

**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**

Peabody ABQ, LLC  
620 Sandhill Rd.  
Palo Alto, CA 94304

**Project# PR-2022-006794**

**Application#**

**SD-2023-00224 – VACATION OF PRIVATE  
EASEMENT**

**SD-2023-00225 – VACATION OF PRIVATE  
EASEMENT**

### **LEGAL DESCRIPTION:**

For all or a portion of:

**TR B-2 PLAT OF TR B-1 B-2 B-3 FORMERLY  
BEING TR B ALLWOODS zoned MX-H, located  
at 4901 SAN MATEO between SAN MATEO  
and LUMBER AVE NE containing  
approximately 7.2554 acre(s). (F-17)**

On December 6, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced applications and approved the requests, based on the following Findings:

1. These are requests to vacate two existing private easements; a portion of an existing 24-foot wide ingress/egress easement as well as a signage easement, recorded on July 31, 1995. Previously, on October 25, 2023, a Preliminary/Final Plat depicting the vacated easements was approved by the DHO per PR-2022-006794 / SD-2023-00176, but the vacated easements were not approved separately in addition to the Plat, requiring approval of these requests.
2. The Applicant justified the vacation request for the easements pursuant to 14-16-6-6-(M)(3) of the IDO. The public welfare does not require the easements to be retained.
3. The property is zoned MX-H. Future development must be consistent with the underlying zone district and the IDO/DPM requirements.
4. This DHO approval does not grant or assume any rights, easements, or land title permissions for utility line relationships and none may be implied from this action.

**Conditions:**

The Vacations are conditioned by DFT staff as follows:

- a. Hydrology must verify the existing structures in relationship to the Plat - an aerial exhibit is acceptable.
- b. It must be determined where the approved Conceptual Grading & Drainage Plan is located within the Plat.
- c. Add a Cross Lot Drainage Easement note specifying the beneficiary and maintenance agreement.
- d. The project and application number must be added to the vacation sheets prior to final sign-off, for the documents to match platting sheets from previous approval.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 22<sup>ND</sup>, 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 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 a 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 permits 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,



David S. Campbell  
Development Hearing Officer

DSC/rw

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






# PR-2022-006794\_December\_6\_2023 - Notice of Decision

Final Audit Report

2023-12-12

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