

Gene Kalesti's opening statement for Application to Vacate Loveland Slope.

April 20th, 2022, Application to Vacate Town ROW (Loveland Slope) – Kalesti (171 Shady Lane)

(Photo #1)



Good evening, Town Manager Dawn Collins it's a pleasure to see you again, our dedicated Town Planning Commission, 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. The towns incredibly kind, courteous, generous, and fun neighbors throughout town is a true find for us.

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 \$13,500.00 to date.

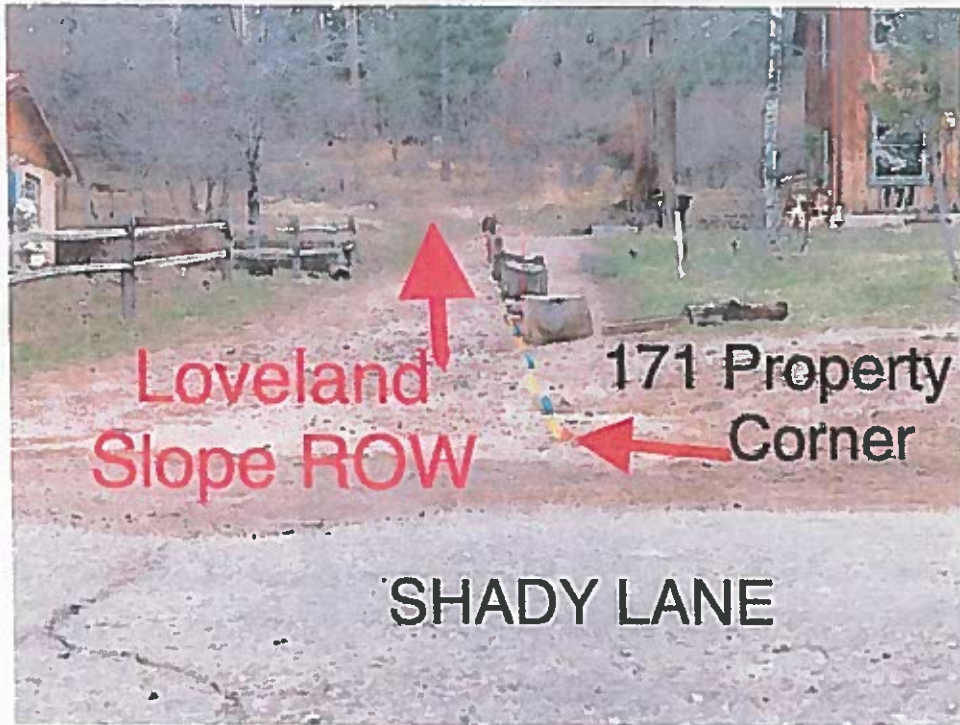
(Photo #2)



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 3 feet 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 feet from Mr. Kerry's front door.

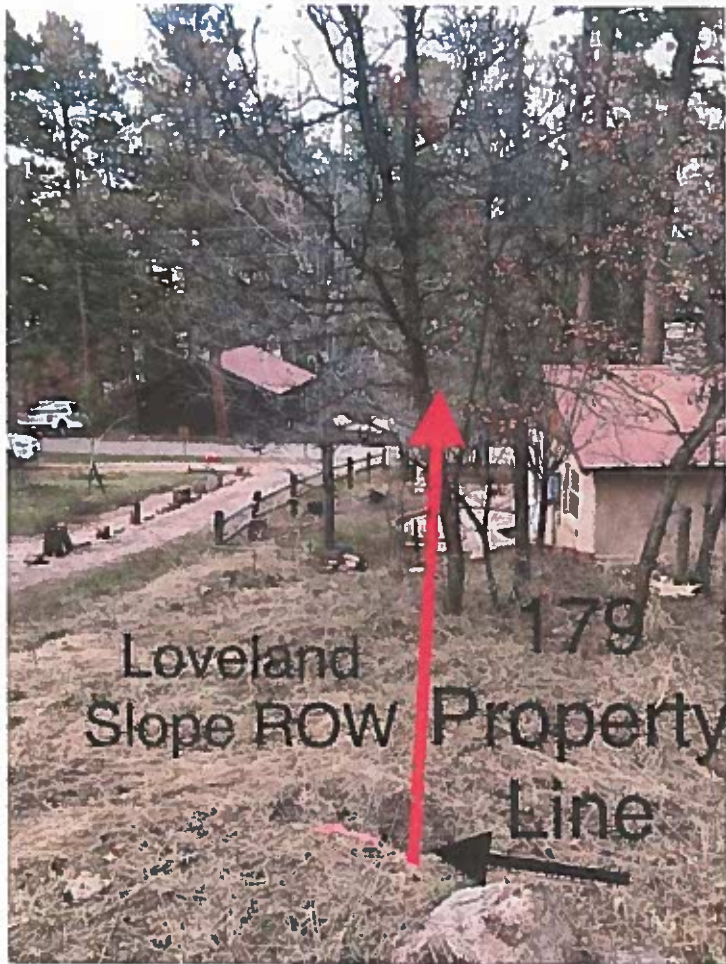
(Photo #2)



