

3. **Project# 1002819**
10DRB-70090 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL

GPS LLC agent(s) for 98TH STREET LLC request(s) the above action(s) for all or a portion of Tract(s) E-5-A, **ALBUQUERQUE SOUTH Unit(s) 3**, zoned C-2, located on GIBSON BLVD SW BETWEEN 98TH ST SW AND AMAFCA AMOLE CHANNEL containing approximately 3.8954 acre(s). (M-9) [*Deferred from 3/24/10, 4/7/10, 4/14/10, 4/21/10*] **DEFERRED TO 6/9/10 AT THE AGENT'S REQUEST.**

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

4. ~~Project#-1008325~~
10DRB-70129 SKETCH PLAT REVIEW
AND COMMENT

NANCY LANDAUAZO request(s) the above action(s) for all or a portion of Lot(s) 8-10, Block(s) 3, **REALTY SALES CO FIRST ADDITION** zoned 9.3 ft PRIVATE SOUTH ALLEY, located on ALLEY SOUTH OF 814 & 816 STOVER SW BETWEEN 8TH ST SW, 9TH ST SW AND TINGLEY FIELD PARK (K-13)**THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

5. Approval of the Development Review Board Minutes for 5/5/10.

Other Matters: None.

ADJOURNED: 10:00

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT

May 12, 2010

DRB Comments

ITEM # 4

PROJECT # 1008325

APPLICATION # 10-70129

RE: Lots 8 – 10, Block 3, Realty Sales Co. 1st Addition

Previous vacation [Vac. Ord. 73-16] vacated 9th Street and the alley to the west (Block 4), which has created a dead-end alley adjacent to Block 3. However, it appears Tingley Park improvements have been constructed within the alley right-of-way in Block 3 adjacent to Lot 11B (owned by the City, and also developed as part of the park).

Typically under the current Subdivision Ordinance, all of an alley must be vacated, not just portions of an alley adjacent to a few lots; however, in this situation there may be a net benefit to the public welfare by decreasing the length of the public alley. If approved, the City may be able to designate the western remainder of the alley as "non-right of way" for the City as owner of Tract 11B.



Jack Cloud AICP, DRB Chairman
924-3880/ jcloud@cabq.gov

810 Aragon
812 Stover
Caret 6
Riviera 7
Lot 5

HEARINGS DATE 5/12/10 (SK)

1

NEW MEXICO STATUTORY POWER OF ATTORNEY

This Power of Attorney is intended to be a statutory power of attorney in accordance with the New Mexico Uniform Power of Attorney Act, NMSA 1978 Sections 46B-1-101, *et. seq.* (2007).

There is important information on page five (5) that you need to read before signing this Power of Attorney. If you have any questions about what this document means, you should consult an attorney.

DESIGNATION OF AGENT

I, DANIEL LEWIS, Jr., name the following person as my Agent:

DONNA L. ARAGON
2824 Espanola NE, Albuquerque, NM 87110
250-3013

GRANT OF GENERAL AUTHORITY

I grant my Agent and any successor Agent general authority to act for me with respect to the following subjects as defined in the New Mexico Uniform Power of Attorney Act in accordance with the cited Section:

- Real Property [NMSA 1978 Section 46B-1-204 (2007)]
- Tangible Personal Property [NMSA 1978 Section 46B-1-205 (2007)]
- Stocks and Bonds [NMSA 1978 Section 46B-1-206 (2007)]
- Commodities and Options [NMSA 1978 Section 46B-1-207 (2007)]
- Banks and Other Financial Institutions [NMSA 1978 Section 46B-1-208 (2007)]
- Operation of Entity or Business [NMSA 1978 Section 46B-1-209 (2007)]
- Insurance and Annuities [NMSA 1978 Section 46B-1-210 (2007)]
- Estates, Trusts and Other Beneficial Interests [NMSA 1978 Section 46B-1-211 (2007)]
- Claims and Litigation [NMSA 1978 Section 46B-1-212 (2007)]
- Personal and Family Maintenance [NMSA 1978 Section 46B-1-213 (2007)]
- Benefits from Governmental Programs or Civil or Military Service [NMSA 1978 Section 46B-1-214 (2007)]

IMPORTANT INFORMATION FOR PRINCIPAL

This Power of Attorney authorizes another person (your Agent) to make decisions concerning your property for you (the principal). Your Agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act.

This Power of Attorney does not authorize the Agent to make health care decisions for you.

You should select someone you trust to serve as your Agent. Unless you specify otherwise, generally the Agent's authority will continue until you die or revoke the Power of Attorney or the Agent resigns or is unable to act for you.

Your Agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This Power of Attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the Power of Attorney or the authority you are granting to your Agent, you should consult an attorney before signing this form.

