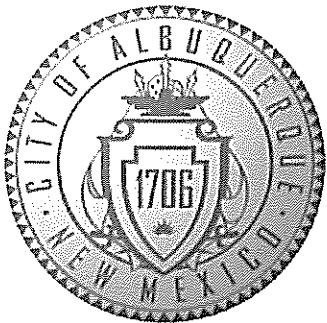


EC-23-300



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM

May 1, 2023

TO: Pat Davis President, City Council

FROM: Tim Keller, Mayor 

Subject: Bernalillo County Metropolitan Court Right of Way Vacation

Project# PR-2020-003485, SD-2023-00066, VACATION OF PUBLIC RIGHT-OF-WAY

Bernalillo County Metropolitan Court requests the aforementioned action within all or a portion of: TRACT A-1 & LOT 8-A, BLOCK N, BC METRO COURT/MANDELL BUS. & RESIDENCE ADDITION zoned MX-M, MX-H, MX-FB-UD located at 401 LOMAS BLVD NW between 4TH ST and 5th ST containing approximately 3.9 acre(s). (J-14)

Request: This is a request to vacate 9,507 square feet and the entire width of Slate Avenue NW between 5th Street NW and 4th Street NW.

Per Section 14-16-6-6(M)(1)(b) of the IDO, the Development Hearing Officer (DHO) shall make a recommendation and forward the application to City Council for inclusion on the consent agenda for approval without first going to any Council committee if the vacation involves: 1) More than 500 square feet or the entire width of a platted alley; 2) More than 5000 square feet or the entire street width of a street, including any or all of the public right-of-way. The vacation of Slate Avenue NW is over 5,000 square feet in size and the entire width of Slate Avenue in that section, therefore the DHO is a recommending body to City Council.

At the APRIL 26TH, 2023 public meeting, the DHO (Ronald B. Bohannan) recommended approval of the request to the City Council of the proposed vacation as shown on the Vacation Exhibit "60' ROW Vacation Slate Ave. NW" (attached) in the Planning file under Project# PR-2020-003485, based on the recommended Findings per Section 14-16-6-6(M) of the IDO.

Title/ Subject of Legislation: Bernalillo County Metropolitan Court Vacation – Slate Avenue NW
Vacation: Project# 2020-003485

SD-2023-00066, VACATION OF PUBLIC RIGHT-OF-WAY, DHO RECOMMENDATION
FOR APPROVAL.

Approved:



Lawrence Rael Date
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:



Lauren Keefe
City Attorney

5/3/2023 | 3:50 PM MDT

Date

Recommended:

DocuSigned by:



5/2/2023 | 2:23 PM MDT

947D8BB6E54C443
Alan Varela Date
Planning Director

**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

Bernalillo County Metropolitan Court
P.O. Box 133
Albuquerque, NM 87103

**Project# PR-2020-003485
Application#
SD-2023-00066 VACATION OF RIGHT OF WAY
SD-2023-00064 VACATION OF PUBLIC
EASEMENT**

LEGAL DESCRIPTION:

For all or a portion of: **TRACT A-1 & LOT 8-A,
BLOCK N, BC METRO COURT/MANDELL BUS.
& RESIDENCE ADDITION zoned MX-M, MX-
H, MX-FB-UD located at 401 LOMAS BLVD
NW between 4TH ST and 5th ST containing
approximately 3.9 acre(s). (J-14)**

On April 26, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced applications, approving the Vacation of Public Easement request and recommended approval of the Vacation of Right-of-Way request, based on the following Findings:

SD-2023-00066 VACATION OF RIGHT OF WAY

1. This is a request to vacate the entirety of Slate Avenue NW between 5th Street NW and 4th Street NW, comprising 9,507 square feet of vacated right-of-way.
2. The applicant provided notice as required in Table 6-1-1 of the IDO.
3. The applicant justified the vacation request for the Right-of-Way pursuant to 14-16-6-6-(M)(3) of the IDO. The public welfare does not require that the public right-of-way for the alleyway be retained as the right-of-way for Slate Avenue NW is a dead-end that currently serves as access to Courthouse staff to a secured parking structure.
4. Pursuant to section 14-16-6-6(M)(1)(b) of the IDO, the DHO will be the recommending body to the City Council on the request because the Vacation is more than 5,000 square feet and the entire width of a street.

Official Notice of Decision

Project # PR-2020-003485 Application# SD-2023-00066, SD-2023-00064

Page 2 of 2

5. A platting application for DHO review and approval must be submitted within one year of City Council approval of the Vacation (see Table 6-4-3 of the IDO), and the platting application will not be accepted and placed on a DHO agenda until/unless the City Council approves the right-of-way Vacation.

SD-2023-00064 VACATION OF PUBLIC EASEMENT

1. The Applicant proposes to vacate an existing public easement, which is a 16-foot alley within the boundaries of the Bernalillo County Metropolitan Courthouse property.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The public welfare does not require that the easement be retained, as the proposed Vacation will absorb the vacated area into the rest of the Bernalillo County Metropolitan Courthouse property through lot consolidation, and will permit the Court to restrict access to Courthouse staff to a secured parking structure.

Sincerely,



Ronald Bohannan (May 1, 2023 11:30 MDT)

Ronald R. Bohannan
Development Hearing Officer

RRB/ls

ARCH+PLAN Land Use Consultants LLC, P.O. Box 25911, Albuquerque, NM 87125