



ORDINANCE 370

AN ORDINANCE AUTHORIZING THE BOARD OF TRUSTEES TO TRANSFER PROPERTY IN BLOCK 25, CREEDMOOR

WHEREAS, Colorado Revised Statute §31-15-713(1)(b) authorizes the City of Creede, a Colorado municipality (“City”) to dispose of municipally owned property upon such terms and conditions as the Board of Trustees deems appropriate; and

WHEREAS, there has existed for a considerable period of time disputes and uncertainties as to the exact legal boundaries of the lots of real property located in Block 25, Creedmoor, Creede, Colorado; and

WHEREAS, the Amethyst Lodge No. 94 and Abra Houston desire to perfect the property they’ve occupied for the past several years as described in Quit Claim Deeds marked Exhibit A & B respectively; and

WHEREAS, the Board of Trustees has determined that the transfer of the Properties is in the best interest of the City of Creede and its citizens to promote the health, safety and general welfare of the Creede community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF CREEDE, A COLORADO TOWN, THAT:

SECTION 1: Subject to the terms of this Ordinance, Amethyst Lodge No. 94 will Quit Claim portions of a portion of Lot 1, all of Lot 2 and portions of lot 3, Block 25, Creedmoor (**Attached as Exhibit A**), of any and all legal interests they may have in the property located west of the east edge of the existing concrete gutter pan located in the Block 25 alleyway (“pan”) or other more specific line immediately adjacent to said pan, as established by a certified survey to the “City”.

SECTION 2: Subject to the terms of this Ordinance, the “City” will Quit Claim any and all legal interest it has in a portion of Lot 1, all of Lot 2, and a portion of Lot 3, Block 25, Creedmoor (**Attached as Exhibit B**), of any and all legal interests they may have in the property located east of the “pan” or other surveyed and accepted line. to Amethyst Lodge No. 94.

SECTION 3: Subject to the terms of this Ordinance, Abra Houston will Quit Claim portions of a portion of Lot 3, and Lot 4, Block 25, Creedmoor (**Attached as Exhibit C**), of any and all legal interests in the property located west of the east edge of the existing concrete gutter pan located in the Block 25 alleyway (“pan”) or other more specific line immediately adjacent to said pan, as established by a certified survey to the “City”.



SECTION 4: Subject to the terms of this Ordinance, the "City" will Quit Claim any and all legal interest it has in a portion of Lot 3, and Lot 4, Block 25, Creedmoor (**Attached as Exhibit D**), of any and all legal interests they may have in the property located east of the "pan" or other surveyed and accepted line, to Abra Houston.

SECTION 5: The above exchange of Quit Claim Deeds will be made subject to any and all existing legal easements.

SECTION 6: The Town Board hereby approves the transfers of the properties to Amethyst Lodge No. 94 and Abra Houston subject to all of the above "Sections"

SECTION 7: This Ordinance shall take effect thirty days after the publication of this Ordinance by title only in accordance with C.R.S. §31-16-105.

READ, APPROVED AND ADOPTED by the Town Board this 5th day of June, 2012. Signed by the Mayor this 6th day of June 2012.

Attest:



Eric Grossman,
Mayor
6/6/12
Date



Randi DePriest
City Clerk
6/10/12
Date





EXHIBIT A

Portions of a portion of Lot 1, all of Lot 2, and a portion of Lot 3, Block 25, Creedmoor, lying West of the Eastern side of the concrete gutter pan in Section 25, Township 42 North, Range 1 West, N.M.P.M. City of Creede, Mineral County, State of Colorado.

EXHIBIT B

That fraction of the former Denver and Rio Grande Western Railroad R.O.W., delineated by the Western projections of the North and South lines of that certain parcel of land described in Book 49 at Page 333, of the records of the Mineral County Clerk and Recorder, being portions of a portion of Lot 1, all of Lot 2, and a portion of Lot 3, Block 25, Creedmoor, to the East side of an existing concrete gutter pan, City of Creede, in the Townsite of Amethyst, located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25, T. 42 N., R. 1 W. (suspended), N.M.P.M., Mineral County, Colorado, which fraction contains 1845 square feet, more or less, being more particularly described by metes and bounds as follows: Commencing at the NE corner of the said parcel of land described in Book 49 at Page 333, whence the SE corner of said Section 25 bears S69°34'11"E a distance of 1256.29 feet; thence S89°14'51"W, along the North line of said parcel described in Book 49 at Page 333, a distance of 53.50 feet to the NW corner thereof, identical to the NE corner of the parcel herein described; thence S06°47'00"E, along the Easterly limit of the said former Denver and Rio Grande Western Railroad R.O.W., a distance of 50.26 feet to the SW corner of said parcel described in Book 49 at Page 333, identical to the SE corner of the parcel herein described; thence S89°14'51"W, along the Westerly projection of the South line of said parcel described in Book 49 at Page 333, a distance of 41.85 feet to a point approximately 0.17 feet Easterly of an existing concrete gutter pan, identical to the SW corner of the parcel herein described; thence generally Northeasterly and approximately 0.17 feet Easterly of the said existing concrete gutter pan for the following four (4) courses: N00°07'45"W a distance of 3.89 feet, N08°46'08"E a distance of 9.39 feet, N06°23'43"E a distance of 17.80 feet, and N04°55'46"W a distance of 19.22 feet to the NW corner of the parcel herein described; thence N89°14'51"E, along the Westerly projection of the North line of the said parcel described in Book 49 at Page 333, a distance of 34.16 feet to the place of beginning, and
SUBJECT TO any existing easements and/or rights of way of whatsoever nature.



