

## Resolution No. 2021-02

### THE RE-PLAT OF LOTS 1-7, BLOCK 36, SOUTH CREEDE

**WHEREAS**, the City of Creede is a municipality in the State of Colorado and has the statutory and legal authority to enact, enforce, and amend or suspend, ordinances, resolutions and regulations; and

**WHEREAS**, Mark E. Tiley and Erin M. Tiley (hereafter "the Owners") are the owners of Lots 1-7, Block 36, South Creede (hereafter "the Property"), described in the Quit Claim Deed (Exhibit A) and Plat of Survey (Exhibit B); and

**WHEREAS**, the Owners are desirous of dividing the Property into two smaller tracts, one containing Lots 1 and 2 of Block 36 and the second containing Lots 3-7 of Block 36; and

**WHEREAS**, the Owners have surveyed the Property and included a replat proposal as described in the Land Use Application (Exhibit C); and

**WHEREAS**, Town Staff has reviewed the application and is recommending approval of the subdivision request;

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

**SECTION 1:** The Board of Trustees have determined that it is in the best interest of the citizens of the City to approve the requested final plat application; and

**SECTION 2:** The above-described property will be deemed replatted and will be recorded as "Lots 1-2, Block 36" and "Lots 3-7 Block 36", South Creede, City of Creede, and Mineral County, Colorado.

