



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

October 20, 2004

### 4. Project # 1002334

04DRB-01482 Major-Vacation of Public Easements  
04DRB-01479 Minor-Prelim&Final Plat Approval  
04DRB-01480 Minor-Sidewalk Waiver  
04DRB-01481 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for HARVEST HOMES, LLC request(s) the above action(s) for all or a portion of Block(s) 19-A FOOTHILLS ESTATES, (to be known as **COPPER PARK SUBDIVISION**, zoned R-T residential zone, located on COPPER AVE NE, between CHELWOOD PARK BLVD NE and CHICO RD NE containing approximately 1 acre(s). [REF: Z-91-1, ZA-83-17, 02EPC01695, 03DRB00333] (K-22)

At the October 20, 2004, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

#### FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. 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 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 10/20/04 and approval of the grading plan engineer stamp dated 9/24/04 the preliminary plat was approved with the following condition of final plat:

The final plat cannot be approved until existing water line between Copper NE and San Jacinto NE has been removed or financially guaranteed.

The final plat was indefinitely deferred for the Subdivision Improvements Agreement (SIA).



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A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file. 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 4, 2004 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 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: Harvest Homes LLC, P.O. Box 92246, 87199  
Mark Goodwin & Associates PA, P.O. box 90606, 87199  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

3-27-2003

### 2. Project # 1002334

03DRB-00333 Major-Vacation of Public Easements  
03DRB-00334 Major-Vacation of Public Easements  
03DRB-00335 Major-Vacation of Public Easements  
03DRB-00336 Minor-Sketch Plat or Plan

JEFF MORTENSEN & ASSOCIATES INC., agent(s) for JOHN R POSEN request(s) the above action(s) for all or a portion of Lot(s) 19A, Block(s) 19A, **FOOTHILLS ESTATES**, and Lot(s) 1-11, **COPPER PARK**, zoned R-T, located on COPPER AVE NE, between CHELWOOD BLVD NE and TRAMWAY BLVD NE containing approximately 1 acre(s). [REF: 02EPC-01695] (K-22)

At the March 26, 2003, Development Review Board meeting, the Vacations were approved as shown on Exhibit B in the Planning file, subject to the Findings and Conditions of the Subdivision Ordinance as follows:

#### FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. 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.
3. Final plat cannot be approved until existing waterline between Copper and San Jacinto has been abandoned and removed.

THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.



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If you wish to appeal this decision, you must do so by April 10, 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 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.)

For Sheran Matson, AICP, DRB Chair

cc: John Posen, 2521 Candelaria Rd NW, 87107  
Jeff Mortensen & Associates Inc., 6010-B Midway Park Blvd NE, 87109  
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.  
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
File