



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 11, 2011

Project# 1002632

11DRB-70061 MAJOR - VACATION OF PUBLIC EASEMENTS

11DRB-70062 MAJOR - PRELIMINARY PLAT APPROVAL

11DRB-70063 MINOR - TEMP DEFERRAL OF SIDEWALK CONSTRUCTION

TIERRA WEST LLC agent(s) for AMGO PROPERTIES LLC request(s) the referenced/ 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 the west side of UNSER BLVD NW between PARADISE BLVD NW and PASEO DEL NORTE NW containing approximately 73.1683 acre(s). (B-10 & B-11) [*Deferred from 4/20/11, 5/4/11*]

At the May 11, 2011 Development Review Board meeting, with the signing of the Infrastructure List the Preliminary Plat was approved based on the approved grading plan stamp dated 5/6/11. Conditions of Final Plat are to define all hatching and clearly define all right-of-way dedication, particularly along Unser Boulevard. The Bulk Land Notice of Subdivision Conditions must be continued on Tracts A and B on the Final Plat. 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 approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

The temporary deferral of sidewalk construction was approved based on Exhibit 'B'.

Based on the proposed plat, the vacation was approved as shown on the Vacation Exhibit in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

Findings

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

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 May 26, 2011 in the manner described below.

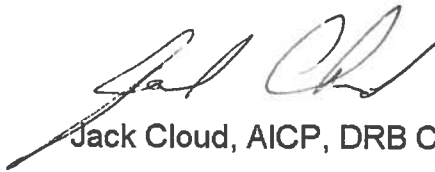
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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).

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