



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 9, 2010

Project# 1008191

10DRB-70136 MAJOR - VACATION OF PUBLIC RIGHT-OF-WAY
10DRB-70137 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

FORSTBAUER SURVEYING LLC agent(s) for ELEANOR JANE CARLTON, TRUSTEE request(s) the referenced/ above action(s) for a portion of BELL AVENUE SE and CARDENAS DRIVE SE adjacent to and including Lot(s) 12, SHIRLEY'S SUBDIVISION of Block 3, **BARON BURG HEIGHTS**, zoned R-3, located on the northwest corner of CARDENAS DR SE and BELL AVE SE containing approximately 0.1683 acre. (L-18)

At the June 9, 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.

FINDINGS:

The Subdivision Ordinance, Section 14-14-7-2, specifies that a vacation may be approved only when the following items are determined:

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.
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 Transportation Development that the removal of the existing right of way will provide a net benefit to the public welfare.
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.