



ORDINANCE NO. 350

AN ORDINANCE OF THE CITY OF CREEDE, COLORADO VACATING THE NORTH PORTION OF RIO GRANDE AVENUE

WHEREAS, the City of Creede (City), a Colorado Town is a municipal corporation and political subdivision of the State duly organized and operating as a statutory town; and

WHEREAS, pursuant to CRS § 43-2-303(1)(a), a municipality has the power, by adoption of an ordinance, to vacate any roadway or part thereof within its jurisdiction and in accordance with CRS § 31-15-101(1)(d) a municipality has the authority to dispose of property as it deems appropriate; and

WHEREAS, the Board of Trustees have determined that the portion of Rio Grande Street that begins at the west intersection of Main Street and First Street and goes south to the north boundary of Second Street, has not been used as a roadway for more than twenty (20) years; and

WHEREAS, the Board of Trustees vacated and closed to all traffic, a portion of the intersection of San Luis Avenue (Main Street) and Railroad Avenue (aka Rio Grande Avenue) with Ordinance No. 151 in April 1952; and

WHEREAS, the Board of Trustees declared that Rio Grande Avenue Between the South edge of Block 4 to Wall Street, be and is hereby closed to traffic and such tract shall heretofore be used by the City as a public park, common with Ordinance 204 in May of 1976; and

WHEREAS, the majority of this parcel of land has been used by the City for public parks and facilities for more than twenty (20) years and the Board of Trustees have determined that there is no foreseeable possibility that the subject property will be used as a road in the future; and

WHEREAS, the proposed vacating of this property does not leave any land adjoining said roadway without an established public road or private access easement connecting said land with other established public roads.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A TOWN IN MINERAL COUNTY, COLORADO:

Section 1. Pursuant to CRS § 31-15-101(1)(d) and CRS § 43-2-303(1)(a), the portion of Rio Grande Avenue as described in attached, Exhibit A and shown on Exhibit B, is and the same is hereby vacated.

Section 2. The Board of Trustees of the City, hereby declares that it is within the best interests of the City of Creede, Colorado and its residents that this portion of Rio Grande Ave. be vacated and that



under the Statutes of the State of Colorado such vacation may take place with one half each being conveyed to adjacent property owners.

Section 3. The City will keep its interest in the vacated portion of the road and a quit claim deed will be prepared by the City to record the conveyance of the eastern half to Ron Fief Jr.

Section 4. The Board of Trustees of the City, hereby finds and determines that the public rights-of-way herein vacated are not now in public use and have not been in public use for many years; that this vacation will not leave any usable land without an established public access; that this vacation is in the best interest, welfare and safety of the inhabitants of Creede.

INTRODUCED, read in full, passed and approved at a regular meeting of the Board of Trustees of the City of Creede, Colorado, a Town, held on the 8th day of September 2009.

CREEDE, COLORADO

ATTEST:

Rex M. Shepperd Aug 9, 09
Mayor: Rex M. Shepperd Date

Pamela J. Wilson 9/9/09
City Clerk: Pamela J. Wilson Date

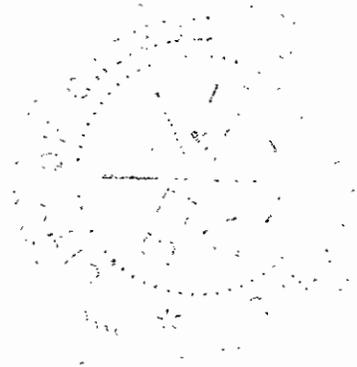




Exhibit A

VACATED PORTION OF RIO GRANDE AVENUE

A Tract of Land Located within the platted City of South Creede according to the map dated February 24, 1892 by the State Board of Land Commissioners being in Section 36, Township 42 North Range 1 West of the N.M.P.M., Mineral County, Colorado being all that portion of Rio Grande Avenue Right of Way limits lying westerly in an extension of the north and south lines of Block 4 of said State Land Commissioners map westerly to the eastern Right of Way limits of the Denver and Rio Grande Railroad, which Tract of land is more particularly described by metes and bounds as follows;

All bearings contained herein are based upon the north line of Section 36 from the North 1/4 corner to the Northeast corner of said Section 36 having a bearing of N89° 13'59"E: Commencing at the northeast corner of Block 4R from whence the Northeast Corner of said Section 36 bears N76°04'03"E a distance of 1154.32 feet;

Thence along the north line of Block 4R S76°14'50"W a distance of 33.26 feet to the True Point of Beginning;

Thence S76°14'50"W a distance of 51.01 feet to the eastern Right of Way limit of the Denver and Rio Grande Railroad being a point of non-tangent curve to the right; Thence along said eastern Right of Way limit along an arc to the right 102.86 feet, said arc having a radius of 2664.93 feet, a chord of which bears S01°05'01"E a distance of 102.85 feet and a central angle of 02°12'41" to the northern Right of Way limit for Second Street;

Thence along said northern Right of Way N76° 14'50"E a distance of 51.45 feet to a point of non-tangent curve to the left;

Thence along an arc to the left 102.76 feet, said arc having a radius of 2714.93 feet, a chord of which bears N01°19'15"W a distance of 102.76 feet and a central angle of 02°10'07" to the True Point of Beginning containing ±0.12 acres.

The above description was prepared by; Keith E. Luttrell.
PLS 36063
For and on behalf of
Davis Engineering Service, Inc.

