

NOTICE OF PUBLIC HEARING

TOWN OF PALMER LAKE

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on January 17, 2024, at 5 PM at the Town Hall at 28 Valley Crescent, Palmer Lake, to consider a request to vacate the undeveloped right of way, Petite Ave., Palmer Lake. A recommendation will be made to the Board of Trustees on the same matter scheduled to be heard on January 25, 2024, at 6 PM. A copy of the complete application is on file at the Town Clerk office, at 719-481-2953. /s/ Dawn A. Collins, Town Clerk



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

Office Use Only	
Case Number:	_____
Date:	<u>11/14/23</u>
Fees:	<u>\$500.00</u>
Check #:	<u>8109</u>
Rec'd By:	<u>[Signature]</u>
<i>Note: A minimum of ten days are required to process this application</i>	

Jan PC

Right-of-Way Application

Name of Applicant/Property Owner: Brad and Maryanne Akers

Address: 621 Petite Ave. Palmer Lake Phone#: 540-246-3387

Email: akersb@att.net

Name of Proposal: Right of Way Vacation of Petite Ave.

Legal Description or Address: 621 Petite Ave. Palmer Lake, CO

(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:** 11/08/2023

Applicant Signature: 
(if needed) **Date:** 11/08/2023

If the applicant is not the owner:

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

Owner – Print: _____

Owner – Signature: _____ **Date:** _____

LETTER OF INTENT TO VACATE 621 PETITE AVENUE

Hello Dawn,

We've been working on the proposal to validate the "vacation" of Petite Drive in Palmer Lake and listed below are the issues we discussed at our meeting with you on June 29th and how we are looking to resolve them.

- Our intent is to "vacate" Petite Avenue entirely.
- We are willing to change our house address to Verano with the "vacation" of Petite which would now no longer exist.
- With the "vacation" of Petite, we would have approximately 60 feet of frontage on Verano, which complies with the 50 feet of frontage required.
- We have been maintaining Petite all this time. When my brother owned the property, he put thousands of dollars of stone into the driveway himself, plus kept it trimmed and accessible. When we inherited the property, we also put several thousand dollars of stone into the maintenance of the driveway, plus the trimming of trees etc. to allow accessibility.
- With the town allowing us to "vacate" Petite, it would no longer be a burden on the town for possible future upkeep.
- In case of a fire emergency, there is a fire hydrant on Verano in front of the now Petite Avenue house, which would allow a firetruck to access the hydrant and run hose up along the property.
- After reading the town's Master Plan, we can see that we share mutual goals with the town's community vision, which supports and preserves the heritage and beauty of Palmer Lake.
- We can cite pages 45, 57, 58, 67, and 68 of the Master Plan, and sections CC-1.1, CC-1.3, CC-2, CC-3 and LU-4.3, LU-5.3, LU-5.4, and LU-7.2 which aligns with our values also.
- We'd like to specifically call out sections LU-5.3 and LU-5.4, which cites that not all areas are suited for development because of steep grades etc. That is a concern of ours, particularly if building were to occur behind our house and where the Park property lines start. If building were to take place there, we would be in fear of a rockslide and damage, not only to our home but to all those homes below ours.
- Additionally, if Petite were to be developed into a road, it would be on a steep grade, making access to our house extremely difficult. It could also possibly be in violation of the zoning code, as it could potentially run closer than 25 feet to the Beltran's house which sits below ours.

Our reasons for wanting to do this "vacation" are as follows:

- Palmer Lake is a unique and special community. As homeowners we recognize this and want to help maintain and preserve the landscape and wildlife of this special area.
- We want to work with the town of Palmer Lake to preserve the aesthetics and uniqueness of Palmer Lake.
- This "vacation" would also allow us to align the property to town compliance to consolidate the properties, which would eliminate the subdivision of multiple lots.
- Currently our address does not show up on most GPS systems. Other than those who live here locally, people cannot find our house at all. This "vacation" would simplify the delivery of possible life saving emergency services. By giving us a Verano address we could then be found in the event of an emergency.
- This "vacation" would not cut off any possible future home sites in the region behind our home because those now non-existent homes could be accessed by the building of two roads, undeveloped Lindo and undeveloped Montana.
- Our neighbors, Tony Beltran and his wife Claudia, are in agreement with this "vacation" and are the ones whose property is adjacent to ours, along with Steve Beebe whom we've also talked this over with.

