



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 26, 2006

3. Project # 1004793

06DRB-00416 Major-Preliminary Plat Approval
06DRB-00417 Major-Vacation of Public Easements
06DRB-00418 Minor-Temp Defer SDWK

MARK GOODWIN & ASSOCIATES agent(s) for T S MCNANEY AND ASSOCIATES request(s) the above action(s) for all or a portion of Lot(s) 174-P1, Tract(s) B1 & B2, MIRAVISTA SUBDIVISION (to be known as **EMBUDITO CANYON SUBDIVISION**) zoned R-T, located on ELIZABETH ST SE and SOUTHERN AVE SE and containing approximately 2 acre(s). (L-21)

At the April 26, 2006, Development Review Board meeting, with the signing of the infrastructure list dated 4/26/06, and the grading and drainage plan dated 3/16/06, the preliminary plat was approved with a condition of final plat. 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. Provide pedestrian access to Elizabeth Street SE.

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

If you wish to appeal this decision, you must do so by May 11, 2006, in the manner described below.



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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.)

A handwritten signature in cursive script, appearing to read "Sheran Matson".

Sheran Matson, AICP, DRB Chair

Cc: T.S. McNaney & Associates, 3 Wind Rd NW, 87120
Mark Goodwin & Associates PA, 8916 Adams NE, 87113
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File