

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. Adequate easements shall be retained/ provided for public utilities and infrastructure; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.
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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 September 15, 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.

A Bulk Land Variance from the requirements of Part 3 and Part 5 of the Subdivision Ordinance was approved for the portion of Parcels C and D of this subdivision not owned by Albuquerque Public Schools (APS), based on the following Findings:

BULK LAND VARIANCE FINDINGS:

- (1) APS is a contract purchaser of a portion of this plat – for the other parcels, the variance will not be injurious to the public safety, health or welfare, or to adjacent property, the neighborhood or the community, because the proposed parcels cannot be developed without being reviewed for required infrastructure based on the existing zoning, and the Memorandum of Understanding between the City of Albuquerque and the Albuquerque Public School District will ensure the construction of infrastructure adjacent to its property; and
- (2) The variance will not conflict significantly with the goals and provisions of any city, county, or AMAECA adopted plan or policy, the applicable zoning ordinance, or any other city code or ordinance, because the proposed parcels cannot be developed without being reviewed for required infrastructure based on the existing zoning, and the Memorandum of Understanding between the City of Albuquerque and the Albuquerque Public School District which will ensure the construction of infrastructure adjacent to its property; and

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:

Margaret Olivarez – 1344 Wind Ridge NW 87120
Russell Perea – 9408 Endee Rd NW 87120
Bethany Grow – 9504 Stormcloud Ave. NW 87120
Joan Fleetwood – 8904 Warm Springs Rd NW 87120
Tabitha King - 1619 Wind Ridge Dr 87120
Clyde Wheeler – 3209 Lazy Day Dr. SW 87121
Martin Eckert – 915 Locust SE
Kathy Korte – 8012 Rancho Quieto Ct. NW 87120
Thomas Borst – 1908 Selway Pl NW 87120
Art Retberg – 9732 Summer Shower Pl NW 87120
Laura Horton – 7224 Cascada Rd NW 87114
Jerry Worrall – 1039 Pinatubo Pl NW 87120
Holly Womack – 1344 Wind Ridge Dr NW 87120
Dan Serrano – 4409 Atherton Way NW 87120
Leroy Chavez – 227 Hwy 314 Los Lunas NM 87031
Vic Segura – 8612 Warm Springs Rd NW 87120
Linda Simmons – 1608 Gale Ct NW 87120
Vincent Benham – 9601 Storm Cloud NW 87120
Julius Sadilek – 8608 Warm Springs Rd NW 87120
Charles Colarusso – 2319 Wildstream St. NW 87120
Anthony Segura – 2000 Selway Pl NW 87120
Jennifer Pelletier – 9200 Stormcloud Ave NW 87120
April Arviso – 7809 Golden Spike Dr. NW 87120
Donovan Olvera – 9600 Stormcloud Dr NW 87120
Ruth Olivarez – 1344 Wind Ridge Dr. NW 87120
Scott Howell, City Real Estate Office
Marilyn Maldonado
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