



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 18, 2005

3. **Project # 1003749**
05DRB-00675 Major-Preliminary Plat Approval
05DRB-00677 Minor-Vacation of Private Easements
05DRB-00676 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES PA agent(s) for ALPHA EQUITIES LLC request(s) the above action(s) for all or a portion of Tract(s) B, ACADEMY SQUARE, UNIT 2, ELENA GALLEGOS GRANT (to be known as **ANCALA VILLAGE**) zoned O-1, located on JUAN TABO BLVD NE, between SPAIN RD NE and OSUNA RD NE containing approximately 3 acre(s). [REF: 04ZHE01594, 05DRB00059] (F-21)

At the May 18, 2005, Development Review Board meeting, with the signing of the infrastructure list dated 5/18/05 and approval of the grading plan engineer stamp dated 5/5/05 the preliminary plat was approved with the following condition:

The approval of the perimeter wall design is required prior to final plat submittal to the Development Review Board.

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. 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.



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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 June 2, 2005, 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.)


Sheran Matson, AICP, DRB Chair

Cc: Alpha Equities LLC, P.O. Box 10005, 87184
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Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File