



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 13, 2010

Project# 1007885
09DRB-70283 VACATION OF PUBLIC RIGHT-OF-WAY

The NATIONAL PARK SERVICE request(s) the referenced/ above action(s) for all or a portion of LAVA SHADOWS LOOP NW, located on the west side of UNSER BLVD NW across from WESTERN TRAIL NW. (F-10)[*Deferred from 12/23/09*]

At the January 13, 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), (2) and (3) of the Subdivision Ordinance.

Findings

(A)(1) The January 13, 2010, vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) Subject to retaining appropriate easements. 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 public roadway purposes.

(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; it is the opinion of the Transportation Development Division that the removal of the existing public access easement will provide a net benefit to the public welfare by allowing for improvements to the National Park Visitor Center.

(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 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.
3. Appropriate easements shall be retained/ provided for necessary facilities within the vacated right of way.

If you wish to appeal this decision, you must do so by January 28, 2010 in the manner described below.

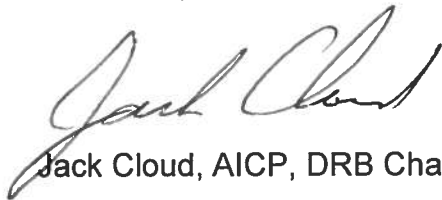
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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:

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Albuquerque, NM 87120

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File