



City of Albuquerque
PLANNING DEPARTMENT

Richard J. Berry, Mayor

Interoffice Memorandum

June 19, 2014

To: Ken Sanchez, President, City Council

From: Richard J. Berry, Mayor

Subject: Bonami/ Samon's Vacation Project# 101077 14DRB-70137
VACATION OF PUBLIC RIGHT-OF-WAY

MYERS, OLIVER & PRICE, PC agents for BONAMI ENTERPRISES, LLC and GOATCHER FAMILY LLC request the referenced/ above action(s) for the NORTH-SOUTH ALLEY in Block 1, **TIMOTEO CHAVEZ ADDITION** zoned C-3, located on PROSPECT AVE NE BETWEEN MADISON ST NE AND MONROE ST NE containing approximately 4.8 acre(s). (H-17)

Request: This is a request for vacation of a north-south section of alley right of way which 'tees' into an east-west alley in the block bounded by Menaul, Madison, Prospect, and Monroe Streets NE. The owners on both sides of the alley are applicants for the vacation; the alley is not needed for public access, and any necessary drainage/ utility easements will be provided with the required replat.

At an advertised public hearing, the Development Review Board voted to recommend APPROVAL to the City Council of the proposed vacation as shown on the Vacation Exhibits in the Planning file, based on the recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

Per section 14-14-7-2(F)(3)(b) of the Subdivision Ordinance, this matter is being forwarded to the City Council to be placed on the consent agenda to determine if the vacation shall occur.

Title/ Subject of Legislation: Bonami/ Samon's Vacation Project# 101077
14DRB-70137 VACATION OF PUBLIC RIGHT-OF-WAY, DRB RECOMMENDATION
FOR APPROVAL

Approved:

Approved as to Legal Form:

Robert J. Perry Date
Chief Administrative Officer

David Tourek Date
City Attorney

Recommended:

Suzanne Lubar Date
Planning Director



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 4, 2014

Project# 101077
14DRB-70137 VACATION OF PUBLIC RIGHT-OF-WAY

MYERS, OLIVER & PRICE, PC agents for BONAMI ENTERPRISES, LLC and GOATCHER FAMILY LLC request the referenced/ above action(s) for the NORTH-SOUTH ALLEY in Block 1, TIMOTEO CHAVEZ ADDITION zoned C-3, located on PROSPECT AVE NE BETWEEN MADISON ST NE AND MONROE ST NE containing approximately 4.8 acre(s). (H-17)

At its June 4, 2014 meeting, the Development Review Board concluded an advertised public hearing on the proposed vacations per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the vacation requests as shown on *the attached Exhibit "C" and in the Planning file (from Prospect Ave to the east-west alley in the North One-Half Block No.s 1 & 3, Timoteo Chavez Addition), based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance. The Preliminary/ Final Plat was indefinitely deferred pending City Council approval of the vacation.*

(A)(1) The vacation of public right-of-way request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) Based on the required replat, the public welfare is in no way served by retaining the public right of way. The City of Albuquerque does not need to utilize the platted alley for roadway purposes based on the surrounding development.

(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, *notice was published in a newspaper of general circulation 15 days before the date of the hearing*, and signs were posted on the site 15 days prior to the hearing; no objection regarding access or the abridgement of a substantial property right was raised.

CONDITIONS:

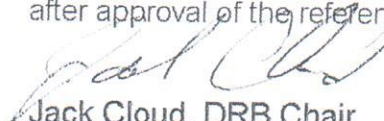
1. Final vacated right of way disposition shall be through the City Real Estate Office.
2. The vacations shall be shown on a replat approved by the Development Review Board, and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

3. Adequate easements shall be retained/ provided for public utilities and infrastructure; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.

PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL.; RATHER, A FORMAL PROTEST OF THE DRB'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE DRB'S DECISION, WHICH IS BY June 19, 2014.

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest 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 a protest. 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 protest. You will receive notice if any other person files a protest.

Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).


