



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

10-30-2003

10. Project # 1001939

03DRB-00753 Major-Vacation of Public Easements

03DRB-00752 Major-Preliminary Plat Approval

03DRB-00788 Minor-Temp Defer SDWK

WILSON & COMPANY INC agent(s) for WESTLAND DEVELOPMENT CO INC request(s) the above action(s) for all or a portion of Tract(s) A1B, **The Crossing - Unit 3**, Tract A, **CIELO OESTE**, zoned R-D, located on GUNNISON PL NW, between UNSER BLVD NW and 98TH ST NW containing approximately 15 acre(s). [REF: 1000150, 1000207, 1000515, 1001939] [*Deferred from 6/4/03, 6/18/03 AND 6/25/03 and 10/29/03*] (H-9)

At the October 29, 2003, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file, subject to these provisions:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements, or:
2. There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.
3. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
4. Final disposition shall be through the City Real Estate Office.
5. 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 10/29/03 and approval of the grading plan engineer stamp dated 10/23/03 the preliminary plat was approved with the following conditions of final plat approval:

CONDITIONS:

1. The AMAFCA easements shall be vacated through the AMAFCA Board prior to final plat approval.



OFFICIAL NOTICE OF DECISION
PAGE 2

2. Public roadway easements through Lot 2-A shall be obtained prior to final plat approval.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by November 13, 2003, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Division form, to the Planning Division, 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 a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

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: Westland Development Co., 401 Coors Blvd NW, 87121
Wilson & Company, Inc., 4900 Lang Ave NE, 87109
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 3, 2008

Project# 1001939
08DRB-70478 VACATION OF PUBLIC EASEMENT

BOHANNAN HUSTON INC agent(s) for JD HOME BUILDER INC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 5, **CIELO OESTE SUBDIVISION**, zoned R-D, located on the north side of CASA FLORIDA PL NW BETWEEN CASA VISTOSA CT NW AND CASA LINDA CT NW containing approximately .12 acre. (H-9)

At the December 3, 2008 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 rear footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public easement.

(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:

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 December 18, 2008 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: Bohannon Huston, Inc/CDP1 Sally – 7500 Jefferson NE – Albuquerque, NM 87109

Cc: JD Homes Builder Inc. – P.O. Box 90218 – Albuquerque, NM 87199

Marilyn Maldonado

File



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 14-14-7-2(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



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