

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

Tallgrass Holdings II, LLC
8100 E. 22nd St. North,
Building 300, Suite 100
Wichita, KS, 67226

Project# PR-2019-002309
Application#
SD-2023-00181 VACATION OF PUBLIC
EASEMENT

LEGAL DESCRIPTION:

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)

On October 11, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced application and approved the request, based on the following Findings:

1. 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.
2. The applicant justified the vacation request for the easement pursuant to 14-16-6-6-(M)(3) of the IDO.
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.

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 vacation of this easement won't abridge any property rights against the will of the property owners or the public. 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.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **OCTOBER 27TH, 2023**. The date of the DHO'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(V) 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,

Ronald R. Bohannon

[Ronald R. Bohannon \(Oct 16, 2023 14:22 MDT\)](#)

Ronald R. Bohannon, P.E.
Development Hearing Officer

RRB/ha/jr

CSI - Cartesian Surveys, Inc. PO Box 44414, Rio Rancho, NM, 87174







PR-2019-002309_October_12_2023- Notice of Decision

Final Audit Report

2023-10-16

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