



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

SEPTEMBER 12, 2007

4. Project# 1006739
07DRB-70187 VACATION OF PUBLIC RIGHT-OF-WAY

JACK'S HIGH COUNTRY INC. agent(s) for MANUEL AND MARTHA P. BARRAZA request(s) the above action(s) for all or a portion of the AMOLE DEL NORTE DIVERSION FACILITY, located on SAGE RD SW BETWEEN RAEL ST SW AND AMOLE DEL NORTE DIVERSION CHANNEL containing approximately 0.32 acre(s). [*Deferred from 09/05/07*] (L-10)

At the September 12, 2007, 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 13575.3366 square foot portion of the Amole Del Norte Diversion Facility vacation request was filed by the owners of a majority of the front footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the 13575.3366 square foot portion of the Amole Del Norte Diversion Facility.

(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.

If you wish to appeal this decision, you must do so by September 27, 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.



OFFICIAL NOTICE OF DECISION

PAGE 2

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: Manuel and Martha P. Barraza, 3620 San Ygnacio SW, 87121
Jack's High Country Inc, 8953 2ND NW, 87114
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
File