



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

February 13, 2013

Project# 1009178

12DRB-70374 VACATION OF PUBLIC EASEMENT

12DRB-70393 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

PRECISION SURVEYS INC agents for RW INVESTMENT CO LLC/ RHETT WATERMAN & CHARLES HAMILTON request replatting and vacation/ closing of a 10 foot Walkway on Lot 31 & adjacent to Lot 6, Block 9, **VOLCANO CLIFFS UNIT 18**, zoned SU-2/ VCLL, located on the north side of PETIRROJO RD NW and east of AGUILA ST NW containing approximately 8.5017 acres. (D-10) [*Deferred from 1/2/13, 1/16/13, 1/30/13*]

At the February 13, 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. The preliminary/final plat was deferred to 2/20/13 at the agent's request.

Findings

(A)(1) The public easement vacation request was filed by the owners of a majority of the rear footage of land abutting the proposed vacation.

(B)(1) There is a net benefit to the public welfare because the development made possible by the vacation and the elimination of potential nuisance uses is clearly more beneficial than the minor detriment which would be the loss of opportunity for occasional use of the public easement. The City of Albuquerque does not anticipate any need to utilize the existing easement for pedestrian purposes, based on the terrain and lack of adequate easement width.

(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:

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 February 28, 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: PRECISION SURVEYS INC
Marilyn Maldonado
File



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 14, 2013

Project# 1009178
13DRB-70611 PRELIMINARY PLAT APPROVAL
13DRB-70617 MINOR - TEMP DEFR SWDK CONST

MARK GOODWIN AND ASSOCIATES, P.A. agents for RTR, LLC request the referenced/ above action for Lot 31 (proposed 31-A), Block 9, VOLCANO CLIFFS Unit 18, zoned SU-2/VCLL, located on PETIRROJO RD NW between UNSER BLVD NW and URRACA ST NW containing approximately 7.9143 acres. (D-10) [Deferred from 7/24/13, 8/7/13]

At the August 14, 2013 Development Review Board meeting, with the signing of the infrastructure list dated 8/14/13 and with an approved grading and drainage plan stamp dated 8/9/13, the preliminary plat was approved. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on the exhibit in the planning file.

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

If you wish to appeal this decision, you must do so by August 29, 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).


Jack Cloud, DRB Chair

Cc: MARK GOODWIN AND ASSOCIATES, P.A.
Marilyn Maldonado
File