

**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**

MDS Investments LLC  
4020, Vassar Dr., NE  
Albuquerque, NM 87109

**Project# PR-2021-005628**

**Application#**

**SD-2023-00094** VACATION OF PUBLIC  
EASEMENT

**SD-2023-00095** VACATION OF PRIVATE  
EASEMENT

**SD-2023-00096** AMENDMENT TO FINAL  
PLAT

### **LEGAL DESCRIPTION:**

For all or a portion of: **TRACT 17, BULK LAND PLAT TRACTS 1 THRU 18 ARTISTE** zoned **PC**, located between **UNIVERSITY BLVD** and **MESA DEL SOL BLVD** containing approximately **134.72** acre(s). (**R16, R17, S15, S16**)

On May 10, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, based on the following Findings:

### **SD-2023-00094 VACATION OF PUBLIC EASEMENT**

1. The Applicant proposes to vacate an existing public easement, which was granted to ABCWUA via paper easement and recorded/filed on January 31, 2022.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The public welfare does not require that the easement be retained, as Mesa del Sol Blvd has been dedicated over the top of it. Therefore, this public easement is no longer needed.

**SD-2023-00095 VACATION OF PRIVATE EASEMENT**

1. The applicant proposes to vacate a SLO Easement granted via paper easement and recorded/filed on June 21, 2006.
2. The Applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The Original Easement Agreement, section 1.2 indicates that “All of the Non-Accessed Parcels at which time this floating easement shall terminate to the extent that it encumbers any of the Specific Parcels, or portions thereof, which have had rights-of-way dedicated through them, subject to the determination of the City that additional fixed easements are not required across the Specific Parcels to serve other Parcels.” The specific termination of the floating easement applies to Tracts A through M and is noted as Note Q on the amended Final Plat (PR-2021-005628/SD-2023-00096). The public welfare does not require the easement to be retained as right-of-way has been dedicated over the top of it. Therefore, this private easement is no longer needed.

**SD-2023-00096 AMENDMENT TO FINAL PLAT**

1. The Final Plat for Tracts A thru M, City Center was approved by the DHO on February 8, 2023 per PR-2021-005628 / SD-2023-00034. Per 6-4(Y) of the IDO, the Applicant has submitted this request for an amendment of the Final Plat approval due to the Vacation of a public easement granted to ABCWUA along Mesa del Sol Blvd. to be dedicated right-of-way as a result of this Plat and the Vacation of a private easement (SLO Easement) as right-of-way is being dedicated to provide access to non-assessed parcels as described in the original blanket easement document included with the application submittal for this Final Plat Amendment.
2. The property is zoned PC (Planned Community). Future development must be consistent with the Mesa del Sol Master Plan/Framework Plan.
3. An Infrastructure List was approved by the DRB on May 18, 2022 per SD-2021-00214, and an approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the original Final Plat application submittal (PR-2021-005628/SD-2023-00034). An amended Infrastructure List (PR-2021-005628/SD-2023-00068) required per ABCWUA comments on the Final Plat was approved by the Development Facilitation Team (DFT) on April 5, 2023.

**Conditions:**

Final sign-off of the Final Plat by the DFT staff is conditioned as follows:

- a. The application number must be added to the Plat.
- b. The remaining vacation information must be added to the Plat.

Official Notice of Decision

Project # PR-2021-005628 Application# SD-2023-00094, SD-2023-00094, SD-2023-00096

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**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **MAY 26, 2023**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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(V) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

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,

*Ronald R. Bohannon*

[Ronald R. Bohannon \(May 15, 2023 11:59 MDT\)](#)

Ronald R. Bohannon

Development Hearing Officer

RRB/lis

Bohannon Huston Inc (Michael Balaskovits), 7500 Jefferson St. NE, Albuquerque, NM 87109







# PR-2021-005628\_May-10\_2023 - Notice of Decision

Final Audit Report

2023-05-15

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