

GATEWAY TO ALL SEASON FUN

TOWN OF DEL NORTE

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**October 11, 2017**  
**6:30 p.m.**  
**PUBLIC HEARING**

*Citizens are allowed to speak only on matters listed in this meeting*

Please limit comments to (5) five minutes

**Hearing Officer: Eugene Farish, Attorney at Law**

**Proposal of Land Sale to:**

**Marcus Fleck and Gene Taylor**  
**Woods & River RV Park**

**Roll Call:**

Town Board present: Trustee Sam Scavo, Trustee Mark Ulrich, Mayor Pro-Tem Annette Archuleta, Trustee Tony Dinger and Trustee Gary Sabrowski, Absent Trustee Bob Muncy and Mayor Chris Trujillo. Mayor Pro tem declared a quorum present.

**State of Purpose:** Attorney Eugene Farish gave the opening statement; he stated that the sale of property can be done in a public hearing. The Town property is owned by the Town of Del Norte Town Board. Ordinance 695 is the ordinance for the sale of property. Woods and River R.V. Park has expanded its development around a strip of town-owned land located in Section 30, Township 40 North, Range 6 East, and N.M.P.M., located in the Town of Del Norte, Colorado and consisting of two tracts with Tract One containing approximately 2.59 acres, and Tract Two containing 0.09 acres, more or less, or more. The Board of Trustees has received an offer to purchase said property for the sum of \$10,000 to convey to the Town of Del Norte by Woods and River R.V. Park;

**Opening Statements:**

The land in question is located on a map on the wall; the yellow strip is the land that Woods & River RV Park would like to purchase from the Town.

**Testimony:**

**Pro:**

**Gene Taylor –Larkspur, Co and Del Norte, Co-owner of the RV park-** They purchased Woods and River RV Park and now have a total of 21 acres of land of campground ownership. They have several lots in the middle of the river, according to the subdivision plat of Cottonwood Acres Cottonwood Acres cut off a portion of Water Street. He states that Water Street serves no purpose and they have come to the Town to re-plat that section of the RV Park. They owned the property for the most part of Water Street. They want to re-plat the area to eliminate this lot line and make this one piece of property. They are trying to clean up a series of events in the past of streets and alley since they own both sides of the street. His RV Park will

increase the tax base for the Town of Del Norte campers spend an average of \$240 a week in town that they stay in. He hopes to generate economy for Del Norte for all commercial business in Del Norte. RV's does eat in your restaurants, buy gas, they patronize all variety of businesses in Town. If we can give that economy some kind of little boost every resident in Del Norte will benefit. Purchase of this will help clean up this mess.

**Trustee Gary Sabrowski** asked Gene if he could point on the map where the river is. Gene pointed the map and showed where the river is adjacent to their property boundaries which exceed the beyond the riverbank of the river.

**Trustee Sam Scavo** asked if any access of the public through the Town property current access the river would be impacted by the sale of this purchase of this land. **Mayor Pro Tem Annette Archuleta** stated there is no public access now to the river because it's private property owned by the RV Park.

Gene Taylor stated the whole 1800 feet of the river frontage is and always has been privately owned land for quite some time, we think we deserve all of the consideration as a privately owned piece of property.

Campers intend to leave things out and go away and go shopping and they put things out and if this is open to the public the public can come through at will and things start disappearing and this is a big concern of ours.

**Con:**

**Ryan Scavo-775 Spruce Street- Del Norte, CO-** The location that was recently cleared where the private property starts and public area start does. This space gets used a lot by the public for fishing.

**Gene Taylor** stated that area was forest and I spent several dollars clearing it up. I clear out and clean it up.

**Ryan Scavo** –I just remember kids playing there all the time. I just want to understand where the kids were playing it is Town owned property. She stated kids are kids she has seen kids playing in the brush.

**Laura Anazolone 805 Spruce Street Del Norte, Co-**Did he have permission to clear the land that is owned by the Town. She is not faulting him, but wanted to know if he had permission to do. She would like to know if people are able to go on Town owned land and do whatever is that part of the dialogue. Is that the way the Town does it. I see it as a precedent that people that can go and do whatever to town owned land.

