



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 9, 2013

**Project# 1009082**

12DRB-70082 VACATION OF PUBLIC UTILITY EASEMENT

12DRB-70083 VACATION OF PUBLIC RIGHT-OF-WAY

WILSON & COMPANY agent(s) for MX LLC request(s) the referenced/ above action(s) for VALIENTE ROAD NW as well as a portion of KIMMICK DRIVE NW and CALLE NORTENA NW plus Utility Easements in Blocks 2, 3 & 6 **VOLCANO CLIFFS Unit 26**, zoned SU-2/ VCMX, located on the south side of PASEO DEL NORTE NW between CALLE NORTENA NW and CALLE PLATA NW containing approximately 30.7 acre(s). (C-11) [*Deferred from 3/28/12, 4/4/12, 5/9/12, 5/30/11 6/27/12, 7/25/12, 8/29/12, 9/26/12, 10/31/12, 11/28/12, 12/19/12*]

At the **January 9, 2013** Development Review Board meeting, the vacations were recommended for approval by City Council based on exhibits in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance.

Findings

The Subdivision Ordinance, Section 14-14-7-2, specifies that a vacation may be approved only when the following items are determined:

**The public welfare is in no way served by retaining the way or easement;**

The City of Albuquerque does not anticipate any need to utilize the existing easement for roadway 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:

1. Final disposition shall be through the City Real Estate Office
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 **January 24, 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.)



Richard Dourte, Acting DRB Chair

Cc: Wilson & Company  
Marilyn Maldonado  
File