

Gene Kalesti's opening statement to Trustees of Palmer Lake, in addressing our application and now approval by Palmer Lake Management, Utility Departments and Planning Commission's April 20th 2022, Application to Vacate Loveland Slope.

April 28th, 2022, Application to Vacate Town ROW (Loveland Slope) – Kalesti (171 Shady Lane)

(Photo #1)



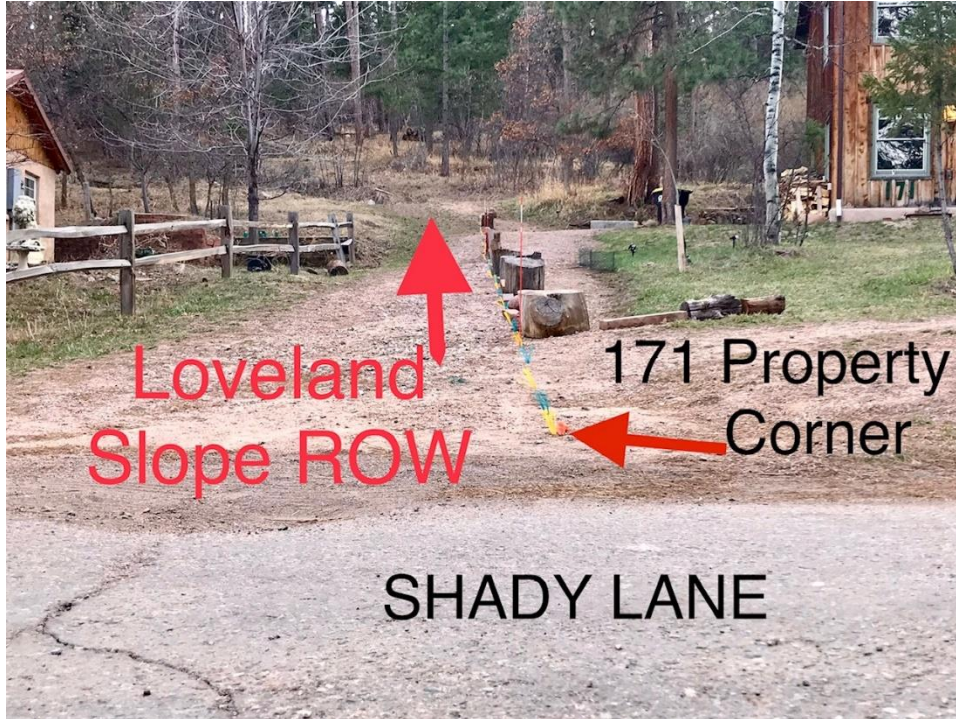
Good evening, Town Manager Dawn Collins, our dedicated Town Trustees, dear neighbors, and wonderful citizens of Palmer Lake.

My wife May and myself Gene Kalesti of 171 Shady Lane constantly say to one another we can't imagine living anywhere else now that we have found Palmer Lake.

We applied for Vacation of a Town Right of Way "Loveland Slope" to present a permanent resolution to very long overlooked issues.

We did this at our and our abutting neighbor Kerry Paige's great financial cost. Just over \$14,200.00 to date, not including the excavation costs to restore the ROW, "Loveland Slope" to its natural state should Trustees agree with Planning Commissions vote to Vacate.

(Photo #2)



This ROW is encroaching on our property and our property is on top of the existing assumed ROW, due to extremely inaccurate platting by surveyor company out east hired by Town in the long ago past.

Any development of this unneeded ROW will further encroach on our property and bring a developed road to just 40 inches at the doorstep of Block 9 a single-family home of Mr. Kerry Paige our abutting neighbor. A 4 foot berm to support a developed road would in fact bring a developed road only 3.3 feet from Mr. Kerry's front door.

