

ORDINANCE NO. 14

Series 1998

AN EMERGENCY ORDINANCE DETERMINING THE NECESSITY OF, AND AUTHORIZING THE ACQUISITION OF, CERTAIN PROPERTY FOR MUNICIPAL PURPOSES BY EITHER NEGOTIATION OR CONDEMNATION
(McCain--102.69 acres, more or less)

WHEREAS, the Town Council of the Town of Breckenridge has determined that it is necessary to the public health, safety and welfare that the fee simple absolute title to the hereafter described real property be acquired for open space, parks, recreational areas and other municipal purposes; and

WHEREAS, the subject property is to be acquired by negotiation and purchase, if possible; and

WHEREAS, the Town of Breckenridge has the power of eminent domain pursuant to the provisions of Article XX of the Colorado Constitution; Article 1 of Title 38, C.R.S.; Section 31-25-201, C.R.S.; Section 31-25-204, C.R.S.; and Article II of the Breckenridge Town Charter; and

WHEREAS, if negotiations for the purchase or acquisition of the property are unsuccessful, the Town desires to acquire title to such property by eminent domain proceedings in accordance with the laws of the State of Colorado.

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

Section 1. It is hereby determined that it is necessary to the public health, safety and welfare that the fee simple absolute title to the following described real property, to wit:

See the attached Exhibit "A", which is incorporated herein by reference
be acquired by the Town of Breckenridge for open space, parks and related municipal purposes.

Section 2. The acquisition of the subject property shall be pursued initially through negotiations with the owner(s) thereof, and, if unsuccessful, the property may be acquired through any lawful method, including eminent domain proceedings.

Section 3. The Town Manager, or his authorized representative, is authorized, empowered and directed to enter into good faith negotiations with the owner(s) of the subject property. Such negotiations are subject to final Town Council approval.

Section 4. The Town Attorney, or the designee thereof, and other proper officials of the Town, are hereby authorized to take all necessary legal measures, including the institution of eminent domain proceedings, if such good faith negotiations are unsuccessful; and such persons are further authorized to execute any and all documents necessary for the subject acquisition.

Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Article XX of the Colorado Constitution; Article 1 of Title 38, C.R.S.; Section 31-25-201, C.R.S.; Section 31-25-204, C.R.S.; and Article II of the Breckenridge Town Charter.

Section 6. The Town Council of the Town of Breckenridge hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety because of the immediate and urgent need to acquire the subject real property for the stated governmental purposes.

Section 7. Pursuant to Section 5.11 of the Breckenridge Town Charter this Ordinance shall take effect and be in full force upon adoption of this Ordinance by the affirmative votes of at least five (5) members of the Town Council.

Section 8. This Ordinance shall be published in full within ten (10) days after adoption, or as soon thereafter as possible, as required by Section 5.11 of the Breckenridge Town Charter.

ADOPTED AND APPROVED as an Emergency Ordinance this 30th day of April, 1998.

ATTEST:

Wanda J Green
Mary Jean Loufek, CMC, Town Clerk
Wanda T. Green, Deputy Town Clerk

TOWN OF BRECKENRIDGE
Stephen C. West
Stephen C. West, Mayor

APPROVED IN FORM:

[Signature]
Town Attorney
4/30/98
Date

This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 7, 1998.

EXHIBIT "A"

The real property owned by Alta McCain lying within Sections 18, 19 and 24 in Township 6 South of Range 77 West of the 6th Principal Meridian, Summit County, Colorado, generally bounded by County Road 13 to the South, U.S. Forest Service property to the West, property owned by Stan Miller to the North, and Colorado State Highway 9 to the East, including, but not limited to, the following parcels:

PARCEL A:

