



City of Albuquerque PLANNING DEPARTMENT

Richard J. Berry, Mayor

Interoffice Memorandum

December 12, 2014

To: **Ken Sanchez, President, City Council**

From: **Richard J. Berry, Mayor**

Subject: **Atlantic & Pacific Block A Alley Vacation** **Project# 1010289 / 14DRB-70389**
VACATION OF PUBLIC ALLEY RIGHT-OF-WAY

MYERS, OLIVER & PRICE, P.C. agents for RUSSELL GARNER ET. AL. request the referenced/ above vacation of the remaining 16 foot Alley in Block A, **ATLANTIC-PACIFIC ADDITION** located between 1ST and 2ND STREETS SW and COAL and IRON AVENUES SW. (K-14)

Request: This is a request for vacation of public right of way for remnants of an alley in the Barelas neighborhood. The platted right of way abuts property under 4 different ownerships, and all are in agreement to close the alley. There is an existing sewer line in a portion of the alley that is a candidate for being abandoned, otherwise easements will be retained for this and any other existing utilities so that they can be maintained.

After an advertised public hearing, the Development Review Board concurred to recommend APPROVAL to the City Council of the proposed vacation as shown on the Exhibit "B" 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: Atlantic & Pacific Block A Alley Vacation Project# 1010289 /
14DRB-70389 VACATION OF PUBLIC ALLEY 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

December 10, 2014

Project# 1010289

14DRB-70389 VACATION OF PUBLIC ALLEY RIGHT-OF-WAY

MYERS, OLIVER & PRICE, P.C. agents for RUSSELL GARNER ET. AL. request the referenced/ above vacation of the remaining 16 foot Alley in Block A, **ATLANTIC-PACIFIC ADDITION** located between 1ST and 2ND STREETS SW and COAL and IRON AVENUES SW. (K-14)

On December 10, 2014, the Development Review Board held an advertised public hearing on the proposed vacation 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 proposed vacation of the referenced alley as shown on Exhibit "B" in the Planning file, 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.

Findings

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

(B)(1) 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 vehicular purposes based on the abutting ownership and circulation pattern.

(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 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. All owners of land abutting the alley were in support of the proposed vacation.

This site is located in the Barelmas Sector Development Plan which does not contain restrictions or recommendations against the vacation of alleys.

CONDITIONS:

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

3. All abutting property owners shall concur with the required replatting as a single plat or the simultaneous recording of multiple plats.
4. Adequate easements shall be retained/ provided for public utilities and infrastructure, including a public sewer easement; 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 December 26, 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 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 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:
file

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

2. **Project# 1010289**
14DRB-70389 VACATION OF PUBLIC ALLEY RIGHT-OF-WAY 
- MYERS, OLIVER & PRICE, P.C. agents for RUSSELL GARNER ET. AL. request the referenced/ above vacation of the remaining 16 foot Alley in Block A, **ATLANTIC-PACIFIC ADDITION** located between 1ST and 2ND STREETS SW and COAL and IRON AVENUES SW. (K-14) **THE VACATION WAS RECOMMENDED FOR APPROVAL BY THE CITY COUNCIL. THIS RECOMMENDATION WAS BASED ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.**
3. **Project# 1004404**
14DRB-70365 VACATION/ PUBLIC EASEMENT
14DRB-70366 - TEMP DEFR SIDEWLK CONST
14DRB-70367 - PRELIMINARY PLAT APPROVAL
14DRB-70394 MINOR - SDP FOR SUBDIVISION 
- BOHANNAN HUSTON INC & CONSENSUS PLANNING agents for WOODMONT PASEO, LLC request the referenced/ above actions for all or a portion of Tracts 9 & 10, **TRAILS UNIT 3A (proposed Tract F VALLE PRADO UNIT 1 and Tract A VALLE PRADO UNIT 2)** zoned SU-2/ VTSL, located at the western terminus of TREE LINE AVE NW west of RAINBOW BLVD NW and north of WOODMONT AVE NW containing approximately 14.56 acres. (C-9) [*deferred from 11/19/14*]**DEFERRED TO 12/17/14**
4. **Project# 1003275**
14DRB-70358 PRELIMINARY/FINAL PLAT
14DRB-70359 BULK LAND VARIANCE
14DRB-70369 EPC APPROVED SDP FOR SUBDIVISION 
- TIERRA WEST LLC and CONSENSUS PLANNING agents for WESTERN ALBUQUERQUE LAND HOLDINGS, LLC request the referenced/ above actions for Tract 1A1, **EL RANCHO ATRISCO PHASE 3** zoned SU-1, located on the south of LADERA DR NW between UNSER BLVD NW and MARKET ST NW containing approximately 19.98 acres. (H-9 & H-10) [*deferred from 11/12/14, 11/19/14, 12/3/14*]**THE PRELIMINARY/FINAL PLAT AND THE BULK LAND VARIANCE WAS DEFERRED TO 12/31/14. THE SITE DEVELOPMENT PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO PLANNING FOR REVISION OF PUBLIC WATERLINE EASEMENT AND FOR REMOVAL OF REFERENCE OF VACATION ACTION.**



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/Sarah Brown*

FIRE DEPARTMENT.....*Antonio Chinchilla*
ZONING ENFORCEMENT INSPECTOR.....*Vince Montano*
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.

PROJECT # 1010289

Board hearing date:

WEDNESDAY, December 10, 2014

Comments must be received by:

December 5, 2014



Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation Public ROW (Alley)
- 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

D Street Name Change (Local & Collector)

L A 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. PHONE: 247-9080
 ADDRESS: 1401 Central Avenue, NW FAX: 247-9109
 CITY: Albuquerque STATE NM ZIP 87104 E-MAIL: jmyers@moplaw.com

APPLICANT: See 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 N/S alley and E/W 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 7-12, 19, 20, 21-24, 26 and Lot A Block: A Unit: _____
 Subdiv/Addn/TBKA: Atlantic-Pacific Addition
 Existing Zoning: SU2-WD Proposed zoning: N/A MRGCD Map No. _____
 Zone Atlas page(s): K-14 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: 15 No. of proposed lots: _____ Total site area (acres): Approx. 3500 ft²
 LOCATION OF PROPERTY BY STREETS: On or Near: N/S Alley between 1st and 2nd Street and E/W Alley
 Between: Coal and Iron

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

SIGNATURE _____ DATE 11/14/14
 (Print Name) John A. Myers Applicant Agent

FOR OFFICIAL USE ONLY

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

Application case numbers	Action	S.F.	Fees
<u>14DR13 - 70389</u>	<u>VRW</u>	_____	<u>\$ 300.00</u>
_____	<u>CMF</u>	_____	<u>\$ 20.00</u>
_____	<u>ADV</u>	_____	<u>\$ 75.00</u>
_____	_____	_____	<u>\$ _____</u>
_____	_____	_____	<u>\$ _____</u>
Total			<u>\$ 395.00</u>

Hearing date Dec. 10, 2014

Michelle Trujillo 11/14/14
 Staff signature & Date

Project # 1010289

Revised: 4/2012

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.

