



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 25, 2004

16. Project # 1003153

04DRB-01271 Minor-Prelim&Final Plat Approval

04DRB-01313 Minor-Vacation of Private Easement(s)

GEORGE J. MARQUEZ agent(s) for LEO KORTE request(s) the above action(s) for all or a portion of Tract(s) 8-A-B, **ALBUQUERQUE BUSINESS ADDITION**, zoned C-2, located on CENTRAL AVE NW, between 50TH ST NW and ARENAL CANAL containing approximately 1 acre(s). [REF:DRB 95-408, DRB 95-495, 03DRB02140, Z- 84-87, ZA 95-199] (K-11)

At the August 25, 2004, Development Review Board meeting, with the signing of the infrastructure list dated 8/25/04 the preliminary and final plat was approved with final plat sign off delegated to City Engineer for the Subdivision Improvements Agreement.

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.
2. Affected utility companies shall acknowledge the vacation by their signatures on the replat.

If you wish to appeal this decision, you must do so by September 9, 2004 in the manner described below.



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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:Leo Korte, 2817 Viola Rd SW, 87105
George Marquez, 2713 Viola Rd SW, 87105
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
File