



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

March 27, 2013

**Project# 1009603**  
13DRB-70463 VACATION OF PUBLIC EASEMENTS

PRECISION SURVEYS INC agents for TOSTA NM LLC request the referenced/ above action for easements on a portion of Lot(s) 1-3 & 22-24, Block 8, **MENDELSBERG'S SUBDIVISION OF BLOCKS 7 & 8, BARON BURG HEIGHTS** zoned C-1, located on the south side of ZUNI RD SE between SAN MATEO BLVD SE and ORTIZ DR SE (K-17& 18, L-17 & 18)

At the March 27, 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 public easement vacation request was filed by the owners of a majority of the rear footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the easement. Alternative easement(s) will be provided on the required replat, and the replat must be acknowledged by franchised utilities to complete the vacation; PNM has provided updated comments acknowledging approval,

(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:

1. 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.

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 blue ink, appearing to read "Jack Cloud".

Jack Cloud, DRB Chair

Cc: PRECISION SURVEYS INC  
Marilyn Maldonado  
File



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<b>AMAFCA</b> No comments
<b>COG</b> No comments provided
<b>TRANSIT</b> No comments
<b>ZONING ENFORCEMENT</b>
<b>NEIGHBORHOOD COORDINATION</b> Affected NA/HOAs – South San Pedro NA (R), Highland Business & NA (R), Parkland Hills NA (R)
<b>APS</b> No comments provided
<b>POLICE DEPARTMENT</b> This project is in the Southeast Area Command - No Crime Prevention or CPTED comments concerning the proposed Vacation of Public Easement request at this time.
<b>FIRE DEPARTMENT</b> No comments provided
<b>PNM ELECTRIC &amp; GAS</b> PNM currently has an overhead feeder line in use, located within this easement, PNM does not Support the vacation of this easement.
<b>COMCAST</b> No comments provided
<b>CENTURYLINK</b> No comments provided
<b>ENVIRONMENTAL HEALTH</b> No comments provided