AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Discussion; Use of Somerset Streets

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

There are four locations in Somerset where private use of the street/alley causes problems for other owners and for plowing. Pictures attached illustrate the problems. Board needs to direct staff on what action they would like to see taken

Fiscal Impact: Potential to reduce snow plow time which is money

Submitted by: Marlene D. Crosby **Submitter's Email Address:** mcrosby@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

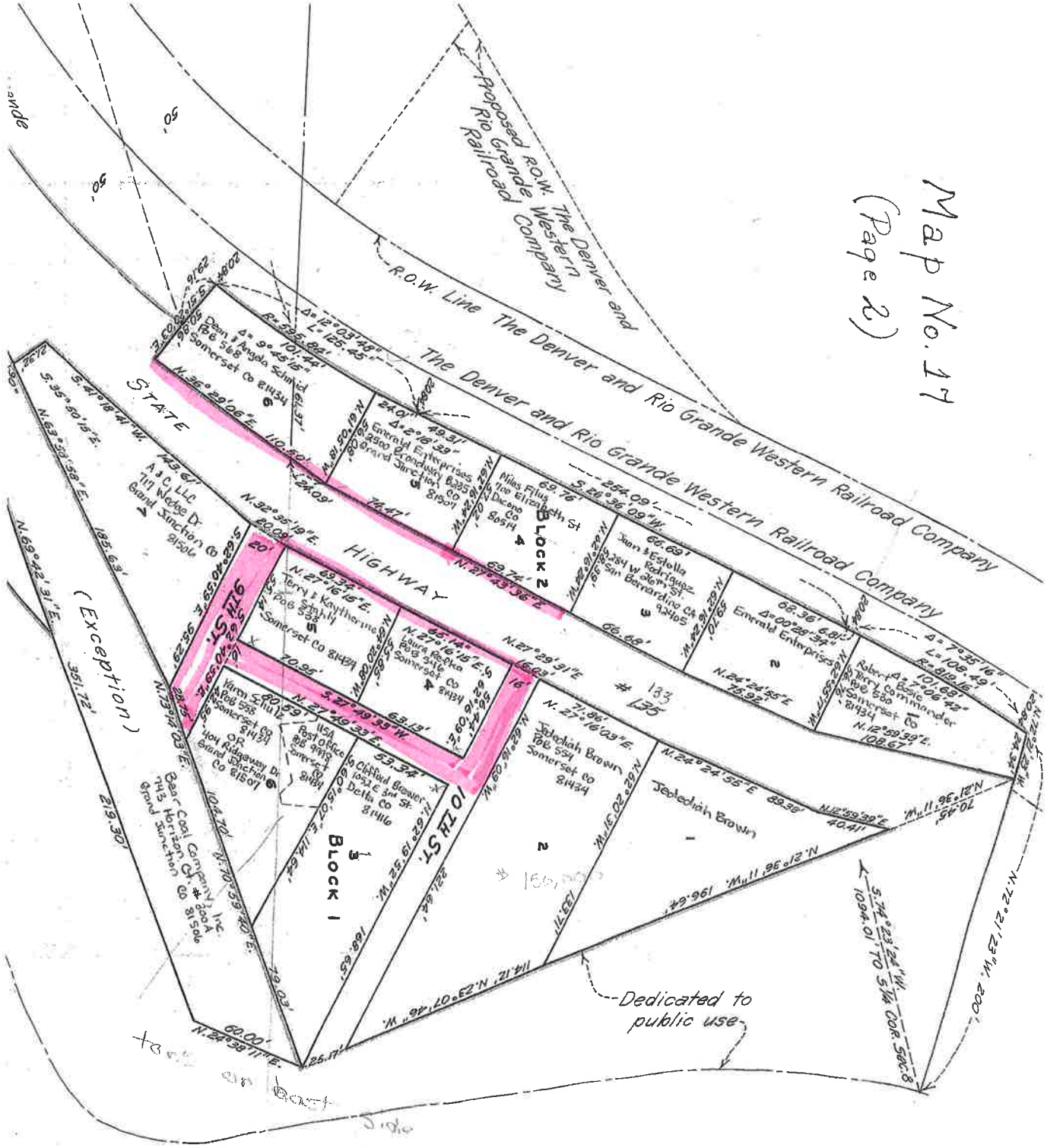
Reveiwed by: GUNCOUNTY1\emense Discharge Date: 7/10/2020

