



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

DECEMBER 12, 2007

Project# 1006854

07DRB-70340 VACATION OF PUBLIC EASEMENT
07DRB-70341 VACATION OF PUBLIC RIGHT-OF-WAY
07DRB-70342 BULK LAND VARIANCE
07DRB-70343 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agent(s) for THE TRAILS LLC request(s) the above action(s) for all or a portion of **UNPLATTED LAND SECTION 15 (to be known as THE TRAILS UNIT 4)**, zoned SU2-UR35, SU2-SRLL18, SU-1 FOR OPEN SPACE, SU2-TC65 & SU2-NMU35, located on UNIVERSE BLVD NW BETWEEN AVENIDA DE JAIMITO NW AND WOODMONT AVE NW containing approximately 34.85 acre(s). (C-10)

At the December 12, 2007 Development Review Board meeting, the vacation for public easement and the vacation for public right-of-way 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 utility easement and the public right-of-way easment vacation requests were filed by the owners of a majority of the rear footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public utility easement and public right-of-way easement.

(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
3. 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 Bulk Land Variance was approved subject to the Findings and Conditions of the Subdivision Ordinance as follows:

BULK LAND VARIANCE:

1. The variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community.
2. The variance will not conflict significantly with the goals and provisions of any City, County or AMAFCA adopted plan or policy; the applicable zoning ordinance, or any other City code or ordinance.
3. The variance will not permit, encourage or make possible undesired development in the 100-year floodplain.
4. The variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

The preliminary plat was approved with final sign off delegated to planning for New Mexico Utilities signature, AGIS DXF, and to record and to City Engineer for public drainage easements to be shown on plat.

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

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.)


Andrew Garcia Acting Chair

Cc: Bohannon Huston, Inc – 7500 Jefferson NE – Albuquerque, NM 87109

Cc: The Trails LLC – 7007 Jefferson NE – Albuquerque, NM 87109

Scott Howell

Marilyn Maldonado

File