Applicant name (print)

Applicant signature / date



Form revised 4/07

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

Application case numbers
 14DRB 70389

 Planner signature / date
 Project # 1010289

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 Nov. 25, 2014 To Dec. 10, 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.

Karlene Antina Ward 11/14/14
(Applicant or Agent) (Date)

I issued 2 signs for this application, 11/14/14 Michelle Tejillo
(Date) (Staff Member)

DRB PROJECT NUMBER: 1010289



Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation Public ROW (Alley)
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
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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)
- L A 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.

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 ADDRESS: 1401 Central Avenue, NW FAX: 247-9109
 CITY: Albuquerque STATE NM ZIP 87104 E-MAIL: jmyers@noplaw.com

APPLICANT: See 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 N/S alley and E/W alley (Public ROW)

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

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Lot or Tract No. Lots 7-12, 19, 20, 21-24, 26 and Lot A Block: A Unit: _____
 Subdiv/Addn/TBKA: Atlantic-Pacific Addition
 Existing Zoning: SU2-WD Proposed zoning: N/A MRGCD Map No _____
 Zone Atlas page(s): K-14 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: 15 No. of proposed lots: _____ Total site area (acres): Approx. 3500 ft²

LOCATION OF PROPERTY BY STREETS: On or Near: N/S Alley between 1st and 2nd Street and E/W Alley
 Between: Coal and Iron

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

SIGNATURE John A. Myers DATE 11/14/14
 (Print Name) Applicant: Agent:

FOR OFFICIAL USE ONLY

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

Application case numbers 14DRB-70389

Revised: 4/2012	Action	S.F.	Fees
	<u>VRW</u>		\$ <u>300.00</u>
	<u>CMF</u>		\$ <u>20.00</u>
	<u>ADV</u>		\$ <u>75.00</u>
			\$ _____
			\$ _____
			\$ _____
			Total
			\$ <u>395.00</u>

Hearing date Dec. 10, 2014

Michael F. Zella 11/14/14
 Staff signature & Date

Project # 1010289

- 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)
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 - Fee (see schedule)
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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)**
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(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**
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 - Letter briefly describing, explaining, and justifying the request
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- SIDEWALK WAIVER (DRB21)**
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- 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
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- VACATION OF RECORDED PLAT (DRB29)**
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Applicant name (print)

Applicant signature / date



Form revised 4/07

- Checklists complete
 - Fees collected
 - Case #'s assigned
 - Related #'s listed
- Application case numbers
14DRB 70389

Planner signature / date

Project # 1010289



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

Map amended through: 9/2/2014

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
K-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

ATTACHMENT A

Applicants:

John Yost
111 Iron Ave. SW
Albuquerque, New Mexico 87110

Owner of Lot 19 and 20, Block A
Pacific & Atlantic Addition

UPC Code Number: 101405722624633702

Rahim Kassam and Nizar Kassam
13101 Rebonito Road, NE
Albuquerque, New Mexico 87112

Owners of Lots 7 through 12, Block A
Pacific & Atlantic Addition

UPC Code Numbers:

Lots 7 thru 11, Block A: 101405723824633705
Lot 12, Block A 101405723723933703

Russell Garner
Rodney Guarneri and Richard Guarneri
500 2nd Street, SW
Albuquerque, New Mexico 87102
Albuquerque, New Mexico 87102

Owners of Lot A, Plat of Lots A & B
Pacific & Atlantic Addition
(formerly Lots 1-6, Lots 13-18, and Lot 25,
Block A, Atlantic and Pacific Addition)

UPC Number: 101405723125833709

Gilbert Austin
1829 Patton Road, SW
Albuquerque, New Mexico 87105

Owner Lot 21
Block A
Pacific & Atlantic Addition

UPC Number: 101405722025033711

JUSTIFICATION FOR REQUEST

This is a request for vacation of public rights-of-way (the "Rights-of-Way"). The Rights-of-Way are the north/south and the east/west alleys in Block A, Atlantic & Pacific Addition. Block A is bounded by First Street on the east, Second Street on the west, Iron Avenue on the south and Coal Avenue on the north. The Rights-of-Way are shown on the attached plat and zone map page.

The applicants for this request are John Yost ("Yost"), Rahim and Nizar Kassam ("Kassam"), Russell Garner, Rodney Guarneri and Richard Guarneri ("Garner/Guarneri"), and Fred and Daisy Austin ("Austin"). Yost, Kassam, Garner/Guarneri and Austin are jointly referred to herein as the "Owners".

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

Lots 19 and 20, Block A, Pacific & Atlantic Addition, as the same are shown and designated on the Plat thereof, recorded in the Bernalillo County, New Mexico real estate records on April 24, 1888, in Book C, Folio 154

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

Lots 7 through 12, Block A, Pacific & Atlantic Addition, as the same are shown and designated on the Plat thereof, recorded in the Bernalillo County, New Mexico real estate records on April 24, 1888, in Book C, Folio 154

Garner/Guarneri is the owners of the following described property ("Garner/Guarneri Property"):

Lot A, Plat of Lots A & B, as the same is shown and designated on the Plat of Lot A & B, Block A, Atlantic and Pacific Addition, recorded in the Bernalillo County, New Mexico real estate records on April 21, 1991, as Document No. 91019601

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

Lots 21, 22, 23 24 and 26, Block A, Pacific & Atlantic Addition, as the same are shown and designated on the Plat thereof, recorded in the Bernalillo County, New Mexico real estate records on April 24, 1888, in Book C, Folio 154

The Yost Property, the Kassam Property, the Garner/Guarneri Property and the Austin Property constitute 100% of the front footage of the Rights-of-Way.

