



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 24, 2011

Project# 1005368

11DRB-70210 VACATION OF PUBLIC DRAINAGE EASEMENT
11DRB-70211 SKETCH PLAT REVIEW AND COMMENT

BOHANNAN HUSTON INC agent(s) for KIMCO REALTY request(s) the referenced/ above action(s) for Tract(s) A-1-A, THE PLAZA AT PASEO DEL NORTE, zoned C-2 (SC), located on the northwest corner of COORS BLVD NW and PASEO DEL NORTE NW containing approximately 25.9752 acre(s). (C-13)

At the August 24, 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 public drainage easement vacation request was filed by the owners of a majority of the rear footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public drainage easement, subject to review and approval of replacement easements by AMAFCA and City Hydrology.

(B)(3) 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 the 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. Adequate replacement easements and public sidewalk easements shall be provided on the replat.
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.

If you wish to appeal this decision, you must do so by September 8, 2011 in the manner described below.

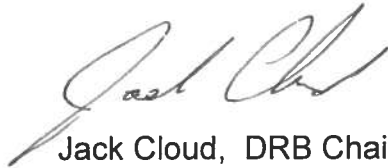
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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.)

A handwritten signature in cursive script, appearing to read "Jack Cloud".

Jack Cloud, DRB Chair

Cc: Bohannon Huston Inc. – 7500 Jefferson St NE – Albuquerque NM 87109
Marilyn Maldonado
file