

ORDINANCE NO. 18

Series 2009

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS", BY ADOPTING A PROCEDURE FOR THE CORRECTION OF A RECORDED SUBDIVISION PLAT

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

Section 1. Chapter 2 of Title 2 of the Breckenridge Town Code is amended by the addition of a new Section 9-2-3-411, to be entitled "Correction of Recorded Subdivision Plat", which shall read in its entirety as follows:

9-2-3-411: CORRECTION OF RECORDED SUBDIVISION PLAT:

- A. A subdivision plat affecting real property located within the Town that has been recorded with the Clerk and Recorder of Summit County, Colorado may be corrected in accordance with the procedures set forth in this section. As used in this section, the term "subdivision plat" has the meaning provided in section 9-1-5 and includes without limitation, recorded subdivision plats; recorded maps of condominiums, townhomes and other similar land developments; and other similar maps describing a piece or parcel of land and its features, such as unit boundaries, lots, streets, and easements.
- B. Depending upon the nature of the required correction, a recorded subdivision plat may be corrected either by the execution and recording of an Affidavit of Correction or the filing of a Correction Plat. The process set forth in this section may only be used to correct one or more errors in a recorded subdivision plat, and may not be used to avoid complying with the other requirements of this chapter.
- C. An Affidavit of Correction may be used to correct minor errors or omissions on a recorded subdivision plat including, but not limited to, minor typographical errors and errors in distances, angles, or bearings. Use of an Affidavit of Correction must be approved by the Town Engineer.
- D. An application for an Affidavit of Correction shall be processed as follows:
  1. An application for an Affidavit of Correction shall be processed administratively by the Town Engineer in consultation with the Town Attorney.
  2. The application fee for an Affidavit of Correction shall be fifty percent of the application fee for a Class C subdivision application. In addition, the party proposing the Affidavit of Correction shall reimburse the Town for any time expended by the Town Attorney in connection with the preparation or review of the proposed affidavit.
  3. An Affidavit of Correction shall be in form and substance acceptable to the Town Attorney.
  4. An Affidavit of Correction shall be recorded with the Clerk and Recorder of Summit County, Colorado. The party proposing the Affidavit of Correction shall pay all fees required to record the affidavit with the Clerk and Recorder of Summit County.
  5. The original, recorded Affidavit of Correction shall be maintained in the land use records of the Town.
- E. A Correction Plat may be used to correct a recorded subdivision plat when the Town Engineer determines that the errors or omissions to be corrected are too numerous or substantial to be corrected by an Affidavit of Correction.
- F. An application for a Correction Plat shall be processed as a Class C subdivision application. In addition, the party proposing the Correction Plat shall reimburse the Town for any time expended by the Town Attorney in connection with the preparation or review of the proposed Correction Plat. The party proposing the affidavit shall pay all fees required to record the Correction Plat with the Clerk and Recorder of Summit County.
- G. A Correction Plat shall be prepared in accordance with the following standards:
  1. The name of the correction plat shall be the same as the name of the subdivision plat being corrected, but shall include the words "Correction Plat" in the title of the Correction Plat.
  2. Signature blocks for all property owners of property within the boundaries of the subdivision shall be included.
  3. All plat certificates required to be placed on a new subdivision plat shall be included on the face of the Correction Plat.
  4. All required plat certificates shall be properly executed before the Correction Plat is recorded.

5. All plat notes set forth on the subdivision plat to be corrected shall be included on the Correction Plat.
6. The Correction Plat shall include a listing of all corrections made to the recorded subdivision plat by the Correction Plat. The table shall show the original information and the corrections being made by the Correction Plat.

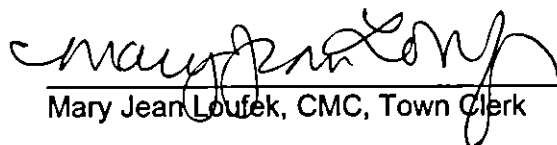
Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect in Colorado.

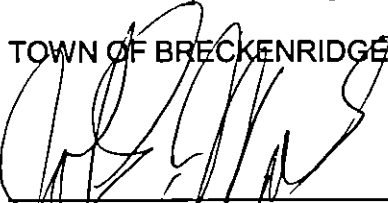
Section 3. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Parts 2 and 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning and subdivision 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. 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 9<sup>th</sup> day of June, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23<sup>rd</sup> day of June, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

  
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 Mary Jean Loufek, CMC, Town Clerk

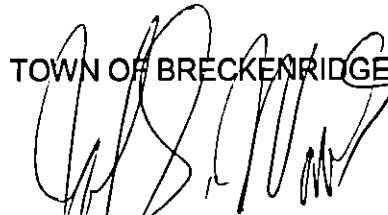
TOWN OF BRECKENRIDGE  
  
 \_\_\_\_\_  
 John G. Warner, Mayor

The public hearing on this ordinance was held on June 23, 2009.

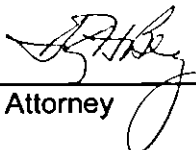
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS this 23<sup>rd</sup> day of June, 2009. This ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

  
 \_\_\_\_\_  
 Mary Jean Loufek, CMC, Town Clerk

TOWN OF BRECKENRIDGE  
  
 \_\_\_\_\_  
 John G. Warner, Mayor

APPROVED IN FORM

  
 \_\_\_\_\_  
 Town Attorney

6/23/09  
 \_\_\_\_\_  
 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 July 3, 2009.