



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 23, 2010

Project# 1001939

10DRB-70156 VACATION OF PUBLIC SANITARY SEWER EASEMENT

JD HOMEBUILDER CORP agent(s) for MECCI UGENIA request(s) the referenced/ above action(s) for a portion of a 20 foot sanitary sewer easement on Lot(s) 5, **CIELO OESTE SUBDIVISION** zoned RD, located on the north side of CASA FLORIDA PL NW east of CASA VISTOSA CT NW AND CASA LINDA CT NW containing approximately 0.1007 acre(s). (H-9)

At the June 23, 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) 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 the replat approved by the Development Review Board on October 28, 2009 is still in effect provided the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year (October 28, 2010).

If you wish to appeal this decision, you must do so by July 9, 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: JD Home Builder Corp – P.O. Box 90925 – Albuquerque, NM 87199
Marilyn Maldonado
Scott Howell
File

DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1001939 AGENDA# 5 DATE: 6/23/10

1. Name: Kim BROOKS Address: PO BOX 90925 ALBUQU. Zip: 87199
2. Name: _____ Address: _____ Zip: _____
3. Name: _____ Address: _____ Zip: _____
4. Name: _____ Address: _____ Zip: _____
5. Name: _____ Address: _____ Zip: _____
6. Name: _____ Address: _____ Zip: _____
7. Name: _____ Address: _____ Zip: _____
8. Name: _____ Address: _____ Zip: _____
9. Name: _____ Address: _____ Zip: _____
10. Name: _____ Address: _____ Zip: _____
11. Name: _____ Address: _____ Zip: _____
12. Name: _____ Address: _____ Zip: _____
13. Name: _____ Address: _____ Zip: _____
14. Name: _____ Address: _____ Zip: _____
15. Name: _____ Address: _____ Zip: _____
16. Name: _____ Address: _____ Zip: _____
17. Name: _____ Address: _____ Zip: _____

DRB/EPC/LUCC APPLICATION CHECKLIST

A review of DRB Case 1001939 indicates the following problems or crimes may occur or that the following concerns may need to be evaluated or addressed on this site or in this area. These comments do not indicate that a thorough CPTED evaluation has been done, or that other criminal activities may not occur.

- Traffic volume/*Explain:*
- Traffic control devices/*Explain:*
- Burglaries/*Explain:*
- Speeding violations/*Explain:*
- Lighting issues/*Explain:*
- Maintenance of landscaping/*Explain:*
- Robbery/*Explain:*
- Assault/*Explain:*
- Shoplifting/*Explain:*
- Accidents in the parking lot/*Explain:*
- A higher probability of crimes during evening/weekend hours/*Explain:*
- Commercial burglary/*Explain:*
- Rape/*Explain:*
- Adequate security/*Explain:*
- Alarm security/*Explain:*
- Alarm response i.e. false alarms, etc/*Explain:*
- Transients/*Explain:*
- Need for neighborhood association/*Explain:*

Other: No Crime Prevention or CPTED comments concerning the proposed Vacation of Public Easement at this time.



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, June 23, 2010, beginning at 9:00 a.m. for the purpose of considering the following:

Project# 1000248

**10DRB-70147 VACATION OF PUBLIC
DRAINAGE EASEMENT**

TIERRA WEST LLC agent(s) for WESTERN SECURITY REAL ESTATE request(s) the referenced/ above action(s) for two temporary drainage easements on a portion of Tract(s) A, **WEST RIDGE MOBILE HOME PARK** zoned SU-1 FOR MHP (Mobil Home Park), located on the north side of VOLCANO RD NW between 98TH ST NW and 90TH ST NW containing approximately 27.4898 acre(s). (K-9)

Project# 1006865

**10DRB-70146 MAJOR - 1 YEAR
EXTENSION OF SUBDIVISION
IMPROVEMENTS AGREEMENT (1YR SIA)**

TIERRA WEST LLC agent(s) for SOUTHWEST REGIONAL COUNCIL OF CARPENTERS request(s) the referenced/ above action(s) for all or a portion of Tract(s) A-1-A, **COMANCHE BUSINESS PARK** zoned M-1, located on PAN AMERICAN FWY NE between COMANCHE RD NE and VASSAR DR NE containing approximately 15.6299 acre(s). (G-16)

Project# 1001164

**10DRB-70153 VACATION OF PUBLIC
UTILITY EASEMENT**

JACKS HIGH COUNTRY INC agent(s) for HUNT UPTOWN IV LLC request(s) the referenced/ above action(s) for a portion of a 10 foot public utility easement on Tract(s) B-1-A-1, **ST PIUS X SUBDIVISION** zoned SU-3 MU-UPT (Mixed Use Uptown) /BUFFER, located on the northeast corner of INDAIN SCHOOL RD NE and UPTOWN LOOP RD containing approximately 1.1490 acre(s). (H-19)

Project# 1001939

**10DRB-70156 VACATION OF PUBLIC
SANITARY SEWER EASEMENT**

JD HOMEBUILDER CORP agent(s) for MECCI UGENIA request(s) the referenced/ above action(s) for a portion of a 20 foot sanitary sewer easement on Lot(s) 5, **CIELO OESTE SUBDIVISION** zoned RD, located on the north side of CASA FLORIDA PL NW east of CASA VISTOSA CT NW AND CASA LINDA CT NW containing approximately 0.1007 acre(s). (H-9)

Project# 1003095
10DRB-70151 SIDEWALK WAIVER
10DRB-70152 SUBDIVISION DESIGN
VARIANCE FROM MIN DPM STDS
10DRB-70150 MAJOR - PRELIMINARY
PLAT APPROVAL

WAYJOHN SURVEYING INC agent(s) for FRED CASALE/ JAMES SELIGMAN request(s) the referenced/ above action(s) for all or a portion of Lot(s) 2-A-2, **LA MIRADA SUBDIVISION (TO BE KNOWN AS LA MIRADA TOWNHOMES)** zoned O-1 (CONDITIONAL USE) AND P, located on the south side of LA MIRADA PL NE between WYOMING BLVD NE and PENNSYLVANIA ST NE containing approximately 1.1443 acre(s). (G-19)

Project# 1003794
10DRB-70155 MAJOR – SITE
DEVELOPMENT PLAN FOR BUILDING
PERMIT

PAT JOSEPH agent(s) for DOUGLAS PETERSON - PETERSON PROPERTIES request(s) the referenced/ above action(s) for all or a portion of Lot(s) 3, **VOLCANO POINT SHOPPING CENTER** zoned SU-2 FOR PCA (Planned Commercial Area), located on the west side of 98TH ST NW between CENTRAL AVE NW and VOLCANO RD NW containing approximately .7516 acre(s). (K-9)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3391 – TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.


Jack Cloud, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, JUNE 7, 2010.



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 23, 2010

Project# 1001939

10DRB-70156 VACATION OF PUBLIC SANITARY SEWER EASEMENT

JD HOMEBUILDER CORP agent(s) for MECCI UGENIA request(s) the referenced/ above action(s) for a portion of a 20 foot sanitary sewer easement on Lot(s) 5, **CIELO OESTE SUBDIVISION** zoned RD, located on the north side of CASA FLORIDA PL NW east of CASA VISTOSA CT NW AND CASA LINDA CT NW containing approximately 0.1007 acre(s). (H-9)

AMAFCA

No comment.

COG

No comment.

TRANSI No comment.

ZONING ENFORCEMENT

No comment.

NEIGHBORHOOD COORDINATION

Letters sent to: Tres Volcanes NA (R)

APS

Cielo Oeste Subdivision, Lot 5, is located on the north side of Casa Florida Pl NW east of Casa Vistosa Ct NW and Casa Linda Ct NW. The owner of the above property requests a Vacation of Public Sanitary Sewer Easement for a development that consists of 64 residential units. This will impact Painted Sky Elementary School, Jimmy Carter Middle School, and West Mesa Elementary School. Currently, all three schools have excess capacity.

Loc No	School	2009-10 40th Day	2009-10 Capacity	Space Available
275	Painted Sky	1,052	1,066	14
445	Jimmy Carter	1,205	1,399	194
570	West Mesa	1,974	2,652	678

Residential Units: 64

Est. Elementary School Students: 17

Est. Middle School Students: 7

Est. High School Students: 7

<p>Est. Total # of Students from Project: 31 *The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district.</p>
<p>POLICE DEPARTMENT No comment.</p>
<p>FIRE DEPARTMENT No comment.</p>
<p>PNM ELECTRIC & GAS No comment.</p>
<p>COMCAST No comment.</p>
<p>QWEST Concerning the subject case number(s), Qwest has no objection to the vacation of the public sanitary sewer easement(s) as submitted. Prior to any final plat approval, we will need a copy for review.</p>
<p>ENVIRONMENTAL HEALTH No comment.</p>
<p>M.R.G.C.D No Adverse Comments</p>
<p>OPEN SPACE DIVISION Open Space has no adverse comments</p>
<p>CITY ENGINEER No objection – defer to the Water Authority</p>
<p>TRANSPORTATION DEVELOPMENT No objection to vacation request.</p>
<p>PARKS AND RECREATION No comment.</p>
<p>ABCWUA No comment.</p>
<p>PLANNING DEPARTMENT Refer to comments from affected agencies/ ABCWUA plus any public hearing comments regarding proposed vacation.</p>

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: Wednesday, June 23, 2010
Zone Atlas Page: (H-9)
Notification Radius: 100ft

Project# 1001939
App# 10DRB-70156

Cross Reference and Location: located on CASA FLORIDA PL NW BETWEEN CASA VISTOSA CT NW AND CASA LINDA CT NW

Applicant: JD HOMEBUILDER CORP
PO BOX 90925
ALBUQUERQUE NM 87199

Agent: JD HOMEBUILDER CORP
PO BOX 90925
ALBUQUERQUE NM 87199

Special Instructions:

**Notice must be mailed from the
City's 15 day's prior to the meeting.**

Date Mailed: June 4, 2010
SIGNATURE: ANITA TAVASCI

OR CURRENT RESIDENT
100905931007541245
AMAFCA
2600 PROSPECT AVE NE
ALBUQUERQUE NM 87107

OR CURRENT RESIDENT
100905929506541303
DAVIS ROSS T & BARBARA J
8615 CASA VISTOSA CT NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905928607330313
MECCI UGENIA
1627 CASA FLORIDA PL NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905929808030316
MORENO JUSTO
1639 CASA FLORIDA PL NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905927708330310
SEATON CARRIE S
1615 CASA FLORIDA PL NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905929511430112
WESTLAND DEVCO LP
201 3RD ST NW SUITE 500
ALBUQUERQUE NM 87102

OR CURRENT RESIDENT
100905929706141304
ZAK RICHARD S & ANGELINA
8609 CASA VISTOSA NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905928008630311
BEGAY SHERMAN M & MELISSA M
1619 CASA FLORIDA PL NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905928306530604
DE LEON PAUL R & JESSICA C
1526 JANLU ST
HACIENDA HEIGHTS CA 91745

OR CURRENT RESIDENT
100905929007530314
MONTANO ROSEANNE
1631 CASA FLORIDA PL NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905929905841305
NORTH DENNIS A & JESSICA N
8605 CASA VISTOSA CT NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905928308930312
VALDEZ AQUILINO A
1623 CASA FLORIDA PL NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905926008930113
WESTLAND DEVELOPMENT CO INC
401 COORS BLVD NW
ALBUQUERQUE NM 87121

TRES VOLCANES N.A. (TVN)
GERALD WORRALL
1039 PINATUBO PL. NW
ALBUQUERQUE, NM 87120
PROJECT #1001939

OR CURRENT RESIDENT
100905929407830315
BRUNACINI EVELYN
3926 A COORS NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905930506241302
GARDNER DIWAYNE I & ADELELAWSON
1636 CASA FLORIDA PL NW
ALBUQUERQUE NM 87120

