



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

May 20, 2009

**Project# 1007771**  
09DRB-70159 VACATION OF PUBLIC RIGHT-OF-WAY

ADAM TRUBOW request(s) Vacation (closing) for a portion of public right of way for 7<sup>th</sup> Street SW behind the sidewalk but adjacent to Lot 8, Block(s) 1, **REALTY SALES COMPANY'S 1<sup>ST</sup> ADDITION**, zoned SU-2/ R-1, located on the east side of 7TH ST SW between IRON AVE SW and STOVER AVE SW containing approximately 0.07 acre(s). (K-14)

At the May 20, 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.

### Findings

(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 easement. The replat must comply with City of Albuquerque requirements as defined within Table 23.3.1B of the *Development Process Manual*. A distance of 9 feet from face of curb to the property line must remain as City right of way. Within the defined conditions, 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. 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 June 4, 2009 in the manner described below.

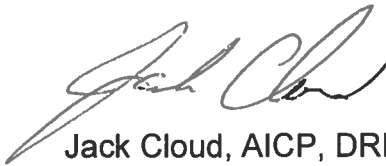
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Adam Trubow – 1115 Central Ave NW – Albuquerque, NM 87104

Cc: Alfonso Belmonte – 622 Iron SW – Albuquerque, NM 87105

Cc: Michael Navarro – 610 7<sup>th</sup> Street SW – Albuquerque, NM 87102

Marilyn Maldonado

Scott Howell

File