

Town of Marble  
Regular Meeting of the Board of Trustees

May 7th, 2020

6:30 P.M.

Marble Community Church, 121 W. State St. Marble, Colorado

Agenda

**NOTICE:**

DUE TO THE CURRENT COVID SITUATION AND RESTRICTIONS, THE MAY 7<sup>th</sup>, 2020 MEETING OF THE MARBLE BOARD OF TRUSTEES WILL BE HELD VIA CONFERENCE CALL ON THE REGULAR DATE & TIME. THE CONFERENCE CALL IS OPEN TO THE PUBLIC TO CALL IN.

**CONFERENCE CALL NUMBER - 605-472-5283, ACCESS CODE – 447695**

6:30 P.M.

- A. Call to order & roll call of the Regular Meeting of the Board of Trustees

6:35 P.M.

Executive session pursuant to CRS 24-6-402(4)(b) to receive legal advice regarding Lawrence pit privy and Case No. 20CV30012.

7:00 P.M.

- B. Approve previous minutes
- C. Mayor's comments
- D. Administrator Report
  - a. Administer Oath of Office to Trustees & Mayor, Ron
  - b. Current bills payable April 2, 2020, Ron
  - c. Discussion of continuity of government during COVID, Ron
- E. Land Use Issues
  - a. Consider approval Carbondale Fire District Development Improvement Agreement, Mark
  - b. Discussion of proposed access agreement, Huck Huckstep
  - c. Discussion of broadband proposal, Visionary Networks, Ron
  - d. Review proposed OWTS repair permit & variance request, Mario
- F. Old Business
  - a. Parks committee report, Amber
  - b. Summer road repair plan discussion, Ryan
- G. New Business
  - a. Other
- H. Adjourn

Minutes of the  
Town of Marble Meeting of the Board of Trustees  
April 2, 2020

NOTICE: Due to the COVID situation and restrictions, the April 2 meeting of the Board of Trustees of the Town of Marble was held via conference call on the regular date and time. The conference call was open to the public to call in.

- A. Call to Order and Roll Call of the regular meeting of the Board of Trustees. Mayor Ryan Vinciguerra called the meeting to order at 7:02 p.m. Present: Ryan Vinciguerra, Larry Good, Tim Hunter, Charlie Manus and Emma Bielski. Also present: Ron Leach, Town Administrator and Terry Langley, minutes.
- B. Approve previous minutes. Emma Bielski made a motion to approve the minutes. Larry Good seconded and the motion passed unanimously.
- C. Mayors Comments – Ryan asked that the discussion of Covid matters and Town of Marble plans and concerns be moved to later in the meeting.
- D. .Administrator Report
  - a. Current bills payable – Ron reported that the current checks to be approved were listed in the packet. Three additional bills were received and included a bill for liability insurance in the amount of \$766.31, for workman’s comp insurance \$413.50, and a bill for website maintenance \$80.75 website. Tim Hunter made a motion to pay the bills. Charlie Manus seconded and the motion passed unanimously.
  - b. Discussion of advertising plan for Trustee replacement for Charlie Manus’ seat – Ron reported that he planned to run an ad in the Crystal Valley Echo in May and possibly in the Sopris Sun. He will also post the opening on the town bulletin board and web site. The new board will be sworn in at the May meeting and Charlie will be done at that time. There will be a 4-person board until the replacement is named. Ryan suggested adding it to the Marble & Redstone happenings email. Larry suggested asking Amy to include it in her emails to the school community. Terry suggested the Marble Facebook page. Tim asked Charlie to consider staying on through the Covid crisis. Charlie said he would consider it.
- E. Land Use Issues
  - a. Consider approval of the Carbondale Fire District (CFD) building inspection contract – Ron reported that attorney Kendall Burgemeister had drawn up a contract between the town and Cadfish LLC (Bruce Stolbach) for inspection services. No issues were raised. Emma Bielski made a motion to approve the contract. Tim Hunter seconded and the motion passed unanimously. Mark Chain reported that the CFD would have a construction management plan to be approved by the Board at the May meeting. Upon approval, the CFD will apply for a building permit at the May meeting with

groundbreaking planned for around June 1. Ryan asked that the CFD get the management plan to the Board for review prior to the meeting. Mark said that it included no construction on the following weekends: Fourth of July (July 3-6 Fri-Mon), Labor Day (Sept. 4-7 Fri-Mon) and for 3 days of MarbleFest weekend. Questions concerning parking and construction entrances were raised and discussed. They will be shown in the management plan.

- b. Richard Wells building permit application for foundation work, Ron – Ron reported that Richard is applying for a building permit to put a foundation under a recently purchased house at First and Park. Ron has the building permit application, engineered blue prints and all required paperwork. Tim has looked at everything and feels there are no problems. Emma asked if Richard would be following any Gunnison County protocol regarding construction projects and the Covid issues. Richard said that he was and that this would only be a two-man crew and they would take all safety precautions. Ron said that these are issued administratively so would not need a vote by the board. He needs to review all the applications with Richard but he sees no problems associated with it. Richard said they acquired the property 1 ½ years ago. It is a summer cabin sitting on marble blocks and has an existing septic system. They want to put an insulated foundation under the cabin and no footprint would be changed.

- C. Covid 19 issues (moved from earlier in the meeting) – Ron sent a list of Covid issues to be discussed. His comments are highlighted below with discussion points following.

**Campground:**

**We need to establish a plan for notification of our reservationists as to whether we plan to operate the campground this summer or not. The campground brings many out of town visitors to town each summer.** Larry said that they had closed the Beaver Lake Lodge for short term visitors for the year. They are working on a long-term rental plan for the upcoming year. No decision concerning the Marble Symposium has been made at this time. He suggests calling the people and cancelling reservations for June. We need to balance safety with business as usual. Emma feels like we need to stay in line with county and state guidelines and that closing the town of Marble through June 30 could be a realistic possibility. The possible loss of income is unfortunate but keeping the community safe is the priority. Charlie asked if Ron had heard whether Bogan Flats would be open but he has not. Tim said that we are currently protected by the quick response of the county emergency management teams but we are far from over the danger. We have a sworn responsibility to the community. Shutting the campground down is one thing the board can do to be proactive. Larry would like a consensus from the local business owners as to a partial or complete shutdown. Ryan said that the edicts from the government would dictate what the restaurant does. Cleanliness and sanitation protocols might mean going to counter service only. He does not think simply closing Marble to outsiders is the way to go. Emma made a motion to close the campground through June 30 and refund all deposits. A review for the rest of the summer will be made at the May meeting. Linda Adams said that they are trying to determine what Chair Mountain Ranch is going to do. She does not think closing Marble down will stop people from coming, as evidenced by what happened when the ski resorts closed. Larry said he

agrees with Emma's proposal. Amber said they have had no campground reservations cancellations since the Covid virus arrived. She is recommending the Hub push their opening to July 4. The bulk of the reservations are in July. Linda said in the last economic crisis they had more 1-2 night visitors. Tim Hunter seconded Emma's motion and it passed unanimously.