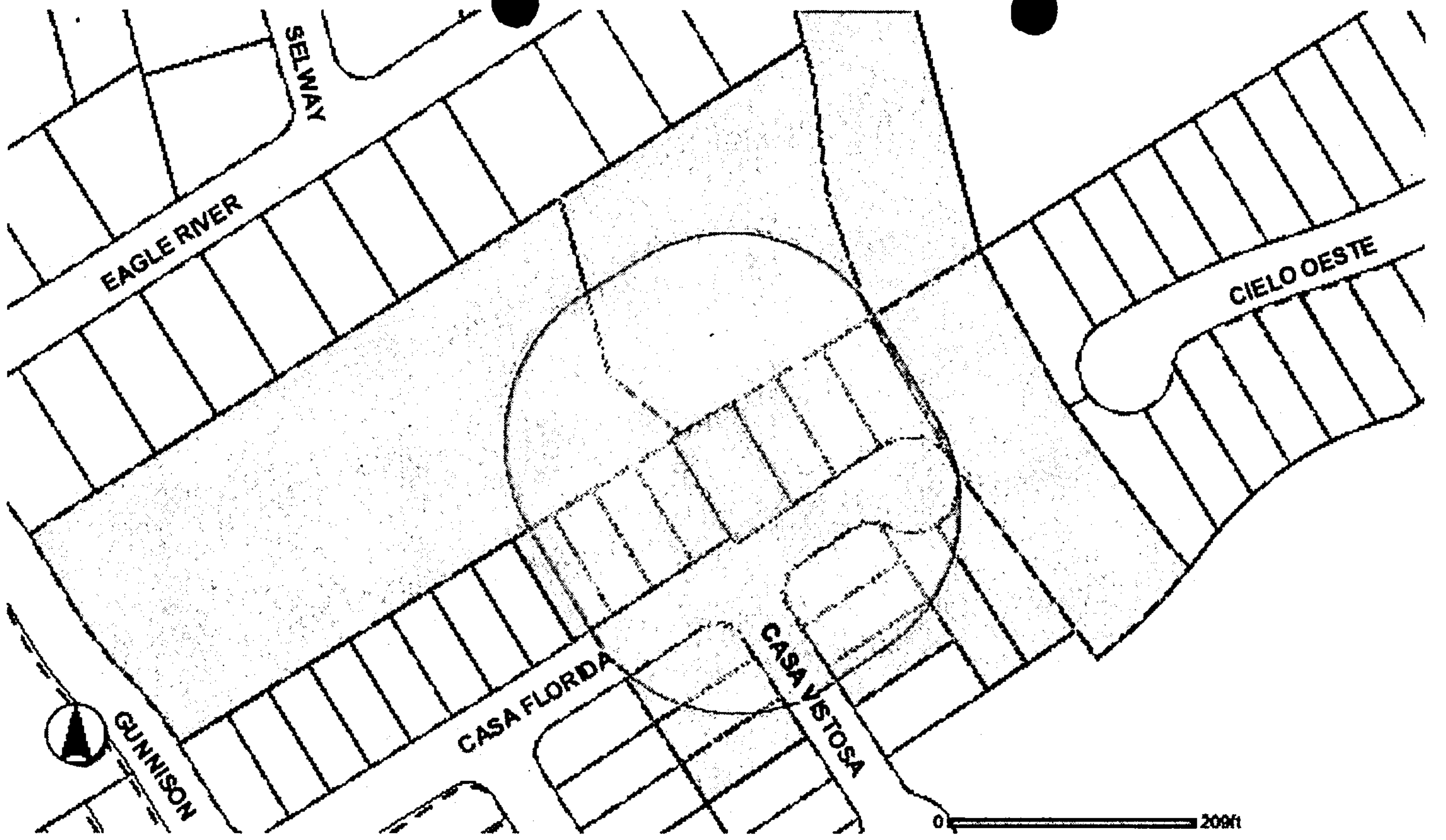
OR CURRENT RESIDENT
100905927408030309
MONTROYA MARY G
1609 CASA FLORIDA PL NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905928107030605
SAENZ KAREN BABETTE
8616 CASA VISTOSA CT NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905930906441301
VEJAR JOSEPHINE A
1640 CASA FLORIDA PL NW
ALBUQUERQUE NM 87120

OR CURRENT RESIDENT
100905928506030603
WU GUOWEI & TAO PING PING
15016 CAPRICORN LN
CHARLOTTE NC 28277

JD HOME BUILDER CORP.
ROBERTA CAMPBELL
PO BOX 90925
ALBUQUERQUE, NM 87199
PROJECT #1001939



R e c	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	O W N E R S T A T E	OW NE R ZIP CO DE	PRO PER TY CLA SS	TA X DIS TRI CT	LEGAL
1	1009059 2740803 0309	MONTOYA MARY G	1609 CASA FLORIDA PL NW	ALBUQUERQUE	NM	87120	R	A1A	LT 23 PLAT OF TIERRA OESTE SUBDIVISION UNIT 3 A REPLAT OFTRACTS A, C, E & H THE CROSSING CONT .0904 AC
2	1009059 2830893 0312	VALDEZ AQUILINO A	1623 CASA FLORIDA PL NW	ALBUQUERQUE	NM	87120	R	A1A	LT 26 PLAT OF TIERRA OESTE SUBDIVISION UNIT 3 A REPLAT OFTRACTS A, C, E & H THE CROSSING CONT .0869 AC
3	1009059 2980803 0316	MORENO JUSTO	1639 CASA FLORIDA PL NW	ALBUQUERQUE	NM	87120	R	A1A	LT 8 PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1TIERRA OESTE SUBDIVISION UNIT 3 CONT .1146 AC
4	1009059 2810703 0605	SAENZ KAREN BABETTE	8616 CASA VISTOSA CT NW	ALBUQUERQUE	NM	87120	R	A1A	LT 60 PLAT OF TIERRA OESTE SUBDIVISION UNIT 3 A REPLAT OFTRACTS A, C, E & H THE CROSSING CONT .1015 AC
5	1009059 2951143 0112	WESTLAND DEVELOPMENT CO LP	201 3RD ST NW SUITE 500	ALBUQUERQUE	NM	87102	V	A1A	TR A PLAT OF THE CROSSING - UNIT 3 BEING A REPLAT OF TRACTA-1-B CIELO OESTE SUBDIVISION & TRACT A-1 OF THE CROSSING UNIT 2-B CONT 1.1465 AC
6	1009059 3100754 1245	AMAFCA	2600 PROSPECT AVE NE	ALBUQUERQUE	NM	87107	V	A1A	TR A-1-A PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1TIERRA OESTE SUBDIVISION UNIT 3 CONT .8117 AC
7	1009059 2800863 0311	BEGAY SHERMAN M & MELISSA M	1619 CASA FLORIDA PL NW	ALBUQUERQUE	NM	87120	R	A1A	LT 25 PLAT OF TIERRA OESTE SUBDIVISION UNIT 3 A REPLAT OFTRACTS A, C, E & H THE CROSSING CONT .0881 AC
8	1009059 2850603 0603	WU GUOWEI & TAO PING PING	15016 CAPRICORN LN	CHARLOTTE	NC	28277	R	A1A	LT 62 PLAT OF TIERRA OESTE SUBDIVISION UNIT 3 A REPLAT OFTRACTS A, C, E & H THE CROSSING CONT .0929 AC
9	1009059 2900753 0314	MONTANO ROSEANNE	1631 CASA FLORIDA PL NW	ALBUQUERQUE	NM	87120	R	A1A	LT 6 PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1TIERRA OESTE SUBDIVISION UNIT 3 CONT .1008 AC
10	1009059 2950654 1303	DAVIS ROSS T & BARBARA J	8615 CASA VISTOSA CT NW	ALBUQUERQUE	NM	87120	R	A1A	LT 4 PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1TIERRA OESTE SUBDIVISION UNIT 3 CONT .1012 AC
11	1009059 3050624 1302	GARDNER DIWAYNE I & ADELE LAWSON	1636 CASA FLORIDA PL NW	ALBUQUERQUE	NM	87120	R	A1A	LT 9 PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1TIERRA OESTE SUBDIVISION UNIT 3 CONT .1353 AC
12	1009059 2990584 1305	NORTH DENNIS A & JESSICA N	8605 CASA VISTOSA CT NW	ALBUQUERQUE	NM	87120	R	A1A	LT 2 PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1TIERRA OESTE SUBDIVISION UNIT 3 CONT .0937 AC
13	1009059 3090644 1301	VEJAR JOSEPHINE A	1640 CASA FLORIDA PL NW	ALBUQUERQUE	NM	87120	R	A1A	LT 10 PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1TIERRA OESTE SUBDIVISION UNIT 3 CONT .1534 AC
14	1009059 2600893 0113	WESTLAND DEVELOPMENT CO INC	401 COORS BLVD NW	ALBUQUERQUE	NM	87121	V	A1A	TR E-2 PLAT OF TIERRA OESTE SUBDIVISION UNIT 3 - A REPLAT OFTRACTS A, C, E & H THE CROSSING CONT 2.5038 AC
15	1009059 2830653 0604	DE LEON PAUL R & JESSICA C	1526 JANLUST	HACIENDA HEIGHTS	CA	91745	R	A1A	LT 61 PLAT OF TIERRA OESTE SUBDIVISION UNIT 3 A REPLAT OFTRACTS A, C, E & H THE CROSSING CONT .0929 AC
16	1009059 2970614 1304	ZAK RICHARD S & ANGELINA	8609 CASA VISTOSA NW	ALBUQUERQUE	NM	87120	R	A1A	LT 3 PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1TIERRA OESTE SUBDIVISION UNIT 3 CONT .0937 AC
17	1009059 2940783 0315	BRUNACINI EVELYN	3926 A COORS NW	ALBUQUERQUE	NM	87120	R	A1A	LT 7 PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1TIERRA OESTE SUBDIVISION UNIT 3 CONT .0993 AC
18	1009059 2770833 0310	SEATON CARRIES	1615 CASA FLORIDA PL NW	ALBUQUERQUE	NM	87120	R	A1A	LT 24 PLAT OF TIERRA OESTE SUBDIVISION UNIT 3 A REPLAT OFTRACTS A, C, E & H THE CROSSING CONT .0892 AC

1 9	1009059 2860733 0313	MECCI UGENIA	1627 CASA FLORIDA PL NW	ALBUQ UERQU E	N M	871 20	R	A1 A	LT 5 PLAT OF CIELO OESTE A REPLAT OF TRACTS A-1 & H-1 TIERRA OESTE SUBDIVISION UNIT 3 CONT .1 252 AC
2 0	1009059 2921893 1322	AMAFCA	2600 PROS PECT AVE NE	ALBUQ UERQU E	N M	871 07	V	A1 A	TR B PLAT OF THE CROSSING - UNIT 3 BEING A REPLAT OF TRACT A-1-B CIELO OESTE SUBDIVISION & TRACT A-1 OF THE CROSSING UNIT 2-B CONT 4.6038 AC

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE (DRB04)** (PUBLIC HEARING CASE)
 ___ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
 ___ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
 ___ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 ___ Sign Posting Agreement
 ___ Fee (see schedule)
 ___ List any original and/or related file numbers on the cover application
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- VACATION OF PUBLIC EASEMENT (DRB27)**
 VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)
 ✓ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies**.
 (Not required for City owned public right-of-way.)
 ✓ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
 ✓ Zone Atlas map with the entire property(ies) clearly outlined
 ✓ Letter briefly describing, explaining, and justifying the request
 ✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 ✓ Sign Posting Agreement
 ✓ Fee (see schedule)
 ✓ List any original and/or related file numbers on the cover application
 Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- SIDEWALK VARIANCE (DRB20)**
 SIDEWALK WAIVER (DRB21)
 ___ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
 ___ Zone Atlas map with the entire property(ies) clearly outlined
 ___ Letter briefly describing, explaining, and justifying the variance or waiver
 ___ List any original and/or related file numbers on the cover application
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**
 ___ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
 ___ Zone Atlas map with the entire property(ies) clearly outlined
 ___ Letter briefly describing, explaining, and justifying the variance
 ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 ___ Sign Posting Agreement
 ___ Fee (see schedule)
 ___ List any original and/or related file numbers on the cover application
DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
 EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)
 ___ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 ___ Zone Atlas map with the entire property(ies) clearly outlined
 ___ Letter briefly describing, explaining, and justifying the deferral or extension
 ___ List any original and/or related file numbers on the cover application
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- VACATION OF PRIVATE EASEMENT (DRB26)**
 VACATION OF RECORDED PLAT (DRB29)
 ___ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 ___ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 ___ Zone Atlas map with the entire property(ies) clearly outlined
 ___ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
 ___ Letter of authorization from the grantors and the beneficiaries (private easement only)
 ___ Fee (see schedule)
 ___ List any original and/or related file numbers on the cover application
 Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

ROBERTA CAMPBELL
 Applicant name (print)
Roberta Campbell 5/28/10
 Applicant signature / date

