



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 30, 2013

**Project# 1009030**

13DRB-70401 VACATION OF PUBLIC EASEMENT  
12DRB-70387 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

ISAACSON & ARFMAN P.A., agents for VILLA FIRENZE HOMEOWNERS ASSOCIATION request replatting and the referenced / above Vacation of a 10 ft Public Utility Easement on the southern portion of Tract A, **VILLA FIRENZE SUBDIVISION**, zoned R-D and located on the north side of CORONA AVE NE west of VENTURA ST NE, containing approximately .5577 acre. (C-20)

At the **January 30, 2013** 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. Utility companies must acknowledge via signature. The preliminary/ final plat was deferred to 2/6/13.

Findings

The request was filed by the owner of all the frontage for the proposed vacation.

Based on the proposed replat, the public welfare is in no way served by retaining the easement; the City of Albuquerque allows franchised utilities to utilize public right of way for utility purposes.

There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right, provided any utility agreements are reviewed and approved by the City Attorney. 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.
2. Utility Companies shall acknowledge the vacation via signature on the replat.
3. Any agreement with Utility Companies and the Homeowners Association shall be reviewed and approved by the City Attorney.

If you wish to appeal this decision, you must do so by February 174, 2013 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: ISAACSON & ARFMAN P.A.,  
Marilyn Maldonado  
file