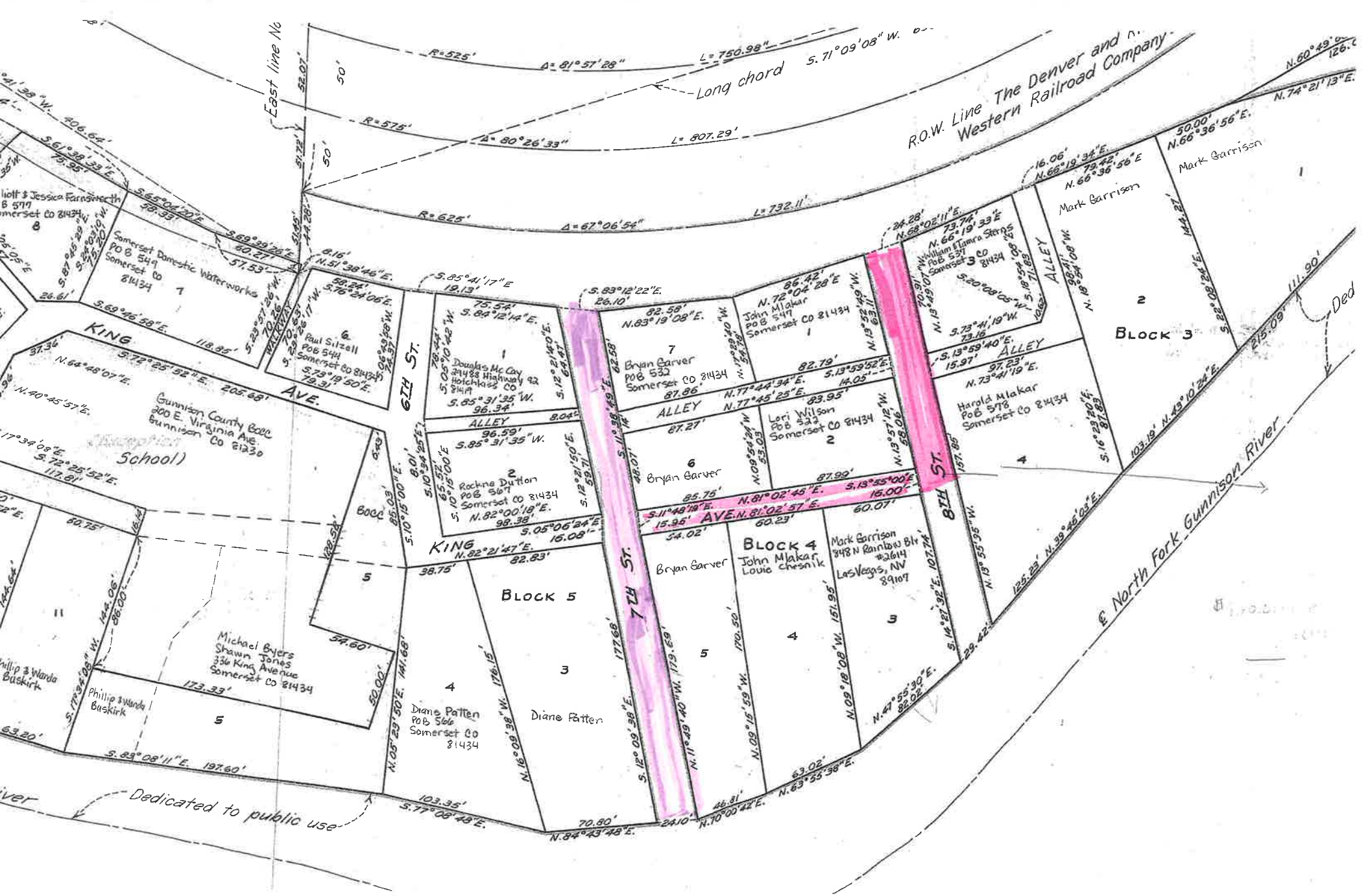
○ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 30

Agenda Date: 7/14/2020

Revised April 2015

Map No. 17
(Page 2)




R.O.W. Line The Denver and Western Railroad Company
Long chord
East line No
Somerset Domestic Waterworks
Gunnison County Bocc
300 E. Virginia Ave.
Gunnison Co 81230
School)
KING AVE.
6TH ST.
7TH ST.
8TH ST.
ALLEY
WALKWAY
Paul Sitzell
POB 544
Somerset Co 81434
Douglas Mc Coy
32483 Highway 92
Hotchkiss CO
81419
Rockne Dutton
POB 567
Somerset CO 81434
Bryan Garver
POB 532
Somerset CO 81434
John Mlakar
POB 549
Somerset CO 81434
Lori Wilson
POB 532
Somerset CO 81434
Harold Mlakar
POB 578
Somerset Co 81434
William & Tamra Stevens
POB 537
Somerset CO 81434
Mark Garrison
Mark Garrison
Mark Garrison
348 N Rainbow Blv
#2614
Las Vegas, NV
89107
BLOCK 3
BLOCK 4
BLOCK 5
John Mlakar
Louie Chesnik
Bocc
Michael Byers
Shawn Jones
336 King Avenue
Somerset Co 81434
Phillip & Wanda Buskirk
Diane Patten
POB 566
Somerset CO
81434
Diane Patten
Bryan Garver
Dedicated to public use
℄ North Fork Gunnison River

Gunnison County
COLORADO

Public Works Department
195 Basin Park Dr., Gunnison, CO 81230
Phone: 970-641-0044
Fax: 970-641-8120

December 11, 2018

Terry Stahly
P.O. Box 538
Somerset, CO 81434

Dear Mr. Stahly:

As winter sets in and we begin to plow snow in the area of your residence located at Lot 5, Block 1, Somerset (3954 Highway 133) we have run into miscellaneous materials and vehicles surrounding your property that are obstructing proper snow removal efforts. Enclosed please find a picture.

