



42 Valley Crescent
PO Box 208
Palmer Lake CO 80133
719-481-2953 – office

Office Use Only	
Case Number:	_____
Date:	_____ PC 4/20
Fees:	\$500.00
Check #:	204
Rec'd By:	MAZ
<i>Note: A minimum of ten days are required to process this application</i>	

Right-of-Way Application

Name of Applicant/Property Owner: Gene E and Maria A.T Kalesti

Address: 171 Shady Lane PO BOX 615 Phone#: 720-475-6894

Email: gkalesti@gmail.com

Name of Proposal: ^{JPB} ~~Vacate a portion of Fowler Branch near / behind 171 Shady Lane / Vacate Loveland Slope from Shady Lane to Fowler Branch~~

Legal Description or Address: Lot 1 Blk 8 Pine Crest Tri-Dist Assembly GRDS ADD 1 Palmer Lake

(If the applicant is someone other than the property owner, the applicant must provide a notarized letter from the property owner giving permission to be represented in this action).

This is a Right-of-Way Vacation – A Right of Way vacation is the termination of the public interest in a right-of-way (built or unbuilt); it extinguishes the easement for public travel that is represented by the right-of-way. The Right of Way is equally divided.


Criteria for approval of a Right-of-Way Vacation - In order to approve any Right-of-Way vacation, the Planning Commission must find, based upon evidence, both factual and supportive, provided by the applicant that the vacation sought will not leave any lands adjoining without an established right of way. and that the portion of the right of way sought to be vacated has now become useless to the property owners, the general public, and the Town of Palmer Lake, and that the Final Plat meets all of the criteria stated in Section 16 of the Palmer Lake Municipal Code.


By signing, Applicant agrees to the following:

- Town of Palmer Lake staff or its consultants may enter the property to inspect the property and evaluate the proposal.
- The applicant/petitioner is liable for all fees and costs associated with the Town's review of this application. These may include, but are not limited, to engineering and consultant fees, public notice / recordation fees, and any other fees paid by the Town in connection with or related to this application.

Payment of the above fees shall not relieve the applicant of any other fees incurred by the Town.

As owner/applicant, I understand and affirm the information contained in this application is accurate, and I agree to the above conditions.

Applicant Signature:  Date: January 21st 2022 ^{3/2/2022}

Applicant Signature: Maria Antonista T Kalesti Date: January 21st 2022 ^{3/2/2022}
(if needed) 

If the applicant is not the owner:

As owner of the above property, I agree to the application.

Owner – Print: _____

Owner – Signature: _____ Date: _____

PROCEDURAL CHECKLIST FOR RIGHT-OF-WAY VACATION

Applicant: Gene E and Maria A. T. Kalesti Address/Location: Loveland Slope Portion of Fowler Branch
 (print or type)

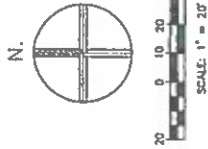
- * Submitted on: _____
- * Property will be posted & published by: _____
- * Planning Commission meeting: _____
- * Board of Trustees meeting: _____

Submittal Requirements:

X	Required Information:
X	Complete application form
X	Letter(s) of Intent - why you are making this request; adjoining property owner
	A map of the proposed right-of-way vacation prepared by a Colorado registered land surveyor. Each plan must include:
X	<ul style="list-style-type: none"> • Identify the right-of-way requested for vacation
X	<ul style="list-style-type: none"> • All easements identified on right-of-way and abutting properties
	Required Copies: (Proposed)
X	One (1) each 11x17 paper and electronic copy of proposed vacation
X	Copies of letters of notification to all property owners abutting proposed vacation
	A map of all properties effected by the right-of-way vacation, prepared by a Colorado registered land surveyor. Each plan must include:
X	<ul style="list-style-type: none"> • Name of the Proposal
X	<ul style="list-style-type: none"> • Legal description of the Proposal
X	<ul style="list-style-type: none"> • Date of preparation and Northpoint
X	<ul style="list-style-type: none"> • A vicinity map
	<ul style="list-style-type: none"> • Location of land intended to be for public use
	<ul style="list-style-type: none"> • All monuments
	<ul style="list-style-type: none"> •
	<ul style="list-style-type: none"> • Profiles of all roads
X	<ul style="list-style-type: none"> • Certificates for execution by Executor (s) – (Mylar)*
	<ul style="list-style-type: none"> •
	<ul style="list-style-type: none"> •
X	<ul style="list-style-type: none"> • All easements as required by public and quasi-public agencies
X	<ul style="list-style-type: none"> • The right-of-way lines, widths, locations, and street names of existing and proposed streets
	Required Copies: (Final)
X	<ul style="list-style-type: none"> • One (1) copy of final plat - Mylar* – Owner MUST record after approval
X	<ul style="list-style-type: none"> • One (1) paper copy (24x36) of final plat
X	<ul style="list-style-type: none"> • One (1) Electronic copy of final plat

