



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 cursive script, appearing to read "Jack Cloud".

Jack Cloud, DRB Chair

Cc: Tierra West LLC
Marilyn Maldonado
File