We are asking that you please relocate these items so that we may provide better snow removal service to you and your neighbors. If you have any questions or concerns please do not hesitate to contact our office at 970-641-0044.

Thank you in advance for your cooperation in this matter.

Sincerely,

Sparky Casebolt
Operations Manager

Gunnison County
COLORADO

Public Works Department
195 Basin Park Dr., Gunnison, CO 81230
Phone: 970-641-0044
Fax: 970-641-8120

June 24, 2020

Terry Stahley
P.O. Box 538
Somerset, CO 81434

Re: Lot 5, Block 1, Somerset

Dear Mr. Stahley:

For the last 5+ years there has been discussion about existing right-of-ways and obstructions in the roads and alleys in Somerset causing access and plowing issues.

This spring we were able to identify the areas where we seem to have the most complaints and concerns and actually have the street and alley rights-of way surveyed and the easements marked. In some cases that included identifying property corners. The orange marks on your street do indicate the street right-of-way per the plat filed in the 1960's.

We will be discussing the use of the public streets by private property owners for parking vehicles and equipment and storage of miscellaneous items at a Board of County Commissioner's work session on Tuesday, July 14, 2020. The meetings are generally held in the morning, but I won't have a specific time until late afternoon on Friday, July 10, 2020. Due to COVID-19 precautions it will be a ZOOM meeting and you will be able to attend via computer or phone.

Your street is one of the areas we will be discussing. I will send you meeting information on July 10, 2020 when it is available.

This letter is being sent to you as the owner of property that I understand is occupied by your son. The appliances, scrap steel, car parts, etc., that are stored on the west side of his home are within the street right-of-way and need to be moved. The objects that are stored on the south side of his house are just within his property, so there is no room to move them to that location.

Sincerely,

Marlene D. Crosby

Marlene D. Crosby
Public Works Director

9th Street

Gunnison County
COLORADO

Public Works Department
195 Basin Park Dr., Gunnison, CO 81230
Phone: 970-641-0044
Fax: 970-641-8120

June 24, 2020

Clifford Brewer
1052 E. 3rd Street
Delta, CO 81416

Dear Mr. Brewer:

For the last 5+ years there has been discussion about existing right-of-ways and obstructions in the roads and alleys in Somerset causing access and plowing issues.

This spring we were able to identify the areas where we seem to have the most complaints and concerns and actually have the street and alley rights-of way surveyed and the easements marked. In some cases that included identifying property corners. The orange marks on your street do indicate the street right-of-way per the plat filed in the 1960's.

We will be discussing the use of the public streets by private property owners for parking vehicles and equipment and storage of miscellaneous items at a Board of County Commissioner's work session on Tuesday, July 14, 2020. The meetings are generally held in the morning, but I won't have a specific time until late afternoon on Friday, July 10, 2020. Due to COVID-19 precautions it will be a ZOOM meeting and you will be able to attend via computer or phone.