#### **Back Country Skiing:**

**Some concerns have been expressed regarding the influx of back county skiers utilizing the Yule Creek Road to access the Marble Mountain terrain.** Tim said that this is out of our jurisdiction. Mike said that with the ski resorts being closed, the increase in back country skiers increase the danger to first responders. He suggests reaching out to the quarry and the county regarding closing the quarry road. The new Gunnison County regulations allow for local residents only. Ryan agreed that the town does not have jurisdiction and he feels that back country skiing is an allowable activity. Emma spoke to the chain of that would involve emergency responders. Tim said that with no law enforcement there is no way to keep people away. Mike suggests some notices in the paper and on the radio asking people not to come to Marble. Jim Aarts said that Crested Butte is closed and that making a public announcement that Marble is closed will at least slow the people down. Richard asked about ATVs in the summer as an issue with closing Marble. Emma said this is about messaging rather than enforcement. Ryan suggested a CDoT messaging sign with No Services and other reminders. Amber suggested it say Gunnison County Residents Only. Ryan said that echoing the county message is a good idea. Emma said we need to spread the word mirroring the county guidelines. Ryan said he or Ron will reach out to Marlene Crosby about getting a sign.

#### **Fire Station Construction:**

**The Fire District is planning to begin construction in mid-May on the Marble Fire Station expansion. I don't expect any problems with getting a building permit issued in time however, I am interested in how the Trustees feel about starting this major construction project that will probably last for 7 to 9 months. Once the project is started it really can't be postponed or suspended as the Fire Department is a critical infrastructure that needs to remain operational. There will be many construction workers coming to and from Marble during this 7 to 9-month period.** – Ron asked that we look at the broader construction permits that are coming this summer in regard to the Covid virus. Jim Aarts suggested that anyone coming to work get a temperature test. Amber asked what the plan was for emergency services with construction on the fire station. Ron explained that equipment and supplies will be stored at the town building and the fire station will operate out of there. Ryan said that construction is something that is in the town's control. Tim said that they have not seen the construction management plan and he suggests waiting to see that before making any decisions concerning the construction of the fire department. Ron feels that postponing the project would mean cancelling the project. Charlie asked if they could make the contractors responsible for temperature testing their employees. It was agreed that this could be part of any building permit. Ryan said the scope of the project should be taken into consideration. Tim said the fire station would bring 20-30 construction workers to town daily. Mike asked if they knew how Gunnison County regulations would affect traveling

through Marble to jobs outside of town limits. Construction is currently considered essential. He asked if the town would follow the county if they suspend building permits/construction. He also asked if the county can supersede the state. Tim explained that they can if their regulations are stricter but they cannot make them less strict than state regulations. Ron suggests waiting to May to make a decision on the fire station. He plans to issue a building permit to Richard Wells as discussed earlier and there have been no other permit applications.

**Recycle:**

**Recycle is currently closed. Recycle does bring with it some, albeit minimal, exposure to volunteers, staff and users. Over the summer months, the operation will increasingly bring more out of town people to and from Marble twice each week.**

Emma suggested closing the center for April and revisiting it in May. Mike said that there will be a huge amount brought when it does open. He would like to see the town make it work if at all possible. Ryan said they would revisit this issue monthly and would remain closed for the time being. More volunteers are needed when it does open.

**Mill site Bathrooms:**

**The Mill Site Bathrooms are currently closed. As far as I can discern most government operated bathrooms in Western Colorado are currently closed because of exposure to the public as well as maintenance personnel.** Charlie said there was a note on both doors explaining why they are closed. Ryan suggested visiting this monthly. Charlie said that the quarry is the biggest user at this time of year and since their operation is closed down it is not a big problem. If they reopen and the Covid virus is still an issue, they can be asked to put in porta-potties. This is a summer option as well.

**Public Meetings and Hearings:**

**The idea of conducting virtual public meetings via either conference call or zoom video is probably the best plan of action at this point for the duration of the crisis. It does allow for the public to "attend" but will probably pose some problems for Ryan to address people talking over each other etc. A zoom meeting does have a mute feature that can be used to prevent this with the audience having the capability to "raise their hand" and Ryan having the option to un-mute certain people at certain times. Cumbersome, but as we have all come to learn, the public does have a right to "attend" any public meeting or public hearing. A resolution may be needed to be passed by the board approving this type of public meeting.** Ron said that Kendall said no resolution was needed. Emma reported on her experience with video on line learning and that there is a significant delay. Ryan feels like we can adapt as we need to as participation increase.

**Emergency order or declaration:**

**At this point Kendall does not think the Town of Marble needs to consider any emergency order or declaration.**

**Support of local business:**

**The small business owners in Marble are being adversely affected and indeed some**

**may not survive the COVID pandemic. A one-year waiver of business license fees may be worth discussing as a way for our local government to support the Marble business community during this economic emergency. Our annual budget for business license revenue is about \$1,000.** Ryan feels that the business license fee is so low that it does not to be waived.

ATVs – Charlie said that Aspen Glenn has outlawed golf carts due to social distancing issues. Ryan said that this is something that can be addressed with the Gunnison County regulations regarding social distancing and residents only.

**Conclusion:**

- **The top priority of local government is to protect the health, safety and welfare of its constituents.**
- **These are difficult issues for the Town of Marble Trustees and no one has a crystal ball to provide pristine guidance. As policy makers, all we can do is to educate ourselves, discuss the issues and the alternatives and make prudent, informed decisions on behalf of our citizens.**
- **Transparency of government is of especially high importance during times of uncertainty.**
- **Everyone is trying to do the best they can and trying to make the best decisions they can make.**

**Ron Leach, Town Administrator  
Town of Marble  
3/29/2020**

- F. Old Business - Ryan has made a tentative road maintenance schedule. This can be addressed in May.
- G. New Business – Richard asked if the council was aware of what is happening with the Quarry and the issues that have come up recently. Ryan said he is frustrated with the lack of information to the town. Richard said he noticed the water quality and color degraded due to the diversion of the river. Larry asked if the town has any oversight but they do not have any outside of the town limits. He asked if the lease would give us any power over environmental issues. Richard suggested we use this to improve communication and relationship with the quarry.
- H. Adjourn Larry Good made a motion to adjourn. Charlie Manus seconded and the motion passed unanimously. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Terry Langley

# Oath of Office

STATE OF COLORADO

\_\_\_\_\_ County

\_\_\_\_\_ City/Town

I, \_\_\_\_\_, do solemnly swear by the everliving God, that I will support the Constitution of the United States and of the State of Colorado, and faithfully perform the duties of the office of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

upon which I am about to enter.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

Subscribed and sworn to before me this \_\_\_\_ day

(SEAL) If applicable

of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Official administering oath

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

My Commission expires \_\_\_\_\_

8:00 PM  
05/05/20  
Accrual Basis

**Town of Marble**  
**Balance Sheet**  
As of May 8, 2020

	<u>May 8, 20</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
*General Fund -0240	21,274.49
Campground Account -6981	135,033.10
Money Market -1084	53,789.38
Severence/Mineral Proceeds-6157	148,982.53
Water Fees -0873	19,036.16
<b>Total Checking/Savings</b>	<u>378,115.66</u>
<b>Total Current Assets</b>	<u>378,115.66</u>
<b>TOTAL ASSETS</b>	<u><u>378,115.66</u></u>
<b>LIABILITIES &amp; EQUITY</b>	0.00



