



# CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

EC-19-483

## INTER-OFFICE MEMORANDUM

August 15, 2019

**TO:** Klarissa Peña, President, City Council

**FROM:** Tim Keller, Mayor

**Subject:** Costa Almeria Drive Right of Way Vacation

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

David Kines representing the La Luz Del Sol Landowners Association requested the aforementioned action(s) for all or a portion of COSTA ALMERIA DRIVE NE located west of COORS BLVD NW and north of SEVILLE AVE NE, containing approximately .1023 acre(s). (M-21)

Request: This is a request for vacation of public right of way for a portion of Costa Almeria Drive NE.

Per Section 14-16-6-6(K)(2) 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. The square footage of this vacation is under 5000 square feet but does include the entire width of the street, therefore it is a DRB recommendation to City Council.

At the August 14, 2019 public hearing, 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- 2019-002598, based on the recommended Findings per Section 14-16-6-6(K) of the IDO.

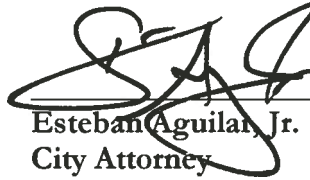
Title/ Subject of Legislation: Costa Almeria Drive NE Vacation: Project# 2019-002598 SD-2019-00125 VACATION OF PUBLIC RIGHT-OF-WAY, DRB  
RECOMMENDATION FOR APPROVAL

Approved:



 Sarita Nair                      Date  
Chief Administrative Officer      9/13/19

Approved as to Legal Form:



Esteban Aguilar, Jr.                      8-22-19      (AV)  
City Attorney                      Date

Recommended:



15-AUG-2019  
Brennon Williams                      Date  
Interim 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

## 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

Official Notice of Decision

Project# PR-2019-002598 Application# SD-2019-00125

August 16, 2019

Page 2 of 2

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

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEG
C1	918.04	3094.72	133°02'26"	461.16	S34°19'21"W
C2	149.58	300.00	29°34'00"	76.38	N75°24'39"W
C3	131.64	500.00	25°42'00"	68.47	N48°16'12"W
C4	49.07	300.00	9°21'42"	24.56	N30°33'55"W
C5	333.24	300.00	63°38'37"	105.17	N57°52'23"W
C6	139.70	300.00	25°31'43"	71.18	S39°23'56"E
C7	127.72	75.00	9°23'40"	85.63	N41°31'41"E
C8	323.85	300.00	61°51'04"	179.73	S23°39'42"W
C9	12.30	300.00	2°21'00"	8.15	S55°45'44"W
C10	336.16	300.00	64°12'04"	188.19	S24°50'12"W
C11	164.97	250.00	37°48'29"	85.61	N38°01'59"E
C12	173.00	250.00	38°38'58"	90.13	S38°57'14"W
C13	167.01	3894.72	6°52'13"	233.78	S32°23'20"W
C14	84.14	3894.72	1°14'16"	42.07	S35°26'33"W
C15	79.49	3894.72	1°10'10"	39.75	S37°38'48"W
C16	193.33	3894.72	2°50'39"	96.68	S39°39'12"W
C17	48.61	30.00	8°01'26"	28.49	N82°44'35"E
C18	85.34	250.00	19°33'29"	43.09	S42°58'03"E
C19	47.26	35.00	7°21'34"	28.02	S05°29'29"W
C20	22.46	287.00	4°29'00"	11.23	S21°22'14"W
C21	31.73	287.00	6°20'04"	15.88	S26°46'46"W
C22	35.12	287.00	7°00'39"	17.58	S33°06'51"W
C23	100.56	287.00	20°04'34"	50.00	S48°38'28"W
C24	188.18	287.00	37°34'09"	97.61	S37°54'45"W
C25	189.96	274.50	35°38'58"	98.96	S38°57'14"W

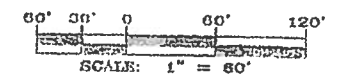
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEG
C26	106.31	225.50	27°00'42"	54.18	N32°38'05"E
C27	119.98	274.50	25°02'37"	60.96	N31°38'00"E
C28	156.05	225.50	39°38'58"	81.30	S30°57'14"W
C29	48.59	213.00	13°04'12"	24.40	N35°51'47"E
C30	30.08	213.00	8°05'33"	15.07	N25°16'55"E
C31	7.83	213.00	2°06'24"	3.92	N20°10'56"E
C32	95.50	213.00	23°16'08"	43.86	N30°45'49"E
C33	61.49	92.39	37°56'46"	31.76	N55°32'32"W
C34	30.26	20.00	08°41'17"	18.88	S14°28'15"E
C35	58.55	324.00	10°21'17"	29.36	N52°38'15"W
C36	37.70	25.00	06°23'57"	23.48	N89°20'23"E
C37	31.42	20.00	9°00'40"	20.00	N44°42'02"W
C38	16.09	20.00	46°04'51"	8.51	S23°20'47"W
C39	15.33	20.00	45°54'28"	8.06	S68°20'24"W
C40	31.41	20.00	89°59'20"	20.00	S45°17'58"W
C41	11.05	20.00	31°40'06"	5.67	S15°31'44"E
C42	20.36	20.00	58°19'54"	11.16	S60°31'44"E
C43	31.42	20.00	90°00'00"	20.00	S44°41'42"E
C44	20.36	20.00	58°19'54"	11.16	N61°08'21"E
C45	11.05	20.00	31°40'06"	5.67	N16°08'21"E
C46	31.42	20.00	90°00'00"	20.00	N45°18'18"E
C47	4.41	20.00	12°37'23"	2.21	N06°00'25"W
C48	27.01	20.00	77°23'10"	16.02	N31°00'43"W
C49	31.42	20.00	90°00'40"	20.00	N44°42'02"W
C50	4.39	20.00	12°34'20"	2.20	S06°35'20"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	116.93	N89°43'20"W
L2	266.29	N81°11'45"W
L3	93.12	N76°03'10"W
L4	176.82	S71°30'46"W
L5	229.77	N66°31'14"W
L6	1118.12	N00°18'18"E
L7	750.85	S89°42'22"E
L8	27.50	S00°18'51"W
L9	440.13	S05°08'22"E
L10	367.04	S30°56'43"E
L11	6.47	N58°48'43"E
L12	0.85	S89°09'22"E
L13	24.00	S30°56'43"E
L14	24.50	S30°56'43"E
L15	7.04	N50°45'43"E
L16	6.93	N59°46'43"E
L17	34.42	S33°11'18"E
L18	20.91	S89°09'22"E
L19	39.36	S73°51'18"E
L20	2.21	N28°52'23"E
L21	104.12	S61°07'37"E
L22	102.23	S51°07'37"E
L23	20.63	N28°52'23"E
L24	95.79	S51°07'37"E
L25	85.95	S91°07'37"E

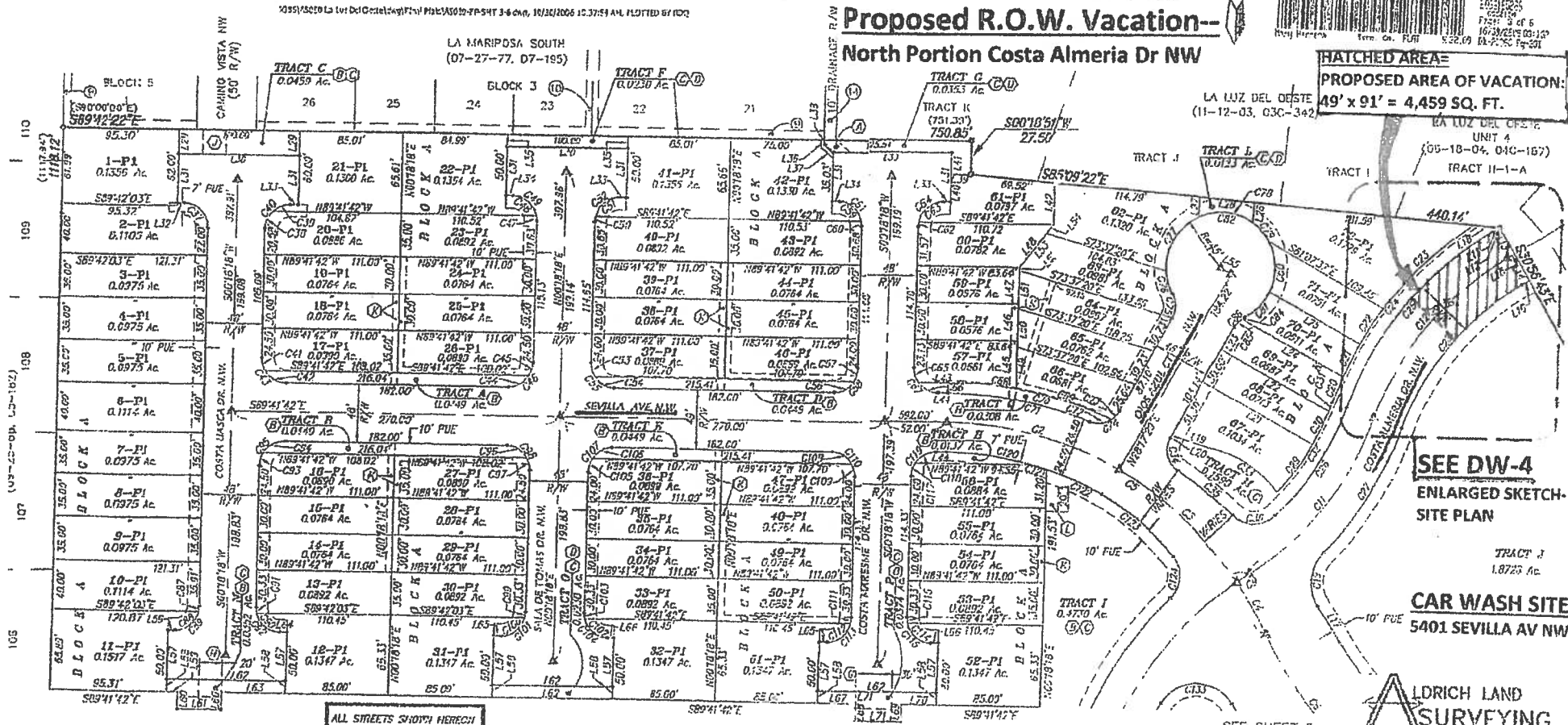
NOTE: FOR REFERENCE ONLY. NOT FOR ANY OTHER USE.

