie Lucero  
420 Harnett NE/87102 248-0065 (h)

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

Fred Sais  
1508 Los Tomases NW/87102 242-8457 (h)  
Mark Clayburgh  
1310 5<sup>th</sup> St. NW/87102 242-6278 (h)

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](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

**Stephani J. Winklepleck**

Neighborhood Liaison  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

**LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION.**



**ISAACSON & ARFMAN, P.A.**

**Consulting Engineering Associates**

*Thomas O. Isaacson, PE & LS • Fred C. Arfman, PE  
Scott M. McGee, PE*

April 16, 2009

CERTIFIED MAIL – 7005 1160 0001 1329 7696

Mr. Fred Sais  
Wells Park Neighborhood Association  
1508 Los Tomases NW  
Albuquerque, NM 87102

**RE: Tracts A1 & B2, Lands of Pete Matteucci**  
**SUBJ: Vacation of Baca Lane NE Right-of-Way and**  
**Vacation of a Public Utility Easement**

Dear Mr. Sais:

As the consulting engineers for the above referenced site (see attached zone map), we are writing this letter to inform the Wells Park Neighborhood Association that a request for vacation of public right-of-way and vacation of a public utility easement will be submitted to the City of Albuquerque Development Review Board this week. We are requesting that the Baca Lane right-of-way be vacated between the A.T. & S.F. Railroad and Commercial Street and a 7' public utility easement along a portion of the south line of the referenced property be vacated as outlined on the attached zone map.

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

Sincerely,  
**ISAACSON & ARFMAN, P.A.**

Asa Nilsson-Weber, PE  
ANW/rtl  
Attachment

7005 1160 0001 1329 7696

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ALBUQUERQUE, NM 87102

Postage	\$ 0.42	0108 13 Postmark Here APR 17 2009 SPS
Certified Fee	\$2.70	
Return Receipt Fee (Endorsement Required)	\$2.20	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.32	

**OFFICIAL USE**

Sent To Fred Sais  
Street, Apt. No.; or PO Box No. Wells Park Neighborhood Assoc.  
1508 Los Tomases NW  
City, State, ZIP+4 Albuquerque, NM 87102

PS Form 3800, June 2002 See Reverse for Instructions







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

Map amended through: 6/13/2008

Zone Atlas Page:  
**J-14-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





## **PROJECT MEMORANDUM**

4/17/09

**TO:** Jack Cloud, City of Albuquerque, DRB Chair

**FROM:** Åsa Nilsson-Weber, Isaacson & Arfman, P.A.

**REF:** Southern Wine & Spirits of New Mexico, Inc.  
Purchaser under Contract  
Tracts A-1 and B-2, Land of Pete Matteucci

**PROJ NO:** 1714

**SUBJ:** Justification for  
Vacation of Baca Lane Public Right-of-Way between  
AT & SF Railroad and Commercial Street, NE and  
Vacation of a public utility easement

Isaacson & Arfman, P.A., as agent for the purchaser under contract, Southern Wine & Spirits of New Mexico, Inc., is requesting that the entire width of Baca Lane right-of-way adjacent to the property be vacated in order to acquire property for a building expansion. The seller under contract has agreed to cooperate with this action. This portion of Baca Lane runs south of the Southern Wine & Spirits Facility from Commercial Street, NE and dead-ends at the AT & SF railroad. Also, we are requesting that a 7-foot public utility easement for PNM and Mountain States Telephone and Telegraph Company (Qwest Communications) at the south property line be vacated subject to the concurrence of the utilities. There are power poles located in this easement that will be re-located or eliminated to accommodate the building expansion.

The following items should be considered in analyzing the vacation request for the referenced street right-of-way and public utility easement:

1. The street dead-ends at the rail road and serves only as access for the Southern Wine & Spirits Facility and the Springer Industrial Park located on the property south of Baca Lane. The street does not serve as a public access road.
2. There are no public water lines or sanitary sewer lines in this portion of Baca Lane.
3. There is no violation of the Anti-Donation Clause of the New Mexico Constitution. Upon the vacation of this portion of Baca Lane, the purchaser will have the opportunity to purchase the vacated portion. The purchaser is negotiating the future purchase of the south half of the right-of-way with the property owner south of Baca Lane (Springer Industrial Center Ltd).
4. The existing power poles within the public utility easement shall be re-located or eliminated and new easements provided if necessary.
5. The public welfare is in no way served by retaining the right-of-way or the public utility easement.
6. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

May 19, 2009

To: DRB

City of Albuquerque

Re: DRB # 1007766

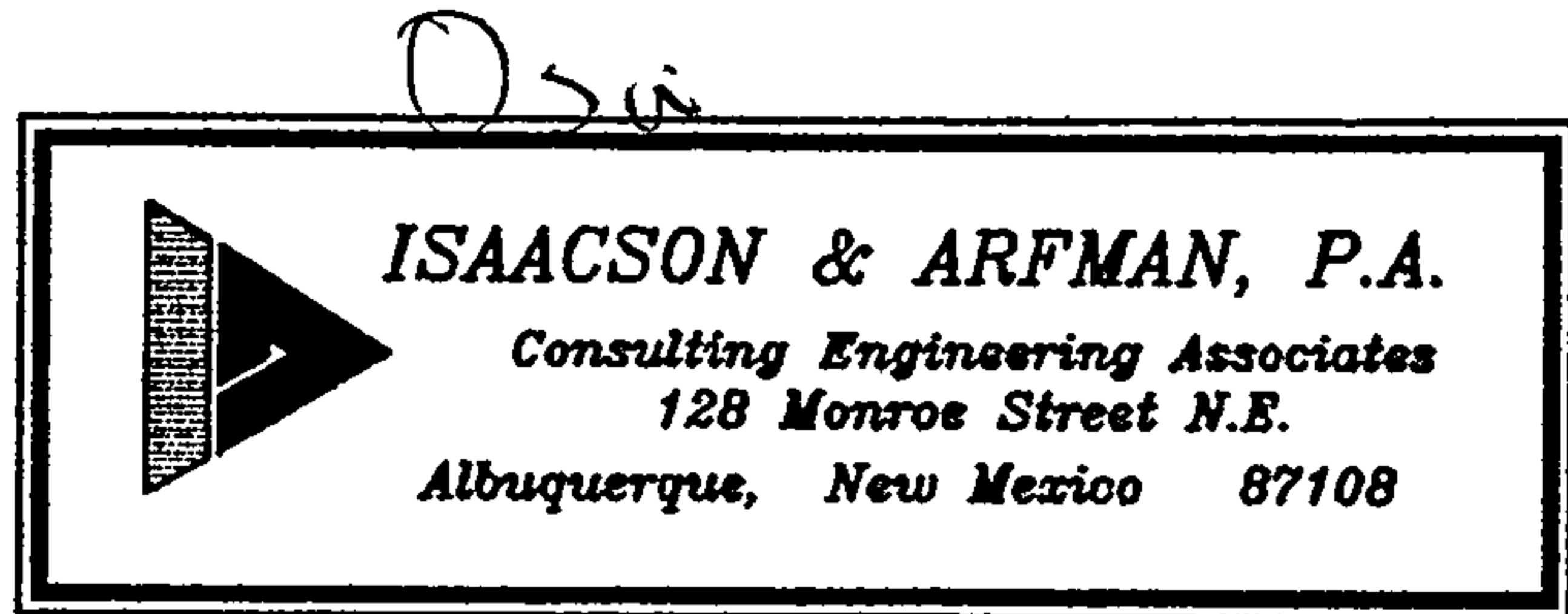
Southern Wine & Spirits of NM - Vacation

Isaacson & Arfman, as agents for Southern Wine & Spirits of NM would like to request a 2-week deferral. We are on the agenda for tomorrow, Wednesday 20<sup>th</sup> and would like to defer to the June 3<sup>rd</sup> meeting.

Thank you.

Paul Wilson-Weber  
Asa Nilsson-Weber  
Isaacson & Arfman, P.A.  
268-8828

# Letter of Transmittal



To: DRB Date: 5-8-09  
City of Albuquerque Job No. 1714

Attn: Jack Cloud - DRB Chair

Reference: DRB #1007766 - Southern Wine & Spirits of NM  
Vacation of Baca Lane

We transmit to you 1 copy(ies) of the following:

- |                                       |   |
|---------------------------------------|---|
| <input type="checkbox"/> _____ Plats  | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> _____ Plans  | <input type="checkbox"/> Submittals     |
| <input type="checkbox"/> _____ Disks  | <input type="checkbox"/> Shop Drawings  |
| <input type="checkbox"/> _____ Report | <input type="checkbox"/> Copy of Letter |
- Letter from adjacent land owner consenting to vacating Baca Ln.
- Purchase Agreement - current owner - " - - - - -"  
(see Paragraph 9) Southern Wine & Spirits are purchaser  
under contract.

This information is transmitted:

- |  |  |
|--|--|
| <input type="checkbox"/> As per your request             | <input checked="" type="checkbox"/> For your files |
| <input type="checkbox"/> For your review & approval      | <input type="checkbox"/> For your use              |
| <input checked="" type="checkbox"/> For your information | <input type="checkbox"/> Please review & return    |
| <input type="checkbox"/> For your attention              | <input type="checkbox"/> For return to your files  |
| <input type="checkbox"/> For your signature              | <input type="checkbox"/> Please advise             |
| <input type="checkbox"/> _____                           |  |
| <input type="checkbox"/> _____                           |  |

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: Asa Nilsson-Weber

Copies to: file

REAL ESTATE SERVICES  
COMMERCIAL  
INVESTMENTS  
LEASING  
PROPERTY MANAGEMENT  
RESIDENTIAL

1717 LOUISIANA BLVD. NE  
SUITE 111  
ALBUQUERQUE, NM 87110

(505) 268-2800  
FAX (505) 260-2179



**ROGER COX**  
AND ASSOCIATES  
PROPERTY MANAGEMENT, LLC

April 29, 2009

City of Albuquerque  
Development Review Board  
600 Second Street NW  
Albuquerque NM 87103

Southern Wine & Spirits of New Mexico, Inc.  
Tracts A-1 and B-2, Land of Pete Matteucci;  
Vacation of Baca Lane

Ladies and Gentlemen:

This letter confirms that the undersigned owner of Parcel 1-A-A-1-A, Plat of Parcels 1-A-A-1-A and A-1-A-1-A, Lands of Springer Corporation, consents to the application by Isaacson & Arfman, P.A., on behalf of Southern Wine & Spirits of New Mexico, Inc. to vacate the entire width of the Baca Lane right-of-way.

Very truly yours,  
SPRINGER INDUSTRIAL CENTER, LTD.  
A New Mexico limited partnership

By: **ROGER COX EQUITY CORPORATION**  
A New Mexico corporation  
General Partner

By   
Roger S. Cox, President

INDIVIDUAL MEMBERSHIPS



ROGER-COX.COM



## PURCHASE AGREEMENT

THE ESTATE OF RALPH L. MATTEUCCI, DECEASED; RICHARD L. MATTEUCCI; ALEXANDER P. MATTEUCCI; AND MARGARET MARY MATTEUCCI (collectively, the "Leasehold Owner"); and ALICE A. J. MATTEUCCI, Trustee UAD 1-18-01; ALEXANDER P. MATTEUCCI and NANCY P. MATTEUCCI, Co-Trustees of the ALEXANDER P. MATTEUCCI and NANCY P. MATTEUCCI TRUST dated 12-2-88; RICHARD L. MATTEUCCI; and MARGARET MARY MATTEUCCI (collectively, the "Fee Simple Owner" and, with the Leasehold Owner, the "Seller"); and SOUTHERN WINE & SPIRITS OF NEW MEXICO, INC., a New Mexico corporation and/or its assigns (the "Buyer"), agree:

1. Agreement of Purchase and Sale. Subject to the terms and conditions of this Purchase Agreement (the "Agreement"), Seller agrees to sell, and Buyer agrees to buy: (a) the following-described real property and all improvements thereon that are part of the real property (the "Fee Simple Interest") and (b) all improvements situated on the following-described real property and all other property interests in regard to such real property conferred upon Seller under the Lease Agreement by and between Margaret B. Matteucci and Richard Distributing Company dated December 31, 1973 (the "Ground Lease"), as amended by that certain Amendment to Lease dated May 19, 1978, as further amended by that certain Second Amendment to Ground Lease dated January 20, 2000, and as assigned by those certain Assignments recorded December 29, 2000, in Book A13, Page 7853, records of Bernalillo County, New Mexico, and January 5, 2001, in Book A14, Page 307, records of Bernalillo County, New Mexico (collectively, the "Leasehold Interest"), together with any and all easements, covenants, development rights and other rights appurtenant to such real property (collectively, the "Property"):

Tracts A-1 and B-2 of the Plat of DIVISION OF LAND OF PETE MATTEUCCI, as the same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on April 26, 1974 in Plat Book B9, folio 115, and more commonly known as 1601 Commercial Street N.E., Albuquerque, New Mexico 87102.

2. Purchase Price. [REDACTED]

[REDACTED] The Purchase Price will be payable as follows:

A. Earnest Money. The earnest money deposit described in this paragraph 2.A, together with all interest earned thereon while held by Escrow Agent, is referred to in this Agreement as the "Earnest Money."

(1) Initial Deposit. [REDACTED]

[REDACTED]

D. Permitted Exceptions. As used in this Agreement, the term "Permitted Exceptions" collectively means:

[REDACTED]

E. Title Insurance.

[REDACTED]

8. INTENTIONALLY DELETED

9. Planning and Land Use Cooperation. Seller will cooperate with any efforts by Buyer during the Feasibility Period to investigate or pursue planning or land use modifications to the Property, including the execution of applications and documents necessary for such modifications, provided such cooperation is at no expense to Seller. If, by the Feasibility Termination Date, all planning and land use issues have not been resolved to the extent necessary or desirable for Buyer to use the Property for Buyer's intended use, then, in Buyer's discretion, either: (i) this Agreement will terminate, in which case the Earnest Money will be returned to Buyer, or (ii) Seller and Buyer will agree to an extension of the Feasibility Termination Date sufficient for such issues to be resolved, provided such extension does not exceed [REDACTED] Days beyond the current Feasibility Termination Date. If the Feasibility Termination Date is extended as provided for in this paragraph and all planning and land use issues have not been resolved before the new Feasibility Termination Date,

[REDACTED]

Date: \_\_\_\_\_, 2009.