(Photo #3)



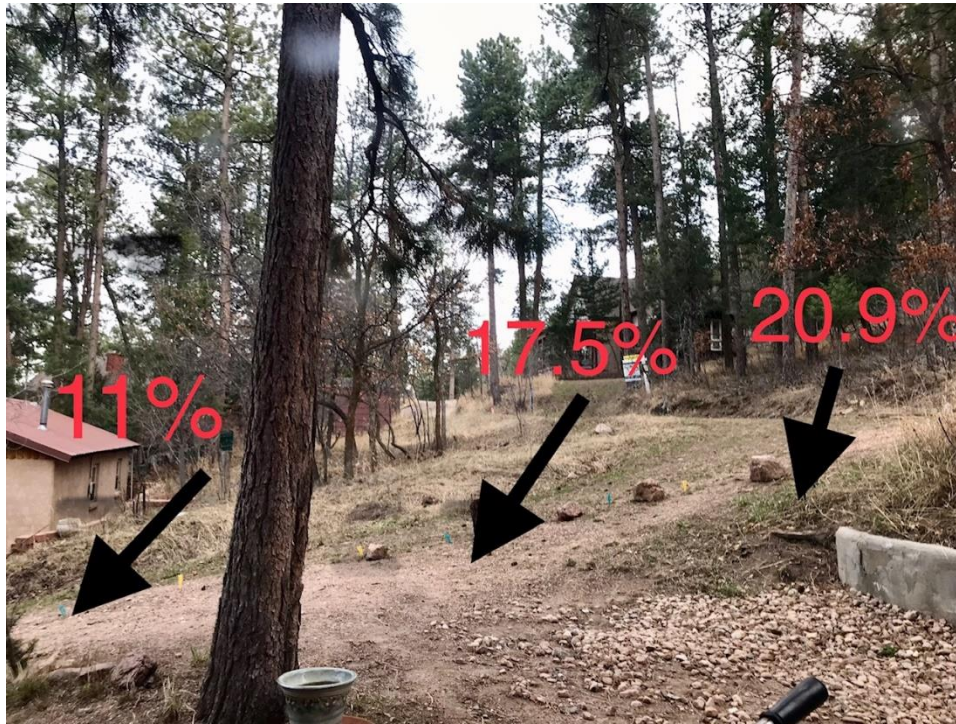
Towns Staff has reviewed the request and supports the vacation for the following reasons-

- "If/when developed, run off onto Shady Lane will worsen the condition of drainage on Shady"

Development would require the removal and relocation of a power pole and transformer, Telephone Pedestal and Electric Box on 179 Shady Lane's property. Relocation of a second Electric Box, and Telephone pedestal & Power pole. Relocation of these services would potentially more than likely require further encroachment onto private property of Block 9, 179 Shady Lane Mr Paige's Property.

SEE SURVEY TOPO EXHIBIT POWER POLES BY SURVEYOR JIM BRINKMAN

(Photo #4)



