

PUBLIC COMMENT

Chelton Rd Vacation

East and adjacent Lots 27, 28, and 29, Highland Hills Subdivision No. 2

V 22-00046

1. **Susie Jacobs**

I saw the attached notice when visiting my mom recently. I realize we missed the comment period but were both curious about what this means. I couldn't find information online about it. Would you mind telling us what will be happening?

My parents built our home in 1974 so my mom is still an original owner. They bought the property back then from the McRoberts brothers — I believe the east side of the street was all the McRoberts homestead at the time. More info than you need to know but being in the neighborhood for a long time made us both especially curious about this notice. :)

Thank you.
Susie Jacobs
3065 N Chelton Rd

2. **Steve and Sarah Beth Cliatt**

We do not support the "North Chelton Road Vacation of Public Right-of-Way."

City approval of this proposal sets a very bad precedent. Owners are responsible to know their property lines. The owner built an illegal fence. If the proposal is approved, the owner will be rewarded with an additional free .16 acres of land.

Also, the fence itself is a safety hazard. North Chelton Road is narrow and is heavily trafficked by cars entering Palmer Park via the Paseo entrance. The street also makes a very steep, almost 90-degree turn right about where the fence is closest to the road. This **obstructs the line of sight** for drivers in both directions and doesn't leave much space for a pedestrian or biker to safely bail out if necessary.

When we spoke, you mentioned that, regardless of the project approval, the owner would have to **move the fence back from the road**. Unless the owner commits to this now, and it is documented as part of the proposal, we're skeptical that this will happen. Once the land is ceded, the City's leverage to enforce any kind of fence modification is gone.

Thanks for the opportunity to comment.
Steve and Sarah Beth Cliatt
2903 Chelton Drive

3. **Bette Brassfield**

I apologize for the lateness of this email regarding the proposal to vacate a portion of the North Chelton Road Public Right-of-Way, File Number CPC V 22-00046. Thank you for taking the time to talk with me on the phone earlier this month.

The principal concern that I expressed during our call is that given the sharp turn in the road at that location, the fence as it is currently positioned is an encumbrance to **visibility for both vehicular and pedestrian traffic**.

Please contact me if you require further clarification.

Thank you.
Bette S. Brassfield

4. **Douglass Hugill**

Regarding tracking # 10299598, and file number CPC V 22-00046, concerning the back yard, City owned easement procured by the fence put up by the owners of 3233 Austin Drive:

I am wholeheartedly against the City of Colorado Springs vacating their giving up this land. The fence needs to be removed from all City land, and here are a few reasons:

- 1) Chelton Road is now a very dangerous curve with the **line of sight** taken away by the fence. When someone gets hit by a car on that curve, that will be on The City, and the decision that proceeds from this case.
- 2) It sets a **bad precedent**, for a homeowner to just claim land that is not theirs. We do not have squatter's rights as law in this city. How dare them fence this area off and exclude others from accessing it!
- 3) It is a very pompous and bold move for the fence owners to enact such a gesture. They have now tripled the size of their backyard by "stealing" this land. I wonder if they have already paid taxes on the land they have obtained for free. This should not even be up for debate.
- 4) **City utility lines** run right inside of the fenced off area.
- 5) Citizens who walk this route may no longer enjoy this land and use it as **a safe alternative to walking** on Chelton Road.

Thank you hearing my reasoning.

Sincerely,
Douglas L. Hugill
2239 McArthur Ave.

5. **Eric Gnoske**

I am owner and resident at 2902 Chelton Drive, approximately 5 lots away from the proposal.

I **do not condone or approve** the "North Chelton Road Vacation of Public Right-of-Way." When the new residents installed the illegal fence, only a few years ago, I thought it was simply obnoxious and I thought the city would enforce their right-of-way to have the owners modify their fence line. Until that illegal fence was installed, we local residents and hikers **used to use that right-of-way to stay away from cars** driving on that 90 degree turn on Chelton Road. In fact, now that I know that the road should have been constructed to provide a safer turn, I think the city needs to actually build the road as it was planned.