The vacation of the Rights-of-Way are justified because:

1. The public welfare is no way served by retaining the Rights-of-Way;
2. There will be a net benefit to the public welfare because the development made possible by the vacation of the Rights-of-Way are 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 Rights-of-Way be granted.

ATLANTIC AND PACIFIC ADDITION

FILED AS AN AMENDED AND SUPPLEMENTAL MAP
OF THE ATLANTIC AND PACIFIC ADDITION TO THE
TOWN OF ALBUQUERQUE, N.M. APRIL 24th A.D. 1888.

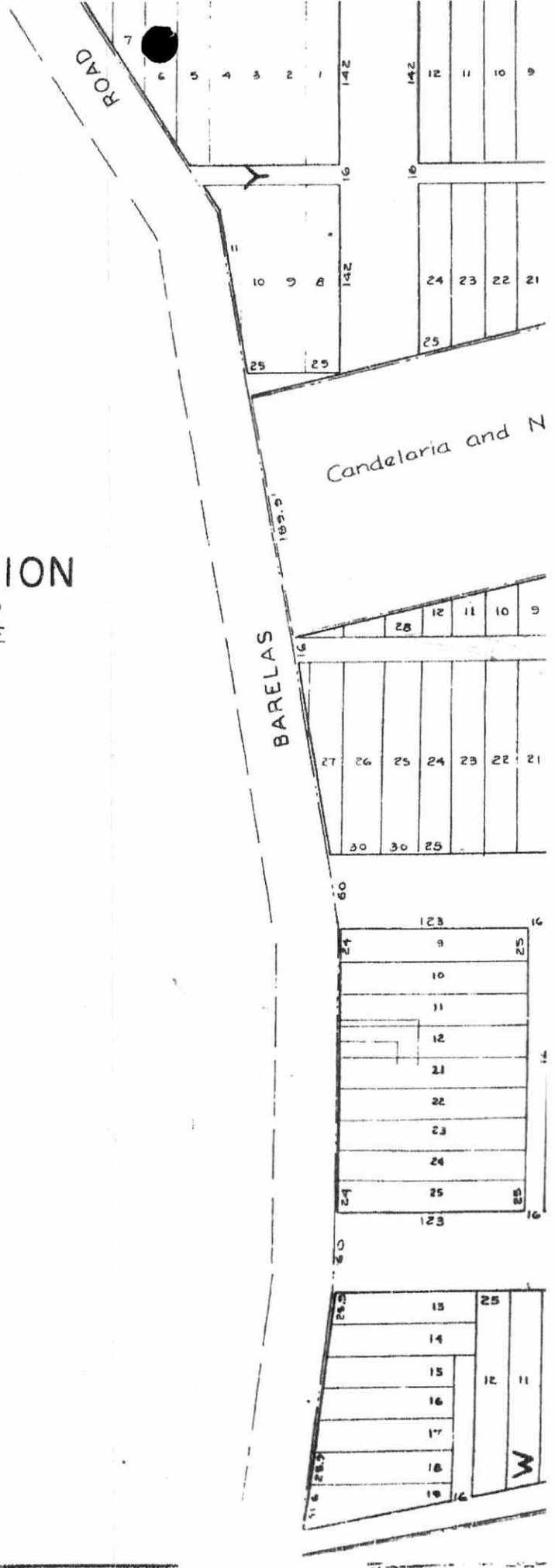
Scale 100 feet equal to 1 inch

Filed in my office this 24th day of
April A.D. 1888 at 9:40 o'clock.

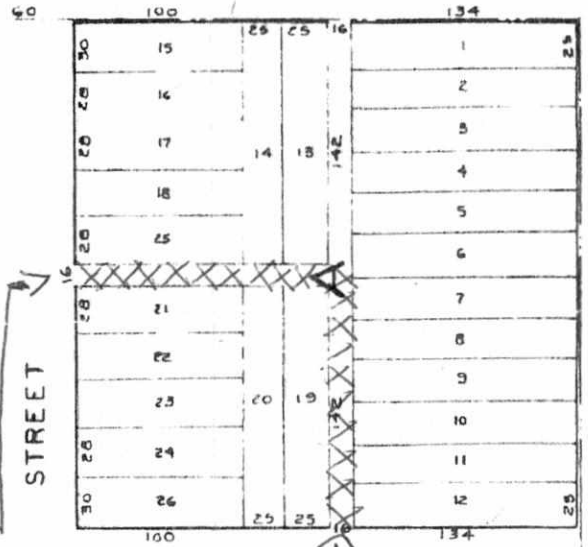
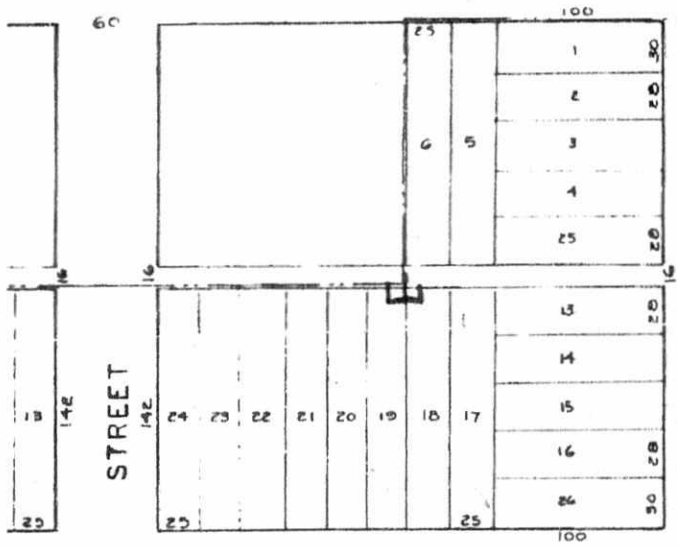
F. H. KENT
Probate Clerk
by J. H. SIMMONS, Deputy

VICE CO..

