



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

December 7, 2016

### **Project# 1011078**

16DRB-70421 VACATION OF PRIVATE EASEMENT

BOHANNAN HUSTON INC agent(s) for INNOVATE ABQ, INC. request(s) the above action(s) for all or a portion of Tract(s) A, B, C, & D, **LANDS OF THE FIRST BAPTIST CHURCH** zoned SU-3, located on CENTRAL BETWEEN BROADWAY AND THE RAILROAD TRACKS containing approximately 6.96 acre(s). (K-14)

At the December 7, 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), (F)(1), and (B) (1)(3) of the Subdivision Ordinance.

### Findings

The applicant stated at the public hearing that the company owns all the lots, thus representing all the benefitted and burdened parties, and is in agreement with the proposed vacation.

Based on the proposed redevelopment, the public welfare is in no way served by retaining the existing easement(s).

Based on the agreement of all benefitted and burdened parties, there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

### 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. Adequate replacement easement(s) satisfactory to ABCWUA shall be provided prior to or concurrent with the required replat.

If you wish to appeal this decision, you must do so by December 22, 2016 in the manner described below.

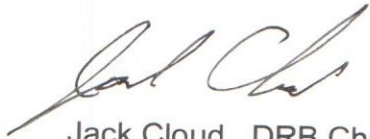
Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

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.)

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

Jack Cloud, DRB Chair