Jack Cloud, DRB Chair
MYERS, OLIVER & PRICE, PC
Cc:



INTER-OFFICE MEMORANDUM
COMMENTING AGENCIES

TRANSPORTATION DEVELOPMENT*John MacKenzie*
TRANSIT & PARKING DEPARTMENT*Shabih Rizvi*
COUNCIL OF GOVERNMENTS.....*Kendra Watkins/Andrew Gingerich*
AMAFCA.....*Lynn Mazur*
APD CRIME PREVENTION.....*Steve Sink*
OPEN SPACE DIVISION.....*Kent Reed Swanson*
FIRE DEPARTMENT.....*Antonio Chinchilla*
ZONING ENFORCEMENT INSPECTOR.....*David Kilpatrick*
NEIGHBORHOOD COORDINATION.....*Stephani Winklepleck*
PNM.....*Daniel Aragon*
NEW MEXICO GAS COMPANY.....*Patrick Sanchez*
ALBUQUERQUE PUBLIC SCHOOLS.....*April Winters*
COMCAST CABLE.....*Mike Mortus*
Mid.Rio Grande Conserv. Dist. (MRGCD).....*Ray Gomez*
ENVIRONMENTAL HEALTH.....*Paul Olson*

Your comments on the following case(s) are requested. Board hearing date:

PROJECT # 1010077

WEDNESDAY, June 4, 2014

Comments must be received by:

Friday, May 30, 2014



Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation Public Alley (ROW)
- 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 Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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): Myers, Oliver & Price, P.C. (John Myers) PHONE: 247-9080
 ADDRESS: 1401 Central Avenue, NW FAX: 247-9109
 CITY: Albuquerque STATE NM ZIP 87104 E-MAIL: jmyers@moplaw.com

APPLICANT: See attached Attachment A PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____
 Proprietary interest in site: Owners List all owners: See Attachment A

DESCRIPTION OF REQUEST: Vacation of alley (Public ROW)

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. Lots 7-13 and Tract A Block: 1 Unit: _____
 Subdiv/Addn/TBKA: Timoteo Chavez Addition
 Existing Zoning: C-3 Proposed zoning: N/A MRGCD Map No _____
 Zone Atlas page(s): H-17 UPC Code: See Attachment A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): None

CASE INFORMATION:

Within city limits? Yes. Within 1000FT of a landfill? No
 No. of existing lots: 8 No. of proposed lots: _____ Total site area (acres): ± 4800
 LOCATION OF PROPERTY BY STREETS: On or Near: North/South alley between Prospect Ave. NE and the east/west alley between Menaul Blvd. and Prospect Ave.
 Between: Madison Street, NE and Monroe Street, NE

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

SIGNATURE

(Print Name) John A. Myers DATE 5/5/14
 Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 4/2012

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>14DRB - 70137</u>	<u>VROW</u>	_____	\$ <u>300.00</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>ADV</u>	_____	\$ <u>75.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	<u>CMF</u>	_____	\$ <u>20.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" 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	_____	_____	_____	\$ _____
	Hearing date <u>June 4, 2014</u>			Total
				\$ <u>395.00</u>

Staff signature & Date: [Signature] 5-5-14 Project # 1010077

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.

John A. Myers
 Applicant name (print)
[Signature]
 Applicant signature / date



- Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed
- | | |
|--------------------------|-------|
| Application case numbers | |
| 14 DRB - | 70137 |
| - | - |
| - | - |

Form revised 4/07
[Signature] 55+4
 Planner signature / date
 Project # 1010077

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 tear out less easily.

4. TIME

Signs must be posted from May 20, 2014 To June 4, 2014

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.

