


CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM

March 3, 2021

TO: Cynthia Borrego President, City Council

FROM: Tim Keller, Mayor 

Subject: Freeman Avenue Right of Way Vacation

Project# PR-2020-004812, SD-2020-00220, VACATION OF PUBLIC RIGHT-OF-WAY

TIM NISLY agent(s) for TIM NISLY requests the aforementioned actions for all or a portion of Quivira, part of a larger site containing approximately .3 acres. (G-14)


Request: This is a request for vacation of an alleyway 74.1 feet in length, 15 feet in width, and 1,122.5 square feet in size between 5th and 6th Streets south of Freeman Street.

Per Section 14-16-6-6(M)(3) of the IDO, the Development Review Board (DRB) shall make a recommendation and forward the application to City Council for inclusion on the consent agenda for approval without first going to any Council committee if the vacation involves: 1) More than 500 square feet or the entire width of a platted alley; 2) More than 5000 square feet or the entire street width of a street, including any or all of the public right-of-way. This vacation is the entire width of the street; therefore, it is a DRB recommendation to City Council.

At the FEBRUARY 10th, 2021 public meeting, the DRB had a consensus to recommend approval of the request to the City Council of the proposed vacation as shown on Exhibit "A" (attached) in the Planning file under Project# PR- 2020-004812, based on the recommended Findings per Section 14-16-6-6(M) of the IDO.

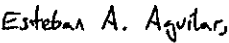
Title/ Subject of Legislation: FREEMAN AVENUE **Vacation:** Project# 2020-004812
SD-2020-000220, , VACATION OF PUBLIC RIGHT-OF-WAY, DRB
RECOMMENDATION FOR APPROVAL.

Approved:

 3/18/21

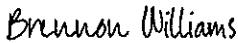
Sarita Nair **Date**
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:
 3/4/2021 | 4:58 PM MST
7961D89D048E4DB

Esteban Aguilar, Jr. **Date**
City Attorney

Recommended:

DocuSigned by:
 3/4/2021 | 3:27 PM MST
933EF6DB14264BF

Brennon Williams **Date**
Planning Director

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

OFFICIAL NOTIFICATION OF DECISION

Tim Nisly
4400 6th Street #4 NW
Albuquerque, NM 87107

Project# PR-2020-004812
Application#
SD-2020-00220 VACATION OF RIGHT OF WAY

LEGAL DESCRIPTION:

For all or a portion of: **ALLEY ADJACENT TO LOT 12, BLOCK 6 BELMONT PLACE LOT 12 & LOT 13 & 14** zoned R-1B, located **SOUTH OF FREEMAN between 5TH ST and 6TH ST**, containing approximately .03 acre(s). (G-14)

On February 10, 2021, 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 the Right-of-Way of an alleyway 74.1 feet in length, 15 feet in width, and 1,122.5 square feet in size between 5th and 6th Streets south of Freeman Street.
2. The applicant provided notice as required in table 6-1-1 of the IDO.
3. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The Right-of-Way (to be vacated) dead-ends at a ditch and concrete wall, with no reasonable options for walking, and is unreachable by vehicles due to trees. Therefore, there is no benefit to the public welfare through keeping the the Right-of-Way (to be vacated).
4. Pursuant to section 14-16-6-6(M)(1)(b), the DRB will be the recommending body on the request because the vacation is more than 500 square feet and the entire width of a platted alley. City Council will make the final decision on the request.
5. The vacation must be must be platted within one year of final City Council approval or it will be void (see Table 6-4-3 of the IDO).

Official Notice of Decision

Project # PR-2020-004812 Application# SD-2020-00220

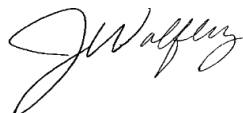
Page 2 of 2

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **FEBRUARY 25, 2021**. 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://wettransfer.com>. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

