



March 27, 2025

Development Hearing Officer
City of Albuquerque, Planning Department
600 2nd Street NW, Albuquerque NM 87102

Development Hearing Officer:

JAG Planning & Zoning, agent for Jan-Erik Palm of Spectrum ABQ LLC, respectfully requests your review of a proposed Minor Preliminary and Final Plat Application and Vacation of an Easement for the location of 8235 Washington ST NE, legally described as Lot A, Rafar Investments, containing approximately 1.6755 acres. The proposed legal description for new Lot will be **Lot A-1, Rafar Investments**. The site is not within an Overlay Zone, as identified within the Integrated Development Ordinance (IDO).

The purpose of the plat is to vacate an existing 34-foot Railroad Easement as shown on the plat. The applicant did obtain a release of the easement from BNSF Railway Company and a copy of the recorded release of easement has been included with this application. At the sketch plat meeting, DFT members were acceptable with the applicant providing a copy of the release of Easement Interest or have a representative of BNSF Railway Company sign the plat. We do believe a copy of the recorded easement should suffice to demonstrate BNSF's approval of the release of interest.

The proposed Vacation of Easement meets the criteria of 6-6(M) of the IDO as described below:

6-6(M)(3)(a) The public welfare does not require that the easement, private way, or public right-of-way be retained.

Since the railroad easement has been released by BNSF Railway Company, it has been determined that the public welfare does not require the easement to be retained on the subject property.

6-6(M)(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 the right.

Since the railroad easement has been released by BNSF Railway Company, it has been determined that the vacation would be more beneficial to the public welfare than the 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 the right. The removal of this easement will allow the site to be developed in a manner that meets all of city regulations, contributing to the economic future of this community.

Landfill Buffer

The sketch plat also demonstrated that the subject property is located within a landfill buffer, as shown on the AGIS map. The attached plat includes a signature from Environmental Health identifying that they have no issues with this request.

Infrastructure List

In addition, comments regarding the proposed plat did not result in the need to provide any infrastructure improvements, so no infrastructure list has been provided with this application.

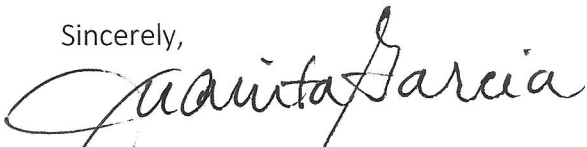
Neighborhood Association and Adjacent Property Owner Notification

There are no affected neighborhood associations that have boundaries within the subject site. As identified in the IDO, adjacent property owners were not required to be notified of this request.

We respectfully request the approval of this preliminary and final plat since it meets all applicable provisions of this IDO, the DPM, other adopted City regulations, as outlined in 5-4(A) Subdivision of Land section of the IDO.

Thank you for your consideration on this matter. I can be reached at (505) 362-8903 or at jag@jagpandz.com.

Sincerely,



Juanita Garcia
Principal

JAG Planning and Zoning, LLC