



ORDINANCE NO. 13

Series 2003

AN ORDINANCE FINDING AND DETERMINING THE CERTAIN REAL PROPERTY LOCATED IN THE SAW MILL PATCH PLACER, U.S. MINING SURVEY NO. 2533, SUMMIT COUNTY, COLORADO IS AN ENCLAVE UNDER APPLICABLE LAW; AND ANNEXING SUCH REAL PROPERTY TO THE TOWN OF BRECKENRIDGE
(Groll – 8.63 ACRES, MORE OR LESS)

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

Section 1. The Town Council of the Town of Breckenridge, Colorado hereby finds and determines as follows:

A. The real property described in Section 2 of this Ordinance is currently located in an unincorporated area of Summit County, Colorado.

B. The real property described in Section 2 of this Ordinance is an "enclave" as defined by Colorado law, in that it is entirely contained within the outer boundaries of the Town of Breckenridge.

C. Section 31-12-106(1), C.R.S. (which is part of the Municipal Annexation Act of 1965), 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.

D. The enclave described in Section 2 of this Ordinance has been surrounded by (i.e., entirely contained within) the boundaries of the Town of Breckenridge for not less than three (3) years.

E. 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.

F. Article II, Section 30 of the Colorado Constitution establishes additional requirements which must be met before real property may be annexed to a municipality.

G. Article II, Section 30 of the Colorado Constitution provides that an area which is "entirely surrounded" by an annexing municipality may be annexed by such municipality.

H. The real property described in Section 2 of this Ordinance is entirely surrounded by the Town of Breckenridge within the meaning of Article II, Section 30 of the Colorado Constitution.

Section 2. The following described real property is hereby annexed to and made a part of the Town of Breckenridge, Colorado, to wit:

Commencing at a point on southerly Line 4-5 of the Saw Mill Patch Placer, U.S. Mining Survey No. 2533 in the Spaulding Mining District, Summit County, Colorado, dated July 20, 1882, also located in Section 36, Township 6 South, Range 78 West of the 6th Prime Meridian, which point bears S. 84° 58' E. 872 feet from Corner No. 5 of said Placer, as described in Dependent Survey, on record with the Bureau of Land Management, and dated 5/6/1983, thence N. 6° 42' E. 522 feet to the Point of Beginning; all that land encompassed by the following borders: From the Point of Beginning, N. 6° 42' E. 478 feet, thence S. 84° 58' E. 608 feet, thence S. 6° 42' W. 823.25 feet to a point hereinafter called "H," thence S. 62° 42' W. 150 feet to a point hereinafter called "M," thence N. 6° 42' E. 103.51 feet, thence N. 84° 58' W. 116.59 feet, thence N. 6° 42' E. 322 feet, and thence N. 84° 58' W. 367 feet to the Point of Beginning;

Subject to a right-of-way for a county road, which has a northwesterly boundary line which is the straight line connecting the above mentioned points "M" and "H" and which has a southeasterly boundary line which lies fifty feet southeasterly of said line M-H and is parallel thereto, and the same length thereto, and whose southwesterly and northeasterly boundaries are perpendicular to said line M-H.

Section 3. Within thirty (30) days after the effective date of this Ordinance, the Town Clerk is hereby authorized and directed to:

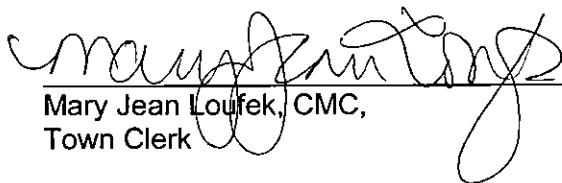
A. File one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk of the Town of Breckenridge, Colorado; and

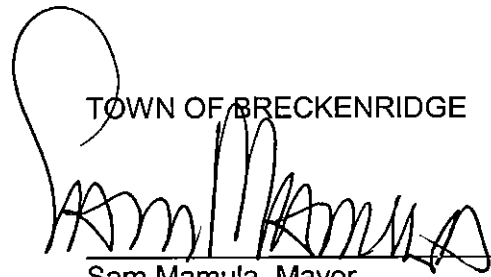
B. File for recording three certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the Summit County Clerk and Recorder.

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 11th day of March, 2003. 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 22nd day of April, 2003 at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

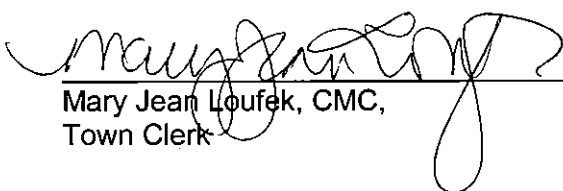
TOWN OF BRECKENRIDGE

Sam Mamula, Mayor

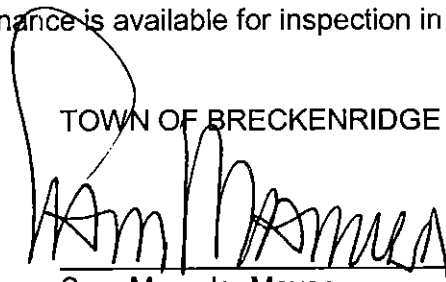
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 21, 2003.

The public hearing on this ordinance was held on April 22, 2003.

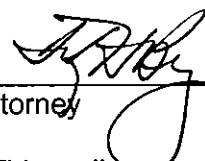
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 22nd day of April, 2003. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE

Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

4/22/03
Date

This ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 2, 2003

Return to:
Breck. Town Clerk
PO Box 108
Breck. CO 80424