



City of Albuquerque

ESTABLISHED 1706 ALBUQUERQUE, N.M. 87102

January 12, 1982

Mr. Jon H. Tuthill
Moses, Dunn, Beckley, Espinosa & Tuthill
800 American Bank of Commerce Complex
Albuquerque, N.M. 87102

RE: V-81-36, VACATION OF FRUIT AVE. N.W. BETWEEN FIRST STREET N.W. AND
THE SANTA FE RAILROAD R.O.W.

Dear Jon:

The vacation of Fruit Ave. N.W. in the manner described in your letter dated January 13, 1982 should not affect the drainage pattern or runoff in this area, therefore City Hydrology has no objection to the vacation of the above referenced area. Should any additional improvements or changes be made on the vacated area, a drainage report will need to be submitted.

If you have any questions, please call.

Sincerely,

Jim Fink
Civil Engineer/Hydrology

JF/tsl

cc: Mr. Val Velarde/Real Property Division

MUNICIPAL DEVELOPMENT DEPARTMENT

ENGINEERING DIVISION

Richard S. Heller, P.E., City Engineer

Telephone (505) 756-7467

MOSES, DUNN, BECKLEY, ESPINOSA & TUTHILL

ATTORNEYS AT LAW

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January 13, 1982

City of Albuquerque
Office of the City Engineer
400 Marquette Avenue N.W.
Albuquerque, NM 87102

Attention: Mr. Jim Fink

Re: V-P1-36, vacation of Fruit Avenue N.W. between
First Street N.W. and the Santa Fe Railroad ROW

Gentlemen:

This letter concerns the requirement by the City Engineer that we submit drainage information regarding what affect the closing of Fruit Avenue between First Street N.W. and the AT&SF railroad right-of-way will have on the area drainage pattern. A copy of the Notification of Decision of the Zoning Hearing Examiner is attached for your reference. Also attached is a copy of a survey of the vacated street and the land to the south which is being developed into an office complex by 612 First Street Partners.

The only change contemplated by 612 First Street Partners and by Mr. J. C. Mitchell, the owners of the land abutting the street on the north and south sides and applicant for the vacation, is to leave the street as it is with the exception of installation of a chain link fence on both the east and west for security reasons. It is possible that the curb on the south will be removed in order to facilitate ease of access and parking, but other than that no change is contemplated. The vacated street will be used as access to the properties, but general traffic will be barred. As a result, the vacation of the street will have no affect on the area drainage pattern. If in the future any major change is planned, it is presumed that a permit would be required which would necessitate further approval by the City Engineer at that time.

It will be appreciated if you will notify Mr. Val Velarde of the Real Property Division if this letter meets with the requirement concerning drainage information involved in the vacation of Fruit Avenue and also that you notify the other City authorities which are concerned with this matter and require such notification.

Thank you very much for your consideration.

Very truly yours,

MOSES, DUNN, BECKLEY,
ESPINOSA & TUTHILL

By


Jon H. Tuthill, Agent for
612 First Street Partners
and J. C. Mitchell

JHT:bw
Encl.

cc: 612 First Street Partners
Mr. J. C. Mitchell

OFFICIAL NOTICE

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION
P.O. Box 1293, Albuquerque, New Mexico 87103

Mr. Jon H. Tuthill
800 ABC Complex
200 Lomas N.W.
Albuquerque, NM 87102

DATE: December 18, 1981

NOTIFICATION OF DECISION

File: V-81-36
Location: Fruit Avenue NW between
First Street NW and the AT&SF Rail-
road right-of-way.

On December 18, 1981, the Zoning Hearing Examiner approved the above vacation request subject to the following Findings:

1. The street is not required for public vehicular access.
2. Utility easements must be retained where necessary.
3. Applicant must submit drainage information regarding effect closing of street will have on the area drainage pattern.

When the applicant and the Property Management Division have agreed upon final disposition of the vacated right-of-way, the Planning Division will prepare the required resolution which must be recorded in the Office of the Bernalillo County Clerk. Please note that the vacation is NOT final until said resolution has been recorded.

If you wish to appeal this decision, you must do so by 1-4-82 in the manner described below. A non-refundable filing fee of \$40 is required at the time the appeal is filed.

Appeal to the City Council. Any person aggrieved with any determination of the Environmental Planning Commission acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Division form to the Planning Division within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. If there is no appeal you can receive building permits any time after the appeal deadline quoted above provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the referenced application(s).

IF YOU RECEIVE APPROVAL FOR ANY REQUEST WHICH REQUIRES A SITE DEVELOPMENT PLAN, SEE ATTACHED SHEET FOR FURTHER INFORMATION.

Sincerely,

Yvonne T. Carmona
Yvonne T. Carmona
Secretary

Letter of
Advice

612 First Street Partners & JC Mitchell, 800 ABC Complex,
200 Lomas NW, 87102

DEC 22 1981

MOSES, DUNN, BECKLEY,
ESPINOSA & TUTTILL