**DW-3**  
NEARBY PLATS OF EXISTING PROPERTIES.

PLAT FOR  
**VISTA DE LA LUZ**  
WITHIN  
SECTION 35  
TOWNSHIP 11 NORTH, RANGE 2 EAST, NMPH  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
OCTOBER, 2006



**Proposed R.O.W. Vacation--**  
**North Portion Costa Almeria Dr NW**



**SEE DW-4**  
ENLARGED SKETCH-SITE PLAN

**CAR WASH SITE**  
5401 SEVILLA AV NW

**LD RICH LAND SURVEYING**  
P.O. BOX 30701, ALBU., N.M. 87190  
505-894-1090

PUE = PUBLIC UTILITY EASEMENTS GRANTED WITH THIS PLAT

ALL STREETS SHOWN HEREON ARE HEREBY DEDICATED IN FEE SIMPLE WITH WARRANTY COVENANTS AS PUBLIC RIGHT-OF-WAY

SEE SHEET 4

SEE SHEET 5

SEE SHEETS 3-6 FOR LINE & CURVE DATA

AS080 La Luz Del Oeste.dwg Final Plats\AS080-FP-SHT 3-6.dwg (10-28-06, RDQ)

Drawn: RICHARD	Checked: ALS	Sheet 3 of 6
Date: 10/30/06	Job: A05080	

EXHIBIT A  
1/2

**PROPOSED AREA OF VACATION:  
49' x 91' = 4,459 SQUARE FEET**

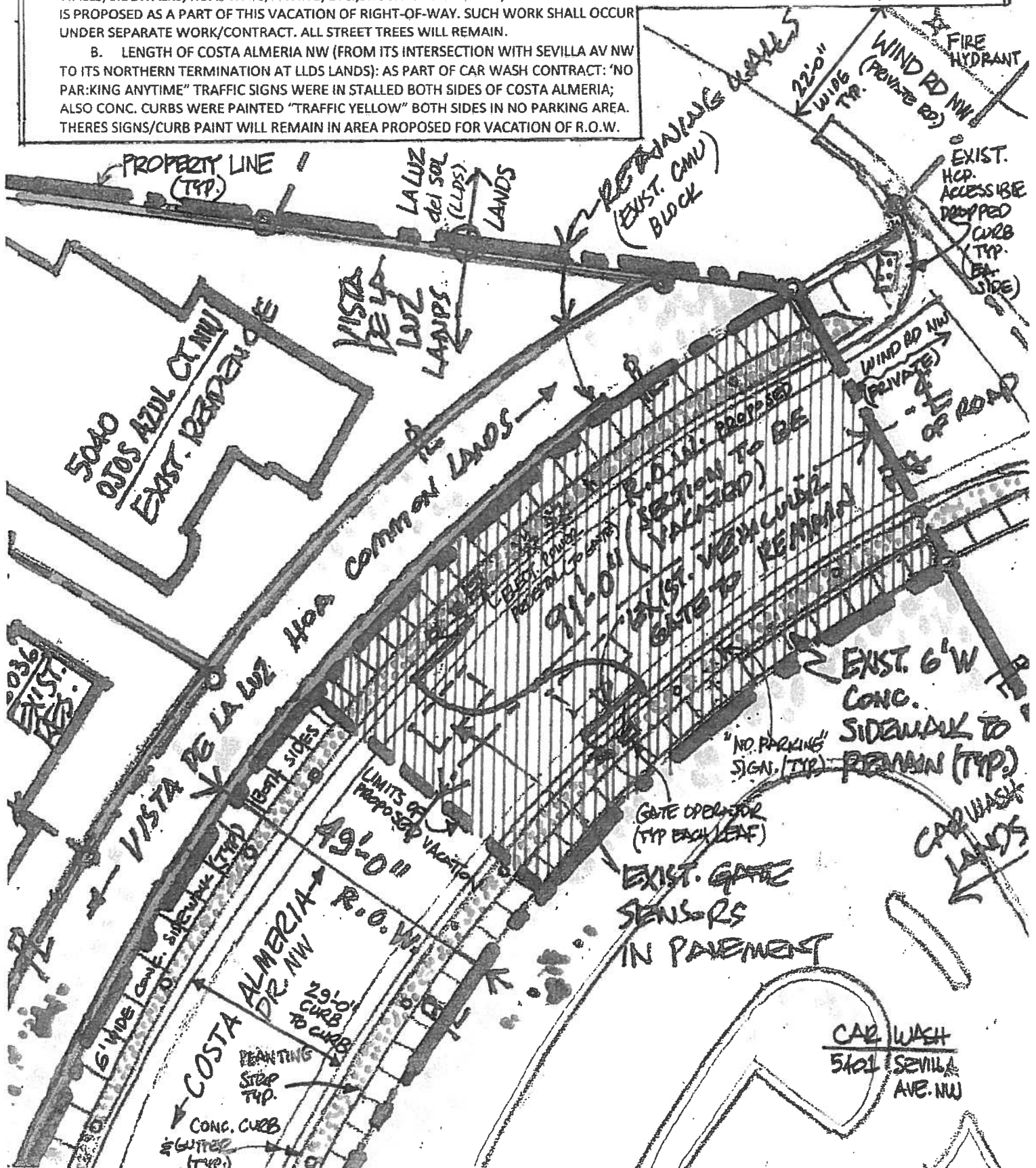


**ENLARGED  
SKETCH-  
SITE PLAN**

A. ALL IMPROVEMENTS, STRUCTURES, GATES, SIGNS, LANDSCAPING, CURB/GUTTER, WALLS, SIDEWALKS, ROADWAYS/PAVING, ETC., SHOWN ARE EXISTING; NO CONSTRUCTION IS PROPOSED AS A PART OF THIS VACATION OF RIGHT-OF-WAY. SUCH WORK SHALL OCCUR UNDER SEPARATE WORK/CONTRACT. ALL STREET TREES WILL REMAIN.

B. LENGTH OF COSTA ALMERIA NW (FROM ITS INTERSECTION WITH SEVILLA AV NW TO ITS NORTHERN TERMINATION AT LLDs LANDS): AS PART OF CAR WASH CONTRACT: 'NO PARKING ANYTIME' TRAFFIC SIGNS WERE IN STALLED BOTH SIDES OF COSTA ALMERIA; ALSO CONC. CURBS WERE PAINTED "TRAFFIC YELLOW" BOTH SIDES IN NO PARKING AREA. THESE SIGNS/CURB PAINT WILL REMAIN IN AREA PROPOSED FOR VACATION OF R.O.W.

**Proposed R.O.W. Vacation--**  
**North Portion Costa Almeria Dr NW**



DEVELOPMENT REVIEW BOARD  
TRANSPORTATION DEVELOPMENT

DRB Project Number: 2019-002598  
Costa Alameria Dr NW  
Coors Blvd north of Seville Ave NW

AGENDA ITEM NO: 2

SUBJECT: Vacation of Right-of-Way

ENGINEERING COMMENTS:

There is no objection to the request for the vacation. For plat approval, the following conditions must be met:

- Provide a public sidewalk easement on each side of the vacated right-of-way.
- Because there is landscaping behind the curb, define maintenance responsibilities for the landscaping. Based on who maintains this landscaping, a private easement may need to be provided for access to the landscaped areas by the roadway. Private easements may be needed for the landscaped areas adjacent to the curb if maintained by others.
- For final plat, any access easements need to be shown with all beneficiaries and maintenance responsibilities listed.
- Provide an exhibit showing the private gated entrance, and the Costa Almeria/Wind Road intersection. Obtain fire marshall approval for the roadway layout of this intersection.

\*Please remember to email me directly with an electronic copy of all supplemental submittal documents.

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

FROM: Jeanne Wolfenbarger, P.E.  
Transportation Development  
505-924-3991 or [jwolfenbarger@cabq.gov](mailto:jwolfenbarger@cabq.gov)

DATE: August 7, 2019

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ACTION:

APPROVED \_\_; DENIED \_\_; DEFERRED \_\_; COMMENTS PROVIDED \_\_; WITHDRAWN \_\_

DELEGATED: \_\_\_\_\_ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



July 19, 2019

Angela Gomez  
Administrative Assistant Development Review Services  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, New Mexico 87103

**Subject: Comments for Design Review Board on  
August 7, 2019  
Albuquerque, Bernalillo County, District Three**

Dear Mrs. Gomez:

Attached are the New Mexico Department of Transportation (NMDOT) comments on the cases that were submitted by your department for our input.

**Project Number: PR-2019-002598**

**Case Description: ROW Vacation**

**Location: Costa Almeria Dr NW and Wind Rd NW**

**Type of Development (Residential/Commercial): NA**

**Possible Impacted NMDOT roadway(s): NA**

**Department Comments:**

- NMDOT does not have any comments at this time.

