



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

May 6, 2009

**Project# 1007741**

09DRB-70139 VACATION OF PUBLIC RIGHT-OF-WAY

DAC ENTERPRISES, INC agent(s) for STEVE COE PROPERTIES request(s) the referered/ above action(s) for all or a portion of the NORTH-SOUTH ALLEY in Block(s) 1, **MANDELL ADDITION # 2**, located east of 4TH ST NW between MENSUAL BLVD NW and WOODLAND AVE NW. (H-14)

At the May 6, 2009 Development Review Board meeting, the vacation of public right-of-way of the north half of the alley as acquired before 1973, 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 documentation.

(A)(1) The public right-of-way 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 anticipate any need to utilize the existing right of way for roadway purposes.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. The proposed vacation does not affect any access points for the surrounding area, and there is substantial evidence that the northern portion of the alley was vacated prior to annexation to the City.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office
3. 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 May 21, 2009 in the manner described below.

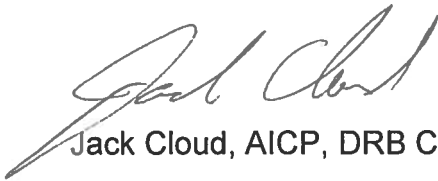
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: DAC Enterprises Inc. – P.O. Box 16658 – Albuquerque, NM 87191

Cc: Steve Coe Properties – 2625 San Pedro Dr NE – Albuquerque, NM 87110

Marilyn Maldonado

Scott Howell

File