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 3 feet 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 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, TPed and Electric Box on 179 Shady Lane's property. Relocation of a second Electric Box, and Tped 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 #4)



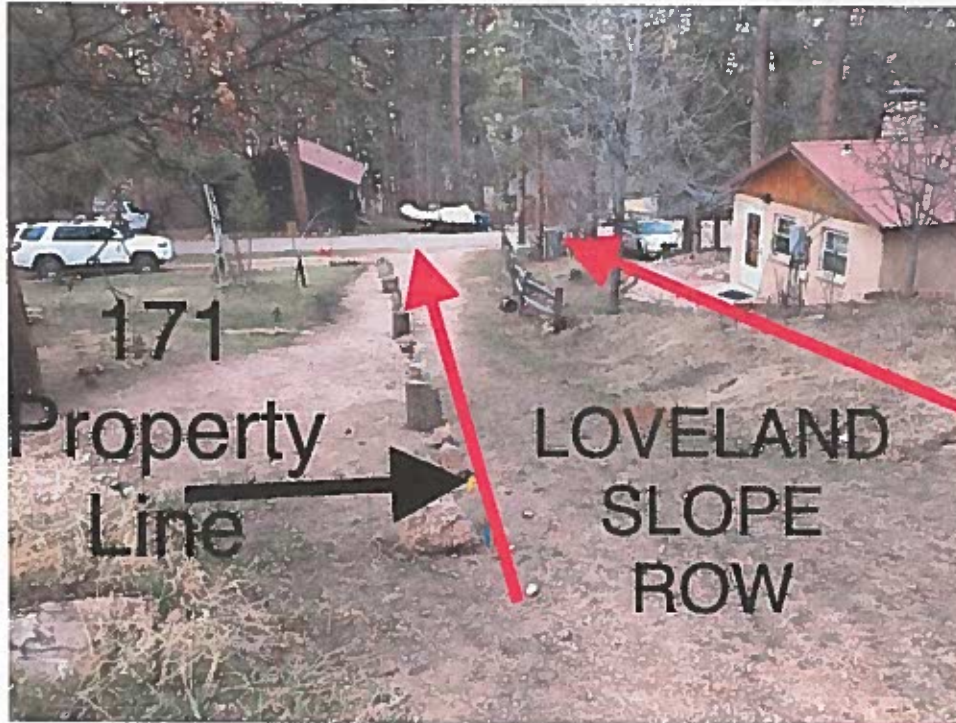
Towns Staff has further said -

"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 #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?