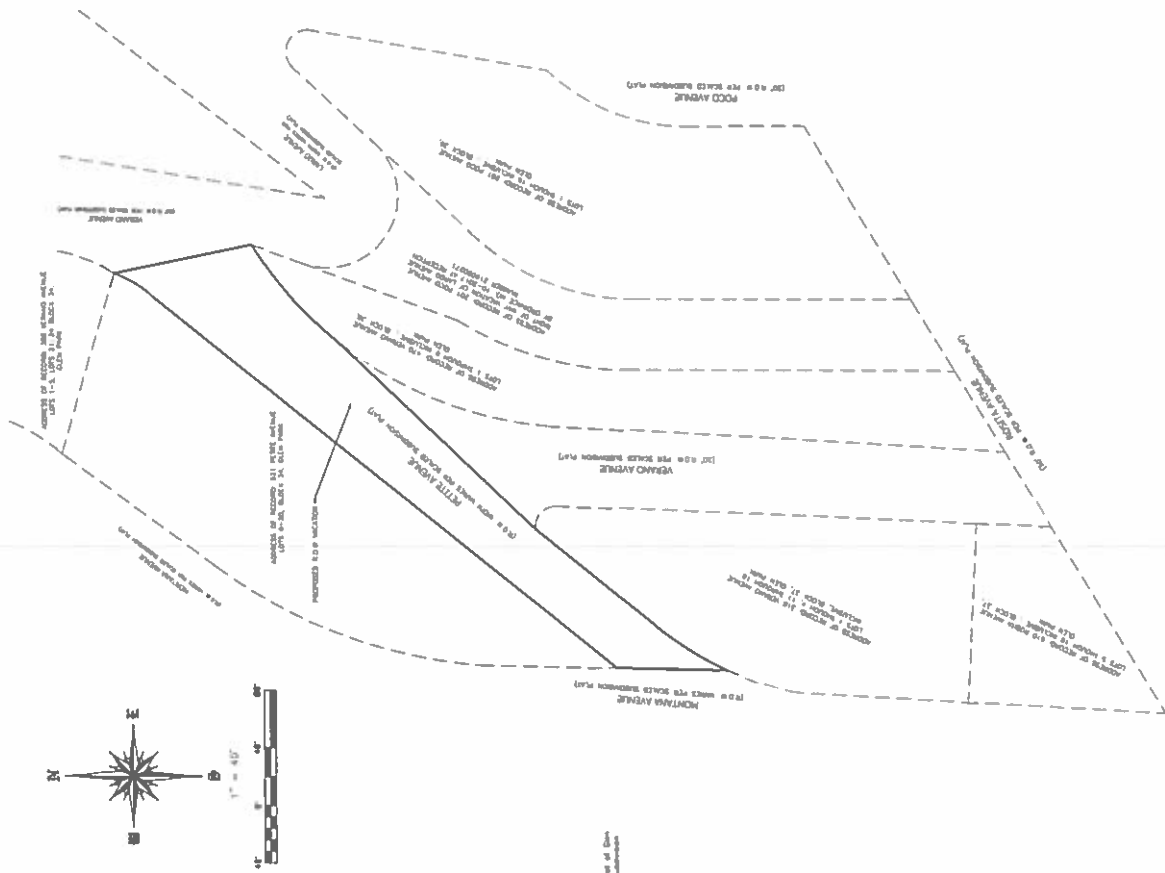
Please feel free to contact us with any questions or concerns. We truly look forward to being able to work with the Town to ensure the success of this request and to keep the beauty and natural harmony of Palmer Lake available not only to us but to future generations.

Thank you for your time and consideration.

Maryanne and Brad Akers

R.O.W. VACATION EXHIBIT

VACATION OF PETITE AVENUE



LEGAL DESCRIPTION

BEFORE OF ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires _____.

Witness my hand and official seal this _____ day of _____, 20____.

Notary Public for the State of Nevada

My commission expires _____.

SURVEYOR'S STATEMENT

I, the undersigned, being a duly qualified and licensed Professional Land Surveyor, do hereby certify that I am the author of the foregoing plat and that the same is a true and correct representation of the field work performed by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor in the State of Nevada.



