



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

May 17, 2006

### 2. Project # 1003212

06DRB-00569 Major-Vacation of Public Easements  
06DRB-00570 Minor-Prelim&Final Plat Approval

JOHN MENICUCCI, BERGER BRIGGS REAL ESTATE agent(s) for GRAND AVENUE PARTNERS, A NM LIMITED PARTNERSHIP, request(s) the above action(s) for all or a portion of Block(s) 34, Tract(s) A-1-A-1 & B-1, **BROWNEWELL & LAIS HIGHLAND ADDITION**, zoned SU-2 MC, located on DR MARTIN LUTHER KING JR AVE NE, between UNIVERSITY BLVD NE and PINE ST NE containing approximately 2 acre(s). [REF: 04EPC00699, 05DRB00729] (K-15)

At the May 17, 2006, Development Review Board meeting, the vacation was approved with the addition of a 30-foot private parking easement 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.

The preliminary and final plat was approved with final sign off delegated to Transportation Development for clarification of the parking and access easement and Planning for AGIS dxf file, 15-day appeal period and to record the plat.

If you wish to appeal this decision, you must do so by June 1, 2006, in the manner described below.



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PAGE 2

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.)

Sheran Matson, AICP, DRB Chair

Cc: John Menicucci, Berger Briggs Real Estate, 215 3<sup>rd</sup> St SW, 87102  
Rupert Holland, Spruce Park Neighborhood Association, 415 Maple St NE, 87106  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File