

TOWN OF MARBLE

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ORDINANCE NO. 5

Series 1980

4th day of January 1983 at 1:00 P.M. P. Joanne M. Reiting, Clerk of the Town of Marble, Colorado, by *Joanne M. Reiting*

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

WHEREAS, heretofore The Marble Water Company, a Colorado non-profit corporation, has been organized for the purpose of furnishing domestic/municipal water supplies for users in and around the site of the Town of Marble, Colorado;

AND WHEREAS it will be necessary and desirable for said corporation to obtain easements necessary for transporting water by means of pipelines from the alternate point of diversion to site or sites of ultimate use within the corporate territory of said Town, and whereas from a practical standpoint the most economical and convenient route for such easements is and would be over, across and under public ways within said Town of Marble;

AND WHEREAS, the granting of easements for lines in connection therewith, all as specified hereinabove, would make available to certain citizens of the Town of Marble certain essential services which those citizens need, and which currently and in the foreseeable future the Town of Marble is and will be unable financially to provide by itself.

AND WHEREAS, the Board of Trustees of the Town of Marble is desirous of enabling said corporation to accomplish the aforesaid purposes, and thereby to provide such services to the citizens of said Town.

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

1. Short title. This ordinance shall be known and may be cited as the "First Amended Waterworks Ordinance of 1980".
2. Easements granted. The Mayor hereby is authorized and directed to sign, and the Clerk to attest by countersignature, for purposes of granting to said water company the necessary easements for pipelines to be used in connection with the furnishing of water supplies to its investors and customers, an agreement granting such easements by and in behalf of the Town, with said water company, in the form and according to the terms and conditions shown and recited

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in Exhibit B attached and incorporated hereto by this reference.

INTRODUCED, READ IN FULL, AND PASSED on the 11th day of July,
1980:

Oscar D. McCallum
Mayor of the Town of Marble
Pro tem

Attested by

Louis McCallum
Clerk of the Town of Marble



Exhibit B
Ord. # 5, 14

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GRANT OF EASEMENTS FOR WATER LINES

THIS AGREEMENT, entered into by The Town of Marble, Colorado, a municipal corporation (hereinafter referred to as "Marble"), party of the first part, and The Marble Water Company, a Colorado non-profit corporation (hereinafter referred as the "Company"), party of the second part.

WITNESSETH THAT:

For and in consideration of the sum of \$ 10.00 in hand paid, receipt of which hereby is acknowledged, and also in consideration of the fact that the Company will make use of the rights granted herein for the purpose of providing to citizens and property owners in the Town of Marble, water services which said Town currently and in the foreseeable future is unable financially to provide, Marble has this day bargained and sold and by these presents hereby does grant, bargain, sell, convey, transfer and deliver unto the Company, nonexclusive permanent easements and nonexclusive rights of way, 33 feet in width, in, over and upon and across those two certain parcels of land described by centerlines as described on Exhibit A attached and incorporated hereto by this reference:

Said easement shall be only for the purpose of entering upon said land to construct and install underground water service lines, mains and conduits, and to inspect, maintain, repair, remove and replace same.

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

The Company hereby is provided with, and accepts, notice that title with respect to some or all of the real property over, across and in which the aforesaid easements traverse, has not been quieted in Marble, there are or may be questions concerning whether the public ever acquired any rights in all or portions of such ways or whether the public ever abandoned all or any portion of such rights, and therefore Marble disclaims any and all warranties with respect to the merchantability, sufficiency or other adequacy of its title thereto.

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

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THE TOWN OF MARBLE,
a Colorado municipal corporation,

By David H. Beamis
its Mayor.

(Date) 24 July 1980

Attested by



Louella McCollum
its Clerk

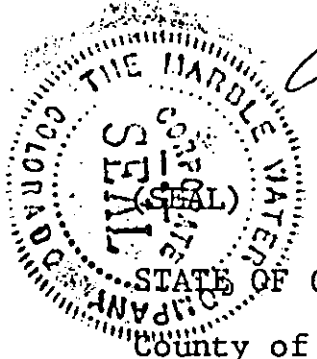
(Date) 24 July 1980

THE MARBLE WATER COMPANY,
a Colorado nonprofit corporation,

By Oscar D. McCollum
its President.

(Date) 25 July 1980

Attested by



Ann Elena Williams
its Secretary

(Date) 25 July 1980

STATE OF COLORADO)
County of Linn) ss

The foregoing Grant of Easements For Water Lines was acknowledged before me on the 24th day of July, 1980 by David H. Beamis, as Mayor of the Town of Marble, Colorado, and by Louella McCollum, as Clerk of the Town of Marble, Colorado.

My Commission expires 5-25-'82.

WITNESS my hand and official seal:

Jeanette Lyon
Notary Public

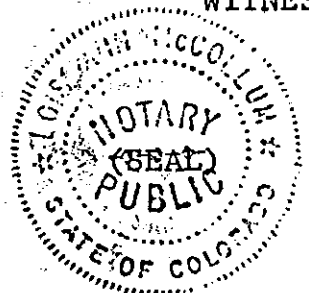
STATE OF COLORADO)
County of Linn) ss

The foregoing Grant of Easements For Water Lines was acknowledged before me on the 25th day of July, 1980, by OSCAR D. MCCOLLUM, as President of The Marble Water Company, a Colorado nonprofit corporation, and by ANN ELENA WILLIAMS, as Secretary of said corporation.

My commission expires 20 SEPT 1980.

WITNESS my hand and official seal:

Louella McCollum
Notary Public



Ordinance #5, Series 1980

Exhibit A - Easement for WaterlineEasement for Waterline

Easements $16\frac{1}{2}$ feet on either side of centerlines described as follows:

First Easement, Centerline

Commencing at a point at the intersection of the west boundary of W. First St., which point is $16\frac{1}{2}$ feet south of the northerly boundary of West Marble St., thence easterly along a line $16\frac{1}{2}$ feet south of and parallel to the northerly boundary of Marble St., to a point in a line which is $16\frac{1}{2}$ feet east of the westerly boundary of east 3rd St., as extended;

Thence north along a line which is $16\frac{1}{2}$ feet east of and parallel to the west boundary of east 3rd St., to a point of intersection with the northerly boundary of East Hill St.

Second Easement, Centerline

Commencing at a point on the West boundary of West First St., which point is $16\frac{1}{2}$ feet south of the northerly boundary of West Main St.; thence westerly along a line $16\frac{1}{2}$ feet south of and parallel to the northerly boundary of West Main St., to a point which is $16\frac{1}{2}$ feet west of the easterly boundary of West Fourth St., as extended.

Third Easement, Centerline

Commencing at a point which is on the southern boundary of West Silver St., as extended, and which is $16\frac{1}{2}$ feet west of the easterly boundary of west Fourth St.; thence southerly along a line which is $16\frac{1}{2}$ feet west of and parallel to the East boundary of West Fourth St., to a point, which point is on the northerly boundary of the east-west alleys in blocks 31 and 32, as extended;

Thence westerly along said extension of the northerly boundary of said alleys, to a point, which point is $16\frac{1}{2}$ feet east of the westerly boundary of west Fourth St.;

Thence south along a line which is $16\frac{1}{2}$ feet east of and parallel to the westerly boundary of west Fourth St., to a point, which point is $16\frac{1}{2}$ feet south of the northerly boundary of west Park St.;

Thence along a line which is $16\frac{1}{2}$ feet south of and parallel to the said northerly boundary of west Park St., to a point of intersection with the westerly boundary of the west Park addition.