



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 9, 2009

Project# 1002782
09DRB-70355 VACATION OF PUBLIC RIGHT-OF-WAY

THE SURVEY OFFICE LLC agent(s) for PREMIER MOTEL LLC request(s) the referenced/ above action(s) for for the east-west alley in Block(s) 3, **MANKATO PLACE ADDITION** zoned CCR-2, located on the south side of CENTRAL AVE SE between SOLANO AVE SE and ALISO AVE SE. (K-17)

At the October 10, 2007, 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), (2) and (3) of the Subdivision Ordinance.

Findings

(A)(1) The December 9, 2009 vacation request was filed by the owners of a majority of the rear footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the alley; The City of Albuquerque does not anticipate any need to utilize the existing right of way for roadway purposes.

(B)(2) There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation; it is the opinion of Transportation Development that the removal of the existing right of way will provide a net benefit to the public welfare.

(B)(3) 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. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on the 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 December 24, 2009 in the manner described below.

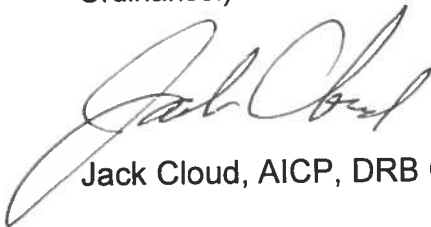
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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).

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: The Survey Office LLC – 333 Lomas Blvd NE – Albuquerque, NM 87102
Cc: Premier Motel LLC, Gerald Landgraf, Member – 440 Central Ave NE –
Albuquerque, NM 87108
Marilyn Maldonado
Scott Howell
File