



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

MARCH 3, 2004

2. **Project # 1003112**
04DRB-00167 Major-Bulk Land Variance
04DRB-00168-Major-Vacation of Public Easements
04DRB-00166 Minor-Prelim&Final Plat Approval

COMMUNITY SCIENCES CORP agent(s) for COLLATZ INC./CLIFFORD CAPITAL FUND INC request(s) the above action(s) for: A TRACT OF LAND SITUATE WITHIN THE TOWN OF ALBUQUERQUE GRANT, PROJECTED SECTIONS 34 AND 35, TOWNSHIP 11 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING ALL OF: TRACT D OF LAVA TRAILS SUBDIVISION AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 5/16/2002, IN BOOK 2002C, PAGE 172; THE REMAINING "LANDS OF SLOAN" AS THE SAME IS SHOWN AND DESIGNATED ON THE SPECIAL WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 7/27/1945, IN BOOK 220, PAGE 289; THE LANDS OF BOB CARRICO AS THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 5/15/1972, IN BOOK D918, PAGE 551; THE LANDS OF JOE SAAVEDRA AS THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 5/10/1964, AS DOC #98133; THE LANDS OF ALBERT GURULE AND THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 2/17/1997, IN BOOK 97-4, PAGE 9000; PAQUIN TRAIL GRANT OF EASEMENT AS THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 01/14/1955, IN BOOK D302, PAGE 303; THE LANDS OF DUNCAN KIRK/DEBORAH TARPLEY AS THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 02/01/2002, IN BOOK A31, PAGE 4192 BUT LESS AND EXCEPTING THEREFROM THOSE LANDS GRANTED TO THE CITY OF ALBUQUERQUE IN THAT WARRANTY DEED RECORDED ON JUNE 12, 1992 IN BK. 92-13, PGS. 9944-9948; ALL BEING DESCRIBED MORE FULLY AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT D, LAVA TRAILS SUBDIVISION, A POINT LOCATED ON THE NORTHERLY RIGHT OF WAY LINE OF WESTERN TRAIL N.W. AND RUNNING THENCE N11°45'21"W, 338.72 FEET; THENCE S77°36'56"W, 127.43 FEET; THENCE N35°50'27"W, 123.47 FEET; THENCE N35°50'27"W, 66.00 FEET TO A POINT LOCATED ON THE EASTERLY RIGHT OF WAY LINE OF UNSER BLVD N.W.; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE 652.67 FEET ALONG AN 1178.00 FOOT RADIUS CURVE TO THE LEFT (CENTRAL ANGLE = 31°44'40"; CHORD BEARS N44°22'41" E, 644.35 FEET); THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE S89°34'22"E, 144.15 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ATRISCO DRIVE N.W.; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S11°45'40"E 793.97 FEET TO A NON-TANGENT POINT OF CURVATURE; THENCE 29.21 FEET ALONG A 50.00 FOOT RADIUS CURVE TO THE RIGHT (CENTRAL ANGLE = 33°28'34"; CHORD BEARS S05°07'51"W, 28.80 FEET); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: N56°53'08"W, 11.55 FEET; S33°06'52"W, 21.60 FEET; S56°53'08"E, 11.09 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WESTERN TRAIL ROAD NW; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE 30.39 FEET ALONG A 50.00 FOOT RADIUS CURVE TO THE RIGHT (CENTRAL ANGLE = 34°49'19"; CHORD BEARS S64°14'04"W, 29.92 FEET TO A POINT OF REVERSE CURVATURE; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE 188.62 FEET ALONG A 2683.31 FOOT RADIUS CURVE TO THE LEFT (CENTRAL ANGLE = 04°01'39"; CHORD BEARS S79°37'54"W 188.58 FEET A POINT OF TANGENCY; THENCE S77°37'04"W, 228.57 FEET TO THE POINT OF BEGINNING, AND CONTAINING 9.0545 ACRES, MORE OR LESS, (to be known as **RINCONADA TRAILS SUBDIVISION** (formerly Western Trails Estates), zoned R-D, located on UNSER BLVD NW, between WESTERN TRAILS NW and LEGENDS AVE NW containing approximately 10 acre(s). [REF:SD-80-5, 03DRB-01994](F-10 & F-11)



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At the March 3, 2004, Development Review Board meeting, the Bulk Land Variance was approved subject to the Findings and Conditions of the Subdivision Ordinance as follows:

BULK LAND VARIANCE:

1. The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community.
2. The variance will not conflict significantly with the goals and provisions of any City, County or AMAFCA adopted plan or policy; the applicable zoning ordinance, or any other City code or ordinance.
3. The variance will not permit, encourage or make possible undesired development in the 100-year floodplain.
4. The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

The Vacations were 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.

The preliminary and final plat were approved with final sign off delegated to Planning for the 15-day appeal period.



