



## ORDINANCE 371

### VACATING PORTIONS OF EAST CLIFF & WALL STREETS AND AUTHORIZING THE TRANSFER OF PROPERTY

**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**, 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 the eastern portions of Cliff Street, beginning at Wall Street going north have not been used as a roadway for more than twenty (20) years while being occupied by private property owners; and

**WHEREAS**, Allen J. Hosselkus Jr. is the owner of record & has a warranty deed for a parcel of land he purchased July 5, 1979 in Creedmoor. This property was first sold by the city in may of 1916 with a general boundary description. The property was then transferred on the 24<sup>th</sup> of October 1960 with the same boundary description and then corrected with a dimension description on the 27<sup>th</sup> of October 1960. The dimension & boundary descriptions are quite different, but the parcel has been fenced and considered to be one and the same covering the majority of lots 16, 17, & 18 in Block 22, Creedmoor as well at that portion of Wall Street from Cliff street on the west to the extended western side of the alley in Block 22; and

**WHEREAS**, Donna C. Riegel & Donovan A. Cullings Jr. are the owners of record of lots 19 thru 22 in Block 22, Creedmoor, plus a portion of Boston Avenue lying west of and adjacent to lots 16 thru 22 in Block 22, Creedmoor. The property they've occupied over the years includes western portions of lots 17 & 18 in Block 22, Creedmoor, plus a portion of Cliff Street; and

**WHEREAS**, Allen J. Hosselkus Jr. and Donna C. Riegel & Donovan A. Cullings Jr. desire to perfect the titles to the properties they've occupied over the years as described in the Quit Claim Deed's marked Exhibit A & B respectively; and

**WHEREAS**, the Board of Trustees have determined that vacating this eastern portion of Cliff Street & transferring the property to the occupants is in the best interest of the town.



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

**SECTION 1:** Pursuant to CRS § 31-15-101(1)(d) and CRS § 43-2-303(1)(a), the eastern portion of Cliff Street as described in Exhibit A and Exhibit B, is hereby vacated. In addition that portion of Wall Street between Cliff Street and the western edge of the extended ally in Block 22, Creedmoor as described in Exhibit C, is hereby confirmed vacated.

**SECTION 2;** The City will keep its interest in the un-vacated portions of Cliff and Wall Streets.

**SECTION 3:** The Board of Trustees, hereby find and determine 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.

**SECTION 4:** Subject to the terms of this Ordinance, the "City" will Quit-Claim the eastern portion of Cliff Street, that portion of Wall Street between Cliff Street and the western edge of extended alley in Block 22, as well as portions of lots 16, 17, & 18 in Block 22, Creedmoor occupied by Allen J. Hosselkus Jr. as described in Exhibit D.

**SECTION 5:** Subject to the terms of this Ordinance, the "City" will Quit-Claim the eastern portion of Cliff Street and the portions of lots 17 & 18 in Block 22, Creedmoor occupied by Donna C. Riegel & Donovan A. Cullings Jr. as described in Exhibit E.

**SECTION 6:** Subject to the terms of this Ordinance, Donna C. Riegel & Donovan A. Cullings Jr. will Quit-Claim a portion of the southwest corner of lot 19 in Block 22, Creedmoor to Allen J. Hosselkus Jr. as described in Exhibit F.

**SECTION 7:** The parcels will be re-platted by resolution, named "Tract 16 R" and "Tract 19 R" of Block 22, Creedmoor and recorded in the Mineral County Clerk & Recorder's office.

**SECTION 8:** City Staff is authorized to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

**SECTION 9:** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Board hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be



declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, sub section, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**SECTION 10:** 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.

