

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946

AMENDED OFFICIAL NOTIFICATION OF DECISION

August 15, 2019

La Luz del Sol Landowners Association
C/O Blue Door Realty 4041 Barbara Loop
Rio Rancho NM Suite E 87124

Project# #PR-2019-002598
SD-2019-00125 – VACATION OF RIGHT-OF-WAY

LEGAL DESCRIPTION:

For all or a portion of COSTA ALMERIA DR NW,
located west of COORS BLVD NW and north of
SEVILLE AVE NW, containing approximately
0.1023 acre(s). (F-11)

On August 14, 2019 the Development Review Board (DRB) held a public meeting concerning the above referenced application and is sending a recommendation of APPROVAL to the City Council, based on the following Findings:

1. This is a request to vacate a portion of Costa Almeria Drive NW from Lot H-1-A , approximately 91 feet south along Costa Almeria, which is a total of approximately 4,459 square feet as shown on Exhibit A.
2. Pursuant to section 14-16-6-(K)(2)(e), the DRB will make a recommendation to City Council on the request because the vacation contains the entire width of a road.
3. The applicant provided notice as required in table 6-1-1 of the IDO.
4. The applicant held a meeting with the Vista de la Luz Homeowner's Association on May 7, 2019 to discuss the request. The attendees expressed support for the request.
5. The La Luz del Sol Homeowners Association is the applicant for the request. They state that the vacation is needed to incorporate the existing gate to the subdivision into the lands of the subdivision.
6. Vacation requests must meet the criteria in IDO Section 14-16-6-6-(K)(3)(a): *The public welfare does not require that the public right of way or easement be retained:* The vacation does not impact the access to the adjacent subdivisions. There is a grade change and existing retaining walls between the road and the existing

subdivisions that prevent future access. The access to the existing commercial development is not impacted by the request.

7. Vacation requests must meet the criteria in 14-16-6-6(K)(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 that right.*

The request allows the gate for the La Luz del Sol subdivision to be located on land owned by the La Luz del Sol Home Owners Association (HOA). The HOA will be responsible for repair and maintenance of the gate and private street.

Conditions:

1. A replat showing the vacated property must be approved by the DRB and recorded within one year of City Council approval.
2. Conditions from ABCWUA must be addressed prior to final platting action.

APPEAL: Pursuant to IDO section 6-4(T)(2), a Recommendation cannot be appealed.

Sincerely,



Kym Dicome
DRB Chair

KD/mg

David Kines

13 Mill Road NW

ABQ NM 87120