



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 28, 2012

Project# 1005354

12DRB-70060 VACATION OF PUBLIC RIGHT-OF-WAY
12DRB-70061 VACATION OF PUBLIC EASEMENT

BOHANNAN HUSTON INC agent(s) for SAWMILL COMMUNITY LAND TRUST request(s) the referenced/ above action(s) for a portion of MILL POND ROAD NW and EASEMENT adjacent to Tract 2-E-1, **ARBOLERA DE VIDA UNIT 2B** zoned S-MI, located on at the terminus of ASPEN AVE NW west of 12TH ST NW containing approximately 6.0172 acre(s). (H-13) [*Deferred from 3/21/12*]

At the March 28, 2012 Development Review Board meeting, the vacations were 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

The public welfare is in no way served by retaining the way or easement;
The City of Albuquerque does not anticipate any need to utilize the existing easement for roadway purposes.

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 access or the abridgement of a substantial property right was raised.

CONDITIONS:

Final disposition shall be through the City Real Estate Office

The vacated property shall be shown on a replat approved by the Development Review Board in conjunction with provision of adequate new right of way for the improvements of Mill Pond Road, and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

The Sawmill Community Land Trust will grant the City of Albuquerque a minimum 15' easement for trail purposes from the Mill Pond Road cul de sac along the western edge of the COA drainage pond in a northerly direction to the point at which a trail alignment may be directed onto COA Mill Pond ROW north of the drainage pond; This easement shall be subject to COA approval and confirmation of Mill Pond ROW availability for trail use.

If you wish to appeal this decision, you must do so by April 12, 2012 in the manner described below.

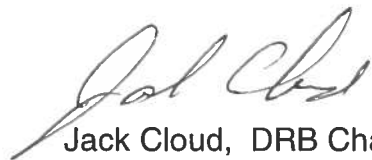
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Bohannon Huston Inc.
Marilyn Maldonado
file