



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 27, 2008

Project# 1006973
08DRB-70057 VACATION OF PUBLIC EASEMENT

SURVEYS SOUTHWEST LTD agent(s) for THE PHILLIPS EDISON GROUP, LLC request(s) the above/ referenced action(s) for the Temporary Drainage Easement on Tract(s) 19A1, **PARADISE NORTH**, zoned SU-1/ C-1 USES, located on the northeast corner of UNSER BLVD NW AND MCMAHON BLVD NW containing approximately 3.6 acre(s). **(A-11) 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.**

At the February 27, 2008 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 public easement vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public 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.

If you wish to appeal this decision, you must do so by March 13, 2008 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, AICP, DRB Chair

Cc: Survey's Southwest LTD – 333 Lomas Blvd NE – Albuquerque, NM 87102

Cc: The Phillips Edison Group, LLC – c/o Cathy Evanson – 11501 Northlake Drive – Cincinnati OH, 45249



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 12, 2009

Project# 1006973

09DRB-70329 VACATION OF PUBLIC EASEMENT (AMAFCA)
09DRB-70330 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

HARRIS SURVEYING INC agent(s) for USNER & MCMAHON SOUTHWEST LLC request(s) the referenced/ above action(s) for all or a portion of Tract B-1, **VILLAGE CENTER NORTH SUBDIVISION** & Tract 19A-1, **PARADISE NORTH**, zoned SU-1/ C-1 /MIXED USES, located on the northeast corner of UNSER BLVD NW and MCMAHON BLVD NW containing approximately 5.7145 acre(s). (A-11)

At the November 12, 2009 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 public easement vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public easements.

(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. AMAFCA shall acknowledge the vacation by signature on the plat.
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.

The Preliminary/Final plat was approved with delegation to Transportation to comply with written comments and to Planning to show easement, AMAFCA signature and to record.

If you wish to appeal this decision, you must do so by November 30, 2009 in the manner described below.

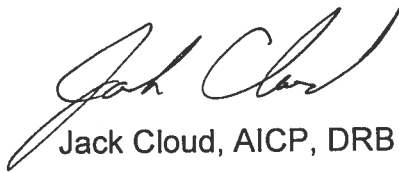
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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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, AICP, DRB Chair

Cc: Harris Surveying Inc. – c/o G.P.S LLC – 2412 D Monroe Street E –
Albuquerque, NM 87110

Cc: Unser & McMahon Southwest, LLC – c/o Reed Hawkes – 175 E. 400 South,
Ste 402 – Salt Lake City, UT 84111

Marilyn Maldonado

Scott Howell

File