



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 15, 2014

Project# 1009506

13DRB-70752 - SITE DEVELOPMENT PLAN FOR SUBDIVISION
13DRB-70753 MAJOR - PRELIMINARY PLAT
13DRB-70754 & 13DRB-70756 VACATION OF PUBLIC EASEMENTS
13DRB-70757 VACATION OF PUBLIC RIGHT-OF-WAY
13DRB-70755 - TEMP DEFR SWDK CONST

BOHANNAN HUSTON INC agents for PULTE HOMES OF NEW MEXICO request the referenced/ above actions for Lots 15-21, **VOLCANO CLIFFS UNIT 6 (tbka MONTECITO WEST UNIT 1)** zoned SU-2 VOLCANO CLIFFS RURAL RESIDENTIAL (VCRR), located on the west side of ALBERICOQUE PL NW between VISTA VIEJA NW and SCENIC RD NW containing approximately 29.54 acre(s). (D-9)[*Deferred from 12/4/13, 12/18/13, 1/8/14*]

At its January 15, 2014 meeting, the Development Review Board concluded an advertised public hearing on the proposed vacations per section 14-14-7-2(F) of the Subdivision Ordinance. After concluding its public hearing, the Board recommends APPROVAL to the City Council of the vacation requests as shown on *the attached Exhibit "C" and* in the Planning file, based on the following recommended Findings per sections 14-14-7-2(A)(1), (B)(1), and (B)(3) of the Subdivision Ordinance, and subject to the following recommended Conditions of Approval per sections 14-14-7-2(F)(3)(c) and 14-14-7-2(F)(4) of the Subdivision Ordinance.

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

(B)(1) Based on the submitted and required replat, the public welfare is in no way served by retaining the public right of way. The City of Albuquerque does not need to utilize the platted streets for roadway or other purposes based on the surrounding and proposed development.

(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, *notice was published in a newspaper of general circulation 15 days before the date of the hearing*, and signs were posted on the site 15 days prior to the hearing; no objection regarding access or the abridgement of a substantial property right was raised.

CONDITIONS:

1. Final vacated right of way disposition shall be through the City Real Estate Office.

2. The vacations shall be shown on the replat conditionally 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.
 3. Adequate easements shall be retained/ provided for public utilities and infrastructure and access to abutting properties; franchised utility companies shall acknowledge the vacation and adequate easements by their signature on the replat.
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PROTEST: IT IS NOT POSSIBLE TO APPEAL DRB RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE DRB'S RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE DRB'S DECISION, WHICH IS BY January 30, 2014.

Protest is to the City Council. Any person aggrieved with this determination of the Development Review Board may file a protest 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 protest. You will receive notice if any other person files a protest.

Also at the January 15, 2014 Development Review Board meeting, with the signing of the infrastructure list dated 1/15/14 and with an approved grading and drainage plan engineer stamp dated 1/13/14, the site development plan for subdivision and the preliminary plat were approved. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on Exhibit "B" in the planning file. As a condition of approval, landscaping of the Private Commons Area as shown on the Landscape Plan shall be installed with the Work Order plans, and soil stabilization shall be included with the landscaping of the ponding area.

If you wish to appeal this decision, you must do so by January 30, 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).


