

## ORDINANCE 380

### AUTHORIZING THE TRANSFER OF PROPERTY

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

**WHEREAS**, D. Tom Headlee and Connie K. Popovich are the owners of record for Lot 21 in Block 39, North Creede, purchased by his family October 13, 1967. The property they've occupied over the years includes portions of Lots 20, 22, and 23 in Block 39, North Creede; and

**WHEREAS**, the southern portion of their property is encumbered by a thirty (30) foot right-of-way owned by the U. S. Forest Service road containing municipal utility lines and has never been able to be used as private property; and

**WHEREAS**, the Board of Trustees for the City of Creede, a Colorado Town have recognized this situation and feel transferring the property they've occupied over the years 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, the "City" will convey by quit-claim deed portions of Lots 20, 22, and 23 in Block 39, North Creede to D. Tom Headlee and Connie K. Popovich as described in Exhibit A.

**SECTION 2:** Subject to the terms of this Ordinance, D. Tom Headlee and Connie K. Popovich will convey by quit-claim deed the southern portion of lot 21, Block 39, North Creede to the City as described in Exhibit B.

**SECTION 3:** The parcel will be re-platted by resolution and named "**Tract 21R**", **Block 39**", North Creede 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

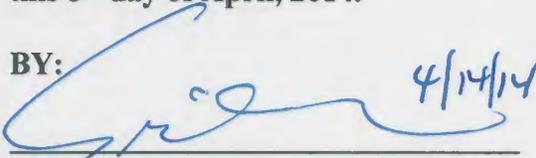


the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Board hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. 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<sup>th</sup> day of April, 2014.**

BY:

  
Eric Grossman, Date  
Mayor

ATTEST:

  
Randi Snead, Date  
City Clerk



## EXHIBIT A

(City to Headlee/Popovich)

A tract of land located in a portion of Lot 20, Block 39, Town of Creede, A.K.A. North Creede, situated in the NE¼ Section 25, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows:

Beginning at the Northeast corner of the parcel herein described, which corner is a point on the northerly line of said Lot 20, from whence Corner 10 of the Creede Townsite, a U.S.D.A. 3.25" aluminum cap and pipe PLS 18459, bears N 60°50'37" W a distance of 725.97 feet;  
thence S 40°21'20" E a distance of 53.13 feet;  
thence S 50°15'54" W a distance of 11.92 feet to a point on the west line of said Lot 20;  
thence N 46°33'43" W along said west line a distance of 53.31 feet to the Northwest corner of said Lot 20;  
thence N 49°38'40" E along the north line of said Lot 20 a distance of 17.68 feet to the point of beginning.

The tract herein described contains 785.3 square feet (0.018 acres), more or less

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

TOGETHER WITH

A tract of land located in a portion of Lots 22 & 23, Block 39, Town of Creede, A.K.A. North Creede, situated in the NE¼ Section 25, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows:

Beginning at the Northeast corner of the parcel herein described, which corner is the Northeast corner of said Lot 22, from whence corner 10 of the Creede Townsite, a U.S.D.A. 3.25" aluminum cap and pipe PLS 18459, bears N 57°36'50" W a distance of 712.11 feet; to the point of beginning.  
thence S 46°33'43" E along the east line of said Lot 22 a distance of 53.04 feet;  
thence S 50°15'54" W a distance of 37.97 feet;  
thence N 40°21'20" W a distance of 52.32 feet to a point on the north line of said Lot 23;  
thence N 49°38'40" E along the north line of said Lots 23 and 22 a distance of 32.23 feet to the point of beginning;

The tract herein described contains 1842.8 square feet (0.042 Acres), more or less.

