



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 16, 2017

Project# 1005237

17DRB-70288 VACATION OF PUBLIC UTILITY EASEMENT
17DRB-70289 VACATION OF PUBLIC RIGHT-OF-WAY
17DRB-70290 VACATION OF PRIVATE EASEMENT
17DRB-70291 PRELIM/ FINAL PLAT

HIGH MESA CONSULTING GROUP agents for MARK 3S INC request the referenced/ above actions for all or a portion of Tracts A & B, **MARK3S HOLLY DEVELOPMENT** and Lots 6-9, Block 20, Tract 3 Unit 3, **NORTH ALBUQUERQUE ACRES** zoned SU-2, located on HOLLY AVE NE between VENTURA ST NE and HOLBROOK ST NE containing approximately 4.8 acres. (C-20)

At the November 16, 2017 Development Review Board meeting, the **vacation of public utility easement** 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. The **vacation of public right-of way** 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. The **vacation of private utility easement** 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. The preliminary/final plat was deferred to the November 29th 2017 DRB hearing.

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) The public welfare is in no way served by retaining the easements or right of way based on the existing and proposed development.

(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 and signs were posted on the site 15 days prior to the hearing.

CONDITIONS:

1. Final disposition of right of way shall be through the City Real Estate Office
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.

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.

If you wish to appeal this decision, you must do so by December 1, 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 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