



Resolution No. 2013-11

THE RE-PLAT OF TRACT 4R, BLOCK 16, CREEDMOOR

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, Katherine Brennand is owner of a tract of land being a fraction of Block 16, Cliff Street, the alley transecting Block 16, and Second Street, Creedmoor, City of Creede, situated in the S½SE¼ Section 25, T.42N., R.1W., N.M.P.M., Mineral County, Colorado, which tract contains 0.14 acres, more or less, being more particularly described by metes and bounds as follows:

Beginning at the NW corner of the tract herein described, identical to the SW corner of the Schaaf Tract, a pin and red cap, RLS 5442, whence the S¼ corner for said Section 25, a BLM brass cap, bears S69°27'48"W a distance of 1620.01 feet;

1. thence N60°54'51"E a distance of 78.95 feet to the NE corner of the tract herein described;
2. thence S45°13'48"E a distance of 70.09 feet to the SE corner of the tract herein described
3. thence S60°55'31"W a distance of 100.00 feet to the SW corner of the tract herein described, a pin and alum. cap, PE-LS 2281
4. thence N27°45'24" a distance of 67.32 feet to the place of beginning;

containing 0.14 acres (6,098 square feet), more or less. This tract is subject to any and all existing easements and or rights of way of whatsoever nature; and

WHEREAS, Katherine Brennand has surveyed and replatted this property and desires it to be designated as "Tract 4R, Block 16", Creedmoor.

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

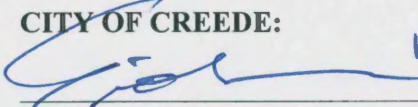
SECTION 1: The Board of Trustees have determined that it is in the best interest of the citizens of the City to authorize the requested replat.

SECTION 2: The Board has determined that all requirements for submitting the replat have been met by the applicants.

SECTION 3: The above-described property has been replatted and will be recorded as "Tract 4R, Block 16", Creedmoor, City of Creede, and Mineral County, Colorado.

APPROVED AND ADOPTED by the Board of Trustees this 3rd day of December 2013.

CITY OF CREEDE:

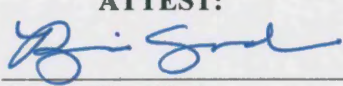


 Mayor
 Eric Grossman

1/14/14

 Date

ATTEST:

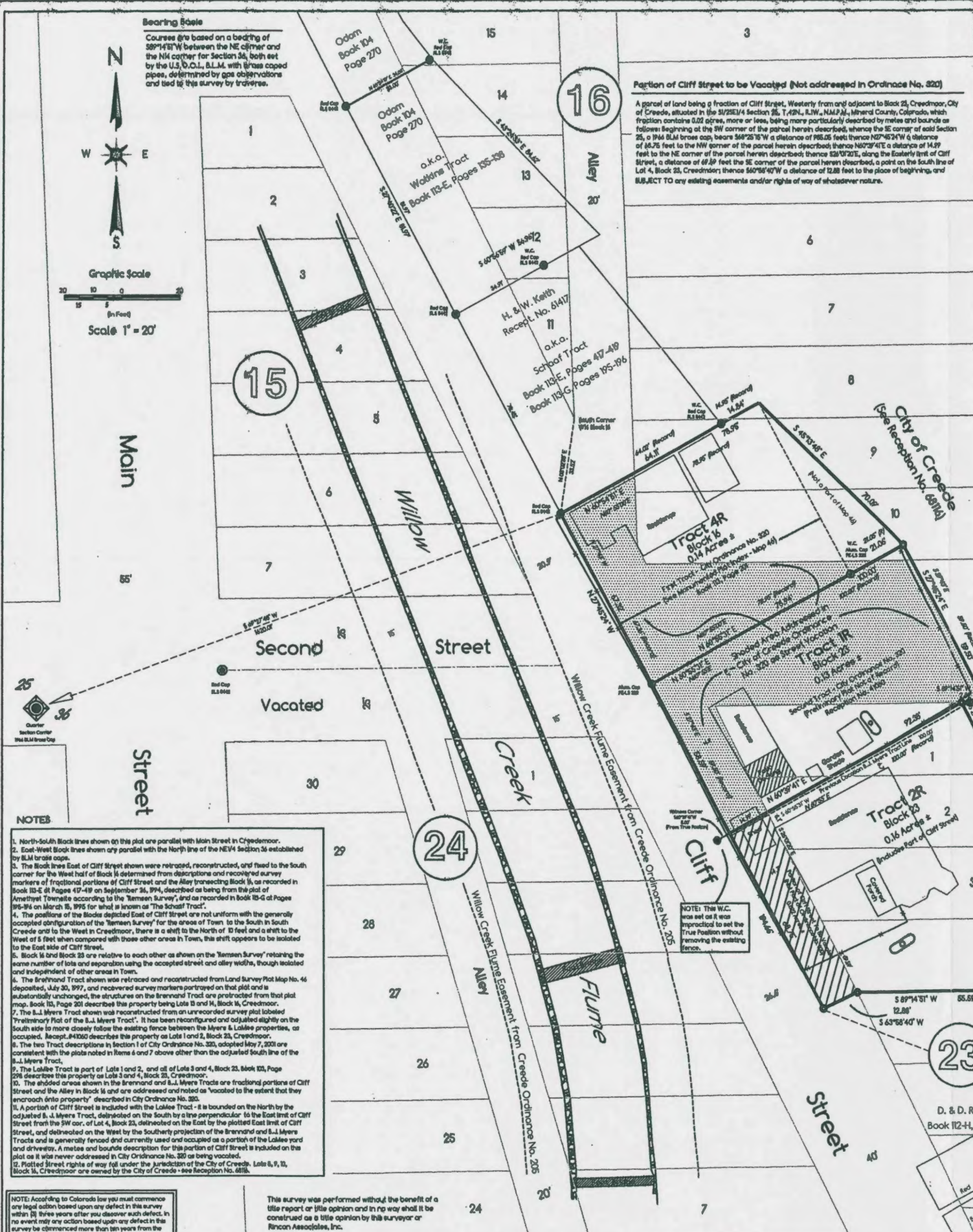
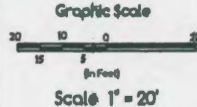


