



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

July 27, 2016

Project# 1010551

16DRB-70223 VACATION OF PUBLIC WATERLINE EASEMENT

DAC ENTERPRISES INC agents for DEEMER PROPERTIES NM LLC request the referenced/ above action for a portion of Tract 2-A, **WESTGATE MOBILE HOME PARK ADDITION** zoned R-T, located on the west side of 98TH ST SW between TOWER RD SW AND SAGE RD SW. (L-9)

At the July 27, 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 street 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 street easement. The City of Albuquerque does not need to utilize this portion of the platted street for vehicular purposes based on the abutting ownership 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:

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 11, 2016 in the manner described below.

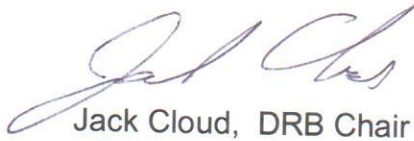
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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: Thomas Johnston, 330 Louisiana NE, 87108