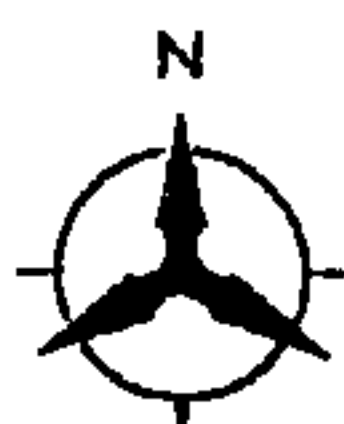


Form revised 4/07

- Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed

Application case numbers
10283 - 70150

Sandy Handley 05/28/10
 Planner signature / date
 Project # 1001939



SCALE: 1" = 200'

LEGEND

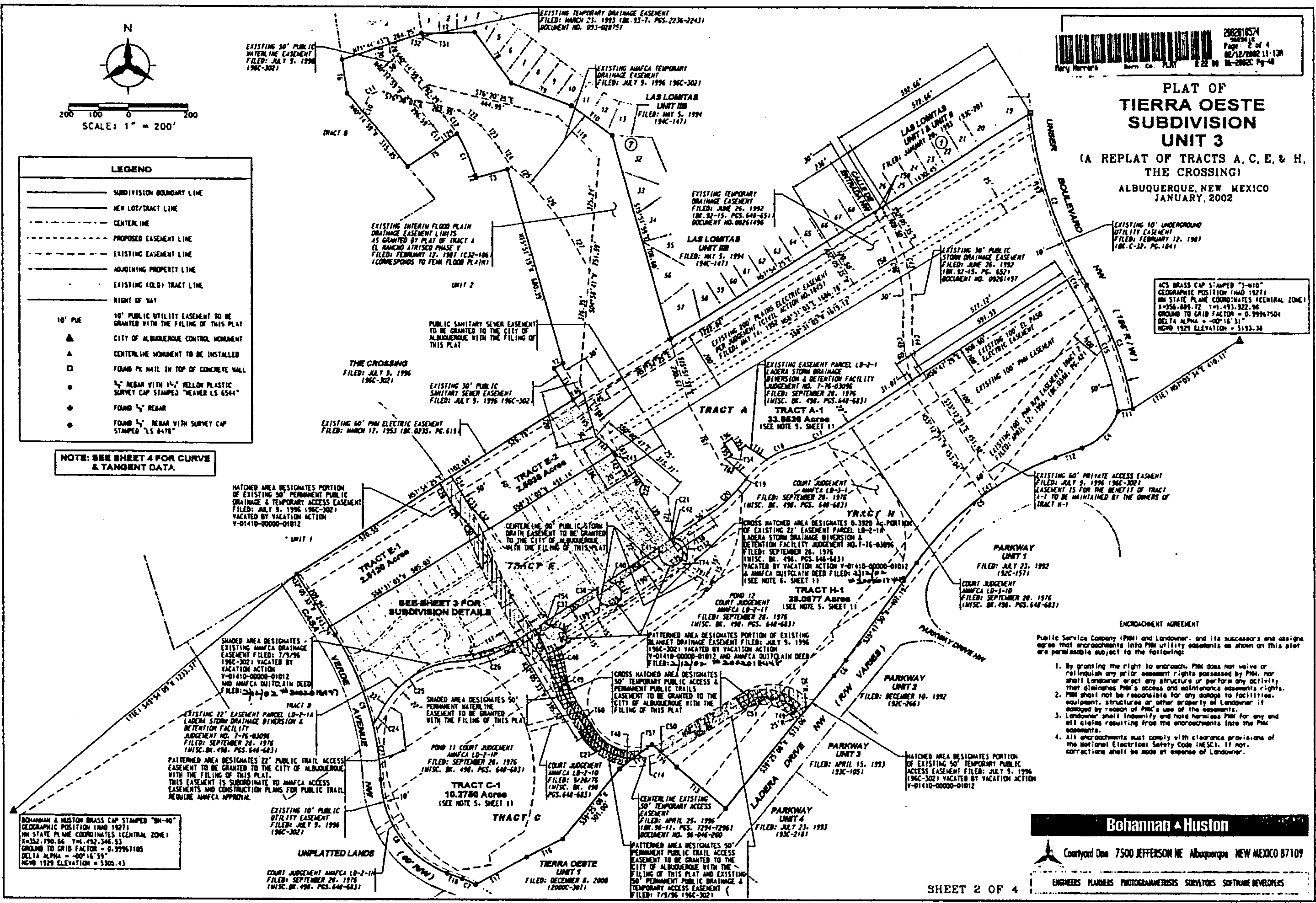
- SUBDIVISION BOUNDARY LINE
- NEW LOT/TRACT LINE
- - - CENTERLINE
- - - PROPOSED EASEMENT LINE
- - - EXISTING EASEMENT LINE
- - - ADJOINING PROPERTY LINE
- - - EXISTING (OLD) TRACT LINE
- RIGHT OF WAY
- 10' PUE 10' PUBLIC UTILITY EASEMENT TO BE GRANTED WITH THE FILING OF THIS PLAT
- ▲ CITY OF ALBUQUERQUE CONTROL MONUMENT
- ▲ CENTERLINE MONUMENT TO BE INSTALLED
- FOUND PK NAIL IN TOP OF CONCRETE WALL
- 1/2" REBAR WITH 1 1/2" YELLOW PLASTIC SURVEY CAP STAMPED "WEAVER LS 6544"
- FOUND 1/2" REBAR
- FOUND 1/2" REBAR WITH SURVEY CAP STAMPED "LS 8478"

NOTE: SEE SHEET 4 FOR CURVE & TANGENT DATA.

2082018574
 PLAT NO. 1
 Page 2 of 4
 02/12/2002 11:13A
 Mary Herrera
 Term. Co. PLAT E 22 00 M-2002C Py-48

PLAT OF
TIERRA OESTE
SUBDIVISION
UNIT 3
 (A REPLAT OF TRACTS A, C, E, & H,
 THE CROSSING)
 ALBUQUERQUE, NEW MEXICO
 JANUARY, 2002

ACS BRASS CAP STAMPED "3-410"
 GEOGRAPHIC POSITION (NAD 1927)
 NM STATE PLANE COORDINATES (CENTRAL ZONE)
 X=556,889.72 Y=1,493,922.96
 GROUND TO GRID FACTOR = 0.99967504
 DELTA ALPHA = -00°16'31"
 NGVD 1929 ELEVATION = 5193.36



- ENCROACHMENT AGREEMENT
- Public Service Company (PSC) and Landoner, and its successors and assigns agree that encroachments into PSC utility easements as shown on this plat are permissible subject to the following:
1. By granting the right to encroach, PSC does not waive or relinquish any prior easement rights possessed by PSC, nor shall Landoner erect any structure or perform any activity that diminishes PSC's access and maintenance easement rights.
 2. PSC shall not be responsible for any damage to facilities, equipment, structures or other property of Landoner if damaged by reason of PSC's use of the easements.
 3. Landoner shall indemnify and hold harmless PSC for any and all claims resulting from the encroachments into the PSC easements.
 4. All encroachments must comply with clearance provisions of the National Electrical Safety Code (NESC), if not, corrections shall be made at expense of Landoner.

Bohannon & Huston

Surveyors
 Courtyard One 7500 JEFFERSON NE Albuquerque NEW MEXICO 87109

ENGINEERS PLANNERS PHOTOGRAMMETRISTS SURVEYORS SOFTWARE DEVELOPERS

2642



May 24, 2010

Jack Cloud, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Resubmittal for Vacation of Public Easements
Lot 5, Cielo Oeste DRB#1001939

Dear Mr. Cloud:

Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Application
- Twenty four (24) copies of the location request for the vacation of easements (Exhibit A)
- Letter from the Office of Neighborhood Coordination and related data,
- Zone Atlas Map showing the location of the property; and
- Fee in the amount of \$140.00

The purpose of this is to resubmit for vacation of eight feet of an existing twenty foot sanitary sewer easement. The home is currently encroaching upon the twenty foot easement.

Please place this item on the DRB Agenda to be heard as soon as possible. This vacation was granted in 2007 however, we were unable to file the plat within a year of the approved vacation because the owner had not paid all of her property taxes, which are now up to date.

If you have any questions, or require any additional information, please feel free to contact me at (505) 610-2451.

Sincerely,

A handwritten signature in cursive script that reads 'Roberta Campbell'.

Roberta Campbell
Summertree Homes by Kim Brooks
JD Home Builder Corp.



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

SEPTEMBER 26, 2007

1. Project# 1001939
07DRB-70233 VACATION OF PUBLIC EASEMENT

BOHANNAN HUSTON INC agent(s) for JD HOME BUILDER CORP. request(s) the above action(s) for all or a portion of Lot(s) 5, CIELO OESTE SUBDIVISION, zoned R-D, located on CASA FLORIDA PL NW BETWEEN CASA VISTOSA CT NW AND CASA LINDA CT NW containing approximately 0.1007 acre(s). (H-9)

At the September 26, 2007, Development Review Board meeting, the vacation was approved with the following condition. Prior to replat approval, the existing sanitary sewer line must be abandoned and relocated to the satisfaction of the Water Authority. The vacation was approved as shown on Exhibit B in the Planning file per Section 14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

(A)(1) The 8-foot of the existing 20-foot public sanitary sewer public easment vacation request was filed by the owners of a majority of the rear footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the 8-foot of the existing 20-foot public sanitary sewer public easment.

(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. 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

If you wish to appeal this decision, you must do so by October 11, 2007, 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.

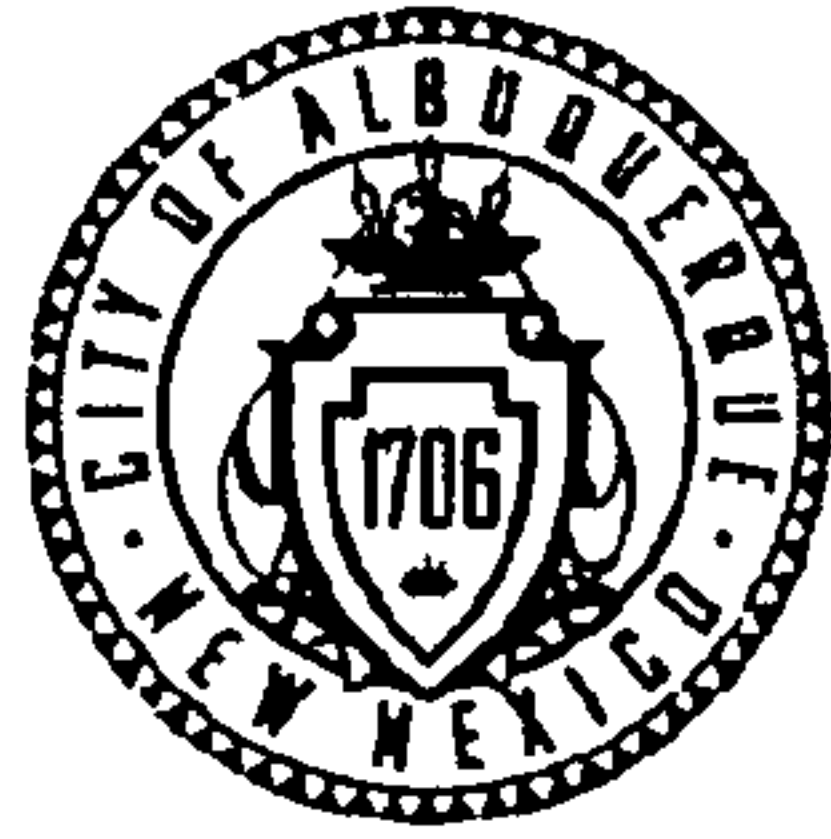
If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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.)

Sheran Matson, AICP, DRB Chair

Cc: JD Home Builder Corp, PO Box 90218, 87199
Bohannon Huston Inc, 7500 Jefferson NE, 87109
Marilyn Maldonado, Planning Department, 4th floor, Plaza del Sol Bldg.
File



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

May 21, 2010

Roberta Campbell
Bohannan Huston Inc.
7500 Jefferson NE/87109
Phone: 505-823-1000/Fax: 505-798-7988

PLEASE NOTE: The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Dear Roberta:

Thank you for your inquiry of May 21, 2010 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) - LOT 5, CIELO OESTE SUBDIVISION, LOCATED ON CASA FLORIDA PLACE NW, BETWEEN CASA VISTOSA COURT NW AND CASA LINDA COURT NW** zone map **H-9**.