 Attest; City Clerk
 Randi Snead

1/14/13

 Date

Bearing Note
Courses are based on a bedding of 389°45'10"W between the NE corner and the NW corner for Section 36, both set by the U.S. G.S. B.L.M. with brass capped pipes, determined by geodetic observations and tied to this survey by traverse.



- 1. North-South Block lines shown on this plat are parallel with Main Street in Creedmoor.
- 2. East-West Block lines shown are parallel with the North line of the NEV4 Section 36 established by B.L.M. brass caps.
- 3. The Block lines East of Cliff Street shown were retraced, reconstructed, and fixed to the South corner for the West half of Block 16 determined from descriptions and recovered survey markers of fractional portions of Cliff Street and the May transecting Block 16, as recorded in Book 113-G at Pages 47-49 on September 30, 1994, described as being from the plat of Amelysth Township according to the 'Tanner Survey', and as recorded in Book 113-G at Pages 195-196 on March 15, 1995 for what is known as 'The School Tract'.
- 4. The positions of the Blocks depicted East of Cliff Street are not uniform with the generally accepted configuration of the 'Tanner Survey' for the areas of Town to the South in South Creedmoor and to the West in Creedmoor, there is a shift to the North of 10 feet and a shift to the West of 5 feet when compared with those other areas in Town, this shift appears to be isolated to the East side of Cliff Street.
- 5. Block 16 and Block 23 are relative to each other as shown on the 'Tanner Survey' retaining the same number of lots and separation using the accepted street and alley widths, though isolated and independent of other areas in Town.
- 6. The Brennan Tract shown was retraced and reconstructed from Land Survey Map No. 46 deposited, July 30, 1997, and recovered survey markers partitioned on that plat and is substantially unchanged, the structures on the Brennan Tract are protected from that plat map, Book 113, Page 201 describes this property being Lots 11 and 12, Block 16, Creedmoor.
- 7. The S.J. Myers Tract shown was reconstructed from an unrecorded survey plat labeled 'Tanner Survey' of the S.J. Myers Tract. It has been reconstructed and adjusted slightly on the South side to more closely follow the existing fence between the Myers & LaMee properties, as occupied. Receipt #41260 describes this property as Lots 1 and 2, Block 23, Creedmoor.
- 8. The two Tract descriptions in Section 1 of City Ordinance No. 320, adopted May 7, 2001 are consistent with the plots noted in Items 6 and 7 above other than the adjusted South line of the S.J. Myers Tract.
- 9. The LaMee Tract is part of Lots 1 and 2, and all of Lots 3 and 4, Block 23, Book 103, Page 228 describes this property as Lots 3 and 4, Block 23, Creedmoor.
- 10. The shaded areas shown in the Brennan and S.J. Myers Tracts are fractional portions of Cliff Street and the Alley in Block 16 and are addressed and noted as 'vacated' to the extent that they encroach into property described in City Ordinance No. 320.
- 11. A portion of Cliff Street is included with the LaMee Tract - it is bounded on the North by the adjacent S.J. Myers Tract, delineated on the South by a line perpendicular to the East limit of Cliff Street from the SW cor. of Lot 4, Block 23, delineated on the East by the plotted East limit of Cliff Street, and delineated on the West by the southerly projection of the Brennan and S.J. Myers Tracts and is generally fenced and currently used and occupied as a portion of the LaMee yard and driveway. A metes and bounds description for this portion of Cliff Street is included on the plat as it was never addressed in City Ordinance No. 320 as being vacated.
- 12. Platted Street rights of way fall under the jurisdiction of the City of Creedmoor. Lots 6, 7, 11, Block 16, Creedmoor are owned by the City of Creedmoor - see Reception No. 6885.

