

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

La Vida Llena
10501 Lagrima de Oro Rd NE
Albuquerque, NM 87111

Project# PR-2019-002114

Application#

SD-2023-00166- Vacation of Public Easement

SD-2023-00167- Vacation of Private Easement

LEGAL DESCRIPTION:

For all or a portion of

**AMENDED PLAT LAND IN SEC 33 T11N R4E LA
VIDA LLENA CONT 16,8937 AC** zoned **R-ML**
located on **10501 LAGRIMA DE ORO RD NE**
between **MORRIS STREET NE** and **JUAN TABO
BLVD NE** containing approximately **16.8937**
acre(s). (**F-21**)

On September 13, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced applications and approved the requests, based on the following Findings:

SD-2023-00166 VACATION OF PUBLIC EASEMENT

1. This request is to vacate portions of a 20-foot waterline easement as depicted in the Vacation Exhibit and recorded on August 7, 1982.
2. Per 6-6(M)(3) 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.

There are no public infrastructure items within the subject easement that will be jeopardized with the release of the easement.

This action will ensure that no hardships are imposed on the public welfare by vacating the easement referenced above.

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.

There is a net benefit to the public welfare, as the vacated easement will permit the subject property to be re-platted to grant new easements.

3. If not platted, the period of validity for Vacation of Easement is one year after the approval by the DHO per Table 6-4-3 of the IDO; therefore, a plat must be submitted within a year after the approval of this Vacation of Easement.

SD-2023-00167 VACATION OF PRIVATE EASEMENT

1. This request is to vacate portions of a 10-foot utility easement as depicted in the Vacation Exhibit and recorded on August 7, 1982.
2. Per 6-6(M)(3) 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.

There are no public infrastructure items within the subject easement that will be jeopardized with the release of the easement. This action will ensure that no hardships are imposed on the public welfare by vacating the easement referenced above.

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.

There is a net benefit to the public welfare, as the vacated easement will permit the subject property to be re-platted to grant new easements.

3. If not platted, the period of validity for Vacation of Easement is one year after the approval by the DHO per Table 6-4-3 of the IDO; therefore, a plat must be submitted within a year after the approval of this Vacation of Easement.

Official Notice of Decision

Project # PR-2019-002114 Applications# SD-2023-00166 and SD-2023-00167

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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 **SEPTEMBER 29TH, 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 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 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,

A handwritten signature in black ink that reads "David S. Campbell". The signature is fluid and cursive, with the first name "David" and last name "Campbell" clearly legible.

David S. Campbell
Development Hearing Officer

DSC/jr/ha

CSI Cartesian Surveys, Inc. PO Box: 44414, Rio Rancho, New Mexico, 87174






PR-2019-002114_September_13_2023 - Notice of Decision

Final Audit Report

2023-09-19

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-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
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