



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

June 6, 2012

### **Project# 1009046**

12DRB-70094 – VACATION OF RAILROAD EASEMENTS  
12DRB-70114 MAJOR - VACATION OF PUBLIC EASEMENTS  
12DRB-70115 MAJOR - PRELIMINARY PLAT APPROVAL  
12DRB-70116 SUBDIVISION DESIGN VARIANCE FROM DPM STANDARDS  
12DRB-70117 MINOR - TEMP DEFERRAL SIDEWALK CONSTRUCTION  
12DRB-70126 EPC APPROVED SDP FOR SUBDIVISION

MARK GOODWIN AND ASSOCIATES, P.A. agent(s) for SAWMILL CROSSINGS, LLC request(s) the referenced/ above action(s) for Tract B1A2, **DUKE CITY LUMBER CO ADDITION**, zoned SU-2/S-I (proposed SU-2/ SU-1 PRD), located on the south side of ASPEN AVE NW between 12<sup>TH</sup> ST NW and 19<sup>TH</sup> ST NW containing approximately 6.9292 acre(s). (H-13)[*Deferred from 5/2/12, 5/23/12*]

At the **June 6, 2012** Development Review Board meeting, the vacations were 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. The Site Development Plan for Subdivision was approved with final sign-off delegated to Planning Department for revisions. The subdivision design variance(s) from minimum DPM design standards were approved based on the EPC site plan approval. The Preliminary Plat and Temporary Deferral of Sidewalk Construction requests were deferred to 6/13/12 at the agent's request.

### Findings

The public welfare is in no way served by retaining the way or easement; Based on the proposed development and the existing adjacent railroad line, the City of Albuquerque does not anticipate any need to utilize the existing easements for utility or railroad 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:

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 you wish to appeal this decision, you must do so by June 21, 2012 in the manner described below.

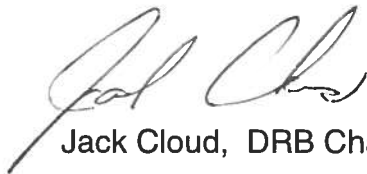
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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.  
Sawmill Crossings LLC  
Marilyn Maldonado  
file