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this Power of Attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the Power of Attorney is terminated or revoked. You must:

1. do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
2. act in good faith;
3. do nothing beyond the authority granted in this Power of Attorney; and
4. disclose your identity as an Agent whenever you act for the principal by writing or printing the name of the principal and signing your own name. An example of the format would be: DANIEL LEWIS, Jr. by DONNA L. ARAGON as Agent (Your Signature)

Unless the Special Instructions in this Power of Attorney state otherwise, you must also:

1. act loyally for the principal's benefit;
2. avoid conflicts that would impair your ability to act in the principal's best interest;
3. act with care, competence and diligence;
4. keep a record of all receipts, disbursements and transactions made on behalf of the principal;
5. cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
6. attempt to preserve the principal's Estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this Power of Attorney or your authority under this Power of Attorney. Events that terminate a Power of Attorney or your authority to act under a Power of Attorney include:

1. death of the principal;
2. the principal's revocation of the Power of Attorney or your authority;
3. the occurrence of a termination event stated in the Power of Attorney;
4. the purpose of the Power of Attorney is fully accomplished; or
5. if you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this Power of Attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act. If you violate the Uniform Power of Attorney Act or act outside the authority granted, you may be liable for any damages caused by your violation. If there is anything about this document or your duties that you do not understand, you should seek legal advice.

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 (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)
- A APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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

APPLICATION INFORMATION:

Professional/Agent (if any): _____ PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____
 APPLICANT: Nancy Landavazo ^{by Daniel Lewis # 9+10 LK3} PHONE: 505 (244-0783)
 ADDRESS: 814 Stover SW FAX: N/A
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: N/A
 Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: To vacate Alley behind Home

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. 8, 9, & 10 Block: 3 Unit: _____
 Subdiv/Addn/TBKA: Realty Sales Co. First Addition
 Existing Zoning: PRIVATE ALLEY Proposed zoning: --- MRGCD Map No _____
 Zone Atlas page(s): K-13 UPC Code: 101305749923742412

CASE HISTORY:

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

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 1 No. of proposed lots: _____ Total area of site (acres): _____
 LOCATION OF PROPERTY BY STREETS: On or Near: 814 Stover SW
 Between: 8th SW and 9th SW & TINGLEY FIELD PARK
 Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Nancy E. Landavazo DATE 4-28-10
 (Print) Nancy E. Landavazo 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>10DRB 70129</u>	<u>SK</u>	<u>263</u>	<u>\$ 0</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Hearing date <u>05/12/10</u>			Total <u>\$ 0</u>

Sandy Handley 04/29/10 Project # 1008325
 Planner signature / date

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.**

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

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) **Your attendance is required.**

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

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

Amended preliminary plat approval expires after one year

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

Nancy Landava 70
 Applicant name (print)
Nancy Landava 4-28-10
 Applicant signature / date