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

TRES VOLCANES N.A. (TVN) "R"

Gerald Worrall

1039 Pinatubo Pl. NW/87120 839-0893 (h)

D. Anthony Segura

2000 Selway Pl. NW/87120 404-0707 (h)

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani I. Winklepleck

Neighborhood Liaison

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

**LETTERS MUST BE SENT TO BOTH
CONTACTS OF EACH
NEIGHBORHOOD AND/OR
HOMEOWNER ASSOCIATION.**

planningrnaform(12/06/07)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
 - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

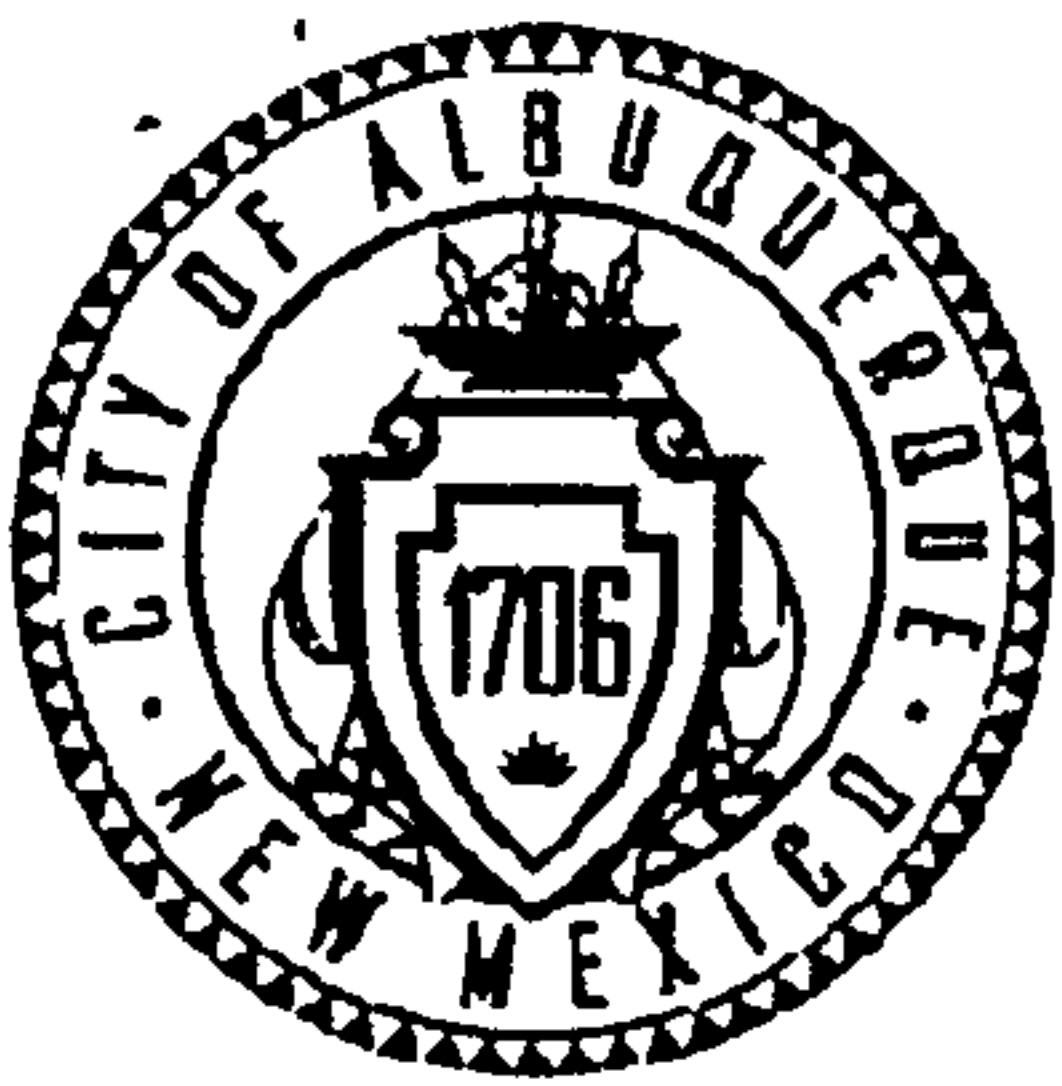
Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: **05/21/10** Time Entered: **3:45 p.m.** ONC Rep. Initials: **siw**



DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Neighborhood Coordination (ONC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second Street NW, Fax: (505) 924-3913 – will need the following information **BEFORE** neighborhood and/or homeowner association information will be released to the applicant/agent on any project being presented to the Planning Department of the City of Albuquerque. If you have any questions, please feel free to contact our office at (505) 924-3914. Your Developer Inquiry is for the following:

- Cell Tower Submittal: Free-Standing Tower -OR- Concealed Tower
- EPC Submittal DRB Submittal LUCC Submittal Liquor Submittal
- Administrative Amendments (AA's) Submittal City Project Submittal

CONTACT NAME: Roberta Campbell

COMPANY NAME: 4D Home Builder Corp

ADDRESS/ZIP: P.O. Box 90925, Albuq., NM 87199

PHONE: 792-5439 ext. 2 FAX: 892-3296

LEGAL DESCRIPTION INFORMATION

PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION IN THE AREA OF THE PROPERTY DESCRIBED BELOW:

LOT 5, Cleo Doot Subdivision

LOCATED ON Casa Florida P.P. NW LEGAL DESCRIPTION

STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN CASA VISTASA Ct. NW AND

CASA LINDA Ct. NW

STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS INDICATED ON THE FOLLOWING ZONE ATLAS PAGE (H9).

(PLEASE MARK/HATCH ZONE MAP WHERE PROPERTY IS LOCATED)

(Zone Map **MUST** be provided with request)



CERTIFIED MAIL/RETURN RECEIPT REQUESTED

May 24, 2010

Mr. Gerald Worrall
1039 Pinatubo Pl. NW
Albuquerque, NM 87120

RE: Vacation of Public Easements
Lot 5, Cielo Oeste

Dear Mr. Worrall:

The City of Albuquerque's Office of Neighborhood Coordination has informed us that you are a representative of the Tres Volcanes Neighborhood Association.

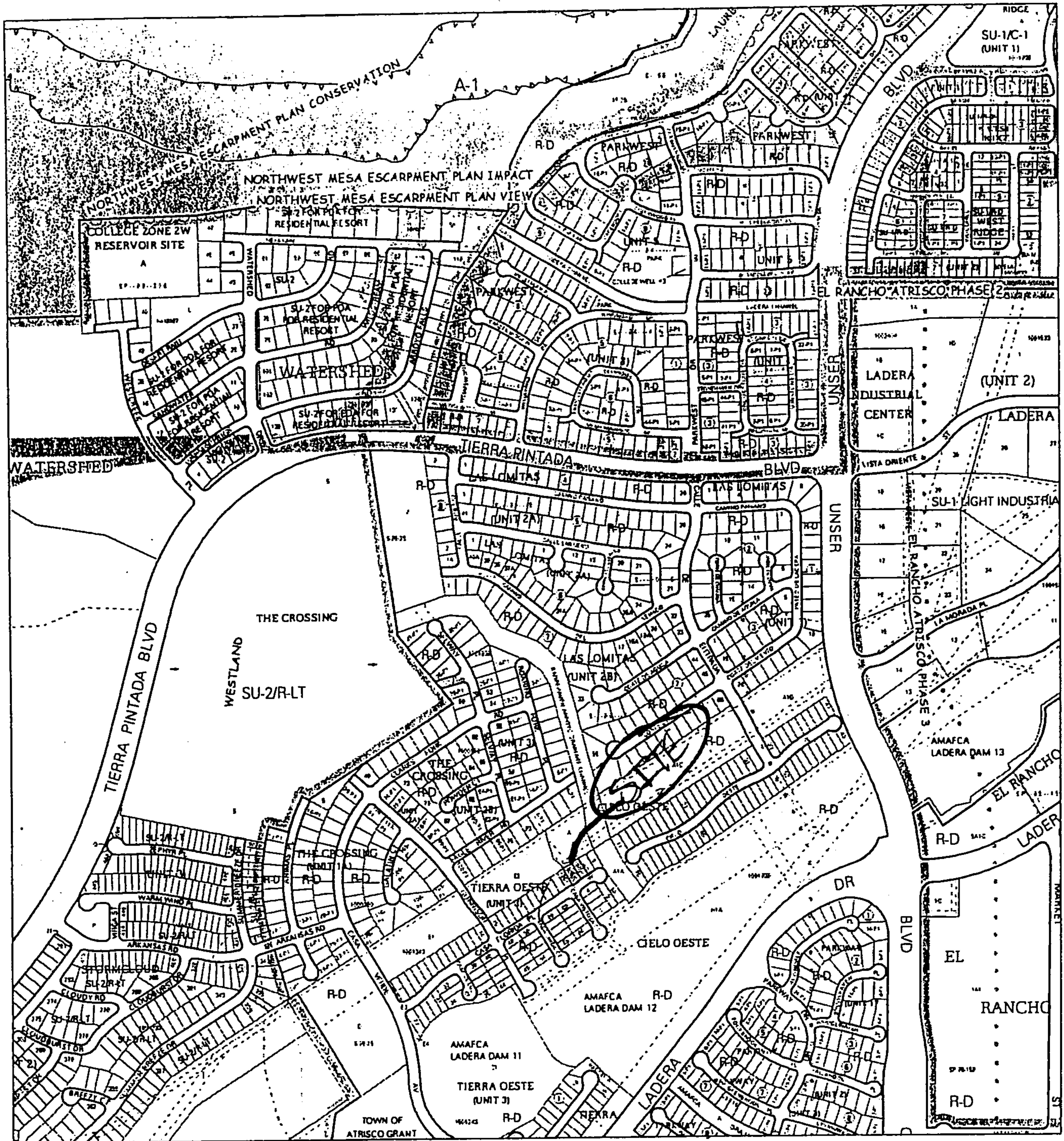
This letter is to advise you that JD Home Builder Corp., is seeking approval of vacation of public easement. This project is for the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted and exhibit that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing. This property was previously approved, however, the plat could not be filed until all property taxes were paid by the current owner.

Sincerely,

A handwritten signature in cursive script that reads 'Roberta Campbell'.

Roberta Campbell
Summertree Homes by Kim Brooks
JD Home Builder Corp.
792-5439 ext. 2



For more current information and more details visit: <http://www.cabq.gov/gis>

Map amended through: 5/17/2007

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
H-09-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

Feet



CERTIFIED MAIL/RETURN RECEIPT REQUESTED

May 24, 2010

Mr. D. Anthony Segura
2000 Selway Pl, NW
Albuquerque, NM 87120

RE: Vacation of Public Easements
Lot 5, Cielo Oeste

Dear Mr. Segura:

The City of Albuquerque's Office of Neighborhood Coordination has informed us that you are a representative of the Tres Volcanes Neighborhood Association.

This letter is to advise you that JD Home Builder Corp., is seeking approval of vacation of public easement. This project is for the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted and exhibit that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing. This property was previously approved, however, the plat could not be filed until all property taxes were paid by the current owner.

Sincerely,

A handwritten signature in cursive script that reads 'Roberta Campbell'.

