



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 6, 2016

Project# 1010546

16DRB-70092 VACATION OF PUBLIC UTILITY EASEMENTS

SURV-TEK INC agents for MJ PROPERTY INVESTORS LLC request the referenced/above action for portions of Tract A, **COOGAN & WATERS & SOUTHWESTERN LAND & DEVELOPMENT CO** and Tracts B & C, **MILNE PLAZA** zoned C-2/SC, located on the southwest corner of CENTRAL AVE SW and ATRISCO DR SW containing approximately 12.3 acres. (K-12)

At the April 6, 2016 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 right of way vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.

(B)(1) The public welfare is in no way served by retaining the easements based on the existing development and proposed replat.

(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 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. All owners of land abutting the alley were in support of the proposed vacation.

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. Utility companies shall acknowledge the vacation by their signatures on the required replat.

If you wish to appeal this decision, you must do so by April 21, 2016

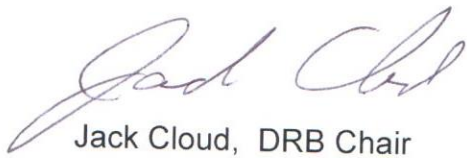
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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