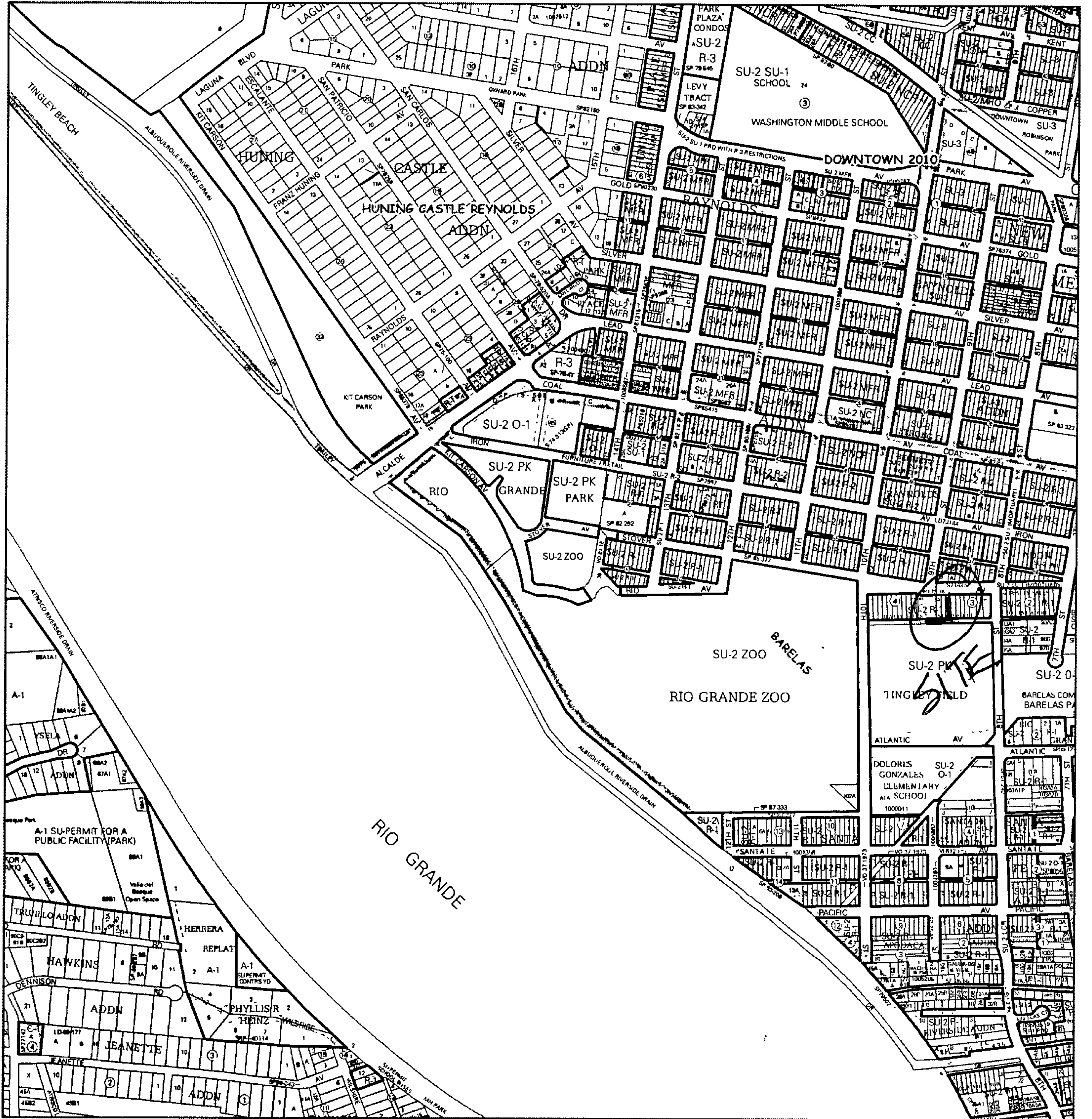


Form revised October 2007

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

Application case numbers
 10DRB-70129

Sandy Handley 04/29/10
 Planner signature / date
 Project # 1008325



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

Map amended through: 6/5/2009

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
K-13-Z

Selected Symbols

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

0 750 1,500 Feet



CITY OF ALBUQUERQUE
 CODE ENFORCEMENT
 600 2ND STREET NW #720
 ALBUQUERQUE, NM 87102
 (505) 924-3850 Zoning Code
 (505) 924-3450 Housing Code
 (505) 924-3847 Fax

Planning Dept

MAYOR MARTIN J. CHAVEZ

NOTICE OF VIOLATION

LOCATION: 814 Stover Ave SW DATE: 4/23/10

Description of Violation(s):	Corrective Action:
<input type="checkbox"/> Outdoor storage Section: 14-16-1-3	Place outdoor storage inside a building or remove it from property. Cease outdoor storage activity.
<input type="checkbox"/> Inoperative vehicle(s) Section: 14-16-2-6(A)(2)(h)	Store inoperative vehicle(s) inside a building; repair inoperative vehicle(s) or remove inoperative vehicle(s) from property.
<input type="checkbox"/> Commercial vehicle(s) Section: 14-16-2-6(A)(2)(h)	Remove commercial vehicle(s) from residential property.
<input type="checkbox"/> RV, boat, boat/trailer parking Section: 14-16-2-6(A)(2)(i)	Park on side/rear/front yard (zone permitting) provided it's not used as a dwelling, is not hooked to utilities, is parked perpendicular to curb and is 11 feet from the face of the curb.
<input type="checkbox"/> Trailer parking (cargo/utility) Section: 14-16-2-6(A)(2)(k)	Park unit on side yard, rear yard or in a building. Cargo trailers not to exceed 2,500 lbs. of carrying capacity.
<input type="checkbox"/> Weeds in excess of 4 inches in height, width or spread and/or litter on property Section(s): 9-8-4, 9-8-5, 9-8-22	Remove weeds and/or litter from property, including area between property line and curb. If applicable, remove weeds from middle of alley to property line. Dispose of weeds properly.
<input type="checkbox"/> Parking on any portion of front yard area, other than driveway, is prohibited. Section(s): 14-16-2-6(F), 14-16-2-8(F), 14-16-2-9(F) and 14-16-3-1(A)(24)	Park vehicle(s) on driveway only. Driveway width not to exceed allowed percentage per designated zone category.
<input checked="" type="checkbox"/> Other: <i>Fence Constructed in Alley</i>	<i>Remove Fence from alley or get a vacation of the alley approved & Replatted</i>

PLEASE TAKE NECESSARY CORRECTIVE ACTION ON OR BEFORE: 5/5/10

If the above-described violations cannot be remedied by the corrective action date, please contact Inspector issuing this notice directly for consideration of an extension.

NOTE: This notice is issued pursuant to Article 8; Weeds & Anti-Litter Ord., Section 9-8-25 ROA 1994 and Chapter 14 Article 16 of City Zoning Code, ROA 1994. Failure to take the corrective action shall result in (1) the City will abate the violations at an approximate cost of expenses incurred, which will result in filing a Claim of Lien against the private property for charges incurred; and/or (2) we will begin formal enforcement action against you, which may include criminal penalties, action for an injunction or other court order directing elimination of the violation(s). Penalties include up to 90 days imprisonment and/or \$500.00 in fines for each violation. Each day of violation is considered a separate offense. Visit our web site at WWW.CABQ.GOV

CODE ENFORCEMENT OFFICER: Concetta Irujillo PHONE # 924-3833

4-28-10

I would like for the Alley to be vacated for several reasons. My yard has been fenced from day 1 that I purchased it. I think removing the fences in question would create a danger for people walking the park there would be no stopping cars coming through the alley. If it is a ~~question~~ question of access to our back yards I don't want access to my yard & in speaking with rep. from 816 neither do they. There also seems to be a problem with homeless - drugs & bottles being left everywhere, if there are no fences I'm assuming it will get worse, I would have to put a 8 to 10 foot fence up to keep people out & I do not have the means in which to do this. Just this weekend 2 people were arrested fur behind my house, also I would loose my dog because of the dog run & he is a great help to let us know when things are not right.

Thank you

Nancy S.