Roberta Campbell
Summertree Homes by Kim Brooks
JD Home Builder Corp.
792-5439 ext. 2

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 0.44	0118 05 MAY 27 2010 Postmark Here 71114 05/27/2010
Certified Fee	\$2.80	
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$3.24	

Sent To Fernald Warkalase
 Street, Apt. No.,
 or PO Box No. 1039 Pinatubo PINW
 City, State, ZIP+4
Albino NM 87120

PS Form 3800, August 2006

See Reverse for Instructions

7009 1680 0000 3406 3108

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 0.44	0118 05 MAY 27 2010 Postmark Here 71114 05/27/2010
Certified Fee	\$2.80	
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$3.24	

Sent To D. Anthony Seaward
 Street, Apt. No.,
 or PO Box No. 2000 Seaway PO NW
 City, State, ZIP+4
Albuquerque NM 87120

PS Form 3800, August 2006

See Reverse for Instructions

7009 1680 0000 3406 3115

HEARING DATE 6-23-10 (VPE)

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub. Regs)
- Street Name Change (Local & Collector)
- APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): _____ PHONE: _____
 ADDRESS: _____ FAX: _____
 CITY: _____ STATE _____ ZIP _____ E-MAIL: _____

APPLICANT: JD HOME BUILDER Corp PHONE: 792-5439
 ADDRESS: PO. BOX 90925 FAX: 897-3296
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: _____
 Proprietary interest in site: owner List all owners: _____

DESCRIPTION OF REQUEST: VACATION OF PUBLIC EASEMENT

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. LOT 5 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: CIELO DATE SUBDIVISION
 Existing Zoning: RD Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): H9 UPC Code: 100905929002530314

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
DRB-1001939

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 1 No. of proposed lots: 1 Total area of site (acres): 0.1007
 LOCATION OF PROPERTY BY STREETS: On or Near: CASA FLORIDA PL. NW
 Between: CASA VISTAS CT. NW and CASA LINDA CT. NW

Check-off if project was previously reviewed by Sketch Plat/Plan or Pre-application Review Team . Date of review: _____

SIGNATURE Roberta Campbell DATE 5/24/10
 (Print) _____ Applicant: Agent:

FOR OFFICIAL USE ONLY

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
10 DRB- 70156	VFE	✓	\$ 45.00
	ADV		\$ 75.00
	CME		\$ 20.00
			\$
			\$
			\$
			\$
			\$
			Total
			\$ 140.00

Hearing date 06/23/10
Sandy Handley 05/28/10 Project # 1001939
 Planner signature / date

Form revised 4/07

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE (DRB04)** (PUBLIC HEARING CASE)
 ___ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
 ___ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
 ___ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 ___ Sign Posting Agreement
 ___ Fee (see schedule)
 ___ List any original and/or related file numbers on the cover application.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- VACATION OF PUBLIC EASEMENT (DRB27)**
 VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)
 ✓ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
 (Not required for City owned public right-of-way.)
 ✓ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
 ✓ Zone Atlas map with the entire property(ies) clearly outlined
 ✓ Letter briefly describing, explaining, and justifying the request
 ✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 ✓ Sign Posting Agreement
 ✓ Fee (see schedule)
 ✓ List any original and/or related file numbers on the cover application
 Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- SIDEWALK VARIANCE (DRB20)**
 SIDEWALK WAIVER (DRB21)
 ___ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
 ___ Zone Atlas map with the entire property(ies) clearly outlined
 ___ Letter briefly describing, explaining, and justifying the variance or waiver
 ___ List any original and/or related file numbers on the cover application
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)**
 ___ Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
 ___ Zone Atlas map with the entire property(ies) clearly outlined
 ___ Letter briefly describing, explaining, and justifying the variance
 ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 ___ Sign Posting Agreement
 ___ Fee (see schedule)
 ___ List any original and/or related file numbers on the cover application
DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
 EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)
 ___ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 ___ Zone Atlas map with the entire property(ies) clearly outlined
 ___ Letter briefly describing, explaining, and justifying the deferral or extension
 ___ List any original and/or related file numbers on the cover application
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- VACATION OF PRIVATE EASEMENT (DRB26)**
 VACATION OF RECORDED PLAT (DRB29)
 ___ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 ___ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 ___ Zone Atlas map with the entire property(ies) clearly outlined
 ___ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
 ___ Letter of authorization from the grantors and the beneficiaries (private easement only)
 ___ Fee (see schedule)
 ___ List any original and/or related file numbers on the cover application
 Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

ROBERTA Campbell
 Applicant name (print)
Roberta Campbell 5/24/10
 Applicant signature / date



- Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed

Application case numbers
ODPB - 70156

Form revised 4/07
Sandy Handley 05/28/10
 Planner signature / date
 Project # 1001939

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 JUNE 8, 2010 To JUNE 23, 2010

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.

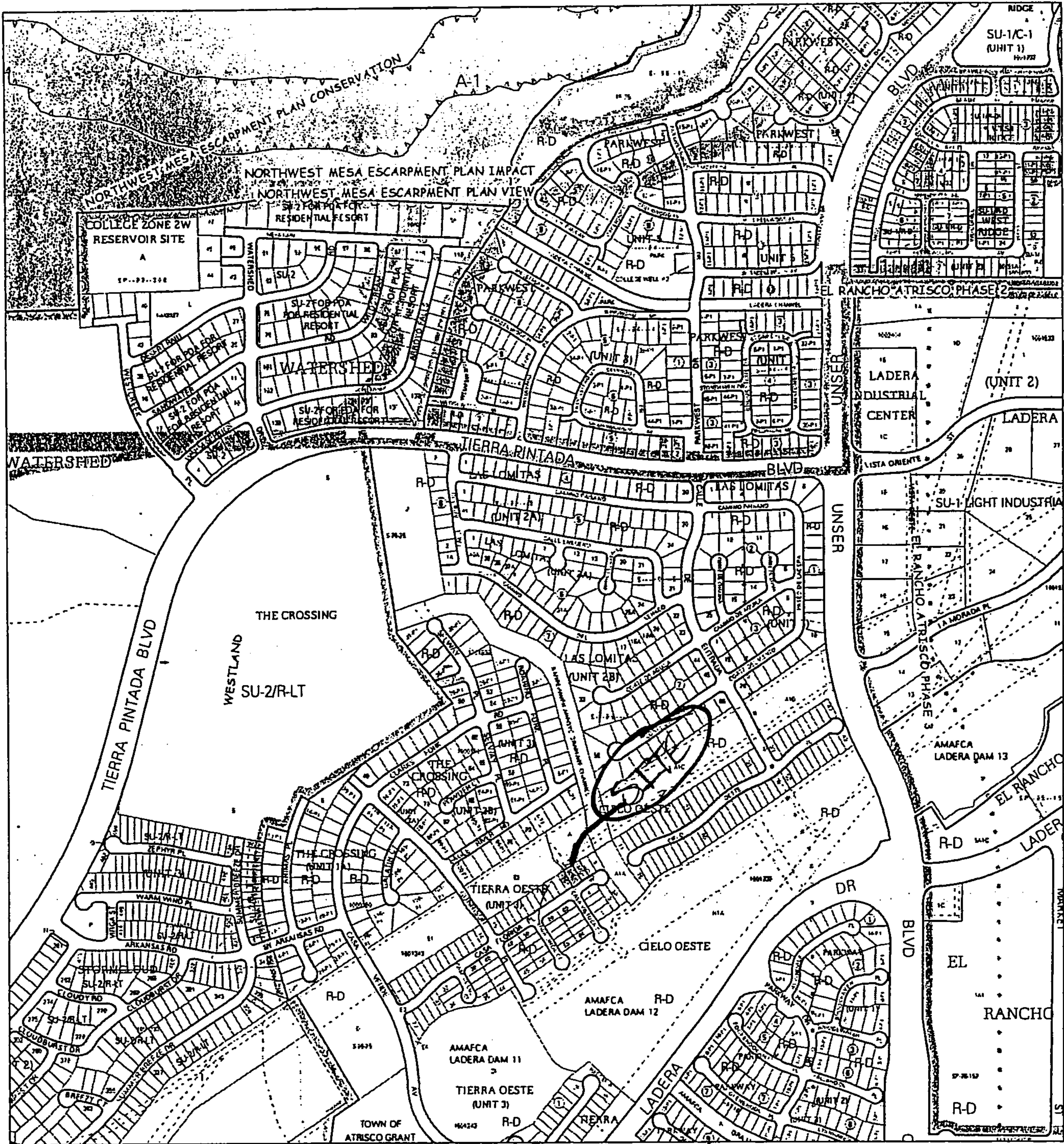
I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Roberta Campbell
(Applicant or Agent)


5/28/10
(Date)

I issued 1 signs for this application, 05/28/10 Sandra Handley
(Date) (Staff Member)

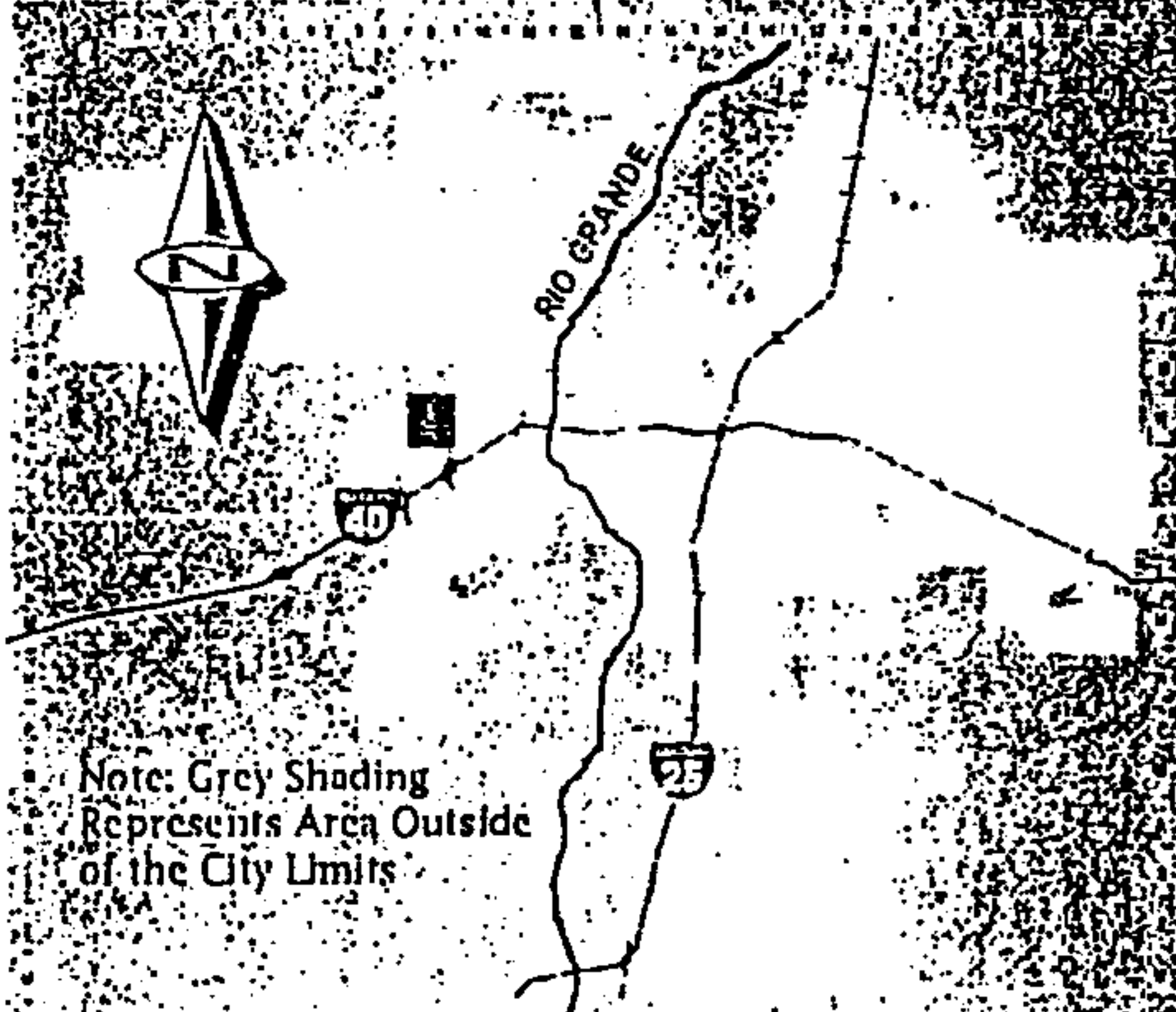
DRB PROJECT NUMBER: 1001939



For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 5/17/2007



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
H-09-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1,500 Feet



May 24, 2010

Jack Cloud, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Resubmittal for Vacation of Public Easements
Lot 5, Cielo Oeste DRB#1001939

Dear Mr. Cloud:

Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Application
- Twenty four (24) copies of the location request for the vacation of easements (Exhibit A)
- Letter from the Office of Neighborhood Coordination and related data,
- Zone Atlas Map showing the location of the property; and
- Fee in the amount of \$140.00

The purpose of this is to resubmit for vacation of eight feet of an existing twenty foot sanitary sewer easement. The home is currently encroaching upon the twenty foot easement.

Please place this item on the DRB Agenda to be heard as soon as possible. This vacation was granted in 2007 however, we were unable to file the plat within a year of the approved vacation because the owner had not paid all of her property taxes, which are now up to date.

If you have any questions, or require any additional information, please feel free to contact me at (505) 610-2451.

Sincerely,

A handwritten signature in cursive script that reads 'Roberta Campbell'.

Roberta Campbell
Summertree Homes by Kim Brooks
JD Home Builder Corp.