SELLER:

*Alice A.J. Matteucci*

PERSONAL REPRESENTATIVE OF THE  
ESTATE OF RALPH L. MATTEUCCI, DECEASED

\_\_\_\_\_  
RICHARD L. MATTEUCCI

\_\_\_\_\_  
ALEXANDER P. MATTEUCCI

\_\_\_\_\_  
MARGARET MARY MATTEUCCI

*Alice A.J. Matteucci*

ALICE A. J. MATTEUCCI, Trustee UAD 1-18-01

\_\_\_\_\_  
ALEXANDER P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

\_\_\_\_\_  
NANCY P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

BUYER:

SOUTHERN WINE & SPIRITS OF  
NEW MEXICO, INC.,  
a New Mexico corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_



CITY OF ALBUQUERQUE  
 PLANNING DEPARTMENT  
 DEVELOPMENT REVIEW BOARD

May 13, 2009

**Project# 1007766**

09DRB-70147 VACATION OF PUBLIC UTILITY EASEMENT  
 09DRB-70148 VACATION OF PUBLIC RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agent(s) for SOUTHERN WINE & SPIRITS OF NEW MEXICO, INC request(s) Vacation (closing) of BACA LANE NE between COMMERCIAL ST NE and the AT & SF Railroad Right-of-Way, plus Vacation of the adjacent PNM and MST & T Co. 7 foot Easement on adjacent Tract A-1, **LANDS OF PETE MATTEUCCI** zoned SU-2/ HM, located on the north sde of BACA LN NE and the west side of COMMERCIAL ST NE. (J-14)

<b>AMAFCA</b> No comment.
<b>COG</b> No comment
<b>TRANSIT</b> Adjacent and nearby routes Commuter Peak Hour Route #6, Indian School, and Route #16/18, Broadway-University-Gibson route pass near the site on Broadway and then head east on Odelia. Adjacent bus stops Nearest bus stop is on Odelia, for the above-mentioned routes and is approximately 550 feet east from the southeast corner of the property. Site plan requirements None Large site TDM suggestions None. Other information None.
<b>ZONING ENFORCEMENT</b> No comment
<b>NEIGHBORHOOD COORDINATION</b> No comment
<b>APS</b> Since this development will be more than 300 yards away from a school, this will have no adverse impacts to the APS district.
<b>POLICE DEPARTMENT</b> No comment
<b>FIRE DEPARTMENT</b> No comment
<b>PNM ELECTRIC &amp; GAS</b> No comment
<b>COMCAST</b> No comment
<b>QWEST</b> No comment



<p><b>ENVIRONMENTAL HEALTH</b> No comment</p>
<p><b>M.R.G.C.D</b> No adverse comments</p>
<p><b>OPEN SPACE DIVISION</b> Open Space has no adverse comments</p>
<p><b>CITY ENGINEER</b> The Hydrology section has no objection to the vacatio request but may need to retain a storm drain easement in Baca St.</p>
<p><b>TRANSPORTATION DEVELOPMENT</b> Additional information must be provided regarding the proposed vacation action. Will the remaining Baca Lane meet the criteria for a stub street? If not, an appropriate turnaround must be provided.</p>
<p><b>PARKS AND RECREATION</b> Defer to the affected agencies.</p>
<p><b>ABCWUA</b> No objection to Vacation requests.</p>
<p><b>PLANNING DEPARTMENT</b> Refer to comments from affected agencies and any public hearing comments regarding proposed vacation. If approved, asements will need to be retained.</p>

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

**7766**

### DXF Electronic Approval Form

DRB Project Case #: 1007766

Subdivision Name: TRACT A, LANDS OF MATTEUCCI TRUST

Surveyor: RUSS P HUGG

Contact Person: RUSS P HUGG

Contact Information: 897-3366

DXF Received: 3/21/2012

Hard Copy Received: 3/21/2012

Coordinate System: NMSP Grid (NAD 83)

  
Approved

3-21-12  
Date

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

**AGIS Use Only**  
Copied fc7766 to agiscov on 3/21/2012 Contact person notified on 3/21/2012

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

06/04/2009 Issued By: E08375

**Permit Number: 2009 070 148**

**Category Code 910**

**Application Number: 09DRB-70148, Vacation Of Public Right-Of-Way**

**Address:**

**Location Description: BACA LANE NE BETWEEN COMMERCIAL ST NE AND AT & SF RAILROAD**

**Project Number: 1007786**

**Applicant**

*Southern Wine & Spirits Of New Mexico, Inc*

1600 Nw 163rd St  
Miami FL 33169  
305-827-1400

**Agent / Contact**

*Isaacson And Arfman Pa*  
Jenny Donart  
128 Monroe St Ne  
Albuquerque NM 87108

iamengrs@swcp.com

**Application Fees**

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB Actions	\$110.00
<b>TOTAL:</b>		<b>\$110.00</b>

City Of Albuquerque  
Treasury Division

6/4/2009 2:43PM LOC: ANNX  
WSH 008 TRANSH 0027  
RECEIPT# 00106230-00106230  
PERMIT# 2009070148 TRSASR  
Trans Amt \$110.00  
DRB Actions \$110.00  
CK \$110.00  
CHANGE \$0.00

Thank You





# City of Albuquerque Planning Department

## DEVELOPMENT AND BUILDING SERVICES

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STANDARD APPLICATION, Paper Plans Required

### DEVELOPMENT REVIEW BOARD

03/06/2012 Issued By: BLDAVM 138452

Category Code **910**  
**2012 070 088**

**Application Number:** 12DRB-70088, Minor - Preliminary/ Final Plat Approval

**Address:**

**Location Description:** COMMERCIAL BETWEEN BACA AND MCKIGHT

**Project Number:** 1007766

#### Applicant

MATTEUCCI TRUST, ET. AL.

4128 COE DR NE  
ALBUQUERQUE NM 87110

#### Agent / Contact

SURV-TEK INC  
RUSS HUGG  
9384 VALLEY VIEW DR NW  
ALBUQUERQUE NM 87114

RUSSHUGG@SURVTEK.COM

#### Application Fees

441018/4943000	APN Fee	
441032/3416000	Conflict Mgmt Fee	<b>\$20.00</b>
441006/4958000	DRB Actions	<b>\$215.00</b>
<b>TOTAL:</b>		<b>\$235.00</b>

City Of Albuquerque  
Treasury Division

3/6/2012 10:24AM LOC: ANNX  
WS# 006 TRANS# 0005  
RECEIPT# 00144994-00144994  
PERMIT# 2012070088 TRSCCS  
Trans Amt \$235.00  
Conflict Manag. Fee \$20.00  
DRB Actions \$215.00  
CK \$235.00  
CHANGE \$0.00

Thank You

Complete

DRB CASE ACTION LOG - BLUE SHEET

- Preliminary/Final Plat [FP]
- Site Plan - Subdivision [SPS]
- Site Plan - Building Permit [SBP]

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

Project #: 1007766 Application #: 12DRB-70088  
 Project Name: Tract A, Lands of Matteucci Trust  
 Agent: SUN-TEK Inc. Phone #:

**\*\*Your request was approved on 3-21-12 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed\*\***

- TRANSPORTATION: address encroachments
- ABCWUA:
- CITY ENGINEER / AMAFCA:
- PARKS / CIP:
- PLANNING (Last to sign): 6/2

**PLATS:**

- 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.
  - County Treasurer's signature must be obtained prior to the recording of the plat with County Clerk.
- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.

**ALL SITE PLANS:**

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



Supplemental Form (SF)

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plan boundaries)
- 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, Board of Appeals

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

**APPLICATION INFORMATION:**

Professional/Agent (if any): SURV-TEK, INC PHONE: 897-3366  
 ADDRESS: 9384 VALLEY VIEW DR. NW FAX: 897-3377  
 CITY: ALB STATE NM ZIP 87114 E-MAIL: RUSSTHUGGA@SURVTEK.COM

APPLICANT: MATTEUCCI TRUST, ET AL. PHONE: 844-2228  
 ADDRESS: 4128 COE DRIVE NE FAX: —  
 CITY: ALB STATE NM ZIP 87110 E-MAIL: —

Proprietary interest in site: OWNERS List all owners: (SEE ATTACHED AUTHORIZATION LETTER)

DESCRIPTION OF REQUEST: MINOR PRELIMINARY/FINAL PLAT TO COMBINE 2 TRACTS INTO 1 TRACT

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. TRACT B-2, LANDS OF PETE MATTEUCCI Block: — Unit: —  
~~TRACT 1, LANDS OF MATTEUCCI TRUST AND SPRINGER CORP.~~  
 Subdiv/Addr (TBKA): TRACT A, LANDS OF MATTEUCCI TRUST  
 Existing Zoning: SU-2 HM Proposed zoning: SAME MRGCD Map No. N/A  
 Zone Atlas page(s): D-14 UPC Code: 101405841246311652  
101405841547411648

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): 1007766

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? N/A  
 No. of existing lots: 2 No. of proposed lots: 1 Total site area (acres): 3.9712

LOCATION OF PROPERTY BY STREETS: On or Near: COMMERCIAL STREET NE  
 Between: BACA LANE NE and McKNIGHT AVE NE

Check if project was previously reviewed by: Sketch Plat Plan  or Pre-application Review Team (PRT)  Review Date: —

SIGNATURE [Signature] DATE 3.2.12

(Print Name) RUSSTHUGGA Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 6/2011

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>12DRB - 70088</u>	<u>P&amp;F</u>	—	<u>\$ 215.00</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 type="checkbox"/> AGIS copy has been sent	—	—	—	\$ —
<input type="checkbox"/> Case history #s are listed	—	—	—	\$ —
<input type="checkbox"/> Site is within 1000ft of a landfill	—	—	—	\$ —
<input type="checkbox"/> F.H.D.P. density bonus	—	—	—	\$ —
<input type="checkbox"/> F.H.D.P. fee rebate	—	—	—	\$ —
				Total
				<u>\$ 235.00</u>

Hearing date March 21, 2012

[Signature]  
3-6-12  
 Staff signature & Date

Project # 1007766



**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.

- ~~N/A~~ 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) 6 copies for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- ~~N/A~~ Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- ~~N/A~~ 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
- ~~N/A~~ 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
- ~~N/A~~ 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.

Russ Hugg  
Applicant name (print)  
[Signature]  
Applicant signature / date  
3-2-12



Form revised October 2007

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

Application case numbers  
12 - DRB - 70088

[Signature]  
Planner signature / date  
3-6-12  
Project # 1007766

# SURV TEK, INC.

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## Consulting Surveyors

9384 Valley View Drive, NW Albuquerque, New Mexico 87114

Phone: 505-897-3366 Fax: 505-897-3377 E-mail: russhugg@survtek.com

March 2, 2012

Albuquerque Development Review Board  
PO Box 1293  
Albuquerque, New Mexico 87103

Attention: Mr. Jack Cloud, Chair

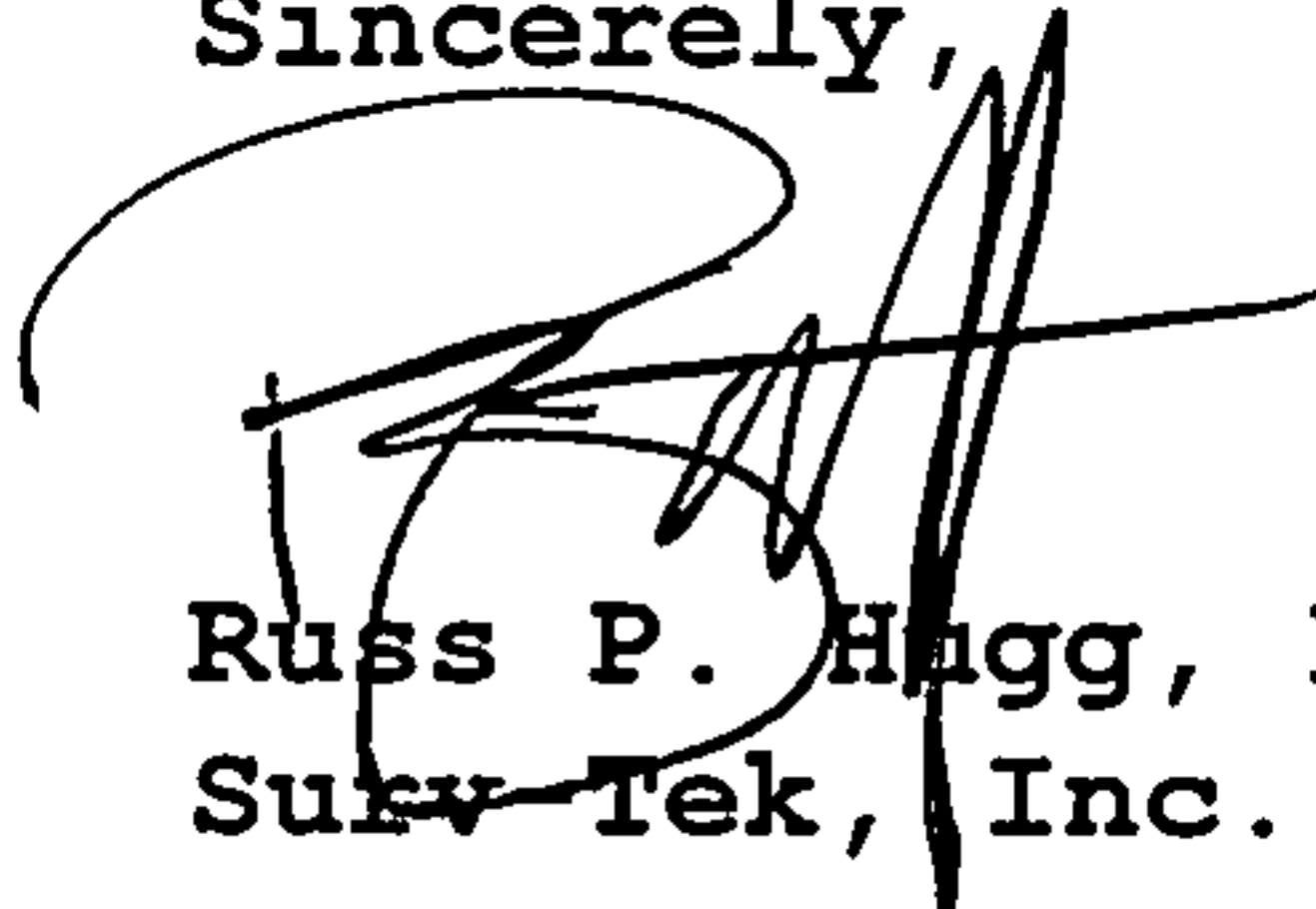
Re: Tract B-2, Lands of Pete Matteucci and Tract 1, Lands of  
Matteucci Trust and Springer Corporation, City of  
Albuquerque, Bernalillo County, New Mexico. City Zone Atlas  
Page J-14.

Dear Mr. Cloud

The owners of the above captioned property, The Matteucci Family  
Trust, et al, are hereby filing application with the City of  
Albuquerque Development Review Board for a Minor  
Preliminary/Final Plat approval to combine two (2) existing  
tracts into One (1) tract.

If you have any questions concerning this request, please feel  
free to contact me at your convenience.

Sincerely,



Russ P. Hagg, PS  
Surv-Tek, Inc.





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

**AGIS**  
Albuquerque Geographic Information System

Map amended through: 1/24/2011

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**J-14-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



February 14, 2012

Mr. Russ Hugg  
Surv-Tek, Inc.  
9384 Valley View Drive NW  
Albuquerque, New Mexico 87114

Re: Tract B-2, Lands of Pete Mattuecci and Tract 1, Lands of  
Matteucci Trust and Springer Corporation, City of Albuquerque,  
Bernalillo County, New Mexico. City Zone Atlas Page J-14.

Dear Russ:


By this letter, we hereby authorize you to act as agent on our behalf  
for the replatting of the above referenced tracts.

Please call me if you have any further questions.

