



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

June 14, 2013

Project# 1009542
13DRB-70558 VACATION OF PUBLIC RIGHT-OF-WAY
13DRB-70559 VACATION OF PRIVATE EASEMENT

WILSON & COMPANY agents for CITY OF ALBUQUERQUE request the referenced/ above action(s) for a portion of NEW YORK AVENUE SW adjacent to Lot 8A-1A as well as an Access Easement on Lots 8A-1A and 8A-3, TRACTION PARK & CITY ELECTRIC ADDITION, zoned C-2, located at the southeast intersection of NEW YORK AVE SW and CENTRAL AVE SW containing approximately 2.709 acre(s). (J-12)

On June 12, 2013, the Development Review Board concluded an advertised public hearing on the proposed vacation 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 proposed vacation as shown on *the attached* Exhibit "B" 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) 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 street for roadway purposes based on the proposed redevelopment by the City of Albuquerque.

(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:

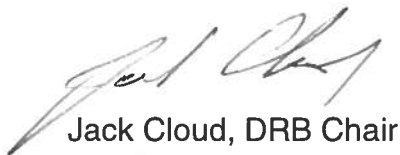
1. Final disposition shall be through the City Real Estate Office.

2. 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.
3. A minimum 10 foot Public Access Easement from the proposed cul de sac to the traffic signal on Central Avenue shall be provided on the replat.
4. A minimum 20 foot Public Drainage Easement (or alternate width if approved by DMD) centered on the 18 inch storm drain in the proposed vacated right of way shall be provided on the replat.
5. Adequate easements shall be retained for the waterline, sewer line and force main line in the proposed vacated right of way; line locations need to be verified prior to establishing easement(s) on the replat.
6. Adequate easements shall be retained/ provided franchised utility companies, which shall acknowledge the vacation and the adequacy of the easements by their signature on the replat.

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 June 27, 2013.

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.

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: WILSON & COMPANY
Marilyn Maldonado
file