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

SEPTEMBER 26, 2007

1. Project# 1001939
07DRB-70233 VACATION OF PUBLIC EASEMENT

BOHANNAN HUSTON INC agent(s) for JD HOME BUILDER CORP. request(s) the above action(s) for all or a portion of Lot(s) 5, CIELO OESTE SUBDIVISION, zoned R-D, located on CASA FLORIDA PL NW BETWEEN CASA VISTOSA CT NW AND CASA LINDA CT NW containing approximately 0.1007 acre(s). (H-9)

At the September 26, 2007, Development Review Board meeting, the vacation was approved with the following condition. Prior to replat approval, the existing sanitary sewer line must be abandoned and relocated to the satisfaction of the Water Authority. The vacation was approved as shown on Exhibit B in the Planning file per Section 14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

(A)(1) The 8-foot of the existing 20-foot public sanitary sewer public easment vacation request was filed by the owners of a majority of the rear footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the 8-foot of the existing 20-foot public sanitary sewer public easment.

(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. 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

If you wish to appeal this decision, you must do so by October 11, 2007, 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.

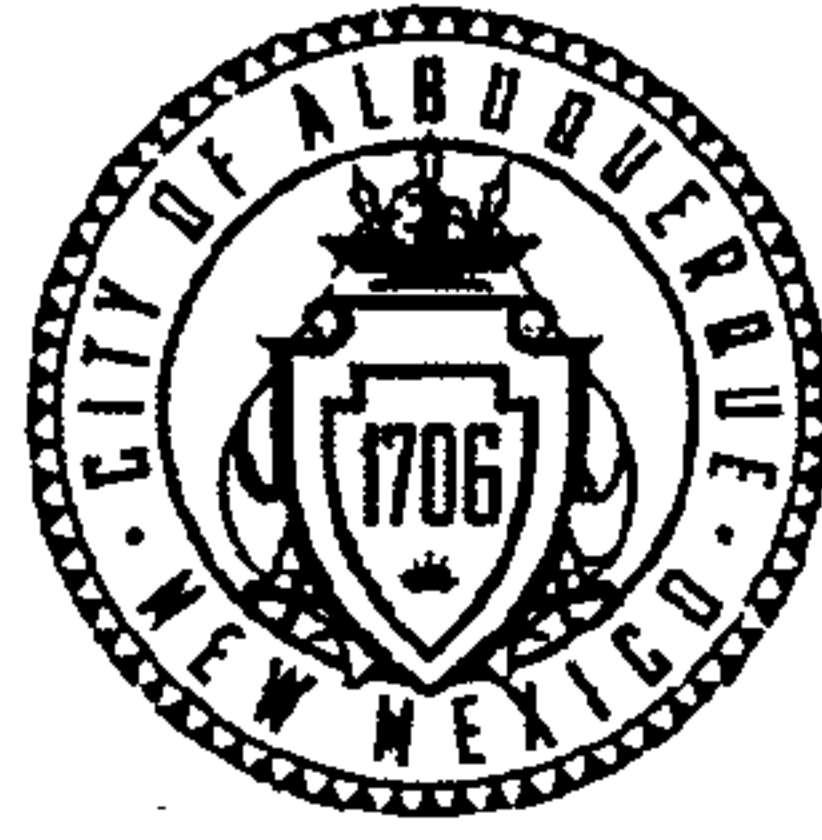
If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

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.)

Sheran Matson, AICP, DRB Chair

Cc: JD Home Builder Corp, PO Box 90218, 87199
Bohannon Huston Inc, 7500 Jefferson NE, 87109
Marilyn Maldonado, Planning Department, 4th floor, Plaza del Sol Bldg.
File



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

May 21, 2010

Roberta Campbell
Bohannan Huston Inc.
7500 Jefferson NE/87109
Phone: 505-823-1000/Fax: 505-798-7988

PLEASE NOTE: The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Dear Roberta:

Thank you for your inquiry of May 21, 2010 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) – LOT 5, CIELO OESTE SUBDIVISION, LOCATED ON CASA FLORIDA PLACE NW, BETWEEN CASA VISTOSA COURT NW AND CASA LINDA COURT NW** zone map **H-9**.

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

TRES VOLCANES N.A. (TVN) "R"

Gerald Worrall

1039 Pinatubo Pl. NW/87120 839-0893 (h)

D. Anthony Segura

2000 Selway Pl. NW/87120 404-0707 (h)

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani I. Winklepleck

Neighborhood Liaison

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

**LETTERS MUST BE SENT TO BOTH
CONTACTS OF EACH
NEIGHBORHOOD AND/OR
HOMEOWNER ASSOCIATION.**

planningrnaform(12/06/07)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.>").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
 - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

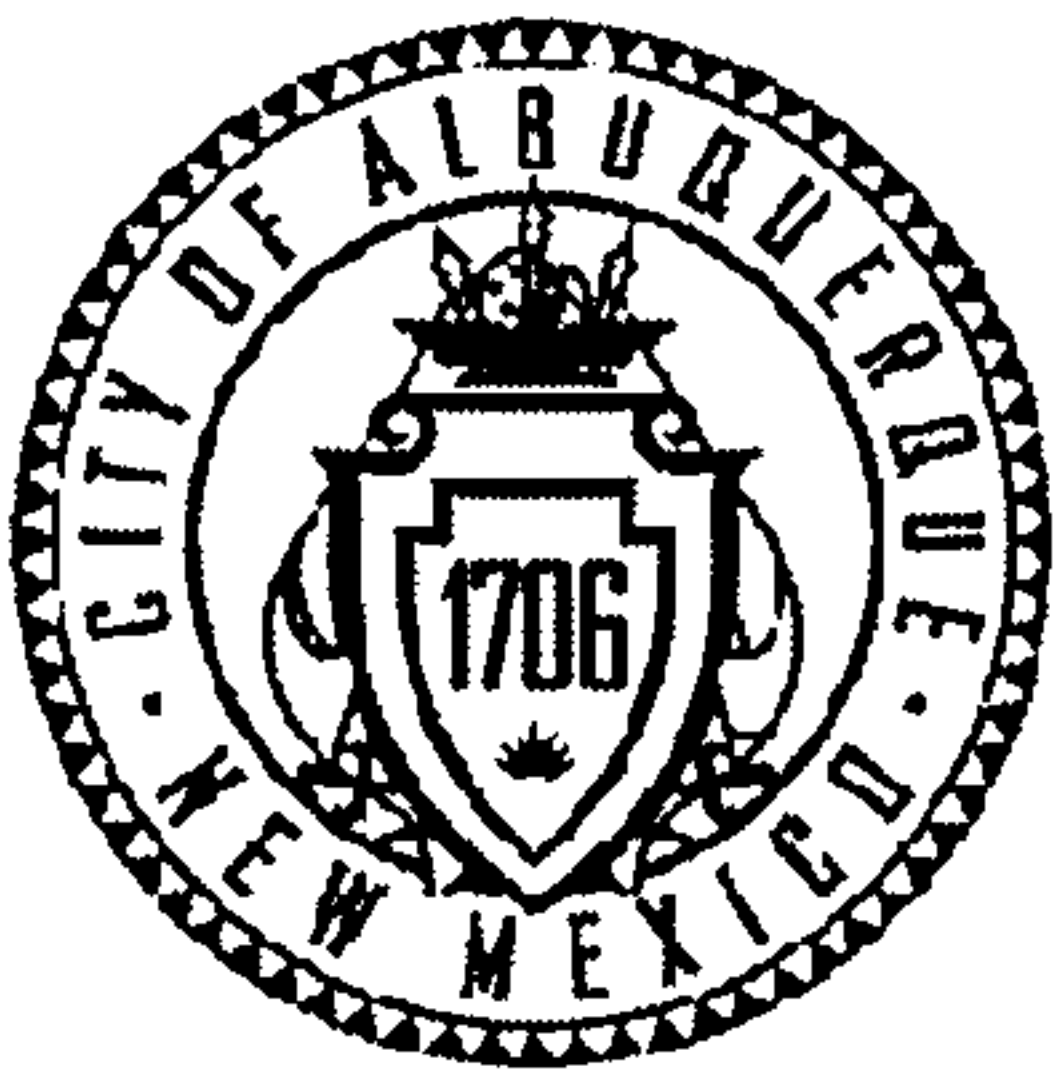
Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: **05/21/10** Time Entered: **3:45 p.m.** ONC Rep. Initials: **siw**



DEVELOPER INQUIRY SHEET

(To be completed prior to application submittal)

The Office of Neighborhood Coordination (ONC) located in Room 120 (basement) of the Plaza Del Sol Building, 600 Second Street NW, Fax: (505) 924-3913 – will need the following information **BEFORE** neighborhood and/or homeowner association information will be released to the applicant/agent on any project being presented to the Planning Department of the City of Albuquerque. If you have any questions, please feel free to contact our office at (505) 924-3914. **Your Developer Inquiry is for the following:**

- Cell Tower Submittal: Free-Standing Tower -OR- Concealed Tower
- EPC Submittal DRB Submittal LUCC Submittal Liquor Submittal
- Administrative Amendments (AA's) Submittal City Project Submittal

CONTACT NAME: Roberta Campbell

COMPANY NAME: 4D Home Builder Corp

ADDRESS/ZIP: P.O. Box 90925, Albuq., NM 87199

PHONE: 792-5439 ext. 2 FAX: 877-3096

LEGAL DESCRIPTION INFORMATION

PLEASE FORWARD INFORMATION ON ANY NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION IN THE AREA OF THE PROPERTY DESCRIBED BELOW:

LOT 5, Cielo Norte Subdivision

LOCATED ON CASA Florida P.O. NW LEGAL DESCRIPTION

STREET NAME OR OTHER IDENTIFYING LANDMARK

BETWEEN CASA VISTASA Ct. NW AND

STREET NAME OR OTHER IDENTIFYING LANDMARK

CASA Linda Ct. NW

STREET NAME OR OTHER IDENTIFYING LANDMARK

THE SITE IS INDICATED ON THE FOLLOWING ZONE ATLAS PAGE (H9).

(PLEASE MARK/HATCH ZONE MAP WHERE PROPERTY IS LOCATED)

(Zone Map MUST be provided with request)



CERTIFIED MAIL/RETURN RECEIPT REQUESTED

May 24, 2010

Mr. Gerald Worrall
1039 Pinatubo Pl. NW
Albuquerque, NM 87120

RE: Vacation of Public Easements
Lot 5, Cielo Oeste

Dear Mr. Worrall:

The City of Albuquerque's Office of Neighborhood Coordination has informed us that you are a representative of the Tres Volcanes Neighborhood Association.

