



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

11-26-03

**7. Project # 1003030**

03DRB-01738 Major-Vacation of Pub Easements  
03DRB-01737 Major-Preliminary Plat Approval  
03DRB-01739 Minor-Sidewalk Waiver  
03DRB-01740 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC. agent(s) for CURB INC. request(s) the above action(s) for all or a portion of Tract(s) 15, **EL RANCHO GRANDE SUBDIVISION, UNIT 15**, zoned R-LT, located on GIBSON BLVD SW, between BLAKE RD SW and MESSINA DRIVE SW containing approximately 23 acre(s).  
*[Deferred from 11/5/03] (N-8, N-9)*

At the November 26, 2003, Development Review Board meeting, the Vacation was approved as shown on Exhibit B in the Planning file, subject to these provisions:

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.

With the signing of the infrastructure list dated 11/26/03 and approval of the grading plan engineer stamp dated 11/21/03 the preliminary plat was approved.

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

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



OFFICIAL NOTICE OF DECISION  
PAGE 2

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: Curb Inc., 6301 Indian School Rd NE, 87110  
Bohannon Huston Inc., 7500 Jefferson NE, 87109  
Bokay Construction Inc., 5905 Azuelo NW, 87120  
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

March 9, 2005

### 3. Project # 1003030

05DRB-00282 Major-Preliminary Plat Approval  
05DRB-00285 Major-Vacation of Public Easements  
05DRB-00287 Minor-Sidewalk Waiver  
05DRB-00288 Minor-Temp Defer SDWK

BOHANNAN HUSTON INC agent(s) for CURB INC request(s) the above action(s) for all or a portion of Tract(s) 15, **EL RANCHO GRANDE, UNIT 15**, zoned R-LT, located on GIBSON BLVD SW, between BLAKE RD SW and MESSINA DR SW containing approximately 23 acre(s). [REF: 03DRB01737, 03DRB01738, 03DRB01739, 03DRB01740] (N-8/N-9

At the March 9, 2005, Development Review Board meeting, with the resigning of the infrastructure list and approval of the grading plan engineer stamp dated 11/21/03 the preliminary plat was approved.

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. 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.

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

The temporary deferral of construction of sidewalks was approved as shown on Exhibit C in the Planning file.



OFFICIAL NOTICE OF DECISION  
PAGE 2

If you wish to appeal this decision, you must do so by March 24, 2005, 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.)

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:Bohannon Huston Inc., 7500 Jefferson NE, 87109  
Curb Inc., 5160 San Francisco NE, 87109  
Mark Parrish, 4820 La Bienvenida NW, 87120  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File