



ORDINANCE 373

VACATING A PORTION OF PLATTED WALL STREET 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, Frances L. Sawyer & Alisa M. S. Zahller are the owners of record for “All of Block 37, Creedmoor”. The property they’ve occupied over the years includes a portion of property platted as Wall Street as well as some un-platted City property south of their house. Approximately fourteen (14) feet of the western end of Block 37 encroaches into Cliff Street; and

WHEREAS, David & Sally Powell are the owners of record of lot 1, and the North 23 feet of Lot 2, in Block 6, South Creede. The property they’ve occupied over the years includes a portion of Block 37, Creedmoor as well as some un-platted City property west of their house; and

WHEREAS, the Board of Trustees are desirous of maintaining a minimum forty (40) foot street right-of-way in this area and adjusting the boundaries is in the best interest of the town.

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

SECTION 1: Subject to the terms of this Ordinance, Frances L. Sawyer & Alisa M. S. Zahller will Quit-Claim the western end of Block 37 as described in Exhibit A, to the City of Creede.

SECTION 2: Subject to the terms of this Ordinance, the “City” will Quit-Claim the un-platted property west of the Powell’s house as described in Exhibit B, to David and Sally Powell.

SECTION 3: Subject to the terms of this Ordinance, the “City” will Quit-Claim that portion of un-platted property as described in Exhibit C and that portion of vacated Wall Street as described in Exhibit D, to Frances L. Sawyer & Alisa M. S. Zahller.



SECTION 4: Pursuant to CRS § 31-15-101(1)(d) and CRS § 43-2-303(1)(a), that portion of Wall Street as described in Exhibit D, is hereby vacated.

SECTION 5: The Board of Trustees, 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.

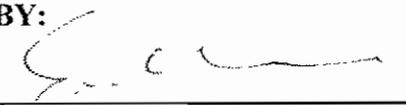
SECTION 6: Subject to the terms of this Ordinance, the "City" will Quit-Claim that portion of Wall Street as described in Exhibit D to Frances L. Sawyer & Alisa M. S. Zahller.

SECTION 7: 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 8: 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 applications 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 9: 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 5th day of March, 2013.

BY:

Eric Grossman, Mayor
3/7/13
Date

ATTEST:

Randi DePriest, City Clerk
3/7/13
Date



EXHIBIT A (Sawyer & Zahller to City)

A Tract of land located in the Southeast Quarter of Section 25, Township 42 North, Range 1 West, New Mexico Principal Meridian, City of Creede, Mineral County, Colorado being more particularly described by metes and bounds as follows:

Beginning at a point on the south line of said Southeast Quarter, from which the Southeast Corner of said Section 25, a 3.5" BLM brass cap, bears N89°14'51"E a distance of 703.70 feet;
thence S89°14'51"W along said south line a distance of 15.39 feet to the southwest corner of Block 37, Creedmoor;
thence N26°21'47"W along the westerly limit of said Block 37 a distance of 55.78 feet to the northwest corner of said Block 37;
thence N89°14'51"E along the north limit of said Block 37 a distance of 12.78 feet;
thence S28°44'05"E a distance of 56.96 feet to the Point of Beginning, containing 0.016 acres, more or less. This tract is subject to any and all existing easements and/or rights of way of whatsoever nature.

EXHIBIT B (City to Powell)

A tract of land located in the Northeast Quarter of Section 36, Township 42 North, Range 1 West, New Mexico Principal Meridian, City of Creede, Mineral County, Colorado, being more particularly described by metes and bounds as follows:

Beginning at a point from which the North Quarter Corner of Section 36, a 3.5" BLM brass cap, bears S89°55'27"W a distance of 1829.39 feet;
thence N71°30'57"E a distance of 67.95 feet to a point on the westerly limit of Block 6, South Creede;
thence S05°25'33"W along the westerly limits of Block 6 a distance of 57.02 feet;
thence S75°20'25"W a distance of 41.38 feet;
thence N22°35'55"W a distance of 49.50 feet to the Point of Beginning, containing 0.064 acres, more or less. This tract is subject to any and all existing easements and/or rights of way of whatsoever nature.



EXHIBIT C (City to Sawyer & Zahller #1)

A tract of land located in the Northeast Quarter of Section 36, Township 42 North, Range 1 West, New Mexico Principle Meridian, City of Creede, Mineral County, Colorado being more particularly described by metes and bounds as follows:

Beginning at a point from which the North Quarter Corner of Section 36, a 3.5" BLM brass cap, bears S89°55'27"W a distance of 1829.39 feet;
thence N22°35'55"W a distance of 23.28 feet to a point on the north line of said Northeast Quarter;
thence N89°14'51"E along said north line a distance of 73.48 feet to a point on the westerly limit of Block 6, South Creede;
thence S05°25'33"W along said westerly limit a distance of 0.91 feet;
thence S71°30'57"W a distance of 67.95 feet to the Point of Beginning, containing 0.019 acres, more or less. This tract is subject to any and all existing easements and/or rights of way of whatsoever nature.

EXHIBIT D (City to Sawyer & Zahller #2)

A tract of land located in the Southeast Quarter of Section 25, Township 42 North, Range 1 West of the New Mexico Principle Meridian, City of Creede, Mineral County, Colorado being more particularly described by metes and bounds as follows:

Beginning at a point on the north limits of Block 37. Creedmoor, from which the Southeast Corner of said Section 25, a 3.5" BLM brass cap, bears S86°03'14"E a distance of 614.08 feet;
thence S89°14'51"W along said north limits a distance of 118.42 feet;
thence N28°44'05"W a distance of 1.23 feet;
thence N89°14'51"E a distance of 47.52 feet to a point monumented by a #4 rebar with a 1.5" aluminum cap set by PLS 36063;
thence N64°06'11"E a distance of 37.84 feet;
thence N89°14'51"E a distance of 24.59 feet;
thence S37°06'00"E a distance of 21.31 feet to the Point of Beginning, containing 0.021 acres, more or less. This tract is subject to any and all existing easements and/or rights of way of whatsoever nature.



