



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

September 11, 2013

Project# 1009721

13DRB-70638 VACATION OF PRIVATE EASEMENT
13DRB-70639 SUBDIVISION DESIGN VARIANCE
13DRB-70640 SIDEWALK WAIVER
13DRB-70665 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

COMMUNITY SCIENCES CORP agents for JOHN & LAURA FREED request the referenced/ above actions for Lot 10-A-3, **ALVARADO GARDENS UNIT 2** zoned RA-2 / W7, located on the south side of CAMPBELL RD NW between CALLE TRANQUILO NW and TRELIS DR NW containing approximately 1.042 acres. (G-12)[*Deferred from 8/28/13, 9/4/13*]

At the **September 11, 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. A subdivision design variance from minimum dpm design standards was approved as shown on exhibit in the planning file. The sidewalk waiver was approved as shown on exhibit 'C' in the planning file. With the signing of the infrastructure list dated 9/11/13 the preliminary/final plat was approved with final sign off delegated to City Engineer for construction or subdivision improvements agreement and to planning for solid waste approval for hammerhead.

Findings

The Subdivision Ordinance, Section 14-14-7-2, specifies that a vacation may be approved only when the following items are determined:

The public welfare is in no way served by retaining the way or easement;

The City of Albuquerque does not anticipate any need to utilize the existing easement for roadway purposes.

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. 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.

If you wish to appeal this decision, you must do so by **September 26, 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: COMMUNITY SCIENCES CORP
Marilyn Maldonado
File