

Ordinance No. 304
Town of Rico

AN ORDINANCE APPROVING A LEACH FIELD LINE EASEMENT TO CROSS THE ALLEY ON BLOCK 17, TOWN OF RICO AND ENTERING INTO A WASTE WATER TREATMENT CONNECTION AGREEMENT WITH PETER T. CARTER

WHEREAS, the Board of Trustees of the Town of Rico finds that granting an easement for a leach field line will not impair the Town's use of the Block 17, Town of Rico, alley right-of-way; and,

WHEREAS, the Board of Trustees of the Town of Rico finds that entering into a Waste Water Treatment Connection Agreement with Peter Carter will promote the future health, safety and welfare of the Rico Community by requiring the prompt connection to a waste water treatment system and the abandonment of the leach field line when such connection is available;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO the following:

Section 1. Execution of Leach Field Line Easement and Waste Water Treatment Connection Agreement Authorized

The Board of Trustees of the Town of Rico hereby authorizes the execution of the Leach Field Line Easement and Waste Water Treatment Connection Agreement, attached hereto as "Exhibit A" and further authorizes and directs the Mayor and Town Clerk to execute the such instrument. The Town Clerk shall cause the Leach Field Line Easement and Waste Water Treatment Connection Agreement to be recorded with the Dolores County Clerk and Recorder.

Section 2. Publication of Ordinance

After final adoption, the Town Clerk shall cause a copy of this ordinance to be posted in accordance with Resolution No. 104 of the Town of Rico, Colorado.

First Reading Introduced, Read, and Adopted this 13th day of December, 1994.

Second Reading Adopted on the 19th day of January, 1995.

By: _____

Robert Small, Mayor

Attest: _____

Linda Yellowman, Town Clerk

Exhibit A

**Leach Field Line Easement and
Waste Water Treatment Connection Agreement**

THIS GRANT OF A LEACH FIELD LINE EASEMENT AND WASTE WATER TREATMENT CONNECTION AGREEMENT ("Agreement") is made this
14th day of February, 1995, by and between the Town of Rico, a Colorado Municipal Corporation ("Town"), whose legal address is P.O. Box 56, 2 Commercial Street, Rico, CO 81332, and Peter T. Carter ("Carter"), whose legal address is P.O. Box 182, Rico, CO 81332;

WITNESSETH

WHEREAS, the Town of Rico is the owner of the alley right-of-way in Block 17, Town of Rico; and,

WHEREAS, Carter has applied to the Town of Rico for a Leach Field Line Easement traversing the alley right-of-way in Block 17, Town of Rico; and,

WHEREAS, the Town of Rico has approved such easement with the conditions that Carter enter into a Waste Water Treatment Connection Agreement with the Town of Rico and that Carter is responsible for all costs associated with the preparation of any necessary documents;

NOW, THEREFORE, in consideration of the mutual promises and agreements, and other good and valuable consideration, the receipt and sufficiency of which are hereby confessed and acknowledged, the Town and Carter hereby agree as follows:

- 1. Grant of Leach Field Line Easement.** The Town hereby sells, conveys and grants to Carter an Easement for a Leach Field Line running from the west boundary of lot 9, Block 17, Town of Rico, across the Block 17 alley right-of-way, and to east boundary of Lot 31, Block 17, Town of Rico, extending 3 feet from the center line of the Leach Field Line, and as more particularly described in Exhibit 1 attached hereto. The duration of this Leach Field Line Easement shall be until one year after the date that a Waste Water Treatment collection line is installed in Mantz Street between Blocks 17 and 18, Town of Rico. The Town of Rico reserves the right to perform any excavations for Town purposes, alley construction or repairs, and other work commonly associated with alley rights-of-way, and further reserves the right to permit other public utility companies to perform similar work and excavations.
- 2. Waste Water Treatment Connection Agreement.** Carter hereby agrees to connect to a Waste Water Treatment collection line owned by the Town of Rico or other public entity serving the Rico Community within one year of the installation of a waste water treatment line in Mantz Street between Blocks 17 and 18, Town of Rico, and further agrees to pay any connection charge in full upon connection as may be determined by the type, class, character, and location of Lots 7, 8, and 9, Block 17, Town of Rico, and any improvements thereon.
- 3. Disclosure of Agreement.** This Agreement shall be expressly referenced in any instrument conveying Lots 7, 8, and 9, Block 17, Town of Rico.
- 4. Governmental Immunity Not Waived.** By executing this Agreement, the Town does not waive, nor intend to waive, any governmental immunity which may exist pursuant to C.R.S. sections 24-10-101 *et. seq.*, as it presently exists or may hereafter be amended.

IN WITNESS WHEREOF, this Leach Field Line Easement and Waste Water Treatment Connection Agreement has been executed and delivered the day and year first set forth above.

By Town of Rico:

By: [Signature]
Robert Small, Mayor

Attest: [Signature]
Linda Yellowman, Town Clerk

State of Colorado)
) ss
County of Dolores)

The foregoing instrument was acknowledged before my this 21st day of January, 1995, by Robert Small as the Mayor of Rico and Linda Yellowman as the Town Clerk of Rico.

My Commission Expires
January 18, 1997

My commission expires _____, 199__.

Witness my hand and official seal.

[Signature]
Notary Public

Accepted by Peter T. Carter: [Signature]
Peter T. Carter

State of Colorado)
) ss
County of Dolores)

The foregoing instrument was acknowledged before my this 21st day of January, 1995, by Peter T. Carter.

My Commission Expires
January 18, 1997

My commission expires _____, 199__.

Witness my hand and official seal.

[Signature]
Notary Public