



Development Facilitation Team (DHO) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

DRB Project No: PR-2019-002309 Date: 10-11-2023 Agenda Item: 4 Zone Atlas Page: G-19

Legal Description: TRACT 4 OF WYMONT SUBDIVISION

Location: WYOMING BLVD NE between MONTGOMERY BLVD NE and La MIRADA PI NE

Application For: SD-2019-00181 - VACATION OF PUBLIC EASEMENT

1. No Objection.
2. For Information purposes only:
 - a. Request an availability/serviceability statement online at the following link: http://www.abcwua.org/Availability_Statements.aspx. Requests shall include fire marshal requirements. An executed statement must be obtained prior to approval.
 - b. This project is within the established service area.
 - c. Pro rata is not owed for this property.

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2019-002309
Wymont – Wyoming

AGENDA ITEM NO: 4

SUBJECT: Vacation of Public Easement

ENGINEERING COMMENTS:

1. No objection.

If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.
Transportation Development
505-924-3991 or earmijo@cabq.gov

DATE: October 11, 2023

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION
Renée Brissette, PE, Senior Engineer | 505-924-3995 rbrissette@cabq.gov

DRB Project Number: 2019-002309 Hearing Date: 10-11-2023
Project: Tract 4 Wymont Subdivision Agenda Item No: 4

<input type="checkbox"/> Minor Preliminary / Final Plat	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Temp Sidewalk Deferral	<input type="checkbox"/> Sidewalk Waiver/Variance	<input type="checkbox"/> Bulk Land Plat
<input type="checkbox"/> DPM Variance	<input checked="" type="checkbox"/> Vacation of Public Easement	<input type="checkbox"/> Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Hydrology defers to Transportation to the elimination and replacement of 6 ft sidewalk easement.

☐ APPROVED
☐ DENIED

DELEGATED TO: ☐ TRANS ☐ HYD ☐ WUA ☐ PRKS ☐ PLNG
Delegated For: _____
SIGNED: ☐ I.L. ☐ SPSP ☐ SPBP ☐ FINAL PLAT
DEFERRED TO _____

DEVELOPMENT REVIEW BOARD

Code Enforcement Comments

Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.

Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov

DATE: 10/11/2023

AGENDA ITEM NO: 4

DRB PROJECT NUMBER:

PR-2019-002309

SD-2019- 00181 – VACATION OF PUBLIC EASEMENT

SKETCH PLAT 8-30-23 (DFT)

IDO - 2022

PROJECT NAME:

CSI - CARTESIAN SURVEYS INC. agent for **TALLGRASS HOLDINGS II, LLC** requests the aforementioned action(s) for all or a portion of: **TRACT 4, WYMONT SUBDIVISION** zoned **MX-M**, located on **WYOMING between MONTGOMERY and LA MIRADA PL NE** containing approximately **0.7279** acre(s). **(G-19)**

PROPERTY OWNERS: WYMONT LLC

REQUEST: ELIMINATE EXISTING 6' PUBLIC SIDEWALK EASEMENT [41] VIA VACATION AND REPLACE WITH NEW 6' SIDEWALK EASEMENT FOLLOWING THE INSTALLED SIDEWALK, TRAVERSING EXISTING TRACT 4

COMMENTS:

1. Code Enforcement has no comments and no objections to the proposed vacation of public easements as proposed.



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 10/11/23 -- **AGENDA ITEM:** #4

Project Number: PR-2019-002309

Application Number: SD-2019-00181

Project Name: Wymont Subdivision

Request:

Vacation of Public Easement

**These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

COMMENTS:

- The applicant proposes the vacation of an existing 6-foot public sidewalk easement which was granted with the Final Plat for Wymont Subdivision (PR-2019-002309 / SD-2021-00264), and approved by the Development Review Board (DRB) on January 12, 2022. The proposed vacated easement would be on Tract 4 of the Wymont Subdivision.
- Per 6-6(M)(3) of the IDO, an application for a Vacation of Easement, Private Way, or Public Right-of-way shall be approved if it meets any of the following criteria:

6-6(M)(3)(a) *The public welfare does not require that the easement, private way, or public right-of-way be retained.*

The public welfare does not require this easement to be retained. The vacation of this easement won't abridge any property rights against the will of the property owners or the public.

6-6(M)(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 the right.*

The original easement [41] was placed ahead of sidewalk construction and the placement of the actual sidewalk does not match the intended easement. The vacated easement cleans up the record to regrant the new public sidewalk easement that follows the existing improvements.

**(See additional comments on next page)*

- Per Table 6-4-3 of the IDO, the easement vacation would expire within 1-year if not platted. Therefore, a platting application must also be submitted within 1-year of the Vacation approval which would include the vacated easement and granted easement.
- For Platting actions, all signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are all required prior to the acceptance of the application file and the placement on a DHO agenda. After acceptance of the Plat application, DXF approval from AGIS must be obtained and the project and application numbers must be added to the Plat.



Disclaimer: The comments provided are based upon the information received from the applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning.

FROM: Hannah Aulick/Jay Rodenbeck
Planning Department

DATE: 10/11/23