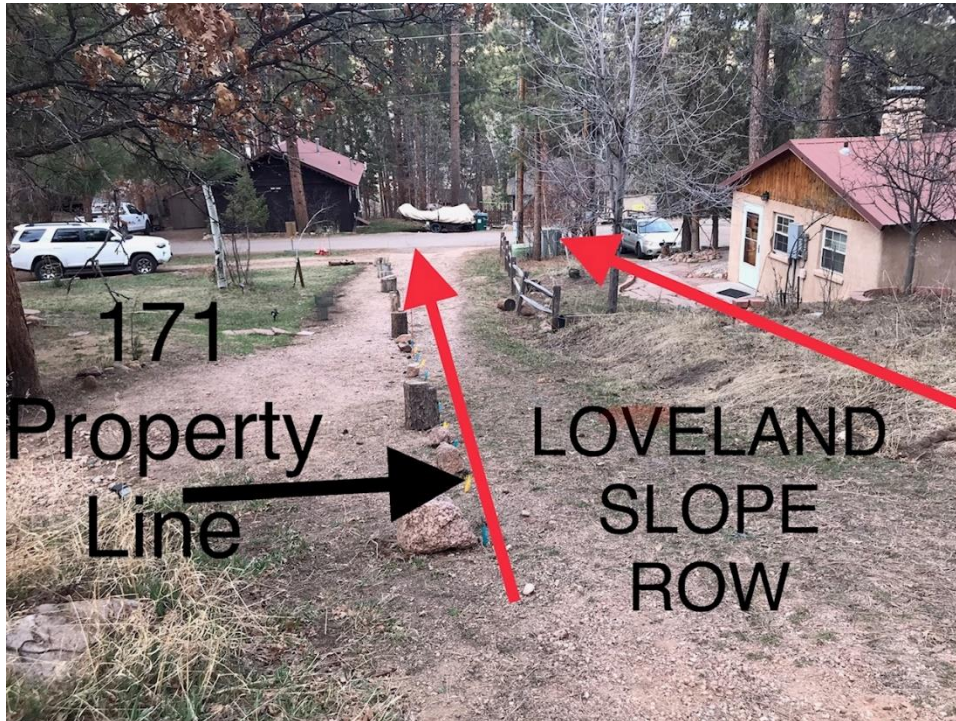
Towns Staff has further said -

“Fire apparatus cannot make the turn onto Loveland Slope from Shady nor make the steep slope to Fowler”

It was also overheard by myself while Fire Dept leaders we’re conducting an onsite survey in deep snow of the ROW “**we couldn’t get up here on a good day**”

We are here today to resolve long-overlooked issues, not looking for personal gain but a professional accurate solution.

(Photo #5)



Towns Staff support has further said -

“A large portion of the 171 Shady Ln property (our home) encroaches on the undeveloped ROW (Loveland Slope) and will cause great hardship to the abutting property (179 Shady)

While this statement has precise merit, I would add to that statement, the undeveloped ROW has been mis-platted and is in fact encroaching on our property of 171 Shady Lane and development will in fact cause damage to Block 9, 179 Shady Lane Mr. Paige’s property. This brings another issue, there is no room for a road between these two homes without heavily encroaching on both homes.

(Photo #6)



Town further recommends.

“• Per code, the abutting property owners to this undeveloped ROW are in agreement.”

This fact is so, we agree to vacate this unused ROW for so many engineering, logistical, proper and civic reasons.

Loveland Slope has never been developed let alone used for multiple decades and now more than a century. Why should it be developed now in the most inefficient damaging way?

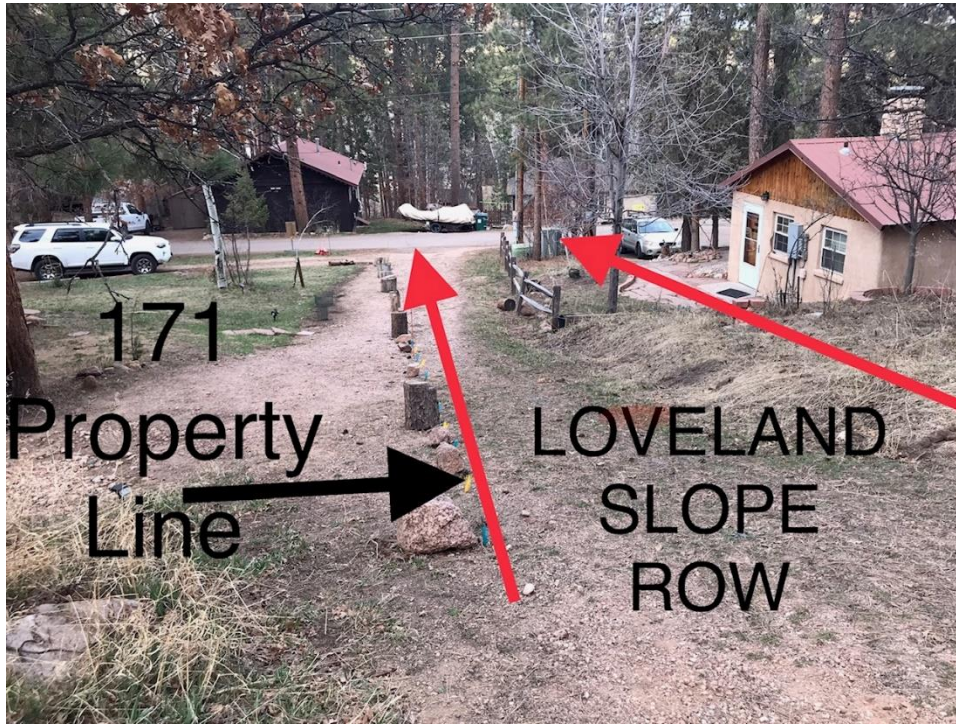
(#7 DISPLAY PDF FOWLER BRANCH VERT: 1:4 Horz 1:20 SURVEY TOPOGRAPHY EXHIBIT)

