

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 27, 2008

1. Project# 1006602

08DRB-70053 VACATION OF PUBLIC EASEMENTS
08DRB-70054 VACATION OF PUBLIC RIGHT-OF-WAY
08DRB-70028 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for ALM, LLC request(s) the above/ referenced action(s) for a portion of PALOMAS AVENUE NE, plus the DRAINAGE RIGHT-OF-WAY known as Tract B and a Temporary Ponding Easement on Tract B and Lot 20A, plus a Public Waterline Easement on Lot 20A, **HERITAGE HILLS NORTH UNIT 1** (to be known as **VENTURA PLAZA**) zoned SU-2/C-1, located on the southwest corner of PASEO DEL NORTE NE AND VENTURA ST NE containing approximately 5.5 acre(s). (D-20)

At the February 27, 2008 Development Review Board Meeting, the vacations were 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 and the public right-of-way 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 easement and the public right-of-way easment.

(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.

The preliminary plat was approved with final sign off delegated to ABCWUA for the condition that the existing waterline be abandoned and relocated, or for an easement for exiting waterline to be recorded with the plat, and to Planning for 35ft radius, and to record separate easement.

If you wish to appeal this decision, you must do so by March 13, 2008 in the manner described below.

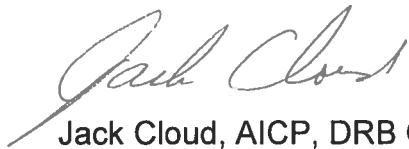
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Surv-Tek Inc – 9384 Valley View Dr NW – Albuquerque, NM 87114

Cc: ALM, LLC – 2340 Menaul Blvd NE – Albuquerque, NM 87107

Cc: Hugh Killin – 8512 Capulin View – Albuquerque, NM 87109

Cc: Carl Davidson – 7221 Minutoman – Albuquerque, NM 87109



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 2, 2009

Project# 1006602
09DRB-70347 VACATION OF PUBLIC UTILITY EASEMENT

BOHANNAN HUSTON INC agent(s) for DOUGLAS H PETERSON request(s) the referenced/above action(s) for all or a portion of **PARCEL A, VENTURA PLAZA** zoned SU-2/C-1, located on the southwest corner of PASEO DEL NORTE NE and VENTURA AVE NE containing approximately 3.28 acre(s). (D-20)

At the December 2, 2009 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) Based on the written comments from the affected utilities, the public welfare is in no way served by retaining the public easement since adequate utility service can be provided with the portion of the easement which will be retained.

(B)(3) 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:

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
2. Utility companies shall acknowledge the vacation by their signature on the required replat.

If you wish to appeal this decision, you must do so by December 17, 2009 in the manner described as follows.

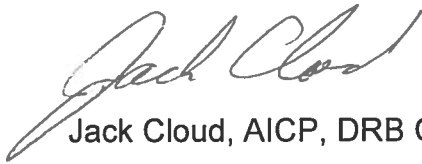
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Bohannon Huston Inc. – 7500 Jefferson NE Courtyard 1 – Albuquerque, NM 87109

Cc: Douglas H. Peterson – 2325 San Pedro NE Ste 2A – Albuquerque, NM 87110

Marilyn Maldonado

Scott Howell

File