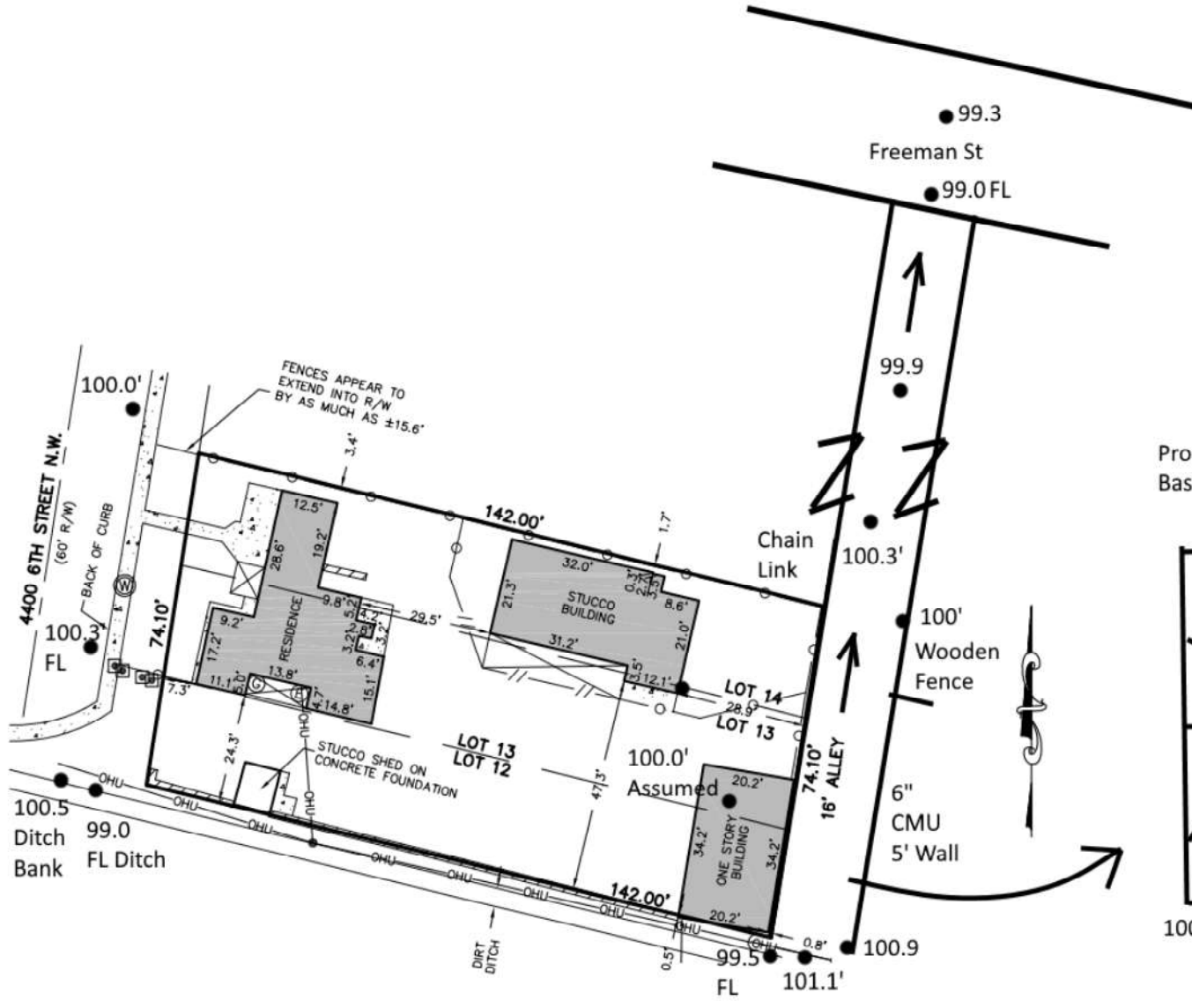
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion 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,

A handwritten signature in black ink, appearing to read "J. Wolfley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jolene Wolfley
DRB Chair

JW/jr

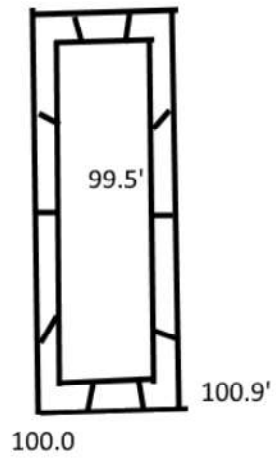
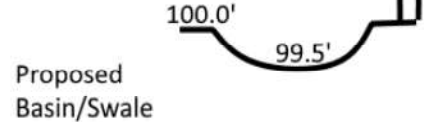


● 99.3
Freeman St
● 99.0 FL

● 99.9
● 100.3'

Chain Link
100' Wooden Fence
6" CMU 5' Wall

4400 6TH STREET N.W.
(60' R/W)
BACK OF CURB
100.0'
FL
100.5
Ditch
Bank
99.0
FL
Ditch



● 99.5
● 101.1'
FL



DEVELOPMENT REVIEW BOARD

Planning Dept. - Major Case Comments

HEARING DATE/AGENDA ITEM 2

Project Number: PR-2020-004812

Application Number: SD-2020-004812

Project Name:

Request: Alley Vacation

COMMENTS:

Please provide proof that the adjacent property owners were notified about the opportunity to purchase the adjacent ROW and that they are in favor of the vacation

Because the vacation is the entire width of the alley and more than 500 square feet, the DRB is a recommending body and City Council will be the decision maker see section 14-16-6-6(M)(1)(b) Vacation of Public Right-of-way– Council Any public right-of-way that meets any of the following thresholds:

1. More than 500 square feet or the entire width of a platted alley.

Comments may continue onto the next page)

Disclaimer: The comments provided are based upon the information received from the applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning.