Sincerely,

MATTEUCCI INVESTMENTS, LLC

  
James Matteucci, Managing Member

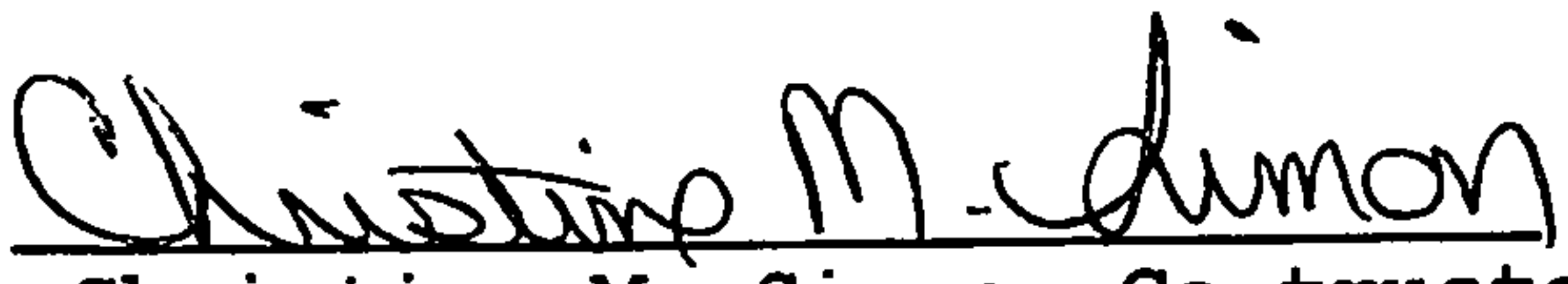
  
Richard Matteucci, Owner

MARGARET MARY MATTEUCCI TRUST UAD 9/30/91

  
Margaret Mary Matteucci, Trustee

ALEXANDER P. AND NANCY P. MATTEUCCI REVOCABLE TRUST

  
Nancy P. Matteucci, Co-trustee

  
Christine M. Simon, Co-trustee



City of Albuquerque

Legislative File Number O-07-72 (version 4)

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## **CITY of ALBUQUERQUE SEVENTEENTH COUNCIL**

F/S Enacting The Albuquerque Archaeological Ordinance; Establishing Procedures To Protect Archaeological Sites Within The City; Creating a Criminal Penalty; Amending Sections ROA 1994, Portions of The Capital Improvements Program Ordinance, The Subdivision Ordinance and The Comprehensive Zoning Code (Heinrich)

## **CITY of ALBUQUERQUE SEVENTEENTH COUNCIL**

**ENACTING THE ALBUQUERQUE ARCHAEOLOGICAL ORDINANCE;  
ESTABLISHING PROCEDURES TO PROTECT ARCHAEOLOGICAL SITES  
WITHIN THE CITY; CREATING A CRIMINAL PENALTY; AMENDING SECTIONS  
2-12-2, 14-16-1-5 AND 14-14-3-4, ROA 1994, PORTIONS OF THE CAPITAL  
IMPROVEMENTS PROGRAM ORDINANCE, THE COMPREHENSIVE ZONING  
CODE AND THE SUBDIVISION ORDINANCE.**

**BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
ALBUQUERQUE:**

**Section 1. SHORT TITLE.** This ordinance may be cited as the "Albuquerque Archaeological Ordinance."

**Section 2. APPLICABILITY.** This Ordinance applies when an applicant initiates the approval process for any of the following:

- (A) a preliminary plat for any subdivision that is five acres or more in size;**
- or**
- (B) a site development plan or master development plan for a project that is five acres or more in size on property that is zoned SU-1 Special Use, IP**

← N/A.

Industrial Park, an SU-2 zone that requires site plan review, PC Planned Community with a site plan requirement, or meets the Zoning Code definition of a Shopping Center site.

**Section 3. DEFINITIONS. As used in the Albuquerque Archaeological Ordinance:**

**APPLICANT.** A person who files an application and/or begins the City approval process for which this Ordinance applies.

**ARCHAEOLOGICAL RESOURCE.** Material remains of past human activity and life which are of archaeological interest including, but not limited to: pottery, basketry, bottles, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources unless found in an archaeological context. No item shall be treated as an archaeological resource unless such item is at least seventy-five (75) years old. Material remains that are structures may be considered under the City's Landmarks and Urban Conservation Ordinance.

**ARCHAEOLOGICAL SITE, SIGNIFICANT.** A geographic location which contains an archaeological resource likely, as determined by the City Archaeologist, to yield information important to the prehistory or history of the Albuquerque area.

**ARCHAEOLOGICAL SURVEY.** A visual inspection conducted on foot that examines, identifies, records, evaluates and interprets all surface visible archaeological resources.

**ARCHAEOLOGIST, QUALIFIED.** A professional archaeologist who meets minimum standards to hold a current State General Permit at the Principal Investigator level issued by the New Mexico Cultural Properties Review Committee. The City Archaeologist shall be a qualified archaeologist who, within six months of hire, obtains a current State Annual General Permit at the





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 (Form D)**

- 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)
- D 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 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICATION INFORMATION:**

Professional/Agent (if any): Isaacson + Artman, P.A. PHONE: 268-8828  
 ADDRESS: 128 Monroe St. NE FAX: 268-2632  
 CITY: Albuquerque STATE NM ZIP 87108 E-MAIL: asa@iacivil.com  
 APPLICANT: Southern Wine + Spirits of New Mexico, Inc. PHONE: (305)627-1400  
 ADDRESS: 1600 NW 163rd Street FAX: (305)621-9157  
 CITY: Miami STATE FL ZIP 33169 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: Owner List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: Major Subdivision Final Plat Approval

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. Tract A-1, Pete Matteucci + Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Tract 1-A-A-1-A, Springer Corporation (tbka Tracts 1+2, \*  
 Existing Zoning: SU-2 HM Proposed zoning: Same MRGCD Map No NA  
 Zone Atlas page(s): J-14 UPC Code: 101405841146211652 +  
101405841639911633

CASE HISTORY: \* Lands of Matteucci Trust + Springer Corporation  
 List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.): S-74-136(SP);  
09DRB-70147; 09DRB-70148

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? No  
 No. of existing lots: 2 No. of proposed lots: 2 Total area of site (acres): 13.7988

LOCATION OF PROPERTY BY STREETS: On or Near: BACALANE NE  
 Between: Commercial St. NE and AT+SF Railroad

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

SIGNATURE Asa Nilsson-Weber DATE 12-14-09  
 (Print) Asa Nilsson-Weber Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Form revised 4/07

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>09DRB 70386</u>	<u>P&amp;E</u>	<u>5(3)</u>	<u>\$ 285.00</u>
_____	<u>CME</u>	_____	<u>\$ 20.00</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>12/23/09</u>			Total <u>\$ 305.00</u>

Sandy Handley 12/15/09  
 Planner signature / date

Project # 1007764

**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.
- 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.
- ~~NA~~ 5 Acres or more: Certificate of No Effect or Approval
  - Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings
  - ~~NA~~ Signed & recorded Final Pre-Development Facilities Fee Agreement for **Residential** development only
  - ~~NA~~ 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
  - ~~NA~~ 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
  - ~~NA~~ Infrastructure list if required (**verify with DRB Engineer**)
  - DXF file and hard copy of final plat data for AGIS is required. *forthcoming*

- 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.

Asa Nilsson-Weber  
Applicant name (print)  
Asa Nilsson-Weber 12-14-09  
Applicant signature / date



Form revised **October 2007**

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

Application case numbers  
 @ 9 DRB- \_\_\_\_\_ - 70386  
 \_\_\_\_\_  
 \_\_\_\_\_

Sandy Handley 12/15/09  
Planner signature / date  
 Project # 1007766





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

**AGIS**  
Albuquerque Geographic Information System

Map amended through: 6/5/2009

Note: Grey Shading Represents Area Outside of the City Limits

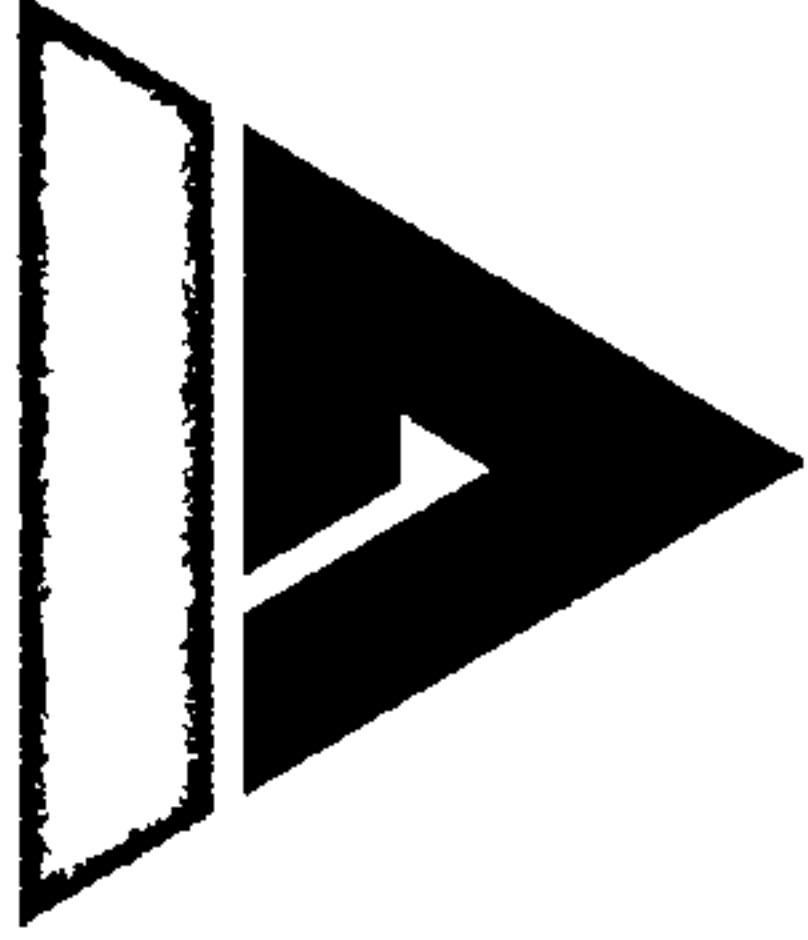
Zone Atlas Page:  
**J-14-Z**

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





# Isaacson & Arfman, P.A.

Consulting Engineering Associates

*Thomas O. Isaacson, PE & LS · Fred C. Arfman, PE · Åsa Nilsson-Weber, PE*

December 14, 2009

Mr. Jack Cloud  
DRB Chair  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87102

**RE: DRB Submittal for Replat of Tract A-1, Land of Pete Matteucci  
and Tract I-A-A-1-A, Springer Corporation  
Zone Atlas J-14  
Project No. 1007766**

Dear Mr. Cloud:

Isaacson & Arfman, P.A., as agent for Southern Wine & Spirits of New Mexico, Inc., (Purchaser under Contract) and Springer Industrial Center, Ltd., is requesting approval of a replat that shall create two new tracts to incorporate vacated Baca Lane right-of-way, show vacation of a public utility easement and show a new 25' public storm drain easement. The vacation of the right-of-way and public utility easement was approved on June 10, 2009.

Southern Wine & Spirits of New Mexico and Springer Corporation shall each purchase half of the vacated right-of-way—see attached “Final Compensation Determination for Vacated Right-of-Way”.

If you have questions regarding this submittal, please call me at 268-8828.

Sincerely,  
**ISAACSON & ARFMAN**

Åsa Nilsson-Weber

Attachments



Southern Wine & Spirits ~~#1714~~ #1714

**CITY OF ALBUQUERQUE**  
**FINAL COMPENSATION DETERMINATION FOR**  
**VACATED RIGHT OF WAY**

PROPOSED GRANTEE AND ADDRESS: Undetermined,  
Agent is Isaacson and Artman

DESCRIPTION OF VACATED RIGHT OF WAY: Baca Lane NE,  
west of Broadway and Odessa

BASE VALUE ESTIMATE: \$7.50

**VACATED RIGHT OF WAY**

TOTAL SQUARE FOOTAGE UNENCUMBERED: 7,599 (est.)  
ADJUSTED COMPENSATION PER SQUARE FOOT: \$3.75  
SUB-TOTAL COMPENSATION: \$28,496.25

TOTAL SQUARE FOOTAGE ENCUMBERED: 7,599  
ADJUSTED COMPENSATION PER SQUARE FOOT: \$1.875  
SUB-TOTAL COMPENSATION: \$14,248.13

**DEDICATED RIGHT OF WAY OFFSET**

SQUARE FOOTAGE: - 0 - VALUE PER SQUARE FOOT:             
SUB-TOTAL OFFSET: - 0 -

TOTAL NET COMPENSATION: \$42,744.38

RIGHT-OF-WAY SUPERVISOR: Scott M. Howell 7-28-09  
Scott M. Howell Date

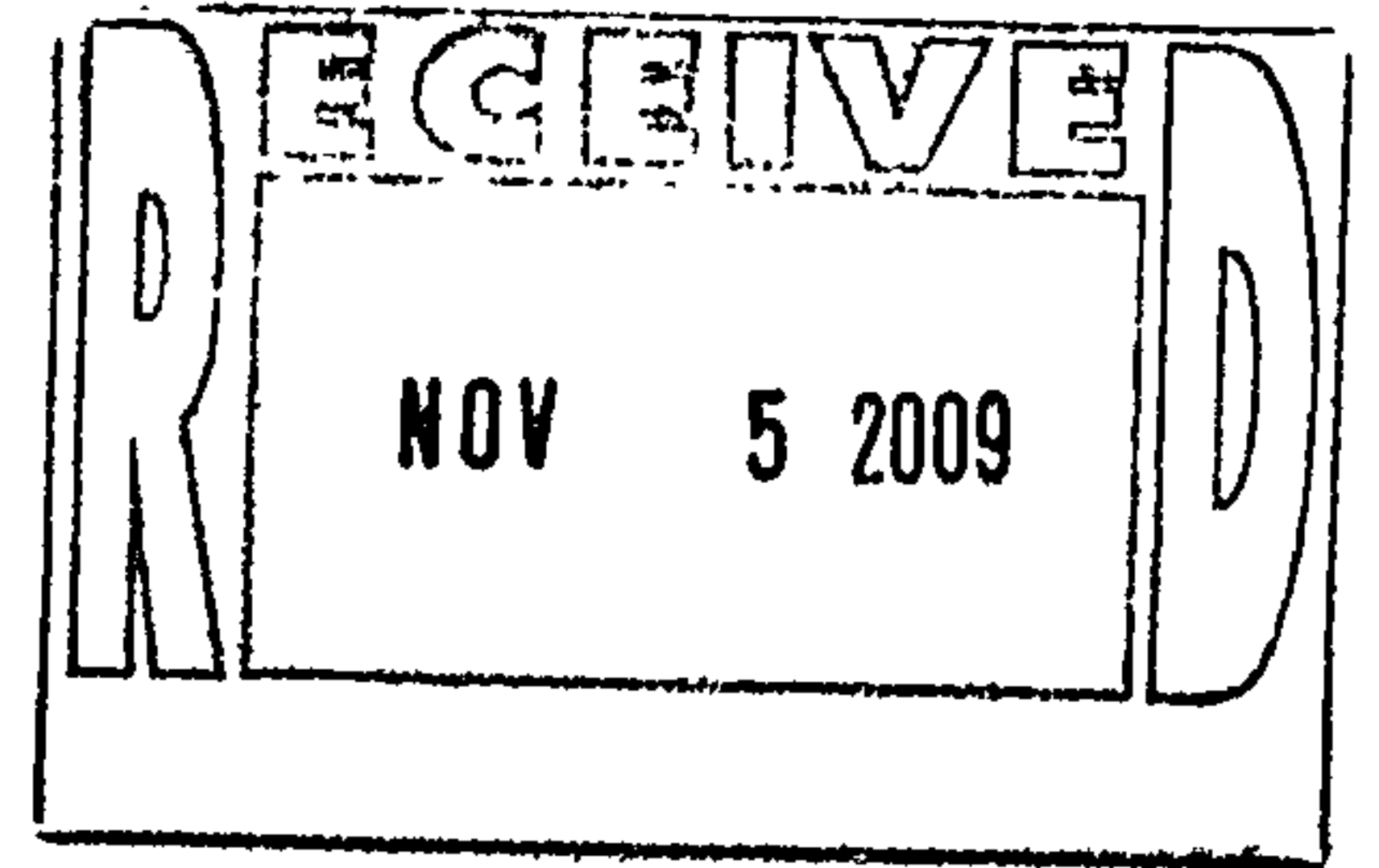
PROPERTY MANAGER APPROVAL: position vacant

