



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 10, 2012

Project# 1006007

12DRB-70286 VACATION OF PUBLIC EASEMENT

12DRB-70287 MINOR - TEMP DEFERRAL SIDEWALK CONSTRUCTION

12DRB-70288 MAJOR - PRELIMINARY PLAT APPROVAL

BOHANNON HUSTON INC agent(s) for MESA DEL SOL, LLC request(s) the referemced/ above action(s) for all or a portion of Tract(s) A-3, MESA DEL SOL INNOVATION PARK (T.B.K.A. MONTAGE UNIT 2), zoned PC, located on the southwest side of UNIVERSITY BLVD SE bewteen EASTMAN CROSSING SE and STRYKER AVE SE containing approximately 21.8222

At the October 25, 2012 Development Review Board meeting, the temporary deferral of construction of sidewalks on the interior streets was approved as shown on the Sidewalk Exhibit 'B' in the planning file. With an approved grading and drainage plan engineer stamp dated 3/23/11 and with the signing of the infrastructure list dated September 7, 2012, the preliminary plat was approved. 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

The vacation application was filed by the owner of all the footage of land abutting the proposed vacation.

The public welfare is in no way served by retaining the way or easement; based on the proposed replat, the City of Albuquerque does not anticipate any need to utilize the existing easement.

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:

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 October 25, 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.
Mesa Del Sol LLC
Marilyn Maldonado
File