EXHIBIT C

Portions of a portion of Lot 3, and Lot 4, Block 25, Creedmoor, lying West of the Eastern side of the concrete gutter pan in Section 25, Township 42 North, Range 1 West, N.M.P.M. City of Creede, Mineral County, State of Colorado.

EXHIBIT D

That fraction of the former Denver and Rio Grande Western Railroad R.O.W., delineated by the Western projections of the North and South lines of that certain parcel of land described under Reception No. 66513, of the records of the Mineral County Clerk and Recorder, being portions of a portion of Lot 3 and Lot 4, Block 25, Creedmoor, to the East side of an existing concrete gutter pan, City of Creede, in the Townsite of Amethyst, located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25, T. 42 N, R. 1 W, (suspended) N.M.P.M., Mineral County Colorado, which fraction contains 898 square feet, more or less, being more particularly described by metes and bounds as follows: Commencing at the SE corner of the said parcel of land described under Reception No. 66513, whence the SE corner of said Section 25 bears S72°37'19"E a distance of 1230.56 feet; thence S89°14'51"W, along the South line of said parcel described under Reception No. 66513, a distance of 47.94 feet to the SW corner thereof, identical to the SE corner of the parcel herein described; thence S89°14'51"W, along the Westerly projection of the South line of said parcel described under Reception No. 66513, a distance of 42.97 feet to a point approximately 0.17 feet Easterly of an existing concrete gutter pan, identical to the SW corner of the parcel herein described; thence Northwesterly and approximately 0.17 feet Easterly of the said existing concrete gutter pan for the following three (3) courses; N07°16'08"W a distance of 6.66 feet, N03°18'14"W a distance of 9.04 feet, and N00°07'45"W a distance of 5.39 feet to the NW corner of the parcel herein described; thence N89°14'51"E, along the Westerly projection of the North line of the said parcel described under Reception No. 66513, a distance of 41.85 feet to the NE corner of the parcel herein described, identical to the NW corner of the said parcel described under Reception No. 64714; thence S06°47'00"E, along the Easterly limit of the said former Denver and Rio Grande Western Railroad R.O.W. a distance of 21.16 feet to the place of beginning, and
SUBJECT TO any existing easements and/or rights of way of whatsoever nature.



67603
1 of 2

6/14/2012 2:23 PM
QCD R\$16.00 D\$0.00

Eryn K Wintz
Mineral County Clerk

QUIT CLAIM DEED

THIS DEED, Made this 5th day of June 2012 between the City of Creede, a Colorado Town, Mineral County, Colorado; grantor, and Amethyst Lodge No. 94 of the County of Mineral and State of Colorado; grantee,

WITNESSETH, that the grantor, for and in consideration of the sum of ten dollars and no/100 DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the grantee, its successors and assigns forever, all the right title, interest, claim and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Mineral and State of Colorado, described as follows:

That fraction of the former Denver and Rio Grande Western Railroad R.O.W., delineated by the Western projections of the North and South lines of that certain parcel of land described in Book 49 at Page 333, of the records of the Mineral County Clerk and Recorder, being portions of a portion of Lot 1, all of Lot 2, and a portion of Lot 3, Block 25, Creedmoor, to the East side of an existing concrete gutter pan, City of Creede, in the Townsite of Amethyst, located in the S ½ SE ¼ Section 25, T. 42 N., R. 1 W. (suspended), N.M.P.M., Mineral County, Colorado, which fraction contains 1845 square feet, more or less, being more particularly described by metes and bounds as follows: Commencing at the NE corner of the said parcel of land described in Book 49 at Page 333, whence the SE corner of said Section 25 bears S69°34'11"E a distance of 1256.29 feet; thence S89°14'51"W, along the North line of said parcel described in Book 49 at Page 333, a distance of 53.50 feet to the NW corner thereof, identical to the NE corner of the parcel herein described; thence S06°47'00"E, along the Easterly limit of the said former Denver and Rio Grande Western Railroad R.O.W., a distance of 50.26 feet to the SW corner of said parcel described in Book 49 at Page 333, identical to the SE corner of the parcel herein described; thence S89°14'51"W, along the Westerly projectin of the South line of said parcel described in Book 49 at Page 333, a distance of 41.85 feet to a point approximately 0.17 feet Easterly of an existing concrete gutter pan, identical to the SW corner of the parcel herein described; thence generally Northeasterly and approximately 0.17 feet Easterly of the said existing concrete gutter pan for the following four (4) courses: N00°07'45"W a distance of 3.89 feet, N08°46'08"E a distance of 9.39 feet, N06°23'43"E a distance of 17.80 feet, and N04°55'46"W a distance of 19.22 feet to the NW corner of the parcel herein described; thence N89°14'51"E, along the Westerly projection of the North line of the said parcel described in Book 49 at Page 333, a distance of 34.16 feet to the place of beginning, and
SUBJECT TO any existing easements and/or rights of way of whatsoever nature.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the grantors, either in law or equity, to the only proper use, benefit and behoof of the grantees, their heirs and assigns forever.



