

ORDINANCE NO. 387

**APPROVING THE ANNEXATION OF THE
CITY OF CREEDE WASTEWATER
TREATMENT FACILITY PROPERTY**

WHEREAS, the City of Creede (“City”) is the sole owner of the City of Creede wastewater treatment facility property, described on Exhibit A, attached hereto and incorporated by reference (“Property”);

WHEREAS, the Board of Trustees for the City of Creede desires to annex the Property; and

WHEREAS, Annexation Property is eligible for annexation under the provisions of the Municipal Annexation Act of 1965, Colorado Revised Statute Title 31, Article 12 and complies with the applicable requirements of C.R.S. § 31-12-104, § 31-12-105, § 31-12-106(3), and § 31-12-108.5; and

WHEREAS, Property is owned by the City and is not solely a public street or right-of-way; and

WHEREAS, the Board of Trustees finds that the City has submitted a petition for annexation of the Property, attached hereto as **Exhibit B: Annexation of Book 112-B at Page 59 thru 61 Sewer Lagoons, City of Creede** (“Annexation Plat”), that the Property is 1/6 contiguous with the existing municipal boundary of the City of Creede, and that a community interest exists because the Property includes essential municipal public infrastructure serving the Creede community; and

WHEREAS, C.R.S. § 31-12-106(3) authorizes the annexation of unincorporated municipally owned land without notice or hearing; and

WHEREAS, upon request by the City, the Board of County Commissioners of Mineral County waived the requirement to prepare and submit an Annexation Impact Report in accordance with C.R.S. § 31-12-108.5; and

WHEREAS, it is desirable that the said parcel be annexed to the City in order to encourage well-ordered development, and no additional terms or conditions are to be imposed on this annexation; and

WHEREAS, the annexation of the said parcel to the City is in the best interests of the public health, safety and general welfare of the people of the City of Creede.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, that:

Section 1. Recitals Incorporated. The recitals above are incorporated as part of the findings and actions of this Ordinance.

Section 2. Annexation. The Property is hereby annexed into the City of Creede.

Section 3. Executing and Filing Documents. The Mayor and City Clerk are hereby authorized to execute all necessary documents to complete the annexation of the Property. As required by statute, the City shall:

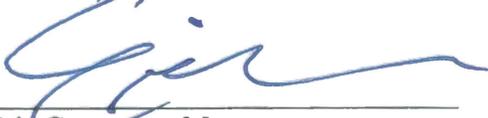
- a) File one copy of the Annexation Plat with the original of this Ordinance in the office of the City Clerk for the City; and
- b) File for recording three certified copies of this Ordinance and of the Annexation Plat containing a legal description of such area with the Clerk and Recorder of Mineral County, Colorado.

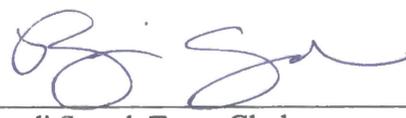
Section 4. Correction of Errors. The City Clerk and City Attorney are authorized to review and approve the correction of any typos, references, dates, recitals, grammar and matters related to compliance with statutory format requirements provided that such corrections do not change the substance of this Ordinance.

Section 5. Publication. The City Clerk is hereby authorized and directed to publish this Ordinance by title only in the Mineral County Miner, a newspaper of general circulation within the City on the next available publication date.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after final passage in accordance with the Colorado Revised Statutes.

INTRODUCED, APPROVED, AND PASSED ON THE FIRST AND FINAL READING ON JULY 7, 2015.

By: 
Eric Grossman, Mayor

Attest: 
Randi Snead, Town Clerk

APPROVED AS TO FORM:

By: 
Eric J. Heil, Town Attorney

EXHIBIT "A"
Legal description of Annexation Property

A tract of land in the NW ¼ of Section 6, Township 6, 41N, Range 1E, NMPM, Mineral County, Colorado, containing 10.00 acres, more or less, which tract is more particularly described by metes and bounds as follows, to-wit: Assuming that the south line of said NW¼ Section 6 bears N 89° 13' W – S 89° 13' E; thence beginning at the southeast corner of the tract herein described, which corner is a point on the south line of said NW¼ Section 6, whence the Center Quarter corner of said Section 6, a brass cap in place, bears S 89° 13' E, 729.90 feet distant; thence N 89° 13' W, 325.43 feet along the south line of said NW¼ Section 6 to the southwest corner of the tract herein described, which corner is located 30.00 feet northwesterly of and parallel to, the centerline of Colorado State Highway No. 149, as constructed, the following courses: N 24° 50.5' W, 124.66 feet, N 27° 52' W, 308.69 feet, N 25° 33' W, 301.44 feet, N 28° 03.5' W, 247.56 feet, and N 32° 38.5' W, 336.68 feet to the northwest corner of the tract herein described, thence N 57° 21.5' E, 357.70 feet to the northeast corner of the tract herein described; thence S 25° 33' E, 1504.49 feet to the place of beginning.

The tract is subject to any and all existing easements and/or rights of ways of whatsoever nature, including but not limited to:

1. An easement for the Sanitary Sewer system for the City of Creede, recorded in Book 112-8 at Pages 59 thru 61, in the office of the Mineral County Clerk and Recorder.
2. An extendible 10 year License Agreement for a multi-use trail for the benefit of the public, effective May 1, 2002. The memorandum of the license agreement is recorded at Reception No. 60111 in the office of the Mineral County Clerk and Recorder.
3. An access Easement recorded in Book 112-8 at Page 329 in the office of the Mineral County Clerk and Recorder.
4. The existing as constructed Colorado State Highway 149.