DATE DETERMINATION EXPIRES: 1-28-10

Call Scott Howell at 768-2771, or email [showell@cabq.gov](mailto:showell@cabq.gov) with questions. Compensation adjustments are based on property elements such as configuration, topography, retained municipal-use easements for public water, sanitary sewer, and/or storm drainage, or a general public utility easement. This determination is subject to revision 1) in six months, and/or, 2) the final plat presented for signature differs from the proposed plat. Make check in the above-referenced amount payable to City of Albuquerque and present to Property Management at the time that the plat is ready for signature (just prior to DBR Chairperson signature). For a quitclaim deed, present a copy of the newly recorded plat to Scott Howell, with precise name and address of grantee for the deed. Allow approximately two weeks for approval and processing of the deed.

**SUTIN THAYER & BROWNE**  
A PROFESSIONAL CORPORATION  
LAWYERS

6565 AMERICAS PARKWAY, N.E. • TWO PARK SQUARE, SUITE 1000  
POST OFFICE BOX 1945 • ALBUQUERQUE, NEW MEXICO 87103  
(505) 883-2500 • FAX (505) 888-6565



TO: Åsa Nilsson-Weber, P.E.  
Design Engineer  
Isaacson & Arfman, P.A.  
Consulting Engineering Associates  
128 Monroe St. N.E.  
Albuquerque, NM 87108

DATE: November 4, 2009

SUBJECT: Southern Wine & Spirits/Vacation of Baca Lane

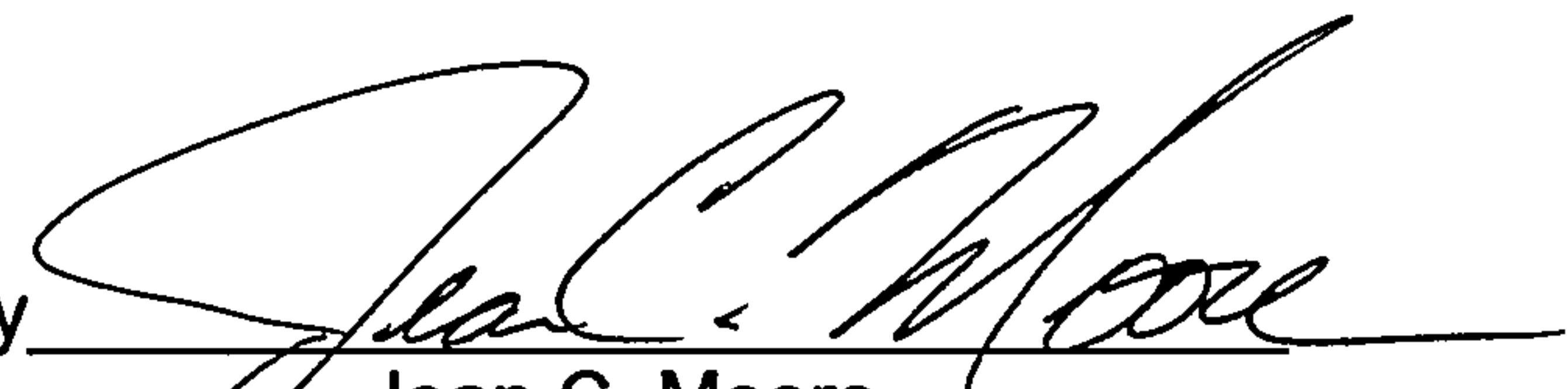
**DOCUMENTS ENCLOSED:**

1. Original letter from Springer Industrial Center, Ltd., to City of Albuquerque indicating Springer's desire to purchase half of vacated easement and Springer's consent to SWS processing the replat.
2. Original letter (in two counterparts) from Richard Matteucci et al. indicating the Matteuccis' consent to the replat and to the role of SWS, Isaacson & Arfman and, if necessary, Dekker Perich.
3. Copy of recorded Durable Limited Power of Attorney allowing SWS to act for the Matteuccis in processing the replat.

Please call with any questions

Very truly yours,

SUTIN, THAYER & BROWNE  
A Professional Corporation

By   
Jean C. Moore  
Albuquerque Office

JCM:cxb  
Enclosures  
1525773.doc

cc: Scott M. Howell - Right-of-Way Supervisor/Acting Real Property Division  
Administrator; City of Albuquerque - Legal Department (email  
[SHowell@cabq.gov](mailto:SHowell@cabq.gov))  
Southern Wine & Spirits of New Mexico, Inc., Attn: Laurence Chaplin (email  
[LarryChaplin@SOUTHERNWINE.com](mailto:LarryChaplin@SOUTHERNWINE.com))

September 15, 2009

City of Albuquerque  
Planning Department  
600 2nd St. NW  
Albuquerque, NM 87103

Official Notice of Decision published by the City  
of Albuquerque Planning Department on June  
10, 2009, Project # 1007766

---

Ladies and Gentlemen:

The undersigned limited partnership owns Parcel 1-A-A-1-A, Plat of Parcels 1-A-A-1-A and A-1-A-1-A, Lands of Springer Corporation, which is the property immediately south of the Baca Lane easement vacated pursuant to the above-referenced Official Notice of Decision.

We write to indicate our desire to purchase the south half of the vacated easement for the amount of \$14,248.13 as indicated in the City of Albuquerque Final Compensation Determination for Vacated Right of Way, attached. Please let us know how to proceed.

We understand and agree that Southern Wine & Spirits of New Mexico, Inc., on behalf of the affected owners including the undersigned partnership, is pursuing with the City of Albuquerque (the "City") a replat showing the right-of-way vacations approved by the City as described in the above-referenced Official Notice of Decision, with the south half added to our parcel. We will sign an appropriate replat and such other documents as are reasonably required by the City in order to obtain approval of the replat.

Very truly yours,

  
SPRINGER INDUSTRIAL CENTER, LTD.,  
a New Mexico limited partnership

By: ROGER COX EQUITY  
CORPORATION,  
a New Mexico corporation,  
General Partner

By:   
Roger S. Cox, President

cc: Scott M. Howell - Right-of-Way Supervisor/Acting Real Property Division  
Administrator; City of Albuquerque - Legal Department (email  
[SHowell@cabq.gov](mailto:SHowell@cabq.gov))

Southern Wine & Spirits of New Mexico, Inc., c/o Sutin, Thayer & Browne A  
Professional Corporation, Attn: Jean C. Moore, Esq. (email [JCM@sutinfirm.com](mailto:JCM@sutinfirm.com))<sup>ERSHIPS</sup>





December 8, 2009

City of Albuquerque  
Planning Department  
600 2<sup>nd</sup> Street N. W.  
Albuquerque, NM 87103

**Re: Official Notice of Decision by the City of Albuquerque Planning  
Department on June 10, 2009 – Project #1007766**

Ladies and Gentlemen:

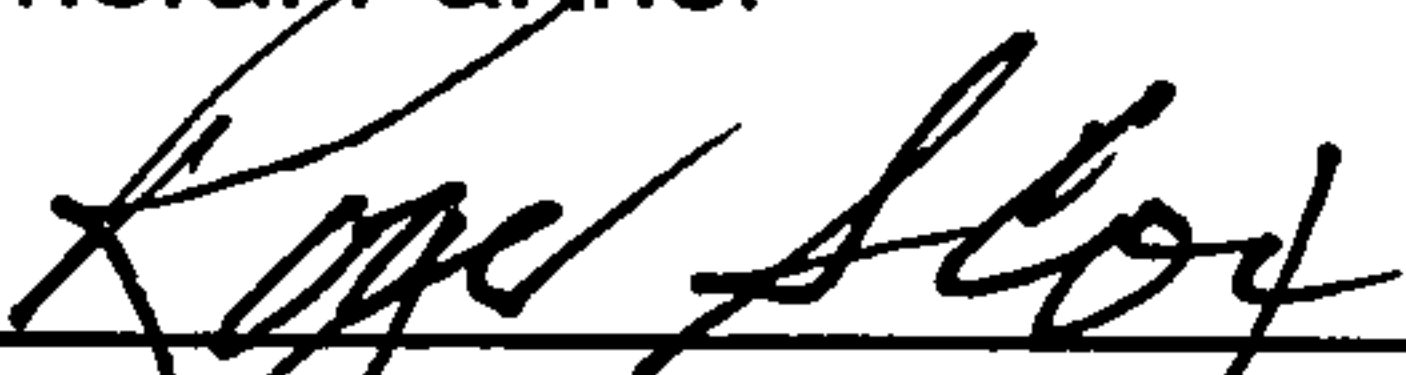
This letter supplements our letter to you dated September 15, 2009 (enclosed).

Springer Industrial Center, Ltd. authorizes Isaacson & Arfman, P. A., to submit to you on our behalf, the replat referenced in that letter.

Very truly yours,

SPRINGER INDUSTRIAL CENTER LIMITED PARTNERSHIP  
A New Mexico limited partnership

By: ROGER COX EQUITY CORPORATION, a New Mexico Corporation -  
General Partner

By:   
Roger S. Cox, President

Enclosure

cc: Southern Wine & Spirits of New Mexico, Inc. c/o Sutin Thayer & Browne, a  
Professional Corporation, Attn: Jean C. Moore, Esq.  
(email: [JCM@sutinfirm.com](mailto:JCM@sutinfirm.com))

September 30, 2009

City of Albuquerque  
Planning Department  
600 2nd St. NW  
Albuquerque, NM 87103

Tracts A-1 and B-2, Land of Pete Matteucci

Ladies and Gentlemen:

This letter confirms:

1. that the undersigned persons own all interests in the above-referenced real property;
2. that Southern Wine & Spirits of New Mexico, Inc., on behalf of the undersigned owners, is pursuing with the City of Albuquerque (the "City") a replat showing certain right-of-way vacations approved by the City as described in the Official Notice of Decision published by the City Planning Department on June 10, 2009, Project # 1007766; and
3. that the undersigned further appoint Dekker/Perich/Sabatini Ltd. and Isaacson & Arfman, P.A., who are contractors to Southern Wine & Spirits of New Mexico, Inc., as their agent for the sole and limited purpose of pursuing said replat.

Very truly yours,

---

ALICE A.J. MATTEUCCI,  
PERSONAL REPRESENTATIVE OF THE  
ESTATE OF RALPH L. MATTEUCCI, DECEASED

  
RICHARD L. MATTEUCCI

  
ALEXANDER P. MATTEUCCI

  
MARGARET MARY MATTEUCCI

ALICE A. J. MATTEUCCI, Trustee UAD 1-18-01

Alexander P. Matteucci

ALEXANDER P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

Nancy P. Matteucci

NANCY P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

cc: Southern Wine & Spirits of New Mexico, Inc., c/o Sutin, Thayer & Browne A  
Professional Corporation, Attn: Jean C. Moore, Esq. (email JCM@sutinfirm.com)  
1450457.doc



**DURABLE LIMITED POWER OF ATTORNEY**

THE ESTATE OF RALPH L. MATTEUCCI, DECEASED; RICHARD L. MATTEUCCI; ALEXANDER P. MATTEUCCI, individually and, with NANCY P. MATTEUCCI, Co-Trustees of the ALEXANDER P. MATTEUCCI and NANCY P. MATTEUCCI TRUST dated 12-2-88; MARGARET MARY MATTEUCCI; and ALICE A. J. MATTEUCCI, Trustee UAD 1-18-01 (collectively, "Grantors"); appoint SOUTHERN WINE & SPIRITS OF NEW MEXICO, INC., a New Mexico corporation, as their attorney-in-fact, effective immediately, to act in their name and on their behalf in doing only the following:

1. Preparing and submitting to the City of Albuquerque (the "City") a replat showing certain right-of-way vacations (the "Replat") approved by the City as described in the Official Notice of Decision published by the City Planning Department on June 10, 2009, Project # 1007766, attached hereto as Exhibit "A."

2. Signing, on behalf of the Grantors as owners of all interests in the real property described on the attached Exhibit "B" (the "Real Property"), Grantors' names on the Replat and such other documents as are reasonably required by the City in order to prepare, submit and obtain approval of the Replat.

3. Doing and performing any other thing necessary or desirable to be done with respect to completing the Replat as fully to all intents and purposes as we might or could do if personally acting. Completion of the Replat ("Completion") will occur upon the recordation in the real property records of Bernalillo County of a final Replat approved by the City.

We ratify and confirm all that the above-named attorney-in-fact may do by virtue of its role as our attorney-in-fact under this Durable Limited Power of Attorney.

This Durable Limited Power of Attorney is intended to create a durable power of attorney as provided in the New Mexico Uniform Power of Attorney Act, Sections 46B-1-101 et seq. NMSA 1978. This Durable Limited Power of Attorney will be recorded in the real property records of Bernalillo County, New Mexico, pursuant to Section 47-1-7 NMSA 1978. Any person, including attorney-in-fact, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

This Durable Limited Power of Attorney will terminate on June 26, 2010, or upon Completion, whichever occurs sooner. Termination of this Durable Limited Power of Attorney will be effective only as to actions taken by the above-named attorney-in-fact after termination.