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



68672  
4 of 8

5/21/2014 1:31 PM  
ORDIN R\$46.00 D\$0.00

Eryn K Wintz  
Mineral County Clerk

**EXHIBIT B**  
(Headlee/Popovich to City)

A tract of land located in a portion of Lot 21, Block 39, Town of Creede, A.K.A. North Creede, situated in the NE1/4 Section 25, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows:

Beginning at the Northeast corner of the tract herein described, which corner is a point on the east line of said Lot 21, from whence Corner 10 of the Creede Townsite, a U.S.D.A. 3.25" aluminum cap and pipe PLS 18459, bears N 58°38'16" W a distance of 772.02 feet; Thence S 46°33'43" E a distance of 32.22 feet to the Southeast corner of said Lot 21; Thence S 43°26'17" W along the south line of said Lot 21 a distance of 25.18 feet to the Southwest corner of said Lot 21; Thence N 46°33'43" W along the west line of said Lot 21 a distance of 35.21 feet; Thence N 50°15'54" E a distance of 25.00 feet to the point of beginning.

The tract herein described contains 843.00 square feet (0.0.19 acres), more or less.

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



# QUIT CLAIM DEED

(City to D. Tom Headlee and Connie K. Popovich)

**THIS DEED**, Made this 14 day of April 2014 between the **City of Creede**, a Colorado Town, ("Grantor") whose address is P.O. Box 457, Creede, CO 81130 and **D. Tom Headlee** ("Grantee") whose address is PO Box 1253, Mora, NM 87732 **AND Connie K. Popovich** ("Grantee") whose address is PO Box 162, Mora, NM 87732.

**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 Grantee, its successors and assigns forever, all the right title, interest, claim and demand which the Grantor has in and to the real properties, 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 a portion of Lot 20, Block 39, Town of Creede, A.K.A. North Creede, situated in the NE¼ Section 25, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows:

Beginning at the Northeast corner of the parcel herein described, which corner is a point on the northerly line of said Lot 20, from whence Corner 10 of the Creede Townsite, a U.S.D.A. 3.25" aluminum cap and pipe PLS 18459, bears N 60°50'37" W a distance of 725.97 feet;  
thence S 40°21'20" E a distance of 53.13 feet;  
thence S 50°15'54" W a distance of 11.92 feet to a point on the west line of said Lot 20;  
thence N 46°33'43" W along said west line a distance of 53.31 feet to the Northwest corner of said Lot 20;  
thence N 49°38'40" E along the north line of said Lot 20 a distance of 17.68 feet to the point of beginning.

The tract herein described contains 785.3 square feet (0.018 acres), more or less

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

**TOGETHER WITH**

A tract of land located in a portion of Lots 22 & 23, Block 39, Town of Creede, A.K.A. North Creede, situated in the NE¼ Section 25, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows:

Beginning at the Northeast corner of the parcel herein described, which corner is the Northeast corner of said Lot 22, from whence corner 10 of the Creede Townsite, a U.S.D.A. 3.25" aluminum cap and pipe PLS 18459, bears N 57°36'50" W a distance of 712.11 feet; to the point of beginning.



## QUIT CLAIM DEED

(D. Tom Headlee and Connie K. Popovich to City)

**THIS DEED**, Made this 24<sup>th</sup> day of April 2014 between **D. Tom Headlee and Connie K. Popovich** ("Grantors") whose addresses are respectively; PO Box 1253, and PO Box 162, Mora, NM 87732 and the **City of Creede**, a Colorado Town, ("Grantee") whose address is P.O. Box 272, Creede, CO 81130.

**WITNESSETH**, that the grantors, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does remise, release, and quitclaim unto the Grantee, its successors and assigns forever, all the right title, interest, claim and demand which the Grantors have in and to the real properties, 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 a portion of Lot 21, Block 39, Town of Creede, A.K.A. North Creede, situated in the NE1/4 Section 25, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows:

Beginning at the Northeast corner of the tract herein described, which corner is a point on the east line of said Lot 21, from whence Corner 10 of the Creede Townsite, a U.S.D.A. 3.25" aluminum cap and pipe PLS 18459, bears N 58°38'16" W a distance of 772.02 feet; Thence S 46°33'43" E a distance of 32.22 feet to the Southeast corner of said Lot 21; Thence S 43°26'17" W along the south line of said Lot 21 a distance of 25.18 feet to the Southwest corner of said Lot 21; Thence N 46°33'43" W along the west line of said Lot 21 a distance of 35.21 feet; Thence N 50°15'54" E a distance of 25.00 feet to the point of beginning.

