

TOWN of PITKIN SPECIAL MEETING

July 27th, 2020 7:00pm

At the Newcomb Community Center

SOCIAL DISTANCING WILL BE PRACTICED AT THIS MEETING

MASKS ARE REQUIRED

22 present, 22 masked

6 call-in participants

SPECIAL MEETING MINUTES

Full and timely notice of this meeting was provided pursuant to C.R.S. 24-6-402(2)(c).

1. Call to Order/Roll Call: Mayor Eddy Balch called the meeting to order at 7:03pm. Trustees Chris Nasso, Lucinda Lull, Jerra Garetson, and Tom Gibb were present. Minutes taken by Clerk Sara Gibb.

Clerk Sara Gibb reported that all required documents for Street vacation request had been turned in to the Town of Pitkin.

Fred and Alicia Archuleta addressed the Board with comments regarding their request to vacate a portion of 7th Street. Comments are summarized below:

- Benefit to Public interest – proceeds of sale and subsequent property taxes would go to the Town. If a structure is built, property taxes would increase further. Property is kept in good condition.
- No parcel of land is denied direct access
- Area under consideration abuts the Town ditch
- Will the vacation alleviate hardship for the petitioner? Yes, current rules do not allow building on 2 lots. At one time the two lots on the other side could have been used for building, currently they cannot. The lots abut the mountainside, which creates shorter lots, so the two currently owned lots are smaller. The neighbor's shed infringes on their property by 4 feet. Having 4 lots would compensate for the incorrect survey which led to the shed being built on their property and would allow them room to build.
- The street has not been used for 140 years. The street above [in the county] has been vacated. There is no culvert to allow driving on the street.
- Without owning it, the Archuletas have cared for the area for many years.

Confirmation of public notice – Clerk Sara Gibb confirmed that notice of the public hearing was posted at both the post office and online

The Board was polled about whether any ex -parte communication and/or site visits took place: Trustee Chris Nasso-no, Trustee Lucinda Lull-no, Trustee Jerra Garetson – no, Trustee Tom Gibb – no, Mayor Eddy Balch – no

2. PUBLIC HEARING – Public hearing on request to vacate a portion of 7th Street

Mayor Eddy Balch opened the public hearing at 7:15pm

Public Comments – Thomas Kelley – The subject of vacating land is old. He supports the notion and would echo the statements made by the Archuletas in support of why they are making the request, particularly the benefits to the Town should such a request be granted. If the request is not granted it would be a disservice both to the Town and to the Archuletas. Jesse Garetson – Agrees with Thomas Kelley, Todd Adams – Agrees with Thomas Kelley; Lin Pope – agrees with Thomas Kelley; Marie Archuleta – Agrees with Thomas Kelley; Jesse Garetson – This is the simplest and most straightforward proposition for vacation of property; Lois Sharpton (read aloud by Clerk Sara Gibb) – Town should not vacate land that it may need in the future; Cyndi Wick (summarized by Clerk Sara Gibb) – Town should not vacate any land; Suzy Metzler (call-in) thinks the Town may be short-sighted to give up this land that may be needed in the future, perhaps for internet; Kandy Nasso (call-in) – Agrees with Thomas Kelley; Cindy Houtwed – Archuletas have the nicest lawn in town, they may want the land in the future to build a cabin for one of their daughters; Marie Rossmiller – Internet location would be up on the hillside and not accessible through the Town but through a mountaintop or hillside

Clerk Sara Gibb read aloud the motion made by the Zoning Board at their meeting on June 16th 2020, which recommended approval of the vacation request.

Trustee Tom Gibb asked where the easement for the Town of Pitkin to use the vacated roadway in the County hits the Town of Pitkin boundary. No answer was provided. He asked that if the easement was provided to allow access to a street, what are the implications of this vacation? Fred Archuleta stated that he did not believe there was a way for 7th Street to go through because the street beyond 7th (in the county) had been vacated.

Trustee Lucinda Lull stated that the Town needs clarification [of the easement]. Would the public access allowed in LaVeta on 7th Street end if the street is vacated? Trustee Chris Nasso asked if the Town of Pitkin could have the same easement. Mayor Eddy Balch would like clarification on what easement was granted and where the access is on the LaVeta side. Trustee Tom Gibb stated that if an easement is moved to the side, building would still be possible. Trustee Chris Nasso does not believe it's the Town's obligation to provide access to LaVeta. Trustee Lucinda Lull would like to know the intent of the county easement. Clerk Sara Gibb provided the sealed survey (large size) for the Board to review. Trustee Tom Gibb stated that whatever action the Board takes tonight should be fair and equitable and repeatable. He

believes this request has merit. Trustee Lucinda Lull agreed that this request has merit. It needs to be done right. Mayor Eddy Balch stated that the Board can request an easement.

Fred and Alicia Archuleta made closing comments: LaVeta was never developed. The street above us [in LaVeta] has already been vacated. Fred Archuleta believes that public access isn't required. He is willing, however, to extend a setback up to 16 feet so it would comply with the requirements. Alicia is in agreement with an easement if that is necessary. She asked if the Town will be talking to the lawyer to get clarification on the document.

The Board would like to know where the 16 foot public easement in LaVeta is located. He would like the Archuletas to get clarification and provide the Board with a map to show where that 16 foot [easement] is. Trustee Lucinda Lull suggested starting at the County Commissioners office. The map is not an official map.

The Board would like to know - what obligation does the Town of Pitkin have to continue the easement, if it does meet up with 7th Street.

Trustee Tom Gibb asked where the Board stands regarding the appraisal. Mayor Eddy Balch stated that the appraisal will be provided by the Archuletas if/when the Board agrees to vacate.

The Archuletas will research and provide the Town with the following information:

- Location of the easement in LaVeta
- A map of the easement in LaVeta
- The terms of the easement in LaVeta
- Proposal for easement granted to Pitkin if the LaVeta easement connects 7th Street (under consideration)

Public Comments: Jesse Garetson, Todd Adams, Marie Archuleta

Motion to adjourn public hearing made by Mayor Eddy Balch. Seconded by Trustee Lucinda Lull. Motion carried 5-0. Public Hearing adjourned at 8:15pm

Meeting adjourned 8:18pm.

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