As an aside, several years ago my wife and I considered buying that property. We specifically asked about the "large back lot" and our realtor informed us that the land in back was a right-of-way owned by the city. This land grab seems like an underhanded attempt to fleece the city and the local residents of a safer walkway.

Sincerely,
Eric Gnoske

2902 Chelton Drive

6. **Dwight and Tracy Cooper**

We object to vacating the public right-of-way on North Chelton Rd.- File Number CPC V 22-00046.

We have lived at 3075 N. Chelton Rd. since 1979 and always enjoyed walking the neighborhood. We thought the property in question was open space tied to Palmer Park, but when the ugly fence went up, we assumed we were wrong. The fence is a large, solid, wall-like structure that we think is an eyesore. We believe people should be allowed to do what they want to with their own property. However now that we've learned that the residents **built their fence on public property**, we would prefer that the fence be removed from our public land. We also object to the resident's building a fence without confirming that they were fencing their own land. We don't think that after they do something illegal, they should be rewarded with what wasn't theirs.

Thank you,
Dwight and Tracy Cooper

7. **James Strubb**

This is James Strub, 2821 North Chelton Road, responding to your office's general notice concerning the illegal encroachment onto COS land along Chelton Road, just around the corner from here. (File: CPC V 22-00046) [A note: you returned my calls just as I was in the middle of this email. Thank you.]

For the last 40 years I have been walking along that section of Chelton going to and from Palmer Park. That corner was always a special part of the walk. There was **a pleasant vista and some open space** to walk on away from the street and its relatively sharp curve. As you know, there are no sidewalks along this part of Chelton, so walkers and bicyclists are sharing the relatively narrow pavement with vehicles. The triangle of open space was well defined by the planting and lawn furniture in the yards of the adjacent Austin Drive properties, mostly the one in the center. There was a **faint social trail across the triangle, at a respectable distance from the private property**. Then one day I found the triangle blocked by a construction project that enveloped the whole triangle. I knew it was COS land, but assumed it was the city building it. I did look it up on the County Recorder's Property Web Site, and it was still listed as COS property. The completed stockade really changed the spirit of the whole block and on up the hill. It meant we now **have to walk in the street** there with its inclined curve and ever-increasing traffic. At the same time, especially since the stockade was built, the parking overflow from Palmer Park has increased to the point that on weekends and holidays there is on-street parking along both sides of Chelton from Paseo on up toward the stockade -- sometimes limiting through traffic to one-way at a time. If the stockade is going to be removed, that action could well include some widening of the Chelton pavement to provide better overflow parking for the park. I suspect the people with legally-adjacent properties along that part of Chelton would really appreciate that. We will appreciate Council denying the requested vacation and charging the cost of removing the stockade to those who built it.

Thank you (and for your call this morning).

Respectfully,
James Strub (rhymes with cube)

8. **Cheryl Murphy-Gates**

Great idea as the City doesn't appear to maintain this area and it has become a party spot. Not ideal for the homeowners that back up to it and have to deal with the vehicles and trash that is left there.

Cheryl Murphy-Gates
2907 Marilyn Pl

9. **Sally Brusehan**

I am Definitely opposed to vacating the public right-of-way on North Chelton Road. The fence in question, **obstructs the line of sight** for vehicles, bikes and walkers, from both directions. It's dangerous. It would also set an unwanted Precedence. The fence simply does not belong in its current location. I believe it needs to be and should be placed inside the legal property line. What about the utilities that are over or under that area? Once again, I am opposed to variance/vacating that public right-of-way.

Thank you.
Sincerely,
Sally Brusenhan. 3225 Austin Drive

10. **Mark Johnson**

I would like to voice my thoughts on the vacation of North Chelton Rd. public right-of-way. The public right-of-way should not be altered and If we are referring to the large fence on city property, it is an **eyesore and driving hazard**.

Thank you for your consideration,
Mark Johnson
3226 Austin Dr.