**Gene Taylor** stated that if the Town decided not to sell this property to me it doesn't impact me one iota. It is not key what it I am trying to do, other than clean up lot lines and eliminates a street and a couple of alleyways that never had existed. If my application is denied we go on the way we are as it stays as it exist and that would be a mistake.

**Attorney Farish** mentioned that the issue before the board is to go forward on the transaction of the sale of the property. The clearing of the property and encroachment is not the reasons we are here is.

**Martha Williamson 1085 Grand Ave, Del Norte, Co-** is the Town allowed to direct sales to an individual.

**Attorney Farish** stated that by State Statute they are allowed by a Public Hearing. Martha Williamson asked if the property in questions can it be subdivided and used.

Gene Taylor stated that there are two lots that we own that are not showing on this map. We are just cleaning up the lot lines. So if we were retained ownership of Water Street and Alder Street broke these off it cannot be accessed by Pine Street or Cedar Street.

**Kevin Larimore Public Works-** stated that the property in question is unusable and unable to access.

**John Barton Planning Commission** -stated that he thought Gene was going to Planning Commission to go over the details that you were going to do. All the details need to be figured on before we can make a land purchase agreement.

**Gene Taylor** stated that he did have a meeting with Town Board and wanted to vacate the road. And the Town stated they didn't have a provision not to vacate and they didn't want to set precedent. So then I suggested that we put in an offer to just buy the land. So then I made the Town an offer. I have every intention to make this a plan workable for everyone.

**Natalie Boyd-** I want to speak on behalf of the people who live here in Town. I see nothing unusable about riverfront property adjoining our town parks. And I hope you really don't sell it we have our riverfront projects coming up. Trustee Gary Sabrowski stated that it's not riverfront property.

**David Stong**-Are each of those taxed individually; to me it seems tax wise it's better to have one complete plat taxed as one.

**Gene Taylor** the south half of the east end of Water Street s all slough

**Marty Asplin Del Norte, Co**-What you read is that you are selling the street that encapsulated within their property. River Street is not contained in there. They are just expanding their property in which set a precedent that this Town has already told people who are next to streets that you can't build in that direction the Town will not sell that right away. Now we/you are setting a precedent of giving up Town property. Now saying that street property is useable the Riverwalk is there because that street exists, because it was Town owned property that people could have access to and you are slamming the door on it, to complete this purchase. There can't not be any extension of this trail there can't be any people there. Gene Taylor stated that he didn't want the public on it because of theft reason and they traditional have put up barrier fences, if they put barrier fences clear out here that is awful close to the Riverwalk trail you are changing the entire complexion of what the people have been enjoying for twenty five years. And you are limiting any possible continuation and like someone said that little square on Pine Street adjoins Town property that can be part of the park. The riverfront project isn't about riverfront it's about that entire park area it encapsulates the north park and they are working on a large recreational area. Taking that street out and purchase is the only way they can get 100% of the property, cause if you vacate Kent Ford get half of the street, who has the property on the other side. It does bother me that they have developed it, bladed it put water lines and fire pits they are in and it's ready to go, and so means everything we are talking about tonight is a moot point. They have taken possession of the property.

**Mayor Protem Annette Archuleta** stated they have cleared it, but the improvements are on his property.

**Trustee Sam Scavo** did ask Gene Taylor are the water lines and fire pits on Town owned property. Gene Taylor replied no they are not.

**Leigh Ann Lobato -Del Norte, Co** -asked how many Town Trustees have been down to look at the site where the sign was posted. Several hands of the Trustees were raised that they have been to the location.

**Trustee Sam Scavo** stated that essentially if you cleared it and put something on it Town property that was not yours, and put fire pits, is it trespassing. Attorney Farish stated it was not trespassing it would be encroachment trespass would be a criminal concept.

If we decided not to sell the portion that are not encompass within Woods and River property, which I have no issue with, I have to agree with Marty Asplin if we were to sell all this stuff that they are already surrounding that's a great idea it makes sense but if we are selling property that is still accessible in some way it doesn't mean by car but if you can walk through there in waders or whatever to look at birds and bugs then that's another story. If we can expand the Riverwalk in some fashion and utilize it as part of the riverfront project that's a better utilization for the Town than selling it for ten grand.

