



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 7, 2012

Project# 1008589

12DRB-70039 VACATION OF PUBLIC EASEMENT

12DRB-70040 VACATION OF PUBLIC RIGHT-OF-WAY

12DRB-70041 EXTENSION OF SIA FOR TEMPORARY DEFERRAL SIDEWALK
CONSTRUCTION

12DRB-70042 EXTENSION OF MAJOR PRELIMINARY PLAT

ESMAIL HAIDARI request(s) the referenced/ above action(s) for all or a portion of Lot(s) 15, 16 AND 18, Block(s) 1, Tract 2, Unit 3, NORTH ALBUQUERQUE ACRES, zoned R-D located on the west side of WYOMING BLVD NE between EAGLE ROCK AVE NE and MODESTO AVE NE containing approximately 2.3961 acre(s). (C-19)

At the March 7, 2012, Development Review Board meeting, extension of the Preliminary Plat as corrected was approved. The conditions of final plat still apply. Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

The vacations were 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 easement vacation requests were filed by the owners of a majority of the rear footage of land abutting the proposed vacation.*

(B)(1) Based on the proposed plat, the public welfare is in no way served by retaining the public easements; and right of way; the right of way was for AMAFACA and has already been deeded to the applicant.

(B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right; testimony at the hearing did not demonstrate a property right that would be affected by the vacations.

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.

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If you wish to appeal this decision, you must do so by March 22, 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: Esmail Haidari

Don Mayhew – 7420 Blue Holly Ct. NE, Albuquerque, NM 87113

Steve Hunter – 9115 Silver Sage Dr., Albuquerque, NM 87113

Marilyn Maldonado

file