



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 5, 2011

Project# 1008437

10DRB-70339 VACATION OF PUBLIC RIGHT-OF-WAY

ALBUQUERQUE SURVEYING CO INC agent(s) for RAY ALDERETE & CATHERINE BACA request(s) the referenced/ above action(s) for the Ditch Right of Way adjacent to Lot 83, **ALVARADO GARDENS, Unit 3**, zoned RA-2, located on the north side of CANDELARIA RD NW between TRELIS DR NW and GLENWOOD RD NW containing approximately 0.59 acre. (G-12)

At the January 5, 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.

(A)(1) The public right-of-way 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.

(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. 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.
2. MRGCD must acknowledge via signature.

If you wish to appeal this decision, you must do so by January 20, 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.)

A handwritten signature in blue ink, appearing to read "Jack Cloud", is positioned above the printed name.

Jack Cloud, DRB Chair

Cc: Albuquerque Surveying co. Inc. – 2119 Menaul Blvd NE – Albuquerque, NM 87107
Ray Alderete & Cathering Baca – P.O. Box 6435 – Albuquerque, NM 87197-6435
Ms. Trujillo – 2624 Veranda Rd NW – Albuquerque, NM 87107
Marilyn Maldonado
file