



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

August 4, 2010

**Project# 1008268**

10DRB-70192 VACATION OF PUBLIC RIGHT-OF-WAY

MASTERWORKS ARCHITECTS INC agent(s) for MICHAEL HOSNI request(s) the referenced/ above action(s) for a portion of PHEASANT AVENUE NW adjacent to Lot 7, Block E **CACY ADDITION**, located on the southeast corner of the intersection of COORS BLVD NW and PHEASANT AVE NW containing approximately .0734 acre. (G-11)

At the August 4, 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.
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:

3. Final disposition shall be through the City Real Estate Office.
4. The vacated property shall be shown on the 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.

If you wish to appeal this decision, you must do so by August 19, 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: Masterworks Architects Inc. – 516 11<sup>th</sup> St NW – Albuquerque, NM 87102

Cc: Michael Hosni – 2922 Coors Blvd NW – Albuquerque, NM 87120

Marilyn Maldonado

File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

April 13, 2011

### **Project# 1008268**

11DRB-70064 VACATION OF PUBLIC UTILITY EASEMENT

TERRAMETRICS OF NEW MEXICO agent(s) for MICHAEL HOSNI/ HOSNI COLLECTIONS LLC request(s) the referenced/ above action(s) for all or a portion of Lot 7, Block E, **CACY ADDITION** zoned O-1, located on the south side of PHEASANT AVE NW between COORS BLVD NW and CORONA DR NW containing approximately .1766 acre. (G-11)

At the April 13, 2011 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 vacation request was filed by the owner of the entire tract of the proposed vacation.

The public welfare is in no way served by retaining the way or easement, based on the proposed replat and redevelopment of the property.

There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. Utility companies and 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. 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. Franchised utilities shall acknowledge the vacation and the provision of adequate easements by their signature on the replat.

If you wish to appeal this decision, you must do so by April 28, 2011 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, DRB Chair

Cc: Terrametrics NM - 4175 Montgomery Blvd NE – Albuquerque, NM 87109

Michael Hosni – 2922 Coors Blvd,NW – Albuquerque, NM 87122

Marilyn Maldonado

Scott Howell

file