

TOWN OF MARBLE 4

ORDINANCE NO. _____

Series 1980

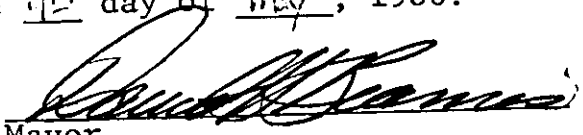
AN ORDINANCE GRANTING A LICENSE TO CERTAIN PERSONS FOR USE OF PUBLIC WAYS FOR THE PURPOSE OF KEEPING THEREIN PRIVATE WATERLINES.

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


1. Section 1. Short title. This ordinance shall be known and may be cited as the "Waterline License Ordinance, 1980".

2. Section 2. License granted. The Mayor of the Town of Marble hereby is authorized and directed to execute in the Town's behalf, and the Clerk of said Town hereby is authorized and directed to attest by countersignature and to attach the Town's official seal thereon, that certain form of License Agreement, which agreement is attached and incorporated hereto by this reference as Exhibit A.

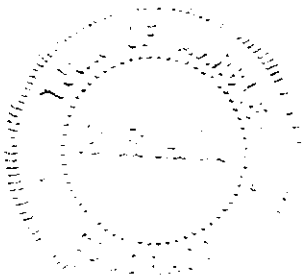
INTRODUCED, READ AND PASSED on the 17th day of May, 1980:


Mayor

Attested by


Clerk.

(SEAL)



TOWN OF MARBLE
LICENSE AGREEMENT

This agreement, executed in duplicate this 31 day of July, 1980, by and between the Town of Marble, Colorado, a municipal corporation (hereinafter referred to as "Marble"), party of the first part, C.H. Kimbrell and Patricia Kimbrell, of Odessa, Florida (hereinafter referred to as "Kimbrells"), parties of the second part.

WHEREAS, Kimbrells are the owners of an undivided, one-half interest in and to the right to use water from a certain well situated and otherwise identified as follows, namely:

Located on Lot B, Block 19, Town of Marble, State of Colorado

WHEREAS, Kimbrells also are the owners of an undivided one-half interest in certain underground waterline or lines appurtenant to said well and serving the Beaver Lake Lodge in Block 7 of said Town of Marble, the location of which line(s) is described in Exhibit B hereto; and

WHEREAS, the aforesaid waterline is situated on or within certain public ways owned by the Town of Marble, and said Town has no objection to the Kimbrells' continuing to use said public property for said purposes so long as that does not interfere with the public's rights in the aforementioned rights of way.

NOW, THEREFORE, THE PARTIES AGREE as follows:

1. Kimbrells hereby are given a certain license by this agreement, for the purpose of keeping, maintaining, repairing, inspecting and replacing, their private waterline over and across that certain route described in Exhibit B.

2. Kimbrells, hereby give to the Town their separate assurances and promises to hold the Town harmless for any and all liability arising from harm to the public, resulting from the aforesaid use of public ways.

3. This license is personal to Kimbrells, and the privileges herein granted shall not inure to or for the benefit of their

successors or assigns.

TOWN OF MARBLE

IN WITNESS WHEREOF, the parties hereunto affix their signatures
on the dates appearing opposite thereto:

THE TOWN OF MARBLE, COLORADO,
a municipal corporation,

By *David M. Bennis*
its Mayor.

(Date) 9 MAY 1980

C.H. KIMBRELL

C.H. Kimbrell

(Date) 31 JULY 1980

PATRICIA KIMBRELL

Patricia Kimbrell

(Date) 31 JULY 1980

TOWN OF MARBLE

Ordinance #4,
Series 1980

Exhibit B
License Agreement
Town of Marble/Kimbrell

According to the following route:

Five feet on either side of a centerline situated in the east one-half of East Second Street, having a northern terminus at a point of intersection with an extension of the southern boundary of East Marble Street, and having a southern terminus at a point of intersection with an extension of the southern boundary of East State Street.