FROM: Maggie Gould
Planning Department

DATE: 2-3-21

Drawing of Easement Vacation

Freeman Ave NW

6th St NW

5th St NW

Freeman Ave NW

~15' wide
74'10" long
1122.50sq/ft

Moka Joe's

El Mezquite Market
Takeout

Kingdom Hall of
Jehovah's Witnesses



San Clemente Ave NW





Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

SUBDIVISIONS	<input type="checkbox"/> Final Sign off of EPC Site Plan(s) (Form P2)	
<input type="checkbox"/> Major – Preliminary Plat (Form S1)	<input type="checkbox"/> Major Amendment to Site Plan (Form P2)	<input checked="" type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Minor – Preliminary/Final Plat (Form S2)	MISCELLANEOUS APPLICATIONS	<input type="checkbox"/> Vacation of Public Easement(s) DRB (Form V)
<input type="checkbox"/> Major - Final Plat (Form S2)	<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S1)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
<input type="checkbox"/> Minor Amendment to Preliminary Plat (Form S2)	<input type="checkbox"/> Minor Amendment to Infrastructure List (Form S2)	PRE-APPLICATIONS
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Temporary Deferral of S/W (Form V2)	<input type="checkbox"/> Sketch Plat Review and Comment (Form S2)
	<input type="checkbox"/> Sidewalk Waiver (Form V2)	
SITE PLANS	<input type="checkbox"/> Waiver to IDO (Form V2)	APPEAL
<input type="checkbox"/> DRB Site Plan (Form P2)	<input type="checkbox"/> Waiver to DPM (Form V2)	<input type="checkbox"/> Decision of DRB (Form A)
BRIEF DESCRIPTION OF REQUEST		
Request to vacate unused access easement		

APPLICATION INFORMATION		
Applicant: Tim Nisly	Phone: 505.328.8848	
Address: 4400 6th St #4 NW	Email: tnisly@gmail.com	
City: Albuquerque	State: NM	Zip: 87107
Professional/Agent (if any):	Phone:	
Address:	Email:	
City:	State:	Zip:
Proprietary Interest in Site:	List <u>all</u> owners:	
SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)		
Lot or Tract No.: City right of way	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): G14	Existing Zoning:	Proposed Zoning
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (Acres):
LOCATION OF PROPERTY BY STREETS		
Site Address/Street: ROW South of Freeman	Between: 5th	and: 6th
CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)		

Signature:	Date: 11/7/2020
Printed Name: Tim Nisly	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

FOR OFFICIAL USE ONLY					
Case Numbers	Action	Fees	Case Numbers	Action	Fees
SD-2020-00220	V-ROW	\$425			
Meeting Date: January 6, 2021			Fee Total: \$425		
Staff Signature: <i>Vanessa A Segura</i>			Date: 12/10/2020		Project # PR-2020-004812


FORM V: Vacations of Easements or Right-of-way- DRB

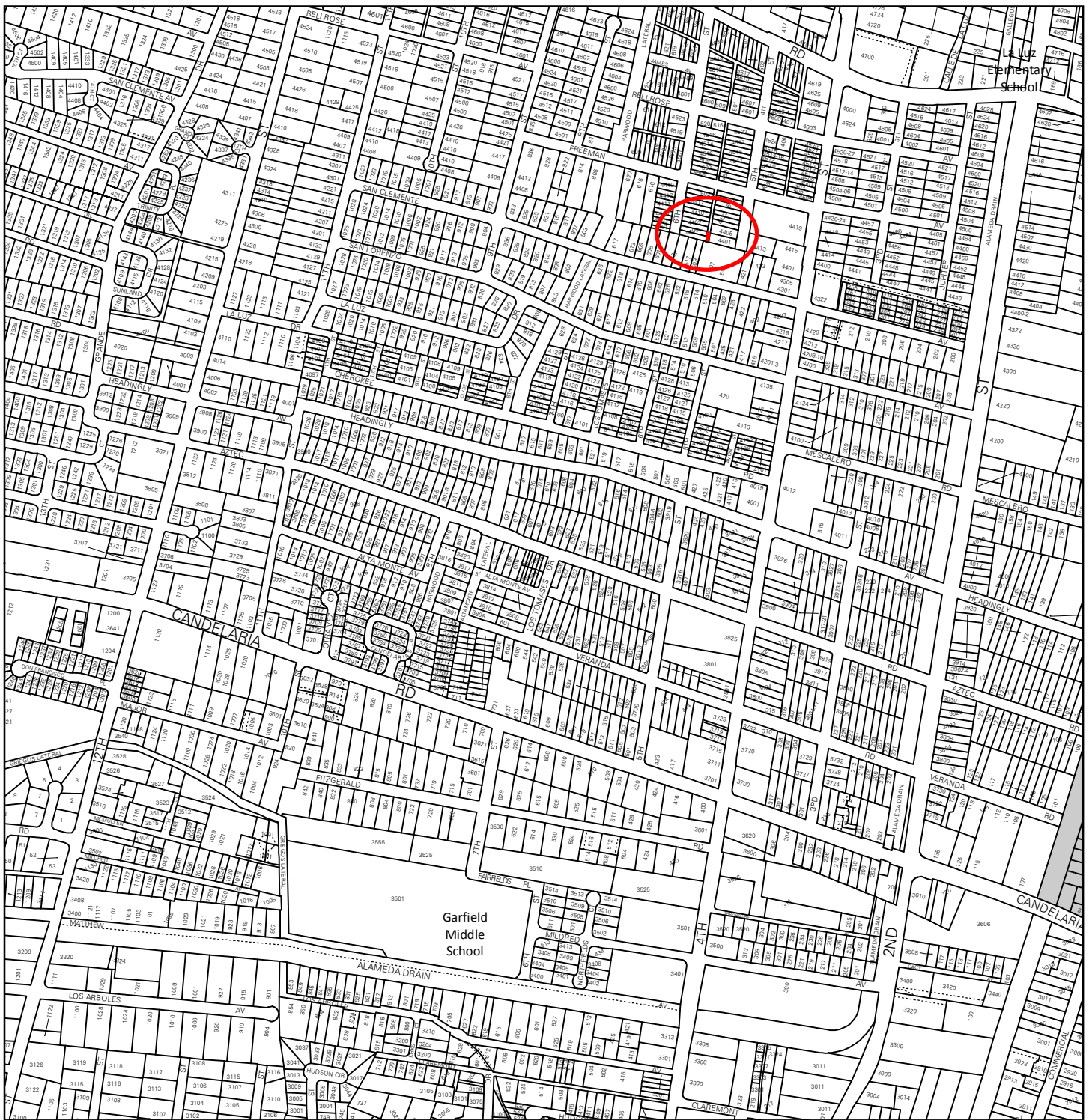
Please refer to the DRB meeting schedules for dates and deadlines. Your attendance is required.