**INTRODUCED, APPROVED AND PASSED ON FIRST AND FINAL READING, on this 8 day of NOVEMBER, 2012.**

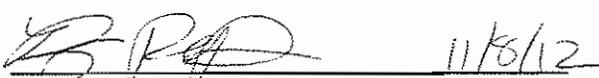
**BY:**

 11/8/12

Eric Grossman,  
Mayor

Date

**ATTEST:**

 11/8/12

Randi DePriest,  
City Clerk

Date



### **EXHIBIT A**(AJ's Cliff)

That portion of Cliff Street beginning at the Northwest corner of the tract herein described from whence the Southeast corner of said Section 25 bears S81°21'35"E a distance of 798.26 feet;

Thence N65°43'25"E a distance of 6.68 feet;

Thence S02°20'00"E a distance of 1.36 feet;

Thence S26°01'45"E a distance of 26.92 feet;

Thence N38°13'58"W a distance of 29.02 feet to the point of beginning containing 86.8 square feet, more or less.

SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.

### **EXHIBIT B**(Cullings Cliff)

That portion of Cliff Street beginning at the Northeast corner of the tract herein described from whence the southeast corner of Section 25 bears S73°01'29"E a distance of 889.36 feet;

Thence S26°02'07"E a distance of 152.70 feet;

Thence S65°43'25"W a distance of 6.15 feet;

Thence N27°20'22"W a distance of 157.14 feet;

Thence N89°14'00"E a distance of 10.76 feet to the point of beginning containing 1225.45 square feet or 0.028 acres more or less.

SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.

### **EXHIBIT C**(AJ's Wall)

A tract of land located within the Southeast ¼ of Section 25, Township 42 North, Range 1 West (Suspended) of the New Mexico Principle Meridian, within the City Limits of Creede, Mineral County Colorado being described by metes and bounds as follows:

Beginning at the Southeast corner of the tract herein described from whence the Southeast corner of said Section 25 bears S85°07'26"E a distance of 657.71 feet;

Thence S64°05'20"W a distance of 32.02 feet;

Thence S89°14'00"W a distance of 43.15 feet;

Thence N38°13'58"W a distance of 56.72 feet;

Thence N89°14'00"E a distance of 105.78 feet;

Thence S02°20'00"E a distance of 31.42 feet to the point of beginning containing 3813.5 square feet or 0.09 acres, more or less.

SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.



## EXHIBIT D(All to AJ)

A tract of land located within the Southeast  $\frac{1}{4}$  Section 25, Township 42 North, Range 1 West (Suspended) of the New Mexico Principle Meridian, within the City Limits of Creede, Mineral County Colorado being described by metes and bounds as follows:  
The following bearings are based upon the south line of Section 25 from the southeast corner of Section 25 to the south  $\frac{1}{4}$  corner of Section 25 having a bearing of  $S89^{\circ}14'00''W$ , monumented on both ends with 3.25 inch BLM brass caps;  
Beginning at the northeast corner of the tract herein described whence the southeast corner of said Section 25 bears  $S76^{\circ}04'08''E$  a distance of 679.71 feet;  
Thence  $S02^{\circ}20'00''E$  a distance of 107.83 feet;  
Thence  $S64^{\circ}05'20''W$  a distance of 32.02 feet;  
Thence  $S89^{\circ}14'00''W$  a distance of 43.15 feet along the north line of Block 37;  
Thence  $N38^{\circ}13'58''W$  a distance of 100.05 feet;  
Thence along the northern line of the tract herein described  $N65^{\circ}43'25''E$  a distance of 43.32 feet;  
Thence continuing along the northern line of the tract herein described  $N62^{\circ}55'58''E$  a distance of 55.75 feet;  
thence continuing along the northern line  $N89^{\circ}14'00''E$  a distance of 40.35 feet to the point of beginning containing 0.26 acres more or less.  
SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.

