



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

March 30, 2011

Project# 1008699

11DRB-70046 VACATION OF PUBLIC RIGHT-OF-WAY

JAMES LAWRENCE et. al. request(s) the referenced/above action(s) for all of the EAST-WEST ALLEY in Block E, **ATLANTIC AND PACIFIC ADDITION** located between 2ND ST SW and 3RD ST SW, between COAL AVE SW and IRON AVE SW. (K-14)[*Deferred from 3/23/11*]

On March 23 and March 30, 2011, the Development Review Board held an advertised public hearing on the proposed vacation per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the proposed vacation of the referenced alley as shown on Exhibit "B" in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

Findings

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

(B)(1) The public welfare is in no way served by retaining the public right of way. The City of Albuquerque does not need to utilize the platted alley for vehicular purposes based on the abutting ownership and circulation pattern.

(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 and signs were posted on the site 15 days prior to the hearing; no objection regarding access or the abridgement of a substantial property right was raised. All owners of land abutting the alley were in support of the proposed vacation.

This site is located in the Barelas Sector Development Plan which does not contain restrictions or recommendations against the vacation of alleys.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. 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.

3. All abutting property owners shall concur with the required replatting as a single plat or the simultaneous recording of multiple plats.
4. Adequate easements shall be retained/ provided for public utilities and infrastructure, including a public sewer easement; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.

PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE DRB'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE DRB'S DECISION, WHICH IS BY April 14, 2011.

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest 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 protest. You will receive notice if any other person files a protest.

Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).



Jack Cloud, DRB Chair

Cc: James Lawrence – 510 3rd St. SW – Albuquerque, NM 87102
Cc: JoJo Montoya – 508 3rd St. SW – Albuquerque, NM 87102
Cc: Douglas Chandler, Albuquerque Rescue Mission – Box 331, 87103
Cc: Cecilia Dolly Rivera – 311 Hazeldine SW – Albuquerque, NM 87102
Cc: Alan Vinciuni, Berger Briggs – 4333 Pan American Fwy – Albuquerque, NM 87107

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file