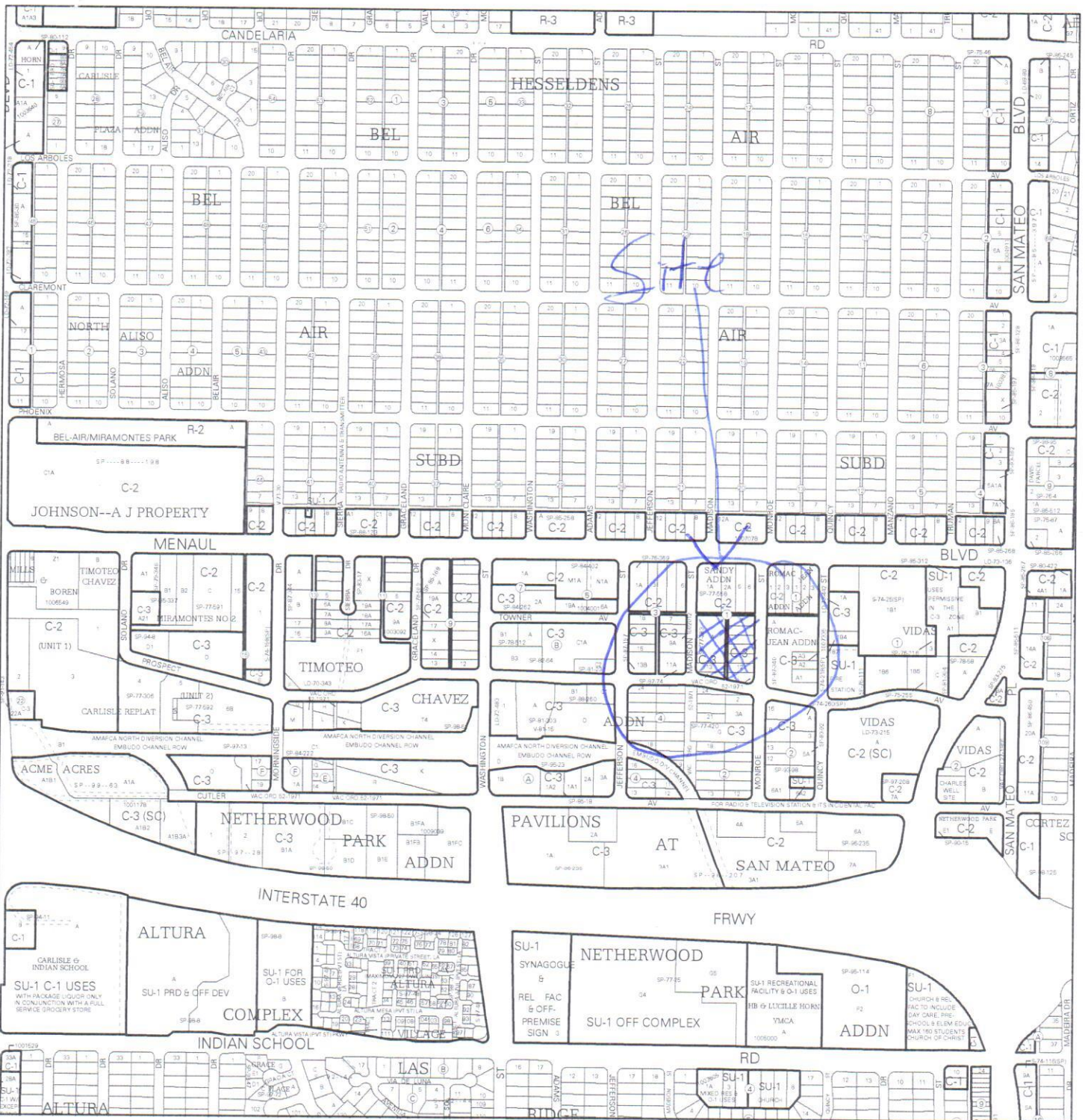
Karen L. Simpson-Ward
(Applicant or Agent)

5-5-14
(Date)

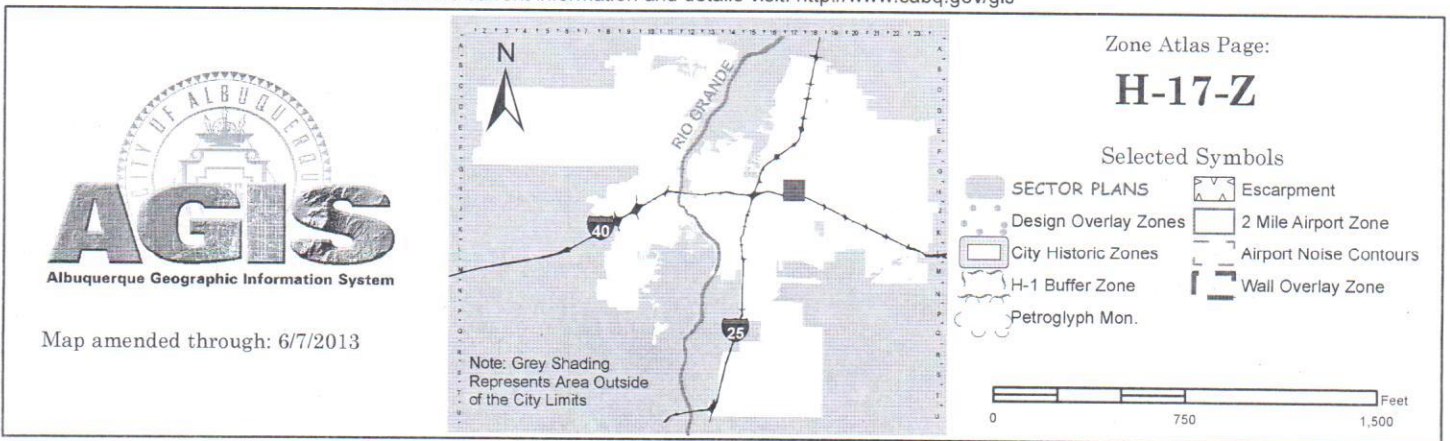
I issued 1 signs for this application, 5-5-14
(Date)

