



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 9, 2009

Project# 1008060

09DRB-70344 VACATION OF PUBLIC UTILITY EASEMENT
09DRB-70345 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURV-TEK INC agent(s) for 6301 UPTOWN LLC request(s) the referenced/above action(s) for all or a portion of Lot(s) A-2-B-1 & B-1-A, **DALE J BELLAMAH'S JEANNEDALE UNIT 5**, zoned SU-3/ MIXED USE-UPT, located on the north side of UPTOWN BLVD NE between SAN PEDRO DR NE and AMERICA'S PKWY NE containing approximately 4.4842 acre(s). (H-18)[*Deferred from 12/2/09*]

At the December 9, 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 preliminary/final plat was approved with final sign off delegated to the Planning department for AMAFCA signature, AGIS DXF file and to record.

If you wish to appeal this decision, you must do so by December 24, 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.

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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: Surv-Tek Inc. – 9384 Valley View Dr. NW – Albuquerque, NM 87114

Cc: 6301 Uptown LLC – P.O. Box 70125 – Albuquerque, NM 87197

Marilyn Maldonado

Scott Howell

File