



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 23, 2014

Project# 1009982

14DRB-70228 VACATION OF PUBLIC SLOPE EASEMENT FOR FLOODWAY & STORM DRAINAGE

TIERRA WEST LLC agents for I-40 SOUTH, LLC request the referenced/ above action for a portion of Tract 4, **AVALON SUBDIVISION Unit 5**, zoned SU-1/ IP USES & C-2 PERMISSIVE USES W/ EXCEPTIONS, located west of UNSER BLVD NW between DAYTONA RD NW and LOS VOLCANES RD NW containing approximately 2.3421 acres. (J-9 & K-9))

At the July 23, 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.

Findings

The vacation request was filed by the owner of a majority of the frontage of the easement.

Based on the approved grading plan and the fact that the easement does not receive water from the flooding source, the public welfare is in no way served by retaining the existing easement.

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.

If you wish to appeal this decision, you must do so by August 7, 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: