



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 20, 2008

Project# 1007081

08DRB-70046 VACATION OF PUBLIC RIGHT-OF-WAY

PULLMAN INVESTMENTS LLC agent(s) for CRIS DiGREGORY request(s) the above action(s) for all or a portion of **WILLIS PL SW**, located on **WILLIS PL SW EAST OF RIO GRANDE BLVD SW. (J-13)**

At the February 20, 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. Per ABCWUA, the plat must retain public water and sanitary sewer easements over the entire vacated right-of-way. Per Transportation, all sites must be platted concurrently, and it will be required to place access easements on the replat.

(A)(1) The public right-of-way vacation easement 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 utility 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. Final disposition shall be through the City Real Estate Office
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.

If you wish to appeal this decision, you must do so by March 6, 2008 in the manner described below.

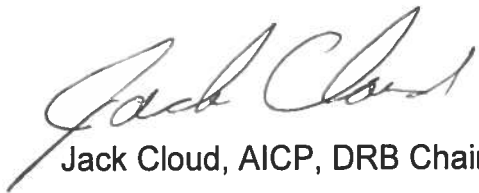
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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.)

A handwritten signature in cursive script, appearing to read "Jack Cloud".

Jack Cloud, AICP, DRB Chair

Cc: Pullman Investments LLC – 301 Central Ave NE # 201 – Albuquerque, NM 87102

Cc: Chris DiGregory -301 Central Ave NE – Albuquerque, NM 87102

Cc: John Menicucci – 4333 Pan American Frwy NW – Albuquerque, NM 87107

Marilyn Maldonado

Scott Howell



**OFFICIAL NOTICE OF DECISION
(AMENDED)**

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 5, 2009

Project# 1007081

09DRB-70118 VACATION OF PUBLIC RIGHT OF WAY

CRIS DIGREGORY agent(s) for PULLMAN INVESTMENTS LLC request(s) the referenced/ above action(s) for all or a portion of **WILLIS PLACE SW** adjacent to Tract C, **SHELL SUBDIVISION NUMBER ONE** located on WILLIS PL SW east of RIO GRANDE BLVD SW (south of CENTRAL AVE SW). (J-13)

At the April 22, 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.

1. (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.
2. (B)(1) The public welfare is in no way served by retaining the public right-of-way easement. The City of Albuquerque does not anticipate any need to utilize the existing right of way for roadway purposes.
3. (B)(3) 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. 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 May 15, 2009 in the manner described below.

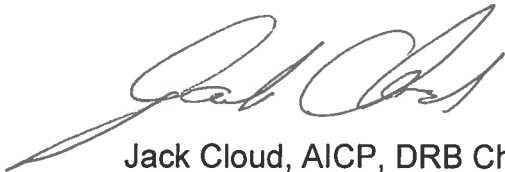
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Pullman Investments LLC – 314 Rio Grande Blvd SW – Albuquerque, NM 87104

Cc: Cris Degregory – 111 Avenida Bern. West #F – Bernalillo, NM 87004

John A. Menicucci – 4333 Pan American Frwy NE – Albuquerque, NM 87107

Roman & Mary Ann Wynneyckyj – 1808 Llano Ct NW 87107

Marilyn Maldonado

Scott Howell

File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 16, 2010

Project# 1007081

10DRB-70142 VACATION OF PUBLIC RIGHT-OF-WAY

DAC ENTERPRISES, INC agent(s) for PULLMAN INVESTMENTS LLC request(s) the referenced/ above action(s) for all or a portion of **WILLIS PLACE SW** adjacent to Tract C, **SHELL SUBDIVISION NUMBER ONE** located on WILLIS PL SW east of RIO GRANDE BLVD SW (south of CENTRAL AVE SW). (J-13)

At the June 16, 2010, 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.

Findings

The Subdivision Ordinance, Section 14-14-7-2, specifies that a vacation may be approved only when the following items are determined:

1. The public welfare is in no way served by retaining the way or easement;

The City of Albuquerque does not anticipate any need to utilize the existing right of way for roadway purposes.

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 removal of the existing right of way will provide a net benefit to the public welfare.

3. 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. 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 1, 2010 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: DAC Enterprises, Inc – P.O. Box 16658 – Albuquerque, NM 87191
Cc: Pullman Investments LLC – 314 Rio Grande Blvd SW – Albuquerque NM 87104
Marilyn Maldonado
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 27, 2011

Project# 1007081

11DRB-70180 VACATION OF PUBLIC RIGHT-OF-WAY

DAC ENTERPRISES, INC agent(s) for PULLMAN INVESTMENTS LLC request(s) the referenced/ above action(s) for all or a portion of **WILLIS PLACE SW** adjacent to Tract C, **SHELL SUBDIVISION NUMBER ONE** located on WILLIS PL SW east of RIO GRANDE BLVD SW (south of CENTRAL AVE SW). (J-13)

On July 27, 2011, the Development Review Board held an advertised public hearing on the proposed vacation per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the proposed vacation as shown on Exhibit "B" in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

(A)(1) The public road 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 right of way. The City of Albuquerque does not need to utilize the platted Willis Avenue for roadway or other purposes because it is a dead-end street and is not needed to serve adjacent property, subject to an access easement for the other abutting property.

(B)(3) 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 and signs were posted on the site 15 days prior to the hearing. The other abutting property owner initially raised an objection to the vacation, but was withdrawn subject to the provision of an access easement.

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.
3. Adequate easements shall be retained/ provided for all abutting property owners and for public utilities and infrastructure; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat

PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE DRB'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE DRB'S DECISION, WHICH IS BY August 11, 2011.

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest 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 protest. You will receive notice if any other person files a protest.

Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).



Jack Cloud, DRB Chair

Cc: DAC Enterprises, Inc. – P.O. Box 16658 – Albuquerque, NM 87191
Cc: Pullman Investment, LLC – 314 Rio Grande Blvd SW – Albuquerque 87104
Cc: Terry Johnson, 7550 Meridian PI NW – Albuquerque, NM 87121
Cc: Charles P. Price III, P.O. Box 7607 – Albuquerque, NM 87194
Marilyn Maldonado
file