

ORDINANCE NO. 38

Series 2013

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS," CONCERNING RIGHTS-OF-WAY ACQUIRED BY GOVERNMENTAL ENTITIES

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

Section 1. The definition of "Subdivision" in Section 9-2-2 of the Breckenridge Town Code is amended to read in its entirety as follows:

SUBDIVISION:

The division of a tract or parcel of land into two (2) or more parcels, lots, sites or other division for the purpose, whether immediate or future, transfer of ownership or sale, building development, including any resubdivision. Subdivision shall include, but not be limited to, the following types of developments and/or legal interests:

A. Division Of Land: The division of land, whether by deed, metes and bounds description, map, plat or other recorded instrument.

B. Division Of A Structure: The division of a structure into two (2) or more separate interests through division of the fee title thereto, whether by conveyance, license, contract for sale, or any other method of disposition including, but not limited to, the creation of a common interest community pursuant to the common interest ownership act, article 33.3, title 38, Colorado Revised Statutes.

C. Timeshare Interests: The creation of interval estates, timeshare estates, time span estates and other timesharing interests as defined by the condominium ownership act, article 33, title 38, Colorado Revised Statutes.

D. Cooperative: The creation of a cooperative as defined in the Colorado common interest ownership act, article 33.3, title 38, Colorado Revised Statutes.

E. Exclusions: Unless the method of land disposition is adopted for the purpose of evading this chapter, the term "subdivision", as defined in this section shall not apply to any division of land or interests in land:

1. Which is created by any court in this state pursuant to the law of eminent domain, partition or by operation of law.

2. Which is created by lien, mortgage, deed of trust or any other security instrument or the foreclosure of any such instrument.

3. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.

4. Which creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property.

5. Which creates a parcel or parcels as a result of the acquisition of land by the town.

6. Which creates a parcel or parcels as a result of the acquisition of right-of-way by the town or other governmental entity.

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 this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 4. 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 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 10th day of September, 2013.

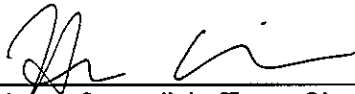
This ordinance was published in full on the Town of Breckenridge website on September 13, September 14, September 15, September 16 and September 17, 2013.

A public hearing on this ordinance was held on September 24, 2013.

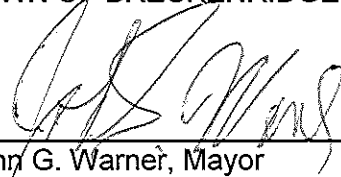
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 24th day of September, 2013. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



Town Attorney

9/24/13

Date

This Ordinance was published on the Town of Breckenridge website on September 30, October 1, October 2, October 3 and October 4, 2013. This ordinance shall become effective on November 3, 2013.