**Town of Marble**  
**Deposit Detail-General Fund**  
**May 2020**

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
<b>05/06/2020</b>		<b>Deposit</b>	<b>*General Fund -0240</b>	<b>323.00</b>
	Mario Villalobos	Deposit	Septic Permits	-323.00
TOTAL				-323.00
<b>05/06/2020</b>		<b>Deposit</b>	<b>*General Fund -0240</b>	<b>289.42</b>
	Gunnison County	Deposit	General Sales Tax	-289.42
TOTAL				-289.42
<b>05/06/2020</b>		<b>Deposit</b>	<b>*General Fund -0240</b>	<b>13.75</b>
	CIRSA	Deposit	Non-Specified	-13.75
TOTAL				-13.75
<b>05/06/2020</b>		<b>Deposit</b>	<b>*General Fund -0240</b>	<b>200.00</b>
	Richard Beamon	Deposit	Building Permits	-200.00
TOTAL				-200.00
<b>05/06/2020</b>		<b>Deposit</b>	<b>*General Fund -0240</b>	<b>300.00</b>
	Colorado Stone Quarry CSQ	Deposit	CSQ Maintenance Payments	-300.00
TOTAL				-300.00
<b>05/06/2020</b>		<b>Deposit</b>	<b>*General Fund -0240</b>	<b>2,329.23</b>
	Colorado Stone Quarry CSQ	Deposit	CSQ Lease Agreement	-2,329.23
TOTAL				-2,329.23
<b>05/06/2020</b>		<b>Deposit</b>	<b>*General Fund -0240</b>	<b>300.00</b>
	Colorado Stone Quarry CSQ	Deposit	CSQ Maintenance Payments	-300.00
TOTAL				-300.00
<b>05/06/2020</b>		<b>Deposit</b>	<b>*General Fund -0240</b>	<b>148.68</b>
	Holy Cross Electric	Deposit	Holy Cross Electric Rebates	-148.68
TOTAL				-148.68
<b>05/06/2020</b>		<b>Deposit</b>	<b>*General Fund -0240</b>	<b>200.00</b>
	Richard Wells	Deposit	Building Permits	-200.00
TOTAL				-200.00

**Town of Marble**  
**Deposit Detail-Money Market Fund**  
 April 3 through May 31, 2020

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
<b>04/03/2020</b>		<b>Deposit</b>	<b>Money Market -1084</b>	<b>13.58</b>
	Colorado Departm...	Deposit	Cigarette Tax	-13.58
TOTAL				-13.58
<b>04/08/2020</b>		<b>Deposit</b>	<b>Money Market -1084</b>	<b>1,573.13</b>
	Colorado Departm...	Deposit	General Sales Tax	-1,573.13
TOTAL				-1,573.13
<b>04/09/2020</b>		<b>Deposit</b>	<b>Money Market -1084</b>	<b>2,336.46</b>
	Gunnison County	Deposit	Additional License Tax	-64.50
	Gunnison County	Deposit	General Property Tax	-2,197.94
	Gunnison County	Deposit	Property Tax Interest	-0.57
	Gunnison County	Deposit	Specific Ownership Tax	-85.07
	Gunnison County	Deposit	Specific Ownership Tax	-33.00
	Gunnison County	Deposit	Treasurers Fees	44.62
TOTAL				-2,336.46
<b>04/20/2020</b>		<b>Deposit</b>	<b>Money Market -1084</b>	<b>818.10</b>
	Colorado Departm...	Deposit	Highway Use Tax (HUTF)	-818.10
TOTAL				-818.10
<b>04/30/2020</b>		<b>Interest</b>	<b>Money Market -1084</b>	<b>0.52</b>
		Interest	Interest Income	-0.52
TOTAL				-0.52

**Town of Marble**  
**Deposit Detail-Campground Account**  
 April through May 2020

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
04/01/2020		Deposit	Campground Account -6981	130.00
		Deposit	Campground/Store Revenues	-130.00
TOTAL				-130.00
04/02/2020		Deposit	Campground Account -6981	76.94
		Deposit	Campground/Store Revenues	-70.00
		Deposit	Sales Tax	-6.94
TOTAL				-76.94
04/02/2020		Deposit	Campground Account -6981	296.76
		Deposit	Campground/Store Revenues	-270.00
		Deposit	Sales Tax	-26.76
TOTAL				-296.76

7A

7:47 PM

05/05/20

**Town of Marble**  
**Check Register**  
May through June 2020

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Num	Date	Amount
<b>Avalanche Computers</b> 10814	05/06/2020	-80.00
<b>CBO Inc.</b> 10815	05/06/2020	-380.00
<b>Century Link</b> 10816	05/06/2020	-206.67
<b>CIRSA</b> 10817	05/06/2020	-216.25
<b>Crystal Echo</b> 10818	05/06/2020	-300.00
<b>Holy Cross Electric</b> 10819	05/06/2020	-38.25
<b>Law of the Rockies</b> 10820	05/06/2020	-407.00
<b>Marble Water Company</b> 10821	05/06/2020	-130.00
<b>Mountain Pest Control, Inc.</b> 10822	05/06/2020	-50.00
<b>Terry Langley</b> 10823	05/06/2020	-191.25

7.5

05/05/20

**Town of Marble**  
**Payroll Report**  
April 30 through June 30, 2020

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<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Type</u>	<u>Amount</u>
<b>Colorado Department of Revenue</b>				
05/05/2020	10826	Colorado Department of ...	Liability Check	-399.00
Total Colorado Department of Revenue				-399.00
<b>United States Treasury</b>				
05/05/2020	10827	United States Treasury	Liability Check	-879.26
Total United States Treasury				-879.26
<b>Charles R Manus</b>				
05/01/2020	10824	Charles R Manus	Paycheck	-360.16
Total Charles R Manus				-360.16
<b>Ronald S Leach</b>				
05/01/2020	10825	Ronald S Leach	Paycheck	-2,492.20
Total Ronald S Leach				-2,492.20
<b>TOTAL</b>				<b>-4,130.62</b>

7.6

May 1, 2020

Ron Leach, Administrator  
Town of Marble  
322 West Park Street  
Marble, CO 81623  
Faith Lutheran Church

RE: Development Improvements Agreement –  
Marble Fire Station - # 83

Dear Ron:

On behalf of the Carbondale and Rural Fire Protection District I am submitting for consideration and approval by the Board a Development Improvements Agreement for the Expansion of Station # 83. The Agreement is between the Town and the Fire District and is the culmination of a process that started 2 years ago with the approval of a Bond Issue for expansion of two existing fire stations within the District and a training center proposed for construction at District Headquarters in Carbondale.

In addition to the Development Agreement I have attached the following plans and documents:

- a Survey showing existing improvements
- Construction Management Plan
- Utility/On-site Waste Treatment System Plan
- Floor plans
- Building elevations
- Landscaping/planting/site plan

The Public Review Process started with a presentation of the conceptual Station Expansion plan last October followed shortly by the adoption of an updated Firehouse Lease for Fire Station # 83. This Development Agreement, which documents approval of the Parking Plan and the Site Plan completes the public process for the Board of Trustees. Additional steps in the development process includes submission of a formal building permit application for the fire station expansion. The Design Team hope to formally submit the Building Permit application on or about May 7, with construction to start in June 2020.