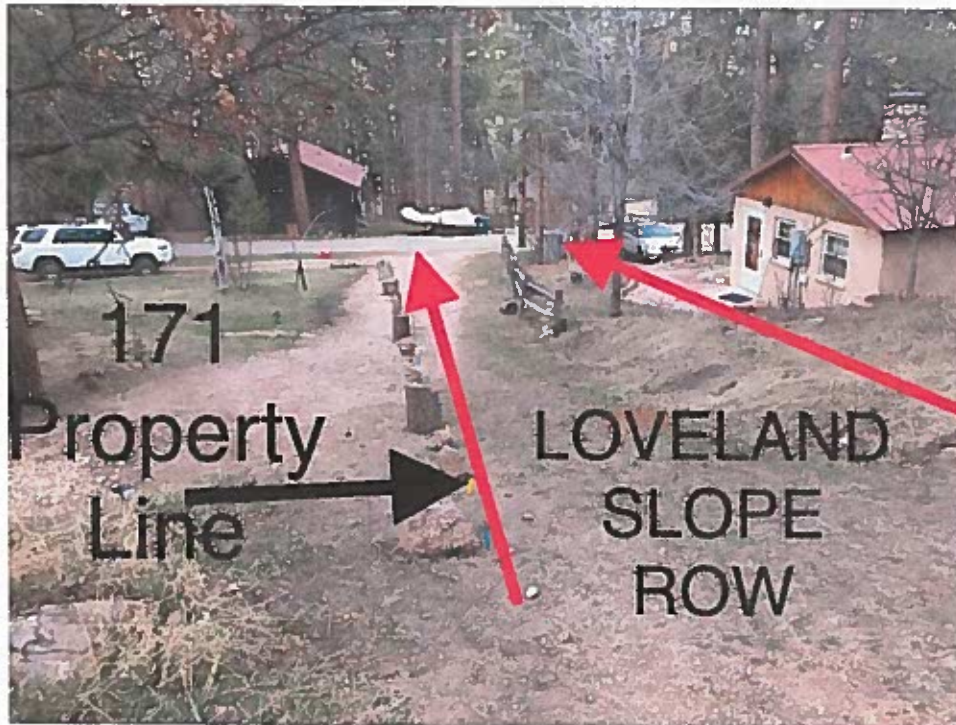
(#7 DISPLAY PDF FOWLER BRANCH VERT: 1:4 Horz 1:20 SURVEY TOPOGRAPHY EXHIBIT)

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.

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.

(Photo #11)



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.

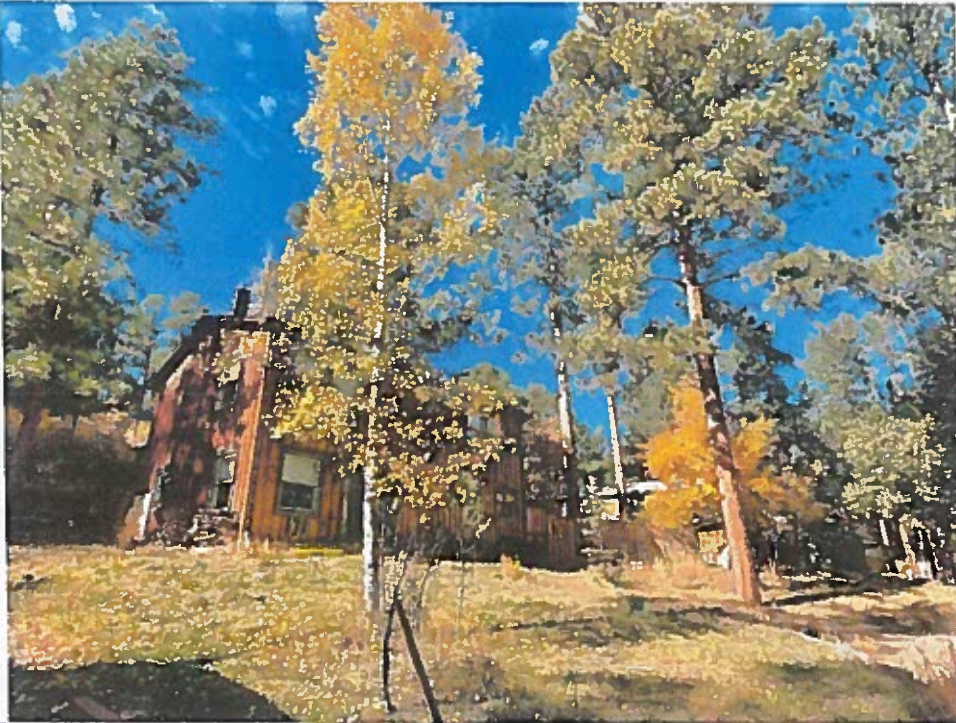
Town Staff reviewed our request and supports the vacation of Loveland Slope.

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

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.

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.

(Photo #11)



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 and supports 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 towns 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.

Dawn Collins

Subject: FW: Public Hearing regarding Loveland Slope (Vacate)

Dawn Collins
Palmer Lake Township Clerk
Planning Commission
Palmer Lake, Colorado 80133

Dear Dawn:

Following a few attempts to speak with you by phone I was advised that email may be my best avenue to share a message with you regarding the public hearing in regard to vacating "Loveland Slope" between Fowler Branch and Shady Lane. I will not be able to attend the April 20 meeting as my wife will be hospitalized on that date following major back surgery on 4/18 in Wichita, Kansas.

