

**PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
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OFFICIAL NOTIFICATION OF DECISION

City of ABQ, DMD Cultural Services
C/O Jerry Francis
One Civic Plaza
ABQ, NM 87102

Project# #PR-2019-002544

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

SD-2019-00188 - VACATION of PUBLIC
EASEMENT (sewer/public utility)

SD-2019-00189 - VACATION of PUBLIC
EASEMENT(canal)

LEGAL DESCRIPTION:

For all or a portion of REPLAT OF BLK 2, **LOMA VERDE SUBDIVISION**, REPLAT OF BLK 3 **LOMA VERDE SUBDIVISION** and GROVE ST between **CHICO RD and CENTRAL AVE**, zoned MX-M, located at **7667 CENTRAL AVE NE**, between **SAN PABLO NE and CHARLESTON ST NE**, containing approximately 4.7928 acre(s). (D-19)

On November 13, 2019 the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the Vacations of Public Easements with delegation to Planning and ABCWUA and is sending a recommendation of APPROVAL to the City Council for the Vacation of Public Right of Way, based on the following Findings:

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

1. This is a request to vacate the entire width of Grove Street NE between Chico Road NE and Central Avenue NE 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. The applicant states that the vacation is needed to incorporate the portion of Grove Street into the larger as part of a redevelopment project.
5. 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 access to Central Avenue is available via San Pablo Street to the west and Charleston Street to the east. Transportation supported the request. Staff did not receive any public comment on the request.
6. 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 request allows for the redevelopment of the property to accommodate a future City Library. The redevelopment of the site will provide a benefit to the surrounding community and the City as whole by providing additional services. The applicant controls the property on both sides of the road.

Conditions:

1. A replat showing the vacated property must be approved by the DRB and recorded within one year of City Council approval.
2. Conditions from ABCWUA must be addressed prior to final sign off.

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

SD-2019-00188 - VACATION of PUBLIC EASEMENT (sewer/public utility)

1. This request vacates a 16 feet wide public utility easement within the right-of-way of Grove Street.
2. This easement was established in 1968 and platted 1974.
3. The easement is no longer needed because it does not contain in ground utilities.

Conditions:

1. A replat showing the vacated easement must be approved by the DRB and recorded within one year of City Council approval of the above vacation, SD-2019-00190.
2. Conditions from ABCWUA for a paper easement must be addressed prior to final sign off.

SD-2019-00189 - VACATION of PUBLIC EASEMENT (canal)

1. This request vacates a reservation for ditches or canals on the original patent, Homestead Certificate 2120, application 3780, as shown in exhibit in the Planning File.

Official Notice of Decision

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2. This easement was established in 1900.
3. The easement is no longer needed because there are no ditches or canals on the site.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **DECEMBER 1, 2019**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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,



Jolene Wolfley
DRB Chair

JW/mg

High Mesa 6010-B midway Park Blvd NE