SURVEY EXHIBIT

Vacation of Fowler Branch and Loveland Slope



LEGAL DESCRIPTION:

RIGHT OF WAY VACATION

that portion of the 20 foot RIGHT OF WAY known as FOWLER BRANCH as shown on PINE CREST TR-DISTRICT ASSEMBLY GROUND ADDITION NO. 1, situate in Section 8, Township 11 South, Range 67 West of the 6th P.M. (Book R of Page 22, Plat records of Paso County, D Paso County, Colorado), described as follows:

that portion of said Fowler Branch Being Easternly of the portion referenced as Ordinance No. 1 1959 and Being adjacent to Lots 11, 12 and 13 in Block 11 and Lots 1 and 2 in Block 8. Containing a Computed Area of 2,983 square feet of Land within the description, together with . . .

that portion of the 20 foot RIGHT OF WAY known as LOVELAND SLOPE as shown on PINE CREST TR-DISTRICT ASSEMBLY GROUND ADDITION NO. 1, situate in Section 8, Township 11 South, Range 67 West of the 6th P.M. (Book R of Page 22, Plat records of Paso County, D Paso County, Colorado), described as follows:

that portion of said LOVELAND SLOPE Being adjacent to Lots 1 in Block 8 and Block 9. Containing a Computed Area of 1,949 square feet of Land within the description.

Heard and recommended for approval on the ____ day of _____ by the Planning Commission, Town of Palmer Lake.

(signature line for Chair, Planning Commission)

Heard and approved on the ____ day of _____ by the Board of Trustees for the Town of Palmer Lake.

(signature line for Mayor, Board of Trustees)

Attest by: _____

(signature line for Town Clerk)

SURVEYORS STATEMENT:
I, James P. Brinkman, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the attached SURVEY EXHIBIT was prepared by me and on the basis of my knowledge, information and belief, is correct.



James P. Brinkman
Professional Land Surveyor
Colorado PLS 37837

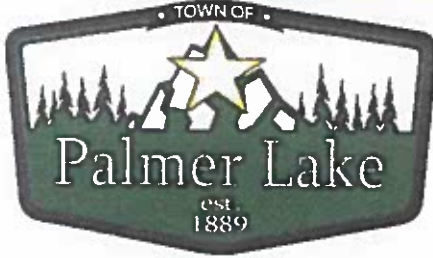
SURVEY EXHIBIT

NO.	DATE	BY	REVISION	SHEET	TOTAL
2.	07/23	me	revisions	1 of	1
1.	07/17	me	revisions	1 of	1

DRAWN BY: JPB
DATE: 07/23/2022
SCALE: 1" = 20'
PROJECT NO.: 21111006
SHEET 1 of 1

JAMES P. BRINKMAN, INC.
P.O. BOX 10742
COLORADO SPRINGS, CO 80901
PHONE: 719-591-3344
WWW.JPB-SURVEYING.COM

Letter of Intent for Right of Way Application



Right of Way Application Rev. 05/2021

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Right-of-Way Application

Letter(s) of Intent - why you are making this request, adjoining property owner

Vacation of Fowler Branch and Loveland Slope Letter of Intent from adjoining property owner. See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

Supporting Letter of Intent, abutting property owner and ROW vacation applicant.

Gene E and Maria A.T. Kalesti
171 Shady Lane BOX 615
Palmer Lake, CO 80133

We owners Gene and Maria Kalesti of 171 Shady Lane respectfully request Loveland Slope from Shady Lane to Fowler Branch be vacated.

