



OFFICIAL NOTICE OF DECISION

- 6. Project # 1004073**
05DRB-00514 Major-Preliminary Plat Approval
05DRB-00515 Major-Vacation of Public Easements
05DRB-00516 Minor-Subd Design (DPM) Variance
05DRB-00517 Minor-Sidewalk Waiver
05DRB-00518 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES, PA agent(s) for JTH, LLC request(s) the above action(s) for all or a portion of Lot(s) 5, **JUAN TABO HILLS, UNIT 1**, zoned R-D, located on JUAN TABO BLVD NE, between EUBANK BLVD SE and FOUR HILLS RD SE containing approximately 102 acre(s). *[Deferred from 4/20/05 & 5/18/05] (M-21/M-22)*

At the May 25, 2005, Development Review Board meeting, with the signing of the infrastructure list dated 5/25/05 and approval of the grading plan engineer stamp dated 5/12/05 the preliminary plat was approved with the following condition of final plat approval:

A replat of Tract 1 is required to grant the necessary easements and rights-of-way.

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.

A Subdivision Design Variance from minimum DPM design standards was approved as indicated on Exhibit C in the Planning file. A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit C in the Planning file.



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05DRB-00781 Minor-SiteDev Plan Subd

MARK GOODWIN & ASSOCIATES PA agent(s) for JTH LLC request(s) the above action(s) for all or a portion of Tract(s) 5, **JUAN TABO HILLS**, zoned RD, located on JUAN TABO BLVD NE, between EUBANK BLVD SE and FOUR HILLS RD SE containing approximately 102 acre(s). [Deferred from 5/18/05](M-21)

The site plan for subdivision was approved with final sign off delegated to Planning for design requirements on the plan.

If you wish to appeal this decision, you must do so by June 9, 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 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.)

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.)


Sheran Matson, AICP, DRB Chair

Cc: JTH LLC, P.O. BOX 1443, Corrales, NM 87048
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File