



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

April 3, 2013

**Project# 1009567**

**13DRB-70471 VACATION OF PUBLIC RIGHTS-OF-WAY**

EDI agents for 4120 SILVER AVE LLC request the referenced/ above action(s) for portions MONTCLAIRE DR SE, SIERRA DR SE & SILVER AVE SE adjacent to Lots 1-6, Block 10, **MESA GRANDE ADDITION** zoned OR-2, located on the south side of SILVER AVE SE between MONTCLAIRE DR SE and SIERRA DR SE containing approximately .8540 acre. (K-17) containing approximately 9.1925 acre(s). (A-10)

At the April 3, 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,

Findings

(A)(1) The vacation request was filed by the owners of all 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, as this is considered excess right of way beyond what is needed for the adjacent local streets.

(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. One objection was raised but it incorrectly stated that the vacation would increase the density on the site, which is a percentage of total land and is set by the zoning classification; the cumulative area of the proposed vacation is diminimus and does not substantially alter the effect of development on this site.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on the 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 April 18, 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.)

A handwritten signature in black ink, appearing to read "Jack Cloud", is positioned above the printed name.

Jack Cloud, DRB Chair

Cc: EDI  
Marilyn Maldonado  
file