

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

Steven Grissom, Trustee Sparks 2005 QTIP
Trust
PO Box 1097
Mattoon, IL 61938

Project# PR-2023-009527

Application#

SD-2024-00030 VACATION OF PUBLIC RIGHT-OF
-WAY

SD-2024-00029 MINOR PRELIMINARY/FINAL
PLAT

LEGAL DESCRIPTION:

For all or a portion of:

Lot B-3, Alvarado Gardens zoned **R-A**
located at **2714 Rio Grande BLVD NW**
between **CAMPBELL RD NW** and **VICIC RD**
NW containing approximately **0.25** acre(s).
(G-12)

On February 28, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests, based on the following Findings:

SD-2024-00030 VACATION OF PUBLIC RIGHT-OF -WAY

1. This is a request to vacate 224.02 square feet and a 2.24-foot portion of a platted acequia/irrigation ditch 10-feet in width, which is depicted as right-of-way on the Plat for Alvarado Gardens No. 2. The current legal description for the subject property is Lot B-3, Alvarado Gardens Addition, containing approximately 0.25 acres, and is located at 2741 Rio Grande Blvd. NW. The new legal description will be Lot B-3-A, Alvarado Gardens Addition, and will contain approximately 0.2551 acres.
2. The subject property is zoned R-A, and is currently occupied by a single-family residential dwelling. Subject property is within CPO-11, Rio Grande Boulevard overlay zone.

3. The Subdivision Plat for Alvarado Gardens Unit No. 2 (that the subject property is located within) depicts the ditch/utility easement (as described in this application) as 10-foot right-of-way for an acequia. According to the IDO, an acequia is defined as an irrigation ditch maintained by the MRGCD or a community acequia association, as well as a drainage facility and an irrigation facility. The Applicant contacted MRGCD and received confirmation that the acequia/irrigation ditch is not functional and is not being maintained by MRGCD. Therefore, a Sensitive Lands Analysis is not required for this application.
4. Per 6-6(M)(1) of the IDO, the DHO is the deciding body for this request due to the size of the request and the request being less than the entire width of the right-of-way for the platted acequia/irrigation ditch.
5. Per 6-6(M)(3) of the IDO, Review and Decision Criteria, an application for a Vacation of Easement, or Public Right-of-way shall be approved if it meets any of the following criteria.
 - *6-6(M)(3)(a) The public welfare does not require that the easement, private way, or public right-of-way be retained.*
 - *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.*

The Applicant has properly justified the vacation of 224.02 square feet and a 2.24-foot portion of an acequia/irrigation ditch 10-feet in width per the above standard, as the vacated acequia/irrigation ditch would be located within the subject property's boundaries (due to the associated Preliminary/Final Plat for PR-2023-009527 / SD-2024-00029 incorporating the vacated right-of-way) and would not affect the surrounding properties.

SD-2024-00029 MINOR PRELIMINARY/FINAL PLAT

1. This is a request for a boundary adjustment to incorporate 224.02 square feet of vacated right-of-way of a platted acequia/irrigation ditch into an existing lot within the Alvarado Gardens No. 2, creating Lot B-3-A at 0.2551-acres in size.
2. Per 6-6(K)(3) Review and Decision Criteria, an application for a Subdivision of Land – Minor shall be approved if it complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property. The review and decision criteria for a Subdivision of Land-Minor were met by this project per 6-6(K)(3) of the IDO.
3. All signatures from the surveyor, property owner(s), the City Surveyor, MRGCD, the utility companies, and AMAFCA are provided on the Plat.

4. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
5. Per 6-6(K)(2)(I), the applicant shall record the final plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the plat, or the subdivision shall be voided.

CONDITIONS

Final sign-off of the Plat by the DFT staff is conditioned as follows:

- a. Application number must be added to the Plat.
- b. The date of the DHO approval shall be recorded on the Plat.
- c. Prior to final sign-off of the plat, the AGIS office must approve the DXF file and proof of approval must be provided.
- d. Per MRGCD request, provide a note on the plat that the vacation of easement or public right of way was approved per vacation ordinance 6-6 (M)(3).

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **MARCH 15TH, 2024**. The date of the DHO'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(V) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to PLNDRS@cabq.gov and request that staff send you a link via Smartfile to upload the files to. 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).

Official Notice of Decision

Project # PR-2023-009527 Applications# SD-2024-00030 & SD-2024-00029

Page 4 of 4

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Campbell". The signature is fluid and cursive, with a large initial "D" and "S".

David S. Campbell, J.D.

Development Hearing Officer

DSC/jr/ha

Juanita Garcia, JAG Planning and Zoning, LLC P.O. BOX 7857, Albuquerque, NM 87194






PR-2023-009527 February 28, 2024 Notice of Decision

Final Audit Report

2024-03-01

Created:	2024-03-01
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAn0yww9cZX-0jibZPQIzB0ZanFOgTwPts

"PR-2023-009527 February 28, 2024 Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
2024-03-01 - 6:30:05 PM GMT- IP address: 198.206.237.4
-  Document emailed to David S. Campbell (david@davidscampbell.com) for signature
2024-03-01 - 6:30:14 PM GMT
-  Email viewed by David S. Campbell (david@davidscampbell.com)
2024-03-01 - 6:33:12 PM GMT- IP address: 73.98.14.124
-  Document e-signed by David S. Campbell (david@davidscampbell.com)
Signature Date: 2024-03-01 - 6:37:52 PM GMT - Time Source: server- IP address: 73.98.14.124
-  Agreement completed.
2024-03-01 - 6:37:52 PM GMT