[SIGNATURES ON NEXT PAGE]



Dated: Oct. 7, 2009

\_\_\_\_\_  
ALICE A.J. MATTEUCCI,  
PERSONAL REPRESENTATIVE OF THE  
ESTATE OF RALPH L. MATTEUCCI, DECEASED

Richard L. Matteucci  
RICHARD L. MATTEUCCI

\_\_\_\_\_  
ALEXANDER P. MATTEUCCI

Margaret Mary Matteucci  
MARGARET MARY MATTEUCCI

\_\_\_\_\_  
ALICE A. J. MATTEUCCI, Trustee UAD 1-18-01

\_\_\_\_\_  
ALEXANDER P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

\_\_\_\_\_  
NANCY P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

[ACKNOWLEDGMENTS NEXT PAGE]

Dated: Oct. 7, 2009

ALICE A.J. MATTEUCCI,  
PERSONAL REPRESENTATIVE OF THE  
ESTATE OF RALPH L. MATTEUCCI, DECEASED

Richard L. Matteucci  
RICHARD L. MATTEUCCI

Alexander P. Matteucci  
ALEXANDER P. MATTEUCCI

Margaret Mary Matteucci  
MARGARET MARY MATTEUCCI

ALICE A. J. MATTEUCCI, Trustee UAD 1-18-01

Alexander P. Matteucci  
ALEXANDER P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

Nancy P. Matteucci  
NANCY P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

[ACKNOWLEDGMENTS NEXT PAGE]



Dated: 10-7, 2009

Alice A.J. Matteucci  
ALICE A.J. MATTEUCCI,  
PERSONAL REPRESENTATIVE OF THE  
ESTATE OF RALPH L. MATTEUCCI, DECEASED

RICHARD L. MATTEUCCI

Alexander P. Matteucci  
ALEXANDER P. MATTEUCCI

MARGARET MARY MATTEUCCI

Alice A. J. Matteucci  
ALICE A. J. MATTEUCCI, Trustee UAD 1-18-01

Alexander P. Matteucci  
ALEXANDER P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

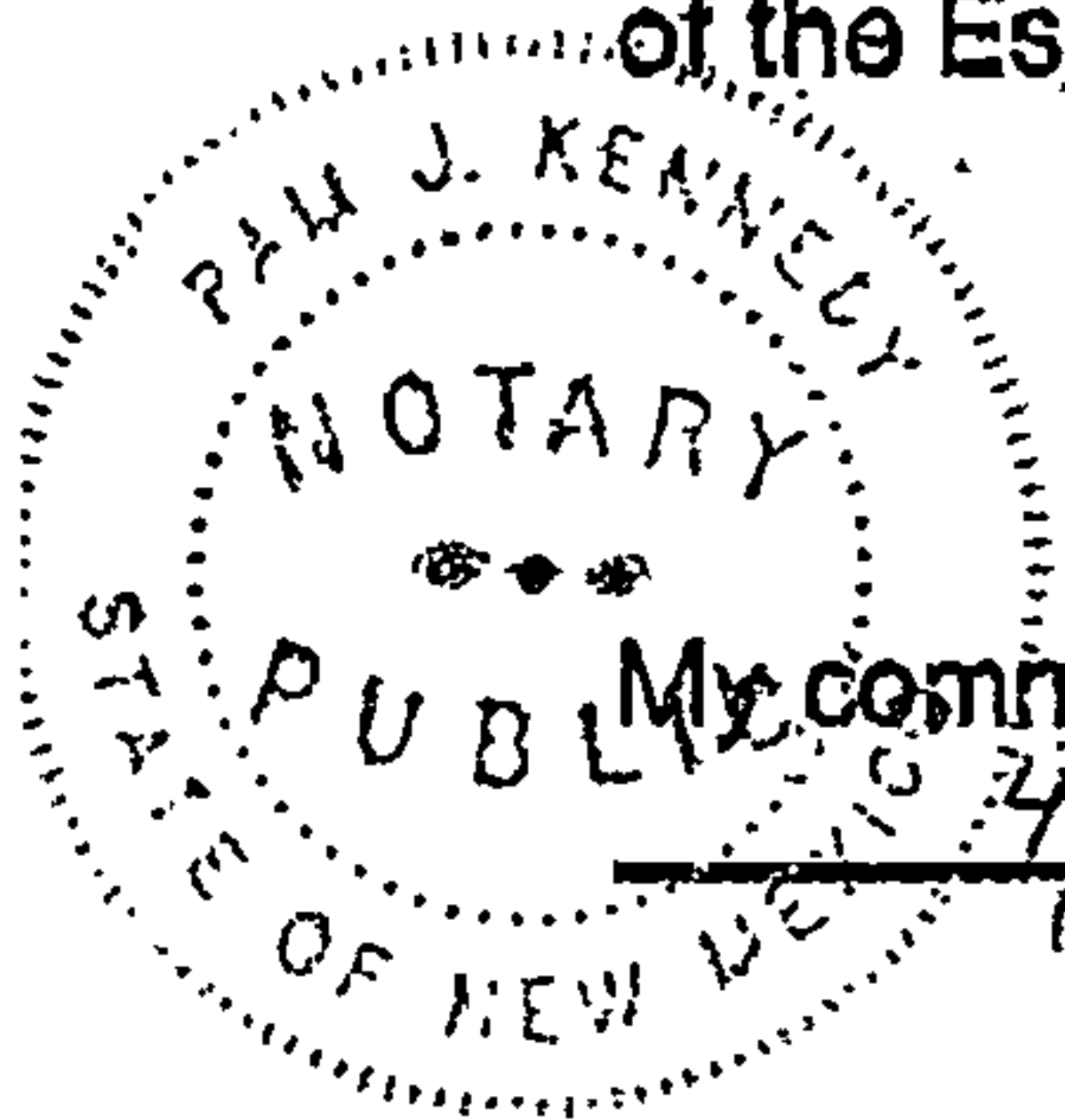
Nancy P. Matteucci  
NANCY P. MATTEUCCI,  
CO-TRUSTEE OF THE  
ALEXANDER P. MATTEUCCI AND NANCY P.  
MATTEUCCI TRUST DATED 12-2-88

[ACKNOWLEDGMENTS NEXT PAGE]

STATE OF NEW MEXICO

COUNTY OF Chaves

This instrument was acknowledged before me on October 7, 2009, by Alice A. J. Matteucci, Trustee UAD 1-18-01, and also personal representative of the Estate of Ralph L. Matteucci, Deceased.



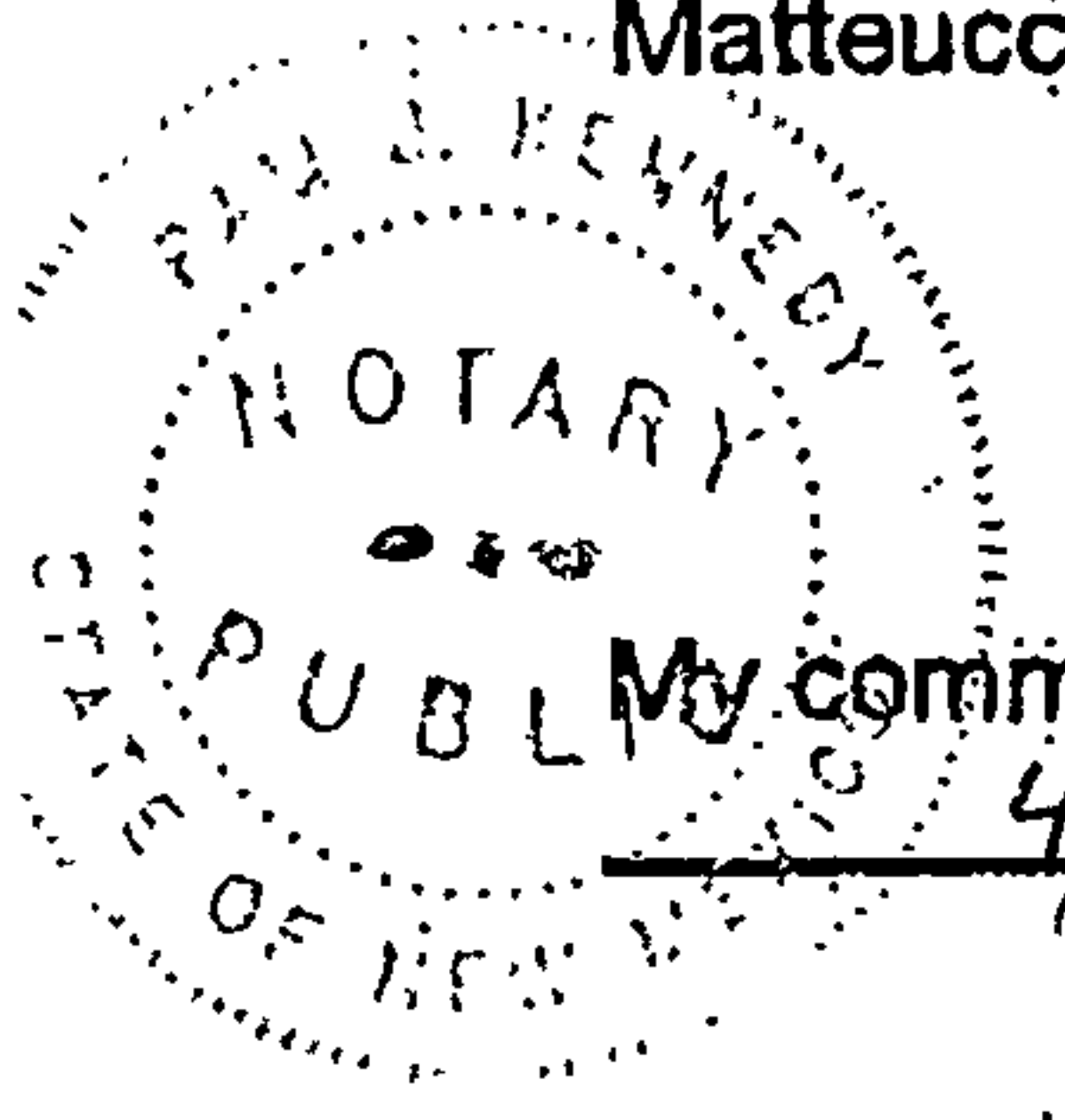
My commission expires: 4/19/12

Pam J. Kennedy  
Notary Public

STATE OF NEW MEXICO

COUNTY OF Chaves

This instrument was acknowledged before me on October 7, 2009, by Alexander P. Matteucci, individually and as Co-Trustee of the Alexander P. Matteucci and Nancy P. Matteucci Trust dated 12-2-88.



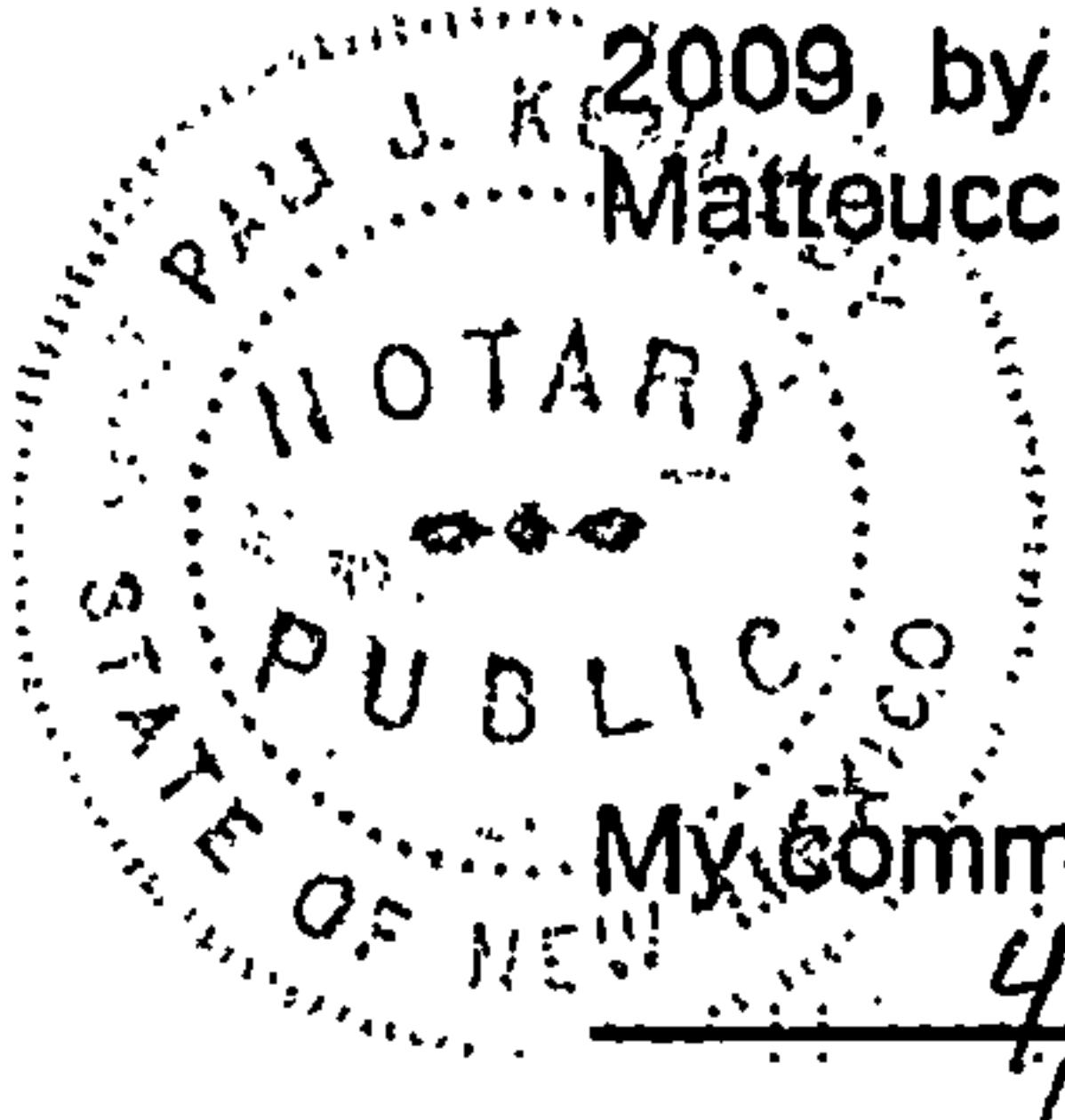
My commission expires: 4/19/12

Pam J. Kennedy  
Notary Public

STATE OF NEW MEXICO

COUNTY OF Chaves

This instrument was acknowledged before me on October 7, 2009, by Nancy P. Matteucci, Co-Trustee of the Alexander P. Matteucci and Nancy P. Matteucci Trust dated 12-2-88.



My commission expires: 4/19/12

Pam J. Kennedy  
Notary Public

STATE OF NEW MEXICO

COUNTY OF Bernalillo

This instrument was acknowledged before me on October 7, 2009  
2009, by Richard L. Matteucci.

Thomas Smidt  
Notary Public



OFFICIAL SEAL  
THOMAS SMIDT II  
NOTARY PUBLIC STATE OF NEW MEXICO  
My commission expires: 9/17/2013

My commission expires:  
9/17/2013

STATE OF NEW MEXICO

COUNTY OF Bernalillo

This instrument was acknowledged before me on October 7  
2009, by Margaret Mary Matteucci.