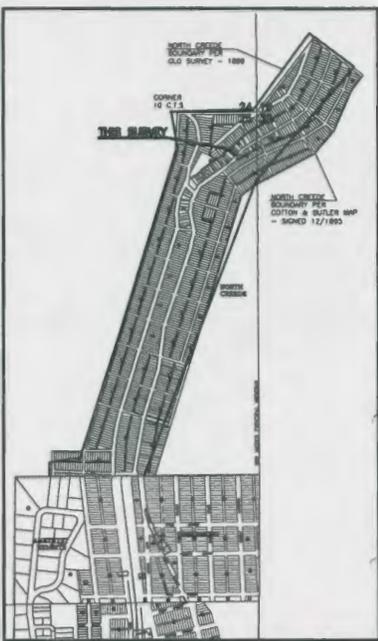
The tract herein described contains 843.00 square feet (0.019 acres), more or less.

**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 Grantees, their heirs and assigns forever.



LEGEND  
1.5 INCH ALUMINUM COP AFFIXED TO # 9 REBAR IRON SET



VICINITY MAP  
SCALE: 1" = 600'

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT D. TOM HEADLEE and CONNIE K. POPPICH are the owners of that real Property described in deed recorded at reception No. 47877 at BOOK 112F at PAGE 213, located within the limits of North Creede, Mineral County, Colorado.

THAT they have caused said Property to be replatted and designated as "Tract 21R, Block 38, North Creede", which tract is more particularly described by metes and bounds as follows, to-wit:

The following bearings are based upon the south line of Section 23 from the southeast corner of Section 23 to the south 1/4 corner of Section 23 having a bearing of S89°14'00"W, monumented on both ends with 3.25 inch BLM brass caps. A tract of land located in a portion of Lots 20-23, Block 38, Town of Creede, A.K.A. North Creede, situated in the NE 1/4 Section 23, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows: Beginning at the northwesterly corner of the tract herein described, being a point on the north line of said Lot 23, from whence Corner 10, Creede Township bears N 50°06'18" W a distance of 703.22 feet; Thence N 49°38'40" E along the north line of said Lots 23, 22, 21, and 20 a distance of 75.05 feet; Thence S 40°21'20" E a distance of 53.13 feet; Thence S 50°15'54" W a distance of 75.07 feet; Thence N 40°21'20" W a distance of 53.22 feet to the point of beginning. The above described tract contains 0.09 acres more or less.

Subject to any and all assessments of whatsoever nature.  
IN WITNESS WHEREOF, this instrument is executed this 12 day of MAY 2014 A.D. by  
*D. Tom Headlee*  
D. Tom Headlee  
IN WITNESS WHEREOF, this instrument is executed this 12th day of MAY 2014 A.D. by  
*Connie K. Poppich*  
Connie K. Poppich

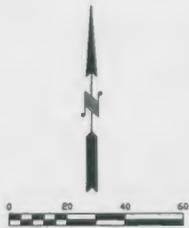
ACKNOWLEDGEMENT

STATE OF New Mexico  
COUNTY OF MORALES  
The foregoing instrument was acknowledged before me this 12 day of MAY 2014 A.D., by D. Tom Headlee  
*[Signature]*  
Notary Public

ACKNOWLEDGEMENT

STATE OF New Mexico  
COUNTY OF MORALES  
The foregoing instrument was acknowledged before me this 12 day of MAY 2014 A.D., by Connie K. Poppich  
*[Signature]*  
Notary Public