>> INFORMATION REQUIRED FOR ALL VACATION APPLICATIONS

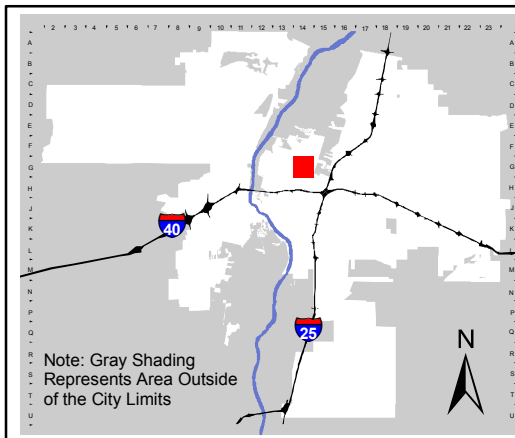
- Interpreter Needed for Meeting? if yes, indicate language: _____
- A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF *shall be organized* with the Development Review Application and this Form V at the front followed by the remaining documents *in the order provided on this form.*
- Zone Atlas map with the entire site clearly outlined and labeled
- Letter of authorization from the property owner if application is submitted by an agent
- VACATION OF PRIVATE EASEMENT**
- VACATION OF PUBLIC EASEMENT**
- VACATION OF RIGHT-OF-WAY – DRB**
- VACATION OF RIGHT-OF-WAY – COUNCIL**
- Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(K)(3)
- Copy of the complete document which created the easement(s) (7 copies, folded)
Not required for City owned public right-of-way.
- Drawing showing the easement or right-of-way to be vacated (7 copies, not to exceed 8.5" by 11")
- If easements, list number to be vacated 1
- If right-of-way, square footage to be vacated (see IDO Section 14-16-6-6(K) 1122sq/ft)
- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
 - Office of Neighborhood Coordination neighborhood meeting inquiry response
 - Proof of email with read receipt OR Certified Letter offering meeting to applicable associations
 - If a meeting was requested/held, copy of sign-in sheet and meeting notes
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- Sign Posting Agreement (not required for easements if IDO Section 14-16-6-6(K)(2)(a) is satisfied)

The vacation must be shown on a DRB approved plat recorded by the County Clerk within one year, or it will expire.

<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting, if required, or otherwise processed until it is complete.</i>	
Signature:	Date:
Printed Name:	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers:	Project Number:
SD-2020-00220	PR-2020-004812
	
Staff Signature: <i>Vanessa A Segura</i>	
Date: 12/10/2020	



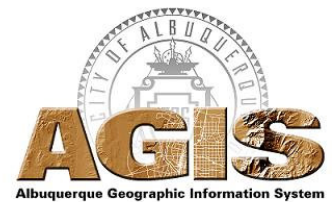
For more current information and details visit: www.cabq.gov/gis



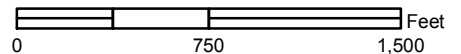
Address Map Page:

G-14-Z

Map Amended through:
3/17/2017



These addresses are for informational purposes only and are not intended for address verification.



