

ORDINANCE NO. 26

Series 2018

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN UNDIVIDED ONE-HALF INTEREST IN CERTAIN REAL PROPERTY TO SUMMIT COUNTY, COLORADO, ACTING BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO  
(Block 11 Apartments – 15 McGee Lane and 51 McGee Lane)

WHEREAS, the Town owns the following described real property situate in the Town of Breckenridge, Summit County, Colorado:

Lot 6A, Final Plat of A Resubdivision of Lots 4, 5 and 6, Denison Placer Subdivision, recorded August 8, 2018 at Reception No. 1177006 of the records of the Clerk and Recorder of Summit County, Colorado, which property is commonly known as 15 McGee Lane and 51 McGee Lane, Breckenridge, Colorado 80424 ("**Property**")

; and

WHEREAS, the Town entered into that Intergovernmental Agreement (Block 11 Apartments) ("**Agreement**") with Summit County, Colorado, acting by and through the Board of County Commissioners of Summit County, Colorado ("**County**"); and

WHEREAS, the Town is required to sell and convey an undivided one-half interest in the Property to the County pursuant to the Agreement, which undivided one-half interest will be held by the Town as tenants in common with the remaining undivided one-half interest in the Property to be retained by the Town; and

WHEREAS, after such conveyance, the Town and the County shall own the Property as tenants in common; and

WHEREAS, Section 15.3 of the Breckenridge Town Charter requires that the sale and conveyance of the undivided one-half interest in the Property to the County be authorized by ordinance.

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

Section 1. The Town Manager and the Town Clerk are authorized, empowered, and directed to execute, acknowledge, and deliver to Summit County, Colorado, acting by and through the Board of County Commissioners of Summit County, Colorado, the special warranty deed, a copy of which is marked **Exhibit "A"**, attached hereto, and incorporated herein by reference.

Section 2. The Town Council 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 3. 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 9th day of October, 2018.

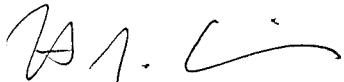
This ordinance was published in full on the Town of Breckenridge website on October 11, October 12, October 13, October 14 and October 15, 2018.

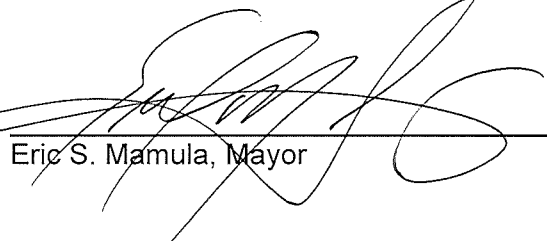
A public hearing on this ordinance was held on October 23, 2018.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 23rd day of October, 2018. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

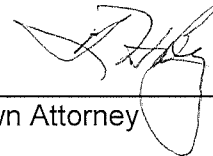
ATTEST:

TOWN OF BRECKENRIDGE

  
\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

  
\_\_\_\_\_  
Eric S. Mamula, Mayor

APPROVED IN FORM

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

*10/23/18*  
\_\_\_\_\_  
Date

This Ordinance was published on the Town of Breckenridge website on October 26, October 27, October 28, October 29 and October 30, 2018. This ordinance shall become effective on November 29, 2018.

## SPECIAL WARRANTY DEED

**THIS DEED** is made this 26<sup>th</sup> day of November, 2018, between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P.O. Box 168, Breckenridge, Colorado 80424 (“Grantor”) and SUMMIT COUNTY, COLORADO, ACTING BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, whose address is P.O. Box 68, Breckenridge, Colorado 80424 (“Grantee”).

**WITNESSETH**, that the Grantor, for and in consideration of the sum of Two Million One Hundred Thousand Dollars (\$2,100,000.00), the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm unto the Grantee, its successors and assigns forever, the following described real property, together with improvements, if any, situate, lying and being in the Town of Breckenridge, Summit County, Colorado described as follows:

AN UNDIVIDED 50 PERCENT INTEREST IN LOT 6A, A RESUBDIVISION OF LOTS 4, 5 AND 6, DENISON PLACER SUBDIVISION, ACCORDING TO THE PLAT FILED AUGUST 8, 2018 UNDER RECEPTION NO. 1177006, COUNTY OF SUMMIT, STATE OF COLORADO

also known by street and number as: 15 McGee Lane and 51 McGee Lane,  
Breckenridge, Colorado 80424.

