



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

September 13, 2017

### **Project# 1004505**

17DRB-70178 VACATION OF PUBLIC RIGHT-OF-WAY  
17DRB-70179 VACATION OF PUBLIC EASEMENT

PRECISION SURVEYS INC agents for CITY OF ALBUQUERQUE request the referenced/ above actions for 4<sup>th</sup> STREET NW and Public Easements adjacent to all or a portion of Lots 1-A, 5-A & 9-A, Block N, **ATLANTIC AND PACIFIC ADDITION** zoned SU-2/ NCR, located in the southwest corner of 4TH ST SW and COAL AVE SW. (K-14) [*Deferred from 8/16/17, 8/30/17*]

At the September 13, 2017 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.

### Findings

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

(B)(1) There is a net benefit to the public welfare because the development made possible by the vacation is more beneficial to the public welfare than the minor detriment of removing on-street parking which nominally the result from the vacatio.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. The church property catty-corner from the vacation expressed concern for people using their parking lot if on-street parking was eliminated, but the board determined that this was an issue not unique to this specific vacation action.

### CONDITIONS:

1. Final disposition of the vacated right of way shall be through City Real Property Division.
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.

2. Adequate easements shall be retained/ provided for public utilities and infrastructure; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.

If you wish to appeal this decision, you must do so by September 28, 2017 in the manner described below.

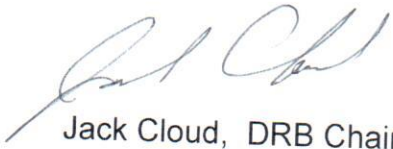
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development

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, DRB Chair

Cc: Lisa Perko, 315 Coal Ave SW, 87102  
James Byrd, 2228 Dietz PI NW, 87107