

ORDINANCE NO. 5

SERIES 1999

AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE A PARCEL OF LAND LOCATED IN SECTIONS 19 AND 20, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO
(Lincoln Highlands III Limited, et al. -- 60.14 acres, more or less)

WHEREAS, the Town Council of the Town of Breckenridge has found a Petition For Annexation of the hereinafter described parcel of land to be in substantial compliance with the requirements of Section 31-12-107(1), C.R.S.; and

WHEREAS, after notice as required by Section 31-12-108, C.R.S., the Town Council held a public hearing on the proposed annexation on July 11, 1998; and

WHEREAS, the Town Council has by Resolution determined that the requirements of Sections 31-12-104 and 105, C.R.S., have been met; that an election is not required; and that no additional terms or conditions are to be imposed on the annexed area.

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

Section 1. The following described parcel of land, to wit:

A parcel of land located in Sections 19 and 20, Township 6 South, Range 77 West of the 6th Principal Meridian, County of Summit and State of Colorado and more particularly described as follows:

Beginning at corner No. 2 of the Peabody Placer (MS 4252), the corner also being corner No. 1 of the Golden Age Placer (MS 8694) and corner No. 10 of the Mumford Placer No. 4, Tract B (MS 12487); thence N 36° 11' 13" W, 1938.34 feet along the 1-2 line of the Golden Age Placer to corner No. 2 of the Golden Age Placer; thence S 53° 47' 58" W, 795.62 feet along the 2-3 line of the Golden Age Placer to corner No. 3 of the Golden Age Placer; thence N 36° 14' 26" W, 1136.76 feet along the 3-4 line of the Golden Age Placer to corner No. 4 of the Golden Age Placer; thence N 47° 27' 53" E, 1311.58 feet along the 4-5 line of the Golden Age Placer to corner No. 5 of the Golden Age Placer; thence S 36° 51' 55" E, 3221.75 feet along the 5-6 line of the Golden Age Placer to corner No. 6 of the Golden Age Placer; thence S 53° 58' 47" W, 545.00 feet along the 1-6 line of the Golden Age Placer and the 2-3 line of the Peabody Placer to the point of beginning; containing 60.14 acres, more or less

is hereby annexed to and made a part of the Town of Breckenridge, Colorado.

Section 2. The effective date of this Ordinance pursuant to C.R.S. §31-12-113 shall be the date on which the last of the following five events occur: (a) final approval by the Town of the subdivision applications filed by Lincoln Highlands III Limited ("LHIII") for Highlands Park (Filing 9) and Discovery Hill (Filing 10), (b) final approval by the Town of an amendment to the Master Plan dated March 28, 1984 between the Town and LHIII's predecessor in title and a Development Agreement extending the vested rights period with respect thereto, (c) final adoption by the Town of an ordinance amending Land Use District #6 of the Town's Land Use Guidance System, and placing the property into Land Use District #6, (d) final adoption by the Town of an amendment to the Town's Master Plan incorporating the Property into the Master Plan, and (e) conveyance by LHIII to the Town of (i) approximately 77 acres of land for use in connection with a 9-hole addition to the Town's gold course, and (ii) a parcel of land located in Section 18, Township 6 South, Range 77 West of the Sixth Principal Meridian, County of Summit and State of Colorado, more particularly described as follows: Beginning at a point from which Corner 5 of the Braddock Placer (MS 13465), also being Corner 8 of the Shekel Placer (MS 13660) and Corner 6 of the Bryan Placer (MS 14025) bears S 10° 24' 57" E, 816.66 feet; thence N 44° 04' 13" W, 537.25 feet; thence N 29° 42' 23" E, 67.52 feet; thence S 87° 06' 09" E, 303.18 feet; thence N 74° 47' 04" E, 263.46 feet; thence S 23° 09' 41" W, 178.94 feet; thence S 23° 40' 29" W, 364.64 feet to the point of beginning, containing 3.17 acres, more or less; provided, however, that if all of the foregoing events have not occurred on or before December 31, 1999, then this Ordinance shall be null and void and of no further force or effect. This Ordinance shall be effective as to general property taxes on and after January 1, 2000.

Section 3. 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

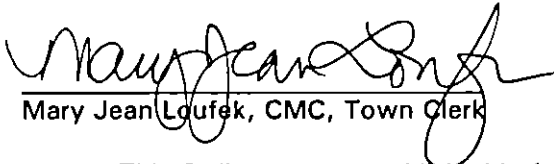
- B. File for recording two certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with Summit County Clerk and Recorder.

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 27th day of April, 1999. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8th day of June, 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

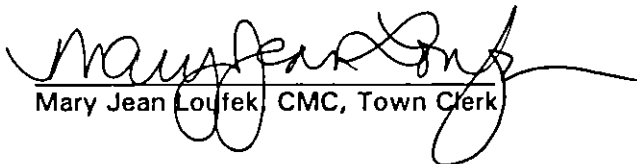

Stephen C. West, Mayor


This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on June 7, 1999.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 8TH day of June, 1999.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM


Town Attorney

6/8/99
Date

This Ordinance was published by title with amendments in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on June 18, 1999.