



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 8, 2009

Project# 1007074

09DRB-70011 VACATION OF PUBLIC RIGHT-OF-WAY

ROSS HOWARD SURVEYING CO agent(s) for YVONNE BENCOMO request(s) the above action(s) for all or a portion of Tract(s) 99, 100, & 109, **M.R.G.C.D. MAP NO 31**, zoned RA-2, located on RIO GRANDE BLVD NW BETWEEN PRDRONCELLI RD NW AND CIMINO RD NW containing approximately 0.7424 acre(s). (F-13)
[Deferred from 2/11/09, 3/11/09, 5/6/09, 6/24/09]

At the July 8, 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)(2) and (3) of the Subdivision Ordinance.

Findings

(A)(1) The public right-of-way 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 public right-of-way. The City of Albuquerque does not anticipate any need to utilize the existing right of way for roadway purposes.

(B)(2) There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation;

It is the opinion of Transportation Development that the existing location and condition of Cimino Road is unacceptable. As such, the removal of the existing below standard roadway and an appropriate redesign will prove beneficial to the public.

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

Access to Rio Grande Boulevard is not considered a substantial property right. Conditions that will be enforced at replat will provide appropriate access to all property owners. As such, this vacation abridges no substantial property right.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on the 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 July 23, 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.

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:

Ross Howard Surveying Co. – P.O. Box 887 – Corrales, NM 87048
Yvonne Bencomo – 3909 Rio Grande NW – Albuquerque, NM 87107
Albert A. Griedo – 3911 Rio Grande NW – Albuquerque, NM 87107
Adam Griego – 2405 Cimino Rd, Albuquerque, NM 87107
Marie Olguin – 2501 Griegos PI NW – Albuquerque, nM 87107
Johnny Martinez – 3900 Cimino PI NW – Albuquerque, NM 87107
Wayne Griego – 1120 Atrisco Dr NW – Albuquerque, NM 87107
Cathy Hsi – 2504 Griegos PI NW – Albuquerque, NM 87107

Marilyn Maldonado
Scott Howell
File