



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

10-16-2003

5. Project # 1002934
03DRB-01445 Major-Vacation of Pub Right-of-Way

DE LA TORRE ARCHITECTS, agent(s) for FOURTH STREET & MENAUL INC., request(s) the above action(s) for all or a portion of Block(s) O, Tract(s) 1A, **WALGREEN ADDITION**, zoned C-2 (SC), containing approximately 11 acre(s). [*Deferred from 9/24/03 & 10/8/03*] (H-14)

At the October 15, 2003, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file, subject to these provisions:

1. The final plat will not be approved without acceptable evidence to Utilities Development showing that the existing water line across private property was either converted to private or cut and capped at 2nd Street and Menaul.
2. The public welfare is in no way served by retaining the rights-of-way and/or easements, or:
3. 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.
4. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
5. Final disposition shall be through the City Real Estate Office.
6. 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 October 30, 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.



**OFFICIAL NOTICE OF DECISION
PAGE 2**

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: Fourth Street & Menaul Inc., 4446 E. Flower, Phoenix, AZ 85018
De la Torre Architects, 2400 Louisiana Blvd NE, Bldg., 3, Suite 110, 87110
R. J. Marney, 6812 Tokay St NE, 87113
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
File