



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 21, 2013

Project# 1002632

13DRB-70627 VACATION OF PUBLIC EASEMENT

13DRB-70628 MINOR - TEMP DEFERRAL OF SIDEWALK CONSTRUCTION

13DRB-70629 MAJOR - PRELIMINARY PLAT APPROVAL

TIERRA WEST LLC agents for FLASH RESOURCES, LLC request the referenced/ above actions for all or a portion of Tracts A-1 & B-1, **THE BOULDERS [Phase III]** zoned R-LT, located on the west side of UNSER BLVD NW between PARADISE BLVD NW and PASEO DEL NORTE NW containing approximately 18.97 acre(s). (B-10 & 11) *[Deferred from 8/14/13]*

At the August 21, 2013 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. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on exhibit in the planning file. With an approved grading and drainage plan engineer stamp dated 8/16/13 and with the signing of the infrastructure list date 8/21/13, the preliminary plat was approved.

Findings

The request was filed by the owner of all the frontage of the proposed vacation of easement.

The public welfare is in no way served by retaining the easement;
The City of Albuquerque does not anticipate any need to utilize the existing easement based on the proposed replat.

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 September 5, 2013 in the manner described below.

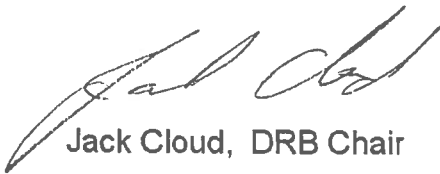
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)



Jack Cloud, DRB Chair

Cc: TIERRA WEST LLC
Marilyn Maldonado
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 18, 2009

Project# 1002632

09DRB-70071 MAJOR - 2 YEAR EXTENSION OF SUBDIVISION
IMPROVEMENTS AGREEMENT

TIERRA WEST LLC agent(s) for AMGO LLC & CAPITAL ALLIANCE INVESTMENTS request(s) the referenced/ above action(s) for all or a portion of **SUNDANCE ESTATES UNIT 1A**, zoned R-LT, located on the east side of UNSER BLVD NW between PARADISE BLVD NW AND PASEO DEL NORTE NW containing approximately 32.2706 acre(s). (B-11)

At the March 18, 2009 Development Review Board meeting, an extension of the subdivision improvement agreement (SIA) for the procedure "B" modified was approved, and set to expire 6/1/2010. An extension of the subdivision improvement agreement (SIA) for the procedure "B" was approved, and set to expire 10/1/2009.

If you wish to appeal this decision, you must do so by April 2, 2009, 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: Tierra West LLC – 5571 Midway Park Place NE – Albuquerque, NM 87109
Cc: AmGo LLC 7 Capital Alliance Investments – 4461 Irving Blvd NE Ste 348 –
Albuquerque, NM 87114
Marilyn Maldonado
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE

June 23, 2010

PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

Project # 1002632

10DRB-70175 EXT OF SIA FOR TEMP DEFR SDWK CONST

TIERRA WEST LLC agent(s) for CAPITAL ALLIANCE INVESTMENTS request(s) the above action(s) for all or a portion of **SUNDANCE ESTATES Unit(s) 1 & 1-B**, zoned R-LT, located on LYON BLVD NW BETWEEN PARADISE BLVD NW AND PROPOSED UNSER ALIGNMENT containing approximately 32.3 acre(s). (B-11)

At the June 23, 2010 Development Review Board meeting, a two year extension for the deferral of sidewalks was approved.

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).

A handwritten signature in black ink, appearing to read "Jack Cloud".