If there are any questions, please feel free to contact Peter Kubiak at 505.249.5718 or [Peter.Kubiak@state.nm.us](mailto:Peter.Kubiak@state.nm.us)

Sincerely,

**Peter  
Kubiak**

Digitally signed by Peter  
Kubiak  
DN: cn=Peter Kubiak,  
o=D-3 NMDOT, ou=Traffic,  
email=peter.kubiak@state.  
nm.us, c=US  
Date: 2019.07.19 13:59:22  
-06'00'

Peter Kubiak, D3 Engineering Coordinator

cc: Nancy Perea, D3 Traffic Engineer (email)

cc: Margaret Haynes, D3 Assistant Traffic Engineer (email)

**Michelle Lujan  
Grisham**  
Governor

**Michael R. Sandoval**  
Cabinet Secretary

**Commissioners**

**Jennifer Sandoval**  
Commissioner  
District 1

**Bruce Ellis**  
Commissioner  
District 2

**Keith Mortensen**  
Commissioner  
District 3

**Walter G. Adams**  
Commissioner  
District 4

**Vacant**  
Commissioner  
District 5

**Charles Lundstrom**  
Commissioner  
District 6





Kizito Wijenje  
EXECUTIVE DIRECTOR

July 17, 2019

**MEMORANDUM**

**To:** Development Review Board  
c/o **Angela Gomez**, Administrative Assistant, DRB Board

**Cc:** Kizito Wijenje AICP, Executive Director, APS Capital Master Plan  
Karen Alarid, Executive Director APS Facility Planning & Construction  
Amanda Velarde, Director, APS Real Estate  
John Valdez, AICP, Facilities Master Planner, State of NM Public Schools Facilities Authority  
Elizabeth Halpin AICP, Senior Planner Manager, APS Capital Master Plan

**From:** Diana Chavez Vargas, Intern Planner, APS Capital Master Plan  
Rachel Hertzman, AICP, Planner, APS Capital Master Plan

**Re:** CABQ Development Review Board Cases to be heard on August 7, 2019

**2. Project# PR-2019-002598**

- a. DRB Description:  
SD-2019-00125 – Vacation of Right-of-Way.
- b. Site Information: Part of the Public Right-of-Way, adjacent to the private development La Luz del Oeste, Unit 4.
- c. Site Location: Costa Almeria Dr. NW, located west of Coors Blvd NW and north of Seville Ave. NW.
- d. Request Description: La Luz del Sol Landowner's Association requests vacation of public right-of-way from the City of Albuquerque. The proposed area is 4,459 sq. ft. (.10236 acres) and it is not zoned; the application requests zoning to be MX-T (Mixed Use-Transition).
- e. APS Case Comments: No adverse impacts.

**City of Albuquerque Department of Municipal Development  
Comments for DRB Hearing on 8/7/19**

**Project # PR-2019-002598**

**SD-2019-00125 --- Vacation of Right of Way**

***Transportation and Drainage Section:***

The La Luz del Oeste subdivision currently has two access locations in addition to the requested 3<sup>rd</sup> access on Costa Almeria, whereas the neighboring subdivision, Vista de la Luz has only one access from Coors and Sevilla that is used by residents of the 130+ residential lots, and by customers of the retail center and car wash in addition to residents of La Luz del Oeste currently also using this access.

In addition, the gate currently located on Costa Almeria does not provide a turn around.



## DEVELOPMENT REVIEW BOARD

### Planning Dept. - Major Case Comments

HEARING DATE/AGENDA ITEM NO. 2

Project Number: PR-2019-002598

Application Number: SD-2019-00125

Project Name:

Request: Preliminary/ Final Plat, Preliminary Plat, Final Plat, EPC Approved Site Plan for Building Permit, DRB Site Plan, Sidewalk Deferral, Sidewalk Waiver, Design Variance, Vacation Of Public Easements, Vacation Of Public Right of Way, Bulk Land Variance, IIA Extension – Sidewalk, IIA Extension – 2 Year, Preliminary Plat Amendment

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#### COMMENTS:

- This is a request to vacate a portion of Costa Almeria Dr NW. According to the exhibit submitted, the area of the requested vacation is less than 5000 sf which means DRB is the final approval body.
- For a request for a vacation, the agent/applicant must address the criteria listed in Section 14-16-6-6(k) of the IDO. The agent has submitted a justification letter with the application that adequately addresses the criteria of Section 14-16-6-6(K). For the record, it should be noted that the private gate was placed in public right of way without approval from the City.
- If approved, the agent/applicant must submit a minor (PP/FP) plat which will show the new ownership and incorporate the vacated r/w area into the residential development. The vacated r/w will convert to the zoning of the abutting property. This plat must be approved and recorded within one year of the DRB action.
- The action by DRB does not affect or influence the additional fencing being proposed. That is a separate issue.

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: Kym Dicome  
Planning Department

DATE: 8-2-19



**Development Review Board (DRB)  
Review Comments  
Utility Development Section  
Reviewer: Kristopher Cadena, P.E.  
Phone: 505.289.3301**

<b>DRB Project No:</b>  PR-2019-002598	<b>Date:</b>  08/07/19	<b>Item No:</b>  #2
<b>Zone Atlas Page:</b>  F-11	<b>Legal Description:</b> Lot(s) COSTA ALMERIA DR NW  <b>Location:</b> west of COORS BLVD NW and north of SEVILLE AVE NW	
<b>Request For:</b> SD-2019-00125 – VACATION OF RIGHT-OF-WAY		

**ABCWUA Comment:**

**Please provide written description of how the following comments were addressed with the next submittal.**

1. Condition of approval will be a public water and sanitary sewer easement that has a width of the existing roadway to preserve a corridor for possible extensions for existing Lot J along the east side of Costa Almeria Dr.

# DEVELOPMENT REVIEW BOARD

## Code Enforcement Comments

AGENDA ITEM NO:   2  

DRB Project Number: PR-2019-002598

Application Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

Request: Vacation Of Right of Way

### COMMENTS:

Code Enforcement has no objection to the requested vacation.

(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: Benjamin McIntosh, Code Enforcement Supervisor      DATE: 8/7/2019  
Planning Department  
924-3466 [bmcintosh@cabq.gov](mailto:bmcintosh@cabq.gov)

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ACTION:

APPROVED \_\_\_\_; DENIED \_\_\_\_; DEFERRED \_\_\_\_; COMMENTS PROVIDED \_\_\_\_; WITHDRAWN \_\_\_\_

DELEGATED: (TRANS) (HYD) (WUA) (PRKS) (PLNG) (CE)



## DEVELOPMENT REVIEW BOARD APPLICATION

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

<b>SUBDIVISIONS</b>		<input type="checkbox"/> Final Sign off of EPC Site Plan(s) (Form P2)
<input type="checkbox"/> Major - Preliminary Plat (Form P1)	<input type="checkbox"/> 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)	<b>MISCELLANEOUS APPLICATIONS</b>	
<input type="checkbox"/> Major - Final Plat (Form S1)	<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S1)	<input type="checkbox"/> Vacation of Public Easement(s) DRB (Form V)
<input type="checkbox"/> Amendment to Preliminary Plat (Form S2)	<input type="checkbox"/> Minor Amendment to Infrastructure List (Form S2)	<b>PRE-APPLICATIONS</b>
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Temporary Deferral of SW (Form V2)	<input type="checkbox"/> Sketch Plat Review and Comment (Form S2)
	<input type="checkbox"/> Sidewalk Waiver (Form V2)	
<b>SITE PLANS</b>		<b>APPEAL</b>
<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** - VACATION OF PUBLIC RIGHT-OF-WAY (R.O.W.): NORTHERNMOST PORTION OF PUBLIC STREET COSTA ALMERIA DRIVE NW. AREA 49'-0" WIDTH OF EXIST. R.O.W. X 91' LENGTH OF NORTHERNMOST PORTION OF COSTA ALMERIA DR. NW. (PROPOSED RIGHT-OF-WAY IS CONTIGUOUS, = 4,459 SQ. FT.; AN EXIST. VEHICULAR GATE IS LOCATED ON WITH EXIST. LA LUZ DEL SOL PRIVATE PROPERTY) THIS PORTION OF EXIST. R.O.W. PROPOSED FOR VACATION.

<b>APPLICATION INFORMATION</b>			
Applicant: LA LUZ del SOL LANDOWNERS ASSOCIATION		Phone: (505) 389-4316	
Address: 96 BLUE DOOR REALTY, 4041 BARBARA LOOP SE, SUITE E		Email: melanie@bluedoorhomes.net	
City: RIO RANCHO	State: NM	Zip: 87124	
Professional/Agent (if any): DAVID KINES (agent)		Phone: (505) 301-3706	
Address: 13 MILL ROAD NW		Email: davidk@550@gmail.com	
City: ALBUQUERQUE	State: NM	Zip: 87120	
Proprietary Interest in Site: APPLICANT PROPERTY IS ADJACENT/CONTIGUOUS TO SITE: LA LUZ DEL SOL, UNIT 4		List all owners: CITY OF ALBUQUERQUE public R.O.W.	

<b>SITE INFORMATION</b> (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)			
Lot or Tract No.: SEE ATTACHED SHEET (EXHIBIT 1)	Block: -	Unit:	
Subdivision/Addition: ADJACENT-EAST & WEST: VISTA DE LA LUZ ADJACENT-NORTH: LA LUZ DEL SOL, UNIT 4	MRGCD Map No.: -N.A.-	UPC Code: PUBLIC RIGHT-OF-WAY	
Zone Atlas Page(s): F-11-2	Existing Zoning: NONE	Proposed Zoning: MX-T	
# of Existing Lots: -PUBLIC RIGHT-OF-WAY-	# of Proposed Lots: 1	Total Area of Site (Acres): 0.10236 ac.	

<b>LOCATION OF PROPERTY BY STREETS</b>		
Site Address/Street: ADJACENT TO: NW CORNER OF 5401 SEVILLA AVE. NW	Between: NORTH END OF COSTA ALMERIA DRIVE NW	and: COSTA ALMERIA DR. NW IS ONE BLOCK PARALLEL TO COORS BLVD. (COORS & SEVILLA)
<b>CASE HISTORY</b> (List any current or prior project and case number(s) that may be relevant to your request.)		
NO CASE OR PROJ. NOS. - SEE BRIEF HISTORY IN JUSTIFICATION LETTER		

Signature:	Date: 7/3/2019
Printed Name: DAVID T. KINES	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

<b>FOR OFFICIAL USE ONLY</b>					
Case Numbers	Action	Fees	Case Numbers	Action	Fees
SD-2019-00125	R-ROW	\$445.00			
Meeting Date: August 7, 2019			Fee Total: \$445.00		
Staff Signature:			Date: 7-8-19		
			Project # PR-2019-002598		

## FORM V: Vacations of Easements or Right-of-way and Variances – DRB

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

A single PDF file of the complete application including all plans and documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto: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.