As well the portion of Fowler Branch be vacated directly behind our 171 Shady Lane home. Please see detailed Survey Exhibit **“Vacation of Fowler Branch and Loveland Slope”** Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

Loveland Slope Right of Way statements of fact by Kalesti’s, the abutting property owners:

1. Loveland slope has not been used for access to any property past or present. This fact is supported by all surrounding neighbors (See supporting letters from surrounding neighbors) and has been video documented in the for nearly a year.
2. There is no adjoining or abutting lands that need a Right of Way.

Letter of Intent for Right of Way Application

3. Lands nearby have always used the established Loveland Slope to Fowler Branch to access those lands on Fowler Branch. Loveland Slope is not presently or has been in the past been used for a daily, weekly, monthly or semiannual use.
4. The only adjoining and abutting landowners, Kerry J. Paige, Gene Kalesti and Maria Kalesti agree this land is unused, useless to property owners and general public.
5. Adjoining and abutting landowners to Loveland Slope, Kerry J. Paige, Gene Kalesti and Maria Kalesti want to acquire the land the ROW is on and place a permanent fence on our new property line.
6. It's our understanding that Loveland Slope is apparently too steep to develop at this time.
7. Developing Loveland Slope would not be a civic minded plan to protect home owners and would require it be done within the 20' allotted width, this would further encroachment on our property and abutting neighbor. Our property is already being encroached upon over time. We want to use all 8,273 sf of our property.
8. Wildlife as it's been 100's of years would be forever damaged and change for the worse if this vacation is not agreed to.
9. Road development of hard surfaced or compacted road structure would exacerbate the already very major issue of snow melt and storm water runoff damage to our property, our abutting neighbor, Shady Lane, homes and properties below Shady Lane. Impossible to not encroach and stay withing the 20' easement. Please see Land Survey Plat
10. If we prevail the new acquired land would be planted with indigenous wild grass that can act as a leach field to absorb snow melt and rain.

It is the desire of the only two abutting neighbors, Kerry Paige to be approved for vacating Loveland Slope as shown in Survey EXHIBIT. This ROW is a hazard for fire trucks due to the complete inability to access due to the very steep slope or for any large vehicle to make the turn into the ROW and proceed to the top. There is also nowhere to turn a large truck. It is also a fact that all electrical and communication utilities would have to be moved from the NW corner of Block 9 of our adjoining abutting neighbors' property of Kerry J Paige.

Fowler Branch Right of Way statements of fact by Kalesti's, the abutting property owners:

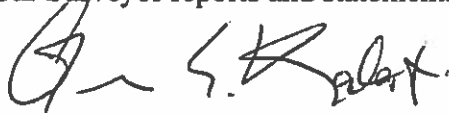
Letter of Intent for Right of Way Application

1. The Fowler Branch ROW section described in our Survey EXHIBIT directly behind our home and our abutting neighbor Jim Andrews home has not been used for access to any property past or present. This fact is supported by all surrounding neighbors (See supporting letters from surrounding neighbors) and has been video documented for nearly a year.
2. There is no adjoining or abutting lands that need a Right of Way.
3. Lands nearby have always used the established Fowler Branch from South Fork to access those lands on Fowler Branch. Fowler Branch is not presently or has been in the past been used for a daily, weekly, monthly or even semimanual use.
4. The only adjoining and abutting landowners, James "Jim" Andrews, Gene Kalesti and Maria Kalesti agree this land is unused, useless to property owners and general public.
5. Fowler Branch has also been vacated for many years from Block 8 lot 2 and Block 11 Lot 13 to the NW (Vacated Fowler Branch Ordinance No1 1956)
6. Adjoining and abutting landowners to Fowler Branch, Jim Andrews, Gene Kalesti and Maria Kalesti want to acquire the land the ROW is on and place a permanent fence on our new property line to provide security for our pet as nearly 100's of homeowners have done.
7. It's our understanding Fowler Branch is a ROW for Block 11, Lot 8, 9, and 10. It been surveyed and is comparatively level, a complete difference compared to Loveland Slope.
8. Wildlife as it's been 100's of years would be forever damaged if the ROW between agreed abutting neighbors would not be approved to vacate.
9. Any development of any part of Fowler Branch will have to meet Town & El Paso County development codes to not cause any damages, especial water damage to our property.