23894

Y-16 Amended
June 20, 1974

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ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD RESOLUTION

A RESOLUTION VACATING 9TH STREET SW BETWEEN THE SOUTH RIGHT OF WAY LINE OF STOVER AVENUE AND THE SOUTH RIGHT OF WAY LINE OF THE EAST-WEST ALLEY SOUTH OF BLOCKS 3 & 4, REALTY SALES CO. ADDITION; AND THE EAST-WEST ALLEY SOUTH OF BLOCK 4, REALTY SALES CO. ADDITION.

WHEREAS, there has heretofore been dedicated and conveyed to the City of Albuquerque, New Mexico certain easements for street and alley purposes, more particularly described below; and

WHEREAS, said rights of way are not needed for public use except for easements reserved in Section 2 hereof;

NOW, THEREFORE, BE IT ENACTED BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD OF THE CITY OF ALBUQUERQUE UNDER SECTION 41 OF CITY COMMISSION ORDINANCE NO. 97-1973, AS AMENDED:

SECTION 1. The following rights of way are hereby closed and vacated subject to easements reserved by Section 2 hereof:

A. That portion of 9th Street SW lying between the south right of way line of Stover Avenue and the south right of way line of the east-west alley south of Blocks 3 & 4, Realty Sales Co. Addition as filed in the office of the County Clerk of Bernalillo County, New Mexico on August 22, 1922.

B. The east-west alley lying between the east right of way line of 9th Street SW and the east right of way line of 10th Street SW, immediately south of Block 4, Realty Sales Co. Addition as filed in the office of the County Clerk of Bernalillo County, New Mexico on August 22, 1922.

SECTION 2. The City hereby reserves easements for public utilities, whether municipally or privately owned, which are necessary for public use and benefit at the present time or in the future.

SECTION 3. Immediately upon the filing of this resolution in the office of the County Clerk of Bernalillo County, New Mexico the land above-described shall be effectively vacated, and the City of Albuquerque by this resolution disclaims from such date any further interest therein except for easements reserved in Section 2 hereof.

ADOPTED AT A PUBLIC HEARING BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD, CITY OF ALBUQUERQUE, NEW MEXICO ON JUNE 20, 1974.

APPROVED:



Authorized Representative of the Planning Director,
City of Albuquerque, New Mexico

Subscribed and sworn to before me this 3rd day of July, 1974 by S. Phil Garcia, authorized representative of the Planning Director, City of Albuquerque, New Mexico.


Notary Public

City Commission Expires Sept. 20, 1975

AFTER RECORDING THIS PLEASE RETURN IT TO: George L. Carruthers
City Planning Dept.
P.O. Box 1293
Albuquerque, NM 87103

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

⁵⁴ AUG 9 1974

At ... o'clock ... m. Recorded in Vol. *136-137*
of records of said County Folio. *136-137*

[Signature]
..... Clerk & Recorder

..... Deputy Clerk

July 20, 1974

Mr. Vincent Villaneuva
824 Stover SW
Albuquerque, New Mexico 87102

Dear Mr. Villaneuva:

Per your request, enclosed is a copy of the Environmental Planning Commission Land Controls Board's resolution vacating the east-west alley south of Block 4, Realty Sales Co. Addition and 9th Street SW between the south right of way line of Stover Avenue and the south right of way line of the east-west alley south of Blocks 3 & 4, Realty Sales Co. Addition (Case No. V-73-16 Amended).

The effective date of this vacation is August 9, 1974.

Yours very truly,

Nancy Williams
EPC LCB Recording Secretary

Attachment

cc: H. G. Ervien, Property Manager

COUNTY CAN FIND BY GRANTOR'S NAME,
I WOULD TALK TO MARTHA

12. V-74-10 Wayne C. Wolf, agent for Don Blue & Dorothy B. Suber, requests vacation (closing) of Hannett Avenue NW between the west right-of-way line of Sixth Street and the east property line of Lot 2, Block 3, Tenorio Addition.

Persons Speaking for This Request: Mr. Wolf, agent, who advised that the applicants own all of the property on both sides of this segment of Hannett, and that the request has been submitted for security reasons.

Persons Speaking Against This Request: Mrs. Barbara Herbert, who said that her husband has a business on the east side of Sixth Street in this area, and that the on-street parking is very limited on Sixth here, hence they wish this portion of Hannett to remain open for parking purposes. It was explained to Mrs. Herbert that such need is a private one, rather than to be considered as a public need.

- Findings:
1. This portion of Hannett is not needed for street purposes since it dead-ends midway of the block and serves only the applicant
 2. No City utilities are located in this portion of Hannett, however there are utilities for which an easement must be retained.
 3. Vacation of this portion of Hannett will improve security in the area.

THEREFORE, BE IT RESOLVED THAT V-74-10 be approved subject to retention of all necessary easements.

Moved by Commissioner Keleher
Seconded by Commissioner Jeffers

Motion Carried Unanimously

13. V-73-16 City Property Management Division requests vacation (closing) of Ninth Street SW between Stover Avenue and the east-west alley south of Blocks 3 & 4, Realty Sales Addition.

There were no objectors present.

Persons Speaking for This Request: Vincent Villanueva, 824 Stover SW, whose property is adjacent to this portion of Ninth Street.

It was explained that unless the east-west alley south of Blocks 3 & 4, Realty Sales Addition, is also vacated, it would be necessary to leave a portion of this segment of Ninth Street open so that there could be a passageway for traffic through the alley.

