



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 28, 2010

### **Project# 1008412**

10DRB-70186 VACATION OF PUBLIC EASEMENT  
10DRB-70187 VACATION OF PUBLIC RIGHT-OF-WAY

BOHANNAN HUSTON INC agent(s) for SAWMILL COMMUNITY LAND TRUST request(s) the referenced/above action(s) for a portion of Mill Pond Road NW and the adjacent 10 ft Easement on Tract(s) 2-E-1, **ARBOLERA DE VIDA Unit(s) 2B**, zoned S-M1, located on MILL POND RD NW between ASPEN AVE NW and I-40. (H-13)

At the July 28, 2010 Development Review Board meeting, the vacationw were 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. Final disposition shall be through the City Real Estate Office
2. 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.

With an approved grading and drainage plan engineer stamp dated 12/5/07 the preliminary plat was approved. the subdivision design variance was approved. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on exhibit 'C' in the Planning file. The sidewalk waiver was approved as shown on exhibit 'C' in the planning file for the cul-de-sac only. An amendment to the infrastructure list was approved.

If you wish to appeal this decision, you must do so by August 12, 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: Bohannon Huston Inc. – 7500 Jefferson NE – Albuquerque, NM 87109

Cc: Sawmill Community Land Trust – P.O. Box 25181 – Albuquerque, NM  
87125

Marilyn Maldonado

Scott Howell

File