



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

August 6, 2008

**Project# 1003688**

08DRB-70290 VACATION OF PUBLIC EASEMENT  
08DRB-70291 VACATION OF PRIVATE EASEMENT

SURV-TEK INC agent(s) for THE TRAILS LLC request(s) the vacation of certain access, drainage, water and sanitary sewer easements on portion(s) of Tract(s) 9, **THE TRAILS Unit(s) 3A**, zoned SU-2/ SU-1 FOR SCHOOL, PARK, OPEN SPACE, FUTURE ROW, & SRSL 26, located on the north side of WOODMONT AVE NW and west of RAINBOW BLVD NW containing approximately 25.25 acre(s). (C-9)

At the August 6, 2008 Development Review Board meeting, the vacation for application 08DRB-70290 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 as shown on revised exhibit 'B'.

The vacation of private easement, application 08DRB-70291 was withdrawn.

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

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

(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. Final disposition shall be through the City Real Estate Office
3. 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 August 21, 2008 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, AICP, DRB Chair

Cc: Surv-Tek Inc. – 9384 Valley View Dr. NW – Albuquerque, NM 87114

Cc: The Trails, LLC – 7007 Jefferson St NE Ste A – Albuquerque, NM

Marilyn Maldonado

Scott Howell

File