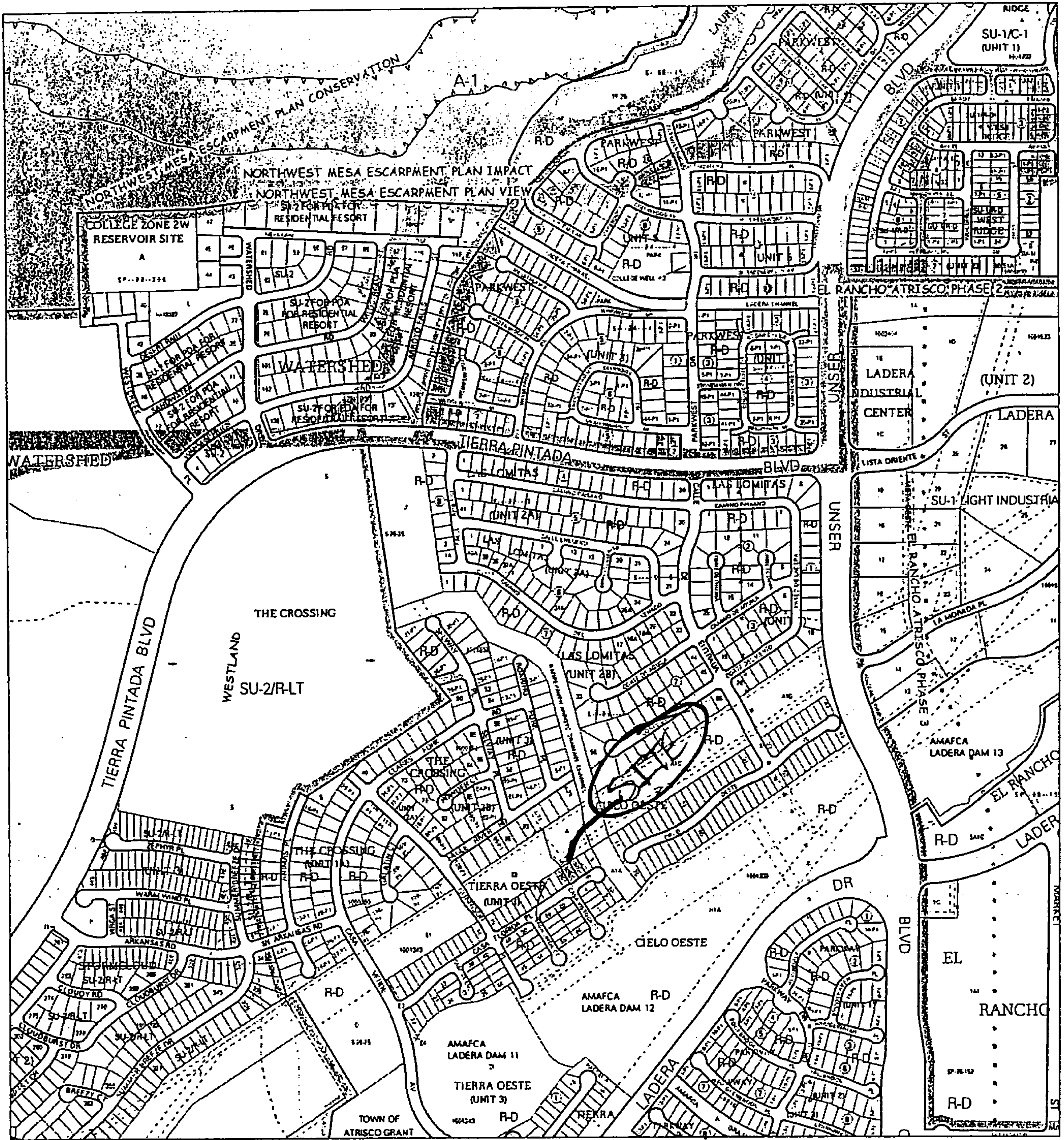
This letter is to advise you that JD Home Builder Corp., is seeking approval of vacation of public easement. This project is for the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted and exhibit that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing. This property was previously approved, however, the plat could not be filed until all property taxes were paid by the current owner.

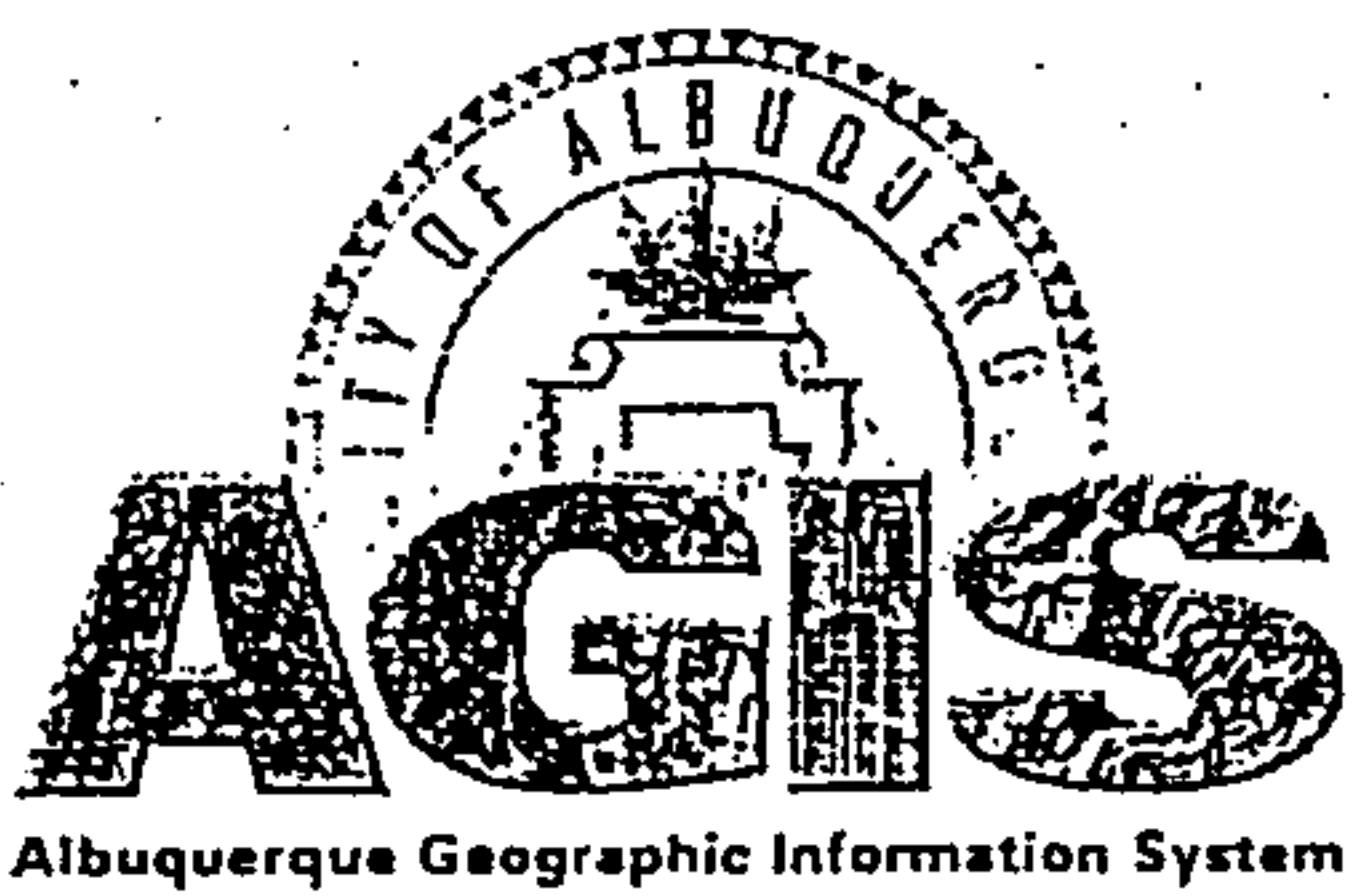
Sincerely,

A handwritten signature in cursive script that reads 'Roberta Campbell'.

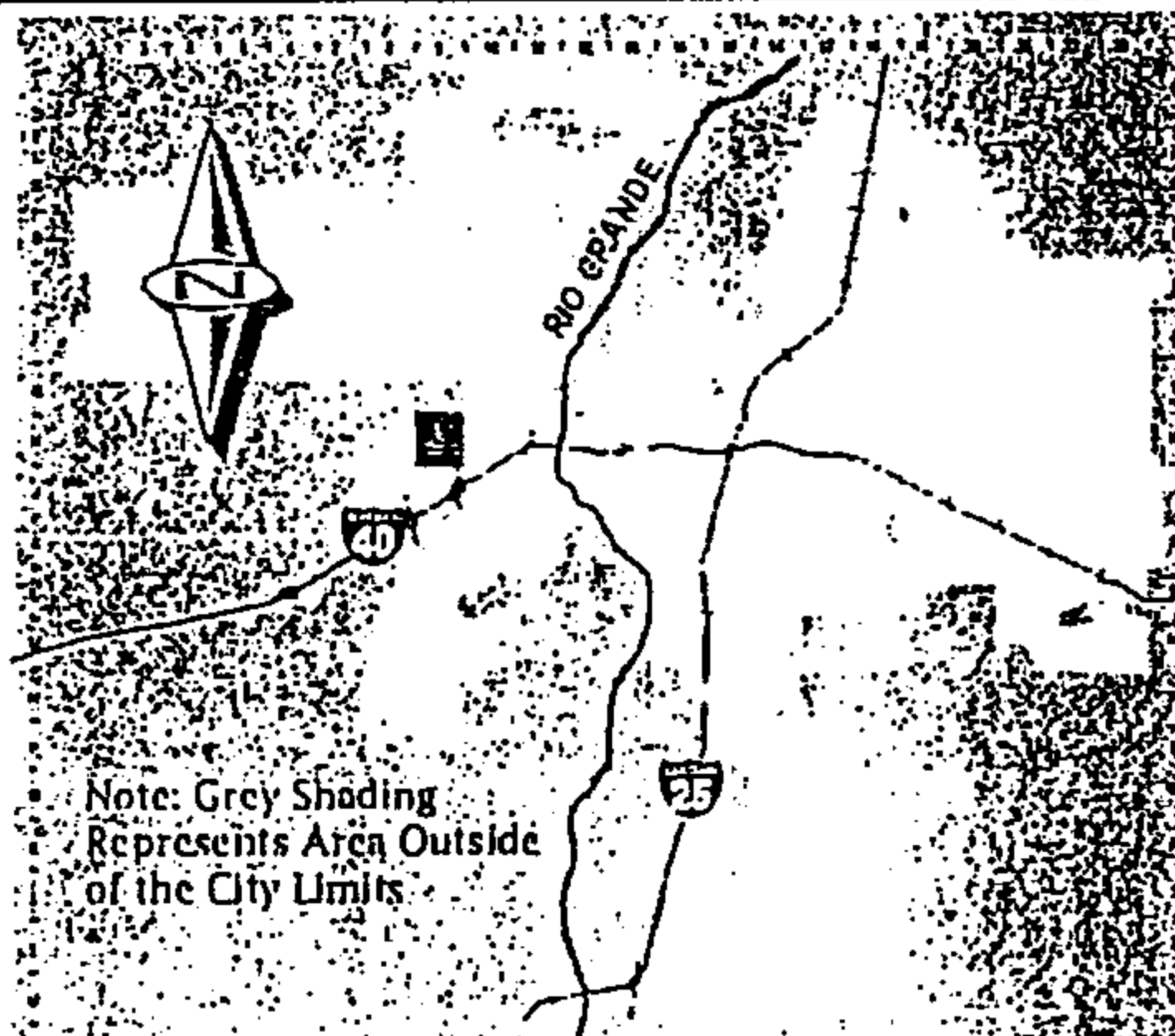
Roberta Campbell
Summertree Homes by Kim Brooks
JD Home Builder Corp.
792-5439 ext. 2



For more current information and more details visit: <http://www.cabq.gov/gis>



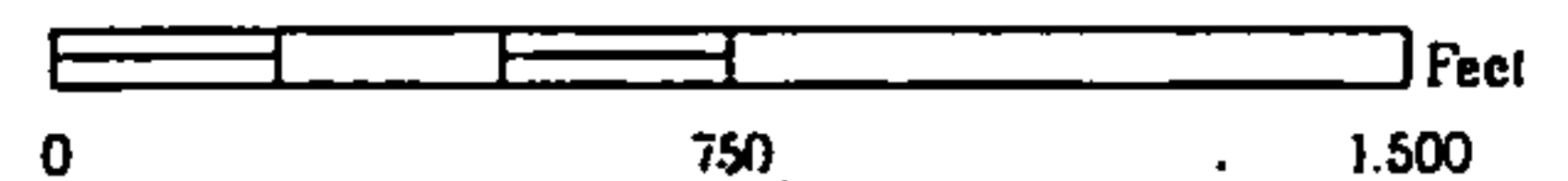
Map amended through: 5/17/2007



Zone Atlas Page:
H-09-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone





CERTIFIED MAIL/RETURN RECEIPT REQUESTED

May 24, 2010

Mr. D. Anthony Segura
2000 Selway Pl, NW
Albuquerque, NM 87120

RE: Vacation of Public Easements
Lot 5, Cielo Oeste

Dear Mr. Segura:

The City of Albuquerque's Office of Neighborhood Coordination has informed us that you are a representative of the Tres Volcanes Neighborhood Association.

This letter is to advise you that JD Home Builder Corp., is seeking approval of vacation of public easement. This project is for the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted and exhibit that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing. This property was previously approved, however, the plat could not be filed until all property taxes were paid by the current owner.

Sincerely,

A handwritten signature in cursive script that reads 'Roberta Campbell'.