[Signature]
(Staff Member)

DRB PROJECT NUMBER: 1010077



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



JUSTIFICATION FOR REQUEST

This is a request for vacation of public right-of-way (the "Right-of-Way"). The Right-of-Way is the north/south alley in Block 1, bounded by Monroe Street on the east, Madison Street on the west, Prospect Ave. on the south and Menaul on the north. The Right-of-Way extends from Prospect Ave. on the south to the east/west alley midway between Prospect and Menaul.

The applicants for this request are Bonami Enterprises, LLC ("Bonami") and Goatcher Family, LLC ("Goatcher"). Bonami and Goatcher are jointly referred to herein as the "Owners".

Bonami is the owner of the following described properties (the "Bonami Property"):

Lot numbered Thirteen (13) in Block numbered One (1) of TIMOTEO CHAVEZ ADDITION, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the revised plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on June 29, 1949, in Plat Book C, Page 159; **Together with** the vacated portion of excess right-of-way of Prospect Avenue, N.E., adjacent thereto, vacated by Ordinance No. 52-1971, dated April 26, 1971, filed May 5, 1971, in Book Misc. 213, Page 176, records of Bernalillo County, New Mexico

and

Tract lettered "A" in Block numbered One (1) of the TIMOTEO CHAVEZ ADDITION, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the replat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on June 7, 1977, in Plat Book B13, Page 20

Goatcher is the owner of the following described property (the "Goatcher Property"):

Lots numbered 7 through 12, in Block 1, of Timoteo Chavez Addition, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the revised plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on June 29, 1949, in Plat Book C, Page 159, together with the vacated portion of Prospect Avenue right-of-way adjacent thereto.

The Bonami Property and the Goatcher Property constitute 100% of the front footage of the Right-of-Way.

The vacation of the Right-of-Way is justified because:

1. The public welfare is no way served by retaining the Right-of-Way;
2. There will be a net benefit to the public welfare because the development made possible by the vacation of the Right-of-Way is clearly more beneficial to the public welfare than the minor detriment, if any, resulting from the vacation;
3. There is no convincing evidence that any substantial property right will be abridged against the will of the owner of the right if the vacation is granted.

Therefore, the Owners respectfully request that the vacation of the Right-of-Way be granted.

ATTACHMENT A

Applicant:

Bonami Enterprises, LLC
c/o Elliot Berger
2520 Madison Street, NE
Albuquerque, New Mexico 87110
Phone: 962-6155
Email: elliot.berger@uscotton.com

Owner of Tract A, and Lot 13, Block 1
Timoteo Chavez Addition

UPC Code Numbers:

Lot 13, Block 1 101705937320241301
Tract A, Block 1 101705937321841314

Goatcher Family, LLC
c/o Lody Goatcher
2511 Monroe, NE
Albuquerque, New Mexico 87110
Phone: 864-4615

Owner of Lots 7 through 12, Block 1
Timoteo Chavez Addition

UPC Code Numbers:

Lots 7 thru 10, Block 1: 101705938822141307
Lot 11, Block 1 101705938820841303
Lot 12, Block 1 101705938820441302

May 2, 2014

Hand Delivered

City of Albuquerque
Planning Department
Development Review Board
600 Second Street, NW, Suite 200
Albuquerque, New Mexico 87103

Re: Vacation of Alley
Lots 7 through 13, and Tract A, Block 1, Timoteo Chavez Addition

Ladies and Gentlemen:

The undersigned are the the owners of the following property:

Bonami Enterprises, LLC, as the owner of the following described property (the "Bonami Property"):