The Development Agreement outlines the various project improvements proposed for the property (pages 4 - 6 of the Agreement) and summarizes construction

## Mark Chain Consulting, LLC

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responsibilities of the general contractor. These include construction of 10 new parking spaces on the south side of West Park Street, defined construction times from 8 AM to 6 PM Monday through Friday and outlining the fact that construction will not occur over the July 4 and Labor Day weekends as well as during Marble Fest. As we have discussed, the District will pay for all out of pocket expenses incurred by the Town including building permit review and inspection services to be performed by Catfish LLC and the review of the OWTS by CBO, Inc.

The station improvements are programmed at 2058 ft.<sup>2</sup> and include an expansion of the vehicle storage bays, a 30-foot by 30-foot multipurpose room and improved office, communication and restroom facilities. All maintenance and similar responsibilities will be handled by the Fire District over the length of the lease.

Please contact me if you have any questions or need additional information. Otherwise, we will be happy to answer any questions at the May 7 Board Meeting

Sincerely,

*Mark Chain*

Mark Chain, Planner

## DEVELOPMENT IMPROVEMENTS AGREEMENT

### EXPANSION FOR MARBLE FIRE STATION # 83

#### TOWN OF MARBLE, COLORADO

THIS AGREEMENT is made and entered into between the Town of Marble, Colorado (“Town”), and the Carbondale & Rural Fire Protection District, A Colorado Special District (referred to herein as “District”), to become effective \_\_\_\_\_, 2020, regardless of the date when the parties actually sign it.

#### 1. Recitals

For the purpose of interpreting and giving effect to this Agreement, the Town and the District agree to the truth and the accuracy of the following:

- a. The Town is the owner in fee simple of an approximately 25 acre site known as the Mill Site Park in the Town generally located south of West Park Street and west of 3<sup>rd</sup> Street (the “subject property”) as described in the Correction Deed recorded as Reception # 520018 in the Gunnison County real property records.
- b. District has submitted to the Town an application for an expansion to the Marble Fire Station # 83 of approximately 2058 ft.<sup>2</sup> (the “Application”), together with requests for a new lease for the expanded station facility which has previously been considered and approved by the Town.
- c. This Agreement constitutes the Development Improvements Agreement between the Town and the District regarding the expansion of Station # 83.
- d. The obtaining of final approval of the Application will inure to the District's benefit.
- e. The District recognizes and acquiesces in the jurisdiction and the power of the Town to review the Application and set reasonable restrictions and conditions required of the District in this Agreement, joins in the imposition of them, and agrees to perform each and every one of them.
- f. On May 7, 2020 the Board of Trustees of the Town of Marble, after holding all necessary public meetings, reviewed, discussed and approves the Attached Development Agreement, which document is being recorded in the Office of the Gunnison County Clerk and Recorder. The terms and conditions of this Agreement will be faithfully performed by the District.



2. **Specific Conditions.**

District hereby agrees to the following conditions of approval by the Town:

a. That all representations of the District made in the Application and in statements during the public meetings before the Town shall be considered conditions of approval. In the event it is determined by the parties that there is an omission in this Agreement or that this Agreement or other agreement between the parties does not correctly address or include all representations of the District, the agreement of the parties, or the conditions of approval by the Town, the parties may execute an amendment to this Agreement or such other agreement as may be necessary to correct such omitted or incorrect matter.

b. That the Town has approved an updated Firehouse Lease for Fire Station # 83 by the adoption of Ordinance No. 1- Series of 2020 on March 5, 2020, which supersedes the Intergovernmental Firehouse agreement between the Town and the District which was entered into on February 4, 1984. This updated Firehouse Lease expands the leasable area used by the District to 0.453 acres. This Lease has been recorded at Reception # \_\_\_\_\_ in the Gunnison County Clerk and Recorder's Office.

c. That the improvements required to be completed by the District in connection with the Town's approval of the Application and other obligations of the District shall be followed pursuant to this Agreement as well as any conditions noted in the approval and issuance of the building permits for this project. The required improvements are described herein and are displayed on **Exhibit A** attached hereto and incorporated herein by this reference.

d. Other permits such as a Street Cut Permit and an On-site Waste Treatment System (OWTS) permit will also need to be obtained as part of the building permit by the General Contractor (PNCI Construction Inc.). These will be noted in subsequent paragraphs in this Agreement.

The District will pay for the Town's actual out-of-pocket expenses incurred in reviewing plans and performing inspections related to the Application and the project, which are expected to include Building Plan Review and Inspection Services to be provided by Cadfish LLC, as specified in the Agreement between the Town of Marble and Cadfish LLC which is incorporated by reference into this document and attached, and plan review and inspections by CBO, Inc. of the OWTS system designed by Sopris Engineering, as specified in the Agreement between the Town of Marble and CBO, Inc. which is incorporated by reference into this document and attached.

e. The Town of Marble will provide any invoices to the District related to these expenses the first day of each month. The District will review these invoices at the next available District Board meeting. The District will pay these invoices to the Town no later than the 15<sup>th</sup> of each month.

f. The District hereby agrees to comply with all of the terms and conditions of this Agreement, terms of the Building Permit, the Construction Management Plan and related

materials (*Exhibit B*) and any other Agreements or documents adopted by the Town as part of this Agreement.

### 3. **Site Plan Approval.**

The District has submitted an architectural site plan, building elevations, floor plans and other related information relative to a building permit submittal in order for the Town Board of Trustees to review the development plan in relationship to the requirements of the Town of Marble Zoning Code. The property is located in the Public Use (P) Zone. The expansion of the fire station is a "Use by Right," which does not require consideration by the Board of Trustees prior to issuance of a building permit. Town of Marble Zoning Code, Section 7.2.20. However, the Firehouse Lease gives the Board the right to review and approve the plans for the project. In the Public Use Zone, there is no minimum lot size, there is a 10 foot side setback, a 10 foot rear setback, a 30% maximum floor area ratio, a 10,000 square-foot maximum building square footage, and a maximum 28 feet building height. Town of Marble Zoning Code Section 7.2.30. The plans submitted by the District comply with these requirements.

#### **Parking**

The Board has discretion in approving a parking plan and the number of parking spaces associated with development of a government owned facility in the P Zone District. The District proposes to utilize parking spaces currently designated and assigned for Fire District personnel immediately south of the present Fire Station. This area will continue to be available for parking for the District now and in the future. As part of the Construction Management Plan, the existing 9 angle parking spaces just northwest of the Fire Station along West Park Street will be available for parking for construction personnel for the duration of the construction. In order to continually provide access and parking for visitors to the Mill Park Site now and in the future, the District will construct 10 new parking spaces on the south side of the south side of West Park Street and east of the extension of West 4th Street as newly labeled on the Town of Marble Historic Marble Mill Site improvements plan developed by Sopris Engineering and attached as Exhibit C. These new parking places will be constructed at the commencement of the project. Sopris Engineering will provide an engineering detail outlining the construction specifications

The Town hereby accepts and approves the Site Plan and Parking Plan for the Marble Fire Station # 83. This plan shows approximately 2058 ft.<sup>2</sup> of new construction which generally consists of new vehicle equipment bays, a 30' x 30' multipurpose room and improved office, communication and restroom facilities. All construction of Fire Station improvements and infrastructure improvements adjacent to and within the public rights-of-way will remain the obligation of the District. The Town will assume maintenance responsibility of all public improvements within public streets and easements (such as graded rights-of-way, parking spaces along West Park Street and repaired Street cuts from any utility placement and construction). After final inspections are completed on the Fire Station Expansion and a Certificate of Occupancy obtained maintenance, repair and replacement of the water service line to the fire station will be the responsibility of the Fire District during the term of the lease. The District will be responsible for any improvements or repair to the driveway apron to the Fire Station during the term of the lease.