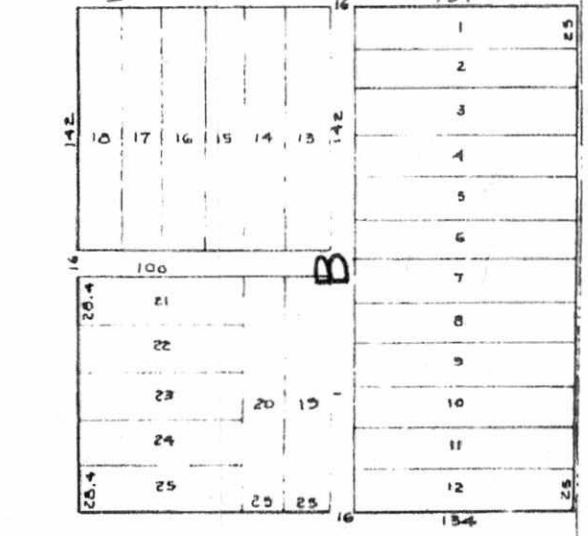
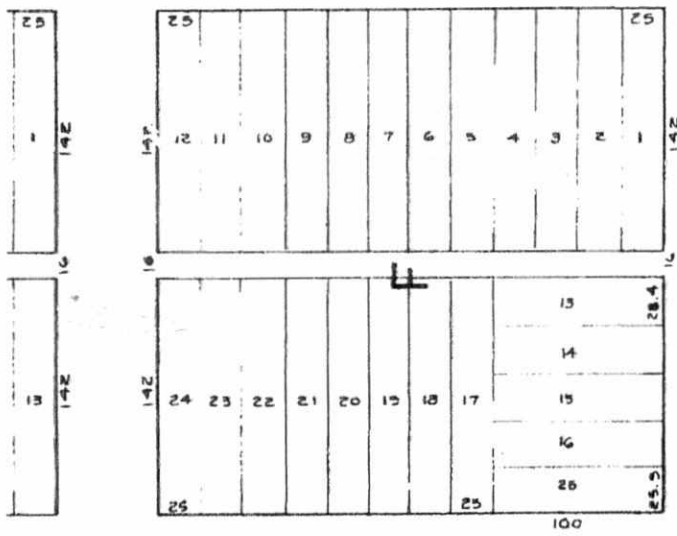
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COPY



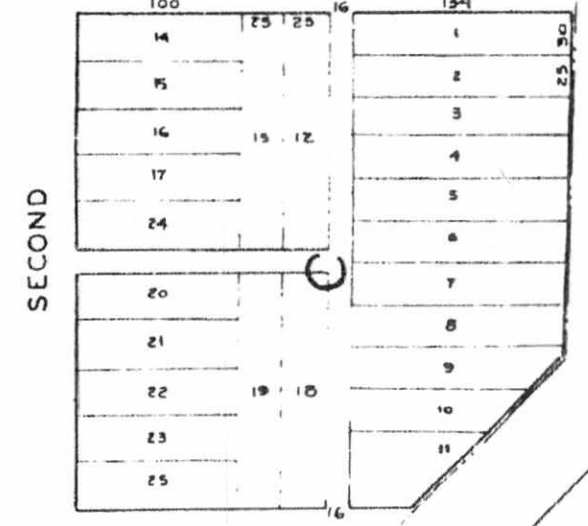
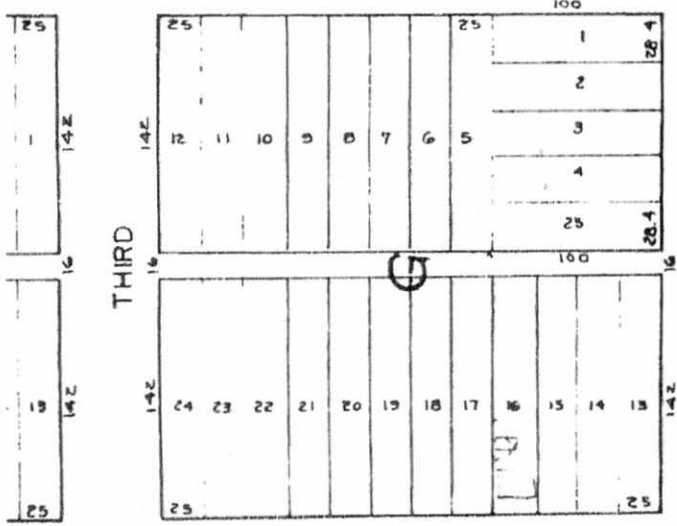
[Handwritten signature]



Alley to be vacated



AVENUE



STREET

STREET

STREET



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

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

October 16, 2014

Karen Lee Arfman
Myers, Oliver and Price, P.C.
1401 Central Avenue NW/87104
Phone: 505-247-9080/Fax: 505-247-9109
E-mail: karfman@moplaw.com

Dear Karen:

Thank you for your inquiry of **October 16, 2014** 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 7-12, BLOCK A, LOT A, BLOCK A, LOTS 19-24 AND LOT 26, BLOCK A, ALL WITHIN PACIFIC AND ATLANTIC ADDITION LOCATED ON THE N/S ALLEY BETWEEN FIRST STREET SW AND SECOND STREET SW AND THE E/W ALLEY BETWEEN COAL AVENUE SW AND IRON AVENUE SW** zone map **K-14**.

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

SEE “ATTACHMENT A” FOR THE NAMES OF THE NA/HOA’S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and “Attachment A” to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA’s – siw.