Tim Nisly

4400 6th St #4 NW

Albuquerque, NM 87107

Right of Way vacancy request

July 23, 2020

This is a request to vacate 74.1' of an easement located between 5th and 6th, south of Freeman St, in zone G14.

The relevant IDO requirements are here:

- 6-6(K)(3)(a) The public welfare does not require that the public right-of-way or easement be retained.
- 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 the right.

This right of way is overrun by weeds and small nuisance trees. It dead-ends at a ditch and concrete wall, with no reasonable options for walking and unreachable by vehicle due to trees. There is no benefit to the public welfare to keeping this right-of-way.

The right-of-way is an eyesore. Allowing the right-of-way to be vacated will allow it to be incorporated into surrounding lots as a benefit to surrounding neighbors like myself.

Thank you,

-Tim

Tim Nisly

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

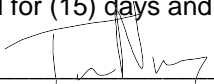
4. TIME

Signs must be posted from _____ To _____

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.


 _____ (Applicant or Agent) 12/2/2020 (Date)

I issued _____ signs for this application, _____ (Date), _____ (Staff Member)

PROJECT NUMBER: _____



Tim Nisly <tnisly@gmail.com>

4400 6th St NW Public Notice Inquiry

Carmona, Dalaina L. <dcarmona@cabq.gov>
To: "tim@101prop.com" <tim@101prop.com>

Tue, Nov 10, 2020 at 12:01 PM

Dear Applicant,

Please find the neighborhood contact information listed below.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Greater Gardner & Monkbridge NA	David	Wood	wood_cpa@msn.com	158 Pleasant Avenue NW	Albuquerque	NM	87107	5052212626	5053444674
Greater Gardner & Monkbridge NA	Chris	Sylvan	sylvan.cs@gmail.com	226 Natalie Avenue NW	Albuquerque	NM	87107	5059678767	
North Valley Coalition	Peggy	Norton	peggynorton@yahoo.com	P.O. Box 70232	Albuquerque	NM	87197	5058509293	5053459567
North Valley Coalition	Doyle	Kimbrough	newmexmba@aol.com	2327 Campbell Road NW	Albuquerque	NM	87104	5052490938	5053441364

You will need to e-mail each of the listed contacts and let them know that you are applying for a permit for your project. You can use this online link to find template language if you're not sure what information you need to include in your e-mail. <https://www.cabq.gov/planning/urban-design-development/public-notice>

If your permit application or project requires a neighborhood meeting, you can click on this link to find template language to use in your e-mail notification: <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

[Note: Items with an asterisk (*) are required.]

Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request*: 11/9/2020

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: North Valley Coalition

Name of NA Representative*: Peggy Norton, Doyle Kimbrough

Email Address* or Mailing Address* of NA Representative¹: peggnorton@yahoo.com, newmexmba@aol.com

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.²

Email address to respond yes or no: tnisly@gmail.com

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 4400 6th St #4 NW
Location Description Private residence
2. Property Owner* Tim Nisly
3. Agent/Applicant* [if applicable] N/A
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision _____ (Minor or Major)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

[Note: Items with an asterisk (*) are required.]

- Vacation Public Right of way (Easement/Private Way or Public Right-of-way)
- Variance
- Waiver
- Zoning Map Amendment
- Other: _____

Summary of project/request^{3*}:

Request to vacate an unused, dead-end easement behind the property.

5. This type of application will be decided by*: City Staff
 OR at a public meeting or hearing by:
- Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
 - Landmarks Commission (LC) Environmental Planning Commission (EPC)
 - City Council

6. Where more information about the project can be found*⁴:
Please request any additional information via email at tnisly@gmail.com

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

- 1. Zone Atlas Page(s)*⁵ G14
- 2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
- 3. The following exceptions to IDO standards will be requested for this project*:
 - Deviation(s) Variance(s) Waiver(s)

Explanation:

- 4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1*](#): Yes No

³ Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:
- a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information:

1. From the IDO Zoning Map⁶:
- a. Area of Property [typically in acres] _____ .025 acres
 - b. IDO Zone District _____
 - c. Overlay Zone(s) [if applicable] _____ N/A
 - d. Center or Corridor Area [if applicable] _____ N/A
2. Current Land Use(s) [vacant, if none] _____ Dead end alley _____
- _____

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ Greater Gardner & Monkbridge NA _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinurl.com/idozoningmap>



Tim Nisly <tnisly@gmail.com>

(no subject)

=David Wood CPA= <wood_cpa@msn.com>
To: Tim Nisly <tnisly@gmail.com>
Cc: "Chris Sylvan (sylvan.cs@gmail.com)" <sylvan.cs@gmail.com>

Mon, Nov 9, 2020 at 8:18 PM

Hi Tim,

I know we have crossed paths in other neighborhood issues, and I am in receipt of your request.

Have you checked with Planning and Zoning to find out if indeed this is a easement /alley? Did the City tell you that his was their easement? This is important because some "old easements" were at one time very small ditches that came off the larger laterals.