The following motion was made:

BE IT RESOLVED THAT V-73-16 be deferred to the June 20 Board meeting to allow time for the amendment of the request to include vacation of the east-west alley south of Blocks 3 & 4, Realty Sales Addition, and the amended request to be advertised.

Moved by Commissioner Jeffers
Seconded by Commissioner Keleher

Motion Carried Unanimously

14. Z-69-71 Review of Development Plan for K-Mart Discount Center, 4208 Central SW

Mr. W. W. Atkinson, representing the developer, advised that the required trees and water connections will be installed.

The following motion was made:

PLANNING DEPARTMENT
CITY OF ALBUQUERQUE

EPC LAND CONTROLS BOARD
May 16, 1974
V-73-16

V-73-16 City Property Management Division requests vacation (closing) of 9th Street SW between Stover Avenue and the east-west alley south of Blocks 3 & 4, Realty Sales Addition.

PL Map No.: K-13

Material: Report, Sketch, Aerial Photo

COMMENTS FROM OTHER DEPARTMENTS:

- | | |
|--------------------------|--|
| City Engineer: | "1. Sanitary sewer line is located in the area indicated for vacation: Will require a 20' easement for this line." |
| Traffic Engineer: | "No objection." |
| Liquid Waste Dept: | "No objection but an easement for existing 42" interceptor sewer must be maintained and no structure can be built outside." |
| Public Works Dept.: | "Retain easement for existing 42" sanitary sewer line. Closure of street with standard curb-gutter-sidewalk required." |
| Parks & Recreation Dept: | "We recommend delay in the vacation of 9th Street, S.W., South of Stover SW. (See comments attached)." |
| Property Management: | "The subject property will revert to adjacent property owners and be barricaded off. Vacation is vest as people are now using this property as Tingley Field parking and blocking owners from 6:30 P.M. on." |
| Water Engineer: | "No objection." |
| Fire Department: | "Will not affect our operations." |
| MTP: | "No transportation objection." |
| Refuse Division: | "Approved." |
| So. Union Gas Co.: | |

PLANNING DEPARTMENT COMMENTS TO ENVIRONMENTAL PLANNING COMMISSION, 7-18-73:

Requested is the vacation of 9th SW south of Stover Avenue and north of Tingley Field. 9th Street deadends at Tingley Field. The segment of the alley west of Ninth Street does not exist on the ground, as this area is developed as part of the park. Therefore, the subject street provides an outlet for the alley behind the houses to the east, and vacation of the street would create a long dead-end alley.

The purpose of this request, parking control, can perhaps best be handled through means other than formal vacation at this time. The subject right-of-way is being used improperly for parking which in turn has caused a noise and congestion problem. It appears that the solution - proposed by the Traffic Engineer - "to place 'No Parking' signs in the area" should be tried before pursuing this vacation request. It is felt that through enforcement, the objections voiced by property owners immediately east of 9th Street can be satisfied. Should such a solution prove to be unworkable, the vacation procedure can then be recommended.

- FINDINGS:
1. The parking problem in the area should be handled through enforcement rather than through formal vacation at this time.
 2. Should enforcement prove to be unworkable, the City would then re-initiate vacation of the street.

RECOMMENDATION: THE STAFF, THEREFORE, RECOMMENDS TABLING THIS VACATION INDEFINITELY WHILE OTHER METHODS OF SOLVING THE PARKING PROBLEM ARE EXPLORED.

May 16, 1974

V-73-16

ENVIRONMENTAL PLANNING COMMISSION ACTION, 7-18-73: (All Members Present)

Mr. Vincent Villanueva, 824 Stover SW, stated that he has no privacy with this portion of 9th Street open because there is too much ball game traffic. He said that "No Parking" is impossible to enforce here when a game is on.

Commissioner Jeffers said she is reluctant to vacate this portion of 9th without doing something about the east-west alley adjacent to it. She said she feels that "No Parking" signs should be tried here first, and that some solution of the alley problem must be found before the street is vacated. Chairman Gutierrez concurred.

The following findings were determined by the Planning Commission:

1. The parking problem should be handled through enforcement rather than via formal vacation at this time.
2. If enforcement proves unworkable, the City then will reinitiate the vacation request.
3. This portion of 9th Street should not be vacated without doing something about the east-west alley at the south end of this portion of 9th.

THEREFORE, BE IT RESOLVED THAT V-73-16 be deferred indefinitely.

Moved by Commissioner Jeffers

Seconded by Commissioner Hertzmark

Motion Carried Unanimously

Mr. Carruthers noted that there are or should be utility lines in the alley, and that unless the alley is fenced, there would be a problem here.

PLANNING DEPARTMENT COMMENTS TO EPC LAND CONTROLS BOARD, 5-16-74:

As noted in the above minutes of the July 18, 1973 Planning Commission meeting, this request was deferred indefinitely so that alternative methods, i.e., enforcement and signing, could be attempted before pursuing a formal vacation.

At the request of an adjacent property owner, the vacation request has been reactivated because the attempts at enforcement have not prevented the street from being used for Tingley Field parking purposes, especially in the evening hours in the warmer months.

The Planning Department has no objection to the vacation at this time so long as an outlet is retained for the alley in the block to the east and an easement is retained for the existing sewer line.

