



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

August 20, 2014

Project# 1010170

14DRB-70262 VACATION OF PUBLIC RIGHT-OF-WAY

14DRB-70282 VACATION OF PRIVATE EASEMENT

14DRB-70286 MINOR - PRELIMINARY/ FINAL PLAT APPROVAL

SURV-TEK INC agents for BLACK DEVELOPMENT ONE, LLC request the referenced/ above action for a portion of **COORS ROAD NW & UNPLATTED/ ABANDONED OLD COORS BOULEVARD RIGHT OF WAY**, located adjacent to Tract 1-A Windmill Estates and Lot 4B Cottonwood Crossing on the east side of the intersection of COORS BYPASS NW and COORS BLVD NW containing approximately 2.3522 acres. (B-14)

At the August 20, 2014 Development Review Board meeting, the vacation of public right-of-way 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. The vacation of private easement was withdrawn. The preliminary/final plat was Indefinitely Deferred.

Findings

(a)(1) The vacation of public right-of-way request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(b)(1) Based on the proposed replat, the public welfare is in no way served by retaining the public right of way. The City of Albuquerque does not need to utilize the platted right of way for roadway or other purposes based on the surrounding development.

(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, *notice was published in a newspaper of general circulation 15 days before the date of the hearing*, and signs were posted on the site 15 days prior to the hearing; 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 4, 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: SURV-TEK INC