Lot numbered Thirteen (13) in Block numbered One (1) of TIMOTEO CHAVEZ ADDITION, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the revised plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on June 29, 1949, in Plat Book C, Page 159; **Together with** the vacated portion of excess right-of-way of Prospect Avenue, N.E., adjacent thereto, vacated by Ordinance No. 52-1971, dated April 26, 1971, filed May 5, 1971, in Book Misc. 213, Page 176, records of Bernalillo County, New Mexico

and

Tract lettered "A" in Block numbered One (1) of the TIMOTEO CHAVEZ ADDITION, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the replat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on June 7, 1977, in Plat Book B13, Page 20

Goatcher Family, LLC, is the owner of the following described property (the "Goatcher Property"):

Lots numbered 7 through 12, in Block 1, of Timoteo Chavez Addition, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the revised plat thereof, filed in the Office of the County Clerk

of Bernalillo County, New Mexico, on June 29, 1949, in Plat Book C, Page 159, together with the vacated portion of Prospect Avenue right-of-way adjacent thereto.

The undersigned hereby appoint Myers, Oliver & Price, P.C., as their agent in their application to the Development Review Board for a vacation of the alley located in Block 1, of the Timoteo Chavez Addition between the Bonami Property and the Goatcher Property. Myers, Oliver & Price is further authorized to remain as the agent through any appeals process.

BONAMI ENTERPRISES, LLC, a New Mexico
limited liability company

By: Elliot J Berger
Elliot Berger
Member

GOATCHER FAMILY, LLC, a New Mexico
limited liability company

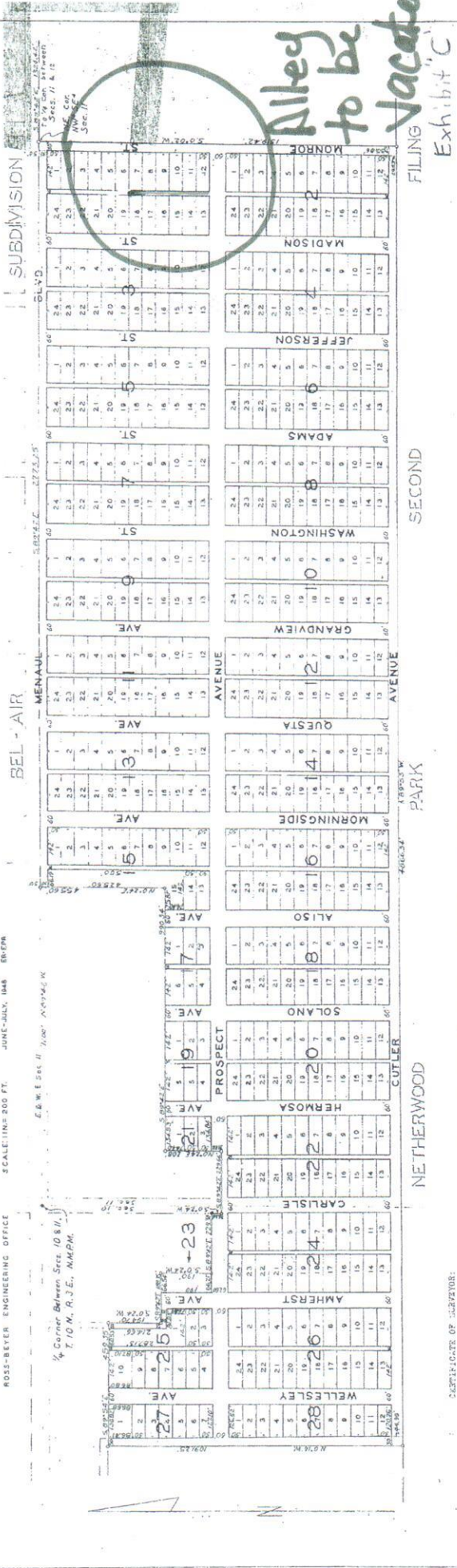
By: Loyd Goatcher
Loyd Goatcher
Member

REVISED PLAT OF TIMOTEO CHAVEZ ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO

The County Clerk of Bernalillo County, New Mexico, is hereby ordered to place this revised plat of record on recordance with Final Payment L.C. 3556 in the District Court, Bernalillo County, New Mexico.

BEING FILED FOR THE PURPOSE OF CORRECTING ERRORS AND DISCREPANCIES IN THE ORIGINAL PLAT OF SAID TIMOTEO CHAVEZ ADDITION FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON THE 22ND DAY OF NOVEMBER, 1928.

ROSS-BEYER ENGINEERING OFFICE
SCALE: 1" = 200 FT.
JUNE-JULY, 1948
ENR/FR



FILING VACATE ALLEY TO BE Exhibit C

CERTIFICATE OF SURVEYOR:

I, Edmund Ross, a duly qualified engineer and land surveyor licensed to practice under the laws of the State of New Mexico, hereby certify that the foregoing plat of record of the Timoteo Chavez Addition, as shown on the original plat of record, is a true and correct copy of the original plat of record as the same was filed in the office of the County Clerk of Bernalillo County, New Mexico, on the 22nd day of November, 1928.

That I am personally acquainted with, and personally know the location and boundaries of, the Timoteo Chavez Addition, as shown on the original plat of record, and that the same is a true and correct copy of the original plat of record as the same was filed in the office of the County Clerk of Bernalillo County, New Mexico, on the 22nd day of November, 1928.

That the exterior boundaries of said Timoteo Chavez Addition, as actually staked on the ground, are as described by survey as follows: Beginning at the Northeast corner of Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 0°02'48" W., 1315.44 feet to the Southeast corner of said Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 89°53'58" W., 492.35 feet to the Northwest corner of said Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 89°53'58" W., 492.35 feet to the Northeast corner of said Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 0°02'48" W., 1315.44 feet to the starting point.

That the interior boundaries of said Timoteo Chavez Addition, as shown on the original plat of record, are as described by survey as follows: Beginning at the Northeast corner of Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 0°02'48" W., 1315.44 feet to the Southeast corner of said Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 89°53'58" W., 492.35 feet to the Northwest corner of said Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 89°53'58" W., 492.35 feet to the Northeast corner of said Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 0°02'48" W., 1315.44 feet to the starting point.

That said exterior boundaries of said Timoteo Chavez Addition, as above described, are identical with, or contain within, the exterior boundaries of said Timoteo Chavez Addition, as shown on the original plat of record, and that the interior boundaries of said Timoteo Chavez Addition, as shown on the original plat of record, are as described by survey as follows: Beginning at the Northeast corner of Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 0°02'48" W., 1315.44 feet to the Southeast corner of said Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 89°53'58" W., 492.35 feet to the Northwest corner of said Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 89°53'58" W., 492.35 feet to the Northeast corner of said Section 11, Township 10 North, Range 3 East, N.M.P.M., thence S. 0°02'48" W., 1315.44 feet to the starting point.

That the Lots, Blocks, Streets and Alleys as shown on this revised Plat are identical on the ground with the respective Lots, Blocks, Streets and Alleys as shown on the original Plat of the Timoteo Chavez Addition filed on the original Plat of said Timoteo Chavez Addition filed November 22nd, 1928, the Northeast Corner of said Addition is astronomically shown as the 1/4 Corner between Sec. 11 and 12, T.10 N., R.3 E., whereas said point is actually the Northeast corner of the Southeast Quarter of said Section 11, while the 1/4 Corner between Sections 10 and 11, Township 10 North, Range 3 East, N.M.P.M., is correctly shown on said original Plat.

Witness my hand and seal, this Sixth day of July, 1948.

CERTIFICATE OF COUNTY SURVEYOR:

I, C. B. Beyer, County Surveyor of Bernalillo County, New Mexico, hereby certify that I have read the foregoing Certificate of Surveyor, that I am personally acquainted with, and personally know the location and boundaries of the property therein mentioned and described; that I know the statements and descriptions therein contained to be correct; and I further certify that I have examined the REVISED PLAT OF TIMOTEO CHAVEZ ADDITION upon which this certificate appears, and approved the same, this 19th day of July, 1948.

