

**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

Tim Nisly
4400 6th Street #4 NW
Albuquerque, NM 87107

Project# PR-2020-004812
Application#
SD-2020-00220 VACATION OF RIGHT OF WAY

LEGAL DESCRIPTION:

For all or a portion of: **ALLEY ADJACENT TO LOT 12, BLOCK 6 BELMONT PLACE LOT 12 & LOT 13 & 14** zoned R-1B, located **SOUTH OF FREEMAN between 5TH ST and 6TH ST**, containing approximately .03 acre(s). (G-14)

On February 10, 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 the Right-of-Way of an alleyway 74.1 feet in length, 15 feet in width, and 1,122.5 square feet in size between 5th and 6th Streets south of Freeman Street.
2. The applicant provided notice as required in table 6-1-1 of the IDO.
3. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The Right-of-Way (to be vacated) dead-ends at a ditch and concrete wall, with no reasonable options for walking, and is unreachable by vehicles due to trees. Therefore, there is no benefit to the public welfare through keeping the the Right-of-Way (to be vacated).
4. Pursuant to section 14-16-6-6(M)(1)(b), the DRB will be the recommending body on the request because the vacation is more than 500 square feet and the entire width of a platted alley. City Council will make the final decision on the request.
5. 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).

Official Notice of Decision

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **FEBRUARY 25, 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,

A handwritten signature in black ink, appearing to read "J. Wolfley". The signature is fluid and cursive, with the first letter "J" being particularly large and stylized.

Jolene Wolfley
DRB Chair

JW/jr