



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

November 16, 2016

Project# 1011039

16DRB-70367 VACATION OF PUBLIC RIGHT-OF-WAY

PRECISION SURVEYS INC agents for DOS VIENTOS LLC request(s) the referenced/ above action for a portion of COMMERCIAL STREET NE adjacent Lots 1-16, Block 2, **COMMERCIAL ADDITION** zoned M-1, located on the west side of COMMERCIAL ST NE between MARQUETTE AVE NE and ROMA AVE NE. (J-14) *[Deferred from 11/9/16]*

At the November 16, 2016, Development Review Board meeting, the vacation of approximately 6 feet of right of way was approved per section 14-14-7-2(a) (1) and (b) (1)(3) of the subdivision ordinance with the condition of possible utility relocation and adjustment to curb.

(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) Based on the justification submitted for the proposed right of way width, there is a net benefit to the public welfare made possible by the vacation which is more beneficial than any minor detriment.

(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 approving the vacation and 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 the 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.
3. An Infrastructure List for utility and curb relocation and drainage inlets may be required.

If you wish to appeal this decision, you must do so by December 1, 2015 in the manner described below.

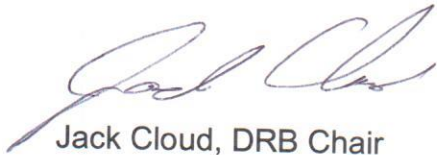
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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.)

A handwritten signature in black ink, appearing to read "Jack Cloud", is written above the printed name.

Jack Cloud, DRB Chair