



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 11, 2011

Project# 1003612

11DRB-70076 VACATION OF PUBLIC RIGHT-OF-WAY

11DRB-70077 MINOR – TEMPORARY DEFERRAL OF SIDEWALK CONST

11DRB-70078 MAJOR - PRELIMINARY PLAT APPROVAL

THOMPSON ENGINEERING CONSULTANTS, INC agent(s) for DRAGONFLY DEVELOPMENT request(s) the referenced/ above action(s) for all or a portion of 94TH STREET NW AND **J09 37, TOWN OF ATRISCO GRANT, SECTION 16, TOWNSHIP 10N, RANGE 2E**, zoned SU-2/R-LT, located on the south side of ENDEE RD NW between 98TH ST NW and 94TH ST NW containing approximately 7.0386 acre(s). (J-9) [*Deferred from 4/27/11*]

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At the **May 11, 2011**, Development Review Board meeting, The temporaray deferral of sidewalk construction was approved. With the signing of the infrastructure list dated May 11, 2011, and with an approved grading plan engineer stamp dated 5/5/11, the preliminary plat was approved. The vacation was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

Findings

The Subdivision Ordinance, Section 14-14-7-2, specifies that a vacation may be approved only when the following items are determined:

The public welfare is in no way served by retaining the way or easement;
The City of Albuquerque does not anticipate any need to utilize the existing right of way for roadway purposes.

There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

Property owners of record abutting the proposed vacation were notified by first class mail at least six days prior to the Development Review Board hearing approving the vacation and no objection regarding access or the abridgement of a substantial property right was raised.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on the 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.

If you wish to appeal this decision, you must do so by May 26, 2011 in the manner described below.

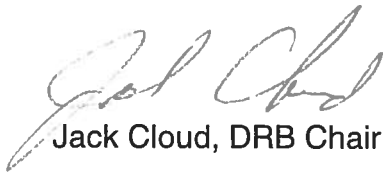
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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.)



Jack Cloud, DRB Chair

Cc: Thompson Engineering Consultants, Inc – P.O. Box 65760 – Albuquerque,
NM 87193
Dragonfly Development – 12809 Donette Court NE – Albuquerque, NM 87112
Marilyn Maldonado
file