

**CITY OF CREEDE, COLORADO  
ORDINANCE NO. 443**

**AN ORDINANCE OF THE CITY OF CREEDE, COLORADO, VACATING A PORTION OF WALL STREET ADJACENT TO THE HOSSELKUS TRACT LOCATED IN BLOCK 36, CREEDMOOR AND BLOCK 1, SOUTH CREEDE, CITY OF CREEDE, MINERAL COUNTY, COLORADO.**

**WHEREAS**, Henry Hosselkus, Sandra L. Kroll, Karen L. Arnold, and Kenny Hosselkus, 112 E. Wall Street, Creede CO 81130, by petition dated August 15, 2022, have requested the vacation of the following described street located in the City of Creede, Mineral County, Colorado, to-wit:

A PORTION OF WALL STREET ADJACENT TO PARCEL NO. 4763-254-28-007, AS RECORDED IN THE RECORDS OF THE MINERAL COUNTY CLERK AND RECORDER, CREEDE, COLORADO, being more particularly described in Exhibit A, attached and made a part hereof; and

**WHEREAS**, the portion of street to be vacated is wholly contained within the platted street owned by the City of Creede; and

**WHEREAS**, the Board of Trustees has determined that there is no longer a need for public access through this portion of Wall Street; and

**WHEREAS**, there are no public and/or private utilities that are located in that portion of Wall Street that is subject to the vacation request.

**WHEREAS**, C.R.S. Section 43-2-301, et seq., provides the authority to the City of Creede to vacate such roadways and to provide that title to the land included in said roadways shall vest with the owners of the land abutting such vacated portion; and

**WHEREAS**, the Board of Trustees of the City of Creede held a public hearing on the requested vacation on November 1<sup>st</sup>, 2022; and

**WHEREAS**, notice of a public hearing to consider the request for the vacation was published in the Mineral County Miner on October 5<sup>th</sup>, 2022, and posted as required on October 5<sup>th</sup>, 2022; and

**WHEREAS**, the Petitioners provided an appraisal of the property which the City has determined to be a reasonable value disregarding the suggested discount; and

**WHEREAS**, the Petitioners have agreed to pay the City \$6,847.50 for the vacated property.

**WHEREAS**, it is understood by the applicant that the vacation of roadways is the sole prerogative of the Board of Trustees and if granted, that the property vacated will vest to the abutting property owners as provided by C.R.S. § 43-2-302.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the City of Creede, Mineral County, Colorado, that:

**Section 1.** The street hereby vacated is that portion of Wall Street adjacent to the Hosselkus Tract located in Block 6 Creedmoor and Block 1, South Creede, Creede, Colorado, as described in Exhibit A.

**Section 2.** No utilities occupy the portion of the Street proposed to be vacated.

**Section 3.** The portion of Wall Street to be vacated is more particularly described in Exhibit A, attached hereto and made a part hereof. The portion of Wall Street so described is hereby vacated and title to the property shall vest according to statute.

**Section 4. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 5. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 6. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealers shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 7. Publication.** The City Clerk is ordered to publish this Ordinance as provided by law.

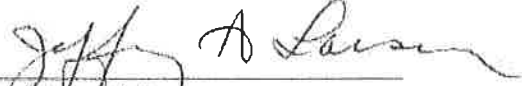
**Section 8. Certification.** The City Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, ON FIRST READING this 1<sup>st</sup> day of November, 2022 AND ORDERED PUBLISHED.**


**ATTEST:**

**CITY OF CREEDE**

By   
Sarah Effthim-Williamson, City Clerk

By:   
Jeffrey Larson, Mayor

**APPROVED AS TO FORM:**

By   
Richard E. Samson, City Attorney

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

A tract of land located in the Southeast Quarter of Section 25, Creedemoor and the Northeast Quarter of Section 36, South Creede, Township 42 North, Range 1 West, New Mexico Principal Meridian, City of Creede, Mineral County, Colorado, more particularly described by metes and bounds as follows:

Beginning at a the northeast corner of the Birdsey Tract, as shown on that plat recorded under Reception No 71441 in the office of Mineral County Clerk and Recorder from which the South Quarter Corner of said Section 25 bears S 87°13' 07" W a distance of distance of 1606.25 feet; thence N 89°15' 12" E a distance of 100.03 feet to the northwest corner of the Basler Tract as shown on that plat of the Basler Replat recorded under Reception No 65535 in the office of the Mineral County Clerk and Recorder; thence S 10°44'13"E with the westerly line of said Basler Tract a distance of 32.29 feet; thence S 12°46'05" E a distance of 20.33 feet; thence S 82°08' 50" W a distance of 50.64 feet; thence N 89° 10' 57" W a distance of 40.11 feet; thence S 89° 14' 51" W a distance of 17.96 feet; thence N 02°19' 09" W a distance of 56.88 feet to the Point of Beginning.

