

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946

OFFICIAL NOTIFICATION OF DECISION

December 7, 2018

KKMM LLC,
1415 Camino Amparo NW
ABQ NM, 87107

Project# PR-2018-001786
Application#
SD-2018-00108 Vacation of Public Right of Way

LEGAL DESCRIPTION:

for all or a portion of LOTS 1 – 5 + 16' STRIP,
BLOCK B, DURAN & ALEXANDER ADDN, zoned
MX-L, located at the SWC of 4TH ST NW and
MOUNTAIN RD NW containing approximately
.7816 acre(s). (J-14)

On December 5, 2018, the Development Review Board (DRB) held a public hearing concerning the above referenced application and recommended approval of the request to City Council, based on the following Findings and subject to the condition:

Findings:

1. This is a request to vacate a 16 foot wide alley (R/W).
2. The area of the vacation is outlined on the exhibit ALTA/NSPS Land Survey, dated 8-13-18, which was submitted by the applicant and a copy is placed in the DRB file for a record.
3. The document that created the alley is from 1916 and it is not clear whether it was dedicated as R/W or just a public easement. AGIS shows the area as R/W.
4. It was agreed to at the hearing by the DRB and the agent, Mr. Myers, that it should be processed as a R/W to ensure no future discrepancies since a building is proposed in the vacated area.
5. The public welfare does not require that the public right-of-way or easement be retained because there is no public use of the alley and the alley does not connect two public rights-of-way. The area is currently used for parking.
6. There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriments resulting from the vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of right. The owner of the property surrounding the ROW agrees to the vacation. The vacation does not impact the access to any other properties. The vacation will allow the

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redevelopment of the site. The applicant intends to build a new restaurant, however an allowed use could be developed after the vacation.

7. The applicant followed the property notice procedure, as shown in Table 6-1-1 of the IDO.
8. The City Council will make the final decision on this request because the vacation is over 5,000 square feet and the entire width of a street (6-6(K)(2)(e).

Condition:

1. A replat showing the vacated property must be approved by the DRB and recorded within one year of City Council approval, if approved.

APPEAL: This decision is a recommendation the City Council and is not subject to appeal pursuant to 6-4(T)(2). The decision of the City Council is subject to appeal pursuant to the City Council rules and procedures.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



Kym Dicome
DRB Chair

KD/mg

Myers, McCready & Myers P.C. J. Matt Myers, 1401 Central Ave NW suite B, ABQ, NM 87104