



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

April 25, 2018

Project# 1002739

18DRB-70002 - AMENDED SITE PLAN for SUBDIVISION

18DRB-70003 - AMENDMENT TO PRELIMINARY PLAT

18DRB-70004 - TEMPORARY DEFERRAL of SIDEWALK CONST

MARK GOODWIN AND ASSOCIATES, P.A. agent(s) for KB HOME NEW MEXICO, INC request(s) the above action(s) for all or a portion of Lot(s) 4 AND 6, **HERITAGE TRAILS Unit(s) 4**, zoned R-LT/ R-D, located on COLOBEL AVE SW between IRONSTONE ST SW and PITOCHÉ PL SW containing approx. 84.9303 acre(s). (N-8) [deferred from 3/14/18, 3/21/18, 4/4/18, 4/11/18, 4/18/18]

At the **April 25, 2018** Development Review Board meeting, the amended site plan for subdivision was approved with final sign off delegated to Planning. With approval of the drainage report engineer's stamp dated 3/15/18, an approved drainage report supplement with Engineer's stamp date 4/13/18 and an approved grading plan with Engineer's stamp date 4/13/18, the amended preliminary plat was approved with conditions as indicated below. The temporary deferral of construction of sidewalks on the interior streets was approved as shown on exhibit in the planning file.

Conditions:

The following must be addressed with the Final Plat:

- a. Written permission must be obtained from the lot owner for the work required west of 118th St in the form of a Bernalillo County Recorded Drainage Easement and Bernalillo County Recorded Agreement and Covenant, granted by the lot owner of parcel 2-B.
- b. Dedicate easements on Final Plat as follows:
 1. Tract XX is hereby dedicated by the owner as a perpetual public easement for the common use and benefit of the various lots within the subdivisions for the purpose of permitting the conveyance of storm water runoff and the constructing and maintaining of drainage facilities in accordance with standards prescribed by the City of Albuquerque. No fence, wall, planting, building or other obstruction may be placed or maintained in easement area without approval of the City Engineer of the City of Albuquerque. There also shall be no alteration of the grades or contours in said easement area without the approval of the City Engineer. It shall be the duty of the lot owners of this subdivision to maintain said

drainage easement and facilities at their cost in accordance with standards prescribed by the City of Albuquerque. The City shall have the right to enter periodically to inspect the facilities. In the event said lot owners fail to adequately and properly maintain drainage easement and facilities, at any time following fifteen (15) days written notice to said lot owners, the City may enter upon said area, perform said maintenance, and the cost of performing said maintenance shall be paid by applicable lot owners proportionately on the basis of lot ownership. In the event lot owners fail to pay the cost of maintenance within thirty (30) days after demand for payment made by the City, the City may file a lien against all lots in the subdivision for which proportionate payment has not been made. The obligations imposed herein shall be binding upon the owner, his heirs, and assigns and shall run with all lots within this subdivision.

2. Tracts A-2, C, D, F, L, R, X, Y, Z, and ZZ are hereby dedicated by the owner as perpetual private easements for the common use and benefit of the various lots within the subdivisions for the purpose of permitting the conveyance of storm water runoff and the constructing and maintaining of drainage facilities in accordance with standards prescribed by the City of Albuquerque. No fence, wall, planting, building or other obstruction may be placed or maintained in easement area without approval of the City Engineer of the City of Albuquerque. There also shall be no alteration of the grades or contours in said easement area without the approval of the City Engineer. It shall be the duty of the lot owners of this subdivision to maintain said drainage easements and facilities at their cost in accordance with standards prescribed by the City of Albuquerque. The City shall have the right to enter periodically to inspect the facilities. In the event said lot owners fail to adequately and properly maintain drainage easements and facilities, at any time following fifteen (15) days written notice to said lot owners, the City may enter upon said area, perform said maintenance, and the cost of performing said maintenance shall be paid by applicable lot owners proportionately on the basis of lot ownership. In the event lot owners fail to pay the cost of maintenance within thirty (30) days after demand for payment made by the City, the City may file a lien against all lots in the subdivision for which proportionate payment has not been made. The obligations imposed herein shall be binding upon the owner, his heirs, and assigns and shall run with all lots within this subdivision.

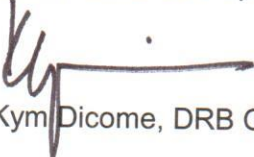
The Grantor agrees to defend, indemnify, and hold harmless, the City, its officials, agents and employees from and against any and all claims, actions, suits, or proceedings of any kind brought against said parties for or on account of any matter arising from the drainage facility provided for herein or the Grantor's failure to construct, maintain, or modify said drainage facility.

If you wish to appeal this decision, you must do so by **May 10, 2018**, 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).


Kym Dicome, DRB Chair