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* 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.** 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

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

"ATTACHMENT A"

Karen Lee Arfman
Myers, Oliver and Price, P.C.
Zone Map: K-14

BARELAS NEIGHBORHOOD ASSOCIATION

Dorothy Chavez 612 10 th St. SW/87102 918-1611 (c)	Javier Benavidez 1115 Barelas SW/87102 315-3596 (c)
--	--

BROADWAY CENTRAL CORRIDORS PARTNERSHIP, INC. (R)

David Mahlman 206 Broadway SE/87102 243-0101 (h)	Rob Dickson 401 Central Ave. NE, Ste. D/87102 247-3935 (h)
--	--

CITIZENS INFORMATION COMMITTEE OF MARTINEZTOWN (R)

Frank H. Martinez 501 Edith NE/87102 243-5267 (w)	Sergio Viscoli 700 Don Cipriano Ct. NE/87102
--	---

DOWNTOWN NEIGHBORHOODS ASSOCIATION (R)

Reba Eagles, c/o Original Medicine Acupuncture 1500 Lomas Blvd. NW, Ste. B/87104 604-3434 (c)	Robert Bello 1424 Roma Ave. NW/87104 872-0998 (h)
--	--

HUNING HIGHLAND HISTORIC DISTRICT ASSOCIATION (R)

Bonnie Anderson 522 Edith SE/87102 242-8848 (h)	Ann L. Carson 416 Walter SE/87102 242-1143 (h)
--	---

MARTINEZTOWN WORK GROUP

Loretta Naranjo Lopez 1127 Walter NE/87102 270-7716 (c)	Ivan Westergaard 1008 Calle Garza NE/87113 344-9137 (h)
--	--

RAYNOLDS ADDITION NEIGHBORHOOD ASSOCIATION (R)

Bob Tilley 806 Lead Ave. SW/87102 263-9848 (h)	Deborah Foster 1307 Gold SW/87102 243-4865 (h)
---	---

SANTA BARBARA-MARTINEZTOWN ASSOCIATION (R)

Vickie R. Early 212 Arvada Ave. NE/87102 505-306-0655 (h)	Christina Chavez 517 Marble NE/87102 459-4521 (c)
--	--

SOUTH BROADWAY NEIGHBORHOOD ASSOCIATION (R)

Frances Armijo 915 Williams SE/87102 247-8798 (h)	Gwen Colonel 900 John St. SE/87102 513-257-9414 (c)
--	--

DOWNTOWN ACTION TEAM

Lola Bird 100 Gold St. SW, Ste. 204/87102 243-2230 (w)	Todd Clarke 100 Gold St. SW, Ste. 204/87102
---	--

MYERS, OLIVER & PRICE, P.C.

LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

JOHN A. MYERS
KEVIN J. McCREADY
HOPE MEAD WYNN
J. MATT MYERS

TELEPHONE
(505)247-9080
FACSIMILE
(505)247-9109

CHARLES P. PRICE III, *Of Counsel*
FLOYD D. WILSON, *Of Counsel*
SCOTT OLIVER *Of Counsel*

e-mail: jmyers@moplaw.com

October 20, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Ms. Dorothy Chavez
Barelas Neighborhood Association
612 10th Street, SW
Albuquerque, New Mexico 87102

Mr. Javier Benavidez
Barelas Neighborhood Association
1115 Barelas, SW
Albuquerque, New Mexico 87102

Mr. David Mahlman
Broadway Central Corridors Partnership,
Inc.
206 Broadway, SE
Albuquerque, New Mexico 87102

Mr. Rob Dickson
Broadway Central Corridors Partnership,
Inc.
401 Central Avenue, NE, Suite D
Albuquerque, New Mexico 87102

Mr. Frank H. Martinez
Citizens Information Committee of
Martineztown
501 Edith, NE
Albuquerque, New Mexico 87102

Mr. Sergio Viscoli
Citizens Information Committee of
Martineztown
700 Don Cipriano Court, NE
Albuquerque, New Mexico 87102

Reba Eagles
c/o Original Medicine Acupuncture
Downtown Neighborhood Association
1500 Lomas Blvd., NW, Suite B
Albuquerque, New Mexico 87104

Mr. Robert Bello
Downtown Neighborhood Association
1424 Roma Avenue, NW
Albuquerque, New Mexico 87104

Ms. Bonnie Anderson
Huning Highland Historic District Assoc.
522 Edith, SE
Albuquerque, New Mexico 87102

Ms. Ann L. Carson
Huning Highland Historic District Assoc.
416 Walter, SE
Albuquerque, New Mexico 87102

Ms. Loretta Naranjo Lopez
Martineztown Work Group
1127 Walter, NE
Albuquerque, New Mexico 87102

Mr. Ivan Westergard
Martineztown Work Group
1008 Calle Garza, NE
Albuquerque, New Mexico 87113

October 20, 2014

Page -2-

Mr. Bob Tilley
Raynolds Addition Neighborhood
Association
806 Lead Avenue, SW
Albuquerque, New Mexico 87102

Ms. Deborah Foster
Raynolds Addition Neighborhood
Association
1307 Gold Avenue, SW
Albuquerque, New Mexico 87102

Ms. Vickie R. Early
Santa Barbara-Martineztown
Association
212 Arvada Avenue, NE
Albuquerque, New Mexico 87102

Ms. Christina Chavez
Santa Barbara-Martinez Town
Association
517 Marble, NE
Albuquerque, New Mexico 87102

Ms. Frances Armijo
South Broadway Neighborhood
Association
915 Williams, SE
Albuquerque, New Mexico 87102

Ms. Gwen Colonel
South Broadway Neighborhood
Association
900 John St., SE
Albuquerque, New Mexico 87102

Ms. Lola Bird
Downtown Action Team
100 Gold Street, NW, Suite 204
Albuquerque, New Mexico 87102

Mr. Todd Clarke
Downtown Action Team
100 Gold Street, NW, Suite 204
Albuquerque, New Mexico 87102

Re: Vacation of Alleys

Ladies and Gentlemen:

This office represents the owners of the property bounded by First Street, Second Street, Iron and Coal, SW. On their behalf, we are filing an application to vacate the alleys located within this block. The alleys are not necessary for public access and afford an opportunity for mischief and vagrancy.

We are enclosing a copy of our application which we will be filing with the City of Albuquerque Development Review Board ("DRB") for your convenience. When the application is filed, a hearing will be scheduled before the DRB. Please contact us if you have questions.

Thank you.

Very truly yours,
MYERS, OLIVER & PRICE, P.C.

