

ORDINANCE NO. 32

Series 2008

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES APPENDIX "A" TO CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS", CONCERNING REQUIRED SUBDIVISION PLAT CERTIFICATES

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

Section 1. Appendix "A" to Chapter 2 of Title 9 of the Breckenridge Town Code, known as the "Breckenridge Subdivision Standards", is hereby repealed and readopted with changes so as to read in its entirety as follows:

APPENDIX A

PLAT CERTIFICATES

The following certificates and notices, properly executed and in substantially the following form, shall be shown on the face of each final subdivision plat before it is recorded with the Summit County Clerk and Recorder. Any substantive variation from the text of the certificates as shown must be approved by the Town Attorney. Any other certificates or notices that are deemed necessary for the purposes of the particular plat shall also be included at the time of its submission. Note: The following plat notes must be customized to fit the facts of the particular plat (i.e., if the owner is not an entity, but are two individuals, the reference to the type of the business entity must be deleted; "has laid out" must be changed to "have laid out"; and so forth.)

Owner's Certificate:

KNOW ALL MEN BY THESE PRESENTS:

That _____, a Colorado _____, being the owner of the following described real property situate in the Town of Breckenridge, County of Summit, State of Colorado:

(insert legal description)

has laid out, subdivided and platted the same into lots, tracts, streets, and easements as shown hereon under the name and style of _____, and by these presents, do hereby set apart and dedicate to the perpetual use of the public all of the streets, alleys and other public ways and places as shown hereon, and further hereby dedicates those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon. (and/or other purposes)

IN WITNESS WHEREOF, _____ has caused its name to be hereunto subscribed this _____ day of _____, 20__.

[Insert Signature Block]

State of Colorado)
) ss.
County of Summit)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, as _____, and _____, as _____ of _____, a Colorado _____.

Witness my hand and official seal.

Current Plat Certificates To Be Repealed

Notary Public

My commission expires: _____

Town of Breckenridge Certificate:

This plat is approved this ____ day of _____, 20__.

TOWN OF BRECKENRIDGE

By: _____
Director, Department of
Community Development

NOTICE:

Public notice is hereby given that the Town of Breckenridge hereby accepts all of the offers of dedication made by this plat. However, such acceptance does not constitute an acceptance of the roads and rights of way reflected hereon for maintenance by the Town.

Until such roads and rights of way meet Town road specifications and are specifically accepted by the Town, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights of way are the sole responsibility of the owners of the land embraced within this subdivision.

[NOTE: The Town Certificate on any subdivision plat may be executed by the Director of the Department of Community Development, or any Assistant Director.]

Town Clerk's Certificate:

I hereby certify that this instrument was filed in my office at _____ o'clock __.M. on _____, 20__, and is duly recorded.

Town Clerk

Surveyor's Certificate:

I, _____, being a registered land surveyor in the State of Colorado, do hereby certify that this plat of _____ was prepared by me and under my supervision from a survey made by me and under by supervision, that both this plat and the survey are true and accurate to the best of my knowledge and belief, and that the monuments were placed pursuant to Section 38-51-105, C.R.S.

Dated this ____ day of _____, 20__.

Surveyor

Title Company Certificate:

_____ does hereby certify that it has examined the title to all lands shown hereon, and all lands herein dedicated by virtue of this plat, and title to all such lands is in the owner named above free and clear of all liens, taxes and encumbrances, except as follows:

Dated this ___ day of _____, 20__.

Agent

Certificate Of Taxes Paid:

I, the undersigned, do hereby certify that the entire amount of all taxes due and payable as of _____, 20__ upon parcels of real estate described on this plat are paid in full.

Dated this _____ day of _____ 20__ ad.

Summit County Treasurer or Designee

Clerk and Recorder's Certificate:

State of Colorado)
) ss.
County of Summit)

I hereby certify that this instrument was filed in my office at _____ o'clock __.M., this ___ day of _____, 20__, and is filed under Reception No. _____.

Summit County Clerk and Recorder

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

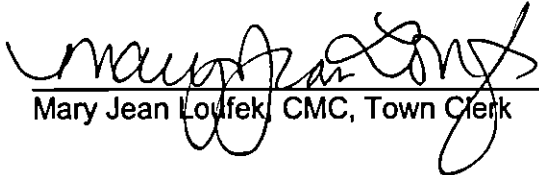
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

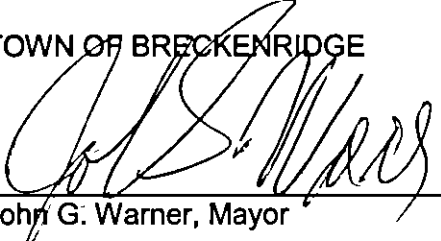
Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 8th day of July, 2008. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 22nd day of July, 2008, 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


John G. Warner, Mayor

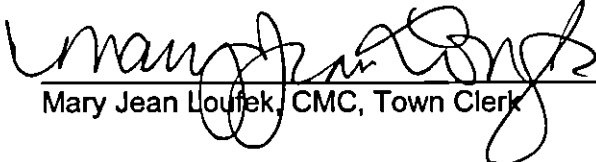
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on July 18, 2008.

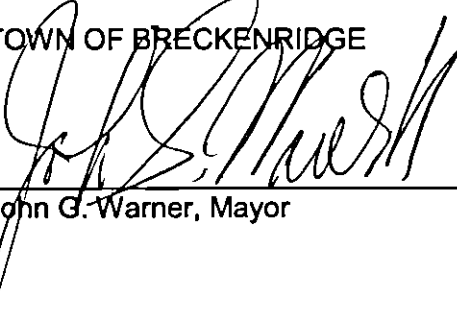
The public hearing on this ordinance was held on July 22, 2008.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 22nd day of July, 2008. This ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


John G. Warner, Mayor

APPROVED IN FORM


Town Attorney

7/22/08
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on August 1, 2008.