



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

April 25, 2012

### **Project# 1008656**

12DRB-70073 VACATION OF EASEMENT  
12DRB-70074 SIDEWALK VARIANCE  
12DRB-70075 SUBDIVISION DESIGN VARIANCE FROM MIN DPM STDS  
12DRB-70076 MINOR - TEMP DEFERRAL SIDEWALK CONSRUCTION  
12DRB-70077 PRELIMINARY PLAT  
12DRB-70102 EPC APPROVED SDP FOR SUBDIVISION

MARK GOODWIN AND ASSOCIATES, P.A. agent(s) for GLENDALE, LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 4-9, Block 12, **NORTH ALBUQUERQUE ACRES Tract 1 Unit 3**, zoned R-D, located on the south side of GLENDALE AVE NE between WYOMING BLVD NE and BARSTOW ST NE. containing approximately 5.993 acre(s). (B19)[*Deferred from 3/28/12, 4/18/12*]

At the **April 25, 2012** 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 sidewalk variance for a meandering sidewalk and 4 foot sidewalk width on Glendale, and for temporary deferral of construction of sidewalks on the interior streets was approved as shown on the Sidewalk and Variance Exhibit in the planning file. A subdivision design variance from minimum DPM design standards was approved as shown on the Sidewalk and Variance Exhibit and the Site Development Plan for Subdivision in the planning file.

With the signing of the infrastructure list dated 4/25/12 and with an approved grading and drainage plan engineer stamp dated 4/23/12, the preliminary plat was approved with the addition of noting the separation distance of 5 ft in Section "E-E".

The Site Development Plan for Subdivision was approved and delegated to Planning for revisions to the Landscape Plan.

### Findings

The public welfare is in no way served by retaining the easement; based on the proposed plat, the City of Albuquerque does not anticipate any need to utilize the existing easement for drainage purposes.

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.

If site development plan delegated to Planning for revisions to the Landscape Plan. to

If you wish to appeal this decision, you must do so by May 10, 2012 in the manner described below.

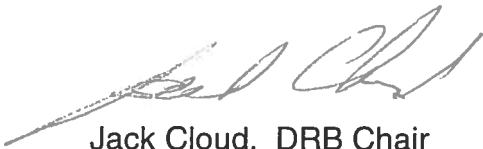
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Mark Goodwin & Associates P.A.

Cc: Glendale LLC

Marilyn Maldonado

File