



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

4-30-2003

### 3. Project # 1002492

03DRB-00556 Major-Vacation of Pub Right-of-Way

FRED RIVERA JR., agent(s) for GRAND AVENUE PARTNERS, C/O BERGER BRIGGS request(s) the above action(s) for all or a portion of Lot(s) A-2, Block(s) 28, **BROWNEWELL & LAILS HIGHLAND ADDITION**, zoned SU-2 special neighborhood zone, MD-1, located on the NORTH SIDE OF TIJERAS AVE NE, between MULBERRY ST NE and CEDAR ST NE containing approximately 1 acre(s). [REF: 03DRB-00261 (V) 03DRB-00398 (P&F), DRB-99-214 ] (K-15)

At the April 30, 2003, Development Review Board meeting, the Vacation was 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. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

03DRB-00261 Major-Vacation of Public Easements

PRECISION SURVEYS INC. agent(s) for GRANDE AVENUE PARTNERS LTD request(s) the above action(s) for all or a portion of Tract(s) A-1 & A-2, **BROWNEWELL & LAILS HIGHLAND ADDITION**, zoned SU-2-MD-1, located on DR MARTIN LUTHER KING JR AVE NE, between MULBERRY NE and CEDAR NE containing approximately 5 acre(s). [Deferred from 4/9/03] (K-15)



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At the April 30, 2003, Development Review Board meeting, the Vacation was 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. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

**03DRB-00398 Minor-Prelim&Final Plat Approval**

PRECISION SURVEYS INC agent(s) for GRANDE AVENUE PARTNERS LTD request(s) the above action(s) for all or a portion of Block(s) 28, Tract(s) A-1 & A-2, **BROWNEWELL & LAILS HIGHLAND ADDITION**, zoned SU-2 / MD-1, located on DR MARTIN LUTHER KING JR AVE NE, between MULBERRY NE and CEDAR NE containing approximately 1 acre(s). [REF: 03DRB-00261] [Deferred from 4/9/03] (K-15)

At the April 30, 2003, Development Review Board meeting, with the signing of the Infrastructure List dated 4/30/03 and approval of the Grading Plan engineer stamp dated 4/29/03 the Preliminary Plat was approved with the following Conditions:

**CONDITIONS:**

- 1) The vacated right-of-way must equal the dedicated right-of-way.
- 2) The Long Range Roadway System Map indicates that Dr. Martin Luther King Jr. Blvd. should have a right-of-way width of 86-feet. Transportation Planning has indicated, in writing, that they will be seeking to reduce this width to 68-feet. That being the case, the additional right-of-way dedication for this site will comply with that 68-feet.

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



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If you wish to appeal this decision, you must do so by May 15, 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.)

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.)

  
Sheran Matson, AICP, DRB Chair

cc: Grand Avenue Partners, c/o Berger Briggs, 215 3<sup>rd</sup> St SW, 87103  
Fred Rivera Jr., 1020 Lomas Blvd NW, Suite 6, 87102  
Precision Surveys Inc., 8414-D Jefferson St NE, 87113  
Rupert Holland, Spruce Park NA., 415 Maple St NE, 87106  
Ruth Koury, Sycamore Park NA, 301 Cedar St NE, 87106  
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.  
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
File