



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 22, 2014

Project# 1009843

13DRB-70792 VACATION OF PUBLIC ROADWAY EASEMENT
14DRB-70001 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL
14DRB-70003 SUBDN DESIGN VARIANCE FROM MIN DPM STDS

THE GROUP agents for LEGACY 18 request the referenced/ above action for approximately 4 ft of excess easement for OAKLAND AVENUE adjacent to Lot 20, Block 2, Tract 2, Unit 3, NORTH ALBUQUERQUE ACRES zoned R-D, located on the north side of OAKLAND AVE NE between SHAHEEN CT NE and ABIS CT NE. (C-19) [Deferred 1/15/14]

At the January 22, 2014 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 modified Subdivision Design Variance from minimum DPM design standards was approved for a 4 foot Sidewalk Setback and associated reduction in Right of Way. With the signing of the infrastructure list dated 1/22/14 and with an approved grading plan engineer stamp dated 12/23/13, the preliminary plat was approved. The final plat was deferred for Completion and Acceptance of the infrastructure or for recording of the Subdivision Improvements Agreement (SIA).

Vacation Findings

The vacation request was filed by the owners of all the frontage of land abutting the vacation.

Based on the proposed replat and existing adjacent development, the public welfare is in no way served by retaining the 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. 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.
2. Zoning Note (5) shall be removed for the Final Plat.
3. The wall exhibit shall note a maximum height of 8 feet.

If you wish to appeal this decision, you must do so by February 6, 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).

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: THE GROUP
File