

**CITY OF CREEDE, COLORADO  
RESOLUTION NO. 2021-04**

**A RESOLUTION OF THE CITY OF CREEDE, COLORADO, REGARDING THE REVIEW OF THE REQUEST TO VACATE 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, LLC, 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, 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 of the City of Creede held a public hearing on the requested vacation on July 20<sup>th</sup>, 2021; and

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

**WHEREAS**, notice of the public hearing to consider the request for the vacation was mailed by certified mail, return receipt requested, to the affected property owner and to all utility companies and franchise holders operating within the City;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREEDE, MINERAL COUNTY, COLORADO; THAT;**

**Section 1.** The following findings are hereby made in support of the vacation of 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.

- a. 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 which existing easements are not vacated.

- b. The Street and Alley proposed to be vacated is no longer necessary for public purposes as it has been replaced by a more suitable easement.
- c. The requirements of C.R.S. §43-2-303, have been met.
- d. The owners of more than 50 percent of the area abutting the easement proposed to be vacated, have signed the petition for the vacation of the Street and Alley.
- e. The Street and Alley to be vacated is entirely on the platted property owned Silver Spruce Enterprises, LLC and said vacation will not result in a transfer of ownership in the underlying property.
- f. As compensation for the vacation of the a portion of the street and alley, Silver Spruce Enterprises, LLC has agreed to grant to the City a utility easement from the middle of TENTH STREET south to the northern edge of the ALLEY, more particularly described on a Grant of Easement.
- g. The Town has not received any objection to the proposed vacation from the utility providers, nor the holders of franchises who may make use of this easement.
- h. Vacation of the Street and Alley except for the existing easements shall be vacated by ordinance..

**Section 2. Effective Date.** This resolution shall be become effective immediately upon adoption.

**Section 3. Repealer.** All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

**Section 4. Certification.** The City Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 20<sup>th</sup> DAY OF July, 2021.**

**ATTEST:**

**CITY OF CREEDE**

By   
Sarah Eftim-Williamson, City Clerk

By   
Jeffrey Larson, Mayor

**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 EXCEPT THE EXISTING UTILITY EASEMENT.

**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.