Thomas Smidt  
Notary Public



OFFICIAL SEAL  
THOMAS SMIDT II  
NOTARY PUBLIC STATE OF NEW MEXICO  
My commission expires: 9/17/2013

My commission expires:  
9/17/2013



**EXHIBIT A**  
**(Notice of Decision)**

Corporate  
Accounting

JUN 25 2009

Southern Wine & Spirits

Miami, FL



**OFFICIAL NOTICE OF DECISION**

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 10, 2009

**Project# 1007766**

09DRB-70147 VACATION OF PUBLIC EASEMENT

09DRB-70148 VACATION OF PUBLIC RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agent(s) for SOUTHERN WINE & SPIRITS OF NEW MEXICO, INC request(s) Vacation (closing) of BACA LANE NE between COMMERCIAL ST NE and the AT & SF Railroad Right-of-Way, plus Vacation of the adjacent PNM and MST & T Co. 7 foot Easement on adjacent Tract A-1, **LANDS OF PETE MATTEUCCI** zoned SU-2/ HM, located on the north sde of BACA LN NE and the west side of COMMERCIAL ST NE. (J-14) *[Deferred from 5/13/09, 5/20/09, 6/3/09]*

At the June 10, 2009 Development Review Board meeting, the vacations were approved as shown on Exhibit B in the Planning file based on the following Findings per section 14-14-7-2(A)(1) and (B) (1), (3) of the Subdivision Ordinance:

**FINDINGS:**

(A)(1) The public easment vacation and the vacation of public right-of-way requests wwere filed by the owners of a majority of the footage of land abutting the proposed vacations.

(B)(1) The public welfare is in no way served by retaining either the public easement or the public right-of-way respectively; the City of Albuquerque does anticipate any need to utilize the existing right of way for roadway purposes, however a drainage easement will need to be retained.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. Property owners of record abutting the proposed vacation were notified by first class mail at least six days prior to the Development Review Board hearing approving the vacation, and the other abutting property on the south side of the right of way indicated concurrence with the vacation.

**CONDITIONS:**

1. A storm drain easement shall be retained over the southern 25 feet of the vacated right of way for the Mid-Valley Drainage Improvement Project(s).

2. Final disposition of the vacated right of way shall be through the City Real Estate Office; if the property owner to the south of the vacated right of way elects to acquire the southern half, the Development Review Board request a replat be submitted within 6 months of this decision.

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.

If you wish to appeal this decision, you must do so by June 25, 2009 in the manner described below.

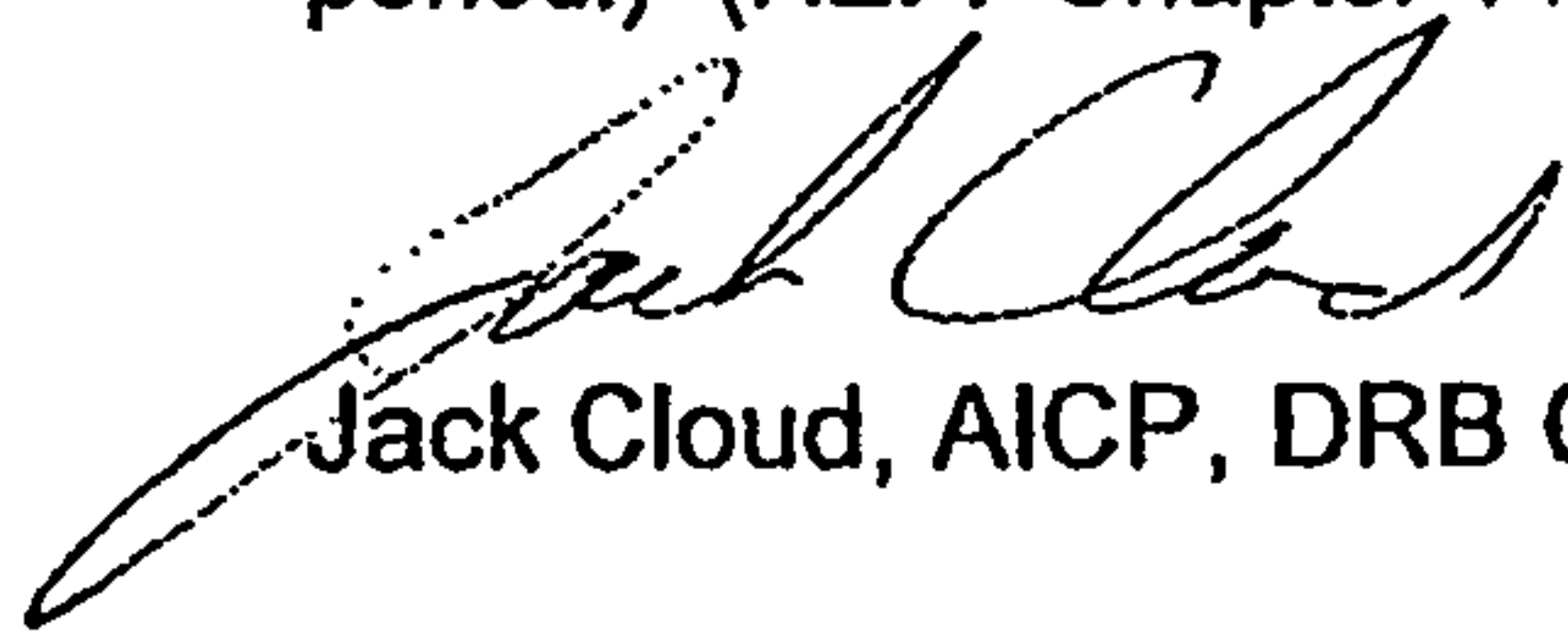
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

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

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



Jack Cloud, AICP, DRB Chair

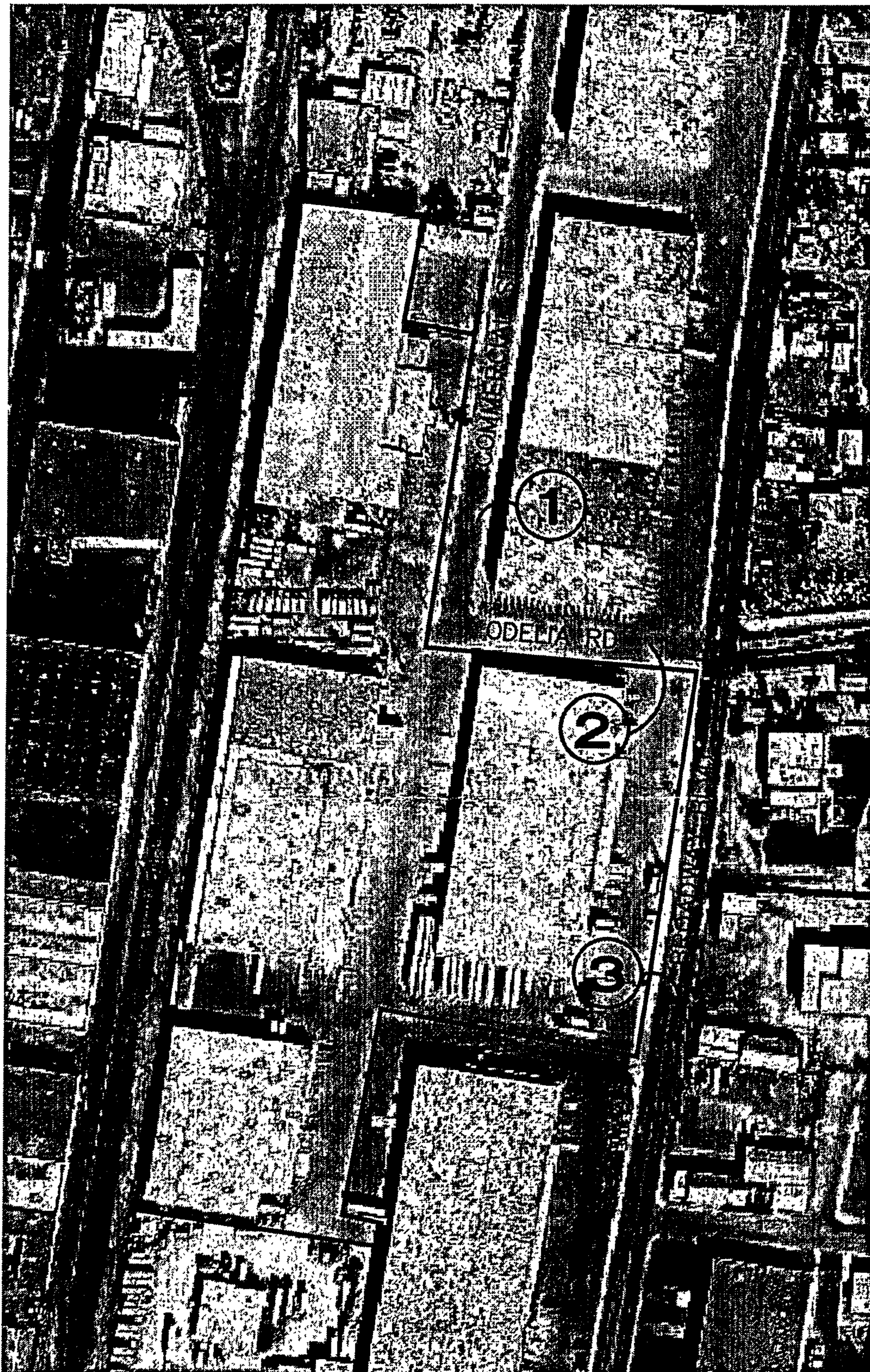
Cc: Isaacson & Arfman, P.A. – 128 Monroe Street NE – Albuquerque 87108  
Cc: Southern Wine & Spirits of New Mexico, Inc. – 1600 NW 163<sup>rd</sup> Street –  
Miami, FL, 33169  
Roger Cox Equity Corp. – 1717 Louisiana Blvd NE Suite 111 – 87110  
Scott Howell  
Marilyn Maldonado  
File



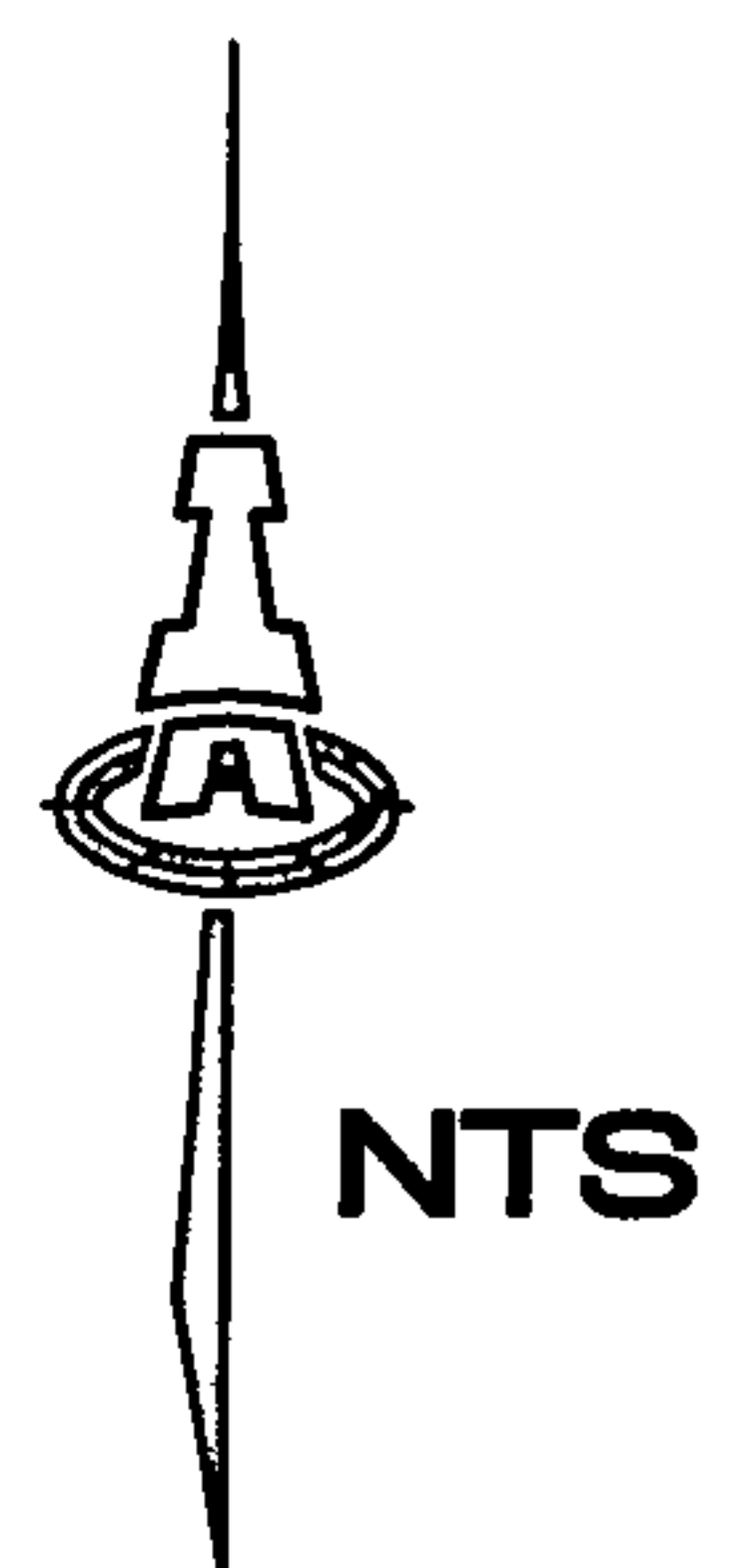
**EXHIBIT B**  
**(The Real Property)**

Tracts A-1 and B-2 of the Plat of DIVISION OF LAND OF PETE MATTEUCCI, as the same is shown and designated on the Plat filed in the Office of the County Clerk of Bernalillo County, New Mexico on April 26, 1974 in Plat Book B9, folio 115, more commonly known as 1601 Commercial Street NE, Albuquerque, New Mexico 87102.





