

TOWN OF MARBLE

ORDINANCE NO. 4
Series A83

AN ORDINANCE GRANTING CORPORATION EASEMENT FOR WATERLINES AND WELLS IN CERTAIN TOWN STREETS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO:

Short Title. This ordinance shall be known and may be cited as the "Second Waterline Easement Ordinance, 1983".

Ordinance No. 5, Series 1980, entitled: "An Ordinance Granting Corporation Easement for Waterlines in Certain Town Streets", is hereby amended to include the addition of those two easements described on Exhibit A attached and incorporated hereto by this reference.

INTRODUCED, READ IN FULL, AND PASSED ON THE 3rd DAY OF Oct. 1983.

Charles A. Peder
Mayor of the Town of Marble

Attested by:

Carol Parker
Clerk of the Town of Marble

(SEAL)



Published October 13, 1983
Lowering Fork Valley Journal

ORD #4 SER# 83

THIS AGREEMENT, entered into between the Town of Marble, Colorado, a municipal corporation, party of the first part, and The Marble Water Company, a Colorado non-profit corporation, party of the second part.

WITNESSETH THAT:

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, the party of the first part has granted, bargained, sold and conveyed unto the said party of the second part, the easement for water lines and wells as described as follows:

First Easement, Centerline

Easement thirty-three (33) feet on either side of centerline described as follows:

Commencing at a point which is the center of the north edge of East Marble Street extended at the intersection of East Third Street, thence southerly along the centerline of East Third Street, to a point which is the center of the south edge of East State Street extended at the Intersection of East State Street.

Second Easement, Centerline

Easement thirty-three (33) feet on either side of centerline described as follows:

Commencing at a point which is the center of the intersection of West First Street and West Park Street, thence southerly along the centerline of West First Street to a point which is a distance of one-hundred (100) feet south of the center of said intersection.

SUBJECT TO all the terms and conditions of the previous Grant of Easements For Water Lines dated July 25, 1980 and recorded in Book 588 and Pages 753 - 757 of the records of the Clerk and Recorder of Gunnison County; and further subject to the provision that an engineering study be made prior to the start of construction and engineering certification of the completed installation be made.

FURTHER SUBJECT TO the covenant by the water company to promptly repair and maintain said streets and alley as a result of any damage which naturally occurs from the water company's use of these easements; and

FURTHER SUBJECT TO the covenant by the water company to hold harmless and indemnify the Town of Marble from any damage to persons, real or personal property which naturally occurs from the water company's use of these easements.

TO HAVE AND TO HOLD said easements and rights of way unto the party of the second part its successors and assigns forever.

Ord #4, Ser. 1983

P2

Ordinance No. 4
Series 1983
Exhibit A, page 2

IN WITNESS WHEREOF, the parties hereunto affix their signature on the dates appearing opposite thereto, respectively.

DATE: 10/7/83

THE TOWN OF MARBLE

By: Charles A. Parker

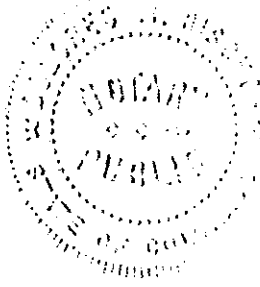
DATE: 10/7/83

THE MARBLE WATER COMPANY

By: Clayton Kuhler

STATE OF COLORADO)
COUNTY OF GUNNISON)ss.

The foregoing instrument was acknowledged before me this 7th day of October, 1983, by Charles A. Parker



Witness my hand and official seal.
My commission expires: Dec. 16, 1984

Dolores M. Beecher
Notary
0158 County Rd. 3
Chermdale, CO 81623

STATE OF COLORADO)
COUNTY OF GUNNISON)ss.
Carried

The foregoing instrument was acknowledged before me this 7 day of October, 1983, by Clayton Kuhler

Witness my hand and official seal.
My commission expires: 6-15-85

Georgia Chamberlain
Notary
289 Main St
Chermdale, CO 81623