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ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARDRESOLUTION NO. NORTH-SOUTH ALLEY IN BLOCK 15, HUNTING HIGHLAND ADDITION

WHEREAS, the north-south alley in Block 15, Hunting Highland Addition as shown on the plat of said addition, filed in the office of the County Clerk of Bernalillo County, New Mexico on September 1, 1882 is hereby closed and vacated subject to easements reserved in Section 2 hereof;

AND WHEREAS, said right of way is not needed for public use except for easements reserved in Section 2 hereof;

NOW, THEREFORE, BE IT ENACTED BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD OF THE CITY OF ALBUQUERQUE UNDER ARTICLE XVI, CHAPTER 2 OF THE REVISED ORDINANCES OF ALBUQUERQUE, NEW MEXICO, 1974, BEING ORDINANCE NO. 97-1976, AS AMENDED:

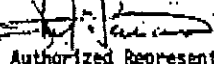
SECTION 1. The north-south alley in Block 15, Hunting Highland Addition as shown on the plat of said addition, filed in the office of the County Clerk of Bernalillo County, New Mexico on September 1, 1882 is hereby closed and vacated subject to easements reserved in Section 2 hereof.

SECTION 2. The City hereby reserves the full width of the vacated right of way as an easement for public utilities, whether municipally or privately owned, which are necessary for public use and benefit at the present time or in the future.

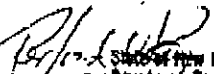
SECTION 3. Immediately upon the filing of this resolution in the office of the County Clerk of Bernalillo County, New Mexico the land above-described shall be effectively vacated, and the City of Albuquerque by this resolution disclaims from such date any further interest therein except for easements reserved in Section 2 hereof.

ADOPTED AT A PUBLIC HEARING BY THE ENVIRONMENTAL PLANNING COMMISSION LAND CONTROLS BOARD, CITY OF ALBUQUERQUE, NEW MEXICO ON JULY 15, 1976.

APPROVED:


 Authorized Representative of
 the Planning Director, City of
 Albuquerque, New Mexico

 Subscribed and sworn to before me this 21st day of Oct, 1976
 by Phil Garcia, authorized representative of the Planning Director, City of
 Albuquerque, New Mexico.


 State of New Mexico
 Notary Public of Bernalillo

This instrument was filed for record on:

My Commission Expires: August 26, 1978
 1:51 OCT 26 1976
 at 1:51 o'clock P.M. Recorded in Vol. 503
 of records of said County to pg. 337
 Clerk & Secy. Cm
 (Notary Seal)

JUL ANNARINO - DESIGN GROUP

FAX 242-6881

RE: VACATION OF ALLEY

OFFICIAL NOTICE

City of Albuquerque
Planning Department
Box 1200, Albuquerque, NM 87106

DATE: Jan 14, 1976

RECEIVED: J. DEERSON

URGENT MATTER - 1/14/76
SUB: LOMA VISTA
ALBUQUERQUE, NM 87106

URGENT MATTER - 1/14/76
SUB: LOMA VISTA
ALBUQUERQUE, NM 87106

On July 17, 1976, the Environmental Planning Council of the City of Albuquerque, the above mentioned request to vacate the north/south alley in Block 15, Loma Vista Addition subject to retention of all utility easements and with the understanding that the utility companies must be allowed access to the property in case of emergency.

The Planning Department will prepare the required resolution which must be filed in the Office of the Bernalillo County Clerk. A copy of the recorded resolution will be mailed to you. Please note that the vacation is not final until the resolution has been recorded.

If you wish to appeal this decision, you may do so by 7-30-76 in the manner described below. A filing fee of \$25 is required.

A. Appeal to Planning Commission. Any person aggrieved with any determination of the City staff acting under the Subdivision Ordinance may appeal to the Planning Commission by submitting written application to the Planning Department within 15 days after the date of the staff'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, the appeal may be filed on the next business day. The deadline for filing the appeal shall be as the deadline for filing the appeal shall be heard and decided by the Planning Commission within 60 days of its filing.

B. Appeal to City Council. Any person aggrieved with any determination of the Planning Commission acting under this ordinance may file an appeal to the City Council by submitting written application to the Planning Department within 15 days of the Planning Commission's decision (such 15 day period to be determined as in A. above). The City Council may decide to hear the appeal if it finds that all City plans, policies, and ordinances have been properly followed, or if it finds that all City plans, policies, and ordinances have not been properly followed. If it finds 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 another 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).

Sincerely,

Jill Danforth

Jill Danforth
EPC LCB Recording Secretary

cc: Floyd Heckman, 712 Loma Vista Dr. NE; 87106

Letter of
Advice

EX-100-10057-105-76

V-76-19 (C-76-19)

UNDERWRITERS TRUST AND SAVINGS CO. requests the vacation (closing) of that portion of 6th Street NW south of the south right of way line of Sanchez Road NW.

Moved by Commissioner Bicknell
Seconded by Commissioner Fritze

Motion Carried Unanimously

11. C-76-19

Floyd Heckman, agent for Immanuel Lutheran Church, requests the vacation (closing) of that portion of south alley in Block 157, Harding Highland Addition, located within the south side of Gold Avenue SE between 7th and 8th Streets.

There were no objectors present regarding this request.

Persons Speaking For The Request: Floyd Heckman, agent, stated Immanuel Lutheran Church owns the entire block with the exception of the west one-half of Lots 11 & 12, which do not directly abut the alley, and Lot 6 which is owned by Mr. Meyers who is in favor of the request. He stated the request was initiated to enable the church to physically barricade vehicles from the alley in order to provide additional safety for children utilizing the church playground and to try to reduce vandalism experienced by the church. Mr. Heckman also stated the full width of the alley adjacent to Lot 6 will be given to the owner of that lot should the request be approved.

Mr. Roy McGuiness of Southern Union Gas Co. then pointed out that the Gas Co. has no objection to the request, however, the applicant should understand that the Gas Co. must do whatever is necessary to gain access to the property in an emergency situation, including cutting locks or fences.

FINDINGS: 1. The closing of the alley will not deny access to any abutting property.
2. The full width of the alley must be retained as a drainage and utility easement.
3. The applicant must understand that utility companies must be allowed emergency access to the property.

THEREFORE, BE IT RESOLVED THAT V-76-19 be approved, subject to Findings 2 and 3.

Moved by Commissioner Burns
Seconded by Commissioner Bicknell

Motion Carried Unanimously

12. V-76-20 Ralph K. Hicks & Associates, Inc., agent for Co-Con, Inc., requests the vacation (closing) of that portion of 6th Street NW south of the south right of way line of Sanchez Road NW.

There were no objectors present regarding this request.

FINDINGS: 1. The street which is proposed for vacation is unimproved and inaccessible due to the structural wall which is built across it.
2. The street is half dedicated and serves no public need.