



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

9-4-2003

**4. Project # 1002823**  
03DRB-01199 Major-Vacation of Public Easements

TIERRA WEST LLC agent(s) for CAP II request(s) the above action(s) for all or a portion of Tract(s) A1A AND B2, County Jurisdiction, City of Albuquerque Easements), **NORTHDALE SHOPPING CENTER - UNITS 1 & 2**, zoned C-1 (County), located on 4<sup>th</sup> ST NW, between CHAVEZ RD NW and SCHULTE RD NW containing approximately 2 acre(s).(E-14)

At the September 3, 2003, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file, subject to these provisions and with a condition of Final Plat approval:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements, or:
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.
3. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
4. Final disposition shall be through the City Real Estate Office.
5. 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.
6. **CONDITION OF FINAL PLAT APPROVAL:** A utility plan acceptable to Utilities Development shall be provided showing adequate fire protection and service for all existing and proposed development.

If you wish to appeal this decision, you must do so by September 18, 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.

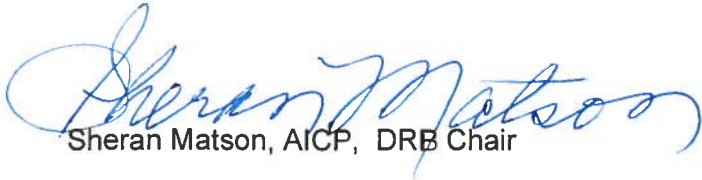


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The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the 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.)

  
Sheran Matson, AICP, DRB Chair

Cc: CAP II, 2325 San Pedro NE, Suite 2B, 87110  
Tierra West LLC, 8509 Jefferson NE, 87113  
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.  
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
File