### ☐ VARIANCE – DRB Requires Public Hearing

- ☐ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(B)
- ☐ Scale drawing showing the location of the proposed variance or waiver, as applicable (7 copies, not to exceed 8.5" by 14")
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(L)(3), compliance with the DPM, and all improvements to be waived, as applicable
- ☐ If the request is based on a bulk land transfer, an application for Subdivision of Land – Minor shall be filed concurrently with the variance request and notice shall be provided on that plat regarding the applicant's agreement that building permits shall not be issued before further action by the DRB.
- ☐ Zone Atlas map with the entire site clearly outlined and labeled
- ☐ Required notices with content per IDO Section 14-16-6-4(K)(6)
- ☐ Office of Neighborhood Coordination notice inquiry response and proof of emailed notice to affected Neighborhood Association representatives

### ☐ VACATION OF PRIVATE EASEMENT Requires Public Hearing

### ☐ VACATION OF PUBLIC EASEMENT OR RIGHT-OF-WAY – DRB Requires Public Hearing

### ☒ VACATION OF PUBLIC EASEMENT OR RIGHT-OF-WAY – COUNCIL Requires Public Hearing

- ☒ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- ☒ 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 111
- ☒ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(K)(3)
- ☒ Letter of authorization from the property owner if application is submitted by an agent
- ☒ Zone Atlas map with the entire site clearly outlined and labeled
- ☒ 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)


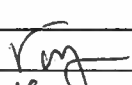

See  
Electronic  
copies -  
DISK  
Hand  
delivered

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

### ☐ TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

### ☐ EXTENSION OF THE IIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

- ☐ Drawing showing the sidewalks subject to the proposed deferral or extension (7 copies, not to exceed 8.5" by 14")
- ☐ Zone Atlas map with the entire site clearly outlined and labeled
- ☐ Letter describing, explaining, and justifying the deferral or extension

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 or hearing, if required, or otherwise processed until it is complete.	
Signature: 	Date: 7/3/2019
Printed Name: DAVID T. KINS	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Project Number:	Case Numbers
PR-2019-002598	SD-2019-00125
Staff Signature: 	
Date: 7-8-19	



Cosm Almiraz DE NU - PAPA JOO VECATION OF R. G. W.



Cosm Almiraz DE NU - PAPA AND VOCATION OF R.I.G.U.

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Cosm Almiraz DE NU - PAPA AND VOCATION OF R.I.G.U.

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Cosm Almiraz DE NU - PAPA JOO VECATION OF R. G. W.


Cosm Almiraz DE NU - PAPA AND VOCATION OF R.I.G.W.



**TO:** City of Albuquerque – Planning Department  
Attn: Kym Dicome, Chair  
Design Review Board (DRB)

July 3, 2019

**APPLICANT:** La Luz del Sol Landowners Association (LLDS)  
David Kines, Agent for LLDS  
c/o Blue Door Realty LLC  
4041 Barbara Loop SE, Suite E  
Rio Rancho, NM 87124

**RE:**  **APPLICATION: VACATION OF PUBLIC RIGHT-OF-WAY**  
**LOCATION:** Northernmost Section of Costa Almeria Drive NW; **WIDTH:** entire width of R.O.W. (49'-0" wide) by **LENGTH:** 91'-0" long (measured along the centerline of the public street measured from the northern end of Costa Almeria, to the south)—or an approximate area of 4,459 square feet.

**---LETTER OF JUSTIFICATION for this PROPOSED VACATION OF PUBLIC RIGHT-OF-WAY---**

**PROPOSED PROJECT SUMMARY/LOCATION DESCRIPTION:**

La Luz del Sol (LLDS) proposes a Vacation of Public Right-of-Way (R.O.W.) for the northernmost segment of Costa Almeria Drive NW which abuts existing private lands of La Luz del Sol Landowner's Association (LLDS) to the north, private lands of Vista de la Luz (VDLL) to the west, and private lands of the recently constructed Rain Tunnel Car Spa car wash to the east at 5401 Sevilla Avenue NW. The dimensions of the proposed area to be vacated are approximately 49'-0" wide (width of existing R.O.W.) by 91'-0" long, as measured down the centerline of the road; or an approximate area of 4,459 sq. ft.

The area proposed for Vacation is the location of an existing private Vehicular Gate that provides vehicular access to the La Luz del Sol residential community to the north. The proposal is for the gate to remain in its present location, apply for Vacation of public R.O.W, and if granted, convert this small segment of the street from public into a private street on private LLDS lands. Inadequate vehicle stacking/maneuvering space and steep cross slopes make moving the gate impractical. Maintaining the existing gate in its present location maintains First Responder access as well as signalized vehicular access for LLDS resident at the Coors/Sevilla traffic signal; signalized access is not available at the other 2 LLDS vehicular gates. La Luz del Sol Landowner's Association (LLDS) would then compensate the City of Albuquerque (CABQ) for the land.

**JUSTIFICATION: PER CRITERIA outlined in IDO 14-16-6(K)(3)-"Review and Decision Criteria":**

- **66-(k)(3)(a):** "The public welfare does not require that the public right-of-way or easement be retained."

**RESIDENTIAL ACCESS:** The existing Vehicular Gate was constructed along with development of the adjacent Vista de la Luz residential development to the south of LLDS lands. Vista de la Luz homes were built and oriented with vehicular and pedestrian access directed on to the public residential street Ojos Azul Court NW. Backyards/HOA common area abut Costa Almeria, but are elevated 8'-15' above that street by a two-tier step-down concrete block retaining wall structure. The retaining walls prevent both existing and future access to houses on Ojos Azul Ct NW from Costa Almeria Dr. NW. *The proposed Vacation does not affect future or existing access to Ojos Azul Ct NW or other Vista de la Luz homes. The public welfare is not negatively affected.*

**COMMERCIAL ACCESS:** The north end of Costa Almeria Drive NW presently connects with existing private Wind Road NW located on LLDS private lands. A new car wash opened at 5401 Sevilla

Avenue NW in March 2019, to the east of the proposed area to be vacated. The City-approved building/site plan was built with two vehicular/pedestrian access points onto the site; one to the south from Sevilla Avenue NW, and the other off Costa Almeria with that drive centered about 150'-0 to the south of the south limit of the area proposed for Vacation—well away from car wash in-out traffic. There is more than sufficient space for vehicle stacking at the LLDS private gate in its current location and space to accommodate car wash in/out traffic off of Costa Almeria Dr. NW. 'No Parking Anytime' street signs and yellow traffic 'No Parking' curb striping were recently installed on both sides of Costa Almeria at City of Albuquerque direction in conjunction with the car wash opening. Costa Almeria is unimpeded for vehicular traffic: for LLDS gate access, car wash access, and First Responder access to both properties; the LLDS gate is currently equipped with a "Knox Box" giving emergency access to LLDS properties. The proposed Vacation does not affect access to the Car Wash or any proposed future commercial properties at 5401 Sevilla Ave. NW; neither is access to Sevilla Ave. NW affected. ***The public welfare is not negatively affected.***

- **6-6(K)(3)(b):** "There is a net benefit to the public welfare because the development made possible by 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 proposed Vacation of Right-of-Way converts a section of land that contains a private gate into private lands—a net benefit to the public welfare. The private owner (LLDS) will compensate the City of Albuquerque for the land converted, and will take over responsibility for the area vacated. Neither current, nor future residential or commercial uses, nor access, are affected. First responder access is unaffected. There is a slight benefit to those accessing LLDS property, in that the existing vehicular gate will remain in its present location, on level land, with ample car stacking area on both sides; moving or closing the gate would have a negative affect—to general vehicle and first responder access. ***The effect to the public welfare by this action would be net-positive.***

#### **BRIEF PROJECT HISTORY:**

**December 2018, January, February 2019:** LLDS meetings with CABQ Planning (Transportation, Fire Marshal, Zoning). Officials reviewed/approved concept of Vacation of R.O.W.

Fire Marshal did not see problems with first responder access (exist. gate has a Knox Box).

**January 15, 2019:** Pre-Application Review Team (PRT) Meeting.

Moving gate concept reviewed. Vacation of R.O.W. concept review and approved.

**March 15, 2019:** Prelim. Compensation Determination for Right-of-Way Vacation, by CABQ Right-of-Way Supervisor, Scott M. Howell. Moving gate rejected by LLDS; Vacation of R.O.W. approved.

**April 1, 2019:** Office of Neighborhood Coordination provides affected Neighborhood Associations (NA) contact info. LLDS emails affected NAs notice of the proposed project and invites them to a Neighborhood Meeting as mandated by IDO.

**May 7, 2019:** Neighborhood Meeting takes place at gate site w/ City Facilitator Phillip Crump. Adjacent Vista de la Luz HOA representatives attend and approve Vacation of R.O.W. concept.

**July 2019:** Application to DRB for Vacation of R.O.W.; LLDS mails, emails required information to Property Owners (list provided by ONC) and emails to affected Neighborhood Associations (concurrent).

**Thank you for your review and consideration of our Application for Vacation of Right-of-Way.**



David Kines, Agent for LLDS

Attachments: DRB Application, Exhibits (Photos, Drawings, etc.)

cc

# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. 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. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public 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 at a charge of \$3.75 each.

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.