#### 4. Additional Conditions of Approval/Improvements.

District hereby agrees to the following conditions of approval by the Town for installation of the Public Improvements:

The District has presented to the Town and the Town will approve the site plan, building permit package, the Construction Management Plan, plans for the OWTS and engineered plans and specifications necessary for installation of the water service line and Fire hydrant as part of the project. Some of this review will occur during and concurrently with the building permit review, by Town staff or retained consultants. In addition to the requirements expressly set forth in this Agreement, plans including construction details and specifications include the documents listed below that are incorporated herein by reference:

- EXISTING CONDITIONS MAP
- SITE PLAN/LANDSCAPE PLAN
- UTILITY/OWTS PLAN
- CONSTRUCTION MANAGEMENT PLAN
- LANDSCAPE PLANTING PLAN
- FLOOR PLANS
- BUILDING ELEVATIONS

#### 5. Project Improvements.

The Public Improvements and all other improvements associated with the fire station expansion project (together, the "Project Improvements") shall be completed in accordance with the following conditions, in addition to the requirement of the various architectural and Engineered Plans and Specifications submitted to the Town:

- a. Stormwater Drainage during construction. Best Management Practices and procedures as required by the State of Colorado as it pertains to Stormwater Management or Gunnison County standards for grading and drainage outlined in the Land Use Code will be followed. The Best Management Practices will include provisions to restrict water leaving the site accordingly – these may include straw wattles, silt fencing, berms, inlet covers or other approved methods.
- b. Domestic Water and Fire Hydrant. The District will tie into the water system provided by the Marble Water Company and ensure that the water service line meets the design specifications for the project. The District will install a new Fire Hydrant, in accordance with the Marble Water Company standards, location shown on the engineering plans by Sopris Engineering. The District will work with The Marble Water Company and obtain a certificate for a Water Tap. The General Contractor will apply for and obtain a Street

cut permit according to Town procedures after the certificate from Marble Water Company is obtained. The Street cut will be restored per Town Procedures.

- c. On-site Waste Treatment System (OWTS). Sopris Engineering will design the OWTS and the General Contractor will apply for the OWTS permit. Review of the permit will be done by CBO Inc. The District will pay for the services supplied by CBO Inc. The Agreement between the Town of Marble and CBO Inc. is included by reference as part of this agreement. The OWTS will be installed by a licensed installer.
- d. Electric. Provision of Electric Service shall be installed in accordance with requirements and plans and specifications approved by Holy Cross Electric.
- e. Gas Distribution System. Natural gas distribution is not available within the Town of Marble. Propane service will be designed as part of the project and installed by the District per required codes.
- f. Soils Testing. A Geotechnical Engineering Report prepared by CTL Thompson dated December 2, 2019 has been performed as part of the project scope of work. All construction and site activities will be performed in conformance with the report recommendations.
- g. Dust/Street Cleanup. During construction, the District shall comply with all reasonable directives of the Town to suppress dust and shall take steps to require that all construction traffic be free of mud when entering public streets within the town. The General Contractor shall promptly cleanup debris from the construction site on town streets.
- h. Street Cuts. Any Street cut shall only be undertaken after obtaining a Street Cut Permit from the Town. Any asphalt street cuts made by the District will be repaired per the detail sheet attached to the Street Cut Permit issued by the Town.
- i. As-Builts Drawings. Upon completion of the project, the District will have a Colorado-registered Professional Surveyor or Engineer who has personally inspected the site prepare and submit to the Town one electronic copy of surveyed as-builts showing all of the public improvements constructed as well as the final building footprint These as built drawings shall also include the On-site Waste Treatment System location.
- j. Computer Construction Drawings. The as built drawings noted in paragraph "i" above will also be submitted to the Town as an electronic computer file in CAD format upon completion of the improvements required by this Agreement.
- k. Landscaping. Landscape improvements within public rights-of-way and the Fire District lease area shall be installed in accordance with the Plans and Specifications and the Landscape Plan attached as **Exhibit D** and incorporated herein by this reference. The

District shall provide a warranty on all public street trees to extend for a period two years after initial planting or replacement of each tree.

- l. Construction shall be completed in accordance with the "Noise Abatement" provisions of the Marble Zoning Code (Section 7.2.90).

## 6. **Construction Management.**

The District has submitted a Construction Management Plan and the Town shall approve this prior to issuance of any building permits. The terms and conditions of such Plan are incorporated fully herein as terms and conditions of this Agreement, provided that in the case of any inconsistency between the terms of such Plan and the terms of this Agreement, this Agreement shall govern. After construction is completed, all soils that are disturbed during construction shall be reseeded, irrigated to re-establish vegetation, and thereafter kept reasonably free of noxious weeds. The District shall have a pre-construction meeting with Town representatives in attendance.

- a. Fencing. The construction site will be fenced off to protect the site for construction activities and for public safety. The fence will be in chain link panels, approximately 5 feet in height. There will be gates enclosing the concrete apron, and these will be moved each day for apparatus and other activities. Vehicles would generally be stored on the apron. General Contractor will need to make room in this area and on the small parking area immediately south of the station for rescue squad/incidents. Extent of and location of fencing detailed on the Construction Management Plan.
- b. Access to site. Construction materials will be directed into the site along 3<sup>rd</sup> St., South of the present fire station. This area is shown on the Construction Management Plan.
- c. Storage. All construction materials will be stored within the fencing establishing the limits of construction. 1 storage container will be located on site so that much of the material within the present Vehicle Bays can be stored nearby without moving these items on a daily basis. Approximate location is on the west side of the parking area just south of the parking spaces designated for fire district volunteers south of the Fire Station and indicated on the Construction Management Plan.
- d. Limits of Construction. Limits of construction activity and site disturbance are shown on the Construction Management Plan and this will be the area contained within the aforementioned construction fencing. The Basketball court is not within the limits of construction area.
- e. Gates. Gates will be provided at the limits of the construction fencing in proximity to the access apron. Access needs to be provided to the present station for fire, emergency medical activities and other such incidents. General Contractor will coordinate construction activities with required Fire Station access on an as-needed basis.