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If you wish to appeal this decision, you must do so by March 18, 2004 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 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: Collatz Inc., Clifford Capital Fund Inc., P.O. Box 2010, Corrales, NM 87048
Community Sciences Corp., P.O. Box 1328, 4481 Corrales Rd, Corrales, NM 87048
Virginia Kinney, 6001 Western Trails 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

June 9, 2004

7. Project # 1003112

04DRB-00259 Major-Vacation of Pub Right-of-Way

04DRB-00258 Major-Preliminary Plat Approval

04DRB-00260 Minor-Temp Defer SDWK

COMMUNITY SCIENCES CORP agent(s) for COLLATZ INC./CLIFFORD CAPITAL FUND INC request(s) the above action(s) for: A TRACT OF LAND SITUATE WITHIN THE TOWN OF ALBUQUERQUE GRANT, PROJECTED SECTIONS 34 AND 35, TOWNSHIP 11 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING ALL OF: TRACT D OF LAVA TRAILS SUBDIVISION AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 5/16/2002, IN BOOK 2002C, PAGE 172; THE REMAINING "LANDS OF SLOAN" AS THE SAME IS SHOWN AND DESIGNATED ON THE SPECIAL WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 7/27/1945, IN BOOK 220, PAGE 289; THE LANDS OF BOB CARRICO AS THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 5/15/1972, IN BOOK D918, PAGE 551; THE LANDS OF JOE SAAVEDRA AS THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 5/10/1964, AS DOC #98133; THE LANDS OF ALBERT GURULE AND THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 2/17/1997, IN BOOK 97-4, PAGE 9000; PAQUIN TRAIL GRANT OF EASEMENT AS THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 01/14/1955, IN BOOK D302, PAGE 303; THE LANDS OF DUNCAN KIRK/DEBORAH TARPLEY AS THE SAME IS SHOWN AND DESIGNATED ON THE WARRANTY DEED RECORDED IN THE OFFICE OF THE COUNTY CLERK, BERNALILLO COUNTY, NEW MEXICO ON 02/01/2002, IN BOOK A31, PAGE 4192 BUT LESS AND EXCEPTING THEREFROM THOSE LANDS GRANTED TO THE CITY OF ALBUQUERQUE IN THAT WARRANTY DEED RECORDED ON JUNE 12, 1992 IN BK. 92-13, PGS. 9944-9948; ALL BEING DESCRIBED MORE FULLY AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT D, LAVA TRAILS SUBDIVISION, A POINT LOCATED ON THE NORTHERLY RIGHT OF WAY LINE OF WESTERN TRAIL N.W. AND RUNNING THENCE N11°45'21"W, 338.72 FEET; THENCE S77°36'56"W, 127.43 FEET; THENCE N35°50'27"W, 123.47 FEET; THENCE N35°50'27"W, 66.00 FEET TO A POINT LOCATED ON THE EASTERLY RIGHT OF WAY LINE OF UNSER BLVD N.W.; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE 652.67 FEET ALONG AN 1178.00 FOOT RADIUS CURVE TO THE LEFT (CENTRAL ANGLE = 31°44'40"; CHORD BEARS N44°22'41" E, 644.35 FEET); THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE S89°34'22"E, 144.15 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ATRISCO DRIVE N.W.; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S11°45'40"E 793.97 FEET TO A NON-TANGENT POINT OF CURVATURE; THENCE 29.21 FEET ALONG A 50.00 FOOT RADIUS CURVE TO THE RIGHT (CENTRAL ANGLE = 33°28'34"; CHORD BEARS S05°07'51"W, 28.80 FEET); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: N56°53'08"W, 11.55 FEET; S33°06'52"W, 21.60 FEET; S56°53'08"E, 11.09 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WESTERN TRAIL ROAD NW; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE 30.39 FEET ALONG A 50.00 FOOT RADIUS CURVE TO THE RIGHT (CENTRAL ANGLE = 34°49'19"; CHORD BEARS S64°14'04"W, 29.92 FEET TO A POINT OF REVERSE CURVATURE; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE 188.62 FEET ALONG A 2683.31 FOOT RADIUS CURVE TO THE LEFT (CENTRAL ANGLE = 04°01'39"; CHORD BEARS S79°37'54"W 188.58 FEET A POINT OF TANGENCY; THENCE S77°37'04"W, 228.57 FEET TO THE POINT OF BEGINNING, AND CONTAINING 9.0545 ACRES, MORE OR LESS, (to be known as **RINCONADA TRAILS SUBDIVISION** (formerly Western Trails Estates), zoned R-D, located on UNSER BLVD NW, between WESTERN TRAILS NW and LEGENDS AVE NW containing approximately 10 acre(s). [REF:SD-80-5, 03DRB-0199. [Deferred from 3/24/04&4/14/04] (F-10 & F-11)



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At the June 9, 2004, 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.
3. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

With the signing of the infrastructure list dated 6/9/04 and approval of the grading plan engineer stamp dated 2/25/04 the preliminary plat was approved.

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

Project # 1003112

04DRB-00839 Minor-SiteDev Plan Subd/EPC

04DRB-00840 Minor-Subd Design (DPM) Variance

COMMUNITY SCIENCES CORPORATION agent(s) for COLLATZ INC/JACK CLIFFORD request(s) the above action(s) for all or a portion of Tract(s) D, LAVA LANDS, LAVA TRAILS, LANDS OF SLOAN, (to be known as **RINCONADA TRAILS SUBDIVISION** zoned R-D, located on UNSER BLVD NW, between UNSER BLVD NW and COORS NW containing approximately 10 acre(s). [REF: 03DRB-01994, 04DRB-00166, 04DRB-00167, 04DRB-00168] [**Elvira Lopez, EPC Case Planner**] (F-10)



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At the June 9, 2004, Development Review Board meeting, the site plan for subdivision was approved with final sign off delegated to Planning for signature block language.

A sidewalk variance from design standards was approved as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by June 24, 2004 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 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.)


Sheran Matson, AICP, DRB Chair

cc: Community Sciences Corp., P.O. Box 1328, Corrales, NM 87048
Collatz Inc., c/o Jack Clifford, P.O. Box 2010, Corrales, NM 87048
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
File