

TOWN OF MARBLE, COLORADO
ORDINANCE NUMBER 7
SERIES OF 2006

AN ORDINANCE OF THE TOWN OF MARBLE, COLORADO,
VACATING THE ALLEY BETWEEN BLOCK 42, WEST PARK
STREET ADDITION.

WHEREAS, the Town of Marble, Colorado is the owner of an alley between Block 42, West park Street Addition; and

WHEREAS, the Town has not developed any area of said right-of-way for municipal purposes; and

WHEREAS; the Town desires to pave Park Street, and Park Street as it is driven infringes 15 feet over and across Lots 1, 2, 3 and 4, and the west half of Lot 5, Block 42; and

WHEREAS, the Owner of Lots 21, 22, 23 and 24 and the west half of Lot 20 and Lots 1, 2, 3, and 4 and the west half of Lot 5, Block 42 Town of Marble, the Records of the Gunnison County Clerk and Recorder has requested the alley vacation in consideration of a Grant of Easement and Easement Deed on the northerly 15 feet of Lots 1, 2, 3 and 4 and the west half of Lot 5, Block 42; and

WHEREAS, the Town has made the following findings:

A. The alley between Block 42 as described in Section 1 hereafter has never been formally opened or utilized as a Town alley and has never been used for governmental purposes.

B. All of the alley right-of-way to be vacated is within the Town of Marble.

C. None of the alley right-of-way to be vacated constitutes a boundary line adjustment between two counties or the boundary of the Town.

C. No land adjoining the alley right-of-way to be vacated shall be left, as a result of the vacation, without an established public road connecting said land with another established public road.

NOW, THEREFORE, the Board of Trustees of the Town of Marble, Colorado, ordains that:

Section 1. The Town of Marble hereby vacates and divests all if its right, title and interest in the alley right of way between Block 42, West Park Street Addition, Town of Marble, County of Gunnison, State of Colorado.



STATE OF COLORADO,)
County of Gunnison)
I, Stella Dominguez, Clerk and Recorder in and
for said County of Gunnison, in the State aforesaid, do hereby
certify that the above and foregoing is a true and exact
copy as the same appears as Reception Num-
ber 568223, 3 pages inclusive.
Witness my hand and official seal this 21st day of Aug 2006.
Stella Dominguez, County Clerk and Recorder
By Susan MacIntosh Deputy

Section 2. The alley vacation is granted is consideration of an easement across the northerly 15 feet of Lots 1, 2, 3, and 4 and the west half of Lot 5. Block 42 for the installation, construction ,use, operation, maintenance, repair and replacement of a public road for vehicular traffic, pedestrian use, access, utilities, drainage and other related purposes.

Section 3. The Town Clerk is hereby directed to record this ordinance with the Gunnison County Clerk and Recorder upon final passage

Read, adopted and ordered published by title by a vote of 5 to 0 this 19th day of July, 2006.

TOWN OF MARBLE, COLORADO

by Hal Sidelinger
Hal Sidelinger, Mayor

ATTEST:

Karen Mulhall
Karen Mulhall, Clerk

GRANT OF EASEMENT AND EASEMENT DEED

This Grant of Easement and Easement Deed is made this 19th day of July, 2006 by Mario Villalobos and Christy Villalobos, whose address is 620 West Park Drive, Marble, CO 81623 (hereinafter "Grantors") for and in consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby sells and quitclaims to the Town of Marble, whose address is P.O. Box 802, Carbondale, CO 81623 (hereinafter "Grantees"), their successors and assigns, forever, an easement over and across the property of Grantors in Gunnison County, Colorado, which real property is described as Lots 21, 22, 23, and 24 and west half of Lot 20, Block 42 and Lots 1, 2 3 and 4 and the west half of lot 5, Block 42 Town of Marble, the Records of the Gunnison County Clerk and Recorder.

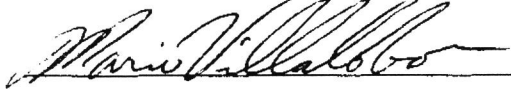
The easement is granted for the installation, construction, use, operation, maintenance, repair and replacement of a public road for vehicular pedestrian use, access, utilities, drainage and other related purposes.

The easement is over and across the northern 15 feet of the Lots 1, 2, 3, 4 and the west half of Lot 5 Block 42 as described above.

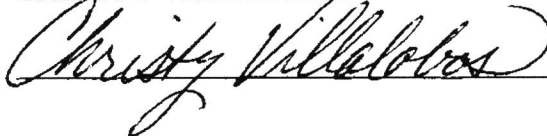
TO HAVE AND TO HOLD the same, together all other appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, to the property of the Grantor, either in law or equity, to the only proper use and benefit of the Grantees its successors and assigns of said properties forever the above described easement.

IN WITNESS WHEREOF, the Grantor has executed this deed on this 19th day of July 2006.

MARIO VILLALOBOS




CHRISTY VILLALOBOS



STATE OF COLORADO)
) ss
COUNTY OF GUNNISON)

Subscribed and sworn to by a person satisfactorily identified to me as Mario Villalobos and Christy Villalobos this 19th day of July, 2006.

My Commission Expires: 2-11-08



NOTARY PUBLIC

Marble-Easement Deed