QUIT CLAIM DEED

(Sawyer/Zahller to City)

Frances L. Sawyer and Alisa M.S. Zahller as joint tenants with rights of survivorship and their heirs, successors and assigns (collectively "Grantors"), whose address is 6095 W. 46th Avenue, Wheat Ridge, Colorado 80333, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does remise, release, and quitclaim unto the **City of Creede**, a Colorado Town ("Grantee"), whose address is P.O. Box 457, Creede, CO 81130 all of Grantor's right, title and interest owned, claimed, or held by Grantor in and to the real property, together with improvements, if any, in the lands in Mineral County, State of Colorado, being more particularly described as follows:

A Tract of land located in the Southeast Quarter of Section 25, Township 42 North, Range 1 West, new Mexico Principal Meridian, City of Creede, Mineral County, Colorado being more particularly described by metes and bounds as follows:

Beginning at a point on the south line of said Southeast Quarter, from which the Southeast Corner of said Section 25, a 3.5" BLM brass cap, bears N89°14'51"E a distance of 703.70 feet;
thence S89°14'51"W along said south line a distance of 15.39 feet to the southwest corner of Block 37, Creedmoor;
thence N26°21'47"W along the westerly limit of said Block 37 a distance of 55.78 feet to the northwest corner of said Block 37;
thence N89°14'51"E along the north limit of said Block 37 a distance of 12.78 feet;
thence S28°44'05"E a distance of 56.96 feet to the Point of Beginning, containing 0.016 acres, more or less.

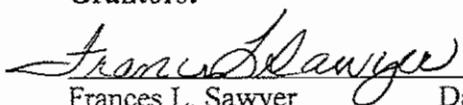
SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.

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.

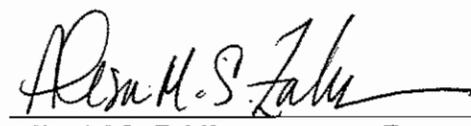
IN WITNESS WHEREOF; Grantors have executed this Deed on the date set forth.

Dated this 13th day of March, 2013.

Grantors:



Frances L. Sawyer Date 3/13/13



Alisa M.S. Zahller Date 3/13/13



QUIT CLAIM DEED

(City to Powell)

THIS DEED, Made this 7 day of March 2013 between the **City of Creede**, a Colorado Town, Mineral County, Colorado; (“Grantor”) and **David and Sally Powell** (collectively “Grantees”) whose address is 106 La Garita Street, Creede, Colorado 81130.

WITNESSETH, that the grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does remise, release, and quitclaim unto the Grantees, 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 in the Northeast Quarter of Section 36, Township 42 North, Range 1 West, New Mexico Principal Meridian, City of Creede, Mineral County, Colorado, being more particularly described by metes and bounds as follows:

Beginning at a point from which the North Quarter Corner of Section 36, a 3.5” BLM brass cap, bears S89°55’27”W a distance of 1829.39 feet;
thence N71°30’57”E a distance of 67.95 feet to a point on the westerly limit of Block 6, South Creede;
thence S05°25’33”W along the westerly limits of Block 6 a distance of 57.02 feet;
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thence N22°35’55”W a distance of 49.50 feet to the Point of Beginning, containing 0.064 acres, more or less.

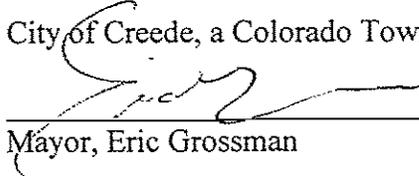
SUBJECT TO any and all existing easements and/or rights of way of whatsoever nature.

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.

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

Dated this 7 day of March, 2013

City of Creede, a Colorado Town



Mayor, Eric Grossman

3/7/13
Date



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Eryn K Wintz
Mineral County Clerk

QUIT CLAIM DEED

(City to Sawyer & Zahller #1)

THIS DEED, Made this 7 day of March 2013 between the **City of Creede**, a Colorado Town, Mineral County, Colorado; (“Grantor”) and **Frances L. Sawyer and Alisa M.S. Zahller** as joint tenants with rights of survivorship (collectively “Grantees”) whose address is 6095 W. 46th Avenue, Wheat Ridge, Colorado 80333.

WITNESSETH, that the grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does remise, release, and quitclaim unto the Grantees, 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:

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thence S71°30’57”W a distance of 67.95 feet to the Point of Beginning, containing 0.019 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 Grantees, their heirs and assigns forever.

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

Dated this 7 day of March, 2013



QUIT CLAIM DEED

(City to Sawyer & Zahller #2)

THIS DEED, Made this 7 day of March 2013 between the **City of Creede**, a Colorado Town, Mineral County, Colorado; (“Grantor”) and **Frances L. Sawyer and Alisa M.S. Zahller** as joint tenants with rights of survivorship (collectively “Grantees”) whose address is 6095 W. 46th Avenue, Wheat Ridge, Colorado 80333.

WITNESSETH, that the grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does remise, release, and quitclaim unto the Grantees, 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 in the Southeast Quarter of Section 25, Township 42 North, Range 1 West of the New Mexico Principle Meridian, City of Creede, Mineral County, Colorado being more particularly described by metes and bounds as follows:

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

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

Dated this 7 day of March, 2013