By: 
John A. Myers

JAM/klaw
Enclosure

October 20, 2014

Page -3-

cc: Mr. John Yost
Rahim and Nizar Kassam
Russell Garner
Rodney and Richard Guarneri
Fred and Daisy Austin

H:\Yost\Vacation of Alley\neighborhood ltr.docx

Karen Arfman

From: Karen Arfman [karfman@moplav.com]
Sent: Friday, October 17, 2014 12:44 PM
To: 'Winklepleck, Stephani I.'
Cc: 'John Myers'; 'John Yost'; 'Rahim Kassam'
Subject: RE: Vacation Request
Attachments: 20141017123634990.pdf

Stephanie, thank you for your email and your voicemail regarding the neighborhood associations. I am attaching another zone page atlas for you to look at. When I sent you the first zone page I do not think I may have been clear enough as to where the property is. I cross-hatched on the attached. Would you please take one more look and be sure we need to notify all the associations you sent? Thank you.

Karen Lee Arfman Ward, Legal Assistant
Myers, Oliver & Price, P.C.
1401 Central Avenue, NW
Albuquerque, New Mexico 87104
Telephone: 505-247-9080

From: Winklepleck, Stephani I. [<mailto:SWinklepleck@cabq.gov>]
Sent: Thursday, October 16, 2014 12:00 PM
To: 'Karen Arfman'
Cc: 'John Myers'; 'John Yost'; 'Rahim Kassam'
Subject: RE: Vacation Request

Karen and others,

Back on May 1, 2014 when you requested information at that time I wasn't looking at my maps properly and gave you the incorrect information.

Attached you will find the names of the Downtown NA List of NA's that will need to be contacted.

If anyone has any questions please feel free to contact me.

Have a good one.

Stephani
Stephani Winklepleck
Neighborhood Liaison
Office of Neighborhood Coordination
COA/Planning
Phone: 505-924-3914 Fax: 505-924-3913
E-mail: swinklepleck@cabq.gov

From: Karen Arfman [mailto:karfman@moplaw.com]
Sent: Thursday, October 16, 2014 9:44 AM
To: Winklepleck, Stephani I.
Cc: 'John Myers'; 'John Yost'; 'Rahim Kassam'
Subject: FW: Vacation Request

Stephani: Please see the email below. Our clients are ready to file the vacation request and I need an update of the recognized neighborhood associations. Would you please be kind enough to this for me? Thank you.

Karen Lee Arfman Ward, Legal Assistant
Myers, Oliver & Price, P.C.
1401 Central Avenue, NW
Albuquerque, New Mexico 87104
Telephone: 505-247-9080

From: Karen Arfman [mailto:karfman@moplaw.com]
Sent: Thursday, May 01, 2014 12:01 PM
To: 'swinklepleck@cabq.gov'
Cc: 'jmyers@moplaw.com'
Subject: Vacation Request

Stephanie, I am back with another vacation of alley (Public ROW) request. I have attached a Developer Inquiry Sheet along with Zone Atlas Page K-14. Would you please check on recognized neighborhood associations. As always, thank you.

Karen Lee Arfman, Legal Assistant
Myers, Oliver & Price, P.C.
1401 Central Avenue, NW
Albuquerque, New Mexico 87104
Telephone: 505-247-9080



DEVELOPER INQUIRY SHEET

To obtain NA/HOA Contact Information for Application Submittal to the Planning Department.

The Office of Neighborhood Coordination (ONC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second Street NW, Fax: (505) 924-3913 -OR- you can e-mail the Zone Map and Developer Inquiry Sheet to: Stephani Winklepleck, e-mail: swinklepleck@caba.gov. ONC will need the following information **BEFORE** NA/HOA Contact Information will be released to the Applicant/Agent on any Project being presented to the Planning Department. If you have any questions, please feel free to contact our office at (505) 924-3914.

Zone Map and this Developer Inquiry Sheet MUST be provided with request.
Please mark/hatch Zone Map where Property is located.

Your Developer Inquiry is for the following:

- Cell Tower Submittal: Free-Standing Tower -OR- Concealed Tower
- EPC Submittal DRB Submittal LUCC Submittal Liquor Submittal
- Administrative Amendments (AA's) Submittal City Project Submittal

CONTACT NAME: Karen Lee Johnson

COMPANY NAME: Nyers, Oliver & Price PC

ADDRESS/ZIP: 1401 Central Ave. NW, AEB NM 87104

PHONE: 247-9080 FAX: 247-9109

LEGAL DESCRIPTION INFORMATION

LEGAL DESCRIPTION OF THE SUBJECT SITE FOR THIS PROJECT SUBMITTAL IS DESCRIBED BELOW (i.e., Lot A, Block A, of the For Your Information Subdivision):

