



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 19, 2011

Project# 1005051

11DRB-70255 VACATION OF PUBLIC UTILITY EASEMENT

JEROME ECKSTEIN request(s) the referenced/ above action(s) for all or a portion of Tract(s) G-2-A-1, SIESTA HILLS SUBDIVISION NO. 2, zoned C-1, located on the southwest corner of GIBSON BLVD SE and DAKOTA ST SE containing approximately 1.15 acre(s). (M-18) [*Deferred from 9/21/11 and 10/12/11*]

At the October 19, 2011 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.

Findings

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

(B)(2) The public welfare is in no way served by retaining the easement subject to all utility companies accepting an alternative easement. City of Albuquerque does not need to utilize the easement for any purpose based on the ownership and required replat which will have to provide alternative easement to the satisfaction of franchised utilities.

(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 vacation were notified by first class mail at least six days prior to the Development Review Board hearing approving the vacation and no objection regarding abridgement of a substantial property right was raised.

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. The required replat shall be signed by all franchised utility companies to acknowledge the vacation.

If you wish to appeal this decision, you must do so by November 3, 2011 in the manner described below.

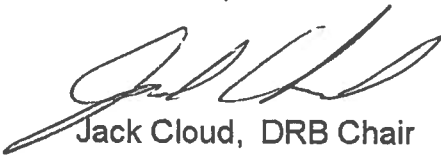
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Jerome Eckstein – 1420 Ridgecrest PI SE – Albuquerque, NM 87108
Marilyn Maldonado
File