Jack Cloud, AICP, DRB Chair

Cc: Tierra West LLC – 5571 Midway Park Place NE – Albuquerque, NM 87109

Cc: Capital Alliance Investments – 11024 Montgomery Blvd. NE Ste 348

Marilyn Maldonado

File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 23, 2011

Project# 1002632

11DRB-70015 MAJOR - 2 YEAR EXTENSION OF SUBDIVISION
IMPROVEMENTS AGREEMENT (2YR SIA)

TIERRA WEST LLC agent(s) for AMGO PROPERTIES, LLC request(s) the referenced/ above action(s) for all or a portion of **SUNDANCE ESTATES UNIT 1**, zoned R-LT, located on the east side of UNSER BLVD NW between PARADISE BLVD NW and PASEO DEL NORTE NW containing approximately 26.5327 acre(s). (B-11)

At the February 23, 2011 Development Review Board meeting, a six month extension of the Subdivision Improvements Agreement (SIA) was approved subject to the following conditions:

- 1) Construction shall start no later than April 4, 2011.
- 2) The SIA shall financially guarantee the construction of this portion of Unser Boulevard in the form of irrevocable letter of credit acceptable to the City, or a cashier's check.

If you wish to appeal this decision, you must do so in the manner described as follows: 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, DRB Chair

Cc: Tierra West LLC – 5571 Midway Park Place NE – Albuquerque, NM 87109
Cc: AmGo Properties LLC - 4461 Irving Blvd. NW – Albuquerque, NM 87114
Marilyn Maldonado
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 29, 2011

Project# 1002632
11DRB-70149 SIDEWALK VARIANCE

TIERRA WEST LLC agent(s) for FLASH RESOURCES, LLC request(s) the above action(s) for all or a portion of Tract(s) 2, 3, & 7, **BULK LAND PLAT OF SUNDANCE ESTATES** zoned R-LT, located on UNSER BETWEEN PARADISE AND PASEO DEL NORTE containing approximately 73.1683 acre(s). (B-10 & 11) *[Deferred from 6/8/11, 6/15/11]*

At the June 29, 2011 Development Review Board meeting, the the sidewalk variance was approved for meandering sidewalk on Monolith Drive NW within a Public Sidewalk Easement to allow for a wider median, and a waiver of sidewalk on the west side of Boulder Trail NW at this time based on the exhibit and the concept of sidewalk connections to Unser Boulevard NW from the adjacent streets, along with the proposed landscape plan for the Boulder Trail right of way, and subject to the provision of a Public Sidewalk Easement on Tract L for a future sidewalk if needed.

If you wish to appeal this decision, you must do so by July 15, 2011, 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, DRB Chair

Cc: Tierra West LLC – 5571 Midway Park Place NE – Albuquerque, NM 87109
Cc: Flash Resources – 4461 Irving Blvd. NW – Albuquerque, NM 87114
Marilyn Maldonado, Planning Department, 4th Floor, Plaza Del Sol Bldg.
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 12, 2012

Project# 1002632

12DRB-70223 VACATION OF PUBLIC EASEMENTS
12DRB-70224 - TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION
12DRB-70225 MAJOR - PRELIMINARY PLAT APPROVAL

TIERRA WEST LLC agent(s) for FLASH RESOURCES, LLC request(s) the referenced/ above action(s) for all or a portion of Tract(s) A & B, **THE BOULDERS SUBDIVISION** zoned R-LT, located on the west side of UNSER BLVD NW between PARADISE BLVD NW and PASEO DEL NORTE containing approximately 43.5247 acre(s). (B-10 & B-11)[*Deferred from 8/22/12, 9/5/12*]

At the September 12, 2012 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. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on exhibit in the planning file. With an approved grading and drainage plan engineer stamp dated 9/7/12, and with the infrastructure list dated 9/12/12, the preliminary plat was approved.

Findings

The application was filed by the owner of all the footage of land abutting the proposed vacation.

The public welfare is in no way served by retaining the existing easement(s); based on the proposed preliminary plat, the City of Albuquerque will have adequate storm drainage facilities within adequate rights of way.

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 September 27, 2012 in the manner described below.

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

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

A handwritten signature in black ink, appearing to read "Jack Cloud".

Jack Cloud, DRB Chair

Cc: Tierra West LLC
Marilyn Maldonado
File