**APPROVED AND ADOPTED** by the Board of Trustees this 2<sup>nd</sup> day of March 2021.

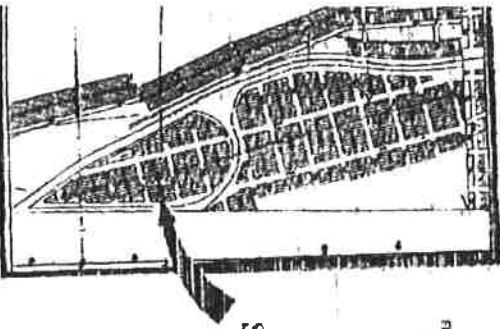
**CITY OF CREEDE:**

**ATTEST:**

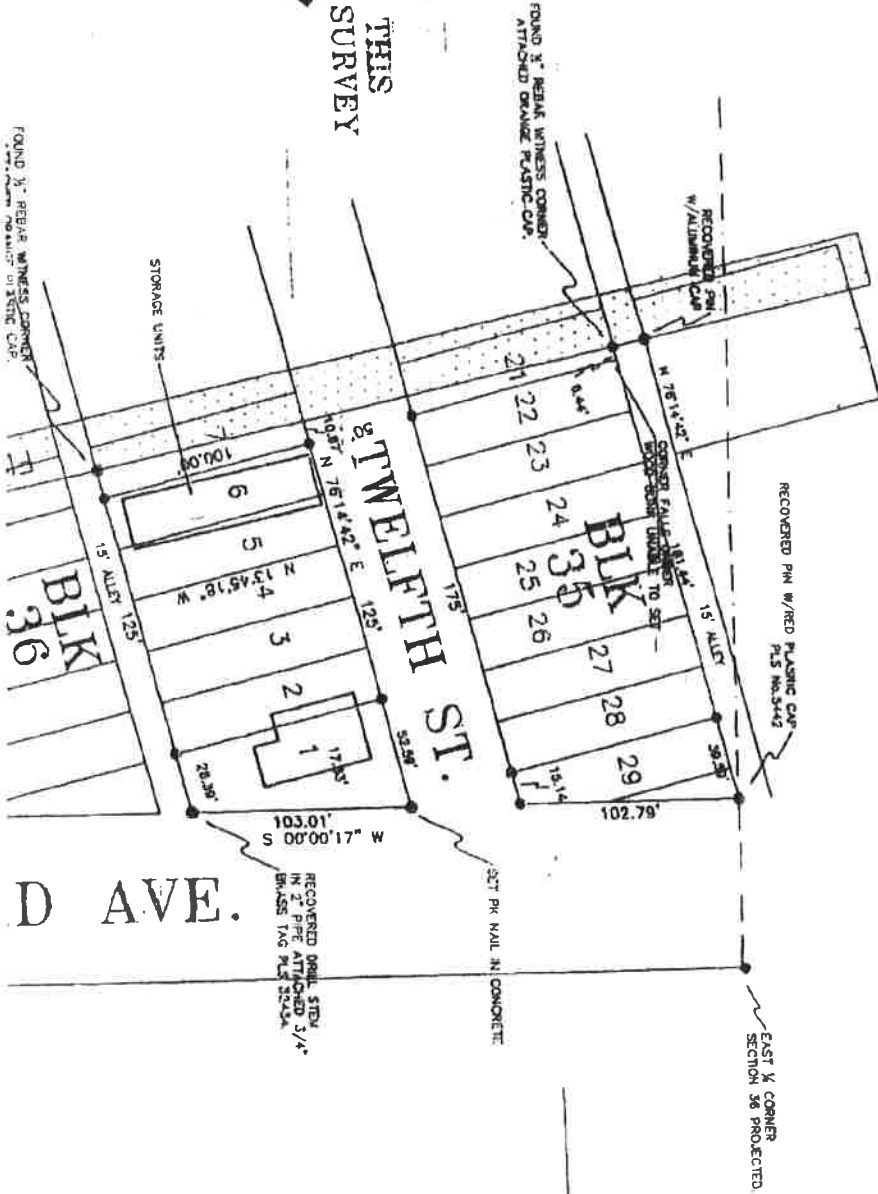
  
\_\_\_\_\_  
Mayor  
Jeffrey Larson  
Date

  
\_\_\_\_\_  
Attest, City Clerk  
Sarah Eflhim  
3/2/2021  
Date

CITY MAP



PLAT OF SURVEY  
FOR PORTIONS OF BLOCKS 35 & 36  
LOCATED IN THE EAST HALF (E½) OF  
SECTION 36, T 39 N., R 7 E., N.M.P.M.,  
CITY OF CREDE, MINERAL COUNTY, COLORADO.



D AVE.

THIS  
SURVEY

FOUND 3\"/>

STORAGE UNITS

BLK 36

TWELFTH ST.

BLK 35

EAST X CORNER  
SECTION 36 PROJECTED



Bearings for this survey are based  
using a Topcon Hyper V  
and are referenced to the  
Block 35 and monumented



- ALICU
- AS D
- MONU
- SET
- PLAST
- ALICU

59988 04/02/2002 09:55A B103 P004 OCO  
1 of 1 R 9.00 D 5.00 N 0.00 Mineral County

# QUIT CLAIM DEED

THIS DEED, Made this day of April 1, 2002

**BERTIE J. HOSSELKUS**

of the County of MINERAL, in the State of COLORADO, grantor, and

**MARK E. TILEY AND ERIN M. TILEY**

whose legal address is P.O. BOX 207 CREEDE, CO 81130 of the County of MINERAL in the State of COLORADO, grantee(s):

WITNESSETH, that the said grantor, for and in consideration of the sum of Fifty thousand exactly (\$ 50,000.00) DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold, conveyed and QUIT CLAIMED, and by these presents does remise, release, sell, convey and QUIT CLAIM unto the grantee(s), heirs and successors and assigns, forever, not in tenancy in common, but in joint tenancy, 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:

LOTS 1, 2, 3, 4, 5, 6 AND 7, BLOCK 38, SOUTH CREEDE, MINERAL COUNTY, COLORADO AND LOTS 21, 22, 23, 24, 25, 26, 27, 28 AND 29, BLOCK 36, SOUTH CREEDE, MINERAL COUNTY, COLORADO

also known by street and number as VACANT LAND

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 grantee(s) their heirs and assigns forever. The singular number shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

*Bertie J. Hosselkus*  
BERTIE J. HOSSELKUS



Filed for record the day of A. D. 18 at 64692  
Reception No.

1 of 1

1/7/2008 2:15 PM  
DETD R 6.00 D\$0.00

Eryn K Follman  
Mineral County Clerk

This Deed, Made this 18<sup>th</sup> day of DEC in the year of our  
TWO THOUSAND SEVEN  
Lord one thousand nine hundred and between NICK E & ERIN M  
TILLEY

whose street address is 527 REVER DRIVE, City or Town of CREEDE

County of MINERAL and State of Colorado, of the first part, and

WILLOW CREEK STORAGE LLC

whose street address is 12<sup>th</sup> STREET, City or Town of CREEDE

County of MINERAL and State of Colorado, of the second part;

Witnesseth, That the said party of the first part, for and in consideration of the sum of ONE DOLLARS, to the said party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold and quit-claimed, and by these presents does remise, release, sell and quit-claim, unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivors forever, all the following described lot<sup>s</sup> or parcel<sup>s</sup> of land, situate, lying and being in the County of MINERAL and State of Colorado, to-wit:

Lots 21 thru 29 Block 35 SOUTH CREEDE MO  
Lots 1 thru 7 Block 36 South Creede

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 said part of the first part, either in law or equity, to the only proper use, benefit and behoof of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of said survivor forever.

