



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 2, 2012

Project# 1007099

12DRB-70189 VACATION OF PUBLIC ROADWAY EASEMENT

12DRB-70190 VACATION OF PUBLIC WATERLINE EASEMENT

ISAACSON AND ARFMAN PA agent(s) for SANDIA FOUNDATION request(s) the referenced/ above action(s) to eliminate public access through Tract A, Block(s) 16 & 17, ZUNI ADDITION zoned SU-1 FOR C-2 PERMISSIVE USES W/ RESTRICTIONS, located on MENAUL BLVD NE at PROSPECT AVE NE containing approximately 4.183 acre(s). (H-19)

At the August 1, 2012 Development Review Board (DRB) advertised public hearing, the vacations were approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (2), (3) of the Subdivision Ordinance.

Findings

1. The DRB finds that the application request was submitted by the owner of the majority of the footage of land abutting the proposed vacations in accordance with Section 14-14-7-2(A)(1) of the Subdivision Ordinance,
2. Based on the submission by the applicant, testimony at the hearing, as well as the Findings and Conditions of the Environmental Planning Commission (EPC) for this project under Application No. 12EPC-40005, the DRB finds that there is a net benefit to the public welfare because the development made possible by the vacation and as approved by the EPC is clearly more beneficial to the public welfare than the minor detriment resulting from the vacations, in accordance with Section 14-14-7-2(B)(2) of the *Subdivision Ordinance*. *It was not demonstrated that the creation of a cul de sac for Proppect Avenue is a major detriment to access or public safety as there is still reasonable access for residents and emergency vehicles via Pennsylvania Street.*
3. A sign was posted on the subject property advertising the public hearing, property owners of record abutting the proposed vacation were notified of the hearing by first class mail, and recognized Neighborhood Associations in the area were notified by certified mail prior to the filing of the application for vacations in accordance with Section 14-14-7-2(F)(2) of the Subdivision Ordinance. Objections regarding abridgement of property rights which would result from the vacation were presented by some nearby property owners or their representatives at the referenced hearing; however, the applicant presented New Mexico case law (Mauney, 76 NM 36, 411 and Mandell, 44 NM 109, 99) as evidence that the closure of this section would not be an abridgement of substantial property rights, and the DRB so finds in accordance with Section 14-14-7-2(B) (3) of the Subdivision Ordinance.

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.
3. An acceptable Public Drainage Easement shall be provided on the replat.
4. An acceptable Right of Entry shall be provided to ABCWUA for maintenance of existing public water and sewer until new lines are constructed and accepted in the new easement(s).

The request for Site Development Plan for Subdivision sign-off for EPC was Indefinitely Deferred pending application for Preliminary and Final Plat. If you wish to appeal this decision, you must do so by August 16, 2012 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 A, submitted with a fee of \$190.00 to the Planning Department, within 15 days of the Development Review Board's decision.

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: Isaacson & Afrman PA
Ray A. Padilla, 7500 Montgomery Blvd NE, Albuquerque NM 87109
Rick Salas, 7416 Prospect Ave NE, Albuquerque NM 87110
Harold McCutcheon, 7420 Prospect Ave NE, Albuquerque NM 87110
James Sundsmo, 7501 Prospect Ave NE, Albuquerque NM 87110
Alex Morgan, 7414 Leah Dr NE, Albuquerque NM 87110
Marilyn Maldonado
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 8, 2013

Project# 1007099

13DRB-70526 MAJOR - 2YR SUBD IMP AGMT EXT (2YR SIA)

ISAACSON AND ARFMAN PA agent(s) for SANDIA FOUNDATION request(s) the above action(s) for all or a portion of Tract(s) A, **ZUNI ADDITION** zoned SU-1 FOR C-2 PERMISSIVE USES, located on MENAUL BLVD NE BETWEEN MESILLA ST NE AND PENNSYLVANIA ST NE containing approximately 4.183 acre(s). (H-19)

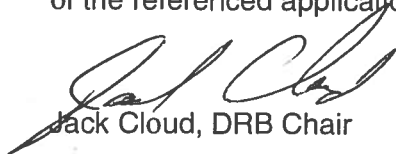
At the May 8, 2013 Development Review Board meeting, a two year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by May 23, 2013, 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).



Jack Cloud, DRB Chair

Cc: ISAACSON AND ARFMAN PA
Marilyn Maldonado
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 15, 2008

Project# 1007099

08DRB-70413 VACATION OF PUBLIC EASEMENT

08DRB-70414 VACATION OF PUBLIC RIGHT-OF-WAY

THE SURVEY OFFICE agent(s) for SANDIA FOUNDATION request(s) the referenced/ above action(s) for a portion **PROSPECT AVENUE NE** and adjacent easements on adjoining Lot(s) 1-3 & 37-39, Block 16 and 1-11 & 33-38, Block 17, **ZUNI ADDITON**, zoned C-2/ SU-1, located on the south side of MENAUL BLVD NE BETWEEN MESILLA ST NE AND PENNSYLVANIA ST NE containing approximately 4.183 acre(s). (H-19)

At the October 15, 2008 Development Review Board meeting, the vacations were 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 the following conditions: public roadway (access and drainage) easement will be dedicated connecting Menaul and Prospect. public sidewalk connection will be provided from Menaul to Prospect within a public easement. An exclusive 25ft water and sewer easement will be retained and a maintenance covenant shall be provided.

(A)(1) The vacation requests were filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) Based on the conditions of approval, the public welfare is in no way served by retaining the public right-of-way.

(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 October 30, 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: The Survey Office – 333 Lomas Blvd NE – Albuquerque, NM 87102

Cc: Sandia Foundation – 6211 San Mateo Blvd NE Ste 100 – Albuquerque, Nm 87109

Marilyn Maldonado

Scott Howell

File