

PEOPLE'S ORDINANCE NO. 27

SERIES 1989

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE EXECUTION  
OF MUNICIPAL LEASES

WHEREAS, Section 31-15-801, C.R.S., requires that all long-term rental or leasehold agreements entered into by municipalities be concluded by ordinance in order that the leased property qualify for tax exempt status; and

WHEREAS, Section 31-1-102(1), C.R.S., provides that the provisions of Title 31 apply to home rule municipalities except insofar as superceded by Charter or ordinance passed pursuant to such Charter; and

WHEREAS, Section 15.4 of the Breckenridge Town Charter authorizes the Town Council to lease real property, but does not address the procedures to be used to conclude such leases; and

WHEREAS, the Town Council of the Town of Breckenridge desires to adopt procedures pertaining to the execution of real property leases by the Town, and thereby to supercede the provisions of Section 31-15-801, C.R.S.;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. There is hereby added to the Breckenridge Town Code a new Chapter 11 of Title 1, entitled "Real Estate Leases", which shall read in its entirety as follows:

CHAPTER 11  
REAL ESTATE LEASES

Section:

1-11-1 INTENT  
1-11-2 DEFINITIONS  
1-11-3 TOWN MANAGER AUTHORIZED TO EXECUTE LEASES  
1-11-4 LEASES REQUIRING COUNCIL APPROVAL

1-11-1 INTENT:  
It is the intent of this Chapter to adopt procedures pertaining to the execution of real estate leases by the Town, and thereby to supercede the provisions of Section 31-15-801, C.R.S. It is not the intent of this Chapter to affect in any manner the provisions of Section 31-15-802, C.R.S., pertaining to tax exempt status for property used for authorized governmental or proprietary functions of municipalities.

1-11-2 DEFINITIONS: As used in this Chapter:  
"Real Estate Lease" means any lease or rental agreement pertaining to real property entered into by the Town, either as lessor or lessee.

1-11-3 TOWN MANAGER AUTHORIZED TO EXECUTE LEASES:  
The Town Manager is authorized and empowered to execute any real estate lease on behalf of the Town, upon such terms and conditions as the Town Manager shall deem appropriate, and without Council approval, when the term of such lease, including any extension option(s) included in such lease, does not exceed one year, provided that funds are available to pay any Town obligation due under such lease during the current fiscal year from funds appropriated by the Council in accordance with law.

1-11-4 LEASES REQUIRING COUNCIL APPROVAL:  
Real estate leases the length of which, including any exten-

sion option(s) included in such lease, are longer than one year shall be approved and authorized by the Town Council by ordinance.

Section 2. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.


Section 3. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.


INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL ONLY this 12th day of September, 1989. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado, on the 26th day of September, 1989, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, Acting Town Clerk

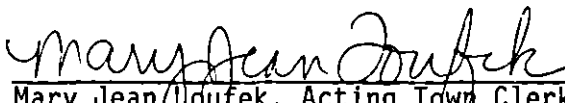
  
Stephen C. West, Mayor

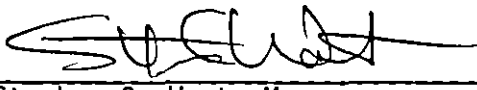
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 21, 1989.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 26th day of September, 1989.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, Acting Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM

  
Town Attorney

9/26/89  
Date

This Ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 5, 1989.