



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

October 29, 2014

### **Project# 1009046**

14DRB-70273 VACATION OF PUBLIC WATERLINE & SEWER EASEMENTS  
14DRB-70274 SIDEWALK WAIVER  
14DRB-70275 - TEMP DEFR SWDK  
14DRB-70276 - PRELIMINARY PLAT

MARK GOODWIN AND ASSOCIATES, P.A. agents for SAWMILL CROSSING, LLC request the referenced/ above actions for all or a portion of Tract B, **SAWMILL CROSSING Unit 1**, zoned SU-2/ SU-1 for PRD, located on the south side of ASPEN AVE NW west of 12TH ST NW containing approximately 4.247 acres. (H-13) *[Deferred from 8/27/14, 9/17/14, 9/24/14, 10/1/14, 10/8/14, 10/15/14, 10/22/14]*

At the October 29, 2014 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. The sidewalk waiver was approved as shown on exhibit 'C' in the planning file. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on exhibit in the planning file. With the signing of the infrastructure list dated 10/29/14, and with an approved grading and drainage plan engineer stamp dated 9/25/14 the preliminary plat was approved.

### Findings

The request was submitted by the owner of a majority of the frontage of the proposed vacation.

Based on the proposed replat and alternate easement/ right of way, the public welfare is in no way served by retaining the way or easement.

There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. The DRB received written concurrence with the Vacation from the adjacent user of the improvements within the easement. 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.

If you wish to appeal this decision, you must do so by November 13, 2014 in the manner described below.

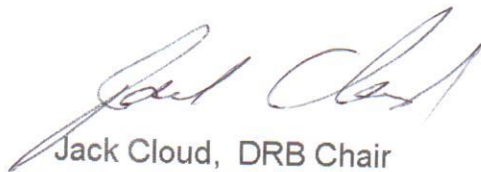
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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.