



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 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 **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:

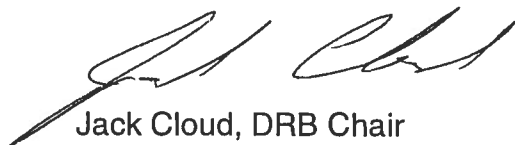
1. Final disposition shall be through the City Real Estate Office.

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.
3. Adequate easements shall be retained/ provided for public utilities and infrastructure and access to abutting properties; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.

PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE DRB'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE DRB'S DECISION, WHICH IS BY April 19, 2012.

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest 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 protest. You will receive notice if any other person files a protest.

Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).



Jack Cloud, DRB Chair

Cc: Isaacson & Arfman PA
Cc: Mechenbier Construction Inc.
Marilyn Maldonado
file