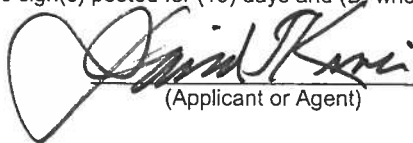
4. TIME

Signs must be posted from July 23, 2019 To August 7 2019

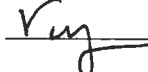
5. REMOVAL

- 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)

7/8/2019  
(Date)

I issued 2 signs for this application, 7-8-19,   
(Date) (Staff Member)

PROJECT NUMBER: DR-2019-002598



# Neighborhood Association Contact List

David Kines <davidk0055@gmail.com>

## Neighborhood Meeting Inquiry\_5401 Sevilla Ave. NW\_DRB

2 messages

Mon, Apr 1, 2019 at 12:59 PM

Quevedo, Vicente M. <vquevedo@cabq.gov>  
To: "davidk0055@gmail.com" <davidk0055@gmail.com>

David,

See list of associations below and attached regarding your DRB submittal. In addition, we have included web links below that will provide you with additional details about the new Integrated Development Ordinance (IDO) requirements. The web links also include notification templates that you may utilize when contacting each association. Thank you.

Association Name	First Name	Last Name	Email	Address Line 1	Address Line 2	City	State	Zip	Mobile Phone	Phone
La Luz Landowners Association	Kathy	Adams	kegypt06@gmail.com	5 Arco NW		Albuquerque	NM	87120		5053639253
La Luz Landowners Association	Jonathan	Abdalla	sliceness@gmail.com	6 Tumbleweed NW		Albuquerque	NM	87120	5053217795	5058973030
La Luz Del Sol NA	James	Fisk	jim_ml@swcp.com	2 Mill Road NW		Albuquerque	NM	87120		5058985559
La Luz Del Sol NA	Arthur	Woods	rv6a@flylonecone.com	33 Wind Road NW		Albuquerque	NM	87120	5059745301	
Vista De La Luz HOA	Sherrol	Maratta	marattas@verizon.net	3301-R Coors Boulevard NW	#121	Albuquerque	NM	87120		5058986235
Vista De La Luz HOA	Jack	Corder	jack@corderandcompany.com	2207 Golf Course Road	Suite B	Rio Rancho	NM	87124	5056150405	5058967700
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard10@juno.com	5515 Palomino Drive NW		Albuquerque	NM	87120		5058982114
Westside Coalition of Neighborhood Associations	Harry	Hendriksen	hlhen@comcast.net	10592 Rio Del Sol NW		Albuquerque	NM	87114	5052214003	5058903481
Taylor Ranch NA	Rene	Horvath	aboard10@juno.com	5515 Palomino Drive NW		Albuquerque	NM	87120		5058982114
Taylor Ranch NA	Jolene	Wolfley	sagehome@live.com	7216 Carson Trail NW		Albuquerque	NM	87120		5058909414

IDO – Public Notice Requirements & Template: <https://www.cabq.gov/planning/urban-design-development/public-notice>

IDO – Neighborhood Meeting Requirements & Template: <https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

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

## Neighborhood Associations-La Luz del Sol Landowners Assoc.-Proposed Vacation of Right-of-Way

**David Kines** <davidk0055@gmail.com>

10:10 PM (0 minutes ago)

to kegypt06, sliceness, jim\_ml, rv6a, marattas, Jack, aboard10, hlhen, sagehome

**TO:** La Luz Landowners Association - Kathy Adams  
La Luz Landowners Association - Jonathan Abdalla  
La Luz del Sol Neighborhood Association - James Fisk  
La Luz del Sol Neighborhood Association - Arthur Woods  
Vista de la Luz Homeowners Association - Sheroll Maratta  
Vista de la Luz Homeowners Association - Jack Corder  
Westside Coalition of Neighborhood Associations - Rene Horvath  
Westside Coalition of Neighborhood Associations - Harry Hendriksen  
Taylor Ranch Neighborhood Association - Rene Horvath  
Taylor Ranch Neighborhood Association - Jolene Wolfley

### **--PLEASE ARCHIVE THIS REQUIRED NOTIFICATION FOR YOUR RECORDS--**

This is an electronic notification required by the City of Albuquerque, NM, Integrated Development Ordinance (IDO).

**FROM:** La Luz del Sol Landowners Association (LLDS)  
c/o David Kines, Agent for LLDS  
[davidk0055@gmail.com](mailto:davidk0055@gmail.com)

The La Luz del Sol Landowners Association (LLDS) is making application for Vacation of Right-of-Way of the northernmost segment of Costa Almeria Drive NW in accordance with procedures and requirements outlined in the City of Albuquerque's Integrated Development Ordinance (IDO). SEE ATTACHMENTS TO THIS EMAIL FOR PROJECT DESCRIPTION / VACATION PROCEDURE INFORMATION. You and other affected Neighborhood Associations (see list at beginning of attached document Letter) are receiving both this notification as hard copy and email and a separately mailed hard copy as required by the IDO. Direct questions to contacts listed in the attached Letter. Thank you.

**ATTACHMENTS:** (1) document with 7 pages: Letter-2pp., Drawings-2pp., Photos-3pp

La Luz del Sol Landowners Association (LLDS) is making application for Vacation of Right-of-Way of the northernmost segment of Costa Almeria Drive NW in accordance with procedures and requirements outlined in the City of Albuquerque's Integrated Development Ordinance (IDO). SEE ATTACHMENTS TO THIS EMAIL FOR PROJECT DESCRIPTION / VACATION PROCEDURE INFORMATION. You and other affected Neighborhood Associations (see list at beginning of attached document Letter) are receiving both this notification as hard copy and email and a separately mailed hard copy as required by the IDO. Direct questions to contacts listed in the attached Letter. Thank you.



Notification letter sent to:  
[NEIGHBORHOOD ASSOCIATIONS]

p. 1 of 2

La Luz del Sol Landowners Association c/o Blue Door Realty LLC  
4041 Barbara Loop SE, Suite E  
Rio Rancho, NM 87124

July 3, 2019

RE: Public Notice of proposed Vacation of Right-of-Way  
Northernmost Section of Costa Almeria Drive NW

TO: La Luz Landowners Association – ATTN: Kathy Adams  
La Luz Landowners Association – ATTN: Jonathan Abdalla  
Westside Coalition of Neighborhood Associations – ATTN: Rene Horvath  
Westside Coalition of Neighborhood Associations – ATTN: Harry Henriksen  
La Luz del Sol Neighborhood Association – ATTN: James Fisk  
La Luz del Sol Neighborhood Association – ATTN: Arthur Woods  
Taylor Ranch Neighborhood Association – ATTN: Rene Horvath  
Taylor Ranch Neighborhood Association – ATTN: Jolene Wolfley  
Vista de la Luz Homeowners Association – ATTN: Sherrol Maratta  
Vista de la Luz Homeowners Association – ATTN: Jack Corder

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) Subsection 14-6-6-4(K)(2) Mailed Public Notice, we are notifying you as a City-identified Neighborhood Association, that La Luz del Sol Landowners Association (LLDS)/agent representative David Kines, will be submitting an application for Vacation of Right-of-Way to be reviewed and decided by the City of Albuquerque Design Review Board (DRB).

**PROPOSED PROJECT SUMMARY/LOCATION DESCRIPTION:**

La Luz del Sol (LLDS) proposes a Vacation of public right-of-way (R.O.W.) for the northernmost segment of Costa Almeria Drive NW which abuts existing private lands of La Luz del Sol Landowner's Association (LLDS) to the north, private lands of Vista del la Luz (VDLL) to the west, and private lands of the recently constructed Rain Tunnel Car Spa car wash to the east at 5401 Sevilla Avenue NW. The dimensions of the proposed area to be vacated are approximately 49'-0" wide (width of existing R.O.W.) by 91'-0" long, as measured down the centerline of the road; or an approximate area of 4,459 square feet.

The area proposed for Vacation is the location of an existing private Vehicular Gate that provides vehicular access to the La Luz del Sol residential community to the north. The proposal is for the gate to remain in its present location, apply for Vacation of public R.O.W, and if granted, convert this small segment of the street from public into a private street on private LLDS lands. Inadequate vehicle stacking/maneuvering space and steep cross slopes make moving the gate impractical. La Luz del Sol Landowner's Association (LLDS) would then compensate the City of Albuquerque (CABQ) for the land. LLDS has held meetings with the City and they have positively reviewed our proposal.

**OTHER PROJECT DATA:**

**PROPERTY OWNER (CURRENT):** City of Albuquerque

**PROPOSED PURCHASER OF PROPERTY:** La Luz del Sol Landowners Association (LLDS)

**SUBJECT PROPERTY ADDRESS:** N/A (Property in question is a segment of a public street Right-of-Way; the northernmost segment of Costa Almeria Drive NW, as described above.

**ZONE ATLAS PAGE:** F-11-Z.

**LEGAL DESCRIPTION:** see Project Summary/Location Description Above.

**AREA OF PROPERTY (portion proposed for vacation):** 4,459 square feet, or 0.1023645 acres.

Notification Letter sent to:

[NEIGHBORHOOD ASSOCIATIONS]

P. 2 of 2

IDO ZONE DISTRICT: None in area proposed for Vacation; but adjacent to R-T (Residential Townhouses) in La Luz del Sol and Vista de la Luz HOAs, MX-T (Mixed-use Transition) existing office bldg. at 1 Wind Rd. NW, and PD (Planned Development) at existing car wash located at 5401 Sevilla Avenue NW.  
OVERLAY ZONE: CPO-2 (Coors Boulevard) Development Standards, Use Regulations, Overlay Zones; View Protection Overlay VPO-1, Administration & Enforcement; Use Regulations WTF (Restrictions).  
CURRENT USE: Public Right-of-Way, Public Street. DEVIATION: N/A. VARIANCE: None Requested.