OFFICIAL SEAL RUMALDO PINO III Notary Public State of New Mexico My Comm. Expires 9-21-15  
OFFICIAL SEAL RUMALDO PINO III Notary Public State of New Mexico My Comm. Expires 9-21-15



SCALE: 1"=60' US SURVEY FEET  
BOOKS OF REFERENCE  
BEARING AND DISTANCE UPON THE SOUTH LINE OF SECTION 23 FROM THE SOUTHWEST CORNER OF SECTION 23 TO THE SOUTH 1/4 CORNER OF SECTION 23 HAVING A BEARING OF S89°14'00"W, MONUMENTED ON BOTH ENDS WITH 3.25 INCH BLM BRASS CAPS

SURVEY NOTES:  
1. LOTS AND BLOCKS SHOWN HEREON ARE AN INTERPOLATION OF THE C.T. BULLER MAP DATED JULY 1883 FOUND IN BOOK 1 PAGES 35-37 AS THE BEST AVAILABLE RECORDED EVIDENCE OF NORTH CREEDE AND BEING RECORDED BY THE CITY OF CREEDE, COLORADO IN THE OFFICIAL MAP OF "CREEDE". THE MAP IS DRAWN PER THE COTTON & BULLER MAP DRAIN DECREE, 1882 AND CONFIRMS THE DECISION OF THE TOWN COMMISSIONER PETITION FILED MAY, 1882 IN GRAND COUNTY.  
2. THIS SURVEY RELIED ON THE FOLLOWING PLAT/MAPS TO BEST REPRESENT THE INTENT OF THE LOTS IN NORTH CREEDE:  
a. COTTON & BULLER AMENDMENT MAP DRAIN DECREE, 1882, DATED DECEMBER 1882 AND RECORDED IN MINERAL COUNTY.  
b. OLD SURVEY COMPLETED DATE 13, 1885, ACCEPTED AUGUST 31, 1887  
c. OF BULLER PLAT OF THE TOWN OF CREEDE DRAIN JULY, 1883, DECLARED THE OFFICIAL MAP OF THE TOWN OF CREEDE NOVEMBER 14, 1883 AND RECORDED IN MINERAL COUNTY NOVEMBER 27, 1883 IN PLAT BOOK 1 AT PAGES 35-36-37.  
3. A PLAT IN THE TOWN OF CREEDE WAS NOT REFERRED TO THE OFFICIALS OF THE TOWN OF JULY, 1883, AND FINALLY RECORDED IN THE OFFICIALS OF 1887. COMMENCED TO PREPARE PARTS BEGAN SHORTLY AFTER THE JULY, 1883 PLAT DRAIN. LOTS BEING COMPLETED MORE BASED ON THE COTTON & BULLER MAP AS WELL AS THE C.T. BULLER MAP OF 1883.

SURVEYOR'S NOTES:  
1. THIS SURVEY WAS PERFORMED WHOLLY IN THE BEST INTEREST OF THE CITY OF CREEDE AND IN NO WAY SHALL IT BE CONSIDERED AS A TITLE OPINION BY THIS SURVEYOR OR DAVIS ENGINEERING, INC. EXCEPT AS SHOWN, CLIENT DID NOT WISH TO HAVE DAVIS ENGINEERING SERVICE, INC. RESEARCH AND SHOW RECORDS OR APPROPRIATE DOCUMENTS THAT MAY AFFECT THIS PROPERTY. THIS SURVEY REVIEWED THESE RECORD DOCUMENTS REFERENCED HEREON FOR THE RECONSTRUCTION OF ALL BOUNDARIES EXCEPTED.  
2. CERTIFICATION DENIED: THE USE OF THE SERIES CERTIFY OR CERTIFICATION BY A LICENSED PROFESSIONAL LAND SURVEYOR CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS AND FIGURES WHICH ARE THE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED. (PER COLORADO STATE BOARD RULE NO. 8.3.3.)