Jack Cloud, DRB Chair

Cc: BOHANNAN HUSTON INC
file

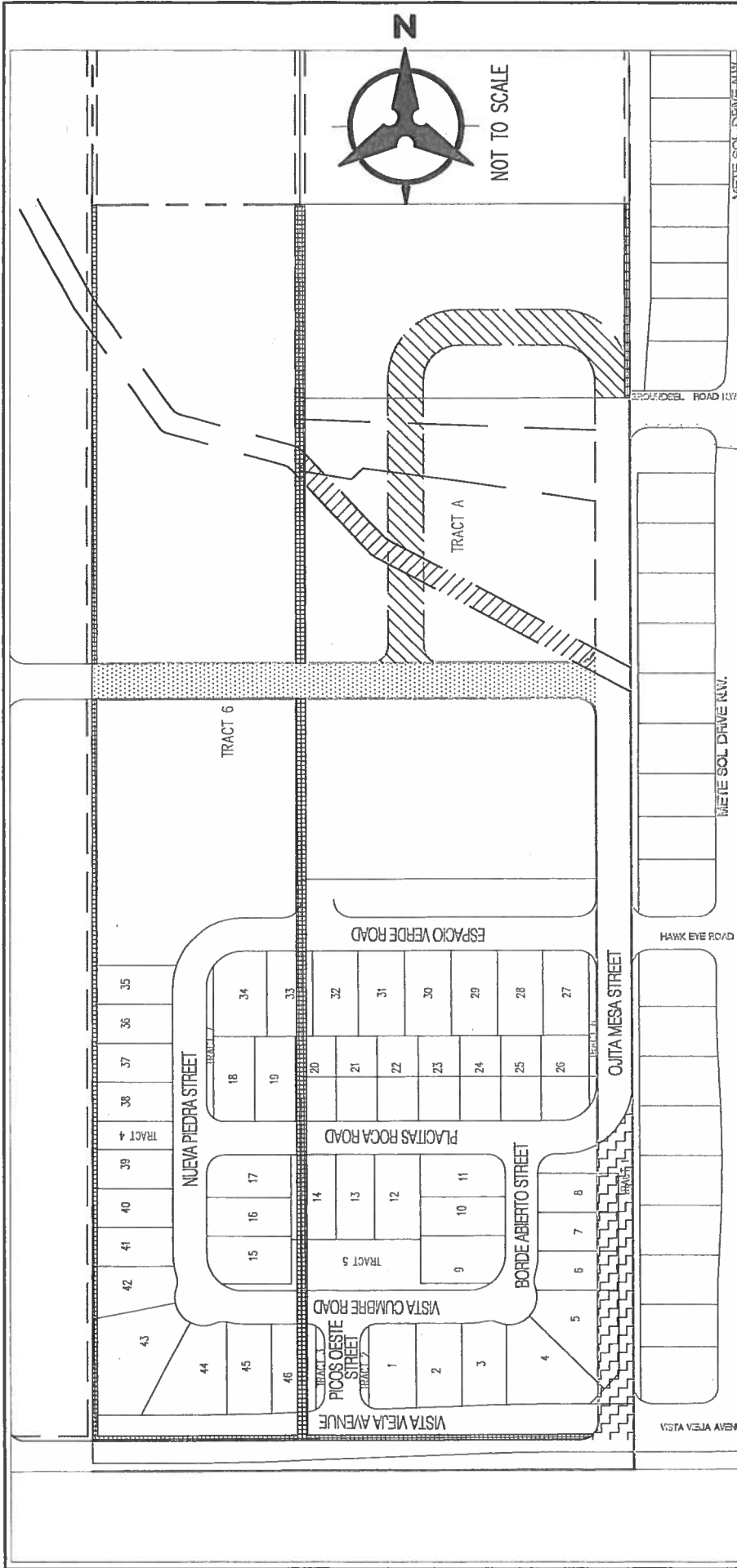


EXHIBIT "C"

Montecito West Unit 1

VACATION EXHIBIT

11/08/2013

Bohannon **Huston**

PORTION OF RETABALO ROAD TO BE VACATED WITH THIS PLAT. ROAD CUTS THROUGH TRACT 6 WHICH CITY OPEN SPACE WANTS LEFT NATURAL. IN ADDITION, THE ROAD DOES NOT ALIGN WITH THE VISTA VIEJA SUBDIVISION TO THE EAST. ESPACIO VERDE ROAD PROVIDES CONNECTION TO THE VISTA VIEJA SUBDIVISION.

PORTION OF ALBERICOQUE PLACE TO BE VACATED WITH THIS PLAT. DUE TO THE VISTA VIEJA SUBDIVISION TO THE EAST, ALBERICOQUE PLACE IS A SINGLE LOADED STREET. THE STREET HAS BEEN REALIGNED THROUGH MONTECITO WEST TO REDUCE THE LENGTH OF SINGLE LOADING.

EXISTING ROADWAY EASEMENT TO BE VACATED WITH THIS PLAT. EASEMENT DOES NOT MATCH PROPOSED ROAD CONFIGURATION FOR MONTECITO WEST UNIT 2. IN ADDITION, THE EASEMENT CROSSES THAT PORTION OF THE MIDDLE BRANCH OF THE BOCA NEGRA ARROYO THAT WAS CHANNELIZED WITH THE VISTA VIEJA SUBDIVISION AND NO PROVISION WAS MADE FOR CROSSING THE ARROYO WITH A ROAD AT THE EASEMENT LOCATION.

PORTION OF EXISTING DRAINAGE EASEMENT TO BE VACATED WITH THIS PLAT. MIDDLE BRANCH OF THE BOCA NEGRA ARROYO HAS BEEN REALIGNED AND NEW EASEMENT GRANTED. THIS EASEMENT DOES NOT OVERLAY THE ARROYO AND IS NO LONGER NEEDED.

EXISTING PUBLIC UTILITY EASEMENT (PUE) TO BE VACATED WITH THIS PLAT NEW PUE'S WILL BE GRANTED WITH THE NEW SUBDIVISION PLAT.