It is the desire of the only two abutting neighbors, Jim Andrews and Gene and Maria Kalesti to be approved for vacating Fowler Branch as shown in Survey EXHIBIT.

We thank the Planning commission for their time and I look forward to giving much more details including our Surveyor reports and statements from nearby neighbors.

Thank You
Gene E Kalesti

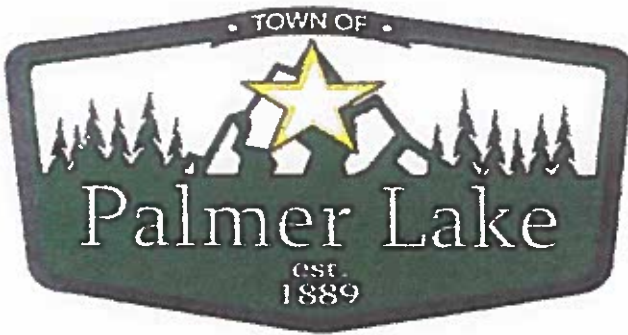


Date 2.22.2022

Maria A.T. Kalesti



Date 2.22.2022



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Letter(s) of Intent - why you are in support of this request; adjoining property owner

Vacation of Fowler Branch and Loveland Slope Letter of Intent from adjoining property owner. See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

Supporting Letter of Intent, abutting property owner.

Kerry J Paige
179 Shady Lane BOX 1638
Palmer Lake, CO 80133

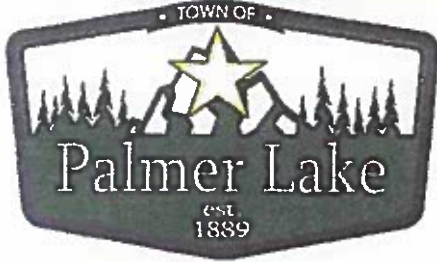
1. Loveland Slope is not the sole access to properties behind mine.
2. Other than my immediate neighbor, adjoining properties are not in need of right of way.
3. The development of Loveland Slope would put the road a few feet from my front door.
4. Also Utility poles, boxes and trees would have to be removed.
5. Topography would seem to create drainage problems.
6. Neighborhood aesthetics would diminish.

Kerry J Paige

Kerry J Paige

Date 2/28/22

Letter of Support for Right of Way Application



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Right-of-Way Application

Letter of support - why you are making this letter of support, nearby property owner.

Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.

See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

Supporting Letter of Support by nearby property owner/s.

We owner/s George E. Parsons and Beverley Dale Parsons support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated.

As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit “**Vacation of Fowler Branch and Loveland Slope**” Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

Beverley and I support vacating the aforementioned roads as a needed change to our neighborhood. I formally owned the property owned now by Kerry Paige. It would be irresponsible for any civic body to allow roads to be developed surrounding the Block 9, a single residence. I had vacated the lower half of Loveland Slope years ago. It was not useful as a road. The upper half of Loveland Slope is also not appropriate as a useful Road. Drainage alone can

Letter of Support for Right of Way Application

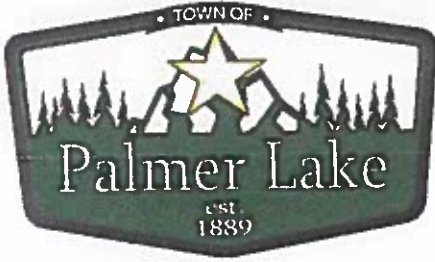
cause many problems for Shady Lane. Please allow the vacation of the upper part of Loveland Slope.

George E. Parsons March 3, 2022
George E. Parsons

Beverly Dale Parsons March 3, 2022
Beverly Dale Parsons

164 Shady Lane
Palmer Lake, CO 80133
719-481-2815

Letter of Support for Right of Way Application



Right of Way Application Rev. 05/2021

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Letter of support - why you are making this letter of support, nearby property owner.

Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.

See EXHIBIT "Vacation of Fowler Branch and Loveland Slope"

Supporting Letter of Support by nearby property owner/s.

We owner/s Mary Koch 172 Shady Lane support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria "May" Kalesti. Please see detailed Survey Exhibit "**Vacation of Fowler Branch and Loveland Slope**" Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

Vacation of Fowler Branch Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

I SUPPORT the vacating of Loveland Slope Right of Way.

