

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

Barbara Mueller
9913 Greene Street NW
Albuquerque, NM 87114

Project #PR-2020-004457
Application#
SD-2020-00197 VACATION OF RIGHT-OF-WAY

LEGAL DESCRIPTION:

All or a portion of **LOT 22, VOLCANO CLIFFS UNIT 6**, zoned R-A, located on **QUIVIRA DR between VISTA VIEJA AVE and RETABLO RD**, containing approximately 6.0 acre(s). (D-9)

On January 6, 2021, the Development Review Board (DRB) held a public meeting concerning the above referenced application and recommended approval of the request to the City Council based on the following Findings:

1. This is a request to vacate 14,034 square feet of Right-of-Way on Quivira Drive, south of Retablo Drive NW and north of Gila Drive NW, 16-feet in width.
2. Pursuant to section 14-16-6-6(M)(1)(b), the DRB will be the recommending body on the request because the vacation contains more than 5,000 square feet of a street. City Council will make the final decision on the request.
3. The applicant provided notice as required in table 6-1-1 of the IDO.
4. The vacation must be must be platted within one year of final City Council approval or it will be void (see Table 6-4-3 of the IDO).
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 14,034 square feet of right-of-way along Quivira Drive proposed to be vacated be retained. The existing right-of-way of Quivira Drive is 68-feet in width, and the classification of the roadway as a minor local road requires a right-of-way of 48-feet, which will still be met after the vacation of 16-feet of right-of-way as proposed. Transportation supported the request.

Staff received public comment on the request from a Neighborhood Association representative from the Montecito West Community Association Incorporated.

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.*

Reducing the right-of-way to the current standard of 48-feet is a public benefit since it reduces the unpaved area of land to be maintained. The applicant provided proper notice pursuant to IDO table 6-1-1, and provided concurrence from all affected property owners.

APPEAL: If you wish to appeal the decision for the vacation, you must do so within 15 days of the DRB's decision or by **JANUARY 21, 2021**. 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). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). Files larger than 9MB can be sent to PLNDRS@CABQ.GOV using <https://wettransfer.com>. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

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/jr

Rio Grande Engineering, P.O. Box 93924, Albuquerque, NM 87199