



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 22, 2008

Project# 1002123

08DRB-70412 VACATION OF PUBLIC RIGHT-OF-WAY

DEL'S HIDE-A-WAY PARK LTD request(s) the referenced/ above action for all or a portion of **SAN CLEMENTE AVENUE NW**, located BETWEEN 4TH ST NW AND ALAMEDA DRAIN containing approximately .8368 acre(s).

At the October 22, 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 right-of-way 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) Based on the following conditions, 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 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. Access, drainage and utility easements shall be retained in the vacated right-of-way.

If you wish to appeal this decision, you must do so by November 6, 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.)

A handwritten signature in cursive script, appearing to read "Jack Cloud".

Jack Cloud, AICP, DRB Chair

Cc: Phillip D. Sheets – P.O. Box 6901 – Albuquerque, NM 87197

Cc: Priscilla & Billy Stevens – 4220 4th St. NW – Albuquerque, NM 87107

Cc: Georgia M. – 2403 San Mateo Blvd Ste W11D – Albuquerque, NM 87110

Cc: Marilyn Maldonado

Cc: Scott Howell

File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 20, 2010

Project# 1002123
09DRB-70395 VACATION OF PUBLIC EASEMENT(S)

DEL'S HIDE-A-WAY PARK, LTD request(s) the referenced/ above action(s) for a 35 ft Water Meter Easement on Tract G and Lots 25 & 30, plus vacation of a Road, Utility and Sidewalk/ (Turnaround) Easement on Tract H, **DELS HIDE-A-WAY**, zoned SU-1/ RT Uses, located on the north side of SAN CLEMENTE AVE NW between 4TH ST NW and 2ND ST NW. (G-14)

At the January 20, 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), (2) and (3) of the Subdivision Ordinance.

Findings

(A)(1) The January 20, 2010, vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) Subject to retaining appropriate easements. the public welfare is in no way served by retaining the right of way; The City of Albuquerque and ABCWUA do not anticipate any need to utilize the existing easements.

(B)(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; it is the opinion of the Development Review Board that the removal of the existing easements will provide a net benefit to the public welfare by allowing for improvements to proceed per the approved site development plan.

(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 approving the vacation and no objection regarding access or the abridgement of a substantial property right was raised.

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.

If you wish to appeal this decision, you must do so by February 4, 2010 in the manner described below.

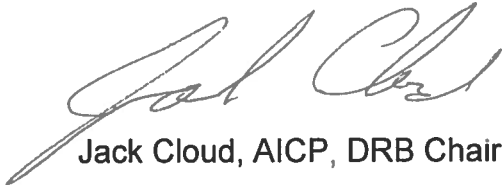
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Del's Hide-a-Way Park Ltd – P.O. Box 6901 – Albuquerque, NM 87197
Marilyn Maldonado
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 11, 2010

Project# 1002123
10DRB-70209 SIDEWALK WAIVER

DEL'S HIDE-A-WAY PARK, LTD request(s) the above action(s) for all or a portion of **SAN CLEMENTE (AVE) WAY NW** zoned SU-1 RT, located on SAN CLEMETE (AVE) NW BETWEEN 4TH ST NW AND 2ND ST NW (G-14) [*Deferred from 8/4/10*]

At the August 11, 2010 Development Review Board meeting, a sidewalk variance for waiver of the sidewalk was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by August 26, 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).

Jack Cloud, AICP, DRB Chair

Cc:
Marilyn Maldonado
file



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 31, 2010

Project# 1002123

10DRB-70076 VACATION OF PUBLIC RIGHT-OF-WAY

DEL'S HIDE-A-WAY PARK LTD request(s) the referenced/ above action(s) for all or a portion of **SAN CLEMENTE AVENUE NW**, located on the east side of 4TH ST NW to the **NORTH ALAMEDA DRAIN** [re-application of expired vacation 08DRB-70412] (G-14)

At the March 31, 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), (2) and (3) of the Subdivision Ordinance.

Findings

(A)(1) The 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 right of way; The City of Albuquerque does not anticipate any need to utilize the existing right of way for public roadway purposes, based on the proposed re-subdivision and private roadway.

(B)(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; it is the opinion of the Transportation Development Division that the removal of the existing public access easement will provide a net benefit to the public welfare by decreasing public maintenance responsibilities.

(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 approving the vacation and 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 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.

If you wish to appeal this decision, you must do so by April 15, 2010 in the manner described below.

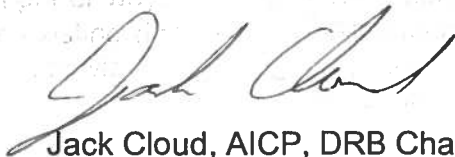
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Del's Hide-a-way Park, LTD – Philip D. Sheets – P.O. Box 6901 –
Albuquerque, NM 87197-6901

Cc: Marilyn Maldonado

Cc: Scott Howell

File