Roberta Campbell
Summertree Homes by Kim Brooks
JD Home Builder Corp.
792-5439 ext. 2

7009 1680 0000 3406 3108

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Return Receipt Fee (Endorsement Required)		\$0.00	27
Restricted Delivery Fee (Endorsement Required)		\$0.00	2010
Total Postage & Fees	\$	\$3.24	05/27/2010

Sent To Gerald Warkalase
 Street, Apt. No.,
 or PO Box No. 1039 Pinatubo Pl NW
 City, State, ZIP+4
Albany NM 87120

PS Form 3800, August 2006 See Reverse for Instructions

7009 1680 0000 3406 3115

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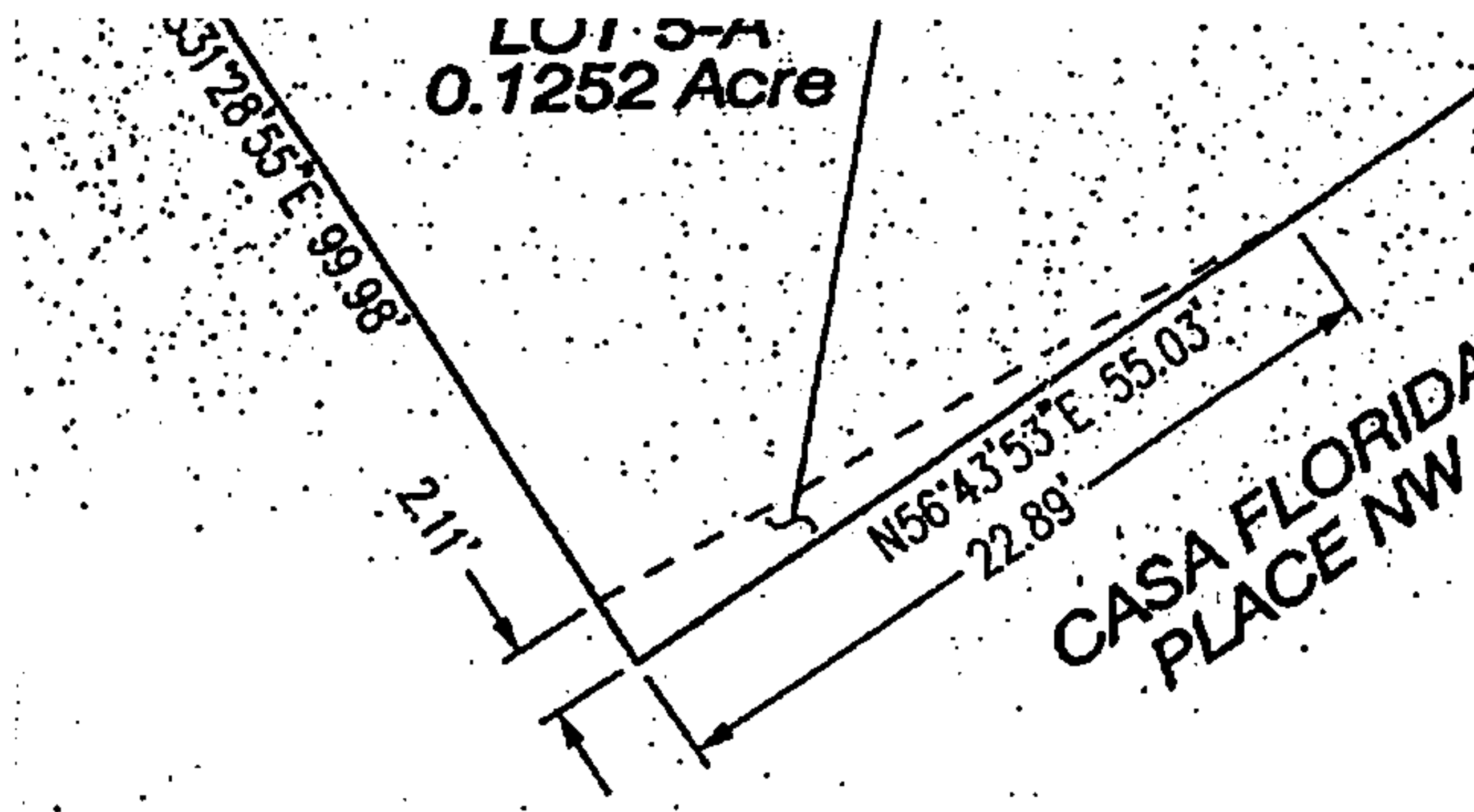
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ALBUQUERQUE NM 87120
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Restricted Delivery Fee (Endorsement Required)		\$0.00	2010
Total Postage & Fees	\$	\$3.24	05/27/2010

Sent To D. Anthony Seaward
 Street, Apt. No.,
 or PO Box No. 2000 Seaway Pl NW
 City, State, ZIP+4
Albuquerque NM 87120

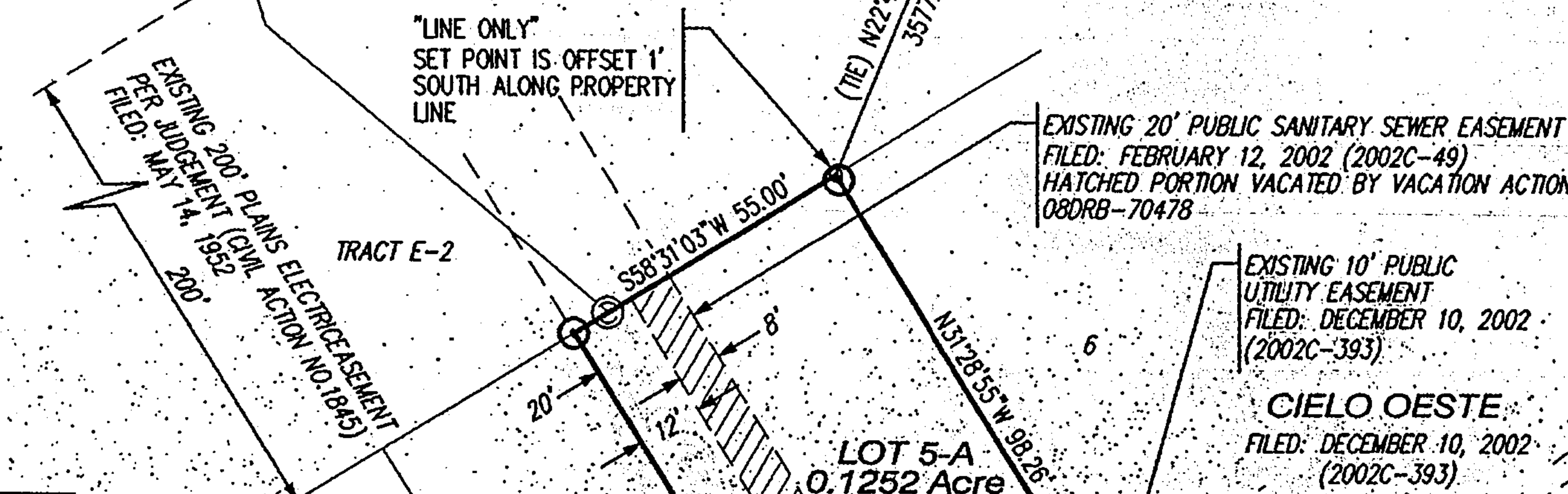
PS Form 3800, August 2006 See Reverse for Instructions



DETAIL "A"
NOT TO SCALE

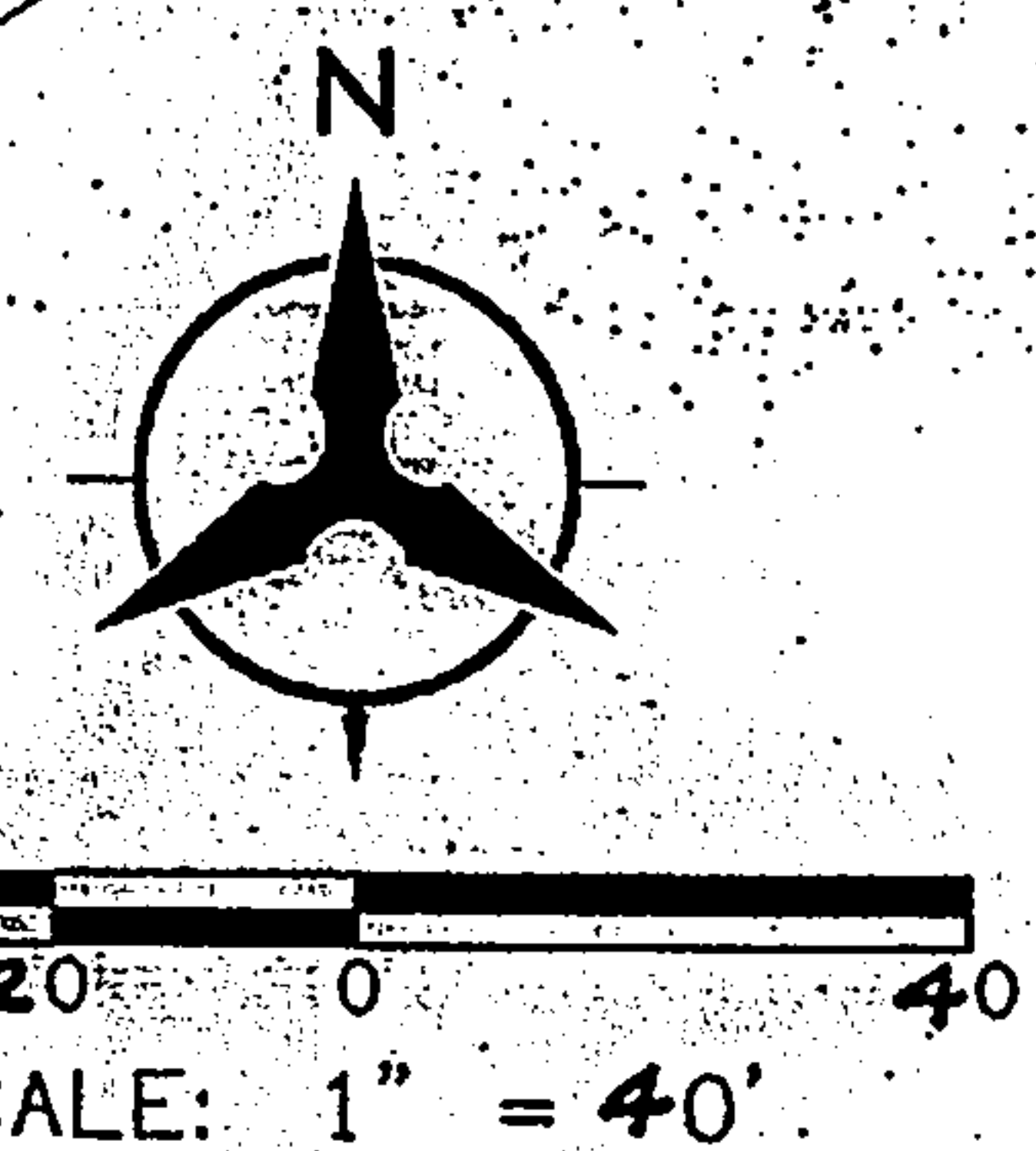
TRACT A
THE CROSSING
UNIT 3
FILED: JULY 28, 2004
(2004C-216)

ACS BRASS CAP STAMPED "3-H9 2004"
GEOGRAPHIC POSITION: (NAD 83)
NM-STATE PLANE COORDINATES (CENTRAL ZONE)
N=1496938.322 E=1496470.170
GROUND TO GRID FACTOR = 0.999678486
DELTA ALPHA = -0°16'36.72"
NAVD 1988 ELEVATION = 5209.519



LEGEND

- BOUNDARY LINE
- - - CENTERLINE
- - - PROPOSED EASEMENT LINE
- - - EXISTING EASEMENT LINE
- - - ADJOINING PROPERTY LINE
- ▲ CITY OF ALBUQUERQUE CONTROL MONUMENT
- FOUND CENTERLINE MONUMENT - ALUMINUM CAP STAMPED "WEAVER LS 6544"
- SET #5 REBAR WITH YELLOW PLASTIC SURVEY CAP STAMPED "GROMATZKY PS 16469"
- ✕ FOUND CHISELED "X" IN CONCRETE
- ⊙ SET PK NAIL WITH BRASS TAG STAMPED "PS 16469"
- ✕ SET CHISELED "X" IN SIDEWALK
- ⊙ FOUND REBAR/CAP STAMPED "CS CROSHAW 14733"



DRB CHAIRPERSON,
REAL PROPERTY DIV
TAX CERTIFICA
THIS IS TO CERTIFY
PARCEL #
BERNALILLO COUNT

SURVEYOR'S CL
I, Robert Gromatzky, a re
for this survey and that th
as shown on the plat of n
interested parties and co
Professional Engineers a
monumentation and sur
true and accurate to the

Robert Gromatzky
Robert Gromatzky
New Mexico Professiona
Date: July 13, 2009

