



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

August 15, 2012

**Project# 1001816**  
**12DRB-70170 VACATION OF PUBLIC SIDEWALK EASEMENT**

RIO GRANDE ENGINEERING agent(s) for JANE CARLTON request(s) the referenced/ above action(s) on all or a portion of Lot(s) 12A, Block(s) 54, **NEW MEXICO TOWN COMPANY'S ORIGINAL TOWNSITE** zoned SU-2/HDA, located on the east side of 10TH ST NW between TIJERAS AVE NW and KENT AVE NW containing approximately .2797 acre. (J-13) [*Deferred from 7/18/12, 7/18/12, 8/1/12, 8/8/12*]

At the August 15, 2012 Development Review Board meeting, the vacation of the Public Sidewalk Easements along Kent Avenue NW and 10<sup>th</sup> Street NW were 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 of the Public Sidewalk Easement along Tijeras Avenue NW was denied.

### Findings

1. The DRB finds that the application request was submitted by the owner of the majority of the footage of land abutting the proposed vacations in accordance with Section 14-14-7-2(A)(1) of the Subdivision Ordinance,
2. The public welfare is in no way served by retaining the easement along Kent Avenue NW or 10<sup>th</sup> Street NW because the City of Albuquerque does not anticipate any need to utilize the existing easement for sidewalk purposes, based on the submission by the applicant and existing conditions. However, the easement along Tijeras Avenue NW is used for an existing sidewalk, and the sidewalk is uniform for this block and the block to the west. Transportation Objective 1.2 of the Downtown Neighborhood Sector Development Plan is to maintain the width and location of existing parkways and sidewalks, therefore the public welfare would be served by retaining this easement.
3. A sign was posted on the subject property advertising the public hearing, property owners of record abutting the proposed vacation were notified of the hearing by first class mail, and recognized Neighborhood Associations in the area were notified by certified mail prior to the filing of the application for vacations in accordance with Section 14-14-7-2(F)(2) of the Subdivision Ordinance. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right, as no objection regarding access or the abridgement of a substantial property right was raised.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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.

If you wish to appeal this decision, you must do so by August 30, 2012 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, DRB Chair

**Cc:** RIO GRANDE ENGINEERING  
Marilyn Maldonado  
file