



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 11, 2007

**6. Project# 1006549**  
**07DRB-70061 VACATION OF PUBLIC EASEMENT**

SURVEYS SOUTHWEST LTD agent(s) for BENCOR, BRUCE WALKOWSKI, request(s) the above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, located on MENAUL BLVD NE between CARLISLE BLVD NE and SOLANO DR NE. (H-17)

At the July 11, 2007, Development Review Board meeting, the vacation was 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.
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 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 July 26, 2007, 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).



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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: Surveys Southwest LTD, 333 Lomas Blvd NE, 87102  
Bencor, Bruce, Walkowski, 9400 Holly Ave NE, Bldg 2, Ste 202, 87122  
Sam Boren, 11400 Santa Monica Dr NE, 87122  
Marilyn Maldonado, Planning Department, 4<sup>th</sup> Floor, Plaza del Sol Bldg.



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

October 1, 2008

**Project# 1006549**

08DRB-70385 VACATION OF PUBLIC & PRIVATE UTILITY EASEMENT(S)

SURVEYS SOUTHWEST LTD agent(s) for BENCOR/ CARLISLE LIMITED PARTNERSHIP request(s) the referenced/ above action(s) for all or a portion of Tract(s) Z, **MILLS & BOREN SUBDIVISION**, zoned C-2, located on the south side of MENAUL BLVD NE BETWEEN CARLISLE BLVD NE AND SOLANO DR NE containing approximately 1.66 acre(s). (H-17)

At the October 1, 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 public & private utility easement vacation requests were 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 & private utility 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.

CONDITIONS:

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 October 16, 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: Survey's Southwest, Ltd – 333 Lomas Blvd NE – Albuquerque, NM 87102

Cc: Bencor – Bruce Walkowski – 9400 Holly Ave NE Bldg 2 Ste 202 –  
Albuquerque, NM 87122

Scott Howell

Marilyn Maldonado

File