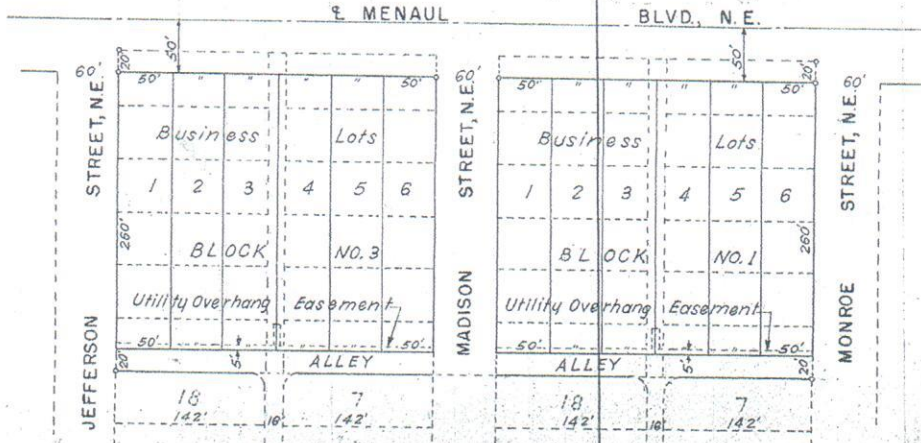
I, May Dieguez, County Clerk of Bernalillo County, New Mexico, hereby certify that the REVISED PLAT OF TIMOTEO CHAVEZ ADDITION upon which this certificate appears was approved and accepted for filing by the Board of County Commissioners of said County at its meeting held on the 19th day of July, 1948.

I, E. O. Betts, City Engineer of the City of Albuquerque, New Mexico, hereby certify that I have examined the Revised Plat of Timoteo Chavez Addition upon which this certificate appears, and approved the same, this 20th day of September, 1948.



CORRECTED REPLAT APR 19 1954

May Cleghorn



REPLAT
NORTH ONE-HALF BLOCKS NOS. 1 & 3
TIMOTEO CHAVEZ ADDITION
ALBUQUERQUE, NEW MEXICO

SCALE: 1" = 100' APRIL 1954
B. H. CALKINS, REGISTERED ENGINEER & LICENSED SURVEYOR

The above and foregoing replat of the North One-Half of Blocks 1 and 3 of the Timoteo Chavez Addition to the City of Albuquerque, New Mexico, as filed in the office of the County Clerk of Bernalillo County, New Mexico, on June 29, 1949, consisting of the original Lots 1 to 6 and 19 to 24, (shown in light dotted lines) respectively of Blocks 1 and 3 of the said addition, now replatted and surveyed as the same hereon appears (in full lines) and consisting of Lots 1 to 6 in each of the respective Blocks 1 and 3, together with dedications as follows: an easement 20 feet in width along the entire Menaul Boulevard N.E. frontage of the said Blocks 1 and 3, and an alley 20 feet in width along the entire southerly boundary of said replatted property. All with the free consent and in accordance with the desires of the undersigned owners and proprietors thereof.

J. A. Werner
Agnes B. Werner
Owners and Proprietors

STATE OF NEW MEXICO) SS
COUNTY OF BERNALILLO)

On this 16th day of April, 1954, before me, a notary public in and for said County, personally appeared J.A. Werner and Agnes B. Werner, his wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and date last above written.

My Commission Expires August 22, 1954

William M. Katsel
Notary Public

I, E.O. Betts, City Engineer of the City of Albuquerque, New Mexico do hereby certify that I have examined the foregoing replat and approved the same this 9 day of April, 1954.

E.O. Betts
City Engineer

I, Ida V. Malorie, City Clerk of the City of Albuquerque, New Mexico, hereby certify that the foregoing replat was approved by the City Commission at its meeting the 2 day of April, 1954.

Ida V. Malorie
City Clerk

I, May Cleghorn, County Clerk of Bernalillo County, New Mexico, hereby certify that the foregoing replat was approved and accepted for filing by the Board of County Commissioners at its meeting held the day of , 1954.

County Clerk
W. Albreich
Chairman

Approved by City Planning Commission March 16, 1954.

B2-165



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.

April 29, 2014

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

This letter will serve to notify you that on **April 29, 2014:**

Contact Name: KAREN ARFMAN

Company or Agency: MYERS, OLIVER AND PRICE, P.C.
1401 CENTRAL AVENUE NW/87104
PHONE: 505-247-9080/FAX: 505-247-9609

contacted the Office of Neighborhood Coordination requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed project at **(DRB SUBMITTAL) – LOTS 7-13, BLOCK 1, TIMOTEO CHAVEZ ADDITION, TRACT A, TIMOTEO CHAVEZ ADDITION, LOCATED BETWEEN MENAUL BOULEVARD NE AND PROSPECT AVENUE NE AND BETWEEN MADISON STREET NE AND MONROE STREET NE** zone map H-17.

Our records indicate that as of April 29, 2014, there were no Neighborhood and/or Homeowner Associations in this area.

If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
PLANNING DEPARTMENT