- Findings:
1. The Property Management Division has reactivated this request since the previously recommended enforcement solution has proven unworkable.
 2. The Planning Department finds no objection to the vacation since access is not being denied the City for the parcels west of the vacation area.
 3. An easement for the existing sewer line must be retained as well as an alley right of way to provide an outlet north to Stover Avenue for the alley in Block 3.

RECOMMENDATION: APPROVAL OF V-73-16 IS RECOMMENDED SUBJECT TO FINDING NO. 3 ABOVE.

TP:new

Theodore Pechter
Theodore Pechter, Planner

EPC LAND CONTROLS BOARD ACTION, 5-16-74. (All 3 Members Present)

There were no objectors present.

Persons Speaking for This Request: Vincent Villanueva, 824 Stover SW, whose property is adjacent to this portion of Ninth Street.

It was explained that unless the east-west alley south of Blocks 3 & 4, Realty Sales Addition, is also vacated, it would be necessary to leave a portion of this segment of Ninth Street open so that there could be a passageway for traffic through the alley.

The following motion was made:

BE IT RESOLVED THAT V-73-16 be deferred to the June 20 Board meeting to allow time for the amendment of the request to include vacation of the east-west alley south of Blocks 3 & 4, Realty Sales Addition, and the amended request to be advertised.

Moved by Commissioner Jeffers

Seconded by Commissioner Keleher

Motion Carried Unanimously

COMMENTS FROM OTHER DEPARTMENTS RE AMENDED REQUEST:

Traffic Engineer:	"No objection."
Liquid Waste Engineer:	"A 42" sewer easement must be kept in 9th Street immediately north of Tingley Field. No structures permitted over this line as maintenance must be available."
City Engineer:	"No City water lines in the vacation area."
Water Engineer:	"No objection."
Public Works Dept.:	"Retain a 20 ft. wide easement in 9th Street centered around the existing 42" sanitary sewer trunkline."
COG:	"No objection."
Refuse Removal Div.:	" "
Fire Dept.:	"Will not affect our operations."
Env. Health Dept.:	"No objection."
AMAFCA:	"No comment."
Mt. Bell:	"No objection provided we retain our utility easement."
Public Service Co.:	"No objection if easements are reserved for utility purposes."
So. Union Gas Co.:	"Approved."

PLANNING DEPARTMENT COMMENT RE AMENDED REQUEST:

This item was deferred from the May Board meeting to permit time to advertise amendment of the request to include the east-west alley on the south side of Blocks 3 & 4, Realty Sales Addition.

The Planning Department has received a formal objection to the alley vacation east of 9th Street (south of Block 3), therefore, according to policy, that portion of the vacation cannot be recommended for approval if the opposition remains. The situation relating to the 9th Street vacation has not changed.

The Planning Department reiterates its recommendation for vacating the original stub of 9th Street so long as an easement is retained for an existing sewer line there. Should the alley vacation opposition be rescinded, approval is recommended for its closing also.

Planning Department Comment re Amended Request (Cont'd):

- Findings:
1. This request has been amended to include the east-west alley south of Blocks 3 & 4, Realty Sales Addition.
 2. The Planning Department has no objection to the entire vacation so long as no objection to access denial by property owners in Block 3 is voiced.
 3. An easement for the existing sewer line in 9th Street must be retained.

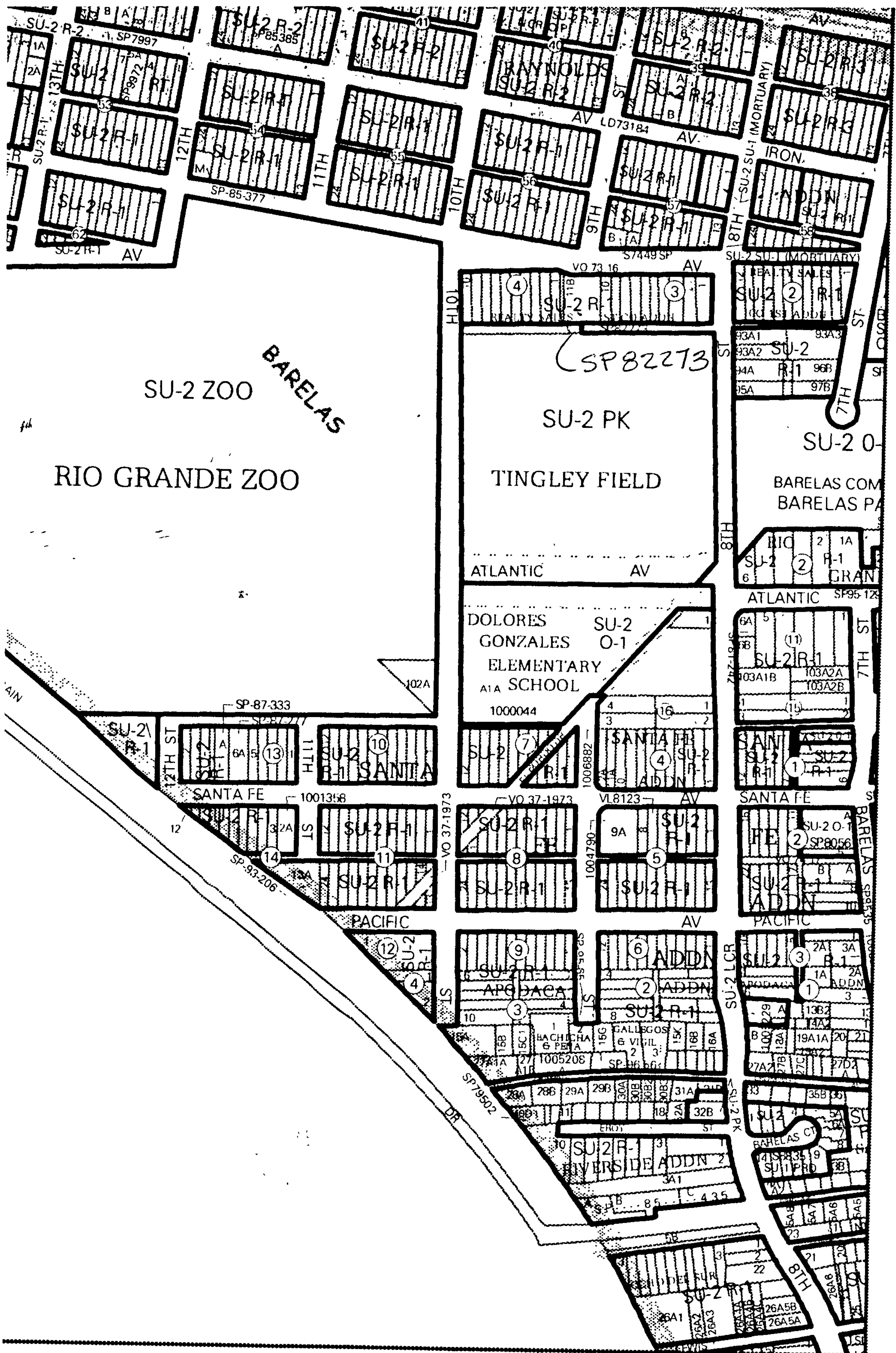
RECOMMENDATION: APPROVAL OF V-73-16 AMENDED IS RECOMMENDED SUBJECT TO UNANIMOUS AGREEMENT OF THE PROPERTY OWNERS AFFECTED TO THE VACATION.