A PORTION OF THE ACCOMMODATION PLACER M.S. 19361 AND THE BRADDOCK PLACER M.S. 13465, SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH P.M., SITUATE IN THE COUNTY OF SUMMIT, STATE OF COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT CORNER NO. 5 OF SAID ACCOMMODATION PLACER, WHICH POINT IS, IN FACT, THE TRUE POINT OF BEGINNING, THENCE NORTH 11 DEGREES 49 MINUTES 30 SECONDS EAST 223.00 FEET ALONG LINE 5-4 OF SAID ACCOMMODATION TO A POINT, THENCE SOUTH 82 DEGREES 08 MINUTES 16 SECONDS EAST 491.68 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF COLORADO STATE HIGHWAY NO. 9, THENCE SOUTH 03 DEGREES 42 MINUTES 15 SECONDS WEST 239.25 FEET ALONG SAID RIGHT

OF WAY TO A POINT ON LINE 5-6 OF SAID BRADDOCK PLACER, THENCE NORTH 80 DEGREES 35 MINUTES 30 SECONDS WEST 524.77 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF SUMMIT, STATE OF COLORADO.

PARCEL B:

A PARCEL OF LAND LYING WHOLLY WITHIN THE FAIRVIEW PLACER M.S. 13660, SECTION 19, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH P.M. SITUATE IN THE COUNTY OF SUMMIT, STATE OF COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 10 OF SAID FAIRVIEW PLACER, WHICH POINT IS IN FACT, THE TRUE POINT OF BEGINNING, THENCE SOUTH 80 DEGREES 25 MINUTES 30 SECONDS EAST 189.54 FEET ALONG LINE 10-9 TO THE WESTERLY RIGHT OF WAY OF COLORADO STATE HIGHWAY NO. 9, THENCE SOUTH 10 DEGREES 03 MINUTES 30 SECONDS WEST 60.38 FEET ALONG SAID RIGHT OF WAY, THENCE SOUTHWESTERLY 6.83 FEET ALONG THE ARC OF A 11,400 FOOT RADIUS CURVE TO THE RIGHT, WHOSE LONG CHORD BEARS SOUTH 10 DEGREES 13 MINUTES 30 SECONDS WEST 6.33 FEET, TO THE NORTHERLY RIGHT OF WAY OF A 80 FOOT COUNTY ROAD, THENCE SOUTH 85 DEGREES 27 MINUTES 30 SECONDS WEST 201.87 FEET ALONG SAID RIGHT OF WAY TO A POINT ON LINE 11-10 OF SAID FAIRVIEW PLACER, THENCE NORTH 12 DEGREES 55 MINUTES 40 SECONDS EAST 116.64 FEET ALONG SAID LINE 11-10 TO THE TRUE POINT OF BEGINNING, COUNTY OF SUMMIT, STATE OF COLORADO.

PARCEL C:

A PARCEL OF LAND LYING WHOLLY WITHIN THE FAIRVIEW PLACER M.S. 13660, SECTION 19, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH P.M. SITUATE IN THE COUNTY OF SUMMIT, STATE OF COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 11 OF SAID FAIRVIEW PLACER, WHICH POINT IS, IN FACT, THE TRUE POINT OF BEGINNING; THENCE NORTH 12 DEGREES 55 MINUTES 40 SECONDS EAST 604.24 FEET TO THE SOUTHERLY RIGHT OF WAY OF A 60 FOOT COUNTY ROAD; THENCE NORTH 85 DEGREES 27 MINUTES 30 SECONDS EAST 204.81 FEET ALONG SAID RIGHT OF WAY TO THE WESTERLY RIGHT OF WAY OF COLORADO STATE HIGHWAY NO. 9; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 11,400.00 FEET, A DISTANCE OF 563.90 FEET WHOSE LONG CHORD BEARS SOUTH 11 DEGREES 48 MINUTES 30 SECONDS WEST 563.80 FEET ALONG SAID RIGHT OF WAY, THENCE SOUTH 13 DEGREES 13 MINUTES 30 SECONDS WEST 113.02 FEET ALONG SAID RIGHT OF WAY TO A POINT ON LINE 11-12 OF SAID FAIRVIEW PLACER, THENCE NORTH 74 DEGREES 01 MINUTES 00 SECONDS WEST 206.08 FEET ALONG SAID LINE 11-12 TO THE TRUE POINT OF BEGINNING, COUNTY OF SUMMIT, STATE OF COLORADO.