

**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**

Bernco Investors LLC  
6900 Camelback Road Suite 607  
Scottsdale, AZ 85250

**Project# PR-2022-007141**

**Application#**

**SD-2022-00167** PRELIMINARY PLAT

**SD-2022-00170** VACATION OF PRIVATE  
EASEMENT (Drainage)

**SD-2022-00168** VACATION OF PUBLIC  
EASEMENT (Drainage)

**SD-2022-00171** VACATION OF PUBLIC  
EASEMENT (Water)

### **LEGAL DESCRIPTION:**

For all or a portion of: **TRACT B-1, HERITAGE MARKETPLACE** zoned **MX-L**, located on **1700 UNSER BLVD NW between I-40 and LADERA DR NW** containing approximately **9.05** acre(s). **(H-09)**

On November 30, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and approved the requests based on the following Findings:

#### **SD-2022-00167 PRELIMINARY PLAT**

1. This Preliminary Plat features the vacation of three easements, requiring a platting action. The infrastructure proposed on the associated Infrastructure List is considered major public infrastructure, requiring a Major Preliminary Plat application per 6-6(K)(1)(a)(3) of the IDO.
2. The property is zoned MX-L. Future development must be consistent with the underlying zoning.

3. An Infrastructure List was approved with this Plat. A recorded Infrastructure Improvements Agreement (IIA) must be submitted prior to the acceptance and processing of the Final Plat and placement on a DRB agenda.
4. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

**SD-2022-00170 VACATION OF PRIVATE EASEMENT (Drainage)**

1. The applicant proposes to vacate an existing 20-foot private drainage easement recorded on 4/10/15.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. This storm drain is private and does not benefit the general public. Coordination with Hydrology has preliminarily approved the proposed re-route of this private storm drain.

**SD-2022-00168 VACATION OF PUBLIC EASEMENT (Drainage)**

1. The applicant proposes to vacate a portion of an existing 30-foot drainage easement recorded on 5/13/82.
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 this easement to remain in its current state so long as the storm drain line is properly relocated and enters and exits the property in the same manner as it currently does. Coordination with Hydrology has preliminarily approved the proposed re-route of this public storm drain.

**SD-2022-00171 VACATION OF PUBLIC EASEMENT (Water)**

1. The applicant proposes to vacate a portion of an existing 20-foot public waterline easement recorded on 9/11/15.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. This waterline will be required to continue service to the Heritage Marketplace properties. However, the waterline will be relocated and will have a new public water easement dedicated prior to a Final Plat approval and recording.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **DECEMBER 16, 2022**. The date of the DRB'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.

Official Notice of Decision

Project # PR-2022-007141 Applications# SD-2022-00167, SD-2022-00170, SD-2022-00168, SD-2022-00171

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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). 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,

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

Jolene Wolfley  
DRB Chair

JW/jr

Tierra West, LLC, 5571 Midway Park Place NE, Albuquerque, NM 87109