

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 30, 2019

City of Albuquerque
Paula Dodge-Kwan
PO BOX 1293
ABQ, NM 87103

Project# #PR-2019-002694
SD-2019-00147 – VACATION OF RIGHT-OF-WAY

LEGAL DESCRIPTION:

For all or a portion of TOWER RD SW east of 98th
ST SW, containing approximately 0.7176 acre(s).
(L-9)

On August 28, 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 an abandoned portion of Tower Road, between 97th Street and Tower Road, which is a total of approximately 31,269 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 and exceeds 5000 sf in area.
3. The applicant provided notice as required in table 6-1-1 of the IDO.
4. The City of Albuquerque is the applicant for the request. They state that the vacation is needed to incorporate the existing, excess right-of-way into the adjacent tract.
5. 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:* (Applicant's response) Tower Road was realigned and built to north of the site. The site is no longer needed for roadway access because of this realignment.
6. 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*

Official Notice of Decision

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is being abridged against the will of the owner of that right. (Applicant's response)
The request allows the site to be eventually incorporated into the adjacent lot and used for future development in the area. Additionally, the future development will improve the site and prevent unwanted access and trash build up.

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,



Maggie Gould
Acting DRB Chair

KD/mg
Cartesian Survey