



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 30, 2008

Project# Project# 1007018
08DRB-70002 VACATION OF PUBLIC EASEMENT

CARTESIAN SURVEYS INC agent(s) for BRUCE PONDER/BRENT TIANO request(s) the above action(s) for all or a portion of Block 6, Tract(s) A & B, **CIRCLE K CORPORATION**, zoned C-1, located on WYOMING BLVD BETWEEN COMANCHE NE AND CANDELARIA NE containing approximately 0.58 acre(s). (G-19)

At the January 30, 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, subject to documentation that there is no easement on the adjacent Tract C.

(A)(1) The access easement vacation request was 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 access 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. 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 14, 2008 in the manner described below.

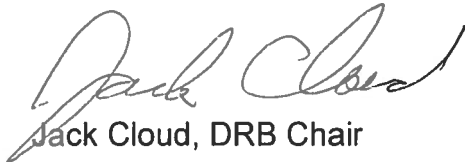
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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, DRB Chair

Cc: Cartesian Surveys, Inc. – P.O. Box 44414 – Rio Rancho, NM 87124
Cc: Bruce Ponder/Brent Tiano – 3507 Wyoming NE – Albuquerque, NM 87112
Cc: Matt Mossman – 3511 Wyoming Blvd NE – Albuquerque, NM 87111
Marilyn Maldonado
Scott Howell
File