



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

April 9, 2014

**Project# 1000219**  
14DRB-70087 VACATION OF PRIVATE EASEMENT

MYERS, OLIVER & PRICE PC agent(s) for LARDNER REVOCABLE TRUST request(s) the above action(s) on all or a portion of Tract A, LLD SUBDIVISION zoned M-1, located on PAN AMERICAN FREEWAY/ I-25 AND NORTH DIVERSION CHANNEL containing approximately 3.4630 acre(s). (F-16)

At the April 9, 2014 Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance. The vacation was conditionally approved with final sign off delegated to Transportation and Planning for revised dimensional exhibit with clarification of where access is to remain.

### Findings

The vacation request was filed by the owners of all the frontage of the subject easement and agreed to by the benefitted and burdened parties.

Based on and subject to verification of the adequacy of the surviving/ alternate easement(s), the public welfare is in no way served by retaining the easement.

Based on the agreement of the benefitted and burdened parties, there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

### CONDITIONS:

1. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.
2. Prior to/ concurrent with the required replat submittal, an exhibit shall be provided which clearly shows the surviving/ alternate access easement, the PNM easement, the full vacated easement, property lines, and the access drive (dimensioned) that is being maintained.

If you wish to appeal this decision, you must do so by April 24, 2014 in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning

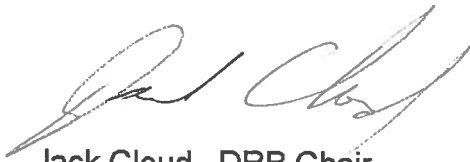
Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are *reminded that other requirements of the City must be complied with, even after approval* of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

A handwritten signature in black ink, appearing to read "Jack Cloud", written in a cursive style.

Jack Cloud, DRB Chair

Cc: MYERS, OLIVER & PRICE PC  
file