



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

December 6, 2006

**5. Project # 1004588**  
06DRB-01620 Major-Vacation of Public Easements

GARCIA/KRAEMER & ASSOCIATES agent(s) for 110 SUNPORT LLC request(s) the above action(s) for all or a portion of Block(s) 11 & 12, Tract(s) A, **CLAYTON HEIGHTS**, zoned C-2, located on YALE BLVD SE, between ROSS AVE SE and GIBSON BLVD SE containing approximately 4 acre(s). (L-15)

At the December 6, 2006, 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.
2. Approval of alternate easements shall be provided for realigned storm drain.

If you wish to appeal this decision, you must do so by December 21, 2006, 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.



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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.)

A handwritten signature in cursive script, reading "S. Matson", is positioned above the typed name.

Sheran Matson, AICP, DRB Chair

Cc: 110 Sunport LLC, 1520 Tramway Blvd NE, #200, 87112  
Garcia/Kraemer & Associates, 200 Lomas Blvd NW, Suite 1111, 87102  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

September 2, 2009

**Project# 1004588**

09DRB-70265 VACATION OF PUBLIC WATERLINE and STORM SEWER &  
FLOOD DRAINAGE EASEMENT(S)

09DRB-70266 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

LARRY READ AND ASSOCIATES agent(s) for 110 SUNPORT LLC request(s) the above action(s) for all or a portion of Lot(s) A, Block(s) 12, **CLAYTON HEIGHTS** zoned C-2, located on YALE BLVD NE BETWEEN GIBSON BLVD NE AND AVENIDA CESAR CHAVEZ NE containing approximately 3.4548 acre(s). (L-15)

At the September 2, 2009 Development Review Board meeting, the vacation was 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.

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

(B)(1) The public welfare is in no way served by retaining the public easement.

(B)(3) 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 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.
2. Development Review Board comments from the vacation hearing shall be complied with for final plat.

The preliminary/final plat was approved with final sign off delegated to Transportation for written comments and to planning for acceptance letter, site plan with parking and to record.

If you wish to appeal this decision, you must do so by September 17, 2009 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.

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Jack Cloud, AICP, DRB Chair

Cc: 110 Sunport LLC – 1520 Tramway Blvd NE Ste 200 – Albuquerque, NM  
87112

Cc: Larry Reid & Assoc. Inc. – 2430 Midtown Place NE Ste C – Albuquerque,  
NM 87107

Marilyn Maldonado

Scott Howell

File



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