



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 9, 2011

Project# 1008589

10DRB-70327 VACATION OF PUBLIC RIGHT-OF-WAY
10DRB-70328 VACATION OF PUBLIC EASEMENT
10DRB-70329 MINOR - TEMPORARY DEFERED SIDEWALK CONST
10DRB-70330 MAJOR - PRELIMINARY PLAT APPROVAL

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

At the March 9, 2011 Development Review Board meeting, the vacations were approved as shown on Exhibit 'B' in the Planning file, based on the following Findings:

Findings

The Subdivision Ordinance, Sections 14-14-7-2(B)(1) & (3), specify that a vacation may be approved only when the following items are determined:

The public welfare is in no way served by retaining the way or easement;

The City of Albuquerque does not need to utilize the existing Public Roadway Easement for roadway purposes based on the proposed subdivision, and AMAFCA has quit claimed the Public Drainage Easement because it is not needed.

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:

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.

The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit 'C' in the Planning file.

The Board found evidence of similar non-uniform lots in blocks 3 and 6 of adjacent Desert Ridge Trails Unit 1 Subdivision as proposed with this subdivision. With an approved grading and drainage plan engineer stamp dated March 1, 2011 and with the signing of the infrastructure list dated March 9, 2011 the preliminary plat was approved.

CONDITIONS:

1. Detached open space shall be calculated and compliance with Section 14-16-3-8 (A) of the Zoning Code shall be noted on the Final plat; this may require cash payment to be received prior to Final plat.

2. The proposed Lot 9P-1 shall be designated as "Tract" or "Parcel" on the Final plat, and restrictions on further platting of this Tract or Parcel shall be prominently noted on the Final plat.

If you wish to appeal this decision, you must do so by March 24, 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; 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 – 12008 Gazelle Place NE – Albuquerque, NM 87111
Cc: Steve Marcum Managing Member – SBAIb Real Estate Holdings, LLC. –
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Marilyn Maldonado
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File