



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 24, 2009

**Project# 1007812**

09DRB-70190 VACATION OF PUBLIC RIGHT-OF-WAY

09DRB-70207 SKETCH PLAT REVIEW AND COMMENT

WILSON & COMPANY agent(s) for AMAFCA request(s) the referenced above action(s) for all or a portion of **WEST I-40 DIVERSION CHANNEL** located on I-40 BETWEEN 98TH ST NW AND COORS BLVD NW containing approximately .1458 acre(s). (J-9,10/H-10)

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 way or easement; The City of Albuquerque does not anticipate any need to utilize the existing right of way for roadway purposes, with the exception of a future alignment for a grade separation at I-40 per the *Long Range Roadway System Map*. A note regarding this future condition is to be included at replat.

(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 that will be enforced at replat will provide appropriate access for all properties. As such, this vacation abridges no substantial property right.

**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 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: Shadi Hayati – 4900 Lang Ave. NE – Albuquerque, NM 87114

Cc: AMAFA – 2600 Prospect NE – Albuquerque, NM 87107

Scott Howell

Marilyn Maldonado

File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 21, 2010

### **Project# 1007812**

10DRB-70169 VACATION OF PUBLIC RIGHT-OF-WAY

WILSON & COMPANY agent(s) for AMAFCA request(s) the referenced/ above action(s) for portions of Right of Way for 64<sup>th</sup> Street NW, 76<sup>th</sup> Street NW, Endee Road NW, and 90<sup>th</sup> Street NW, all within the **WEST I-40 DIVERSION CHANNEL**, located on the north side of I-40 between 98TH ST NW and COORS BLVD NW. (J-9,10/H-10)

At the July 21, 2010, 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.

Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1), (2) and (3) of the Subdivision Ordinance.

### Findings

(A)(1) The 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 right of way; The City of Albuquerque does not anticipate any need to utilize the existing right of way for roadway purposes, with the exception of a future alignment for a grade separation at I-40 per the *Long Range Roadway System Map*. A note regarding this future condition is to be included at replat

(B)(2) There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation; the removal of the existing public right of way will provide a clearer designation (drainage) for the use of the property.

(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. Additionally, conditions that will be enforced at replat will provide

appropriate access for all properties. As such, this vacation abridges no substantial property right.

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 August 5, 2010 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: Shadi Hayati – 4900 Lange Ave. NE – Albuquerque, NM 87114

Cc: AMAFCA – 2600 Prospect NE – Albuquerque, NM 87107

Scott Howell

Marilyn Maldonado

File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

November 17, 2010

### **Project# 1007812**

10DRB-70300 VACATION OF DRAINAGE RIGHT-OF-WAY

WILSON & COMPANY agent(s) for AMAFCA request(s) the referenced/ above action(s) for all or a portion of **CHAMISA POINTE SUBDIVISION, CANDLEWOOD SUBDIVISION & EAST ATRISCO PARK ADDITION**, all part of the **WEST I-40 DIVERSION CHANNEL**, located on the north side of I-40 between 76TH ST NW and COORS BLVD NW containing approximately 2.9849 acre(s). (H-10, J-10)

At the November 17, 2010 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 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 drainage right of way based on replacement easement, right of way and improvements.

(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 December 2, 2010 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.

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.)

A handwritten signature in black ink, appearing to read "Jack Cloud", written in a cursive style.

Jack Cloud, AICP, DRB Chair

Cc: Wilson & Co./Jennifer Whitey – 4900 Lang Ave NE – Albuquerque, NM  
87104

Cc: AMAFCA – 2600 Prospect Ave. NE – Albuquerque, NM 87107