



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

11-26-03

### 8. Project # 1002960

03DRB-01537 Major-Preliminary Plat Approval  
03DRB-01538 Major-Vacation of Pub Right-of-Way  
03DRB-01539 Major-Vacation of Public Easements  
03DRB-01540 Minor-Temp Defer SDWK  
03DRB-01541 Minor-Sidewalk Waiver

MARK GOODWIN & ASSOCIATES, agent(s) for WESTLAND DEVELOPMENT CO., INC request(s) the above action(s) for all or a portion of Tract(s) J-2-A (to be known as **SUNDORO SOUTH, UNITS 1, 2 & 3**) WESTLAND NORTH SUBDIVISION, zoned SU-2 / R-LT, located on 98<sup>TH</sup> ST NW, between I-40 NW and LADERA DR NW containing approximately 35 acre(s). [*Deferred from 10/8/03, 10/22/03 & 11/5/03*] (J-8)

At the November 26, 2003, Development Review Board meeting, with the signing of the infrastructure list dated 11/26/03 and approval of the grading plan engineer stamp dated 10/16/03 the preliminary plat was approved.

The Vacations were approved as shown on Exhibit B in the Planning file, subject to these provisions and additional condition:

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.

### CONDITION OF FINAL PLAT APPROVAL:

1. The Vacation of Public Right-of-Way is contingent upon applicant securing the New Mexico Department of Transportation's approval and release of said property.



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Temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.

A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by December 11, 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. 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 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 Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

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: Mark Goodwin & Associates, P.O. Box 90606, 87199  
Westland Development Co., 401 Coors Blvd NW, 87121  
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.  
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

February 16, 2005

### 4. Project # 1002960

05DRB-00108 Major-Vacation of Pub Right-of-Way  
05DRB-00109 Major-Preliminary Plat Approval  
05DRB-00110 Minor-Sidewalk Waiver  
05DRB-00111 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for WESTLAND DEVELOPMENT CO INC request(s) the above action(s) for all or a portion of Tract(s) K, SUNDORO SOUTH, UNIT 1, (to be known as **SUNDORO SOUTH, UNIT 2**, zoned SU-2 FOR RLT, located on 98<sup>TH</sup> STREET NW, between LADERA DR NW and I-40 containing approximately 6 acre(s). [REF: 04DRB01006, 04DRB01007] (J-8/J-9)

At the February 16, 2005, Development Review Board meeting, the vacation was approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

#### FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

#### CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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.

With the signing of the infrastructure list dated 2/16/05 and approval of the grading plan engineer stamp dated 10/16/03 the preliminary plat was approved with the following condition of final plat:

Property shall be exchanged with NMDOT.



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The sidewalk variance for waiver of sidewalk was approved as shown on Exhibit C in the Planning file. The temporary deferral of construction of sidewalk on the interior streets was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by March 3, 2005, 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 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.)

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 Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

*for* Sheran Matson, AICP, DRB Chair

Cc: Westland Development Co., Inc., 401 Coors NW, 87121  
Mark Goodwin & Associates, P.O. Box 90606, 87199  
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File