



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 24, 2009

Project# 1007140

08DRB-70297 VACATION OF PUBLIC EASEMENT
08DRB-70300 SIDEWALK WAIVER
08DRB-70301 MINOR - TEMP DEFR SWDK CONST
08DRB-70302 MAJOR - SDP FOR SUBDIVISION
08DRB-70303 - PRELIMINARY PLAT

MARK GOODWIN AND ASSOCIATES PA agent(s) for JUAN TABO HILLS, LLC request(s) the above action(s) for all or a portion of Tract(s) 2-A, A-C, **JUAN TABO HILLS, UNIT 1**, zoned AD, SU-1, located on JUAN TABO BLVD BETWEEN VIA POSADA RD AND JULFSTREAM DR containing approximately 41.0242 acre(s). (M-22) [*Deferred from 7/30/08, 8/20/08 8/27/08, 9/3/08, 9/17/08, 10/1/08, 10/22/08, 11/5/08, 11/26/08, 12/3/08, 12/14/09, 2/11/09, 3/11/09, 4/15/09, 5/6/09, 5/20/09, 5/27/09, 6/3/09, 6/17/09*]

At the June 24, 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. The sketch plat was reviewed and comments were given.

(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 the public right-of-way 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:

3. Final disposition shall be through the City Real Estate Office.
4. 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.

The sidewalk waiver and the temporary deferral of sidewalk were approved as shown on Exhibit C in the Planning file. The site plan for subdivision was approved. With the signing of the infrastructure list dated 6/24/09 and with a grading and drainage plan engineer stamp dated 6/15/09, the preliminary plat was approved. Per ABCWUA, tract 'D' is to be retained as sanitary sewer easement at final plat, and a recorded copy of the public roadway easement must be provided to Planning.

If you wish to appeal this decision, you must do so by July 9, 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: Mark Goodwin & Associates PA – P.O. Box 90606 – Albuquerque, NM 87199

Cc: Juan Tabo Hills, LLC – PO. Box 1443 – Corrales, NM 87048

Scott Howell

Marilyn Maldonado

File