It is possible that from a Planning and Zoning perspective, there is no easement, rather your property line goes to the center of the easement and you abutting neighbor owns it the other half. I have actually seen this in more than one case in our Valley area. AGIS Maps that the City uses, should confirm this, or make a call to a planner to help you.

In any event, from a Association perspective, we would have no issue with vacating this. The issue would then become if the City would go through the formal process of vacating it.

I will try to look at the zoning maps and let you know what I see.

If you can, please let me know how this turns out, or if I can assist further, please let me know.

Cordially,



David Wood C.P.A.

(505) 221-2626 (Voice or Text)

Email: Wood_CPA@msn.com

IRS Circular 230 disclosure: We must inform you that any US tax advice contained in this message was not intended or written to be used, and cannot be used, for the purpose of avoiding penalties that may be imposed under federal tax law. By regulation, a taxpayer cannot rely on professional advice to avoid federal tax penalties unless that advice is reflected in a comprehensive tax opinion that conforms to strict requirements.

CONFIDENTIALITY NOTICE: This email and any attachments are for the sole use of the intended recipient(s) and contain information that may be confidential and/or legally privileged. If you have received this email in error, please notify the sender by reply email and delete the message. Any disclosure, copying, distribution or use of this communication by someone other than the intended recipient is prohibited.

From: Tim Nisly <tnisly@gmail.com>
Sent: Monday, November 9, 2020 6:42 PM
To: wood_cpa@msn.com; sylvan.cs@gmail.com
Subject:

11/10/2020

Gmail - (no subject)

Good evening, Chris and David!

I'm putting in a request to vacate a dead-end easement behind my property. Attached is the neighborhood request, as well as a drawing of the requested vacation. My neighbors are in support of this process, as the alley is overrun with weeds and doesn't go anywhere.

Chris, I didn't know you were a part of my neighborhood association! Thanks for doing this!

Please let me know if you'd like a meeting. Thanks much,

-Tim

505.750.8466

4400 6th St NW, Albuquerque, NM 87107



Tim Nisly <tnisly@gmail.com>

Vacation of public right of way

Peggy Norton <peggynorton@yahoo.com>

Tue, Nov 10, 2020 at 1:13 PM

Reply-To: Peggy Norton <peggynorton@yahoo.com>

To: Doyle Kimbrough <newmexmba@aol.com>, Tim Nisly <tnisly@gmail.com>

We will defer to your neighbors, Tim. Thank you.

Peggy Norton, President
North Valley Coalition

On Monday, November 9, 2020, 6:41:59 PM MST, Tim Nisly <tnisly@gmail.com> wrote:

Good evening, Peggy & Doyle!

I'm putting in a request to vacate a dead-end easement behind my property. Attached is the neighborhood request, as well as a drawing of the requested vacation. My neighbors are in support of this process, as the alley is overrun with weeds and doesn't go anywhere.

Please let me know if you'd like a meeting. Thanks much!
-Tim

505.750.8466
[4400 6th St NW, Albuquerque, NM 87107](#)

The sender has requested a read receipt. If you do not wish to provide one, [click here](#).

If you have questions about what type of notification is required for your particular project, please click on the link below to see a table of different types of projects and what notification is required for each:

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf>

Once you have e-mailed the contact individuals in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your permit application and submit it to the Planning Department for approval. **PLEASE NOTE:** The ONC does not have any jurisdiction over any other aspect of your permit application beyond the neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, or project plans, so we encourage you to contact the Planning Department at: 505-924-3860 or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

If your permit or project requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

Thanks,



Dalaina L. Carmona

Senior Administrative Assistant

Office of Neighborhood Coordination

Council Services Department

1 Civic Plaza NW, Suite 9087, 9th Floor

Albuquerque, NM 87102

505-768-3334

dcarmona@cabq.gov or ONC@cabq.gov

Website: www.cabq.gov/neighborhoods



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From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov

Sent: Monday, November 09, 2020 6:20 PM

To: Office of Neighborhood Coordination <tim@101prop.com>

Cc: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Development Review Board

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Tim Nisly

Telephone Number

5057508466

Email Address

tim@101prop.com

Company Name

101 Property, LLC

Company Address

[4400 6th St NW #4](#)

City

ALBUQUERQUE

State

NM

ZIP

87107

Legal description of the subject site for this project:

Physical address of subject site:

[4400 6th St NW #4](#)

Subject site cross streets:

6th and freeman

Other subject site identifiers:

Alley runs north to south between 5th and 6th Streets, south of Freeman

This site is located on the following zone atlas page:

G14

=====

This message has been analyzed by Deep Discovery Email Inspector.

 **001 IDOZoneAtlasPage_G-14-Z highlighted.pdf**
426K

Letter of Support

For removing alley right-of way between 5th and 6th, South of Freeman, the 71' north of the ditch

To Whom it may concern:

I'd like to express my support for removing this alley access to the west of my property. I am
 am not interested in purchasing that land and incorporating it into my property.

