

**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

Westway Homes
9600 Tennyson St NE
ABQ, NM 87122

Project# PR-2018-001499

Application#

SD-2020-00002 – VACATION PUBLIC EASEMENT

SD-2020-00003 – VACATION RIGHT-OF-WAY

Westside Blvd

SD-2020-00008 - VACATION RIGHT-OF-WAY

Navajo Dr

SD-2020-00009 - VACATION RIGHT-OF-WAY

Gordon Ave

SD-2020-00010 - VACATION RIGHT-OF-WAY

Mason Dr

SD-2020-00011 - VACATION PUBLIC EASEMENT

SD-2020-00012 - VACATION PUBLIC EASEMENT

SD-2020-00013 - VACATION PUBLIC EASEMENT

SD-2020-00014 - VACATION PUBLIC EASEMENT

SD-2020-00015 - VACATION PUBLIC EASEMENT

VA-2020-00026 - BULK LAND PLAT

LEGAL DESCRIPTION:

All or a portion of TRACTS L, M and N PLAT FOR ANASAZI RIDGE UNIT 1, LOTS 4-9 BLOCK 7, LOTS 10-11 BLOCK 8, LOT 12 BLOCK 12, LOTS 2-10 BLOCK 14, UNIT 5 PARADISE HEIGHTS, zoned MX-L & R-1B, located at on **McMAHON BLVD** between **KAYENTA ST NW** and **UNIVERSE BLVD NW**, containing approximately 7.1015 acre(s). (A-10)

On February 5, 2020 the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the vacation of easement requests and Bulk Land Plat request, the DRB is a recommending body for the vacation of right-of-way request, based on the following Findings:

Official Notice of Decision

Project # PR-2018-001499 SD-2020-00002, SD-2020-00003, SD-2020-00008, SD-2020-00009, SD-2020-00010, SD-2020-00011, SD-2020-00012, SD-2020-00013, SD-2020-00014 SD-2020-00015, VA-2020-00026

Page 2 of 7

SD-2020-00002 – VACATION PUBLIC EASEMENT

1. This is a request to vacate a utility easement from Frost street to Navajo Drive, south of lots 8 and 15 of Block 9 and lots 7 and 14 of Block 8 Paradise Heights, as shown on the exhibit dated March 12, 1973.
2. The easement is no longer needed because the subdivision has been replatted and new easements will be granted when the site redevelops.
3. The applicant provided notice as required in table 6-1-1 of the IDO.

SD-2020-00003 – VACATION RIGHT-OF-WAY Westside Blvd

1. This is a request to vacate Westside Boulevard from Calle Vizcaya to McMahon Boulevard, as shown on sheet 1 of 1, Sketch for Bulk Land Plat.
2. Pursuant to section 14-16-6-(K)(2)(e), the DRB will be the recommending body on the request because the vacation contains more than 5000 square feet and the entire width of a street. City Council will make the final decision on the request.
3. The applicant provided notice as required in table 6-1-1 of the IDO.
4. Vacation requests must meet the criteria in IDO Section 14-16-6-(K)(3)(a): *The public welfare does not require that the public right of way or easement be retained: The public welfare does not require that the right-of-way be retained.*
Transportation supported the request. Staff did not receive any public comment on the request. The request allows the removal of antiquated platting that does not align with the current roadway system. New roads or access will be required when the site is redeveloped.
5. Vacation requests must meet the criteria in 14-16-6-(K)(3)(b): *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 detriment 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 that right.*
The applicant provided proper notice, the vacation removes previously platted streets and allows the redevelopment of the site.

Conditions:

1. Final sign off is delegated to Planning for City Council approval of the vacation.

SD-2020-00008 - VACATION RIGHT-OF-WAY Navajo Dr

1. This is a request to vacate Navajo Drive from Westside Boulevard to McMahon Boulevard, as shown on sheet 1 of 1, Sketch for Bulk Land Plat.

Official Notice of Decision

Project # PR-2018-001499 SD-2020-00002, SD-2020-00003, SD-2020-00008, SD-2020-00009, SD-2020-00010, SD-2020-00011, SD-2020-00012, SD-2020-00013, SD-2020-00014 SD-2020-00015, VA-2020-00026

Page 3 of 7

2. Pursuant to section 14-16-6-(K)(2)(e), the DRB will be the recommending body on the request because the vacation contains more than 5000 square feet and the entire width of a street. City Council will make the final decision on the request.
3. The applicant provided notice as required in table 6-1-1 of the IDO.
4. Vacation requests must meet the criteria in IDO Section 14-16-6-6-(K)(3)(a): *The public welfare does not require that the public right of way or easement be retained:* The public welfare does not require that the right-of-way be retained. Transportation supported the request. Staff did not receive any public comment on the request. The request allows the removal of antiquated platting that does not align with the current roadway system. New roads or access will be required when the site is redeveloped.
5. Vacation requests must meet the criteria in 14-16-6-6(K)(3)(b): *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 detriment 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 that right.* The applicant provided proper notice, the vacation removes previously platted streets and allows the redevelopment of the site.

Conditions:

1. Final sign off is delegated to Planning for City Council approval of the vacation.

SD-2020-00009 - VACATION RIGHT-OF-WAY Gordon Ave

1. This is a request to vacate Gordon Avenue from Navajo Drive to McMahon Boulevard, as shown on sheet 1 of 1, Sketch for Bulk Land Plat.
2. Pursuant to section 14-16-6-(K)(2)(e), the DRB will be the recommending body on the request because the vacation contains more than 5000 square feet and the entire width of a street. City Council will make the final decision on the request.
3. The applicant provided notice as required in table 6-1-1 of the IDO.
4. Vacation requests must meet the criteria in IDO Section 14-16-6-6-(K)(3)(a): *The public welfare does not require that the public right of way or easement be retained:* The public welfare does not require that the right-of-way be retained. Transportation supported the request. Staff did not receive any public comment on the request. The request allows the removal of antiquated platting that does not align with the current roadway system. New roads or access will be required when the site is redeveloped.