NOTE: According to Colorado law you must commence any legal action based upon any defect in this survey within 3 years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

This survey was performed with the benefit of a title report or title opinion and in no way shall it be construed as a title opinion by this surveyor or Rincon Associates, Inc.

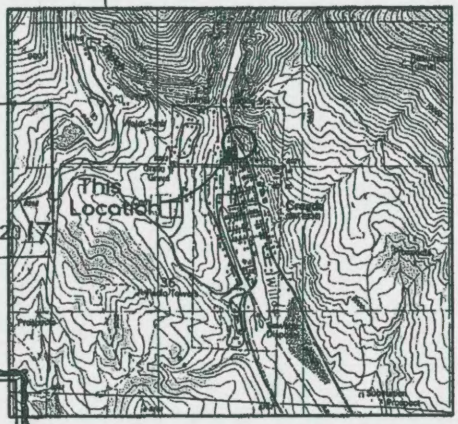
Partion of Cliff Street to be Vacated (Not addressed in Ordinance No. 320)
A parcel of land being a fraction of Cliff Street, Westerly from and adjacent to Block 23, Creedmoor, City of Creedmoor, situated in the 31/2E1/4 Section 36, T.42N., R.1W., N.M.P.M., Mineral County, Colorado, which fraction contains 0.01 acres, more or less, being more particularly described by metes and bounds as follows: Beginning at the SW corner of the parcel herein described, whence the SE corner of said Section 36, a 194.8 L.M. brass cap bears S89°25'30"W a distance of 188.56 feet thence N07°45'24"W a distance of 86.76 feet to the NW corner of the parcel herein described thence N07°34'16"E a distance of 14.89 feet to the NE corner of the parcel herein described thence S28°17'02"E, along the Eastern limit of Cliff Street, a distance of 47.87 feet the SE corner of the parcel herein described, a point on the South line of Lot 4, Block 23, Creedmoor; thence S07°01'40"W a distance of 12.88 feet to the place of beginning, and SUBJECT TO any existing easements and/or rights of way of whatsoever nature.

BRENNAND, MYERS, & LAMEE EAST CREEDMOOR REPLAT
Fractions of Block 16 and Block 23, and the Vacated Portions of Second Street, Cliff Street, and the Alley in Block 16, as described in City of Creedmoor Ordinance No. 320, and a fraction of Cliff Street adjacent to Lots 2-4, Block 23, A fraction of Boston Avenue adjacent to Lots 2 and 3, Block 23, Creedmoor, City of Creedmoor, in the Townsite of Amethyst, Located in the 34SE1/4 Section 25, Township 42 North, Range 1 West (suspended), New Mexico Principal Meridian, Mineral County, Colorado.

DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT R. Katherine Brennan, S.J. Myers, Maurice LaMee, Trary LaMee, and the City of Creedmoor are the owners of that real property encompassed by the perimeter boundary of the replat, all located within the limits of the City of Creedmoor, situated in the 34SE1/4 Section 25, T.42N., R.1W., N.M.P.M., Mineral County, Colorado.