Signed,

RE Schumacher

Address:

4401 ~~5th~~ St NW
Albuquerque NM 87107

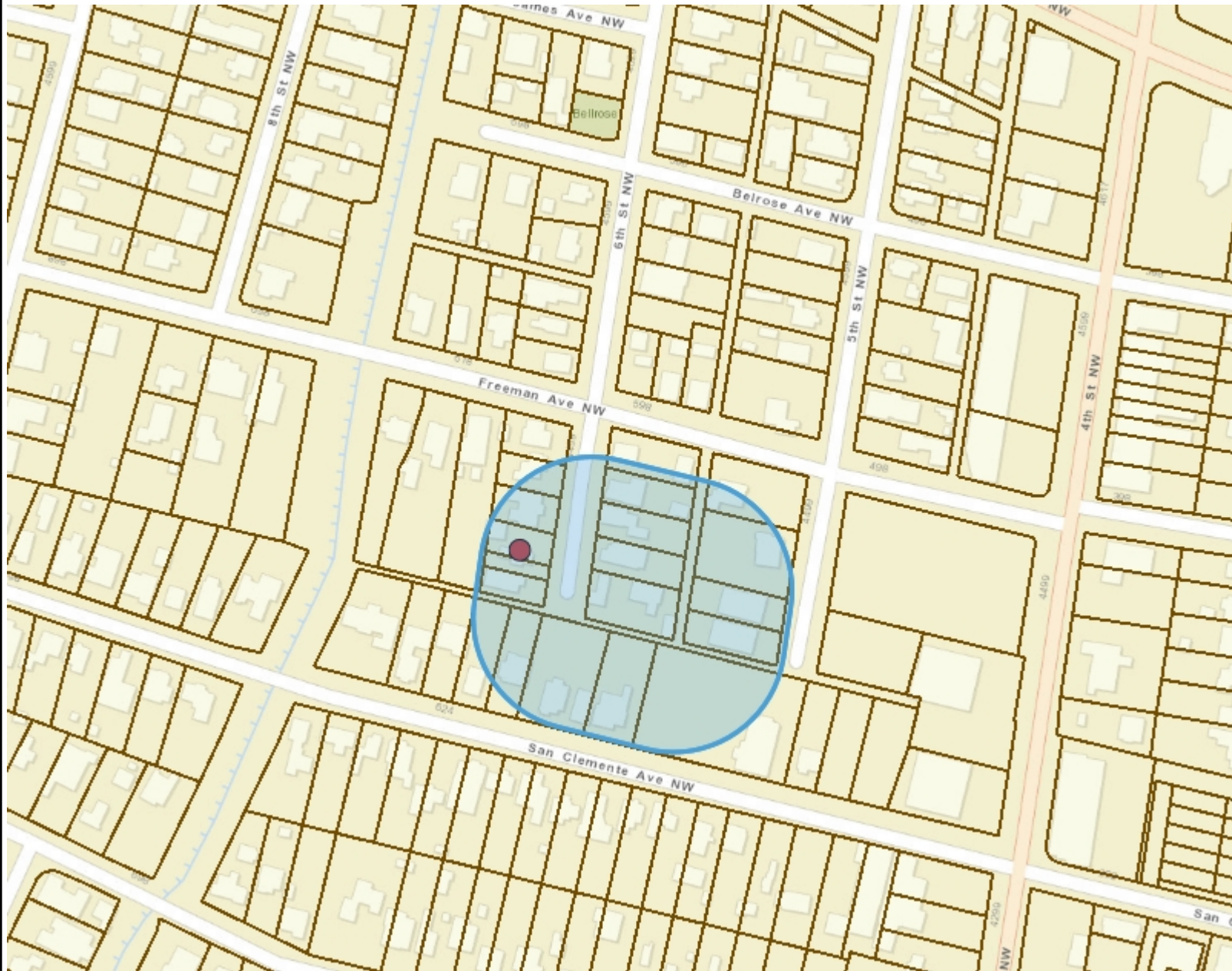


4400 6th St NW



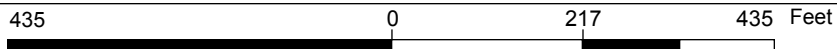
Legend

□ Bernalillo County Parcels



Notes

Buffer: 165 Ft.
ROW: 65 Ft.



