

ORDINANCE 411

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, Nick and Victoria Kulyk are the owner of record for the South Twenty-three feet of Lot Seven, Block 25, Creedmoor, City of Creede. The property occupied over the years includes portions of the old railroad right-of-way; and

WHEREAS, Nick and Victoria Kulyk desire 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 Twenty-three feet of Lot 7, Block 25, Creedmoor to the east edge of the existing concrete gutter pan (**Attached as Exhibit A**) to Nick and Victoria Kulyk.

SECTION 2: Subject to the terms of this Ordinance, Nick and Victoria Kulyk 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 Twenty-three 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 of Trustees hereby approves the transfer of the property to Nick and Victoria Kulyk. 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, A COLORADO TOWN ON MARCH 6, 2018.

City of Creede

Attest:



Jeffery Larson, Mar 16 2018
Mayor Date



Randi Snead 3/16/18
City Clerk Date

EXHIBIT A
QUIT CLAIM DEED
(City to Kulyk)

THIS DEED, Made this ____ day of March 2018 between the **City of Creede**, a Colorado Town, ("Grantor") whose address is P.O. Box 457, Creede, CO 81130 and **Nick and Victoria Kulyk** ("Grantees") whose address is P.O. Box 406, 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:

A tract of land located within the right-of-way limits of the abandoned Denver & Rio Grande Western Railroad, Section 25, Township 42 North, Range 1 West of the New Mexico Principal Meridian and within the City of Creede, Mineral County, Colorado, being more particularly described by metes and bounds, to-wit:

Beginning at the Southeast corner of the tract herein described, said corner being in point of intersection of Lot 8R as shown on Reception No. 63573 and the East right-of-way if said Denver & Rio Grande Western Railroad, from whence the Southeast corner of said Section 25 bears S 77° 02' 37" E a distance of 1,243.53 feet; Thence S 89° 07' 45" W along the North line of said Lot 8R a distance of 31.64 feet to the Southwest corner of Lot 8R; Thence N 14° 50' 24" W a distance of 24.02 feet to the Southwest corner of Lot 6R, as recorded on Reception No. 68768; Thence N 89° 14' 34" E along the South line of said Lot 6R a distance of 35.01 feet to a point of intersection with said East right-of-way; Thence S 06° 50' 07" E a distance of 23.36 feet to the place of beginning.

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

The property herein described contains 775 square feet, more or less.

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.

IN WITNESS WHEREOF; Jeffery Larson, Mayor of the City of Creede, Colorado, has executed this deed on the date set forth above.

QUIT CLAIM DEED

(City to Kulyk)

THIS DEED, Made this 16th day of March 2018 between the **City of Creede**, a Colorado Town, (“Grantor”) whose address is P.O. Box 457, Creede, CO 81130 and **Nick and Victoria Kulyk** (“Grantees”) whose address is P.O. Box 406, Creede, CO 81130.

WITNESSETH, that the grantor, for good and valuable consideration, the receipt and sufficiency of which are herby 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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Beginning at the Southeast corner of the tract herein described, said corner being in point of intersection of Lot 8R as shown on Reception No. 63573 and the East right-of-way if said Denver & Rio Grande Western Railroad, from whence the Southeast corner of said Section 25 bears S 77° 02’ 37” E a distance of 1,243.53 feet; Thence S 89° 07’ 45” W along the North line of said Lot 8R a distance of 31.64 feet to the Southwest corner of Lot 8R; Thence N 14° 50’ 24” W a distance of 24.02 feet to the Southwest corner of Lot 6R, as recorded on Reception No. 68768; Thence N 89° 14’ 34” E along the South line of said Lot 6R a distance of 35.01 feet to a point of intersection with said East right-of-way; Thence S 06° 50’ 07” E a distance of 23.36 feet to the place of beginning.

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IN WITNESS WHEREOF; Jeffery Larson, Mayor of the City of Creede, Colorado, has executed this deed on the date set forth above.

