



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 21, 2018

Project# 1001081

18DRB-70038 VACATION OF PUBLIC RIGHT OF WAY

TIERRA WEST LLC agent(s) for BEN SAPIR FAMILY TRUST request(s) the above action(s) for all or a portion of Lot(s) 023 031 N, 023 031 W, PARCEL A-2, PARCEL B, **SNOW HEIGHTS ADDITION**, zoned C-2, located on SNOW HEIGHTS CIR NE between MENAUL BLVD NE and EUBANK BLVD NE containing approximately 6.698 acre(s). (H-20)

On February 21, 2018, the Development Review Board held advertised public hearing(s) on the proposed vacation per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the proposed vacation of the referenced street as shown on Exhibit "A" in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

FINDINGS:

(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) The public welfare is in no way served by retaining the public right of way.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. Property owners of record abutting the proposed vacation were notified by first class mail at least six days prior to the Development Review Board hearing and signs were posted on the site 15 days prior to the hearing.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on the 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.
3. All abutting property owners shall concur with the required replatting as a single plat or the simultaneous recording of multiple plats.
4. Adequate easements shall be retained/ provided for public utilities and infrastructure, including a drainage easement if needed; franchised utility

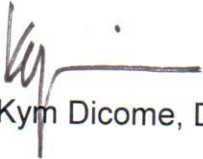
companies shall acknowledge the vacation and adequate easements by their signature on the replat.

5. The vacated Right-of-Way will include all of the existing Right-of- Way of Snow heights from Menaul Blvd. to Eubank Blvd. A revised exhibit will be submitted to DRB to be forwarded to City Council.

PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE DRB's RECOMMENDATION CAN BE FILED WITH THE CITY COUNCIL

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest 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 protest. You will receive notice if any other person files a protest.

Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).



Kym Dicome, DRB Chair

file

Cc: Sharon Azar – P.O. Box 1447 – Corrales NM 87048
Norma Sims – 2120 Glorieta St. NE – Albuquerque, NM 87120
Samantha Suvette – 9640 Menaul Blvd. NE – Albuquerque, NM 87112
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