



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 8, 2013

Project# 1007140/1007139
13DRB-70511 VACATION OF PUBLIC EASEMENTS
13DRB-70534

MARK GOODWIN AND ASSOCIATES, P.A. agent(s) for JUAN TABO HILLS LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 2A, 3A, 4A, 1-C, **JUAN TABO HILLS UNIT 1**, zoned RD/SU-1, located on the east side of JUAN TABO BLVD SE south of the TIJERAS ARROYO containing approximately 81 acre(s). (M-21 & 22)

At the May 8, 2013 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.

Findings

(A)(1) The vacation request was filed by the owners of the footage of private land abutting the proposed vacation and by the Planning Director on behalf of the City of Albuquerque owned property.

(B)(1) There is sufficient right of way remaining to serve the needs for flood protection as well as maintaining the trail on top of the right of way such that the public welfare is in no way served by retaining the portion proposed for vacation.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

The vacation of the Blanket Drainage Easement is for Lots 2A and 4A only.

CONDITIONS:

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. Utility Companies shall acknowledge the vacations by their signatures on the replat; previous conditions of Final Plat still apply.

A separate Drainage Easement shall be recorded concurrently with the required replat to cover existing facilities, which may not be released until alternative facilities are constructed and accepted by the City.

If you wish to appeal this decision, you must do so by May 23, 2013 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: MARK GOODWIN AND ASSOCIATES, P.A

Cc: Edwin Barsis – 1538 Catron Ave SE 87123

Cc: Roger Hartman – 1308 Wagon Train Dr SE 87123

Cc: Jeanette Jennings – 600 Via Posada SE – Albuquerque, NM 87123

Cc: Cathy Richey – 500 Accipitrine SE - Albuquerque, NM 87123

Marilyn Maldonado

File