



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

October 5, 2011

Project# 1008528

11DRB-70253 VACATION OF PUBLIC UTILITY EASEMENT

TIERRA WEST LLC agent(s) for MONTEREY LAND GROUP, III, LLC request(s) the above action(s) for all or a portion of a 10 foot Public Utility Easement on Lot 1B-1, PARADISE NORTH SUBDIVISION zoned SU-1 FOR IP USES W/EXCEPTIONS, located on the west side of GOLF COURSE RD NW between MCMAHON BLVD NW and the CALABACILLAS ARROYO containing approximately 13.5512 acre(s). (A-12)

At the October 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) (2)(3) of the Subdivision Ordinance.

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

(B)(1) There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial than any minor detriment, based on the provision of acceptable replacement easement(s) being granted to the affected utility companies.

(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. The vacation is subject to the provision of acceptable replacement easement(s) being granted to the affected utility companies.

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.
2. Utility companies shall acknowledge the vacation and acceptability of replacement easements by their signature on the replat.

If you wish to appeal this decision, you must do so by October 20, 2011 in the manner described as follows.

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: Tierra West LLC – 5571 Midway Park Place NE – Albuquerque, NM 87109

Cc: Montgomery Land Group, III, LLC – 320 Osuna Rd NE Ste G3 –
Albuquerque, NM 87107

Marilyn Maldonado

file