- f. Landscaping. A Landscape Plan will be provided as part of the Construction Management plan. Trees needing to be removed will be identified at a walk-through meeting by the District Design Team and Town Personnel prior to any construction taking place. Trees of significant size will be limbed and the useful tree trunks removed and stored initially at the Marble Campground for town use. Debris and excess limbed material will be stored on site, chipped and removed by the district. The Landscape Plan will indicate replacement trees/vegetation. Reseeding and restoration will be indicated on the Landscape Plan and all reseeded and planting will be done with materials appropriate to Marble climate and location. All trees within the construction zone but not designated for removal will be protected to the satisfaction of Town Staff or representatives.
- g. Construction Hours. Construction will take place Monday through Friday. Construction times are designated from 8 AM to 6 PM. No construction will occur on weekends. Construction activities will not take place on the following weekends and dates.
- July 4 weekend – specifically from July 3 through July 5
  - Labor Day weekend – Friday through Monday. Specifically, September 4 through September 7
  - Marble Fest – August 7-9
- h. Repair/restoration. Any damage to Town Property or town right-of-way will be restored by the general Contractor or by those acting on its behalf.
- i. Public Health Orders. Due to Covid 19, Gunnison County has issued a series of Public Health Orders and the issuance of these orders may continue for the foreseeable future. These Health Orders have and may continue to affect construction projects. If necessary, the District or PNCI will obtain and express, written exemption from the County Public Health Director as necessary.

## 7. **Inspections**

During the installation by the District of the Public Improvements or to Town property, the Town may:

- a. Inspect the work in progress with such personnel as the Town deems necessary.
- b. Require the production and inspection of the plans and specifications of the District and any contractor or subcontractor working on its behalf in connection with the work in progress.
- c. Require the District to obtain and pay for inspections, soils composition tests, compaction tests, concrete tests, asphalt tests, or such other tests of materials and work as may be necessary in the Town's opinion to ensure that the work in progress is being performed according to the Town's specifications, the Engineered Plans and Specifications, and this Agreement.

**8. Certificates and Permits**

No certificate of occupancy shall be issued for or relating to the Station improvements except to the extent that the District has constructed all Public Improvements (including parking facilities) and other Station Expansion Improvements, and other items included in this Agreement required to serve that structure or improvement.

**9. Repairs**

The District shall repair and repave all streets and roads of the Town damaged by the District's installation of improvements and utilities external to the Development, and shall repair and/or repave all Town owned property damaged by the installation of improvements or utilities within the Development by the District or those acting under it or on its behalf.

**10. Non-Waiver**

Any indulgence by the Town to the District as to the performance of any portion of this Agreement and any waiver by the Town as to the District's performance or non-performance of any part of this Agreement shall not be deemed or considered to be an indulgence or waiver of any other part of this Agreement or any subsequent non-performance by the District.

**11. Final Agreement**

To the extent that this Agreement is in conflict with any prior agreement between the parties, this Agreement supersedes and controls with respect to said areas of conflict. In all other respects, said prior agreements shall remain in full force and effect.

**12. Modifications**

This Agreement shall not be amended, except by subsequent written agreement of the parties.

**13. Release of Liability**

It is expressly understood that the Town cannot be legally bound by the representations of any of its officers or agents or their designees except in accordance with the Town of Marble Code and Ordinances and the laws of the State of Colorado, and that District, when dealing with the Town, acts at its own risk as to any representation or undertaking by the Town officers or agents or their designees which is subsequently held unlawful by a court of law.

**14. Invalid Provision**

If any provisions of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, all of which other provisions shall remain in full force and effect. It is the intention of the parties hereto that, if any provision of this Agreement is capable of two constructions, one of which would render the provision void, and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

**15. Governing Law**

The laws of the State of Colorado shall govern the validity, performance, and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that the venue of such suit or action shall be in Gunnison County, Colorado.

**16. Notice**

All notices required under this Agreement shall be in writing and shall be hand-delivered or sent by certified mail, return receipt requested, postage prepaid, to the addresses of the parties herein set forth. All notices so given shall be considered effective upon delivery or seventy-two (72) hours after deposit in the United States mail with the proper address as set forth below. Either party by notice so given may change the address to which future notices shall be sent.

Town: Ron Leach, Town Administrator  
Town of Marble  
322 W. Park Ave.  
Marble, CO 81623  
leach@townofmarble.com

with copy to: Law of the Rockies  
Attn: Kendall Burgemeister  
kburgemeister@lawoftherockies.com

District: Carbondale & Rural Fire Protection District  
c/o Rob Goodwin, Chief  
300 Meadowood Drive  
Carbondale, CO 81623

**17. Recording Fees**

The District shall pay for the costs of recording this Agreement and any documents which may be recorded according to the terms of this Agreement.

**18. Titles**



The Section titles in this Agreement are for convenience only and are not to be used to construe or interpret this Agreement.

**THE TOWN OF MARBLE**  
a Colorado statutory municipal corporation

By: \_\_\_\_\_  
Ryan Vinciguerra, Mayor

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Ron Leach, Town Clerk





Business • Real Estate • Land Use

P: 970-349-2009 • F: 970-797-1023

www.hucksteplaw.com • info@hucksteplaw.com

P.O. Box 2958 • 223 Elk Avenue, Unit 202B • Crested Butte, CO 81224

April 27, 2020

VIA ELECTRONIC MAIL ONLY TO: [leach@townofmarble.com](mailto:leach@townofmarble.com)

Town of Marble  
Attn: Ron Leach, Town Administrator  
322 West Park Street  
Marble, CO 81623

**RE: R014081/REQUEST FOR ACCESS EASEMENT ACROSS TOWN OF MARBLE LANDS**

Dear Ron:

Thank you for speaking with me on March 23, 2020, regarding a potential access easement across certain lands owned by the Town of Marble (the "Town"). At your request, I am preparing this information in advance of the May 7, 2020 Marble Town Council meeting. Both I and my client, Jim Maynard, anticipate being available for discussion and consideration by the Town Council on May 7. We anticipate attendance at the May 7 meeting will be by phone or videoconference, unless current Gunnison County Public Health Orders are modified or repealed.

Mr. Maynard is currently under contract to purchase a parcel of land identified as Parcel Number 2917-263-00-012 and Account Number R014081 with the Gunnison County Assessor (the "Property"). The 48.5-acre Property is located just south and west of Town, across the Crystal River, directly south of the Marble Institute of Colorado. A site image is included with this letter and marked as **Exhibit A**.

The Property is not accessible by any existing roads or easements. After review of the Property topography, adjacent land topography, the Crystal River and neighboring parcels, Mr. Maynard has concluded that the easiest and most logical access path to the Property crosses lands owned by the Town of Marble. Mr. Maynard's conceptual idea is for an access driveway spurring off of West 3rd Street after it crosses the Crystal River (and turns into the Marble Quarry Road), across Parcel Number 2917-264-00-012, which is owned by the Town of Marble (the "Town Parcel"). A very preliminary depiction of a potential path for the access driveway is shown on **Exhibit A**.

Crossing the Town Parcel would allow for a natural and compliant driveway grade, without significant switchbacks. The access driveway would be private and for the exclusive use of the Property owner, their guests, invitees and agents. The driveway location shown on **Exhibit A** has not been reviewed by an engineer. Mr. Maynard is amenable to changes the Town sees fit, should it agree to grant an easement across the Town Parcel.

Mr. Maynard is optimistic that the Town will look favorably upon his request for an access easement crossing the Town Parcel. If the Town grants access across the Town Parcel, Mr. Maynard intends to construct a residential home on the eastern part of the Property with the objective of eventually building at least one additional residential structure on the Property.

