

- I. CALL TO ORDER
  
- II. ROLL CALL
  
- III. REVIEW AGENDA
  
- IV. CONSENT OF MAY 10, 2016 MINUTES
  
- V. OLD BUSINESS
  - a. Discuss/Recommend Development Code Topics
    - i. Rental Property Definitions
    - ii. Outdoor Storage Definitions
    - iii. Street Lighting - Consider Updating Current Regulations
    - iv. Discuss Open Space Definitions and Percentages
  
- VI. NEW BUSINESS
  - a. Recommendation Third Street Vacation [As tasked by BOT 6/7/16]
  - b. Presentation Rio Grande Lane
  
- VII. ADJOURN

POSTED 6/10/16

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OPEN TO THE PUBLIC

**PLANNING & ZONING COMMISSION  
CITY OF CREEDE, COLORADO - A TOWN  
May 10, 2016**

REGULAR MEETING

The Planning and Zoning Commission of the City of Creede - a Town, County of Mineral, State of Colorado, met in the Creede Town Hall at the hour of 5:32 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Ed Vita, Frank Freer, Jeffrey Larson, Lauri Jordan  
COMMISSIONERS ABSENT: Rex Sheppard

Commission Chair Jordan, presiding, declared a quorum present:  
Those members of staff also present were as follows: Clyde Dooley, Town Manager

AGENDA

Commissioner Vita added a discussion of disc golf. Commissioner Freer moved and Commissioner Larson seconded to approve the agenda as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF MARCH 8, 2016 & APRIL 12, 2016 MINUTES

Commissioner Vita moved and Commissioner Freer seconded to approve the March 8, 2016 Minutes as presented. Two attendance corrections were made to the April 12, 2016 minutes. The vote was unanimous. Commission Chair Jordan declared the motion carried. Commissioner Freer moved and Commissioner Vita seconded to approve the April 12, 2016 minutes. The vote was unanimous. Commission Chair Jordan declared the motion carried.

NEW BUSINESS

PRESENTATION 3<sup>RD</sup> STREET VACATION SCHEDULE

Dooley discussed an application that he anticipated for vacating 3<sup>rd</sup> street. He promised more information once the application was received.

DISC GOLF

Commissioner Vita presented information on a disc golf course. He was directed to contact Guinevere Nelson with LWCRCo to get more information.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Larson moved and Commissioner Freer seconded that the meeting be adjourned at 5:46 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

/Randi Snead/  
Randi Snead, City Clerk/Treasurer

Back  
Tuesday 1:15

OLD

# SCHOOL PROPERTY NOTES

**TO:** Mayor and Board of Trustees  
**FROM:** Clyde Dooley  
**SUBJECT:** Missing pieces  
**DATE:** January 15, 2015

Lots 12, 13  
+ 10, 11 B1K14

2103  
2110 or 1651  
2071  
1943  
1944  
2067 Lots 11+1

I started doing a little research on the school property in the Spring of 2014 when I learned there may be some gaps in the schools property titles.

Things got started here when title to this land from the United States to the State of Colorado, passed by virtue of Sec. 7, Act of Congress, approved March 3, 1875, known as the "Enabling Act, by which Colorado was admitted to the Union. Sections 16 and 36 in each Township were given to the State of Colorado, for the use and benefit of common schools. However, according to Abstract No. 573, no record of this transaction appeared in the office of the County Clerk and Recorder of Rio Grande County.

Mineral County wasn't established until 1893 so things before then were either recorded in Rio Grande County, Hinsdale County, or Saquache County. So to say the least, there was and still is confusion concerning boundaries and ownership in the Creede area. Especially townships 42 North and 42 South, Range 1 West and Range 1 East because the surveys were suspended by the Federal Government due to varying degrees of fraud and inaccuracy. [Clyde confirm this with Keith]