Lots 7-12, Block A; Lot A, Block A

Lots 19, 20, 21, 22, 23, 24, 26, Block A

all within Pacific & Atlantic Addition

LEGAL DESCRIPTION

LOCATED ON NS Alley between 1st & 2nd Street

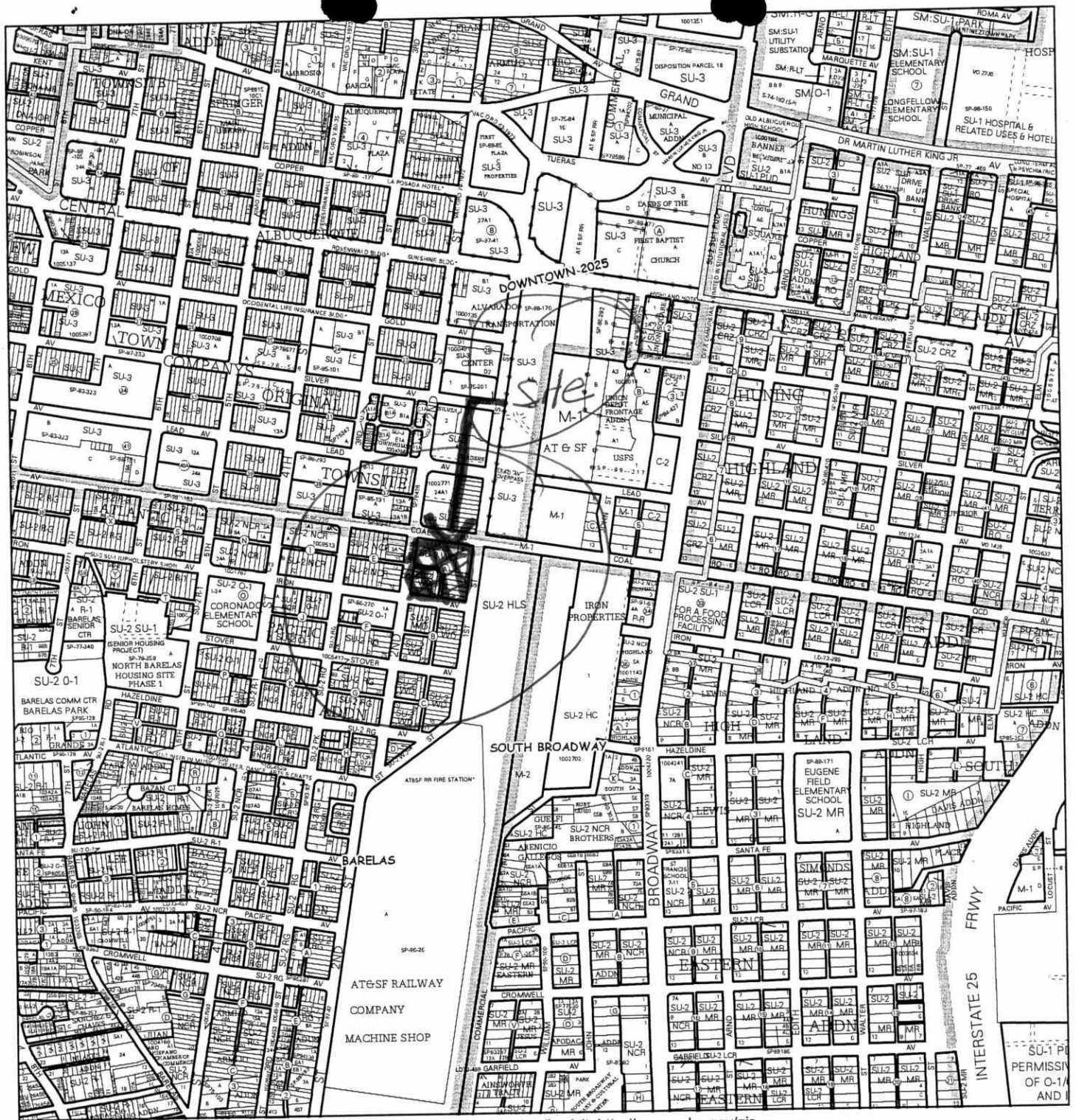
STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN E/W Alley between Coal & Iron AND

STREET NAME OR OTHER IDENTIFYING LANDMARK

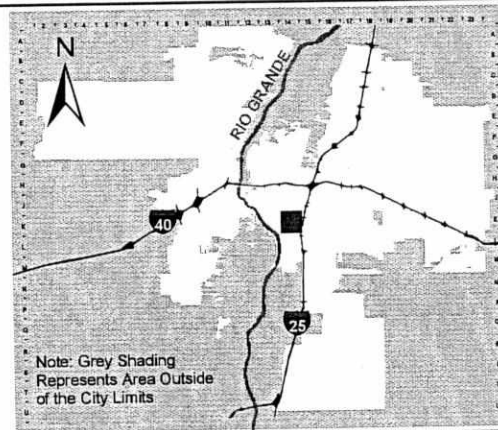
STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS LOCATED ON THE FOLLOWING ZONE ATLAS PAGE (R-14).



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

Map amended through: 9/2/2014



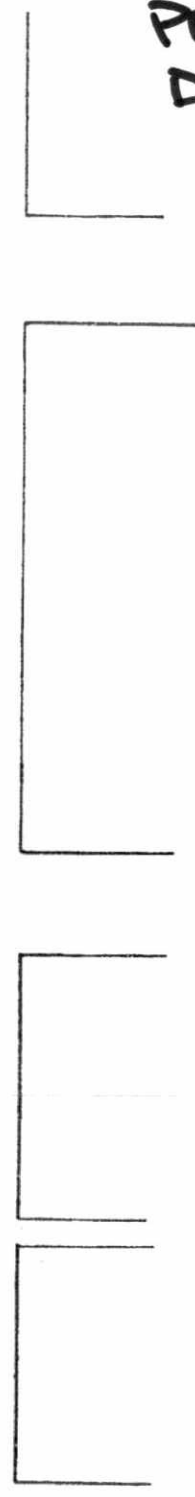
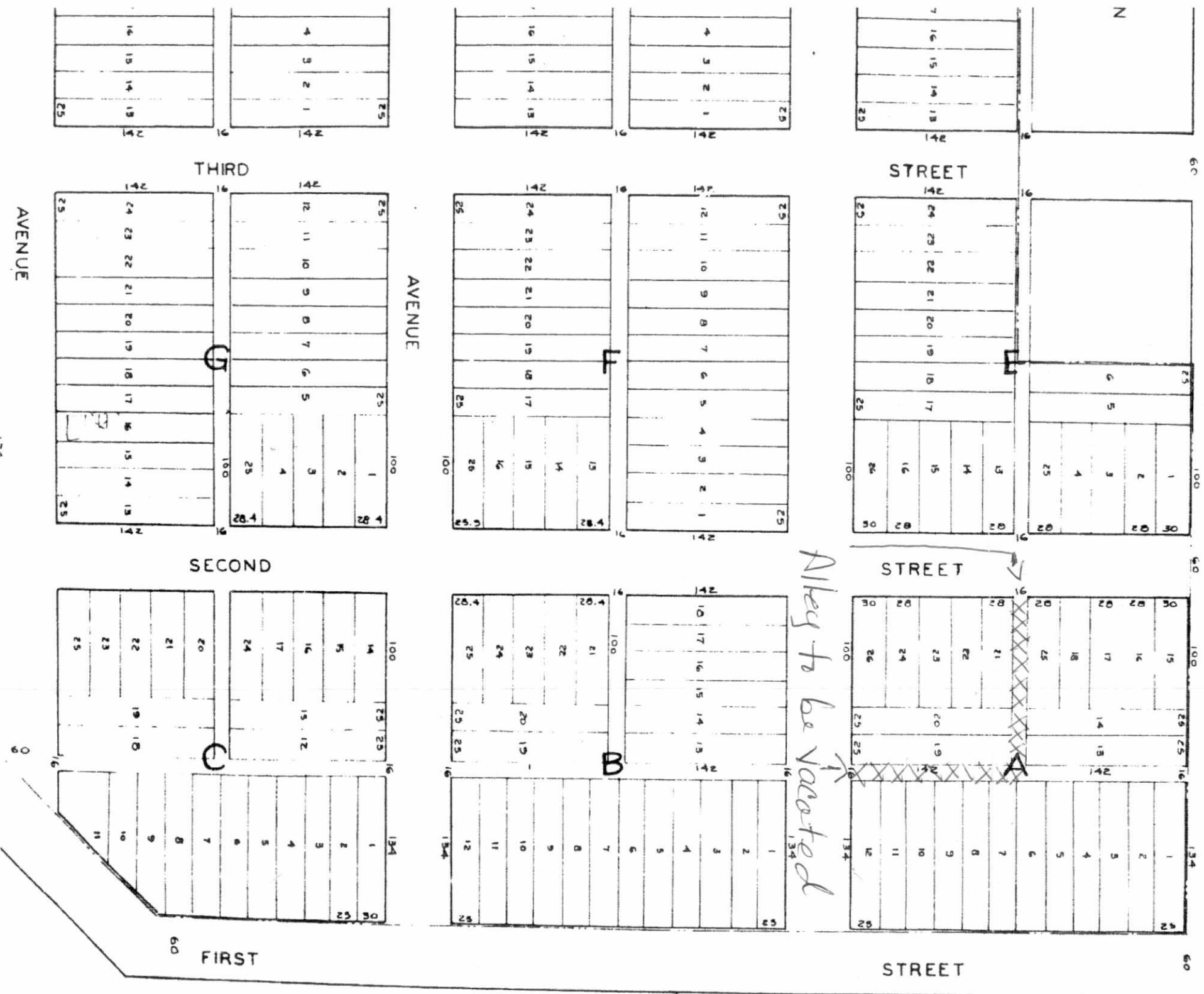
Zone Atlas Page:
K-14-Z