## EXHIBIT E(Cliff & portion 17-18 to Cullings)

A tract of land located within the Southeast  $\frac{1}{4}$  of Section 25, Township 42 North, Range 1 West (Suspended) of the New Mexico Principle Meridian, within the City Limits of Creede, Mineral County Colorado being a portion of Cliff Street and described by metes and bounds as follows;  
The following bearings are bases upon the south line of Section 25 from the southeast corner of Section 25 to the south  $\frac{1}{4}$  corner of Section 25 having a bearing of  $S89^{\circ}14'00''W$ , monumented on both ends with 3.25 inch BLM brass caps;  
Beginning at the northeast corner of the tract herein described from whence the southeast corner of said Section 25 bears  $S73^{\circ}01'29''E$  a distance of 889.36 feet;  
Thence  $S26^{\circ}02'07''E$  a distance of 152.70 feet;  
Thence  $S65^{\circ}43'25''W$  a distance of 6.15 feet;  
Thence  $N27^{\circ}20'22''W$  a distance of 157.14 feet;  
Thence  $N89^{\circ}14'00''E$  a distance of 10.76 feet to the point of beginning containing 1225.45 square feet or 0.028 acres more or less  
SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.

AND ALSO



That portion of Lots 17 and 18, Block 22, Creedmoor, City of Creede more particularly described as follows;

Beginning at the northwest corner of said Lot 18 from whence the Southeast corner of said Section 25 bears S78°26'06"E a distance of 800.91 feet;

Thence along the north line of said Lot 18 S89°14'00"E a distance of 81.78 feet;

Thence S62°55'58"W a distance of 55.75 feet;

Thence S65°43'25"W a distance of 43.32 feet to a point on the west line of said Lot 17;

Thence along the west line of said Lot 17 N02°20'00"W a distance of 37.93 feet to the point of beginning containing 1592.27 square feet or 0.036 acres more or less.

SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.

## EXHIBIT F (Cullings to AJ)

A tract of land located within the Southeast ¼ of Section 25, Township 42 North, Range 1 West (Suspended) of the New Mexico Principle Meridian, within the City Limits of Creede, Mineral County Colorado being described by metes and bounds as follows:

The following bearings are based upon the south line of Section 25 from the southeast corner of Section 25 to the south ¼ corner of Section 25 having a bearing of S89°14'00"W, monumented on both ends with a 3.25 BLM brass caps;

Beginning at the Northeast corner of the tract herein described from whence the Southeast corner of said Section 25 bears S76°04'08"E a distance of 679.71 feet;

Thence S02°20'00"E a distance of 1.40 feet;

Thence S89°14'00"W a distance of 43.22 feet;

Thence N62°55'58"E a distance of 3.17 feet;

Thence N89°14'00"E a distance of 40.35 feet to the point of beginning containing 58.7 square feet, more or less.

SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.



## QUIT CLAIM DEED

**THIS DEED**, Made this 8 day of November 2012 between the City of Creede, a Colorado Town, Mineral County, Colorado; ("grantor") and Allen J. Hosselkus Jr. with a notice address of P.O. Box 137 Creede, CO 81130 ("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:

A tract of land located within the Southeast ¼ Section 25, Township 42 North, Range 1 West (Suspended) of the New Mexico Principle Meridian, within the City Limits of Creede, Mineral County Colorado being described by metes and bounds as follows:  
The following bearings are based upon the south line of Section 25 from the southeast corner of Section 25 to the south ¼ corner of Section 25 having a bearing of S89°14'00"W, monumented on both ends with 3.25 inch BLM brass caps;  
Beginning at the northeast corner of the tract herein described whence the southeast corner of said Section 25 bears S76°04'08"E a distance of 679.71 feet;  
Thence S02°20'00"E a distance of 107.83 feet;  
Thence S64°05'20"W a distance of 32.02 feet;  
Thence S89°14'00"W a distance of 43.15 feet along the north line of Block 37;  
Thence N38°13'58"W a distance of 100.05 feet;  
Thence along the northern line of the tract herein described N65°43'25"E a distance of 43.32 feet;  
Thence continuing along the northern line of the tract herein described N62°55'58"E a distance of 55.75 feet;  
thence continuing along the northern line N89°14'00"E a distance of 40.35 feet to the point of beginning containing 0.26 acres more or less.