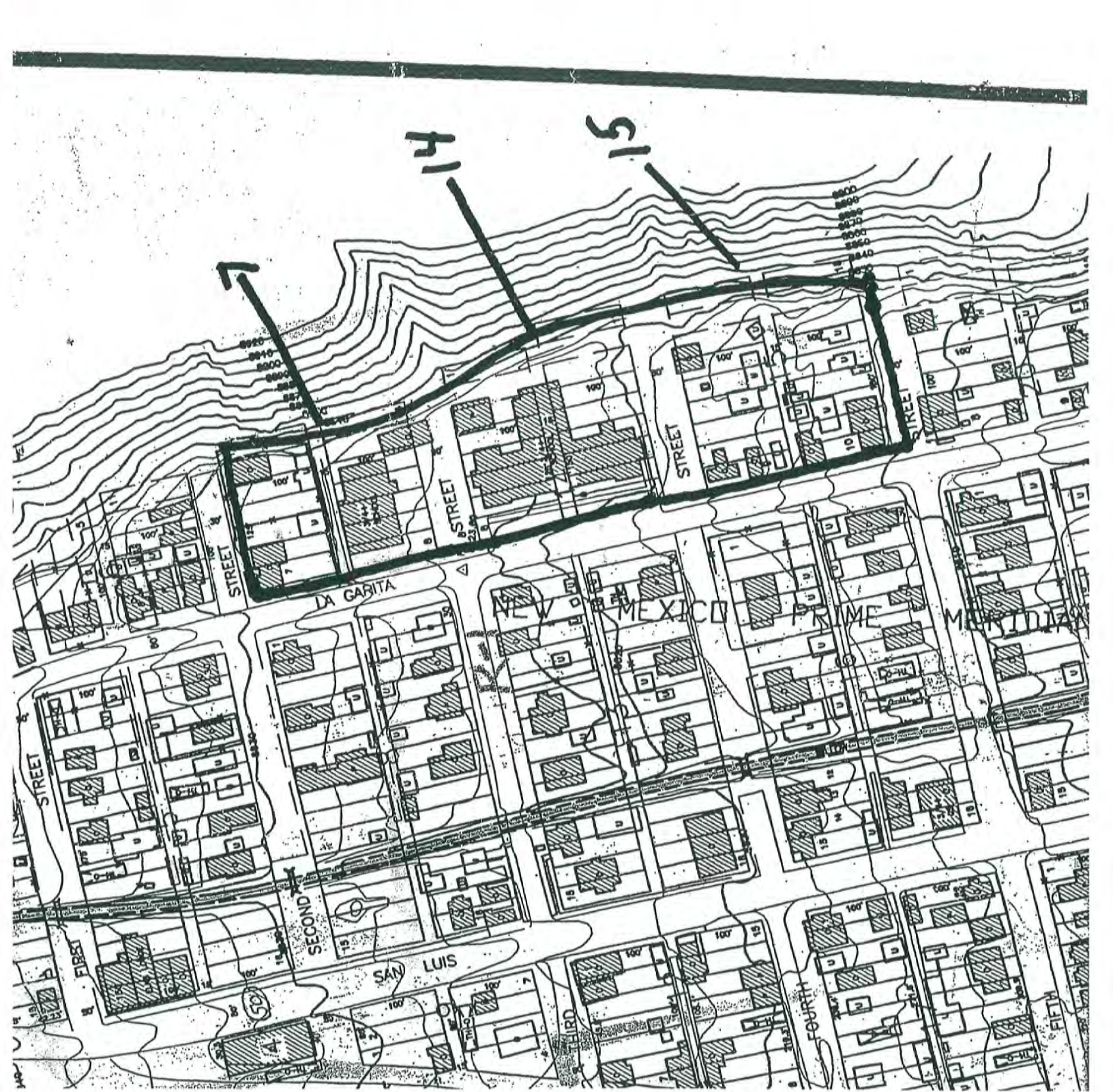
The current main school building was built in 1948-49. On March 3, 1947, the school petitioned the city to close Third and Fourth Streets east of La Garita, but no action was taken. Around that time the minutes also read that there were multiple meetings held in adjourned session. The next note about the school was Sept. 11, 1948 where closing La Garita between Second and Third was approved by the city. I'm assuming this was for construction.

The school was built with the playground in East Third Street and the center of the school occupied the alley in Block 14. It's been that way ever since.

In 1972 when the Newton Gym was built, the city vacated Fourth Street east of La Garita. In 1981 the city altered the use of the north twenty (20) foot of Fifth Street east of La Garita when they declared the tennis courts as "Wyley Park". The school owned(s) the lots where the majority of the tennis courts were built.

I'm currently checking on some lease patents from the State Land Board for the lots in Block 14, but feel comfortable saying the evidence I've found so far supports the overall intent of the city cooperating with the school every step of the way. It's unfortunate we don't have documents vacating Third Street east of La Garita or the alley in Block 14, but it's obvious to me that everybody knew what was going on and nobody objected.

I think a survey and quiet title are the best actions for the school to pursue. The city needs to officially vacate Third St. east of La Garita and the alley in Block 14. The survey is done. The due process of a quiet title may interfere with some of the schools obligations with their BEST grant and suggest we ask our attorneys if there is any kind of disclaimer of interest document that could be executed to satisfy the schools schedule while the city pursues the vacation and conveyance of Third Street east of La Garita and the alley in Block 14?





E 2nd St

E 2nd St

Palmer St

3rd St

4th St

5th St

June 3, 1971

Mr. Waldo E. Ewing, Superintendent  
Creede Consolidated School  
P.O. Box 38  
Creede, Colorado 81130

Re: Site Survey

Dear Mr. Ewing:

Enclosed is a copy of our site survey of the Creede school. By means of a copy of this letter we are transmitting a sepia copy and two black line copies of the site plan to Wheeler & Lewis for their use in planning the proposed addition.

On the site plan we indicate that the ownership of Lots 16, 17 and 18, Block 15 is unknown. I believe that these lots were at one time conveyed to Noah Box, with whom I understand you have been negotiating for Lot 1 of Block 15. The ownership for Lot 17 of Block 14 is not indicated; however, from records we have received from the State Land Board it shows that Lot 17 has been platted. It might pay for you to inquire about the possibility of obtaining Lot 17.

I would like to point out that prior to the current Creede Water-Sewer Project, the property survey you require would have been impossible. In designing this project we did extensive research and drafting to prepare a reliable map of the Town of Creede from which property surveys could be executed. During our research for the proposed water-sewer system it was necessary for us to plot all the vacations of streets and alleys which could be found by Creede's attorney in their ordinance book. These records did not indicate that the alley in Block 14 had been vacated. Of course, the existing high school is constructed across this alley. You may wish to check about the possibility of vacating this alley together with any other dedicated street or alley upon which your school plant, playgrounds or improvements do or will encroach.

If we can answer any questions or be of further service in this matter please don't hesitate to let us know.

Sincerely,

JAS:rt

encl: as stated above  
cc: Wheeler & Lewis, Architects  
w/enclosures

C  
O  
P  
Y