- ① 43.5' F-F
- ② 40' F-E
- ③ 48' F-F



TRACT A1, LANDS OF PETE MATTEUCI  
 TRACT 1-A-A-1-A, SPRINGER CORPORATION  
 PROJECT NO. 1007766

**SITE EXHIBIT**

**ISAACSON & ARFMAN, P.A.**  
 Consulting Engineering Associates

128 Monroe Street N.E.  
 Albuquerque, New Mexico 87108  
 Ph. 505-268-8828 Fax. 505-268-2632  
 1714 C-701 SITE EXHIBIT.dwg Dec 15,2009



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

04/17/2009 Issued By: E08375

**Permit Number: 2009 070 147** **Category Code 910**

**Application Number:** 09DRB-70147, Vacation Of Public Easement

**Address:**

**Location Description:** BACA LANE NE BETWEEN COMMERCIAL ST NE AND AT & SF RAILROAD

**Project Number:** 1007766

**Applicant**

Southern Wine & Spirits Of New Mexico, Inc

1600 Nw 163rd St  
Miami FL 33169  
305-827-1400

**Agent / Contact**

Isaacson And Arfman Pa  
Jenny Donart  
128 Monroe St Ne  
Albuquerque NM 87108

iamengrs@swcp.com

**Application Fees**

441018/4971000	Public Notification	\$75.00
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	\$300.00
<b>TOTAL:</b>		<b>\$395.00</b>

City Of Albuquerque  
Treasury Division

4/17/2009 9:34AM LOC: ANNX  
WS# 006 TRANSH 0004  
RECEIPT# 00105069-00105069  
PERMIT# 2009070147 TRSSVG  
Trans Amt \$440.00  
APN Fee \$75.00  
Conflict Manag. Fee \$20.00  
DRB Actions \$300.00

Thank You



# City of Albuquerque Planning Department

## One Stop Shop – Development and Building Services

04/17/2009 Issued By: E08375

**Permit Number:** 2009 070 148

**Category Code 910**

**Application Number:** 09DRB-70148, Vacation Of Public Right-Of-Way

**Address:**

**Location Description:** BACA LANE NE BETWEEN COMMERCIAL ST NE AND AT & SF RAILROAD

**Project Number:** 1007788

**Applicant**

Southern Wine & Spirits Of New Mexico, Inc

1800 Nw 183rd St  
Miami FL 33169  
305-827-1400

**Agent / Contact**

Isaacson And Arfman Pa

Jenny Donart

128 Monroe St Ne

Albuquerque NM 87108

iamengrs@swcp.com

**Application Fees**

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB Actions	\$45.00
<b>TOTAL:</b>		<b>\$45.00</b>

City Of Albuquerque  
Treasury Division

4/17/2009 9:34AM LOC: ANNX  
WS# 006 TRANS# 0004  
RECEIPT# 00105069-00105070  
PERMIT# 2009070148 TRSSVG  
Trans Amt \$440.00  
DRB Actions \$45.00  
CK \$440.00  
CHANGE \$0.00

Thank You

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

05/19/2009 Issued By: E08375

**Permit Number: 2009 070 147** **Category Code 910**

**Application Number: 09DRB-70147, Vacation Of Public Easement**

**Address:**

**Location Description: BACA LANE NE BETWEEN COMMERCIAL ST NE AND AT & SF RAILROAD**

**Project Number: 1007788**

**Applicant**

*Southern Wine & Spirits Of New Mexico, Inc*

1600 Nw 163rd St  
Miami FL 33169  
305-627-1400

**Agent / Contact**

*Isaacson And Arfman Pa*  
Jenny Donart  
128 Monroe St Ne  
Albuquerque NM 87108

iamengrs@swcp.com

**Application Fees**

441018/4971000	Public Notification	
441032/3424000	Conflict Mgmt Fee	
441006/4983000	DRB Actions Deferral	\$110.00
<b>TOTAL:</b>		<b>\$110.00</b>

City Of Albuquerque  
Treasury Division

5/19/2009 11:15AM LOC: ANNX  
WSR CCB TRANS# 0027  
RECEIPT# 00105609-00105609  
PERMIT# 2009070147 TRSASR  
Trans Amt \$110.00  
DRB Actions \$110.00  
OK \$0.00  
CHANGE  
Thank You

# 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

**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...**
- D** Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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

**APPLICANT INFORMATION:**

Professional/Agent (if any): Isaacson + Artman, P.A. PHONE: 268-8828  
 ADDRESS: 128 Monroe Street NE FAX: 268-2632  
 CITY: ABQ STATE NM ZIP 87108 E-MAIL: \_\_\_\_\_

APPLICANT: Southern Wine + Spirits of New Mexico, Inc. PHONE: (305) 627-1400  
 ADDRESS: 1600 NW 163rd Street FAX: (305) 621-9157  
 CITY: Miami STATE FL ZIP 33169 E-MAIL: \_\_\_\_\_

Proprietary interest in site: Owner Purchaser Under Contract List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: Vacation of Public Right-of-Way  
Vacation of Public Easement

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. Tracts A-1 + B-2 Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Lands of Pete Matteucci  
 Existing Zoning: SL-2/HM Proposed zoning: N/A  
 Zone Atlas page(s): J-14 UPC Code: 101405841146211652 MRGCD Map No NA

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): S-74-136(SP)

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? No  
 No. of existing lots: 2 No. of proposed lots: 0 Total area of site (acres): 3.7968 ac.  
 LOCATION OF PROPERTY BY STREETS: On or Near: Baca Lane NE  
 Between: Commercial St. NE and AT&SF Railroad

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

SIGNATURE Asa Nilsson-Weber DATE 4/17/09  
 (Print) Asa Nilsson-Weber Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Form revised 4/07

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>09DRB - 70148</u>	<u>VPR</u>	_____	<u>\$ 300.00</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>09DRB - 70147</u>	<u>VPE</u>	_____	<u>\$ 45.00</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>CMF</u>	_____	<u>\$ 20.00</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	_____	_____	_____	_____
<input checked="" type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	_____
Hearing date <u>May 13, 2009</u>				Total <u>\$ 440.00</u>

Asa Nilsson-Weber 4.17.09 Project # 1007766  
 Planner signature / date



**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.

Asa Nilsson-Weber  
Applicant name (print)  
Asa Nilsson-Weber 4/17/09  
Applicant signature / date



- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
09DRB - - 70148

Form revised 4/07  
Kathy 4.17.09  
Planner signature / date  
Project # 1007766





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

**AGIS**  
Albuquerque Geographic Information System

Map amended through: 6/13/2008

Note: Grey Shading Represents Area Outside of the City Limits

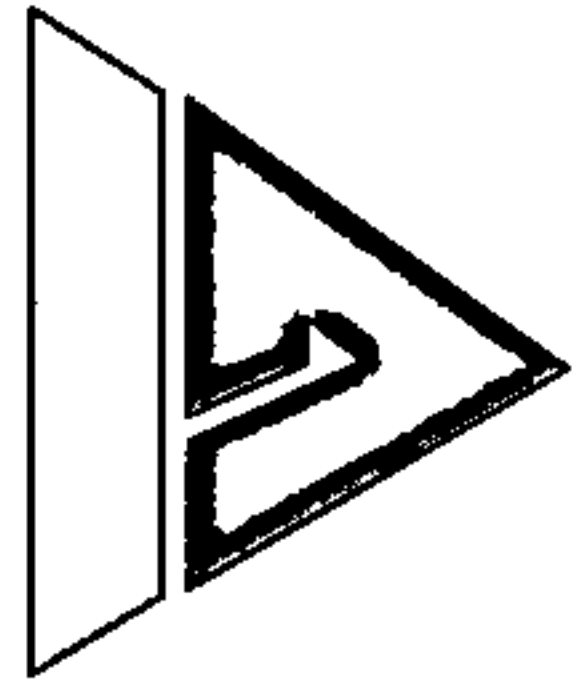
Zone Atlas Page:  
**J-14-Z**

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





## **PROJECT MEMORANDUM**

4/17/09

**TO:** Jack Cloud, City of Albuquerque, DRB Chair

**FROM:** Åsa Nilsson-Weber, Isaacson & Arfman, P.A.

**REF:** Southern Wine & Spirits of New Mexico, Inc.  
Purchaser under Contract  
Tracts A-1 and B-2, Land of Pete Matteucci

**PROJ NO:** 1714

**SUBJ:** Justification for  
Vacation of Baca Lane Public Right-of-Way between  
AT & SF Railroad and Commercial Street, NE and  
Vacation of a public utility easement

Isaacson & Arfman, P.A., as agent for the purchaser under contract, Southern Wine & Spirits of New Mexico, Inc., is requesting that the entire width of Baca Lane right-of-way adjacent to the property be vacated in order to acquire property for a building expansion. The seller under contract has agreed to cooperate with this action. This portion of Baca Lane runs south of the Southern Wine & Spirits Facility from Commercial Street, NE and dead-ends at the AT & SF railroad. Also, we are requesting that a 7-foot public utility easement for PNM and Mountain States Telephone and Telegraph Company (Qwest Communications) at the south property line be vacated subject to the concurrence of the utilities. There are power poles located in this easement that will be re-located or eliminated to accommodate the building expansion.

The following items should be considered in analyzing the vacation request for the referenced street right-of-way and public utility easement:

1. The street dead-ends at the rail road and serves only as access for the Southern Wine & Spirits Facility and the Springer Industrial Park located on the property south of Baca Lane. The street does not serve as a public access road.
2. There are no public water lines or sanitary sewer lines in this portion of Baca Lane.
3. There is no violation of the Anti-Donation Clause of the New Mexico Constitution. Upon the vacation of this portion of Baca Lane, the purchaser will have the opportunity to purchase the vacated portion. The purchaser is negotiating the future purchase of the south half of the right-of-way with the property owner south of Baca Lane (Springer Industrial Center Ltd).
4. The existing power poles within the public utility easement shall be re-located or eliminated and new easements provided if necessary.
5. The public welfare is in no way served by retaining the right-of-way or the public utility easement.
6. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.



*Southern Wine & Spirits of New Mexico, Inc.*

April 17, 2009

City of Albuquerque  
Development Review Board  
600 Second Street NW  
Albuquerque, New Mexico 87103

Southern Wine & Spirits of New Mexico,  
Inc.; Tracts A-1 and B-2, Land of Pete  
Matteucci; Vacation of Baca Lane

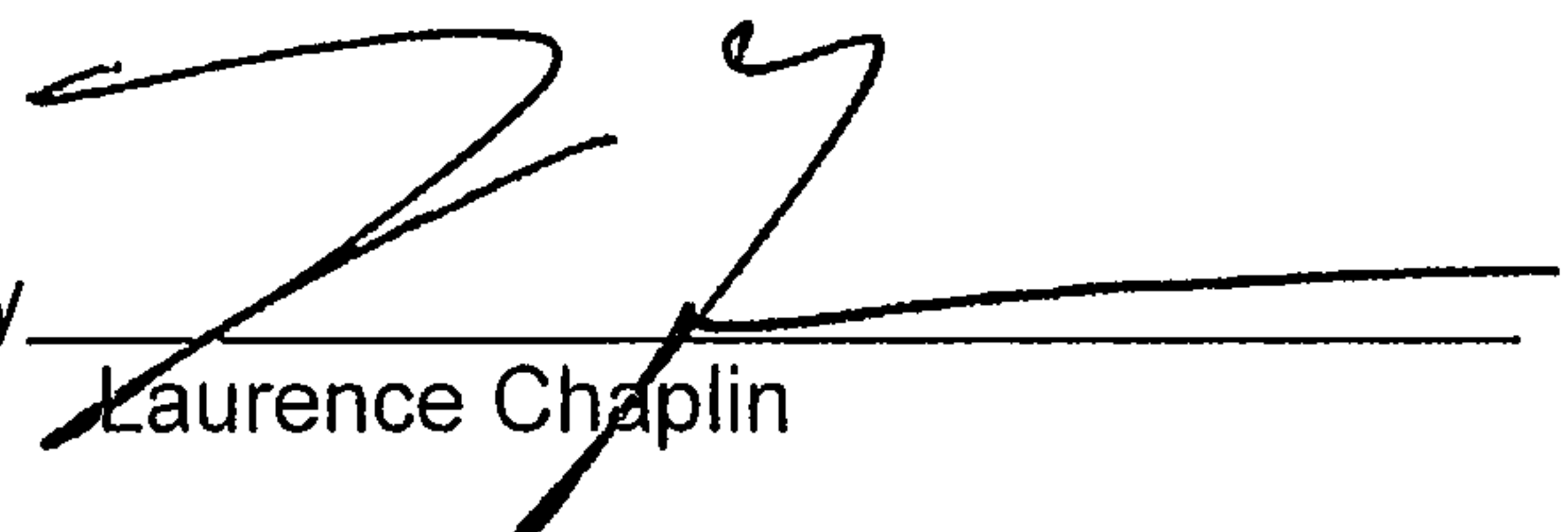
Ladies and Gentlemen:

This letter confirms that Southern Wine & Spirits of New Mexico, Inc., has engaged Isaacson & Arfman, P.A., to pursue with the City of Albuquerque Development Review Board an action to vacate the Baca Lane right-of-way and adjacent utility easement.

Very truly yours,

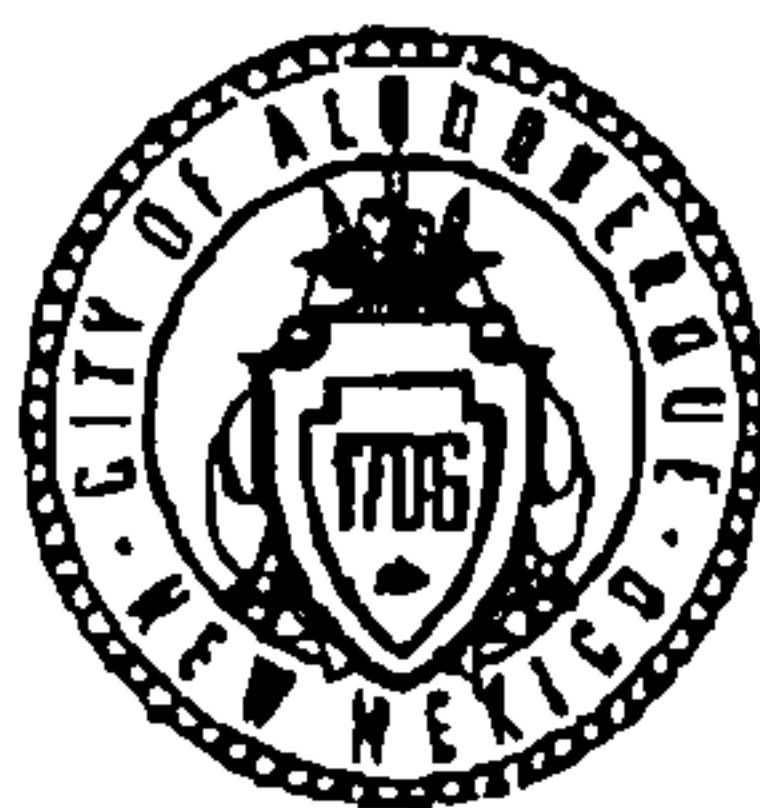
SOUTHERN WINE & SPIRITS OF NEW  
MEXICO, INC.

By



Laurence Chaplin

1320547.doc



*City of Albuquerque*  
P.O. Box 1293, Albuquerque, NM. 87103

April 8, 2009

Ruth Lozano  
Isacson and Arfman, P.A.  
128 Monroe St. NE/87108  
Phone: (505) 268-8828/Fax: (505) 268-2632

Dear Ruth:

Thank you for your inquiry of April 8, 2009 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) - TRACTS A-1 AND B-2, LANDS OF PETE MATEUCCI, LOCATED ON COMMERCIAL STREET NE BETWEEN BNSF RAILROAD AND BACA LANE NE** zone map J-14.

