



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

FEBRUARY 18, 2004

- 1. Project # 1003216**
04DRB-00094 Major-Vacation of Public Easements
04DRB-00093 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for STERLING CAPITAL DEVELOPMENT LLC request(s) the above action(s) for all or a portion of Lot(s) 12-C and remainder of Lot 12, Block(s) 141, **SNOW HEIGHTS ADDITION**, zoned C-2, located on WYOMING BLVD NE, between NORTHEASTERN BLVD NE and INDIAN SCHOOL RD NE containing approximately 2 acre(s). (H-20)

At the February 18, 2004, 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 2/18/04 the preliminary plat was approved with the following condition:

- 1) The radius for C-1 shall be modified to skirt the power pole.

The final plat was indefinitely deferred for SIA.

If you wish to appeal this decision, you must do so by March 4, 2004 in the manner described below.



**OFFICIAL NOTICE OF DECISION
PAGE 2**

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: Philip Sterling, Sterling Capital Dev., LLC, 8215 Rio Grande Blvd NW, 87114
Surveys Southwest Ltd., 333 Lomas Blvd NE, 87102
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
File