



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

September 5, 2012

**Project# 1002471**  
**12DRB-70268 VACATION OF PRIVATE EASEMENT**

JOHN AND DOLORES L. LIND request(s) the above action(s) for all or a portion of Lot(s) 3, **LAND OF THE ESTATE** zoned R-2, located on ATRISCO BETWEEN GONZALES AND FELICITAS (K-12)

At the September 5, 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.

### 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 this portion of easement; the City of Albuquerque does not anticipate any need to utilize the existing easement for roadway purposes.

There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right; all the benefitted and burdened parties of the easement have been clearly defined and have agreed in writing to the vacation.

### 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 19, 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", written in a cursive style.

Jack Cloud, DRB Chair

Cc: John and Dolores Lind 11700 Freeway PI NE, Albuquerque, NM 87123  
Marilyn Maldonado  
file