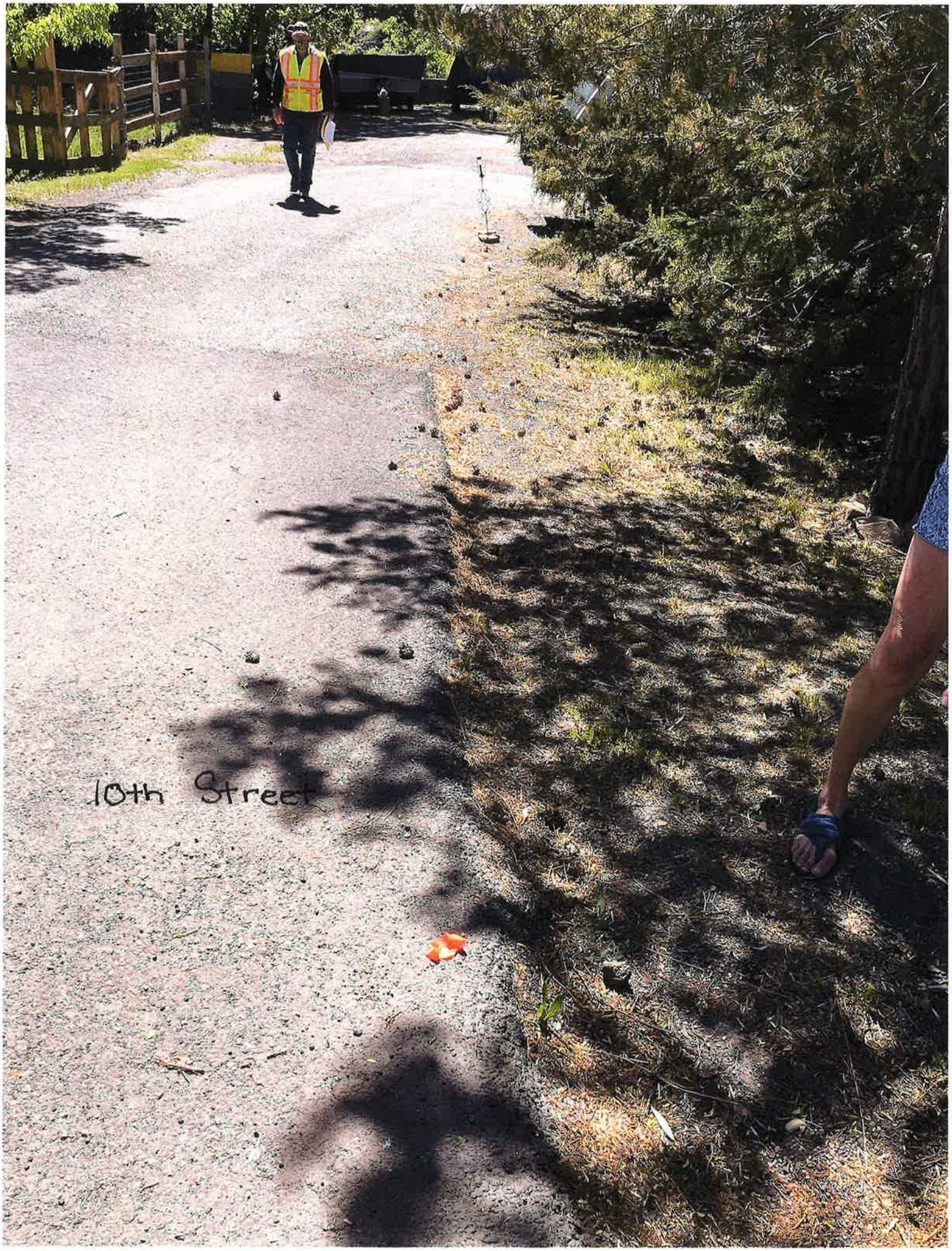
Your street is one of the areas we will be discussing. I will send you meeting information on July 10, 2020 when it is available.

The storage of your boat and camp trailer in the street right-of way makes plowing the road and alley very difficult. It cases our operator to back onto Highway 133 more than he needs to and causes us to trespass on private property rather than using the street for its intended use. We are recommending that your boat and camper be moved onto your property or to an appropriate storage facility.

Sincerely,

Marlene D. Crosby

Marlene D. Crosby
Public Works Director


10th Street

14

seco

Alley
10th Street

Somerset

3/14/94 - Per Gary T - deliver 50' of culvert and concrete to Mr. M - his son will install to work off 37 hours of community service.

TO: Gary Tomsic, County Manager

FROM: Marlene Crosby, Road Supervisor Marlene

DATE: March 10, 1994

SUBJECT: Problem in Somerset

As you know, I have been over to Somerset twice this winter and looked at the problem with Mr. Malaker's garage. Ernie went over last week to look at a driveway and I asked him to look and see if he had any suggestions.

Ernie didn't come up with a great solution, but he did take some measurements and complete the drawing that's attached. As you can see Mr. Malaker's garage is built in the middle of the alley or street at the bottom of the hill. He says he was given permission by one of the commissioners to build the garage in the ROW.

Part of the problem this year was that he had a trailer parked in the 9' opening next to his garage so Charley could not push the snow on out toward the river. Once they got him to move the trailer and Charley pushed the snow it seemed to help.

