

Town of Marble
Ordinance Number 4
Series of 2014

AN ORDINANCE APPROVING A LICENSE TO ENCROACH UPON HILL STREET

WHEREAS:

- A. The Town of Marble (the "Town") is a statutory town organized pursuant to Colorado Law, C.R.S. §31-1-101 *et seq.*;
- B. The Town is authorized to regulate the use of Town streets, C.R.S. § 31-15-702(1);
- C. The Town is the owner of platted street known as Hill Street, as shown on the plat and declaration for the Marble Townsite, recorded April 11, 1900 in the Book of Plats at page 93; and as shown on the Map of Marble and West Park Street Addition, Gunnison County, Colorado, recorded in 1915 at Reception No. 125614, both in the real property records of Gunnison County, Colorado ("Hill Street");
- D. RamsTrace Family Trust, LLC, a Colorado limited liability company ("Licensee") is the owner of Lots A-I, K-M, Block 3, Town of Marble, Gunnison County, Colorado, also known as 105 E. Marble Street, Marble, Colorado ("105 E. Marble");
- E. Licensee is also the owner of Tract B, Schofield Placer Subdivision, according to the plat thereof recorded August 3, 2007 at Reception No. 577586 in the real property records of Gunnison County Colorado, also known as 105 E. Hill Street, Marble, Colorado ("105 E. Hill");
- F. Hill Street runs between 105 E. Marble and 105 E. Hill;
- G. Licensee desires to install an ISDS to serve buildings constructed on 105 E. Marble (the "ISDS");
- H. Licensee desires for the septic tank and leach field of the ISDS to be situated on 105 E. Hill;
- I. In order to connect the septic tank and leach field situated on 105 E. Hill with the buildings situated on 105 E. Marble, Licensee would need to install an underground pipeline that crosses underneath Hill Street as shown on Exhibit A (the "ISDS Encroachment");
- J. 105 E. Hill is situated in unincorporated Gunnison County, however, the Town of Marble has entered into an intergovernmental agreement with Gunnison County authorizing the Town of Marble to permit and regulate the installation of an ISDS on 105 E. Hill to serve 105 E. Marble;
- K. Licensee has requested a license from the Town authorizing the ISDS Encroachment;
- L. The Town is willing to grant a license to encroach concerning the ISDS Encroachment in accordance with the terms and conditions set forth in the License to Encroach attached hereto; and

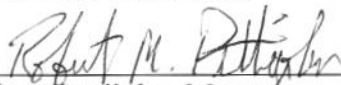
M. The Town has determined that the license granted herein is in the best interests of the Town.

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

1. The Town shall grant a license to encroach for the ISDS Encroachment utilizing a license agreement containing all of the material terms and conditions included in, and that is otherwise substantially similar to, the one attached hereto as Exhibit A.


INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of February, 2014 by a vote of 4 in favor and 0 opposed, with 1 abstention.

TOWN OF MARBLE:



Robert Pettijohn, Mayor

ATTEST:



Ron Leach, Clerk