



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 22, 2012

Project# 1002202
12DRB-70020 VACATION OF PUBLIC UTILITY EASEMENT

HUTT-ZOLLARS, INC agent(s) for WINROCK PARTNERS LLC request(s) the referenced/ above action(s) for all or a portion of Parcel A1A, WINROCK CENTER ADDITION, zoned SU-3/ MU-UPT (Mixed Use - Uptown), located between LOUISIANA BLVD NE and PENNSYLVANIA ST NE, BETWEEN I-40 and INDIAN SCHOOL NE containing approximately 50.2296 acre(s). (J-19)

At the February 22, 2012 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 public easement 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 easements.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right; Uptown Neighborhood Associations and adjacent property owners were notified in advance of the hearing, as well as signs posted on the site and advertisement in a newspaper of general circulation were done 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. Utility survey must be completed; appropriate easements must be indicated on re-plat, and Utility companies must acknowledge the vacation via signature on the plat.*

If you wish to appeal this decision, you must do so by March 8, 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: Huitt-Zollars Inc.
Winrock Partners LLC
Marilyn Maldonado
file