WGS_1984_Web_Mercator_Auxiliary_Sphere
11/13/2020 © City of Albuquerque

1: 2,609

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

LICINI HEATHER R & WOODARD
NATHAN M
4402 6TH ST NW
ALBUQUERQUE NM 87107

LUNA FREDDY F & LUNA KENNETH F
4410 6TH ST NW
ALBUQUERQUE NM 87107-3708

MARQUEZ-CASTRO HERMINIA
4419 6TH ST NW
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PLAGGE LYNN K TRUSTEE PLAGGE LVT
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WHITTINGTON JUSTICE & MAESTAS
RENEE
4411 6TH ST NW
ALBUQUERQUE NM 87107-3707

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RENEE
4411 6TH ST NW
ALBUQUERQUE NM 87107-3707

NISLY TIM
4400 6TH ST NW
ALBUQUERQUE NM 87107-3708

HOSCHAR BELINDA M & TRUJILLO
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601 SAN CLEMENTE AVE NW
ALBUQUERQUE NM 87107-3632

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4403 6TH ST NW
ALBUQUERQUE NM 87107-3707

GALLEGOS STEFANIE JOANN
4401 6TH ST NW
ALBUQUERQUE NM 87107-3707

MORA ROSITA J
605 SAN CLEMENTE AVE NW
ALBUQUERQUE NM 87107-3632

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4405 5TH ST NW
ALBUQUERQUE NM 87107-3720

BAGGERLY JO ANN & JAMES M
5713 CHIMAYO DR NW
ALBUQUERQUE NM 87120-2131

SANDERS GWENN ETAL TRUSTEES ALB
NORTH CONG JEHOVAHS WITNESSES
PO BOX 6063
ALBUQUERQUE NM 87197-6063

Tim Nisly

4400 6th St #4 NW

Albuquerque, NM 87107

Dear Neighbors,

This email is notification that I'm preparing an application to ask the city to vacate their right of way easement for the alley between 5th and 6th St, south of Freeman.

The alley is a nuisance and full of weeds and junk trees, and I'm asking the City to vacate the 74' of alley behind my house so I can fence it off.

There will be a DRB meeting for this at some future point. Due to the ongoing public health emergency, this meeting will be a remote public meeting with participation using the software Zoom. More information can be found at: <http://www.cabq.gov/planning/boards-commissions/development-reviewboard/development-review-board>.

Meeting agendas are made available on Friday afternoons prior to the hearing date here: <http://www.cabq.gov/planning/boards-commissions/development-reviewboard/development-review-board-agenda-archives>.

You can join the remote DRB meeting using a computer with microphone and/or camera or by phone using the information below: Join Zoom Meeting: <https://cabq.zoom.us/j/96274795316>

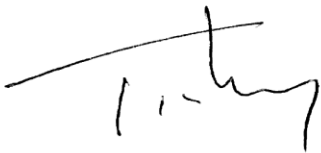
Meeting ID: 962 7479 5316

By Phone: +1 312 626 6799 US

Find your local number: <https://cabq.zoom.us/j/96274795316>

Please feel free to reach out to me if you have any questions or comments. I've reviewed this with my immediate neighbors, and we all agree that this will be a positive thing for the neighborhood. I'd love to hear from you on this as well.

Also, under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: <https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/> to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3994 or email devhelp@cabq.gov.



Tim Nisly

tnisly@gmail.com

505.750.8466

[Note: Items with an asterisk (*) are required.]

Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request*: 11/9/2020

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Greater Gardner & Monkbridge NA

Name of NA Representative*: David Wood, Chris Sylvan

Email Address* or Mailing Address* of NA Representative¹: wood_cpa@gmsn.com, sylvan.cs@gmail.com

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.²

Email address to respond yes or no: tnisly@gmail.com

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 4400 6th St #4 NW
Location Description Private residence
2. Property Owner* Tim Nisly
3. Agent/Applicant* [if applicable] N/A
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision _____ (Minor or Major)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

[Note: Items with an asterisk (*) are required.]

- Vacation Public Right of way (Easement/Private Way or Public Right-of-way)
- Variance
- Waiver
- Zoning Map Amendment
- Other: _____

Summary of project/request^{3*}:

Request to vacate an unused, dead-end easement behind the property.

5. This type of application will be decided by^{*}: City Staff
 OR at a public meeting or hearing by:
- Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
 - Landmarks Commission (LC) Environmental Planning Commission (EPC)
 - City Council

6. Where more information about the project can be found^{*4}:
Please request any additional information via email at tnisly@gmail.com

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

- 1. Zone Atlas Page(s)^{*5} G14
- 2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
- 3. The following exceptions to IDO standards will be requested for this project^{*}:
 - Deviation(s) Variance(s) Waiver(s)

Explanation:

- 4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1*](#): Yes No

³ Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:
- a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information:

1. From the IDO Zoning Map⁶:
- a. Area of Property [typically in acres] _____ .025 acres
 - b. IDO Zone District _____
 - c. Overlay Zone(s) [if applicable] _____ N/A
 - d. Center or Corridor Area [if applicable] _____ N/A
2. Current Land Use(s) [vacant, if none] _____ Dead end alley _____
- _____

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ North Valley Coalition _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinurl.com/idozoningmap>

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ALBUQUERQUE NM 87107-3733

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MORA ROSITA J
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ALBUQUERQUE NM 87107-3632

1
Tim Nisly
4400 6th St #4
Abq Nm 87107



Stefan Callegas
4401 6th St NW
Abq Nm 87107

Tim Nisly
4400 6th St #4 NW
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