Selected Symbols

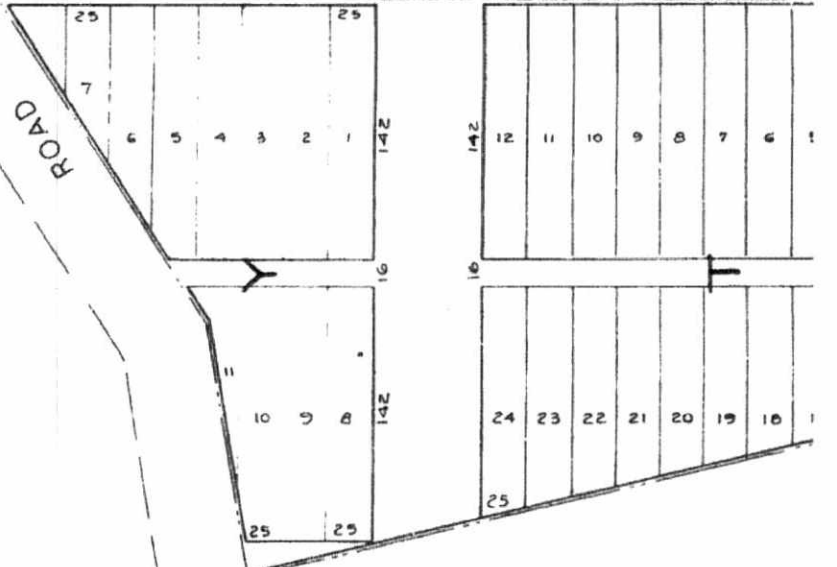
SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1,500 Feet

PROJECT: 1010289
DATE: 12-10-14 (NRW)

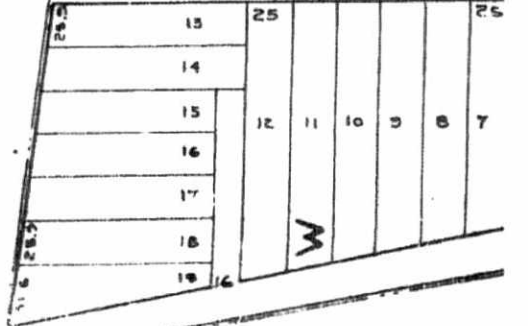
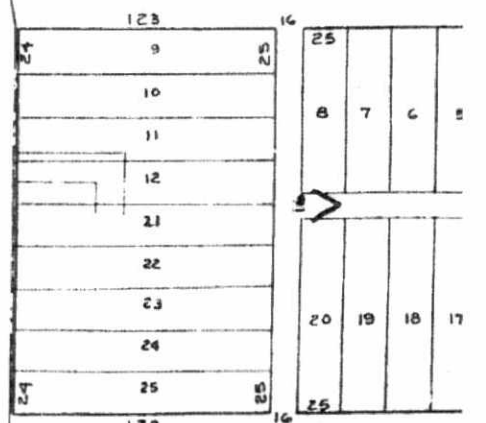
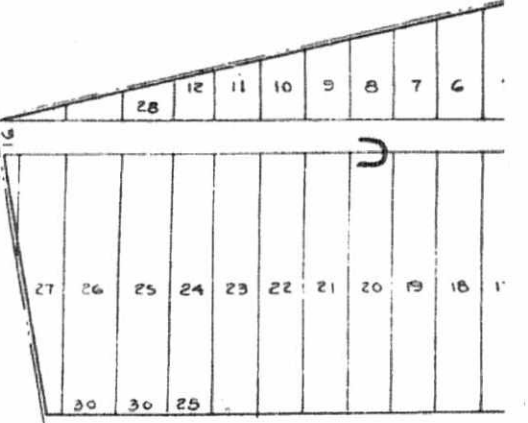


HU



Candelaria and Nuanes

BARELAS



ATLANTIC AND PACIFIC ADDITION

FILED AS AN AMENDED AND SUPPLEMENTAL MAP OF THE ATLANTIC AND PACIFIC ADDITION TO THE TOWN OF ALBUQUERQUE, N.M. APRIL 24th A.D. 1888.

Scale 100 feet equal to 1 inch

Filed in my office this 24th day of April A.D. 1888 at 9:40 o'clock.

F. H. KENT
Probate Clerk
by J. H. SIMMONS, Deputy

RVICE CO..

REMOVE COPY

[Handwritten signature]

