



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 8, 2004

11. Project # 1003606

04DRB-01689 Major-Vacation of Pub Right-of-Way
04DRB-01690 Major-Preliminary Plat Approval
04DRB-01691 Minor-Sidewalk Waiver
04DRB-01692 Minor-Temp Defer SDWK
04DRB-01693 Minor-Vacation of Private Easements

MARK GOODWIN & ASSOCIATES PA agent(s) for WESTLAND DEVELOPMENT CO INC request(s) the above action(s) for all or a portion of Lot(s) J09-26, J09-27, 19W, 12B, Tract(s) L and B, Unit(s) A, TOWN OF ATRISCO GRANT, WESTLAND NORTH SUBDIVISION, PAINTED SKY UNIT 1, SUNDORO SOUTH UNIT 1, **SUNDORO SOUTH UNIT 5**, zoned SU-2 RLT, located on LADERA DR NW, between 94TH ST NW and 90TH ST NW containing approximately 22 acre(s). [*Deferred from 12/1/04*](J-9)

At the December 8, 2004, Development Review Board meeting, the vacations were 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.

With the signing of the infrastructure list dated 12/8/04 and approval of the grading plan engineer stamp dated 10/29/04 the preliminary plat was approved with the following conditions of final plat approval:

Tracts O & Q to be conveyed to the adjoining subdivision for platting.

Provide right-of-way or easements for Kipuka Drive.

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



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

If you wish to appeal this decision, you must do so by December 23, 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 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.)



Sheran Matson, AICP, DRB Chair

Cc: Westland Development Co., Inc., 401 Coors NW, 87121
Mark Goodwin & Associates, PA, P.O. Box 90606, 87199
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File