Efficiency is Fowler Branch, the road from South Fork to access Lots 8, 9, 10, 11 & 12 in Block 11, A nearly flat road compared to Loveland Slope.

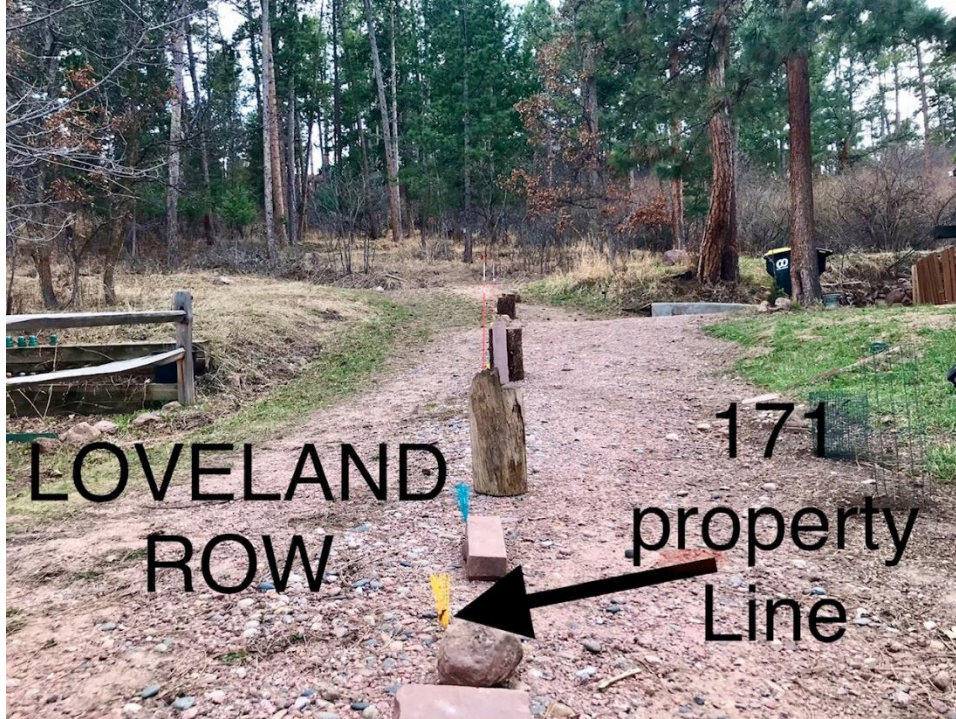
(#8 DISPLAY PDF LOVELAND SLOPE VERT. 1:4 Horz. 1:10 SURVY TOPOGRAPHY EXHIBIT)

Efficiency is Fowler Branch, the road from South Fork to access Lots 8, 9, 10, 11 & 12 in Block 11, A nearly flat road compared to Loveland Slope.

(Photo #9)



(Photo #10)



It would be an engineering feat to develop this ROW / Loveland Slope and would encroach heavily upon Block 9, Kerry Paige's home 179 and our property at 171.

