



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 2, 2017

Project# 1005280

17DRB-70134 EPC APPROVED SDP FOR BUILD PERMIT
17DRB-70135 EPC APPROVED SDP FOR SUBDIVISION
17DRB-70181 VACATION OF PUBLIC WATERLINE EASEMENT
17DRB-70189 PRELIM/ FINAL PLAT

MARTIN GRUMMER, ISAACSON AND ARFMAN PA, and SURV-TEK INC agents for JMD-MCMAHON LLC request the referenced/ above action for a portion of Lots 2-9, **MCMAHON MARKET PLACE** zoned SU-1 FOR C-1 USES, located in the southeast corner of UNSER BLVD NW and MCMAHON BLVD NW containing approximately 14 acres. (A-11)

At the August 2, 2017 Development Review Board meeting, the site development plans for building permit and subdivision were approved with final sign-off delegated to Planning for public sidewalk easement. 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. The preliminary/final plat was approved with final sign off delegated to Planning for 15 day appeal period and to Hydrology for cross lot drainage easement.

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 easement based on the 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. 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.

If you wish to appeal this decision, you must do so by August 17, 2017 in the manner described below.

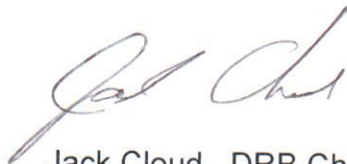
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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.)

A handwritten signature in black ink, appearing to read "Jack Cloud". The signature is written in a cursive, flowing style.

Jack Cloud, DRB Chair