



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 21, 2018

Project# 1003991

18DRB-70030 VACATION OF PUBLIC EASEMENT

18DRB-70032 VACATION OF PUBLIC RIGHT-OF-WAY

18DRB-70033 MINOR - TEMPORARY DEFERRAL of SIDEWALK CONST.

18DRB-70034 MAJOR - PRELIMINARY PLAT APPROVAL

18DRB-70101 SIDEWALK WAIVER

MARK GOODWIN AND ASSOCIATES, P.A. agent(s) for BOKAY CONSTRUCTION, INC. request(s) the above action(s) for all or a portion of Lot(s) 1-P1-B3-P1, Tract(s) A, **SAGE RANCH**, zoned R-T, located on SNOWVISTA BLVD SW between SAGE RD SW and BENAVIDES RD SW containing approximately 3.7742 acre(s). (M-9) [Deferred from 2/21/18, 3/7/18]

At the March 21, 2018 Development Review Board meeting, the vacations were 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. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on exhibit in the planning file. The sidewalk waiver was approved. With the signing of the infrastructure list dated 3/21/18 and with an approved grading and drainage plan engineer stamp dated 3/16/18, the preliminary plat was approved with the following conditions for final plat approval: 1) a public drainage easement is required on the portion of tract a that is used for drainage, not including the portion of tract a that is used for an ABCWUA easement. 2) an agreement and covenant for the private maintenance of the pond on tract 'A' must be recorded.

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 April 5, 2018 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.)



Kym Dicome, DRB Chair