**Heather Dutton-lives north of Town**-I have been involved with the group doing the riverfront project since 2012. It has taken some time to get our legs but now it's moving behind the project. I think we can all recognize the opportunity to improve the access and recreation opportunities in the connectives to the river for this community and for the people that visit here. I just want to be on the record in support of and echoing Marty's comments even though it's not direct river access it's still part of the spirit of the project and part of the improving opportunities in connection for recreation for outdoors in this community and I would hate to see us lose an opportunity to maybe extend the Riverwalk or to add additional recreation opportunities without fully exploring them.

**Marty Asplin** one last piece what is called swamp land and was cleared was occurring in habitat prior to this swamp land still is means it part of the what the whole Riverwalk idea was to connect people to the world that exits along the river, giving it up is headed in the wrong direction.

**Trustee Sam Scavo** as land manager it's a serious issue if you are eliminating perrion habitat I know we have south west willow fly catcher regionally we could have an issue with that that goes into issue with DOW and Fish and Wildlife service.

**David Stong** stated that's an issue if you were having some development going on there.

**Trustee Sam Scavo** -but before you do blading along rivers you need to get ecological surveys done to make sure there are no species of interest that currently utilizing that habitat although it's not able to be utilized for human purpose doesn't mean it's not utilized for wildlife purposes.

**Gene Taylor** I think that there is a lot of misinterpretation here of what we are dealing with there is a lot of talk about of the public not having access or the public not having the right to use this property anytime a situation like this come up emotion run high and citizenry feels like they are taken something away from us that they are going to inhibit our freedom we are not going to be allowed to do this or the other but let me make this clear you are talking about public access and the right to use this as a public piece of land you cannot get from here or here to here, you cannot walk through it the underbrush the marsh grass, the weeds, the willow growth you cannot get through there the public doesn't use it they haven't been using it we are not taking any away thing away from them your emotions and your fears are unfounded. You are overlooking the fact that we are creating an entity here that has a beneficial effect for the town and this is one little tiny piece of it. This is a very practical matter its common sense and logic that we clean up and do what we are asking to do.

**Scott Rappold 605 Columbia Ave –Del Norte** stated your Campers can use our trails and visit our parks why can't we hike along the river and use your land.

**Gene Taylor** stated mine is private the Town is public.

**Ms. Rappold-** I come from a Town where you can get on your bike and ride anywhere. It seems to her that this would make a great loop that we can ride our bikes on. It may not be usable for a home it can be used for a trail. She also stated in Alamosa that there is a trail along the river and there is a portion that is private and it's ridiculous.

**Gene Taylor** replied that she can buy his campground and then she could walk all over it if she wanted to.

**Andrea Bachman-** Del Norte River project-would like to echo on some of the comments that have been made against the purchase of these lots. Did the proposed trail was it included in the trail masterplan to go along Water Street; Marty Asplin replied it was not detailed out.

**Martha Williamson** –I am in favor of retaining any open space in the Town and understanding that the property is not currently usable for anything other than just being I think that's fair. For some red perion and willows I think it's ok to just have some of that. And my other statement is that as a matter of precedent for the Town I would see selling property to someone that has trespassed or encroached on it as rewarding that sort of behavior and I don't know if that's what kind of precedent that the Town should be setting.

**Attorney Farish** we have some factual submission on that apparently but thank you for you comment.

**No further comments or questions.**

**Closing of Hearing:**

They have three choices: To approve application, and the Ordinance or Deny or send the matter over to Planning Commission.

Trustee Sam Scavo stated he thinks there is a fourth one. And it's the encroachment issue.

**Attorney Farish stated Planning Commission can investigate it and make that determination.**

**Discussion:**

**Trustee Sam Scavo made the motion to turn this over to Planning Commission to determine alternate ways to divide this property and to investigate encroachment and determine the best way to move forward if it is the best way of this property. Motion was seconded by Trustee Tony Dinger. Roll call; All ayes. Mayor Pro-tem declared motion carried.**

**Ordinance 695-Sale of Proposed Land-** No action taken.

**Mayor Pro tem Annette Archuleta called public hearing adjourned.**