It has come to Mr. Maynard's attention that the Town may be seeking to identify lands on which to build a water augmentation pond. Our understanding is that the Town has a need to store approximately 10 acre feet of water in such a pond.

Mr. Maynard is willing to discuss the possibility that a water augmentation pond be constructed on the Property. This would require significant due diligence to determine if the Property is suitable for the Town's required uses.

Mr. Maynard is still in the preliminary planning phase for purchase of the Property. Establishing a cooperative agreement for access is Mr. Maynard's preferred path forward. If the Town can benefit from locating a water augmentation pond on the Property, then Mr. Maynard suggests the parties begin working towards a cooperative arrangement. Additionally, if the Town believes there is a more congruent access point or driveway location, Mr. Maynard will give it consideration.

I am sure you understand that time is of the essence with respect to the driveway access. We hope to identify whether the Town is interested in pursuing a cooperative access agreement with Mr. Maynard. We ask that you consider directing your attorney to engage with our firm to negotiate an access agreement. We also ask that the Town Council provide feedback and direction as to whether an agreement should take into account the possibility of a Town water augmentation pond on the Property.

Both I and Mr. Maynard look forward to a productive visit with you on May 7, 2020.

Sincerely yours,

HUCKSTEP LAW, LLC



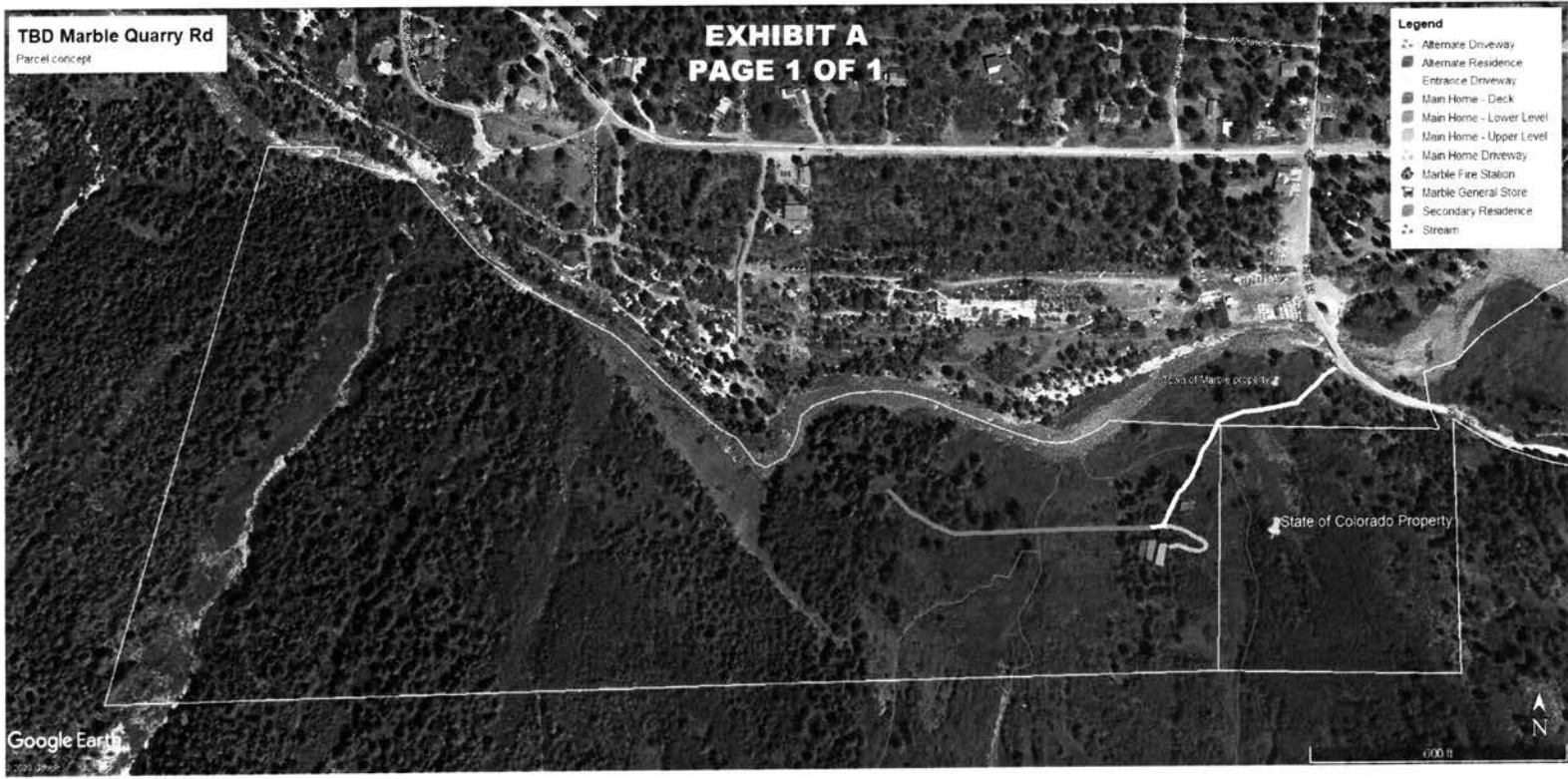
Aaron J. Huckstep

cc: Jim Maynard

TBD Marble Quarry Rd  
Parcel concept

# EXHIBIT A PAGE 1 OF 1

- Legend**
- Alternate Driveway
  - Alternate Residence
  - Entrance Driveway
  - Main Home - Deck
  - Main Home - Lower Level
  - Main Home - Upper Level
  - Main Home Driveway
  - Marble Fire Station
  - Marble General Store
  - Secondary Residence
  - Stream



Google Earth

000 ft

# OWTS Application

Town of Marble  
322 W. Park St  
Marble, CO 81623

Type of Application (check one):  New OWTS installation  OWTS Repair or Alteration

## Applicant Information (owner of property):

Name: Marie and Christy Villalobos  
Mailing Address: 620 West Park Street  
City: Marble State: CO Zip: 81623  
Daytime Phone: 970-963-7117 Evening Phone: same Cell Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email Address: mariesmarble@yahoo.com

## Licensed OWTS System Contractor Information:

Name: KDLAID  
Mailing Address: 105 E. Main Street  
City: Marble State: CO Zip: 81623  
Office Phone: 970-963-7173 Cell Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

## OWTS System Designer Information:

Name: Carla Estberg / CBC Septic Consulting  
Mailing Address: 33 Four Wheel Drive Road  
City: Arbonate State: CO Zip: 81623  
Office Phone: \_\_\_\_\_ Cell Phone: 970-309-8259  
Fax: \_\_\_\_\_ Email Address: carla.estberg@gmail.com

## Building Contractor (if applicable):

Name: Marie Villalobos  
Mailing Address: same as above  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Office Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

## Agent for Applicant (if person requesting OWTS Permit is other than Applicant or Licensed OWTS Contractor):

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Office Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Parcel Information:**

Legal Description of Parcel: lots 1-4 and 1/2 of lot 5  
lots 1/2 of lot 20 and lots 21-24 block 42

Street Address: 620 West Park St. / 630 W. Park St.

