

**CITY OF CREEDE, COLORADO
ORDINANCE NO. 430**

**AN ORDINANCE OF THE CITY OF CREEDE, COLORADO,
VACATING A PORTION OF TENTH STREET ADJACENT TO LOTS 12-15, BLOCK 30, SOUTH CREEDE, A PORTION OF TENTH STREET ADJACENT TO LOTS 11-15, BLOCK 32, SOUTH CREEDE, AND A PORTION OF THE SOUTH HALF OF THE ALLEY BISECTING BLOCK 30 ADJACENT TO LOTS 12-15 IN SAID BLOCK 30, SOUTH CREEDE, CITY OF CREEDE, MINERAL COUNTY, COLORADO.**

WHEREAS. Silver Spruce Enterprises, I.L.C. by Robert Scott Lamb, Member, P.O. Box 659 Creede, Colorado.81130, by Petition dated April 15, 2021, has requested the vacation of the following described street and alley located in the City of Creede, Mineral County, Colorado, to-wit:

A PORTION OF TENTH STREET ADJACENT TO LOTS 12-15, BLOCK 30, SOUTH CREEDE, A PORTION OF TENTH STREET ADJACENT TO LOTS 11-15, BLOCK 32, SOUTH CREEDE, AND A PORTION OF THE SOUTH HALF OF THE ALLEY BISECTING BLOCK 30 ADJACENT TO LOTS 12-15 IN SAID BLOCK 30, SOUTH CREEDE, being more particularly described in Exhibits A, B and C attached and made a part hereof; and

WHEREAS, the Street and Alley is wholly contained within the platted property owned by Silver Spruce Enterprises LLC; and

WHEREAS, the vacation of the afore mentioned streets and alley, because of their location serve no public purpose; and

WHEREAS, public streets and alleys are subject to the statutory authority granted to municipalities by C.R.S. §43-2-303 to vacate roadways and their appurtenances; and

WHEREAS, the Board of Trustees has determined by Resolution No. 2021-04 duly adopted and approved on the 20th day of July 2021 that the proposed vacations are appropriate and legal.

WHEREAS, the Board of Trustees of the City of Creede held a public hearing on the requested vacation on July 20th, 2021; and

WHEREAS, notice of a public hearing to consider the request for the vacation was published in the Mineral County Miner on July 1st, 2021, and posted as required on July 5th, 2021; and

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

Section 1. The Street and Alley hereby vacated is that portion of Tenth Street adjacent to Lots 12-15, Block 30, South Creede, a portion of Tenth Street adjacent to Lots 11-15, Block 32, South

Creede, and a portion of the south half of the alley bisecting Block 30 adjacent to Lots 12-15 in said Block 30, South Creede.

Section 2. No utilities occupy the Street or Alley proposed to be vacated, except those which are contained in separate utility easements granted for City utility purposes across Lot 12, Block 30 and the Alley bisecting Block 30, and Lots 11, 12, and 15, Block 32. The vacation will not result in a transfer of ownership in the underlying property.

Section 3. Acceptance of Utility Easement. The separate utility easement across Lot 12, Block 30 and the Alley bisecting Block 30 and Lots 11, 12, and 15, Block 32 is hereby accepted by the City for public utility purposes as may be determined by the City.

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 repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 7. 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.

Section 8. Recording Documents. The City Clerk shall record all documents associated with the vacation of the roadway and alley with the office of the Mineral County Clerk and Recorder as required by CRS§ 43-1-202.7.

INTRODUCED, READ, AND PASSED ON this 20 Day of July, 2021.

ATTEST:

CITY OF CREEDE

By 
Sarah Latham-Williamson, City Clerk

By 
Jeffrey Larson, Mayor

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8/13/2021 1:59 PM
ORDIN R\$33.00 D\$0.00

Eryn K Wintz
Mineral County Clerk

APPROVED AS TO FORM:


By 
Richard E. Samson, Acting City Attorney

EXHIBIT "A"
South Half of Alley Bisecting Block 30

LEGAL DESCRIPTION

THE S½ OF THE ALLEY BISECTING BLOCK 30, ADJACENT TO LOTS 12-15 IN SAID BLOCK 30, SOUTH CREEDE, CITY OF CREEDE, MINERAL COUNTY, COLORADO.

EXHIBIT "B"
The North Half of Tenth Street

LEGAL DESCRIPTION:

THE N½ OF TENTH STREET ADJACENT TO LOTS 12-15, BLOCK30 , SOUTH CREEDE, CITY OF CREEDE, MINERAL COUNTY, COLORADO.

EXHIBIT "C"
The South Half of Tenth Street

LEGAL DESCRIPTION:

THE S½ OF TENTH STREET ADJACENT TO THE WEST 13 FEET OF LOT 11 AND LOTS 12-15, BLOCK32 , SOUTH CREEDE, CITY OF CREEDE, MINERAL COUNTY, COLORADO.

EXHIBIT "D"

**Utility Easement across Lot 12, Block 30 and the Alley bisecting Block 30
and Lots 11, 12, and 15, Block 32**

LEGAL DESCRIPTION:

10 Foot Easement

A strip of land located in the NE¼ Section 36, T.42N., R.1 W., N.M.P.M., City of Creede, Mineral County, Colorado, said strip being located within the West 13 Feet of Lot 11, Block 32, a portion of the S½ of Tenth Street adjacent to the West 13 Feet of Lot 11, Block 32, and a portion of Lot 12, Block 32, which strip is 5 feet on each side of the following described centerline: Beginning at the at the a point on the South line of said Lot 12, whence the SW corner of Lot 15, Block 32, bears S76°14'49"W a distance of 99.91 feet and whence the E¼ corner of said Section 36, a brass cap, bears S62°06'51"E a distance of 457.12 feet; thence N07°16'25"W a distance of 60.50 feet; thence N12°11'52"W a distance of 64.91 feet to a point on the centerline of Tenth Street, the Point of Terminus the foregoing described strip.

It is the intent of the above description that the side lines are lengthened or shortened to intersect the North line of the alley way bisecting Block 32 at the South end of the strip and to intersect the centerline of Tenth Street at the North end of the strip.