In Witness Whereof, The said part of the first part has hereunto set hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of



[Signatures] (SEAL)  
[Signatures] (SEAL)  
[Signature] (SEAL)

### CITY OF CREEDE LAND USE APPLICATION

Project Name: Willow Creek Storage - Shop - division  
Date Submitted: 1-20-2021 Application Fee: \$500.00

#### TYPE OF APPLICATION (Check all applicable)

<input checked="" type="checkbox"/> Variance Request	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Zoning Change	<input type="checkbox"/> Replat/Boundary
<input type="checkbox"/> Subdivision Pre-Plat	<input type="checkbox"/> Subdivision Final Plat
<input type="checkbox"/> Annexation	<input type="checkbox"/> Other

Variance action involves allowing a deviation from a development standard in unique situations generally related to lot size or shape.  
Conditional Use involves allowing a listed Conditional use of a particular zoning.  
Special Exception Use involves allowing a deviation from the permitted uses of a particular zoning.

#### PROJECT INFORMATION

Property Owner(s) Name Willow Creek Storage LLC  
Property Owner(s) Name \_\_\_\_\_

Address 112 E 12<sup>th</sup> Street

City & Zip Code Creede CO 81130 Phone 719-480-3412

Contact Name: Mark Tiley Phone 719 480-3412

Project Location: 112 E 12<sup>th</sup> Street

Existing Use shop Proposed Use shop

Existing Zoning Commercial Proposed Zoning Commercial

Legal Description of Property (lots and block(s))  
Block 36 Lots 1 & 2

Provide a copy of your property deed and a survey, drawn to scale, of the affected area, showing boundaries & existing zoning in all adjacent areas.

Reason for Application:  
Division of lots - Final

**LAND USE & PUBLIC FACILITIES**

Land use designations (residential, Business, Industrial etc.) Commercial  
Public facilities (Yes / No) Street Intersections Railroad Ave & 12<sup>th</sup> Street

**UTILITY & SPECIAL DISTRICTS**

Water & Sewer City of Creede Drainage: City of Creede  
Road & Bridge City of Creede Fire Protection Mineral County

**OTHER ISSUES (Yes or No)**

Property in Floodplain? Yes State Highway Access? No

Other: \_\_\_\_\_

**CERTIFICATION**

I certify that I am the lawful owner or representative of all the parcel(s) of land, which this application concerns, and consent to this action:

Owner/Representative: Mark E. Tillo Date: 1/20/21  
Owner/Representative: \_\_\_\_\_ Date: \_\_\_\_\_  
Owner/Representative: \_\_\_\_\_ Date: \_\_\_\_\_

The Applicant agrees to reimburse the City for any and all expenses incurred by the City during the planning and review process for their request including, but not limited to engineering, attorney, surveying, consultant and out-of-pocket expenses. Invoices for these expenses are due and payable to the City as follows: all documents are due net in fifteen (15) days from the date of the invoice. Interest on any overdue amounts will be assessed at two (2%) percent per month (24% APR). Failure to pay by the Applicant will also result in an immediate suspension of the approval process by the City, including the cancellation of any scheduled hearing and the withholding of building permits. In the event the City is forced to pursue collection of any amounts due and unpaid under this provision, it shall be entitled to collect attorney's fees incurred in said collection efforts in addition to the amounts due and unpaid.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge. In filing this application I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the Town of Creede must be submitted prior to having this application processed.

Applicant: Mark E. Tillo Date: 1/20/21  
Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**STAFF USE ONLY**

**APPLICATION ACCEPTED:**

Date: \_\_\_\_\_ By: \_\_\_\_\_ Fee: \_\_\_\_\_

## Special Exception Use

The City of Creede zoning regulations include requirements that regulate land usage within Town. A Special Exception Use involves allowing a deviation from the permitted uses of a particular zoning. The due process involves meetings with the Planning & Zoning Commission and the Board of Trustees. Because of the meeting dates for the Planning & Zoning Commission and Board of Trustees the due process will take between forty-five (45) and sixty (60) days.