State of Nevada
Professional Land Surveyor No. 31719
For and in behalf of Apex Land Surveying and Mapping, LLC

SURVEYOR'S NOTE
1. Due to lack of mathematical information and precision on the Subdivision Plat of Petite Avenue, the width of the road is shown as 16.5 feet.

DATE	11/23/2023	PROJECT	R.O.W. VACATION
NO.	1	PROJECT NO.	2206
DESCRIPTION	R.O.W. VACATION		
DATE OF SURVEY	11-08-2023	DATE OF PLOTTING	11-08-2023
DATE OF RECORDING		DATE OF CLOSURE	
DATE OF CLOSURE		DATE OF CLOSURE	
DATE OF CLOSURE		DATE OF CLOSURE	

Surveyor: _____
Checked: _____
Drawn: _____

APEX
APEX Land Surveying and Mapping LLC
6150 Sycamore Drive
Reno, NV 89502
Phone: 775.784.5377
Fax: 775.784.5377
E-mail: info@apexsurvey.com
www.apexsurvey.com

PROJECT No. 2206
SHEET 1 OF 1

Re: 621 Petite Vacation Proposal

From: Claudia Dimidik (artbyclaudia@icloud.com)
To: akersm@att.net
Date: Friday, August 4, 2023 at 10:58 PM EDT

Hi Maryanne and Brad,
We are on board with the Petite Proposal shown in this attachment.
Claudia and Antonio

On Jul 18, 2023, at 7:07 PM, Maryanne Akers <akersm@att.net> wrote:

Hello all, Sorry for the repeat email. I forgot to add everyone onto the distribution for replies, so you're getting a second copy.

Hello Dawn,

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Notification to Beltrons

- We want to work with the town of Palmer Lake to preserve the aesthetics and uniqueness of Palmer Lake.
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 - Our neighbors, Tony Beltran and his wife Claudia, are in agreement with this "vacation" and are the ones whose property is adjacent to ours.
- The photo marked "2" is the before picture or as it currently exists. The photo marked 2 Distance on Verano, shows the distance of Petite on Verano, which shows 121 feet on Verano and if divided would provide more than the 50 feet of frontage required by the town. The photo marked 28 shows the split of Petite and how it would be divided between us and the Beltrams and Steve Beebe. The photo marked 2D is our proposed vision of the Petite vacation.

Please feel free to contact us with any questions or concerns. We truly look forward to being able to work with the Town to ensure the success of this request and to keep the beauty and natural harmony of Palmer Lake available not only to us but to future generations.

Thank you for your time and consideration.

Maryanne and Brad Akers

621 Petite Vacation

Notification to Steven Berck

From: Maryanne Akers (akersm@att.net)

To: stevenabb@gmail.com

Date: Thursday, August 3, 2023 at 02:34 PM EDT

Hello Steven,

Hope all is well and that you received the paperwork we forwarded to you regarding our trying to vacate 621 Petite. If you have any additional comments or suggestions to make, we would welcome them.

If not, could you please send us an email that states you were notified by us of our intent to vacate and that you are in agreement with it? The vacation paperwork requires us to notify any neighboring properties.

Thank you and hope all is well. Please feel free to contact us if you have any questions.

Brad and Maryanne Akers

Dawn Collins

From: Steven Beebe <stevenabb@gmail.com>
Sent: Monday, November 20, 2023 6:06 PM
To: akersb; Dawn Collins
Subject: Re: Vacation of Petite approval

-----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.-----

I am Steven Alfred Beebe, I am the lawful owner of 316 Verano Avenue, Palmer Lake, Colorado. I have no financial instruments on the property (no mortgage, no liens, etc) I make all solo decisions on the affairs of my property 316 Verano Avenue. I also support the Vacation of Petite Avenue that touches my property. I will call Dawn with the Town of Palmer Lake tomorrow.

V/r

Steven Alfred Beebe
(719)217-1092

On Mon, Nov 20, 2023 at 3:56 PM akersb <akersb@att.net> wrote:

Greetings Steven,

This is Brad Akers from across the way at 621 Petite. We have submitted the paperwork for the vacation of Petite. Afterwards Dawn Collins suggested that it would be helpful to have written approval from all the adjacent land owners. I know when we spoke on the phone you had voiced your approval of the Vacation. Can you please send a reply of approval for the Vacation so we can add it to the application?

Thank you
Brad and Maryanne Akers

Sent from my iPhone