



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 30, 2006

1. **Project # 1003674**
06DRB-01082 Major-Vacation of Pub Right-of-Way
06DRB-01083 Major-Preliminary Plat Approval
06DRB-01125 Minor-Temp Defer SDWK

JEFF MORTENSEN & ASSOCIATES INC agent(s) for LLAVE HOMES, BOB KEERAN request(s) the above action(s) for all or a portion of Lot(s) 25, 26 & 27, Block(s) 3, Tract(s) 3, NORTH ALBUQUERQUE ACRES, UNIT 3 (to be known as **RICH COURT SUBDIVISION**) zoned R-D (3 du/a) located on ALAMEDA BLVD NE, between VENTURA ST NE and BARSTOW ST NE containing approximately 3 acre(s). [REF: 04DRB-01426] (C-20)

At the August 30, 2006, Development Review Board meeting, 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. 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 8/30/06 and approval of the grading plan engineer stamp dated 7/25/06 the preliminary plat was approved with the following condition of final plat approval:

The City Council action will dictate the future density of Tract A.

(regarding #1003800)



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The 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 September 14, 2006, 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 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.)

gm Sheran Matson, AICP, DRB Chair

Cc: Llave Homes, Bob Keeran, P.O. Box 93642, 87199
Jeff Mortensen & Associates Inc., 6010-B Midway Park Blvd NE, 87109
Joe Yardumian, 7801 RC Gorman NE, 87122
Lisa Abeyta, 8909 Torlane NE, 87122
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 2, 2007

14. Project # 1003674
07DRB-00532 Minor-Final Plat Approval
07DRB-00533 Minor-Vacation of Private Easements

JEFF MORTENSEN & ASSOCIATES agent(s) for LIAVE HOMES request(s) the above action(s) for all or any portion of Lot(s) 1 thru 6, Tract(s) A, **RICH COURT**, zoned R-D (3 DU/A) located on ALAMEDA NE between VENTURA NE and BARSTOW NE containing approximately 3 acre(s). (C-20)

At the May 2, 2007, Development Review Board meeting, the final plat was approved with final sign off delegated to Planning to check on the issue of the City Council overturning the Development Review Board's interpretation of the La Cueva Sector Plan and to record.

The vacation of private easements 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.


Sheran Matson, AICP, DRB Chair

Cc: Jeff Mortensen & Associates Inc, 6010-B Midway Park Blvd NE, 87109
Bob Keeran, Llave Development Inc, P.O. Box 9262, 87199
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 17, 2010

Project# 1003674
10DRB-70260 VACATION OF PUBLIC DRAINAGE EASEMENTS

CARA HAMMOND request(s) the referenced/above action(s) for all or a portion Lot 9, **RICH COURT SUBDIVISION**, zoned RD, located on RICH CT NE north of ALAMEDA BLVD NE between BARSTOW ST NE and VENTURA ST NE containing approximately .168 acre(s). (C-20)[*Deferred from 9/29/10, 10-6-10, 10/13/10, 10/27/10*]

At the November 17, 2010 Development Review Board meeting, 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.

(A)(1) The public easement vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public easements.

(B)(3) 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.

If you wish to appeal this decision, you must do so by December 2, 2010 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.)

A handwritten signature in black ink, appearing to read "Jack Cloud". The signature is fluid and cursive, written in a professional style.

Jack Cloud, AICP, DRB Chair

Cc: Cara Hammond – 8808 Rich Ct. NE – Albuquerque, NM 87122
Marilyn Maldonado
Scott Howell
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 15, 2010

Project# 1003674

10DRB-70325 VACATION OF PUBLIC ROADWAY EASEMENT

CARA HAMMOND request(s) the referenced/above action(s) on a portion Lot 9, **RICH COURT SUBDIVISION**, zoned RD, located on RICH CT NE north of ALAMEDA BLVD NE between BARSTOW ST NE and VENTURA ST NE containing approximately 0.2 acre. (C-20)

At the December 15, 2010 Development Review Board meeting, 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 easement 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 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.

If you wish to appeal this decision, you must do so by December 30, 2010 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.)

A handwritten signature in blue ink, appearing to read "Jack Cloud".

Jack Cloud, AICP, DRB Chair

Cc: Cara Hammond – 8808 Rich Court – Albuquerque, NM 87122
Marilyn Maldonado
Scott Howell
file