Developing Loveland Slope would increase immensely the water flooding to neighbors of Shady Lane directly across the street at 172 Shady Ln. and each home South. See Mary Koch of 172 Statement in application for support.

A Developer may argue, electrical and plumbing engineers recommend / want to use the ROW that's easiest, less cost and fastest development, but that's not an argument for the greater good of the public. Nor does this view consider public safety for fire apparatus, increasing hard surfaces create flooding and immense damage to property owners.

SLIDE 11

52 FEET BETWEEN HOMES

20 foot potential Road would mean encroachment and VERY steep Road as much at 20.9% Grade.



SLIDE 12

179 and 171 Property Lines, ROW encroachment



SLIDE 13

Road berm would be 40 inches from Kerry Paige's door.



SLIDE 14

**179 Shady Lane Property Line 88 inches from
Front Door. With 48" road berm support, front door opens at 36" would be 4 INCHES of space.**



SLIDE 15

179 Shady Lane, Block 9, Property of Kerry Paige. Multiple demolitions to insert potential developed road.



SLIDE 16



Development would ruin the aesthetics of this beautiful area having a developed road.

Again, we ask why would this undeveloped ROW be developed now after all these years?

We abutting owners of Loveland Slope would appreciate the Right of Way be vacated and allow this land to go back to its natural state and nurture that prospect with appropriate measures.

Allowing it back to its natural state would help absorb runoff and heavy rains giving relief to our Shady Lane neighbors that already endure flooding both from Loveland Slope and South Fork.

The abutting neighbors want the road to be vacated and not used for anything other than to allow it to go back to its natural state.

Town Staff reviewed our request, Planning Commission approve our application and both support the vacation of Loveland Slope.

Thank you for your time and for listening to our many months long investigation of facts.

I want to introduce Jim Brinkman Surveyor who conducted the many hours and months long work.

To quote the Town Management and Staff's recommendation:

- If/when developed, run off onto Shady Lane will worsen the condition of drainage on Shady
- Fire apparatus cannot make the turn onto Loveland Slope from Shady nor make the steep slope to Fowler
- A large portion of the 171 Shady Ln property encroaches on the undeveloped ROW (Loveland Slope) and will cause great hardship to the abutting property (179 Shady)
- Per code, the abutting property owners to this undeveloped ROW are in agreement.

April 20th 2022 Planning Commission Voted 6 Yes and 1 (no – Fisher).

Minutes taken on April 20th 2022 by Town of Palmer Lake:

“Various neighbors spoke to the undeveloped roadway historically used as a shortcut to reach properties along the undeveloped Fowler Branch Road. Mr. Brinkmen explained that when the area was platted, the topography was not taken into consideration at South Fork and Fowler Branch and, due to the slope of the land, if it is developed, there would be considerable flooding and drainage issues added to Shady Lane.”

“Mr. Kalesti (171 Shady Ln) gave a presentation explaining his intent to restore the ROW area to natural vegetation and not continue the limited use of Loveland Slope as well as displayed his property boundaries within the ROW.”

“Mr. Kerry Paige (179 Shady Ln) supported vacating the platted ROW. A developed road would severely cut into his property leaving three feet of space between the road and his front door. If the vacation is approved, he offered to dedicate a corner portion of his property at South Fork and Fowler Branch to allow for emergency vehicles to access Fowler Branch from South Fork.”

“Mr. Jerry Parson, an area neighbor and the previous owner, gave some historical background on Loveland Slope.”

“Collins stated that the Town does not develop the roadway and that the responsibility to propose development is fully on the property owner/developer.”

“MOTION (Ball, Miner) to approve the application as presented with the condition that a portion of the property corner of 179 Shady Ln would be dedicated in the event of the Fowler Branch roadway is developed to an approved standard. Vote 6-1 (no – Fisher). Motion passed.”