



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

May 7, 2014

### **Project# 1007050**

14DRB-70080 VACATION OF PUBLIC EASEMENTS  
14DRB-70081 SIDEWALK WAIVER  
14DRB-70082 TEMP DEFR SWDK  
14DRB-70083 PRELIMINARY PLAT  
14DRB-70084 SITE DEVELOPMENT PLAN FOR SUBDIVISION

BOHANNAN HUSTON INC agents for RCS TRAILS TRACT 8, LLC request the referenced/ above actions for Tract 8, **THE TRAILS UNIT 2**, zoned SU-2/ VTRD, located in the southeast corner of WOODMONT AVE NW and UNIVERSE BLVD NW containing approximately 9.4497 acres. (C-9) ) *[Deferred from 4/16/14, 4/30/14]*

At the May 7, 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. The sidewalk waiver was approved per revised exhibit 'B'. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on exhibit in the planning file. With the signing of the infrastructure list dated 5/7/14, and with a conditionally approved grading and drainage plan engineer stamp dated 4/23/14, the preliminary plat was approved. The site development plan for subdivision was approved.

### Findings

The vacation request was filed by the owners of all the frontage of the subject easements.

Based on the proposed development and phasing plan, the public welfare is in no way served by retaining the 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. Failure to obtain State Land Office approval will require a revised Grading and Drainage Plan, which may require associated changes to the plat.

If you wish to appeal this decision, you must do so by May 22, 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:** BOHANNAN HUSTON INC  
**File**