Official Notice of Decision

Project # PR-2018-001499 SD-2020-00002, SD-2020-00003, SD-2020-00008, SD-2020-00009, SD-2020-00010, SD-2020-00011, SD-2020-00012, SD-2020-00013, SD-2020-00014 SD-2020-00015, VA-2020-00026

Page 4 of 7

5. Vacation requests must meet the criteria in 14-16-6-6(K)(3)(b): *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 detriment 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 that right.*

The applicant provided proper notice, the vacation removes previously platted streets and allows the redevelopment of the site.

Conditions:

1. Final sign off is delegated to Planning for City Council approval of the vacation.

SD-2020-00010 - VACATION RIGHT-OF-WAY Mason Dr

1. This is a request to vacate Mason Drive as shown in the vacation exhibit.
2. Pursuant to section 14-16-6-(K)(2)(e), the DRB will the recommending body on the request because the vacation contains more than 5000 square feet and the entire width of a street. City Council will make the final decision on the request.
3. The applicant provided notice as required in table 6-1-1 of the IDO.
4. Vacation requests must meet the criteria in IDO Section 14-16-6-6-(K)(3)(a): *The public welfare does not require that the public right of way or easement be retained:* The public welfare does not require that the right-of-way be retained.

Transportation supported the request. Staff did not receive any public comment on the request. The request allows the removal of antiquated platting that does not align with the current roadway system. New roads or access will be required when the site is redeveloped.

5. Vacation requests must meet the criteria in 14-16-6-6(K)(3)(b): *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 detriment 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 that right.*

The applicant provided proper notice, the vacation removes previously platted streets and allows the redevelopment of the site.

Conditions:

1. Final sign off is delegated to Planning for City Council approval of the vacation.

SD-2020-00011 - VACATION PUBLIC EASEMENT

1. This is a request to vacate a utility easement from Frost street to Navajo Drive, south of lots 10 and 13 of Block 9 and lots 9 and 12 of Block 8 Paradise Heights, as shown on the exhibit dated March 12, 1973.
2. The easement is no longer needed because the subdivision has been replatted and new easements will be granted when the site redevelops.
3. The applicant provided notice as required in table 6-1-1 of the IDO.

SD-2020-00012 - VACATION PUBLIC EASEMENT

1. This is a request to vacate a utility easement from Gordon Avenue to just south of lot 6 and 1, block 9, Paradise Heights, as shown on the exhibit dated March 12, 1973.
2. The easement is no longer needed because the subdivision has been replatted and new easements will be granted when the site redevelops.
3. The applicant provided notice as required in table 6-1-1 of the IDO.

SD-2020-00013 - VACATION PUBLIC EASEMENT

1. This is a request to vacate a utility easement from Westside Boulevard to Gordon Ave between lots 7 and 8, block 14, Paradise Heights, as shown on the exhibit dated March 12, 1973.
2. The easement is no longer needed because the subdivision has been replatted and new easements will be granted when the site redevelops.
3. The applicant provided notice as required in table 6-1-1 of the IDO.

SD-2020-00014 - VACATION PUBLIC EASEMENT

1. This is a request to vacate a utility easement from Gordon Ave to the north edge of lots 4 and 17, block 8, Paradise Heights, as shown on the exhibit dated March 12, 1973.
2. The easement is no longer needed because the subdivision has been replatted and new easements will be granted when the site redevelops.
3. The applicant provided notice as required in table 6-1-1 of the IDO.

Official Notice of Decision

Project # PR-2018-001499 SD-2020-00002, SD-2020-00003, SD-2020-00008, SD-2020-00009, SD-2020-00010, SD-2020-00011, SD-2020-00012, SD-2020-00013, SD-2020-00014 SD-2020-00015, VA-2020-00026

Page 6 of 7

SD-2020-00015 - VACATION PUBLIC EASEMENT

1. This is a request to vacate a utility easement from Westside Boulevard to Gordon Avenue between lots 5 and 6, Paradise Heights, as shown on the exhibit dated March 12, 1973.
2. The easement is no longer needed because the subdivision has been replatted and new easements will be granted when the site redevelops.
3. The applicant provided notice as required in table 6-1-1 of the IDO.

VA-2020-00026 – BULK LAND PLAT

1. This request consolidates the existing 21 lots and vacated easements and rights-of-way into one tract. The plat dedicates right-of-way along McMahan Blvd. and Universe Blvd. and grants a floating access easement for future development. (see sheet 2 of 3).
2. The proper notice was given as required by the IDO in Table 6-1-1.
3. The plat contains the notes required by 14-16-6-6(L)(2)(b).

Conditions:

1. Final sign off is delegated to ABCWUA for plat note regarding utility development and to Planning DXF file and utility signatures. Final action by City Council will be required prior to final sign off.
2. The applicant will obtain final sign off by April 22, 2020 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.
3. The site must return to the DRB for future development review or further subdivision.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **FEBRUARY 20, 2020**. 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.

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

Official Notice of Decision

Project # PR-2018-001499 SD-2020-00002, SD-2020-00003, SD-2020-00008, SD-2020-00009,
SD-2020-00010, SD-2020-00011, SD-2020-00012, SD-2020-00013, SD-2020-00014 SD-2020-
00015, VA-2020-00026

Page 7 of 7

of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Wolfley', written in a cursive style.

Jolene Wolfley
DRB Chair

JW/mg

Cartesian Surveys