



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

February 17, 2010

**Project# 1007958**  
10DRB-70032 VACATION OF PUBLIC UTILITY EASEMENTS

TIERRA WEST LLC agent(s) for LARRY H MILLER CHRYSLER JEEP DODGE request(s) the referenced/ above action(s) for 3 utility easements on Lot(s) 36B-1, Block(s) S, **BOSQUE REDONDO ADDITION**, zoned C-2, located on the southwest corner of LOMAS BLVD NE and WYOMING BLVD NE containing approximately 5.000 acre(s). (K-19)

At the February 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 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.

(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.
2. Utility Companies shall acknowledge vacation via signature on the plat.

If you wish to appeal this decision, you must do so by March 4, 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: Tierra West LLC – 5571 Midway Park Place NE – Albuquerque, NM 87109

Cc: Larry H. Miller Chrysler Jeep Dodge – 9530 S 150 E, Ste 1000 – Sandy, UT 84070

Marilyn Maldonado

Scott Howell

File