



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

December 22, 2010

### **Project# 1008435**

10DRB-70332 VACATION OF PUBLIC EASEMENT  
10DRB-70333 BULK LAND VARIANCE  
10DRB-70334 - PRELIMINARY/ FINAL PLAT APPROVAL

FORSTBAUER SURVEYING CO LLC agent(s) for AMERICUS LLC et al request(s) the referenced/ above action(s) for all or a portion of Lot(s) N-3, N-4, and N-7, **TANOAN PROPERTIES** zoned R-D, located on the south side of SAN ANTONIO DR NE between LOWELL ST NE and TRAMWAY BLVD NE containing approximately 20.6654 acre(s). (E-22)

At the December 22, 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**

(A)(1) The public right of way vacation request was filed by the owners of all of the footage of land abutting the proposed vacation, Americus LLC.

(B)(1) The public welfare is in no way served by retaining the future right of way; the City of Albuquerque does not anticipate any need to utilize the existing easement for roadway purposes based on the existing roadway network..

(B)(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:**

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 Bulk Land Variance was approved. The Preliminary/Final plat was approved with final sign off delegated to the Planning Department to record.

If you wish to appeal this decision, you must do so by January 6, 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, AICP, DRB Chair

Cc: Forstbauer Surveying LLC – 4116 Lomas Blvd. NE – Albuquerque, NM 87110

Cc: Americus LLC – 8500 Washington NE A-6 – Albuquerque, NM 87113

Marilyn Maldonado

File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

February 2, 2011

### **Project# 1008435**

11DRB-70001 VACATION OF PUBLIC PARK SITE EASEMENT

BOHANNAN HUSTON INC agent(s) for DR WILLIAM GALBRETH request(s) the referenced/ above action(s) for a portion of Tract(s) N-7, **TANOAN PROPERTIES**, zoned R-D, located on the south side of SAN ANTONIO DR NE between LOWELL ST NE and TENNYSON ST NE containing approximately .1132 acre. (E-22)

At the February 2, 2011 Development Review Board meeting, the vacation was approved as shown on Exhibit 'C' 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:

#### **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 easement for roadway purposes.

#### **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:

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.

If you wish to appeal this decision, you must do so by February 17, 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, AICP, DRB Chair

Cc: Bohannan Huston Inc.  
Cc: Marilyn Maldonado  
Scott Howell  
file



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

April 4, 2012

**Project# 1008435**  
12DRB-70053 VACATION OF PUBLIC RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agent(s) for MECHEMBIER CONSTRUCTION, INC. request(s) the referenced/ above action(s) for all or a portion of PANORAMA/ TRAMWAY BOULEVARD NE adjacent to Tract N-2 **TANOAN PROPERTIES** and Tracts 17 & 18 **HIGH DESERT SUBDIVISION** zoned R-D, located on the west side of TRAMWAY BLVD NE north of ACADEMY RD NE containing approximately 5.2885 acre(s). (E-22) [*Deferred from 3/21/12, 3/28/12*]

On **April 4, 2012**, the Development Review Board concluded an advertised public hearing on the proposed vacation per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the proposed vacation as shown on *the attached* Exhibit "B" and in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

(A)(1) The vacation of public right-of-way 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 right of way. The City of Albuquerque does not need to utilize the platted street for roadway or other purposes based on the surrounding development, subject to provision of adequate access and utility 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. 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, *notice was published in a newspaper of general circulation 15 days before the date of the hearing*, and signs were posted on the site 15 days prior to the hearing; no objection regarding access or the abridgement of a substantial property right was raised.

### CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 6, 2012

**Project# 1008435**

12DRB-70141 VACATION OF PUBLIC PARK SITE EASEMENT  
12DRB-70142 BULK LAND VARIANCE  
11DRB-70270 PRELIMINARY/FINAL PLAT APPROVAL

JACKS HIGH COUNTRY INC agent(s) for WILLIAM E GALBRETH LAND DEVELOPMENT LLC request(s) the referenced/ above action(s) for all or a portion of Tract(s) N-7-A, TANOAN PROPERTIES, zoned R-D, located on the south side of SAN ANTONIO DR NE between LOWELL ST NE and TENNYSON ST NE containing approximately 6.8328 acre(s). (E-22)

At the June 6, 2012 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. The bulk land variance and preliminary/final plat was deferred to 6/13/12 at the agent's request.

Findings

The public welfare is in no way served by retaining the way or easement; With the adoption of the Impact Fee Ordinances and based on current development, the City of Albuquerque does not anticipate any need to utilize the existing easement for park purposes.

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:

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.

If you wish to appeal this decision, you must do so by June 21, 2012 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: Jack's High Country Inc.  
William Galbreth Land Development  
Marilyn Maldonado  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

February 13, 2013

**Projec# 1008435**  
13DRB-70413 VACATION OF PUBLIC EASEMENT

ISAACSON AND ARFMAN PA agent(s) for MECHENBIER CONSTRUCTION, INC. request(s) the referenced/ above action(s) for FUTURE RIGHT OF WAY for TENNYSON ST on Tract N-2, **TANOAN PROPERTIES** zoned R-D, located on west side of TRAMWAY BLVD NE south of SAN ANTONIO DR NE containing approximately 2.5579 acre(s). (E-22)

At the February 13, 2013 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

(A)(1) The public easement vacation request was filed by the owners of a majority of the rear footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the public easement. The City of Albuquerque does not anticipate any need to utilize the existing easement for roadway purposes, based on the terrain and lack of adequate easement width.

(B)(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:

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.

If you wish to appeal this decision, you must do so by February 28, 2013 in the manner described below.



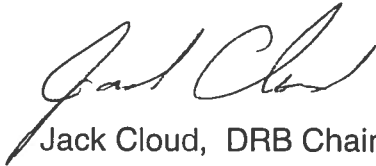
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: ISAACSON AND ARFMAN PA  
Marilyn Maldonado  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

July 31, 2013

**Project# 1008435**  
13DRB-70616 VACATION OF PUBLIC RIGHT-OF-WAY

ISAACSON AND ARFMAN PA agent(s) for MECHENBIER CONSTRUCTION, INC. request(s) the referenced/ above action(s) for all or a portion of PANORAMA/ TRAMWAY BOULEVARD NE adjacent to Tract N-2 **TANOAN PROPERTIES** and Tracts 17 & 18 **HIGH DESERT SUBDIVISION** zoned R-D, located on the west side of TRAMWAY BLVD NE north of ACADEMY RD NE containing approximately 5.2885 acre(s). (E-22) [*Deferred from 3/21/12, 3/28/12*]

On **July 31, 2013**, the Development Review Board concluded an advertised public hearing on the proposed vacation per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the proposed vacation as shown on *the attached* Exhibit "B" and in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

(A)(1) The vacation of public right-of-way 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 right of way. The City of Albuquerque does not need to utilize the platted street for roadway or other purposes based on the surrounding development, subject to provision of adequate access and utility 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. 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, *notice was published in a newspaper of general circulation 15 days before the date of the hearing*, and signs were posted on the site 15 days prior to the hearing; no objection regarding access or the abridgement of a substantial property right was raised.

### CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.