

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

Consensus Planning, Inc.
302 8th Street NW
Albuquerque, NM 87102

Project# PR-2022-007327

Application#

SD-2022-00188 PRELIMINARY PLAT

SD-2022-00189 VACATION OF PUBLIC
EASEMENT (AMAFCA Slope Easement)

SD-2022-00191 VACATION OF PUBLIC
EASEMENT (AMAFCA Drainage Easement)

SD-2022-00192 VACATION OF PRIVATE
EASEMENT (Access Easement)

SD-2022-00193 VACATION OF PUBLIC
EASEMENT (Sewer and Water Easement)

SD-2022-00194 VACATION OF PUBLIC
EASEMENT (Waterline Easement)

SD-2022-00195 VACATION OF PUBLIC
EASEMENT (Waterline Easement)

SD-2022-00196 VACATION OF PUBLIC
EASEMENT (PNM & MST&T Easement)

SD-2022-00197 VACATION OF PRIVATE
EASEMENT (Roadway Easement)

LEGAL DESCRIPTION:

For all or a portion of: **TRACT 1-A and TRACT 2-A, WYMONT SUBDIVISION** zoned **MX-M**, located at **8240/8280 MONTGOMERY BLVD NE between MONTGOMERY BLVD NE and WYOMING BLVD NE** containing approximately **2.1952** acre(s). **(G-19)**

On December 14, 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-2021-00188 PRELIMINARY PLAT

1. This Preliminary Plat adjusts the boundaries of four (4) existing tracts to dedicate additional right of way to Cutler Avenue NE, and grants and vacates easements as depicted on the Plat.
2. The property is zoned MX-M. Future development must be consistent with the underlying zone districts.
3. An Infrastructure List was approved with this Plat. A recorded Infrastructure Improvements Agreement (IIA) is needed prior to the final DRB sign-off of the Final Plat.
4. The encroachments within the sanitary sewer easement must be corrected, or relocated as indicated by ABCWUA.
5. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

SD-2022-00189 VACATION OF PUBLIC EASEMENT (AMAFCA Slope Easement)

1. The applicant proposes to vacate an existing 20-foot AMAFCA slope easement recorded on September 16, 1975.
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 the easement to be retained, since the Embudo Channel has been built up to handle surface waters since the 1975 easement was granted. The AMAFCA board voted and approved the vacation of this easement on October 27th, 2022. Therefore, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

SD-2022-00191 VACATION OF PUBLIC EASEMENT (AMAFCA Drainage Easement)

1. The applicant proposes to vacate an existing AMAFCA drainage easement recorded on December 30, 1974.
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 the easement to be retained, since the Embudo Channel has been built up to handle surface waters since the 1975 easement was granted. The AMAFCA board voted and approved the vacation of this easement on October 27th, 2022. Therefore, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

SD-2022-00192 VACATION OF PRIVATE EASEMENT (Access Easement)

1. The applicant proposes to vacate a portion of an existing private access easement recorded on March 17, 1999.

2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The easement was privately held and with the dedication public right of right-of-way, access for all to these properties will be preserved. Thus, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

SD-2022-00193 VACATION OF PUBLIC EASEMENT (Sewer and Water Easement)

1. The applicant proposes to vacate an existing public sewer and water easement recorded on October 17, 1985.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The easement will not need to be retained, as ABCWUA has lines in place in this easement. Therefore, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

SD-2022-00194 VACATION OF PUBLIC EASEMENT (Waterline)

1. The applicant proposes to vacate an existing 20-foot public waterline easement recorded on October 17, 1985.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The same parcel of land will become a part of the public right-of-way. The existing waterline within this easement is contained outside of the right of the way except for the area where it crosses from Tract A-1-A to A-1-B-1. Therefore, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

SD-2022-00195 VACATION OF PUBLIC EASEMENT (Waterline)

1. The applicant proposes to vacate a portion of an existing public waterline easement recorded on October 26, 1998.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The same parcel of land will become a part of the public right-of-way. The existing waterline within this easement is contained outside of the right of the way except for the area where it crosses from Tract A-1-A to A-1-B-1. Therefore, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

SD-2022-00196 VACATION OF PUBLIC EASEMENT (PNM & MST&T Easement)

1. The applicant proposes to vacate an a portion of an existing 10-foot PNM and MST&T easement recorded on December 17, 1998.

Official Notice of Decision

Project # PR-2022-07327 Applications# SD-2022-00188, SD-2022-00189, SD-2022-00191, SD-2022-00192, SD-2022-00193, SD-2022-00194, SD-2022-00195, SD-2022-00196, SD-2022-00197

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2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The same parcel of land will become a part of the public right-of-way. Therefore, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

SD-2022-00197 VACATION OF PRIVATE EASEMENT (Roadway Easement)

1. The applicant proposes to vacate an existing roadway easement benefiting Tract A-1-B-1, which was recorded on September 3, 2014.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO. The easement was privately held and with the dedication of public right of right-of-way, access for all to these properties will be preserved. Therefore, no substantial property right will be abridged against the will of the property owners or the public by the vacation of this easement.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **JANUARY 3, 2023**. 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). Appeals should be submitted via email to 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 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,



Jolene Wolfley
DRB Chair

JW/jr

CSI – Cartesian Surveys, Inc., P.O. Box 44414, Rio Rancho, NM 87174