

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

Porfie Maldonado
813 Gibson Blvd SE
ABQ NM 87112

Project# #PR-2019-002519

SD-2019-00193 – VACATION OF RIGHT-OF-WAY

LEGAL DESCRIPTION:

For all or a portion of 1-A-1 BLOCK A,
**ANDERSON & THAXTON'S REPLAT OF A
PORTION OF TORREON ADDITION**, zoned NR-C,
and a 6,313 square foot portion OF WALTER
STREET located on **WALTER STREET SE** between
GIBSON BLVD SE and **ROSS AVE. SE**, containing
approximately 0.7364 acre(s). (L-14)

On November 20, 2019 the Development Review Board (DRB) held a public meeting concerning the above referenced application and sent a recommendation of APPROVAL to the City Council for the Vacation of Public Right of Way, with delegation to Planning, based on the following Findings:

SD-2019-00190 – VACATION OF RIGHT-OF-WAY

1. This is a request to vacate the entire width of Walter Street SE (6,313 square feet) between Gibson Boulevard SE and Ross Avenue SE as shown on the vacation request exhibit.
2. Pursuant to section 14-16-6-(K)(2)(e), the DRB will make a recommendation to City Council on the request because the vacation contains the entire width of a road.
3. The applicant provided notice as required in table 6-1-1 of the IDO.
4. Vacation requests must meet the criteria in IDO Section 14-16-6-6-(K)(3)(a): *The public welfare does not require that the public right of way or easement be retained:* The public welfare does not require that the right-of-way be retained because there is no existing access to Gibson Boulevard via Walter Street. The applicant will provide the required easements to allow the ABCWUA access to their property on Walter Street.

Transportation supported the request. Staff did not receive any public comment on the request.

5. Vacation requests must meet the criteria in 14-16-6-6(K)(3)(b): *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 detriment 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 that right.*

The right-of-way currently collects trash and is site for illegal dumping. The request will support a local business by allowing the applicant to expand his existing business. This redevelopment will deter the dumping and allow the applicant to maintain the site. The applicant will provide the required easements to allow the ABCWUA access to their property on Walter Street.

6. The vacated right-of-way will convert to the NR-C zone after replating.

Conditions:

1. Final sign off is delegated to Planning to check for the correct spelling of Walter street.
2. A replat showing the vacated property must be approved by the DRB and recorded within one year of City Council approval.
3. Conditions from ABCWUA including an access easement to the well site and utility easement must be addressed prior to final sign off.
4. Drainage easement must be shown on final plat

APPEAL: Pursuant to IDO section 6-4(T)(2), a Recommendation cannot be appealed.

Sincerely,



Jolene Wolfley
DRB Chair

JW/mg

JAG Planning and Zoning PO BOX 7857 ABQ NM 87194