



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 30, 2010

Project# 1000572

10DRB-70160 MAJOR - PRELIMINARY PLAT APPROVAL
10DRB-70161 VACATION OF PUBLIC EASEMENT
10DRB-70163 MINOR - TEMP DEFR SWDK CONST
10DRB-70164 MAJOR - FINAL PLAT APPROVAL
10DRB-70171 SUBDN DESIGN VARIANCE FROM MIN DPM STDS

ISAACSON AND ARFMAN PA agent(s) for CENTEX HOMES request(s) the above action(s) for all or a portion of Tract(s) D & J-2A, E-1, H-1 & R-1, **THE PRESIDIO (TO BE KNOWN AS THE PRESIDIO UNIT 2A) Unit(s) 1 & 2**, zoned SU-1 FOR PRD, located on CHICO RD NE BETWEEN EUBANK BLVD NE AND MORRIS ST NE containing approximately 7.482 acre(s). (K-21)

At the June 30, 2010 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.

(A)(1) The public easement vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) Based on the proposed plat, the public welfare is in no way served by retaining the public easements.

(B)(3) 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.

With the signing of the infrastructure list dated June 30, 2010 the preliminary plat was approved. Based on the revised Exhibit B, the temporary deferral of sidewalk construction was approved. The subdivision design variance was approved based on the approved site plan, excepting Lots 113, 115, 117, and 119. Action on the final plat was deferred to July 14, 2010.

If you wish to appeal this decision, you must do so by July 15, 2010 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.)



Jack Cloud, AICP, DRB Chair

Cc: Isaacson & Arfman, P.A. – 128 Monroe Street NE – Albuquerque, 87108
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Marilyn Maldonado
file