While my Family property is not an immediate adjoining property to Loveland Slope, we have enjoyed the easy open access to our Lot 8 for more than 70 years by using Loveland Slope roadway. It was the access road several years ago that the EMS ambulance used to reach me when a trip to Penrose Hospital was necessary because of an acute health issue. I am willing to work with residents to relieve any current issues and will want to keep "easement rights into perpetuity" open for the easy access to our property for years to come. I would refer you to my son, Christopher Brooks cpb6216@yahoo.com, as he is the next to enjoy the occupancy of our cabin at 000 Fowler Branch, Palmer Lake, Colorado (our tax related address). We (immediate as well as extended family) continue to visit and use the cabin on a regular basis.

Across the years we have helped the Palmer Lake Township by paying our property taxes, as well as assisting when requested by the township with funds to help keep the sewer functioning, in fact, several thousand dollars of sewer charges have been paid while we are not served by any sewer lines. We have tried to do our part.

I and my family request that easement rights on Loveland Slope be maintained into perpetuity for our ease and enjoyment of access to our property.

If there is further information that I should be aware of in advance of the 4/20/2022 5:00 PM at the renovated Town Hall meeting, I may be contacted at 620-665-7523, email obkgjb@yahoo.com, or mailing address below.

Thank you for your consideration.

Sincerely,

Richard G. Brooks
Richard G. Brooks
000 Fowler Branch
Palmer Lake, Colorado 80133
or
19 Harvest Lane
Hutchinson, Kansas 67502

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

Letter of Support for Right of Way Application



Right of Way Application Rev. 05/2021

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

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 Jessica and Nicholas Ehrhardt 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.

We absolutely support the vacation of the Fowler Branch R.O.W. for several reasons. First and foremost - it will help tremendously with the significant, dangerous and costly erosion issues when our big monsoon rains come careening down our street. I know that Gene + May will spend significant thought, energy + time to help facilitate a native + beautifully landscape that just frankly is too steep to be a good road/driveway anyway. The property owners have easy, established access to their property via South Fork without needing to make this roadcut into Fowler Branch. As homeowners on Shady Ln we would absolutely appreciate this vacation to help protect our already vulnerable street from washout - as well as help cultivate + protect the beautiful landscape and help it back to native stabilizing and nourishing vegetation. Thank you for your consideration.

Jessica + [Signature]

Date 4/02/2022

130 Shady Ln
Box 388
Palmer Lake, CO 80133

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.

We absolutely support the vacation of the Fowler Branch R.O.W. for several reasons. First and foremost - it will help tremendously with the significant, dangerous and costly erosion issues when our big monsoon rains come careening down our street. I know that Gene + May will spend significant thought, energy + time to help facilitate a native + beautiful landscape that just frankly is too steep to be a good road/driveway anyway. The property owners have easy, established access to their property via South Fork without needing to make this roadcut into Fowler Branch. As homeowners on Shady Ln we would absolutely appreciate this vacation to help protect our already vulnerable street from washout - as well as help cultivate + protect the beautiful landscape and help it back to native stabilizing and nourishing vegetation. Thank you for your consideration.

Jessica + [Signature]

Date 4/02/2022

130 Shady Ln
Box 388
Palmer Lake, CO 80133

Dawn Collins

From: J Andrews <addawatt@yahoo.com>
Sent: Tuesday, April 19, 2022 9:40 PM
To: Dawn Collins
Subject: Loveland Slope and Fowler Branch

-----WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.-----

Hi Dawn, I cant make it to the planning meeting so if you share this communication it would be a good thing. In the broad scope of this issue we should not separate planning for Loveland Slope and Fowler Branch. Our primary concern should be towards the preservation of the exceptional quality life afforded us by making Palmer Lake our home. In my view, adequate storm runoff mitigation and emergency services access should be a top priority in any decision. At some point in the not too distant future someone is going to want to build a quaint tasteful cabin within reasonable hillside constraints on lots 9 and 10 on Fowler Branch . While I would rather that not happen, I no longer own that property and therefore have no control over the issue. I will vigorously defend the owners right to build within set parameters.

