OFFICIAL NOTIFICATION OF DECISION

ZM Zoning
8706 Woodland Ave. NE
Albuquerque, NM 87112

Project #PR-2019-002543
 Application#
SD-2020-00145 VACATION OF RIGHT-OF-WAY

 LEGAL DESCRIPTION:
All or a portion of **Alley between CONSTITUTION AVE NW and KINLEY AVE NW, 4th St. and 5th St. NW** zoned MX-M, located at **1425 4TH ST between CONSTITUTION and KINLEY,** containing approximately 3,500 square feet. (J-14)

On November 4, 2020, the Development Review Board (DRB) held a public meeting concerning the above referenced application and recommended approval of the request to the City Council based on the following Findings:

1. This is a request to vacate a 3,488 square foot public alley located south of Constitution Avenue, north of Kinley Avenue, west of 4th Street and east of 5th Street.
2. Pursuant to section 14-16-6-(M)(1)(b), the DRB will be the recommending body on the request because the vacation contains more than 500 square feet or the entire width of a platted alley. City Council will make the final decision on the request.
3.   The applicant provided notice as required in table 6-1-1 of the IDO.
4. 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 public welfare does not require that the right-of-way be retained. The right of row is not a through street and no public use will be changed.
    Transportation supported the request. Staff did not receive any public comment on the request.

5. 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 applicant owns an existing business that will use the vacated right-of-way. The vacation removes a previously platted alley. The applicant provided proper notice pursuant to IDO table 6-1-1. The applicant provided concurrence from all affected property owners.

Conditions:

1. The Final Plat must retain a 20-foot sanitary sewer easement.

APPEAL: If you wish to appeal the decisions for the vacation or final plat (Preliminary Plats cannot be appealed according to the IDO), you must do so within 15 days of the DRB's decision or by **NOVEMBER 19, 2020.** The date of the DRB'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(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). Files larger than 9MB can be sent to PLNDRS@CABQ.GOV using https://wetransfer.com. 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).

Sincerely,

Jolene Wolfley
DRB Chair

JW/jr