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

**SANTA BARBARA-MARTINEZTOWN ASSOC. (SBM) "R"**

Phil Hern  
509 San Ignacio NE/87102 238-1548 (h)  
Chal-Marie Lucero  
420 Hannett NE/87102 248-0065 (h)

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

Fred Sais  
1508 Los Tomases NW/87102 242-8457 (h)  
Mark Clayburgh  
1310 5<sup>th</sup> St. NW/87102 242-6278 (h)

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](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani J. Winklepleck*

Neighborhood Liaison  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

**PLEASE NOTE:** The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. 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 AND/OR HOMEOWNER ASSOCIATION.**

planningrnaform(11/2007)



# ISAACSON & ARFMAN, P.A.

Consulting Engineering Associates

Thomas O. Isaacson, PE & LS • Fred C. Arfman, PE  
Scott M. McGee, PE

April 16, 2009

CERTIFIED MAIL – 7005 1160 0001 1329 7696

Mr. Fred Sais  
Wells Park Neighborhood Association  
1508 Los Tomases NW  
Albuquerque, NM 87102

**RE: Tracts A1 & B2, Lands of Pete Matteucci**  
**SUBJ: Vacation of Baca Lane NE Right-of-Way and**  
**Vacation of a Public Utility Easement**

Dear Mr. Sais:

As the consulting engineers for the above referenced site (see attached zone map), we are writing this letter to inform the Wells Park Neighborhood Association that a request for vacation of public right-of-way and vacation of a public utility easement will be submitted to the City of Albuquerque Development Review Board this week. We are requesting that the Baca Lane right-of-way be vacated between the A.T. & S.F. Railroad and Commercial Street and a 7' public utility easement along a portion of the south line of the referenced property be vacated as outlined on the attached zone map.

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

Sincerely,

**ISAACSON & ARFMAN, P.A.**

Åsa Nilsson-Weber, PE

ANW/rtl

Attachment

7005 1160 0001 1329 7696

<b>U.S. Postal Service™</b>		
<b>CERTIFIED MAIL™ RECEIPT</b>		
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
ALBUQUERQUE, NM 87102		<b>OFFICIAL USE</b>
Postage	\$ 0.42	0108  Postmark Here APR 17 2009 SPS
Certified Fee	\$2.70	
Return Receipt Fee (Endorsement Required)	\$2.20	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.32</b>	
<b>Sent To</b> Fred Sais Street, Apt. No.; Wells Park Neighborhood Assoc. or PO Box No. 1508 Los Tomases NW City, State, ZIP+4 Albuquerque, NM 87102		
PS Form 3800, June 2002 See Reverse for Instructions		





**ISAACSON & ARFMAN, P.A.**

**Consulting Engineering Associates**

*Thomas O. Isaacson, PE & LS • Fred C. Arfman, PE  
Scott M. McGee, PE*

April 16, 2009

CERTIFIED MAIL – 7005 1160 0001 1329 7702

Mr. Mark Clayburgh  
Wells Park Neighborhood Association  
1310 5th Street NW  
Albuquerque, NM 87102

**RE: Tracts A1 & B2, Land of Pete Matteucci**  
**SUBJ: Vacation of Baca Lane NE Right-of-Way and**  
**Vacation of a public utility easement**

Dear Mr. Clayburgh:

As the consulting engineers for the above referenced site (see attached zone map), we are writing this letter to inform the Wells Park Neighborhood Association that a request for vacation of public right-of-way and vacation of a public utility easement will be submitted to the City of Albuquerque Development Review Board this week. We are requesting that the Baca Lane right-of-way be vacated between the A.T. & S.F. Railroad and Commercial Street and a 7' public utility easement along a portion of the south line of the referenced property be vacated as outlined on the attached zone map.

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

Sincerely,  
**ISAACSON & ARFMAN, P.A.**

Asa Nilsson-Weber, PE  
ANW/rtl  
Attachment

7005 1160 0001 1329 7702

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ALBUQUERQUE NM 87102	
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Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 5.32

0108  
STA ALBUQUE  
13  
Postmark Here  
**APR 17 2009**  
HIGHLAND  
ALBUQUERQUE NM  
USPS

Sent To	
Mark Clayburgh	
Wells Park Neighborhood Assoc.	
1310 5th Street NW	
Albuquerque, NM 87102	

PS Form 3800, June 2002 See Reverse for Instructions



**ISAACSON & ARFMAN, P.A.**

**Consulting Engineering Associates**

*Thomas O. Isaacson, PE & LS • Fred C. Arfman, PE  
Scott M. McGee, PE*

April 16, 2009

CERTIFIED MAIL – 7005 1160 0001 1329 7719

Mr. Phil Hern  
Santa Barbara-Martineztown Association  
509 San Ignacio NE  
Albuquerque, NM 87102

**RE: Tracts A1 & B2, Lands of Pete Matteucci**  
**SUBJ: Vacation of Baca Lane NE Right-of-Way and**  
**Vacation of a Public Utility Easement**

Dear Mr. Hern:

As the consulting engineers for the above referenced site (see attached zone map), we are writing this letter to inform the Santa Barbara-Martineztown Association that a request for vacation of public right-of-way and vacation of a public utility easement will be submitted to the City of Albuquerque Development Review Board this week. We are requesting that the Baca Lane right-of-way be vacated between the A.T. & S.F. Railroad and Commercial Street and a 7' public utility easement along a portion of the south line of the referenced property be vacated as outlined on the attached zone map.

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

Sincerely,  
**ISAACSON & ARFMAN, P.A.**

Åsa Nilsson-Weber, PE  
ÅNW/rtl  
Attachment

7005 1160 0001 1329 7719

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For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>ALBUQUERQUE NM 87102 OFFICIAL USE</b>	
Postage	\$ 0.42
Certified Fee	\$2.70
Return Receipt Fee (Endorsement Required)	\$2.20
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.32</b>

Postmark Here  
ALBUQUERQUE NM  
04/17/2009

Sent To	Phil Hern
Street, Apt. No., or PO Box No.	Santa Barbara-Martineztown Assoc.
City, State, ZIP+4	509 San Ignacio NE Albuquerque, NM 87102

PS Form 3800, June 2002 See Reverse for Instructions



**ISAACSON & ARFMAN, P.A.**

**Consulting Engineering Associates**

*Thomas O. Isaacson, PE & LS • Fred C. Arfman, PE  
Scott M. McGee, PE*

April 16, 2009

CERTIFIED MAIL – 7005 1160 0001 1329 7726

Ms. Chal-Marie Lucero  
Santa Barbara-Martineztown Association  
420 Hannett NE  
Albuquerque, NM 87102

**RE: Tracts A1 & B2, Lands of Pete Matteucci**  
**SUBJ: Vacation of Baca Lane NE Right-of-Way and**  
**Vacation of a Public Utility Easement**

Dear Ms. Lucero:

As the consulting engineers for the above referenced site (see attached zone map), we are writing this letter to inform the Santa Barbara-Martineztown Association that a request for vacation of public right-of-way and vacation of a public utility easement will be submitted to the City of Albuquerque Development Review Board this week. We are requesting that the Baca Lane right-of-way be vacated between the A.T. & S.F. Railroad and Commercial Street and a 7' public utility easement along a portion of the south line of the referenced property be vacated as outlined on the attached zone map.

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

Sincerely,  
**ISAACSON & ARFMAN, P.A.**

Asa Nilsson-Weber, PE  
ANW/rtl  
Attachment

7005 1160 0001 1329 7726

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<b>CERTIFIED MAIL™ RECEIPT</b>		
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
<b>ALBUQUERQUE NM 87102 SPECIAL USE</b>		
Postage	\$ 0.42	0108
Certified Fee	\$2.70	
Return Receipt Fee (Endorsement Required)	\$2.20	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.32	
Sent To	Chal-Marie Lucero	
Street, Apt. No., or PO Box No.	Santa Barbara-Martineztown Assoc.	
City, State, ZIP+4	Albuquerque, NM 87102	
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 April 28, 2009 To May 13, 2009

#### 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.

Ruth Lopez 4/17/09  
(Applicant or Agent) (Date)  
for Isaacson & Erdman, P.A.

I issued 2 signs for this application, 4-17-09 Ruth Lopez  
(Date) (Staff Member)

DRB PROJECT NUMBER: 1007766



78 91106

EASEMENT

RIGHT-OF-WAY DEPT.  
PUBLIC SERVICE COMPANY OF NEW MEXICO  
P. O. BOX 2267  
ALBUQUERQUE, NEW MEXICO 87103

22670

883

THIS INSTRUMENT made this 29 day of November, 1978, by and between

Margaret Matteucci, a widow

First Parties, and PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation, and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado corporation, authorized to do business in New Mexico, Second Parties, their successors and assigns.

WITNESSETH:

That the said First Parties, for and in consideration of the sum of One Dollar (\$1.00) to them in hand paid, and other valuable considerations, the receipt of which is hereby acknowledged, do hereby give, bargain, sell, grant and convey unto said Second Parties, an easement to build, construct, operate and maintain an electric power transmission and communications line on, over, beneath and across the lands hereinafter described, and to erect all necessary poles, guy wires and other equipment, fixtures and structures necessary to maintain the said power and communications line on, over, beneath and across said lands at or near the points hereinafter designated as the course of said power and communications line on, over, beneath and across said lands; together with free ingress and egress in, from, and over said easement with rights and privileges of going upon, over and across said lands for the purpose of maintaining said line, and trimming any trees which interfere with

the operation of said line; said lands being situate in the County of Bernalillo, State of New Mexico, and more particularly described as follows, to-wit:

An easement within tract A-1 of Plat of Division of Land of FITE MATTEUCCI situate in Section 17, T.10N., R.3E., N.M.P.M., Bernalillo County, New Mexico, filed for record in the office of the county clerk in Bernalillo County in Plat Book B9, page 115 on April 26, 1974 and being more particularly described as follows:

An easement seven (7) feet wide being the south seven (7) feet of the east 105.00 feet of said tract A-1.

Grantees, in and for consideration of the granting of this easement, agree that in the event this anchor interferes with the development of this tract, to relocate said anchor to its original position as it existed prior to this date, at no cost to the Grantor.

First parties shall have the right to use the above described real estate for purposes not inconsistent with the rights hereby granted provided that First Parties shall not erect or construct any building, pool, or other structure thereon, nor drill or operate any well thereon.

The provisions hereof shall inure to the benefit of and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

WITNESS my hand and seal this 29th day of November

1978  
\_\_\_\_\_  
(SEAL) Margaret Matteucci (SEAL)  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO  
COUNTY OF Bernalillo

The foregoing instrument was acknowledged before me this 29th day of November, 1978, by Margaret Matteucci, a widow.

My commission expires: 9-16-81



OFFICIAL SEAL  
Signature Allen G. Armijo  
Notary Public ALLEN G. ARMIJO

STATE OF NEW MEXICO  
Notary Bond Filed with Secretary of State  
COUNTY OF \_\_\_\_\_  
My Commission Expires: 9/16/81

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
FILED FOR RECORD  
- DEC 12 1 04 PM 1978  
Tract 656 PG 883  
EMMA C. GONZALES  
CLERK & RECORDER  
[Signature] DEPUTY

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_ a corporation, on behalf of said corporation.  
My commission expires: \_\_\_\_\_  
(Seal) \_\_\_\_\_  
Notary Public



State of New Mexico }  
 County of Bernalillo } SS  
 This instrument was filed for record on

APR 26 1974  
 M. O'Leary, M., Recorded in Vol. 82  
 of records of said County folio 215

Clerk & Recorder  
 Deputy Clerk

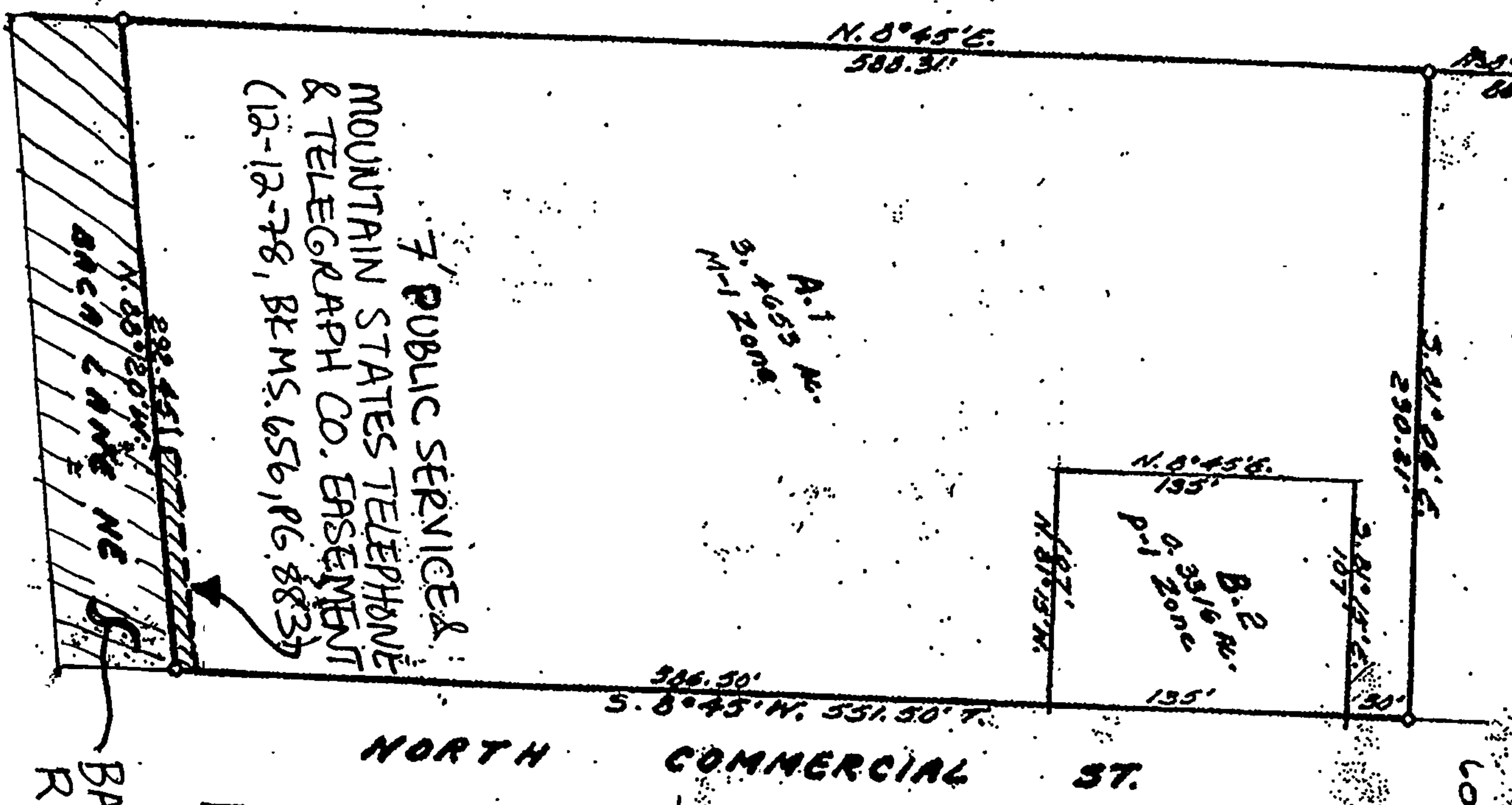
Outstanding pro rata charges for  
 water and sewer installations are  
 as of 4-25-1974

*[Signature]*

A.T. & S.F.

R.R.

100'  
 78.54 Cor. of Block 11  
 FRANCISCAN ACRES



7' PUBLIC SERVICED  
 MOUNTAIN STATES TELEPHONE  
 & TELEGRAPH CO. BASEMENT  
 (12-12-78, BL MS. 656, PG. 883)

BACA LANE  
 RIGHT-OF-WAY

VACATION EXHIBIT

SUBDIVISION NO. 5-74-1361  
 COUNTY \_\_\_\_\_ CITY \_\_\_\_\_

