



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 15, 2013

Project# 1009046

13DRB-70518 VACATION OF PUBLIC EASEMENT

13DRB-70519 EXTENSION OF MAJOR PRELIMINARY PLAT

MARK GOODWIN AND ASSOCIATES, P.A. agents for SAWMILL CROSSINGS, LLC request the referenced/ above action(s) for Tract B1A2, **DUKE CITY LUMBER CO ADDITION**, zoned SU-2/SU-1 PRD, located on the south side of ASPEN AVE NW between 12TH ST NW and 19TH ST NW containing approximately 6.9292 acres.

At the May 15, 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. A one-year extension of the preliminary plat was approved.

Findings

(A)(1) The public 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 easement, because alternative easement(s) will be provided on the required replat,

(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 approving the vacation and no objection regarding access or the abridgement of a substantial property right was raised.

CONDITIONS:

1. The Railway Crossing must be approved and document prior to Final Plat.
2. The tri-party agreement(s) between the developer, the City of Albuquerque and NMDOT must be approved and document prior to Final Plat.
3. 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 May 30, 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: MARK GOODWIN AND ASSOCIATES, P.A.
Marilyn Maldonado
file