I have a proposal I hope every one will consider as part of a viable solution. Firstly, the majority of flooding on Shady Lane during heavy runoff seems to originate on South Fork. As I have witnessed on numerous occasions runoff crosses South Fork from Kerry's side to Jessica's side and takes the path of least resistance through the properties across and down Shady Lane. If we diagonal a couple of speed bumps across South Fork maybe it would be sufficient to shunt the runoff back towards Kerry's and into a new buried culvert across the front of Kerry's and terminating into the drain located at the utility cluster near the intersection of Loveland Slope and Shady Lane. My neighbors should not have to deal with perpetual flooding problems. I do not think Loveland Slope contributes to flooding on Shady Lane and if it does, it can be fixed with a garden rake . I think the Parsons' garage flooding problem can also be fixed with a garden rake. An extension of the existing culvert on Loveland Slope, maybe a perforated pipe on a gravel bed, and terminating at the drain on Shady Lane should preclude detrimental runoff situations which might otherwise occur as a result of likely development on Fowler Branch. We have to consider the water main that runs under Kerry's fence and maybe move the subsurface culvert towards the northwest, closer to the 171 property boundary to prevent water main freezing. The existing surface drainage should remain in place.

I am not in favor of abandoning Loveland Slope. I have spent twenty six years, thousands of dollars and applied well over 100 tons of gravel and road-base on and around Loveland Slope. Over the years there have been fire trucks, ambulances, police cars, 16 foot flat bed trailers full of horse poop, and a multitude of other vehicles making use of Loveland Slope to access Fowler Branch on a continual basis. Loveland Slope is the only somewhat improved access to my property and the back lots of the Misclisch estate. What I am even less in favor of is altering the established lawns on either side of Loveland Slope. There is a solution here I think may address multiple issues and it involves give and take from multiple parties.

South Fork already serves six houses and egress onto Shady Lane is tight. If Reverend Brooks agrees, access for properties on Fowler Branch could be up South Fork to Fowler Branch and then down Loveland Slope to Shady Lane. Hopefully there is no need to build a twenty foot road on Fowler Branch because it would chew up Kerry's back yard. Kerry would need to give up his south point at South Fork to provide a radius for the road. At Loveland Slope, Kerry would also give up a radius as required to bring road construction into elevation and slope compliance. In return, Kerry gets to keep his side yard. The Kalesti's would also need to forfeit a couple of feet along their property line on Loveland Slope. Because some of us cross some lines sometimes, I am willing to give up a slice of lot 11 as required to facilitate set

back requirements for the Kalesti's deck thereby maintaining required 20 foot access, on more favorable ground, for my lots 11,12 and 13 as well as the Mischlich property.

It is on my bucket list to build a small appropriate studio on some portion of my lots 11,12,or 13. It would greatly enhance project viability for me if we could abandon Fowler Branch at least along lot 13. In return, I would need required access to the Mischlich property. THANKS everyone for your thoughtful consideration. James Andrews

back requirements for the Kalesti's deck thereby maintaining required 20 foot access, on more favorable ground, for my lots 11,12 and 13 as well as the Mischlich property.

It is on my bucket list to build a small appropriate studio on some portion of my lots 11,12,or 13. It would greatly enhance project viability for me if we could abandon Fowler Branch at least along lot 13. In return, I would deed required access to the Mischlich property. THANKS everyone for your thoughtful consideration. James Andrews

Dawn Collins

Subject: FW: 4:20:2022 planning Commission meeting

Good afternoon Town Manager Collins & Town Planning Commission,

Our names are Jeff & Pattie Brooks. We are sending this note because we will be out of town for the next Town Planning Commission meeting sch'd to be held on Wed 4/20/22. We have a concern with an item on the agenda and hope this email could be read on our behalf during the meeting.

To whom it may concern: Our names are Jeff and Pattie Brooks, we have a concern with an item on the agenda for the meeting tonight. It has to do with vacating a road platted over 75 years ago in Palmer Lake named Loveland Slope. We and our whole family use this road to access our Brooks family cabin. By vacating this road, it would make it next to impossible for our family to drive up to our family cabin built by our great grandparents over 50 years ago and the land the family has owned for about 75 years. This cabin is used several times a year by family from out of town and in our wonderful Town of Palmer Lake. Both easements and this road are intended to protect our public domain and provide access for the city, and are important for all of us. If this road were to be vacated, the Palmer Lake Fire Dept would not be able to access this land or help someone needing medical help. If this road were to be vacated, the Town of Palmer Lake would have to make the entire road named Fowler Branch useable (right now only a small portion is useable where it ties into Loveland Slope). If this road were to be vacated, it would only be a benefit to the property owner alongside the road Loveland Slope and would be terrible for the whole Brooks family, the Town of Palmer Lake, and other neighbors. Thank you for your consideration of all concerned in this matter.

Sincerely,
Jeff and Pattie Brooks