Theodore Pochter, Planner

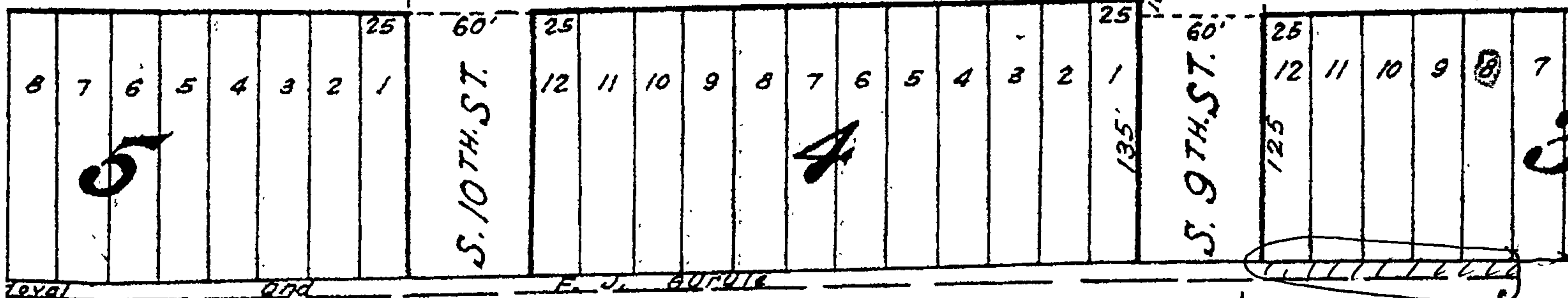
TP:new

cc: Vincent Villaneuva, 824 Stover SW, 37102
Fred Ortiz



AVENUE

WEST



TANISLADO

PRIVATE ALLEY
NUANES 9.30'

PLAT bounded on the North by the RAYNOLDS ADDITION and on the South by the ... and surveyed and subdivided as the same appears hereon, is now, with the consent of the owners thereof, DEDICATED and to be hereafter known as the REALTY SALVAGE ACT IN NEW MEXICO.

S/ Onofre F. Sandoval

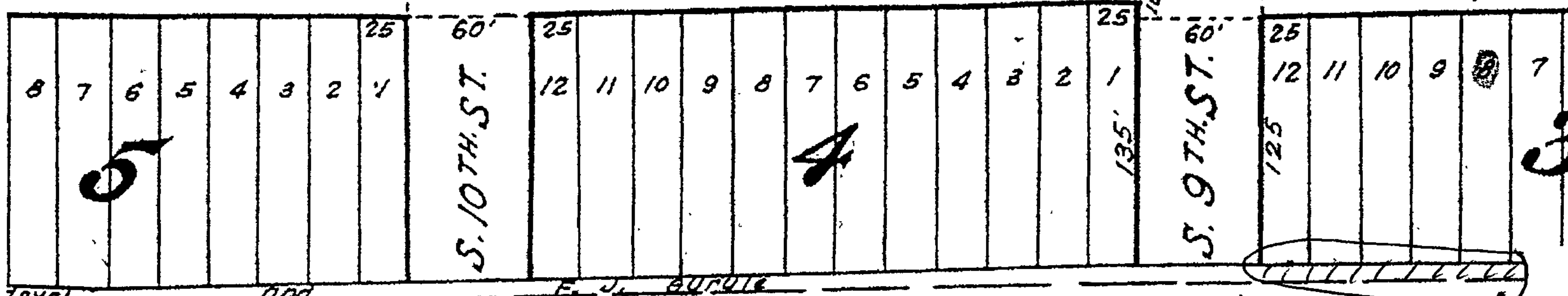
S/ Lumina C. Sandoval

As a Notary Public in and for said County personally appeared FELIPE J. GARCIA and LUMINA C. SANDOVAL his wife, to me known to be the persons they executed the foregoing DEDICATION in my presence, this 22nd day of July, A. D. 1922.