**ACCESS DISCUSSION**: Vacation of this short segment of the public R.O.W. at the end of Costa Almeria Drive NW will *not* affect either current or future access to adjacent residential or commercial properties. See the following discussion:

**RESIDENTIAL ACCESS**: The existing Vehicular Gate was constructed along with development of the adjacent Vista de la Luz residential development to the south of LLDS lands. Vista de la Luz homes were built and oriented with vehicular and pedestrian access directed on to the public residential street Ojos Azul Court NW. Backyards/HOA common area abut Costa Almeria, but are elevated 8'-15' above that street by a two-tier step-down concrete block retaining wall structure. The retaining walls prevent both existing and future access to houses on Ojos Azul Ct NW from Costa Almeria Dr. NW. *The proposed Vacation does not affect future or existing access to Ojos Azul Ct NW or other Vista de la Luz homes.*

**COMMERCIAL ACCESS**: The end of Costa Almeria Drive NW presently connects with existing private Wind Road NW located on LLDS private lands. In March 2019 a new car wash opened at 5401 Sevilla Avenue NW, to the east of the proposed area to be vacated. The City-approved building/site plan was built with two vehicular/pedestrian access points onto the site; one to the south from Sevilla Avenue NW, and the other off Costa Almeria Drive NW with that drive centered approximately 150'-0" to the south of the southernmost limit of the area proposed for Vacation—well away from car wash in-out traffic. There is more than sufficient space for vehicle stacking at the LLDS private gate in its current location and space to accommodate car wash in/out traffic off of Costa Almeria Dr. NW. 'No Parking Anytime' street signs and yellow traffic 'No Parking' curb striping were recently installed on both sides of Costa Almeria Drive NW at the direction of The City of Albuquerque in conjunction with the opening of the car wash. This action maintains Costa Almeria Drive NW unimpeded for vehicular traffic for: LLDS gate access, car wash access, and First Responder access to both properties; the LLDS gate is currently equipped with a "Knox Box" which affords emergency access through the gate to LLDS properties. *The proposed Vacation does not affect access to the existing Car Wash or any proposed future commercial properties located at 5401 Sevilla Ave. NW. Neither is access to Sevilla Ave. NW affected.*

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Once application is made, this request for Vacation of Public Right-of-Way (R.O.W.) will be reviewed by the City of Albuquerque Design Review Board (DRB); and ultimately to the City Council for review and decision. The Meeting will likely occur August 7, 2019. **CALL TO VERIFY**: CABQ Planning Dept. (505)924-3910 TO CONFIRM date, time & location of this and other possible related meetings, if any.

We at La Luz del Sol Landowners Association (LLDS) invite your questions or concerns regarding this proposal by contacting me, David Kines, at (505)301-3706 or via email at [davidk0055@gmail.com](mailto:davidk0055@gmail.com). SEE ALSO attached Drawings and other Information that further describe the project. Thank you.

Respectfully,

  
David Kines

Agent for La Luz del Sol Landowners Association, for:

Gerold Yonas

President, La Luz del Sol Landowners Assoc.

➤ Attachments (1) document: Letter-2pp., Drawings-2pp., Photos-3pp.

# Proposed R.O.W. Vacation-North Portion Costa Almeria Dr NW



## Legend

Address Points

Easements

IDO Zoning

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**DW-1**  
IDO ZONING  
SITE MAP

## Notes

1. Location of Exist. Vehicular Gate to remain
2. Hatched Area. 49'W x 91'L prop. Vacation.
3. 5401 Sevilla Ave. NW: Car Wash/Lands
4. La Luz del Sol (LLDS) Lands.
5. Vista de la Luz (VOLL) Lands
6. LLDS Private Roads

320 0 160 240 320 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
5/24/2019 © City of Albuquerque

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Attachments: Set to: Property Owners & P.I. Neighborhood Assoc.







# Vacation Row - Costa Almonia NW - Property Owners List

PALACIOS SARAH M TRUJILLO &  
TRUJILLO OLIVER S & TRUJILLO HELEN  
D  
1011 WEBER CIR APT 102  
VENTURA CA 93003-8243

LA LUZ DEL SOL LANDOWNERS C/O  
SENTRY MANAGEMENT  
4121 EUBANK BLVD NE  
ALBUQUERQUE NM 87111

LA LUZ DEL SOL LANDOWNERS ASSOC  
C/O CAROL RICKERT & ASSOC  
4121 EUBANK BLVD NE  
ALBUQUERQUE NM 87111-3421

VISTA DE LA LUZ HOMEOWNERS  
ASSOC INC  
2207 GOLF COURSE RD SE  
RIO RANCHO NM 87124-1954

EERIKAINEN LEILA  
5023 OJOS AZUL CT NW  
ALBUQUERQUE NM 87120

LA LUZ DEL SOL LANDOWNERS  
ASSOCIATION C/O SENTRY  
MANAGEMENT  
4121 EUBANK BLVD NE  
ALBUQUERQUE NM 87111

GALLEGOS ANTHONY B  
5024 OJOS AZUL CT NW  
ALBUQUERQUE NM 87120

LUNA MARIAN  
5036 OJOS AZUL CT NW  
ALBUQUERQUE NM 87120-4981

VISTA DE LA LUZ HOMEOWNERS  
ASSOC INC  
2207 GOLF COURSE RD SE  
RIO RANCHO NM 87124-1954

OVENWEST CORPORATION ETAL C/O  
ROY A GRAHM  
1 WIND RD NW  
ALBUQUERQUE NM 87120-1914

SANDOVAL FRANK A & BARBARA A  
21 WIND RD NW  
ALBUQUERQUE NM 87120

VISTA DE LA LUZ HOMEOWNERS  
ASSOC  
7400 HANCOCK CT NE SUITE B  
ALBUQUERQUE NM 87109

TOBIAS MAGDA  
5039 OJOS AZUL CT NW  
ALBUQUERQUE NM 87120

LA LUZ DEL SOL LANDOWNERS ASSOC  
C/O SENTRY MANAGEMENT  
4121 EUBANK BLVD NE  
ALBUQUERQUE NM 87111

PADILLA PETER S  
5028 OJOS AZUL CT NW  
ALBUQUERQUE NM 87120

TAFOYA BENJAMIN V & YVETTE  
KATHLEEN  
5040 OJOS AZUL CT NW  
ALBUQUERQUE NM 87120

GOMEZ ANTONIO & ELOYDA  
5027 OJOS AZUL CT NW  
ALBUQUERQUE NM 87120

LA LUZ DEL SOL LANDOWNERS  
ASSOCIATION C/O CAROL RICKERT &  
ASSOCIATES  
4121 EUBANK BLVD NE  
ALBUQUERQUE NM 87111-3421

ATENCIO ROSENDO  
5031 OJOS AZUL CT NW  
ALBUQUERQUE NM 87102

CAROLUS CORDELIA V TRUSTEE  
CAROLUS RVT  
20 WIND RD NW  
ALBUQUERQUE NM 87120

CLASSIC EMPORIUM LLC  
10013 SAN BERNARDINO DR NE  
ALBUQUERQUE NM 87122-3210

SALAZAR MADELYN C  
5020 OJOS AZUL CT NW  
ALBUQUERQUE NM 87120

WHETSTONE PATRICIA J  
10700 FINELAND DR NW APT 214  
ALBUQUERQUE NM 87114-1938

VISTA DE LA LUZ HOMEOWNERS  
ASSOC INC  
2207 GOLF COARSE RD SE  
RIO RANCHO NM 87124-1954

Buffer MAP:  
property owners  
within 100' ft. of  
project

Notification Letter sent to: p.1 of 2  
[Property Owners]

Vista de la Luz HOA, Inc. c/o Corder & Company  
2207 Golf Course Road SE, SUITE B  
Albuquerque, NM 87124-1954

July 3, 2019

RE: Public Notice of proposed Vacation of Right-of-Way  
Northernmost Section of Costa Almeria Drive NW

To: Vista de la Luz Homeowners Association,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) Subsection 14-6-4(K)(2) Mailed Public Notice, we are notifying you as a nearby Property Owner that La Luz del Sol Landowners Association (LLDS)/agent representative David Kines, will be submitting an application for Vacation of Right-of-Way to be reviewed and decided by the City of Albuquerque Design Review Board (DRB).

**PROPOSED PROJECT SUMMARY/LOCATION DESCRIPTION:**

La Luz del Sol (LLDS) proposes a Vacation of public right-of-way (R.O.W.) for the northernmost segment of Costa Almeria Drive NW which abuts existing private lands of La Luz del Sol Landowner's Association (LLDS) to the north, private lands of Vista del la Luz (VDLL) to the west, and private lands of the recently constructed Rain Tunnel Car Spa car wash to the east at 5401 Sevilla Avenue NW. The dimensions of the proposed area to be vacated are approximately 49'-0" wide (width of existing R.O.W.) by 91'-0" long, as measured down the centerline of the road; or an approximate area of 4,459 square feet.

The area proposed for Vacation is the location of an existing private Vehicular Gate that provides vehicular access to the La Luz del Sol residential community to the north. The proposal is for the gate to remain in its present location, apply for Vacation of public R.O.W, and if granted, convert this small segment of the street from public into a private street on private LLDS lands. Inadequate vehicle stacking/maneuvering space and steep cross slopes make moving the gate impractical. La Luz del Sol Landowner's Association (LLDS) would then compensate the City of Albuquerque (CABQ) for the land. LLDS has held meetings with the City and they have positively reviewed our proposal.

**OTHER PROJECT DATA:**

**PROPERTY OWNER (CURRENT):** City of Albuquerque

**PROPOSED PURCHASER OF PROPERTY:** La Luz del Sol Landowners Association (LLDS)

**SUBJECT PROPERTY ADDRESS:** N/A (Property in question is a segment of a public street Right-of-Way; the northernmost segment of Costa Almeria Drive NW, as described above.

**ZONE ATLAS PAGE:** F-11-Z.

**LEGAL DESCRIPTION:** see Project Summary/Location Description Above.

**AREA OF PROPERTY (portion proposed for vacation):** 4,459 square feet, or 0.1023645 acres.

**IDO ZONE DISTRICT:** None in area proposed for Vacation; but adjacent to R-T (Residential Townhouses) in La Luz del Sol and Vista de la Luz HOAs, MX-T (Mixed-use Transition) existing office bldg.. at 1 Wind Rd. NW, and PD (Planned Development) at existing car was located at 5401 Sevilla Avenue NW.

