



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 30, 2007

- 3. Project # 1005540**
07DRB-00578 Major-Vacation of Public Easements
07DRB-00579 Major-Vacation of Pub Right-of-Way

WILSON AND COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT INC request(s) the above action(s) for all or any portion of Tract(s) D, **LA CUENTISTA SUBDIVISION, UNIT 3**, zoned SU-2 SRLL, located on KIMMICK DR NW between ROSA PARKS RD NW and the PETROGLYPH NATIONAL MONUMENT containing approximately 20 acre(s). [REF: 07DRB00562] (C-11 & D-11)

At the May 30, 2007, Development Review Board meeting, the vacations were approved as shown on Exhibit B in the Planning file, subject to these findings and conditions:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
3. The vacation of this portion of Kimmick Drive NW is in conformance with its re-alignment to the northwest.

CONDITIONS:

1. Final disposition 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.

The following is a condition of final plat approval:

Prior to the replat a re-evaluation of the left hand turn bays at intersections with Kimmick Drive NW will be needed.

If you wish to appeal this decision, you must do so by June 14, 2007, in the manner described below.



OFFICIAL NOTICE OF DECISION

PAGE 2

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.)

Sheran Matson, AICP, DRB Chair

Cc: Legacy Sustainable Development Inc, 21 Vista Valle Circle, Lamy, NM, 87540
Wilson and Company, 4900 Lang Ave NE, 87109
Peter R. Yocky, 8201 Golf Course Rd. NW, # D3-301, 87120
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 21, 2008

Project# 1005540
08DRB-70187 VACATION OF PUBLIC EASEMENT

WILSON & COMPANY agent(s) for LEGACY SUSTAINABLE DEVELOPMENT, INC. request(s) the above action(s) for all or a portion of Tract(s) D & E, LA CUENTISTA SUBDIVISION, zoned SU-2 (VOLCANO HEIGHTS SECTOR PLAN), located on the east side of KIMMICK DR NW BETWEEN FIRE THORN LN NW AND ROSA PARKS RD NW containing approximately 91.037 acre(s). (C-11, D-11)[*Deferred from 5/14/08*]

At the May 21, 2008 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.

(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 public utility easement.

(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. Final disposition 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.

08DRB-70188 MAJOR - PRELIMINARY PLAT APPROVAL

With an approved grading and drainage plan engineer stamp dated 4/18/08, and approval of the infrastructure list, the preliminary plat was approved.

08DRB-70189 - TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

The Temporary deferral of construction of sidewalks on the interior streets was approved as shown on exhibit 'C' in the Planning file.

If you wish to appeal these decisions, you must do so by June 5, 2008 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, AICP, DRB Chair

Cc: Kristine Susco – Wilson & Company – 4900 Lang Ave NE – Albuquerque, NM 87109

Cc: Legacy Sustainable Development, Inc. – Frances Pavich – 21 Vista Valle Circle - Lamy, NM 87540

Cc: Rene Horvath – 5515 Palomino Dr – Albuquerque, NM 87120

Marilyn Maldonado

Scott Howell

File