S/ Pitt Ross
Notary Public

AVENUE

WEST



PRIVILEGE AND
 PRIVATE ALLEY
 NUANES 9.30'

TANISLADO

PLAT bounded on the North by the RAYNOLDS ADDITION and on the South by the [unclear] and surveyed and subdivided as the same appears hereon, is now, with the consent of the owners thereof, DEDICATED and to be hereafter known as the REALTY SALVAGE PLAT IN NEW MEXICO.

S/ Onofre F. Sandoval

S/ Lumina C. Sandoval

As a Notary Public in and for said County personally appeared FELIPE J. GARCIA and LUMINA C. SANDOVAL his wife, to me known to be the persons they executed the foregoing DEDICATION in my presence, this 22nd. day of July, A. D. 1922.

S/ Pitt Ross
 Notary Public.

I, Romon Monroy, County Clerk of Bernalillo County, New Mexico do hereby certify that the map on which this certificate appears is a true copy, made under my direction and under the provisions of Chapter 130 of New Mexico Session Laws 1922, of a map filed for record on this 22nd day of July, 1922.

Romon Monroy
County Clerk, Bernalillo County, New Mexico

State of New Mexico } 282
County of Bernalillo }
This instrument was filed for record on
Aug. 22, 1922
at the County Clerk's office
of records of said County, New Mexico.
Wm. K. Rauscher
County Clerk

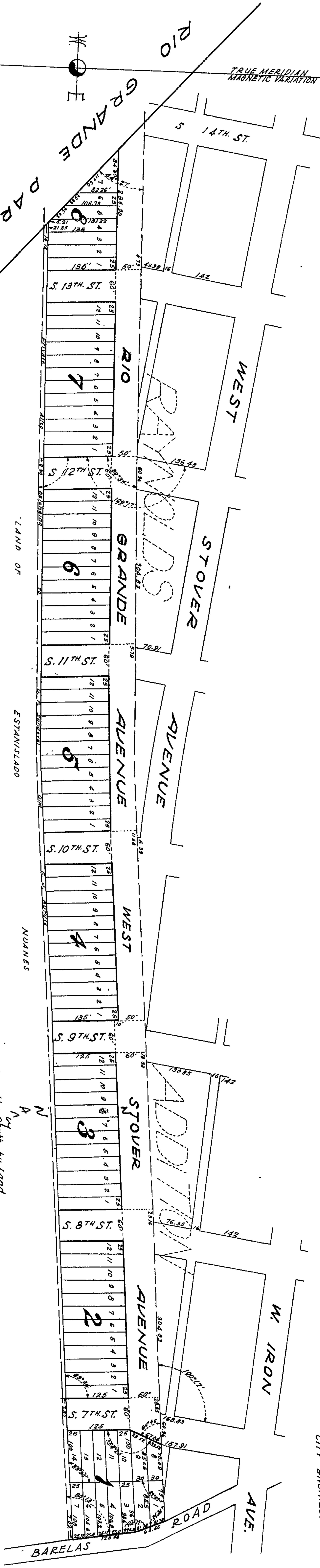
(SEAL)

PLAT OF THE REALTY SALES COMPANY'S FIRST ADDITION

TO THE CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

SCALE: 1 INCH = 100 FEET
SURVEYED & PLATTED JULY 1922
AT THE CITY ENGINEERING OFFICE

CITY ENGINEERING OFFICE, ALBUQUERQUE, N. M.
July 15, 1922
I, FRANK KIMBALL, CITY ENGINEER, have examined the plat of the REALTY SALES COMPANY'S FIRST ADDITION, upon which this certificate appears, and the same is hereby approved by me.
Frank Kimball
CITY ENGINEER



The TRACT of LAND represented on this PLAT bounded on the North by the RAYNOLDS ADDITION and on the South by Land now or formerly owned by ESTANISLADO NUANES, and surveyed and subdivided as the same appears hereon is now with the full consent of and in accordance with the desires of the under-signed owners thereof, DEDICATED and to be hereafter known as the REALTY SALES CO'S FIRST ADDITION to the CITY of ALBUQUERQUE, NEW MEXICO.

Witness to Mark:
Witness to Ross:
 STATE OF NEW MEXICO }
 COUNTY OF BERNALILLO, }
 Before me a Notary Public in and for said County personally appeared FELIPE J. GURULE and SIMONITA S. GURULE his wife, ONOFRE F. SANDOVAL and LUMINA C. SANDOVAL his wife, to me known to be the persons they represent themselves to be; and each signed the foregoing DEDICATION in my presence, this 22nd day of July, A. D. 1922.

Felipe J. Gurulé
Simonita S. Gurule
Onofre F. Sandoval
Lumina C. Sandoval
Felipe J. Gurulé
Notary Public.
 My Commission expires Jan. 16, 1924.