



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 28, 2015

Project# 1000965

14DRB-70416 VACATION PUBLIC EASEMENT
14DRB-70418 VACATION PUBLIC ROW
14DRB-70419 SIDEWALK VARIANCE
14DRB-70421 SIDEWALK WAIVER
14DRB-70422 SUBDIVISION DESIGN VARIANCE FROM MIN DPM STDS
14DRB-70424 MINOR - TEMP DEF SIDEWALK CONSTRUCTION
14DRB-70425 MAJOR - PRELIMINARY PLAT APPROVAL

BOHANNAN HUSTON INC agents for PULTE request the referenced/ above actions for Tracts A-1-A & B-2, **ANDALUCIA AT LA LUZ UNIT 3** zoned SU-1/PRD, located on SEVILLA AVE NW on the east side of COORS BLVD NW containing approximately 11.71 acres. (F-11) [*deferred from 1/12/15, 1/21/15*]

At the January 28, 2015 Development Review Board meeting, the vacation of *public easement* 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. The vacation of *public right-of-way* 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. The sidewalk variance and waiver was approved as shown on exhibit in the planning file dated 'January 2015.' A subdivision design variance from minimum DPM design standards was approved as shown on exhibit in the planning file.

With an approved grading and drainage plan engineer stamp dated 1/19/15, and with the signing of the infrastructure list dated 1/28/15, the preliminary plat was approved; AMAFCA signature will be required for Final Plat.

Findings

The vacation request(s) were filed by the owner of all the frontage of the proposed vacated easement and right of way.

The public welfare is in no way served by retaining the way or easement; the City of Albuquerque does not anticipate any need to utilize the vacated right of way or easement based on the proposed development.

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. Final disposition of vacated right of way 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 February 12, 2015 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