Parcel Size: 54,750 (square-feet) acres (circle one)

**You must attach a copy of the recorded deed conveying the subject property to the Applicant.**

**Project Information:**

Residential  Commercial (check one)

Description of existing and proposed land uses of the property to be served: \_\_\_\_\_

Square footage of structure(s) served: 4,000

If Project is residential:

Number of bedrooms: 5 (five)

Number of Bathrooms: 3 (three)

Number of Kitchen Facilities: 2 (two)

Dishwashers: 1 (one)

Garbage Disposals: 1 (one)

Clothes Washers: 2 (two)

If Project is commercial, in addition to the applicable information requested above, describe the number and type of improvements that will drain into the OWTS system, the estimated number of persons who will use the improvements, and hours and seasons of operations: \_\_\_\_\_

**Proposed or existing water source:**

Well, Permit No. existing since 1997

Marble Water Company tap

Cistern

Other: \_\_\_\_\_ (describe)

Copy of well permit or proof of water tap, as applicable, shall be submitted with this Application.

**The following information must also be included with the OWTS Application:**

1. Report from Site and Soil Evaluation (see Section 5, below);
2. Current Improvement Survey Plat or Improvement Location Certificate for the subject property;
3. Design Document (see Section 5 of the Town's OWTS Regulations) stamped by a licensed Engineer, including a legible, scaled, accurate site plan which shows pertinent physical features on subject property, and on adjacent properties, as noted in Table 7-1 of the Town's OWTS Regulations; and
4. Other information, data, plans, specifications and tests as required by local public health agency. When specific evidence suggests undesirable soil conditions exist, additional hydrological, geological, engineering or other information provided by a professional engineer or geologist may be required to be submitted by the applicant.
5. Letter of authorization to act on Applicant's behalf (if agent is obtaining permit on behalf of Applicant)

**The following fees must be submitted by an applicant at the time the permit application is submitted to the Town:**

1. A non-refundable application fee of **\$100**
2. A permit fee of \$900 for new installations and **\$200** for repairs and alterations to cover the cost of inspections and other services performed by the Town. Any portion of the permit fee that is not used to cover out-of-pocket expenditures by the Town in reviewing the application shall be refunded if the permit is not issued.
3. A surcharge fee of **\$23**, of which the Town shall retain three dollars and twenty dollars shall be transmitted to the state treasurer, who shall deposit that sum in the water quality control fund created in section 25-8-502(1)(c), C.R.S.

**The following steps must be completed to obtain final approval of a permit:**

1. A site and soil inspection is required prior to application submittal. The applicant shall contact the Town to schedule an on-site meeting.
2. The Town must determine whether the information provided in the permit application, site and soil evaluations, assumptions and calculations, and design of the proposed OWTS are in compliance with the requirements of the OWTS Act and regulations adopted pursuant thereto. If the submittal is determined to be in compliance, authorization to begin installation may be given.
3. A final site inspection after the system has been placed in the grounds and the elements connected, but before it has been backfilled or placed into use, is required. The applicant or the systems contractor must provide the Town and the engineer, if engineer-designed, with notice that the progress of the work has been sufficiently completed to allow inspections to determine if all work has been performed in accordance with the permit requirements and to determine compliance of the system with the OWTS Act and the regulations adopted thereunder.



4. Final approval of the permit by the Town is contingent upon:
- a. Receipt of letter from the engineer certifying construction of system as designed, if engineer-designed;
  - b. Receipt of an as-built "Record" drawing; The record drawing shall be drawn to scale and include a graphic scale bar. The drawing shall show the locations and descriptions of the OWTS components, as installed. Applicable information relative to locating and maintaining the OWTS components shall be included.
  - c. Final inspection by the Town, prior to backfilling, confirming that the OWTS was installed according to the permit requirements and regulations or variances to the regulations; and
  - d. Identification of the system contractor.

In signing this application, I acknowledge that:

- I have received a copy of the Town of Marble On-Site Wastewater Treatment System Regulations
- Any permit issued will expire one year after issuance if construction has not yet commenced;
- Any change in plans or specifications will invalidate the permit unless approved in writing by the Town of Marble;
- In the event that a permit is issued, installation of the OWTS must be in accordance with the permit, and the Town's designated representative shall be allowed to make a final inspection of the OWTS prior to backfill.
- The issuance of a permit and specifications of terms and conditions therein shall not constitute assumption of liability, nor create a presumption that the local public health agency or its employees may be liable for the failure or malfunctioning of any system. Permit issuance shall not constitute a certification that the system, the equipment used in the system, or any component used for system operation will ensure continuous compliance with the provision of the OWTS Act, the regulations adopted thereunder, or any terms and conditions of a permit.

Applicant Signature: Wesley L. Hobbins Date: 4/25/20

4/28/20

Dear Town of Marble,

Please consider this septic repair to our system. We are asking for an easement for town park property of five to ten feet once our survey is complete. Thank you for your consideration.

Sincerely,

Mario + Christy Villalobos  
620 W. Park St.  
Marble, CO 81623



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.





**GRANT OF EASEMENT AND EASEMENT DEED**

This Grant of Easement and Easement Deed is made this 19<sup>th</sup> 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 19<sup>th</sup> day of July 2006.

MARIO VILLALOBOS

*Mario Villalobos*  
\_\_\_\_\_

CHRISTY 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 19<sup>th</sup> day of July, 2006.

My Commission Expires: 2-11-08

*Ann Marshall*  
\_\_\_\_\_  
NOTARY PUBLIC

Marble-Easement Deed

Township 11 South, Range 88 West, 6th P.M.

Section 26: A parcel of land situated in the NE1/4SW1/4 of said Section, said parcel being described as Lots 1-4 and the W1/2 of Lot 5 and the W1/2 of Lot 20 and Lots 21-24 and the adjoining alley of Block 42, TOWN OF MARBLE as shown on the 1914 map of said town and being more particularly described as follows:

Commencing at the West quarter corner of said Section 26 (whence the witness corner to said Section 26, a 3" brass cap L.S. #3317 in place, bears N 00°04'00" W 290.40 feet); thence S 89°02'43" E 1386.98 feet to the Northwest corner of Lot 1 of said Block 42, said point also being on the southerly right-of-way of Park Street, THE TRUE POINT OF BEGINNING; thence S 89°38'36" E along the northerly line of said Block 42 and the southerly right-of-way of Park Street 112.50 feet to the northeast corner of the W1/2 of Lot 5 of said Block 42; thence leaving said southerly right-of-way S 00°21'24" W 220.00 feet to the southeast corner of the W1/2 of Lot 20 of said Block 42; thence N 89°38'36" W along the southerly line of said Block 42 112.50 feet to the southwest corner of Lot 24 of said Block 42; thence N 00°21'24" E along the westerly line of said Block 42 220.00 feet to the TRUE POINT OF BEGINNING,

EXCEPTING THEREFROM the East-West alley between Lots 1-4 and the W1/2 of Lot 5 on the North and the W1/2 of Lot 20 and Lots 21-24 on the South of West Park Street Addition, Block 42 to the TOWN OF MARBLE,

County of Gunnison,  
State of Colorado.