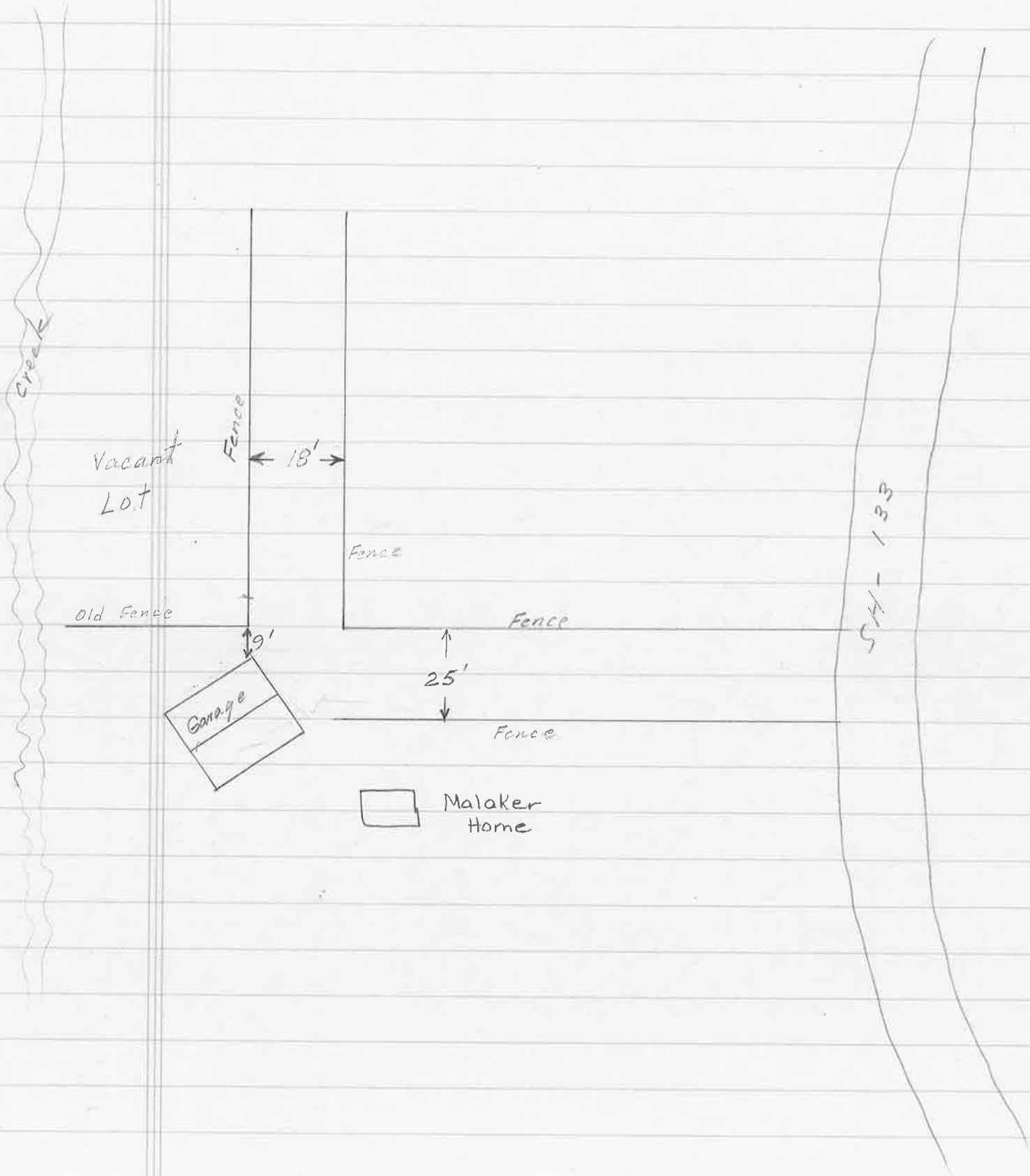
The crew tries to keep the water on the oppisate side of the street from the Malaker's home, but there is not really enough room to dig a ditch. Down by the garage we could either dig a ditch in the 9' open area or we will have to ask the other owner for permission to put the ditch on his property. If we put the ditch in the area next to the garage it will be harder to plow snow, and Mr. Malaker will not be able to park trailers, etc., in that area. The area behind and next to the garage is trashy to say the least. There are old oil cans, filters, trash, etc. The stains on the ground look like someone changes the oil in their vehicles on the ground.

Please let me know if you have a suggestion, or if you want me to contact the owner on the other side of the garage to see if we can move his fence and dig a ditch.

Thanks.

cc: Bill Betz

Somerset


Creek
Vacant Lot
Fence
18'
Fence
Old Fence
Fence
9'
25'
Garage
Fence
Malaker Home
Cut - 133

NOV 12 2008

Gunnison County
COLORADO

Public Works Department
195 Basin Park Dr., Gunnison, CO 81230
Phone: 970-641-0044
Fax: 970-641-8120

December 22, 2016

Mr. John Mlakar
PO Box 547
Somerset CO 81434

Dear Mr. Mlakar:

I did call the County Assessor to confirm that all of her staff knows that there is no mill levy to support the Road & Bridge Department. She was unsure which of her employees met with you, but she was going to follow up to make sure that we are not giving out incorrect information.

I have attached a copy of your property tax statement that I asked her to provide. It shows that for 2015 taxes you paid $57.21 to Gunnison County for county use. The remainder of your tax bill is paid to the North Fork Water District, Fire Protection District, Colorado River Water District and the School District.

