



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 19, 2009

Project# 1007912

09DRB-70253 BULK LAND VARIANCE
09DRB-70254 VACATION OF PUBLIC EASEMENT
09DRB-70255 - PRELIMINARY/ FINAL PLAT APPROVAL

WILSON AND COMPANY INC agent(s) for STANLEY L DIAMOND request(s) the referenced/ above action(s) for all or a portion of Tract(s) E, **THE CORRECTION PLAT OF THE BULK LAND PLAT OF LA CUENTISTA** zoned R-1, located on the south side of ROSA PARK RD NW between KIMMICK DR NW and CALLE NORTENA NW containing approximately 71.2609 acre(s). (C-11 & D-11)

At the August 19, 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.

(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 easements.

(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 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.

The bulk land variance was approved. The preliminary/final plat was approved with delegation to Planning for clarification that blanket sanitary sewer easement is for the benefit of Tract E-1, to record and for AGIS DXF file.

If you wish to appeal this decision, you must do so by September 3, 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: Stanley L. Diamond – 21 Vista Valle Circle – Lamy, NM 87540

Cc: Kristine Susco – Wilson and Company – 4900 Lang Av. NE – Albuquerque, NM 87109

Scott Howell

Marilyn Maldonado

File