SURVEYOR'S CERTIFICATE:  
I, RUTH E. SUTTELL, a duly LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OR MAP WAS PREPARED FROM NOTES OF AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF, AND IT IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE.

FOR AND ON BEHALF OF  
DAVIS ENGINEERING SERVICE, INC.

PROPERTY DESCRIPTION - CITY TO HEADLEE

A tract of land located in a portion of Lot 20, Block 38, Town of Creede, A.K.A. North Creede, situated in the NE 1/4 Section 23, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows: Beginning at the Northeast corner of the tract herein described, which corner is a point on the northerly line of said Lot 20, from whence Corner 10 of the Creede Township, a U.S.D.A. 3.25" aluminum cap and pipe PLS 18456, bears N 80°30'37" W a distance of 725.87 feet; Thence S 40°21'20" E a distance of 53.13 feet; Thence S 50°15'54" W a distance of 11.92 feet to a point on the west line of said Lot 20; Thence N 46°33'43" W along said west line a distance of 53.31 feet to the Northeast corner of said Lot 20; Thence N 49°38'40" E along the north line of said Lot 20 a distance of 17.86 feet to the point of beginning. The tract herein described contains 785.3 square feet (0.018 acres), more or less.

TOGETHER WITH

A tract of land located in a portion of Lots 22 & 23, Block 38, Town of Creede, A.K.A. North Creede, situated in the NE 1/4 Section 23, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows: Beginning at the Northeast corner of the tract herein described, which corner is a the Northeast corner of said Lot 22, from whence corner 10 of the Creede Township, a U.S.D.A. 3.25" aluminum cap and pipe PLS 18456, bears N 57°36'50" W a distance of 712.11 feet; Thence S 46°33'43" E along the east line of said Lot 22 a distance of 53.04 feet; Thence S 50°15'54" W a distance of 37.87 feet; Thence N 40°21'20" W a distance of 52.32 feet to a point on the north line of said Lot 23; Thence N 49°38'40" E along the north line of said Lots 23 and 22 a distance of 32.23 feet to the point of beginning. The tract herein described contains 1842.8 square feet (0.042 Acres), more or less.

PROPERTY DESCRIPTION - HEADLEE TO CITY

A tract of land located in a portion of Lot 21, Block 38, Town of Creede, A.K.A. North Creede, situated in the NE 1/4 Section 23, Township 42 North, Range 1 West, N.M.P.M., Mineral County, Colorado, being more particularly described by metes and bounds as follows:

Beginning at the Northeast corner of the tract herein described, which corner is a point on the east line of said Lot 21, from whence Corner 10 of the Creede Township, a U.S.D.A. 3.25" aluminum cap and pipe PLS 18456, bears N 56°38'16" W a distance of 772.02 feet; Thence S 46°33'43" E a distance of 32.22 feet to the Southeast corner of said Lot 21; Thence S 42°28'17" W along the south line of said Lot 21 a distance of 23.18 feet to the Southwest corner of said Lot 21; Thence N 49°33'43" W along the west line of said Lot 21 a distance of 35.31 feet; Thence N 50°15'54" E a distance of 25.02 feet to the point of beginning. The tract herein described contains 843.00 square feet (0.019 acres), more or less.

BOARD OF TRUSTEES CERTIFICATE  
Approved this 8th day of April 2014 A.D. Board of Trustees for the City of Creede, Mineral County, Colorado.  
*[Signatures]*  
Mayor - City of Creede  
Mineral County Clerk

CLERK AND RECORDERS CERTIFICATE  
68676 5/21/2014 1:33 PM  
1 of 1 MAP \$510.00 D\$0.00  
Eryn K Wintz  
Mineral County Clerk

RECORDS REPLAT OF TRACT 21R, BLOCK 38, NORTH CREEDE  
DATE 10/10/2013  
DAVIS ENGINEERING SERVICE, INC. ALABAMA, COLORADO 81001

NOTICE: According to Colorado law you must commission any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the