



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 24, 2012

Project# 1002962

12DRB-70309 -VACATION OF PUBLIC/ PRIVATE EASEMENTS

12DRB-70310 -BULK LAND VARIANCE

12DRB-70311 - PRELIMINARY/ FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for THE TRAILS, LLC request(s) the referenced/ above action(s) for all or a portion of Tract(s) 2 & OS-3, **THE TRAILS UNIT 2** zoned SU-2/ VTUR & / R-D, located on OAKRIDGE ST NW between TREE LINE AVE NW and UNIVERSE BLVD NW containing approximately 13.3723 acre(s). (C-9)

At the October 24, 2012 Development Review Board meeting, the vacations were approved as shown on the exhibit in the planning file per section 14-14-7-2(a) (1) and (b) (1)(3) of the subdivision ordinance. The bulk land variance was approved. The preliminary/final plat was approved with final sign off delegated to planning for easement modification, 15 day appeal period and to record.

FINDINGS:

The public welfare is in no way served by retaining the easements; the City of Albuquerque does not anticipate any need to utilize the existing easements.

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:

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 November 8, 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: Bohannon Huston Inc.
The Trails LLC
Marilyn Maldonado
file