**OVERLAY ZONE:** CPO-2 (Coors Boulevard) Development Standards, Use Regulations, Overlay Zones; View Protection Overlay VPO-1, Administration & Enforcement; Use Regulations WTF (Restrictions).

**CURRENT USE:** Public Right-of-Way, Public Street.

**DEVIATION:** N/A.

**VARIANCE:** None Requested.

**ACCESS DISCUSSION:** Vacation of this short segment of the public R.O.W. at the end of Costa Almeria Drive NW will *not* affect either current or future access to adjacent residential or commercial properties. See the following discussion:

Notification Letter Sent to: p.2  
[Property Owners] of 2

**RESIDENTIAL ACCESS:** The existing Vehicular Gate was constructed along with development of the adjacent Vista de la Luz residential development to the south of LLDS lands. Vista de la Luz homes were built and oriented with vehicular and pedestrian access directed on to the public residential street Ojos Azul Court NW. Backyards/HOA common area abut Costa Almeria, but are elevated 8'-15' above that street by a two-tier step-down concrete block retaining wall structure. The retaining walls prevent both existing and future access to houses on Ojos Azul Ct NW from Costa Almeria Dr. NW. *The proposed Vacation does not affect future or existing access to Ojos Azul Ct NW or other Vista de la Luz homes.*

**COMMERCIAL ACCESS:** The end of Costa Almeria Drive NW presently connects with existing private Wind Road NW located on LLDS private lands. In March 2019 a new car wash opened at 5401 Sevilla Avenue NW, to the east of the proposed area to be vacated. The City-approved building/site plan was built with two vehicular/pedestrian access points onto the site; one to the south from Sevilla Avenue NW, and the other off Costa Almeria Drive NW with that drive centered approximately 150'-0" to the south of the southernmost limit of the area proposed for Vacation—well away from car wash in-out traffic. There is more than sufficient space for vehicle stacking at the LLDS private gate in its current location and space to accommodate car wash in/out traffic off of Costa Almeria Dr. NW. 'No Parking Anytime' street signs and yellow traffic 'No Parking' curb striping were recently installed on both sides of Costa Almeria Drive NW at the direction of The City of Albuquerque in conjunction with the opening of the car wash. This action maintains Costa Almeria Drive NW unimpeded for vehicular traffic for: LLDS gate access, car wash access, and First Responder access to both properties; the LLDS gate is currently equipped with a "Knox Box" which affords emergency access through the gate to LLDS properties. *The proposed Vacation does not affect access to the existing Car Wash or any proposed future commercial properties located at 5401 Sevilla Ave. NW. Neither is access to Sevilla Ave. NW affected.*

Once application is made, this request for Vacation of Public Right-of-Way (R.O.W.) will be reviewed by the City of Albuquerque Design Review Board (DRB); and ultimately to the City Council for review and decision. The DRB Meeting will likely occur 8/7, 2019. **CALL TO VERIFY:** CABQ Planning Dept. (505)924-3910 TO CONFIRM date, time & location of this and other possible related meetings, if any.

We at La Luz del Sol Landowners Association (LLDS) invite your questions or concerns regarding this proposal by contacting me, David Kines, at (505)301-3706 or via email at [davidk0055@gmail.com](mailto:davidk0055@gmail.com). SEE ALSO attached Drawings and other Information that further describe the project. Thank you.

Respectfully,

David Kines

Agent for La Luz del Sol Landowners Association, for:

Gerold Yonas

President, La Luz del Sol Landowners Assoc.

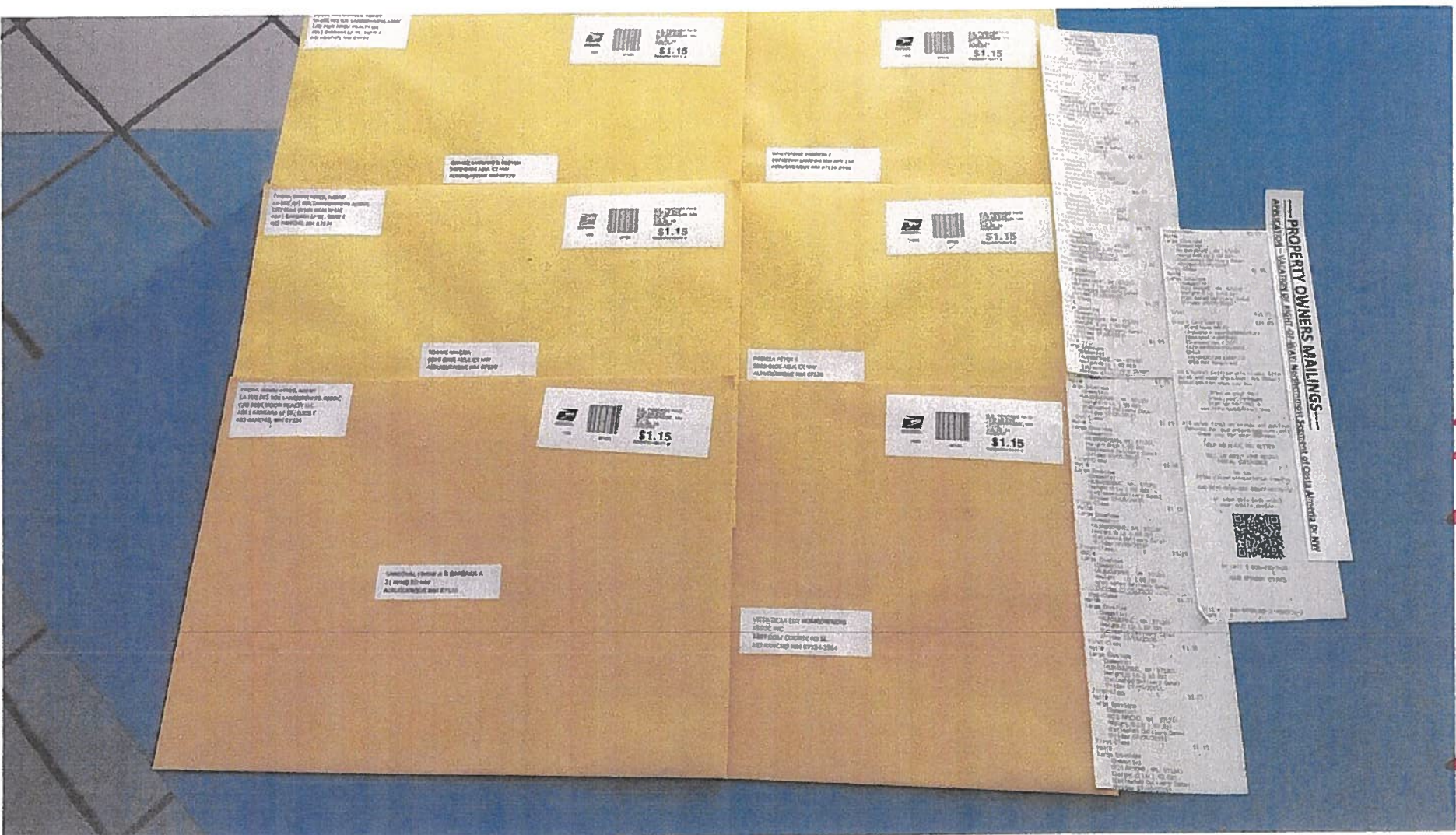
Attachments

Cc [ Madelyn C Salazar  
Marian Luna  
Rosendo Atencio  
Bejamin V & Annette K. Tafoya  
Antonio & Eloyda Gómez  
Patricia J. Whetstone  
Sarah M. Trujillo Palacios & Oliver S. Trujillo & Helen D. Trujillo  
Ovenwest Corporation Etal c/o Ray A Graham (office at 1 Wind Rd. NW)  
Classic Emporium LLC (car wash at 5401 Sevilla Ave. NW)  
Vista de la Luz Homeowners Association c/o Corder & Company

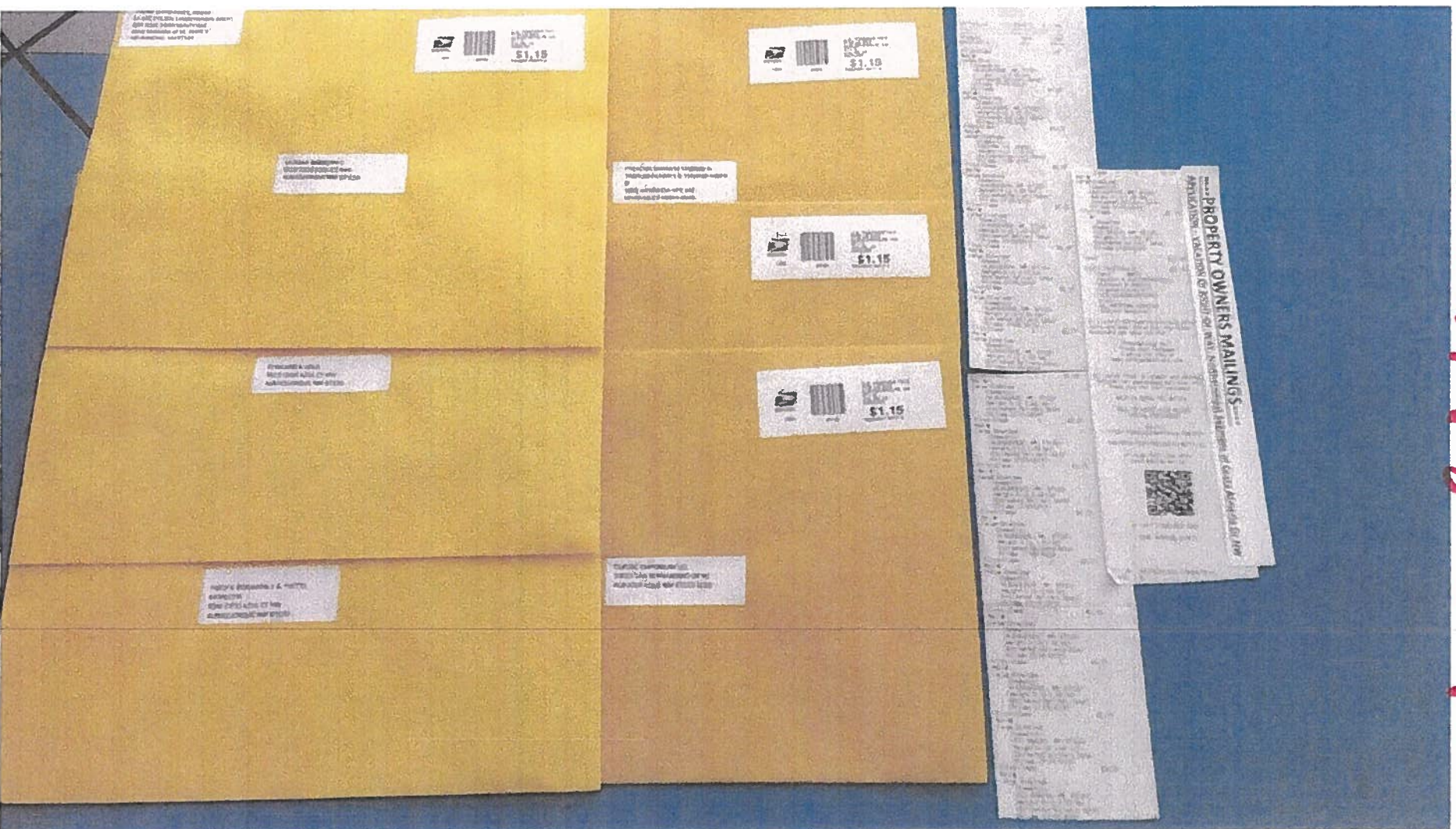
Leila Eerikanen  
Tobias Magda  
Peter S Padilla  
Anthony B Gallegos  
Frank A. & Barbara A. Sandoval  
Cordelia A. Carolus RVT