As I tried to explain in our phone call the $57.21 that you paid to Gunnison County is entirely for those departments included in the General Fund. Those departments include: Commissioners, County Attorney, Finance, Clerk and Recorder, Treasurer, Assessor, Community Development, Coroner and Sheriff. There are other smaller programs funded by General Fund dollars, but these are the main ones. There is no funding out of this amount for Road & Bridge which includes road maintenance and snow plowing.

I just wanted to follow up on our phone conversation to let you know I had checked on your concern. As I told you the Operations Manager will check your plowing concern the next time he is in the area. If indeed there is room for our plow to turn around or plow straight through we may be able to make a change. Our operator will not back out of the street onto the highway due to safety concerns.

Sincerely,

Marlene D. Crosby

Marlene D. Crosby
Public Works Director

Gunnison County
COLORADO

Public Works Department
195 Basin Park Dr., Gunnison, CO 81230
Phone: 970-641-0044
Fax: 970-641-8120

December 11, 2018

Harold Mlaker
P.O. Box 578
Somerset, CO 81434

Dear Mr. Mlaker:

As winter sets in and we begin to plow snow in the area of your residence located at Lot 4, Block 3, Somerset (20 98th Street) we have run into miscellaneous materials and vehicles surrounding your property that are obstructing proper snow removal efforts. Enclosed please find a picture.

We are asking that you please relocate these items so that we may provide better snow removal service to you and your neighbors. If you have any questions or concerns please do not hesitate to contact our office at 970-641-0044.

Thank you in advance for your cooperation in this matter.

Sincerely,

Sparky Casebolt
Operations Manager

NO

Gunnison County
COLORADO

Public Works Department
195 Basin Park Dr., Gunnison, CO 81230
Phone: 970-641-0044
Fax: 970-641-8120

June 24, 2020

Harold Mlaker
P.O. Box 578
Somerset, CO 81434

Dear Harold:

For the last 5+ years there has been discussion about existing right-of-ways and obstructions in the roads and alleys in Somerset causing access and plowing issues.

This spring we were able to identify the areas where we seem to have the most complaints and concerns and actually have the street and alley rights-of way surveyed and the easements marked. In some cases that included identifying property corners. The orange marks on your street do indicate the street right-of-way per the plat filed in the 1960's.

We will be discussing the use of the public streets by private property owners for parking vehicles and equipment and storage of miscellaneous items at a Board of County Commissioner's work session on Tuesday, July 14, 2020. The meetings are generally held in the morning, but I won't have a specific time until late afternoon on Friday, July 10, 2020. Due to COVID-19 precautions it will be a ZOOM meeting and you will be able to attend via computer or phone.

Your street is one of the areas we will be discussing. I will send you meeting information on July 10, 2020 when it is available.

