



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 25, 2014

### **Project# 1006864**

14DRB-70189 VACATION OF PUBLIC STORM DRAIN EASEMENT  
14DRB-70195 MAJOR - FINAL PLAT APPROVAL  
14DRB-70215 MAJOR - FINAL PLAT APPROVAL

BOHANNAN HUSTON INC agents for PULTE HOMES request(s) the referenced/above action for a portion of Lot N-2-A **WATERSHED SUBDIVISION**, zoned SU-2 PDA, located within the MIREHAVEN ARROYO on the west side of TIERRA PINTADA BLVD NW between WEST CREEK PL NW and ARKANSAS RD NW. (H-9)

At the June 25, 2014 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 with the condition that adequate easement be provided with replat. The Final Plat *14DRB-70195* (Pulte) was approved with final sign-off delegated to the City Engineer and to Planning. The Final Plat *14DRB-70215* (Del Webb) was approved with final sign-off delegated to the City Engineer and to Planning.

### Findings

The vacation request was filed by the owner of a majority of the frontage of the easement.

Based on the proposed replat and new easement, the public welfare is in no way served by retaining the existing easement.

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. An adequate easement shall be provided prior to the filing of the replat.
3. Note 8 on Sheet 1 of shall include "to be owned and maintained by the Homeowners Association, including trails, associated landscaping, and other improvements.

If you wish to appeal this decision, you must do so by July 10, 2014 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

Cc: