



## 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**