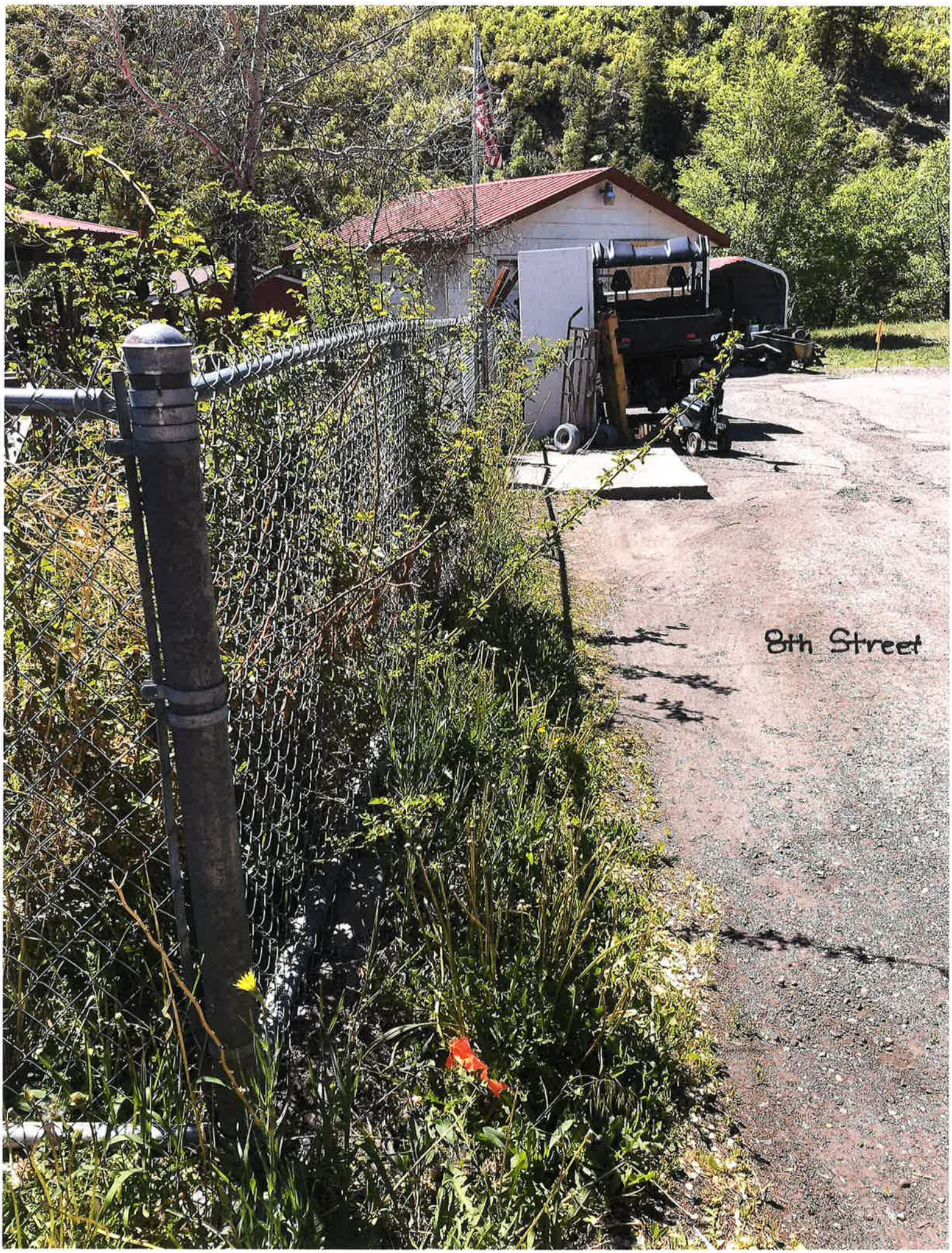
The recent survey documents a number of encroachments onto the 8th Street right-of-way making it unusable. The portable shed that was moved off the adjacent neighbor's property is totally on the street right-of-way and almost 10 feet of your garage encroaches into the right-of-way. I did pull the building permit for your garage, and the drawing that was submitted shows the garage being totally on your property and meeting setbacks. I'm not sure if it was built without a survey, but clearly it was not built as shown on the permit. At the Commissioner's meeting we will be discussing what needs to be done, especially with the portable shed and miscellaneous items, to open the right-of-way for good access and snow removal on a tight corner.

Sincerely,

Marlene D. Crosby

Marlene D. Crosby
Public Works Director

Alley


8th Street

NO
PARKING

NO
PARKING
King
Ave
8th Street

Gunnison County
COLORADO

Public Works Department
195 Basin Park Dr., Gunnison, CO 81230
Phone: 970-641-0044
Fax: 970-641-8120

June 24, 2020

Brian Garver
P.O. Box 532
Somerset, CO 81434

Dear Mr. Garver:

For the last 5+ years there has been discussion about existing right-of-ways and obstructions in the roads and alleys in Somerset causing access and plowing issues.

This spring we were able to identify the areas where we seem to have the most complaints and concerns and actually have the street and alley rights-of way surveyed and the easements marked. In some cases that included identifying property corners. The orange marks on your street do indicate the street right-of-way per the plat filed in the 1960's.

We will be discussing the use of the public streets by private property owners for parking vehicles and equipment and storage of miscellaneous items at a Board of County Commissioner's work session on Tuesday, July 14, 2020. The meetings are generally held in the morning, but I won't have a specific time until late afternoon on Friday, July 10, 2020. Due to COVID-19 precautions it will be a ZOOM meeting and you will be able to attend via computer or phone.

Your street is one of the areas we will be discussing. I will send you meeting information on July 10, 2020 when it is available.

As we discussed when we were in Somerset with the surveyor, you need to move the vehicles and car parts out of the street right-of-way to allow snow to be plowed in that area.

Sincerely,

Marlene D. Crosby

Marlene D. Crosby
Public Works Director

1th
Street

FORD

Marlene Crosby

From: Marlene Crosby
Sent: Thursday, July 9, 2020 10:37 AM
To: 'cwbrewer93@gmail.com'
Subject: RE: Somerset road issue

Good Morning Mr. Brewer,

I do want to clarify a couple of issues raised in your e-mail. As I indicated in my letter I will be discussing the use of streets and alleys with the Commissioners on Tuesday, June 14th. NO decision has been made. The purpose of the discussion is to hear from the Commissioners what action they want to pursue. It is work session, so they will review in information presented by my department and by property owners. If they choose to make a decision it will be put on a regular Board of County Commissioners meeting agenda for action.

The second item is in regard to pushing snow over the bank. We are recommending using the area where you currently park your boat and camper for snow storage, not for bulldozing all of the snow over the bank.

I have forwarded your e-mails and this response to the Board of County Commissioners so they will be able to review it before the meeting.

I will let you know tomorrow what time the item is on the agenda.