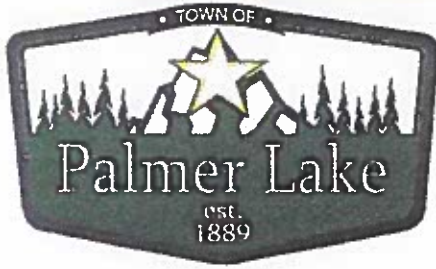
1. The lower half of Loveland Slope was already deemed not useful as a road, neither is the upper half. The drainage from the upper side of Shady Lane has already caused runoff damage to my property, and making the upper half a road would only make it worse.

2. Loveland Slope is not the only means of access to those properties, and adding another road would not only cause damage to the existing nature, but ruin the atmosphere of our quaint and peaceful neighborhood.

Mary E Koun

Date 3/3/2022

Letter of Support for Right of Way Application



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Right-of-Way Application

Letter of support - why you are making this letter of support, nearby property owner.

Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.

See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

Supporting Letter of Support by nearby property owner/s.

We owner/s Chris and Charlene Schutte, 188 Shady Lane support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit “**Vacation of Fowler Branch and Loveland Slope**” Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

Letter of Support for Right of Way Application

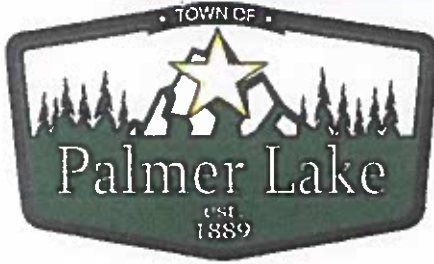
Vacation of Fowler Branch Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

1. Our property and neighboring properties have been affected by surface water runoff onto our land. We have sustained damage to property and loss of property due to the water that runs downhill from South Fork onto Shady Lane during heavier or extended rain periods
2. Due to the terrain any additional roads sloping downhill in this area will add to the existing issues of surface water runoff as there is no storm water system or swale to manage this runoff. We have reported and discussed this issue with the Town of Palmer Lake and it has been stated that the town will need to engineer a solution and identify a budget long term to address this issue, there are no immediate solutions.

Chris Schutte Chris Schutte

Date 3/2/2022

Letter of Support for Right of Way Application



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Letter of support - why you are making this letter of support, nearby property owner.

Vacation of Fowler Branch and Loveland Slope Letter of Support from nearby property owner/s.

See EXHIBIT “Vacation of Fowler Branch and Loveland Slope”

Supporting Letter of Support by nearby property owner/s.

We owner/s Gary and Dorothy Gore support the vacation of Loveland Slope from Shady Lane to Fowler Branch be vacated. As well the portion of Fowler Branch be vacated directly behind 171 Shady Lane home of Gene and Maria “May” Kalesti. Please see detailed Survey Exhibit “**Vacation of Fowler Branch and Loveland Slope**” Prepared and signed by Professional Land Surveyor James P. Brinkman 2/22/2022

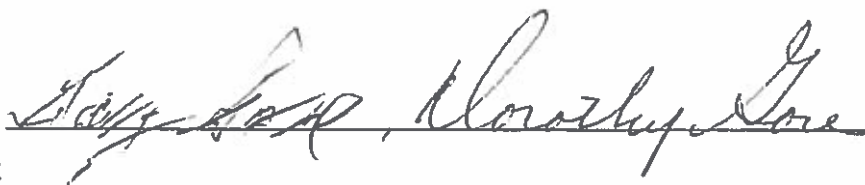
Vacation of Loveland Slope Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

We support the vacation of Loveland Slope. It was never intended as a road and, as shown in the survey, is too steep for emergency vehicle use.

Palmer Lake has long since ignored and neglected services of engineers and surveyors under pressure of those seeking personal gain. Such decisions have violated regulations affecting major concerns of drainage, property lines, utilities, etc. It is time for responsible action and professional planning that focuses on the future of our community.

Letter of Support for Right of Way Application

Vacation of Fowler Branch Right of Way statements of fact/s as I/we know them. Please provide your statements of why you support the Vacation of Right of Way Application.

 Date 3/3/2022

