

**PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946**

OFFICIAL NOTIFICATION OF DECISION

December 7, 2018

Ben E Keith Company & Swire Pacific
Holdings, INC.
601 E 7th ST. Fort Worth TX 76102

Project# PR-2018-001361

Application#

SD-2018-00105 Vacation of Public Right of Way

SD-2018-00104 Vacation of Public Easement

LEGAL DESCRIPTION:

for all or a portion of LOT 1A BULK OF PLAT OF
LOT 1-A UNSER TOWNE CROSSING + LOT 8 SUBD
PLAT OF UNSER TOWNE CROSSING, zoned NR-
BP, located on UNSER BLVD. NW between LOS
VOLCANES RD NW and GALLATIN PL NW
containing approximately 53.4218 acre(s). (J-10)

On December 5, 2018, the Development Review Board (DRB) held a public hearing concerning the above referenced application and recommended approval of the request to vacate a portion of Town Crossing Avenue (SD-2018-00105) to City Council and approved the vacation of the public easement (SD-2018-00104), based on the following Findings and subject to the Conditions:

SD-2018-00105 Vacation of Public Right of Way

Findings:

1. This is a request to vacate a portion of Public Right of Way, Towne Crossing Avenue NW, south of Unser Blvd. The ROW is 40 feet wide and approximately 825 feet in length totalling approximately 34,000 sf in area.
2. The area of the vacation is outlined on the exhibit labelled R.O.W. and Easement Vacation Exhibit, dated 9-18-2018, which was submitted by the applicant and a copy is placed in the DRB file for a record.
3. The public welfare does not require that the public right-of-way or easement be retained because the portion of the road to the south that would have connected to Gallatin Place was vacated in 2016, this portion was not built and neither was the portion proposed to be vacated.
4. There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor

detriments resulting from the vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of right. Both owners of the property surrounding the ROW agree to the vacation. The vacation does not impact the access to any other properties.

5. The applicant followed the property notice procedure, as shown in Table 6-1-1 of the IDO.
6. The City Council will make the final decision on this request because the vacation is over 5,000 square feet and the entire width of a street (6-6(K)(2)(e)).

Condition:

1. A replat showing the vacated property must be approved by the DRB and recorded within one year of City Council approval, if approved.

SD-2018-00104 Vacation of Public Easement

Findings:

1. This is a request to vacate a .1167 acre temporary Access Easement that was granted as a temporary turn around for the south end of Towne Crossing Ave. NW.
2. The area of the vacation is outlined on the exhibit Labelled R.O.W. and Easement Vacation Exhibit, dated 9-18-2018, which was submitted by the applicant and a copy is placed in the DRB file for a record.
3. The public welfare does not require that the public right-of-way or easement be retained because the portion of Towne Crossing Ave. NW that would have used the turn around was not built, so the turn around is not needed.
4. There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriments resulting from the vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of right. Both owners of the property surrounding the ROW agree to the vacation. The vacation does not impact the access to any other properties.
5. The applicant followed the property notice procedure, as shown in Table 6-1-1 of the IDO.

Condition:

1. A replat showing the vacated property must be approved by the DRB and recorded within one year of DRB approval.

APPEAL: SD-2018-00105 The DRB action of the R/W vacation is a recommendation the City Council and is not subject to appeal pursuant to 6-4(T)(2). The decision of the City Council is subject to appeal pursuant to the City Council rules and procedures.

SD-2018-00104 - If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **DECEMBER 20, 2018**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

Official Notice of Decision

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For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



Kym Dicome

DRB Chair

KD/mg

Tierra West LLC Ron Bohannon 5571 Midway Park Place NE ABQ NM 87109