



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 26, 2011

Project# 1004540

11DRB-70256 VACATION OF PUBLIC EASEMENT
11DRB-70257 VACATION OF PUBLIC RIGHT-OF-WAY
11DRB-70258 BULK LAND VARIANCE
11DRB-70259 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

WILSON AND COMPANY INC agent(s) for AMAFCA request(s) the referenced/ above action(s) for all or a portion of Block(s) 2 & 5, Unit 25 and Block 2, Unit 14 **VOLCANO CLIFFS SUBDIVISION & Tract D, VISTA VIEJA SUBDIVISION UNIT 2**, zoned R-1 & R-D, located at the 81ST ST NW BETWEEN UNSER BLVD NW AND COMPASS DR NW containing approximately 26.9937 acre(s). (D-9 & D-10) *[Deferred from 10/12/11]*

On October 12 and October 26, 2011, the Development Review Board held an advertised public hearing on the proposed vacations per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the proposed vacation of Atrisco Drive NW as shown on the "Vacation Exhibit" of the Boca Negra Detention Dam in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(2), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

Findings

(A)(1) The public road vacation and easement vacation requests were filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(2) There is a net benefit to the public welfare because the development of a significant community drainage facility made possible by the vacations is clearly more beneficial to the public welfare than any minor detriment resulting from the vacations. The vacations will not adversely impact traffic patterns in this area, and the City of Albuquerque does not need to utilize the platted right of way for roadway or other purposes based on the ownership and proposed replat.

(B)(3) 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 vacations were notified by first class mail at least six days prior to the Development Review Board hearing approving the vacations 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 the 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. 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.
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PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE DRB'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE DRB'S DECISION, WHICH IS BY November 10, 2011.

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest 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 protest. You will receive notice if any other person files a protest.

In other actions taken by the Board, the Bulk Land Variance was approved and the preliminary/final plat was approved with final sign off delegated to Parks to amend Master Trails Agreement and to Planning for ABCWUA license to be recorded.

If you wish to appeal this decision, you must do so by November 10, 2011 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.

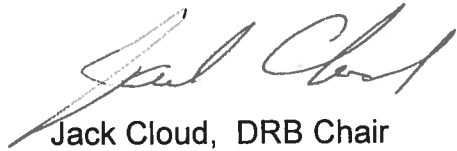
The date the determination in question is issued is not included in the 15-day period for filing an appeal.

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.)



Jack Cloud, DRB Chair

Cc: Wilson & Company Engineers & Architects (Kristine Susco) – 4900 Lang Ave NE – Albuquerque NM 87109

Cc: Albuquerque Metropolitan Flood Control Authority – 2600 Prospect NE – Albuquerque, NM 87107

Marilyn Maldonado

File