Copy to:  
Property Owners  
at  
BUFFER



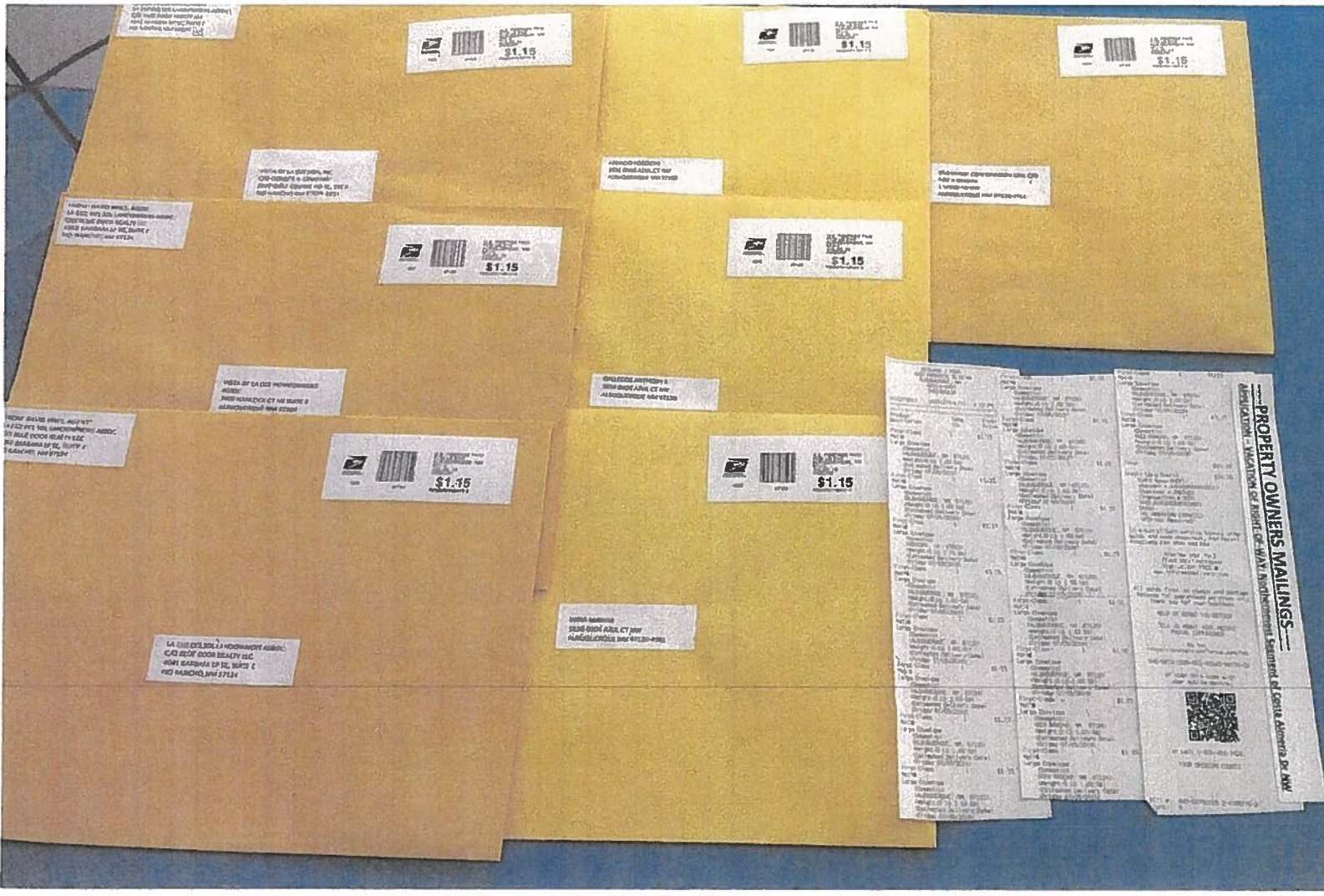






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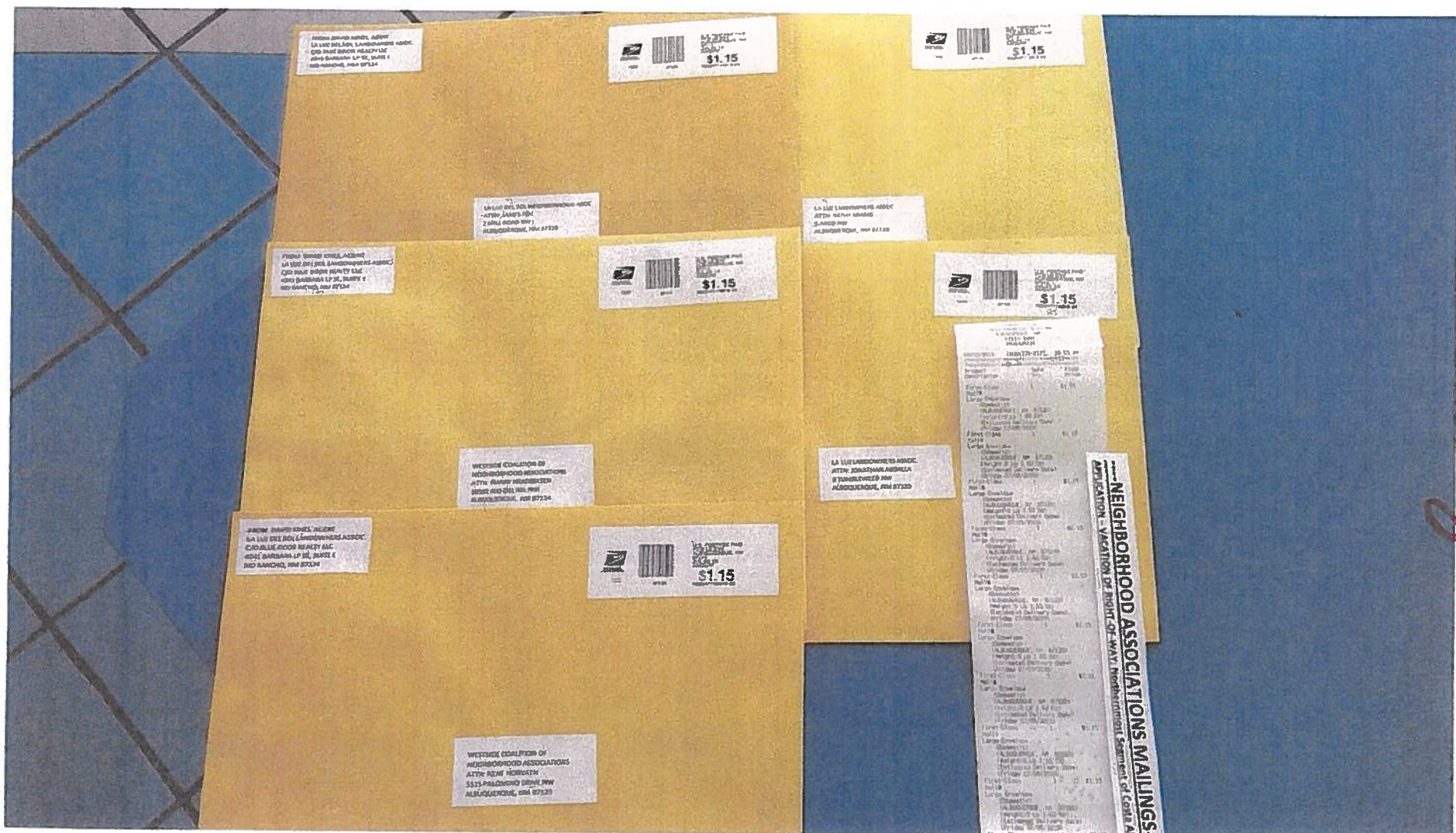






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-----NEIGHBORHOOD ASSOCIATIONS MAILINGS-----  
 APPLICATION - VACATION OF RIGHT-OF-WAY, Northmost Segment of Costa Alameda Dr NW