The Board of Trustees meet on the first Tuesday of every month and the Planning & Zoning Commission meet on the second Tuesday of every month. All information must be submitted no later than noon the week before

**Applicant:** Willow Creek Storage LLC

**Special Use:** \_\_\_\_\_  
(Example: allow business in residential zoning)

The town land use manager will review and process the application and may seek additional input from fire, police, building inspector, or other qualified personnel before processing the application. Upon approval of the application the dates and times of the meetings will be scheduled.

**Planning & Zoning Commission:** \_\_\_\_\_  
Date & Time

**Board of Trustees:** \_\_\_\_\_  
Date & Time

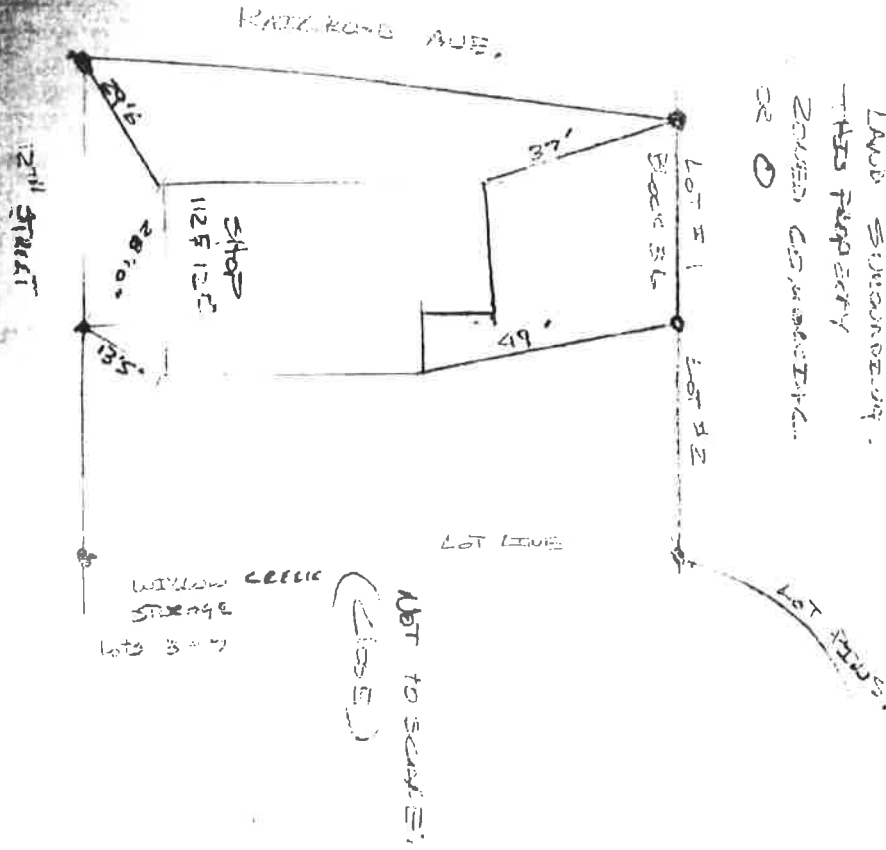
**Board of Trustees:** \_\_\_\_\_  
Date & Time

\*73223\*

73223  
8 of 9

3/17/2021 2:15 PM  
CITYRESO R\$53.00 D\$0.00

Eryn K Wintz  
Mineral County Clerk





**The following criteria factors shall be applied by the Planning & Zoning Commission, and Board of Trustees in review the application:**

1. Is the proposed land use consistent with the master/ comprehensive plan?
2. Is the proposed land use compatible with the surrounding land uses in the specific area? Is the proposed land use substantially dissimilar from existing land uses? Is the density compatible?
3. Will the proposed activity create any adverse environmental influences on the surrounding area? For example: Will the proposed use generate excessive dust, odors, fumes, noise, glare or vibrations?
4. Will the proposed activity generate additional traffic and congestion in the area? Will existing infrastructures (water, sewer, drainage and roads) be overburdened by the intended activity? Are egress and ingress areas appropriately and safely located?
5. Is the internal circulation plan convenient and safe for residential traffic, pedestrian ways, landscaping, delivery service and fire and police protection?
6. Is there satisfactory arrangements for any planned signage and/or additional lighting?

After completing their review, the Planning & Zoning Commission will forward the application and all pertinent data, together with their recommendations to the Board of Trustees to consider starting the Public Notice process and setting Public Hearing. Notice of the Public Hearing is put in the local paper and sent to adjacent property owners no less than fifteen (15) days prior to their next regularly scheduled meeting. The Board of Trustees will hold the Public Hearing, discuss and then approve or deny the application.

