

ORDINANCE NO. 7

Series 1998

AN ORDINANCE ADOPTING THE TOWN OF BRECKENRIDGE OPEN SPACE PLAN

WHEREAS, at the general election held November 5, 1996 the registered electors of the Town approved a one-half of one percent increase in the Town's Sales Tax for the purpose of funding an open space acquisition program for the Town; and

WHEREAS, in Chapter 5 of Title 3 of the Breckenridge Town Code there was created the "Open Space Fund" consisting of a sum equal to one-half of one percent of the revenues received by the Town from the collection of the Town's Sales Tax; and

WHEREAS, Section 3-5-2 of the Breckenridge Town Code provides that the Open Space Fund shall be used solely for the purposes of funding the Town's "Open Space Plan"; and

WHEREAS, in Section 3-5-1 of the Breckenridge Town Code the Town's Open Space Plan is defined as a plan adopted from time to time by the Town Council providing for the acquisition, improvement and maintenance of public open space for the use and benefit of the citizens of and visitors to the Town of Breckenridge; and

WHEREAS, Section 3-5-3 of the Breckenridge Town Code requires that the Town's Open Space Plan be adopted by Ordinance; and

WHEREAS, the Breckenridge Open Space Advisory Commission was created by Section 2-4-1 of the Breckenridge Town Code; and

WHEREAS, pursuant to Paragraph A of Section 2-4-5 of the Breckenridge Town Code, one of the duties of the Breckenridge Open Space Advisory Commission is to formulate and recommend to the Town Council for adoption an Open Space Plan; and

WHEREAS, the Breckenridge Open Space Advisory Commission has formulated a proposed Open Space Plan, a copy of which is marked Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, the Breckenridge Open Space Advisory Commission has recommended the approval of the proposed Open Space Plan as evidenced by the Resolution of the Breckenridge Open Space Advisory Commission adopted January 12, 1998, a copy of which is marked Exhibit "B", attached hereto and incorporated herein by reference; and

WHEREAS, the Town Council has reviewed the proposed Open Space Plan; and

WHEREAS, the Town Council finds and determines that the proposed Open Space Plan satisfies the requirements of the applicable law, and should be adopted as the Open Space Plan for the Town of Breckenridge.

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

Section 1. Pursuant to Section 3-5-3 of the Breckenridge Town Code, the Open Space Plan, dated December 19, 1997 (Exhibit "A" hereto), is hereby adopted as the Open Space Plan for the Town of Breckenridge.

Section 2. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

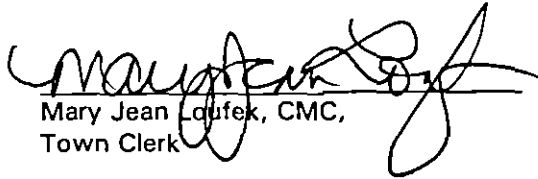
Section 3. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 3-5-3 of the Breckenridge Town Code, and the powers possessed by home rule municipalities in Colorado.

Section 4. 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 this 13th day of January, 1998. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27th day of January, 1998, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Stephen C. West, Mayor

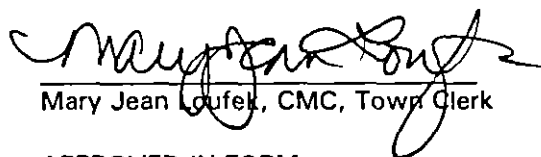
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on January 21, 1998.

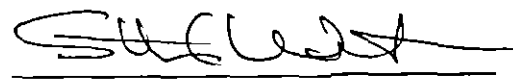
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 27th day of January, 1998.

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

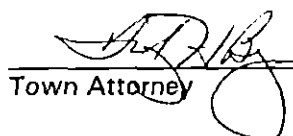
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney

1/27/98
Date

This Ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on February 5, 1998.