



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 8, 2008

Project# 1007472
08DRB-70399 VACATION OF PUBLIC EASEMENT
08DRB-70401 SKETCH PLAT REVIEW AND COMMENT

HIGH MESA CONSULTING GROUP agent(s) for ALBUQUERQUE PUBLIC SCHOOLS request(s) the above action(s) for all or a portion of Tract(s) A, **PLAT OF HIGHLAND HIGH SCHOOL** zoned O-1, located between COAL AVE SE AND ZUNI RD SE, BETWEEN JEFFERSON ST SE AND JACKSON ST SE containing approximately 23.47 acre(s). (K-17)

At the October 8, 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.

(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.

CONDITIONS:

1. The vacation of the Utility Easement shall be acknowledged in writing by PNM.
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 23, 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.

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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: Albuquerque Public Schools – Facilities Design & Construction – P.O. Box 25704 – Albuquerque, NM 87125

Cc: High Mesa Consulting Group – 6010-B Midway Park Blvd. NE – Albuquerque, NM 87109

Scott Howell

Marilyn Maldonado

File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 4, 2009

Project# 1007472

09DRB-70049 VACATION OF PUBLIC EASEMENT
09DRB-70050 VACATION OF PUBLIC RIGHT-OF-WAY
09DRB-70051 SKETCH PLAT REVIEW AND COMMENT

HIGH MESA CONSULTING GROUP agent(s) for ALBUQUERQUE PUBLIC SCHOOLS request(s) the referenced/ above action(s) for **TRACT B-C-2-J,, BLOCK 23, AND THE EAST HALF OF BLOCK 24, VALLEY VIEW ADDITION**, plus **Tract A-1, HIGHLAND HIGH SCHOOL**, and the adjacent public right of way for COAL AVENUE, MONROE STREET, and QUINCY STREET zoned O-1 & C-2, located on 4600 COAL AVE SE BETWEEN JEFFERSON ST SE AND JACKSON ST SE containing approximately 32.54 acre(s). (K-17)

At the March 4, 2009 Development Review Board meeting, the vacation of public easement 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 subject to acknowledgement by QWEST at final plat. The vacation of public right of way 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: subject to acknowledgement by QWEST at final plat. The sketch plat was reviewed and comments were given.

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 no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
Based upon the current agreement that closes access during school hours and based upon previously approved vacations in this area, it has been determined by the Development Review Board that no substantial property right is abridged by the proposed vacation.

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 19, 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: High Mesa Consulting Group – 6010-B Midway Park Blvd. NE –
Albuquerque, NM 87109

Cc: APS – Facilities Design & Construction – P.O. Box 25704 – Albuquerque,
NM 87125

Cc: Sharon Ahern – 3005 Farm Ln NW – Albuquerque, NM 87107

Cc: Michael McMullen – 7107 Prospect Pl – Albuquerque, NM 87110

Marilyn Maldonado

Scott Howell

File