Thank you,
Marlene

From: cwbrewer93@gmail.com <cwbrewer93@gmail.com>
Sent: Thursday, July 9, 2020 8:56 AM
To: Marlene Crosby <MCrosby@gunnisoncounty.org>
Subject: Re: Somerset road issue

[EXTERNAL SENDER - USE CAUTION]

We received your certified letter seems odd to me the decision was made before the commissioners meeting?.Myself and the adjacent property owner are not surrendering anything we have established the so called right of way has not been used for the 15 years I've owned the property and I contacted the individual I bought the property from and he told me he had the property for 16 years and there was never a issue so that's 31 years the county never had any interest in any right of way it isn't a alley nor does it Impede any snow plowing and there is no access issues. Laura Refka is the only one with any issue regarding snow plowing Luke does a great job you are jeopardizing two properties for the benefit of one individual where is the EQUAL REPRESENTATION for all not for one? The steep hillside your wanting to push the entire culdesac snow over has serious erosion issues that we on our dime and our time have addressed and dealt with the last 15 years where was the counties interest then? I believe if the county commissioners were to see for themselves what we are discussing it would be a non issue I also spoke to my insurance company regarding the issue and have sent them pictures of the eroding hillside and how it's already placing my property in jeopardy and was told that the county is directly responsible for any further erosion issues that will undoubtedly occur with the plowing of snow over the hillside and that if the county insists on doing it any way that the county must do something to safeguard the hillside as to protect the adjacent properties something you have never done. I also have spoken to a real estate attorney and was told the county due to decades of non use or improvements to the right of way for over 30 years have under imminent domain laws lost the right to said right of way

The right of way has been supported and maintained by private property owners and been improved upon with our money and resources with absolutely no interest from the county until now. All this can be traced back to one individual who is getting all the representation what your asking is unreasonable and hazardous and we will not allow you to further jeopardize our properties we are more than willing and prepared to go to court over this we will not be harassed or intimidated by you I want all info for the meeting on Tuesday and have the right to speak as well as the adjacent property owner and to show evidence to support our rights including video of the right of way in question to the entire board of county commissioners not to have a decision made by you alone that is not right nor us that FAIR and EQUAL REPRESENTATION

Sent from my iPad

On Jun 17, 2020, at 9:34 PM, Marlene Crosby <MCrosby@gunnisoncounty.org> wrote:

Good Evening Mr. Brewer,
For the last 5+ years there has been discussion about existing right-of-ways and obstructions in the roads and alleys in Somerset causing access and plowing issues.

This spring we were able to identify the areas where we seem to have the most complaints and concerns and actually have the street and alley rights-of way identified. In some cases that included identifying property corners. The orange marks on your street do indicate the street right-of-way per the plat filed in the 1960's.

We will be discussing the use of the public streets by private property owners for parking vehicles and equipment and storage of miscellaneous items at a Board of County Commissioner's work session on Tuesday, July 14th. The meetings are generally held in the morning, but I won't have a specific time until late afternoon on Friday, July 10th. You are welcome to attend the meeting in person or via ZOOM. If you attend in person you must wear a mask.

Your street is one of the areas we will be discussing. I will send you meeting information on July 10th when it is available.

Thank you,
Marlene Crosby
Public Works Director

From: Ed Casebolt III <ECaseboltIII@gunnisoncounty.org>
Sent: Tuesday, June 16, 2020 2:37 PM
To: Marlene Crosby <MCrosby@gunnisoncounty.org>
Subject: FW: Somerset road issue

From: cwbrewer93@gmail.com <cwbrewer93@gmail.com>
Sent: Monday, June 15, 2020 8:47 PM
To: Ed Casebolt III <ECaseboltIII@gunnisoncounty.org>
Subject: Somerset road issue

[EXTERNAL SENDER - USE CAUTION]

My name is cliff Brewer,my family and I live at #14 10th street in Somerset apparently there isa issue between the neighbor Laura Refka and Luke Mccrain in regards to snow plowing so now there's orange spots painted on the road apparently indicating property lines Laura's property covers over half the road and she's parking her vehicle out in the road and no other residents can get out and no emergency vehicles can get in is there anything that can be done and you other neighbor was out there last week when you and Luke were looking at it and said you were talking about plowing the snow through our driveway directly next to my home on the dead end street we have no other access to our home and have a steep hill at end of it with a serious erosion problem my family and I have laid a lot of stone and planted vegetation on the hill to support it the last 15 years we have lived here dumping snow off it is going to wash the hill away considerably more further jeopardizing my homes foundation is the county going todo something to support and stabilize the hill? My home sits only a few feet from the edge now and any further erosion will put our home in jeopardy and as I stated above we have absolutely no way to access our home will you please contact me in regards to this issue
I'm enclosing a few pictures for reference
My home number is 970) 929-5068
Cell970) 778-9355
<image001.jpg>
<image002.jpg>
<image003.jpg>