67603
2 of 2

6/14/2012 2:23 PM
QCD R\$16.00 D\$0.00

Eryn K Wintz
Mineral County Clerk

The City of Creede retains the right of access for the purpose of maintenance onto utility easements of record within the property.

IN WITNESS WHEREOF; Eric Grossman, Mayor of the City of Creede, Colorado, has executed this deed on the date set forth above.

City of Creede, a Colorado Town

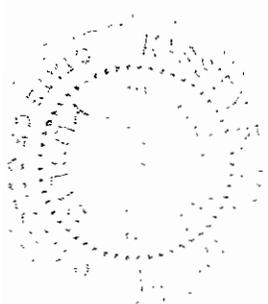
 6/8/12
Mayor, Eric Grossman Date

Attest:

City Clerk, Randi DePriest

STATE OF COLORADO }
 } SS.
COUNTY OF MINERAL }

The forgoing instrument was acknowledged before me this Sunday of June 2012 by Eric Grossman as Mayor of the City of Creede, a Colorado Town and by Randi DePriest as City Clerk of the City of Creede, a Colorado Town.



Witness my hand and official seal.
My commission expires: 11-15-2013

Kassidy R Mankowski



QUIT CLAIM DEED

THIS DEED, Made this 8th day of June 2012 between the City of Creede, a Colorado Town, Mineral County, Colorado; grantor, and Judith Abra Houston of the County of Mineral and State of Colorado; grantee,

WITNESSETH, that the grantor, for and in consideration of the sum of ten dollars and no/100 DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the grantee, its successors and assigns forever, all the right title, interest, claim and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Mineral and State of Colorado, described as follows:

That fraction of the former Denver and Rio Grande Western Railroad R.O.W., delineated by the Western projections of the North and South lines of that certain parcel of land described under Reception No. 66513, of the records of the Mineral County Clerk and Recorder, being portions of a portion of Lot 3 and Lot 4, Block 25, Creedmoor, to the East side of an existing concrete gutter pan, City of Creede, in the Townsite of Amethyst, located in the S ½ SE ¼ Section 25, T. 42 N. R. 1 W. (suspended) N.M.P.M., Mineral County Colorado, which fraction contains 898 square feet, more or less, being more particularly described by metes and bounds as follows: Commencing at the SE corner of the said parcel of land described under Reception No. 66513, whence the SE corner of said Section 25 bears S72°37'19"E a distance of 1230.56 feet; thence S89°14'51"W, along the South line of said parcel described under Reception No. 66513, a distance of 47.94 feet to the SW corner thereof, identical to the SE corner of the parcel herein described; thence S89°14'51"W, along the Westerly projection of the South line of said parcel described under Reception No. 66513, a distance of 42.97 feet to a point approximately 0.17 feet Easterly of an existing concrete gutter pan, identical to the SW corner of the parcel herein described; thence Northwesterly and approximately 0.17 feet Easterly of the said existing concrete gutter pan for the following three (3) courses: N07°16'08"W a distance of 6.66 feet, N03°18'14"W a distance of 9.04 feet, and N00°07'45"W a distance of 5.39 feet to the NW corner of the parcel herein described; thence N89°14'51"E, along the Westerly projection of the North line of the said parcel described under Reception No. 66513, a distance of 41.85 feet to the NE corner of the parcel herein described, identical to the NW corner of the said parcel described under Reception No. 64714; thence S06°47'00"E, along the Easterly limit of the said former Denver and Rio Grande Western Railroad R.O.W. a distance of 21.16 feet to the place of beginning, and
SUBJECT TO any existing easements and/or rights of way of whatsoever nature.

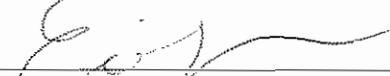
TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee, their heirs and assigns forever.



The City of Creede retains the right of access for the purpose of maintenance onto utility easements of record within the property.

IN WITNESS WHEREOF; Eric Grossman, Mayor of the City of Creede, Colorado, has executed this deed on the date set forth above.

City of Creede, a Colorado Town

 6/14/12
Mayor, Eric Grossman Date

Attest:


City Clerk, Randi DePriest

STATE OF COLORADO }
 } SS.
COUNTY OF MINERAL }

The forgoing instrument was acknowledged before me this 8th day of June 2012 by Eric Grossman as Mayor of the City of Creede, a Colorado Town and by Randi DePriest as City Clerk of the City of Creede, a Colorado Town.

Witness my hand and official seal.
My commission expires: 1.16.2013

