

ORDINANCE NO. 10

Series 1999

AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE CERTAIN REAL PROPERTY LOCATED IN THE SAW MILL PATCH PLACER, U.S.M.S. 2533, SUMMIT COUNTY, COLORADO (CrossVail Summit Resorts, Inc. -- 8.778 acres, more or less)

WHEREAS, Marilyn Cross Eliassen, Barbara Cross Tabb, James Stephen Cross, Jeffrey Schuyler Cross and Vail Summit Resorts, Inc. are the owners in fee of the hereafter described real property; and

WHEREAS, the hereafter described real property is currently located in an unincorporated area of Summit County, Colorado; and

WHEREAS, the hereafter described real property is an enclave as defined by Colorado law in that it is entirely contained within the outer boundaries of the Town of Breckenridge; and

WHEREAS, Section 31-12-106(1), C.R.S., provides that a municipality may annex an enclave by ordinance without complying with Sections 31-12-104, 31-12-105, 31-12-108 and 31-12-109, C.R.S., if said area has been so surrounded for a period of not less than three (3) years; and

WHEREAS, the hereafter described enclave has been surrounded by the boundaries of the Town of Breckenridge for not less than three (3) years; and

WHEREAS, the exceptions set forth in Section 31-12-106 (1.1), C.R.S., have been considered and found to be inapplicable to the proposed annexation;

WHEREAS, notice of the proposed annexation of the hereafter described real property has been published as required by Sections 31-12-106(1) and 31-12-108(2), C.R.S.

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

Section 1. The Town Council of the Town of Breckenridge finds and determines that with respect to the Petition For Annexation of the following described real property, to wit:

A parcel of land being a portion of the Saw Mill Patch Placer, U.S.M.S. 2533, located in Section 36, Township 6 South, Range 77 West of the 6th Principal Meridian, Summit County, Colorado and being more particularly described as follows:

Commencing at Corner No. 4 of said Saw Mill Patch Placer, thence N 84° 58' 00" W a distance of 174.97 feet along the South line of the Cross Property as described at Reception No. 99534 in the Summit County records and the intersection with line 27-1 of the Town of Breckenridge boundary, said point being the point of beginning for this description.

Thence continuing along said South line N 84° 58' 00" W a distance of 788.03 feet to the intersection with the Easterly line of a parcel described at Reception No. 471008 in the Summit County records and also being the Easterly line of the Pines at 4 O'clock (Amended) as recorded at Reception No. 487101.

Thence along said Easterly line for the following three courses:

N 05° 00' 00" E a distance of 391.11 feet.

S 78° 00' 00" E a distance of 15.00 feet.

N 05° 00' 00" E a distance of 10.50 feet.

Thence S 84° 58' 00" E and leaving said Easterly line and along the Southerly line of a parcel as described at Reception No. 91956 in the Summit County Records a distance of 203.35 feet to the Southeast corner of said parcel.

Thence N 05° 00' 00" E along the Easterly line of said parcel as described at Reception No. 91956 a distance of 105.71 feet to a point on the Southerly line of a parcel as described at Reception No. 550475 in the Summit County records.

Thence S 84° 57' 36" E a distance of 598.12 feet to a point on said line 27-1 of the Town of Breckenridge boundary.

Thence S 08° 12' 27" W along said line 27-1 a distance of 506.21 feet to the point of beginning.

submitted by Marilyn Cross Eliassen, Barbara Cross Tabb, James Stephen Cross, Jeffrey Schuyler Cross and Vail Summit Resorts, Inc., such property is an enclave as defined by the Municipal Annexation Act of 1965; has been so surrounded for a period of not less than three years; and may be

annexed to the Town by Ordinance pursuant to §31-12-106(1), C.R.S.

Section 2. The real property described in Section 1, above, is hereby annexed to and made a part of the Town of Breckenridge, Colorado.

Section 3. The annexation of the property described in Section 1 is expressly contingent upon the abovedescribed owners entering into an Annexation Agreement, in form and substance acceptable to the Town Council as evidenced by a Resolution approving such Agreement, not later than the effective date of this Ordinance. If for any reason, such owners shall have failed to enter into such an Agreement prior to such date, the Town Clerk shall not make the required filings as provided in Section 3 of this Ordinance; this Ordinance shall be null, void and of no effect whatsoever; and the property described in Section 1 of this Ordinance shall not be annexed to the Town of Breckenridge.

Section 4. Subject to the provisions of Section 2 of this Ordinance, within thirty (30) days after the effective date of this Ordinance, the Town Clerk is hereby authorized and directed to:

A. File one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk of the Town of Breckenridge, Colorado; and

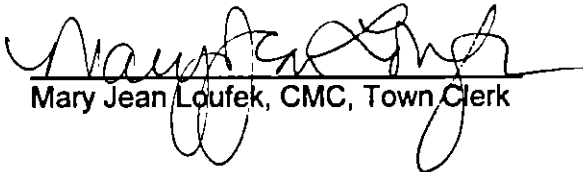
B. File for recording two certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the Summit County Clerk and Recorder.

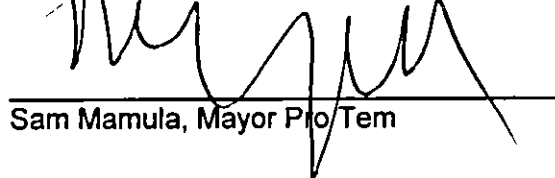
Section 4. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 26th day of January, 1999. A Public Hearing on the Ordinance shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado, on the 23RD day of February, 1999 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


Sam Mamula, Mayor Pro Tem

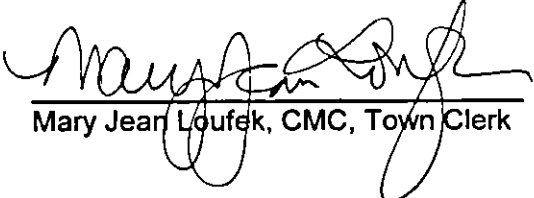
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on February 5, 1999

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 27th day of July, 1999.

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

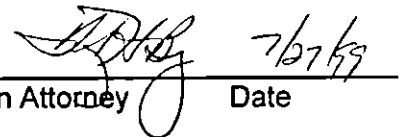
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Sam Mamula, Mayor Pro Tem

APPROVED IN FORM


Town Attorney Date

This Ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 6, 1999