SUBJECT TO any and all 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.





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QCD R\$16.00 D\$0.00

Eryn K Wintz  
Mineral County Clerk

## QUIT CLAIM DEED

**THIS DEED**, Made this 8 day of November 2012 between the City of Creede, a Colorado Town, Mineral County, Colorado; ("grantor") and Donna C. Riegel & Donovan A. Cullings Jr. with a notice address of P.O. Box 323 Creede, CO 81130; ("grantee's").

**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:

A tract of land located within the Southeast  $\frac{1}{4}$  of Section 25, Township 42 North, Range 1 West (Suspended) of the New Mexico Principle Meridian, within the City Limits of Creede, Mineral County Colorado being a portion of Cliff Street and described by metes and bounds as follows;

The following bearings are bases upon the south line of Section 25 from the southeast corner of Section 25 to the south  $\frac{1}{4}$  corner of Section 25 having a bearing of S89°14'00"W, monumented on both ends with 3.25 inch BLM brass caps;  
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AND ALSO

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Beginning at the northwest corner of said Lot 18 from whence the Southeast corner of said Section 25 bears S78°26'06"E a distance of 800.91 feet;  
Thence along the north line of said Lot 18 S89°14'00"E a distance of 81.78 feet;  
Thence S62°55'58"W a distance of 55.75 feet;  
Thence S65°43'25"W a distance of 43.32 feet to a point on the west line of said Lot 17;  
Thence along the west line of said Lot 17 N02°20'00"W a distance of 37.93 feet to the point of beginning containing 1592.27 square feet or 0.036 acres more or less.

SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.





## QUIT CLAIM DEED

**THIS DEED**, Made this 21 day of November 2012 between Donna C. Riegel & Donovan A. Cullings Jr. with a notice address of P. O. Box 323 Creede, CO 81130; ("grantor's") and Allen J. Hosselkus Jr. with a notice address of P.O. Box 137 Creede, CO 81130 ("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:

A tract of land located within the Southeast ¼ of Section 25, Township 42 North, Range 1 West (Suspended) of the New Mexico Principle Meridian, within the City Limits of Creede, Mineral County Colorado being described by metes and bounds as follows:

The following bearings are based upon the south line of Section 25 from the southeast corner of Section 25 to the south ¼ corner of Section 25 having a bearing of S89°14'00"W, monumented on both ends with a 3.25 BLM brass caps;

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Thence N89°14'00"E a distance of 40.35 feet to the point of beginning containing 58.7 square feet, more or less.

SUBJECT TO any and all 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.



Eryn K Winiz  
Mineral County Clerk

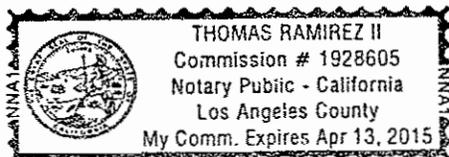
IN WITNESS WHEREOF; Donna C. Riegel and Donovan A. Cullings, Jr., have Executed this deed on the date set forth above.

Donna C. Riegel 11-21-12  
Donna C. Riegel Date

Donovan A. Cullings, Jr. 11-27-12  
Donovan A. Cullings, Jr. Date

California  
STATE OF ~~COLORADO~~ )  
Los Angeles ) SS.  
COUNTY OF ~~MINERAL~~ )

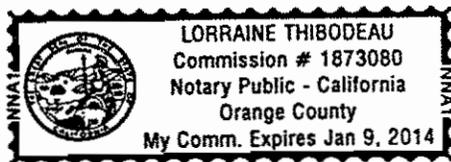
The foregoing instrument was acknowledged before me this 21 day of November, 2012 by Donna C. Riegel.



Witness my hand and official seal.  
My commission expires: April 13, 2015

Thomas Ramirez II

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of November, 2012 by Donovan A. Cullings, Jr.



Witness my hand and official seal.  
My commission expires: 1-9-14

Lorraine Thibodeau