



OFFICIAL NOTICE OF DECISION
PAGE 2

- b. All other landowners in the area have alternate, reasonable access to their properties.

CONDITIONS:

- ✓ 1. Final disposition of the vacated property 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.
- ✓ 3. For Final Plat approval: The entire vacated Haines right-of-way must be retained as a public water and sanitary sewer easement. The existing fire hydrant must be relocated from the Haines right-of-way to the 3rd Street right-of-way.
- ✓ 4. The widening of McKnight Street must allow two lanes of travel for large vehicles.
- ✓ 5. The McKnight widening must consider whether trees need to be removed and what type of landscaping may be required.
- ✓ 6. McKnight must be designated a No Parking zone.
- ✓ 7. Creamland will install a gate recessed off Second at Haines to allow vehicle stacking outside of the public right-of-way.
- ✓ 8. Creamland will post signage approved by the neighborhood association which directs customers both into and out of T-P Pump. This signage must be placed on Creamland's property in at least three locations and visible from Second and Third Streets.
- ✓ 9. Creamland must provide a deceleration lane on the west side of Second Street across from T-P Pump to prevent queuing within Second Street.
- ✓ 10. Creamland will work with the neighborhood association and Stericycle in amending their previous agreement concerning access routes used by Stericycle.

If you wish to appeal this decision, you must do so by May 12, 2005, in the manner described below.



OFFICIAL NOTICE OF DECISION
PAGE 3

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.)


Sheran Matson, AICP, DRB Chair

Cc:Isaacson & Arfman PA, 128 Monroe St NE, 87108
Creamland Dairies, P.O. Box 25067, 87125
John Myers, 1401 Central Ave NW, 87104
Fred Sais 1508 Los Tomases NW, 87102
Mitch Taylor, T-P Pump, 1824 2nd Street NW, 87102
Ray Garza, 1920 1st Street NW, 87102
Angel Garcia, 1900 4th St NW, 87102
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 1, 2004

11. Project # 1003752
04DRB-01679 Major-Vacation of Public Easements

SURV-TEK INC agent(s) for WELLS FARGO BANK request(s) the above action(s) for all or a portion of Tract(s) F, **MENAU DEVELOPMENT AREA**, zoned C-3, located on MENAU BLVD NE, between PRINCETON NE and VASSAR NE containing approximately 2 acre(s). (H-16)

At the December 1, 2004, 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. 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 16, 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.

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Sheran Matson, AICP, DRB Chair

Cc: Wells Fargo Bank, 200 Lomas Blvd NW, Suite 1118, 87102
Surv-Tek Inc., 9384 Valley View Dr NW, 87114
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File