



ORDINANCE 381

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, pursuant to CRS § 31-15-101(1) (d), a municipality has the power, by adoption of an ordinance, to dispose of property as it deems appropriate; and

WHEREAS, Mammoth Mountain Properties LLC. is the owner of record for the south 21½ feet of Lot 6, and the North 2 feet of Lot 7, Block 25, Creedmoor, City of Creede. The property occupied over the years includes portions of the old railroad right-of-way; and

WHEREAS, Mammoth Mountain Properties LLC. desires to adjust their property boundaries and replat the property they occupied over the years in order to resolve certain encroachments and establish property boundaries which are reasonable and practical for the use of their property; and

WHEREAS, the Board of Trustees has determined that the transfer of the property 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, the "City" will Quit Claim any and all legal interest it has in that portion of the former Denver and Rio Grande Western Railroad R.O.W. west of the South 21½ feet of Lot 6, and the North 2 feet of Lot 7, Block 25, Creedmoor to the east edge of the existing concrete gutter pan (**Attached as Exhibit A**) to Mammoth Mountain Properties LLC.

SECTION 2: Subject to the terms of this Ordinance, Mammoth Mountain Properties LLC. will Quit Claim any and all legal interests they may have in the property located west of the east edge of the existing concrete gutter pan located west of the South 21½ feet of Lot 6, and the North 2 feet of Lot 7, Block 25, Creedmoor (**Attached as Exhibit B**) to the City.

SECTION 3: The above exchange of Quit Claim Deeds will be made subject to any and all existing legal easements.

SECTION 4: The Town Board hereby approves the transfer of the property to Mammoth Mountain Properties LLC. subject to all of the above "Sections".

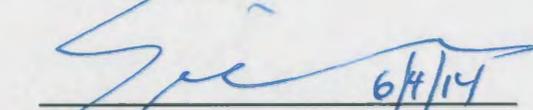
SECTION 5: This Ordinance shall take effect thirty days after the publication of this Ordinance by title only in accordance with C.R.S. §31-16-105.



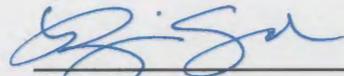
PASSED, APPROVED AND ADOPTED ON THE FIRST READING AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE ON June 3rd, 2014.

City of Creede

Attest:



Eric Grossman, 6/4/14
Mayor Date



Randi Snead 6/4/14
City Clerk Date



EXHIBIT A

QUIT CLAIM DEED

(City to Mammoth)

THIS DEED, Made this ____ day of June 2014 between the **City of Creede**, a Colorado Town, ("Grantor") whose address is P.O. Box 457, Creede, CO 81130 and **Mammoth Mountain Properties LLC**. ("Grantee") whose address is P.O. Box 749, Creede, CO 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:

That fraction of the former Denver and Rio Grande Western Railroad R.O.W. delineated by the Westerly projections of the North and South lines of that certain parcel of land described in 'reception No. 60630, being portions of Lots 6 and 7, Block 25, Creedmoor, to the East side of an existing concrete gutter pan, City of Creede, in the Townsite of Amethyst, located in the S½SE¼ Section 25, T.42N., R.1W. (suspended), N.M.P.M., Mineral County, Colorado, which fraction contains 856.8 square feet, more or less, being more particularly described by metes and bounds as follows:

Commencing at the NE corner of the South 21½ feet of said Lot 6, identical to the NE corner of said Reception No. 60630, whence the SE corner of said Section 25 bears S74°26'37"E a distance of 1217.33 feet; thence S89°14'51"W along the North line of the South 21½ feet of said Lot 6, a distance of 44.72 feet to the NW corner of the South 21½ feet of said Lot 6, Block 25, the place of beginning of the tract herein described; thence S06°47'00"E, along the Easterly limit of the said former Denver & Rio Grande Western Railroad R.O.W., identical to the Westerly line of said Reception No. 60630, a distance of 23.62 feet to the SW corner of the North 2 Feet of said Lot 7, identical to the SW corner of said Reception No. 60630, thence S89°14'51"W, along the Westerly projection of the South line of said Reception No. 60630, a distance of 35.05 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 said existing concrete gutter pan, for the following two (2) courses: N13°14'10"W 13.28 feet and N14°55'49"W, 10.85 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 South 21½ feet of Lot 6, Block 25, a distance of 38.09 feet to the place of beginning, and

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

The above described tract contains 856.8 square feet, more or less.



QUIT CLAIM DEED

(City to Mammoth)

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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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