THAT they have caused said real property to be replatted and designated as the 'BRENNAND, MYERS, & LAMEE EAST CREEDMOOR REPLAT', which property is more particularly described by metes and bounds to wit:
BRENNAND, MYERS, & LAMEE EAST CREEDMOOR REPLAT
(Particular Description)
A parcel of land located in Block 16, Block 23, and in Fractions of Second Street, the Alley transecting Block 16, and Cliff Street, Creedmoor, City of Creedmoor, situated in the 31/2E1/4 Section 36, T.42N., R.1W., N.M.P.M., Mineral County, Colorado, which parcel contains 0.43 acres, more or less, being more particularly described by metes and bounds as follows: Beginning at the NW corner of the parcel herein described, identical to the NW corner of Parcel 1 described in Book 113-G at Page 48, identical to the SW corner of the tract of land described in Book 113-G at Page 194, and identical to the NW corner of the Brennan Tract as described in First Tract Under Section 1 of City of Creedmoor Ordinance No. 320, adopted and approved May 7, 2001, whence the North Quarter corner of Section 36, T.42N., R.1W., N.M.P.M., a 194.8 L.M. brass cap, bears S89°25'30"W a distance of 188.56 feet and whence the south corner of the westerly half of Block 16 of Amethyst Township, described in Parcel 2 in Book 113-G at Page 48, bears N07°23'36"E a distance of 83.82 feet; thence N07°34'16"E, along the South line of the east School Tract and its northerly projection, identical to the North line of the said Brennan Tract, a distance of 78.98 feet to the NE corner of the parcel herein described, identical to the NE corner of the Brennan Tract described in City of Creedmoor Ordinance No. 320 and shown on Map No. 46 of the Land Survey Plat Index in the records of the Mineral County Clerk and Recorder; thence S48°17'45"E a distance of 70.59 feet to the NE corner of the S.J. Myers Tract, as described in the Second Tract Under Section 1 of City Ordinance No. 320; thence S27°14'45"E, along the East line of the said S.J. Myers Tract, a distance of 69.50 to the SE corner thereof; thence S60°55'31"W, along the South line of the said S.J. Myers Tract, a distance of 8.12 feet to a point on the North line of said Block 23; thence S07°14'16"W, along the North line of said Block 23, a distance of 2.82 feet; thence S27°48'24"E a distance of 33.89 feet to a point on the West line of Lot 2, Block 23; thence S27°17'07"E, along the East line of said Block 23, a distance of 69.70 feet to the SE corner of the parcel herein described, identical to the SE corner of Lot 4 of said Block 23; thence S07°14'16"W, along the South line of said Lot 4, a distance of 86.89 feet to the SW corner thereof; thence S48°17'45"E a distance of 12.88 feet thence N07°34'16"W, along the West line of the said Brennan and S.J. Myers Tracts and their southerly projection, a distance of 94.64 feet to the place of beginning, and SUBJECT TO any existing easements and/or rights of way of whatsoever nature.

OWNER
City of Creedmoor
IN WITNESS WHEREOF, this instrument is executed this 11 day of March 2014.
Mayor - City of Creedmoor
[Signature]
Notary Public
State of Colorado
County of Mineral
The foregoing instrument was acknowledged before me this 11 day of March 2014, by Mayor of the City of Creedmoor and attested by the Clerk of the City of Creedmoor.
[Signature] My commission expires January 16, 2015.
Notary Public



OWNER
R. Katherine Brennan
IN WITNESS WHEREOF, this instrument is executed this 20th day of January 2014.
[Signature]
Notary Public
State of Colorado
County of Mineral
The foregoing instrument was acknowledged before me this 20th day of January 2014, by R. Katherine Brennan.
[Signature] My commission expires January 15, 2015.
Notary Public

ROBERTO SOTO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID: 2009400388
MY COMMISSION EXPIRES January 15, 2015

OWNER
Maurice LaMee and Trary LaMee
IN WITNESS WHEREOF, this instrument is executed this 18 day of February 2014.
[Signature]
Notary Public
State of Colorado
County of Mineral
The foregoing instrument was acknowledged before me this 18 day of February 2014, by Maurice LaMee and Trary LaMee.
[Signature] My commission expires 2-5-2015.
Notary Public

CLERK AND RECORDER'S CERTIFICATE
I, Wm. D. Kitterman, a duly registered land surveyor in the State of Colorado do hereby certify that this plat was prepared from the data of an actual field survey performed by me and is true and correct to the best of my knowledge and belief.
[Signature]
Notary Public
State of Colorado
County of Mineral
I certify that this instrument was filed in my office at _____ O'Clock _____, the _____ day of _____, 20____ A.D., and is recorded under Reception No. _____ and is filed in Map Book _____ Map No. _____
Clerk and Recorder
By: _____ Deputy

JENNIFER MOSER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20074005268
My Commission Expires February 5, 2015

- LEGEND**
- Property Boundary
- Set Pin with Plastic Cap, PL32881
- Found Survey Marker (as described)
- B.L.M. Brass Cap (N.C.)
- Building Structure
- Proposed Tank
- The Line
- Fence Line

Rincon Associates, Inc.
P.O. Box 1035 Alamosa, CO 81811 (719) 589-4444
BRENNAND, MYERS, & LAMEE EAST CREEDMOOR REPLAT
Fractions of Block 16 and Block 23, and the Vacated Portions of Second Street, Cliff Street, and the Alley in Block 16, as described in City of Creedmoor Ordinance No. 320, and a fraction of Cliff Street adjacent to Lots 2-4, Block 23, A fraction of Boston Avenue adjacent to Lots 2 and 3, Block 23, Creedmoor, City of Creedmoor, in the Townsite of Amethyst, Located in the 34SE1/4 Section 25, Township 42 North, Range 1 West (suspended), New Mexico Principal Meridian, Mineral County, Colorado.
Drawn by WCK August 2012
Revised November 2012, May 2013, and August 2013
Job No. 2012 Sheet 1 of 1

68600
1 OF 1
MAP
RS10.00 DS0.00
3/25/2014 11:14 AM
Erin K. Whitz
Mineral County Clerk