**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

**TO HAVE AND TO HOLD** the said premises above bargained and described with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself and its successors, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor; subject, however, to those matters set forth on the attached Exhibit “A,” which is incorporated herein by reference.

**FOLLOWING THE CONVEYANCE HEREIN DESCRIBED AND MADE** Grantor and Grantee shall own the following described real property:

LOT 6A, A RESUBDIVISION OF LOTS 4, 5 AND 6, DENISON PLACER SUBDIVISION, ACCORDING TO THE PLAT FILED AUGUST 8, 2018 UNDER RECEPTION NO. 1177006, COUNTY OF SUMMIT, STATE OF COLORADO, which property is commonly known as 15 McGee Lane and 51 McGee Lane, Breckenridge, Colorado 80424

as tenants in common.

**IN WITNESS WHEREOF**, the Grantor has executed this deed on the date set forth above.

This Deed is executed pursuant to Ordinance No. 26, Series 2018, adopted by the Town Council of the Town of Breckenridge on October 23, 2018.

TOWN OF BRECKENRIDGE

By: *Rick G. Holman*  
Rick G. Holman, Town Manager

ATTEST:

*H.A. C*  
Helen Cospolich, CMC  
Town Clerk

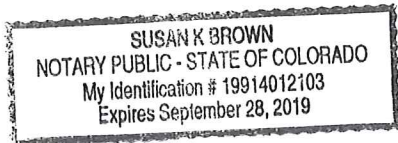


STATE OF COLORADO    )  
  ) ss.  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of November, 2018 by Rick G. Holman, Town Manager, and Helen Cospolich, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: 9/28/19.



*Susan K Brown*  
Notary Public

Exhibit "A"

Title Exceptions

1. RIGHT OF THE PROPRIETOR OF A VEIN OR LODGE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED JUNE 08, 1915 IN BOOK 89 AT PAGE 92.

2. TERMS, CONDITIONS AND PROVISIONS OF WESTERN SLOPE GAS RECORDED AUGUST 19, 1992 AT RECEPTION NO. 243960.

3. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE BRECKENRIDGE SANITATION DISTRICT AS EVIDENCED BY INSTRUMENT RECORDED NOVEMBER 08, 1982, UNDER RECEPTION NO. 247679.

4. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JULY 03, 1986, UNDER RECEPTION NO. 320005 AND AMENDED APRIL 27, 1994 UNDER RECEPTION NO. 466732.

5. TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AGREEMENT TO WESTERN GAS SUPPLY COMPANY RECORDED FEBRUARY 04, 1993 AT RECEPTION NO. 437671.

6. TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AGREEMENT RECORDED FEBRUARY 04, 1993 AT RECEPTION NO. 437673.

7. EASEMENTS AS SHOWN AND RESERVED ON THE RECORDED PLAT OF BRECKENRIDGE AIRPORT SUBDIVISION RECORDED NOVEMBER 24, 1981 UNDER RECEPTION NO. 232254 AND REPLAT OF BRECKENRIDGE AIRPORT SUBDIVISION RECORDED SEPTEMBER 9, 1985 UNDER RECEPTION NO. 302901 AND PLAT OF AN AMENDED REPLAT OF THE BRECKENRIDGE AIRPORT SUBDIVISION RECORDED DECEMBER 21, 1990 UNDER RECEPTION NO. 397666.

8. TERMS, CONDITIONS AND PROVISIONS OF BRECKENRIDGE SANITATION NOTICE RECORDED MARCH 06, 2002 AT RECEPTION NO. 677918.

9. NOTES, DEDICATIONS AND EASEMENTS AS SET FORTH ON THE PLAT FOR A REPLAT OF BLOCK 11, BRECKENRIDGE AIRPORT SUBDIVISION, RECORDED AUGUST 3, 2005 UNDER RECEPTION NO. 797050.

10. EASEMENTS, NOTES AND DEDICATIONS AS SHOWN AND RESERVED ON THE RECORDED PLAT OF RUNWAY SUBDIVISION RECORDED JULY 28, 2008 UNDER RECEPTION NO. 893184.

11. TERMS, CONDITIONS AND PROVISIONS OF SHARED PARKING AGREEMENT RECORDED JULY 28, 2008 AT RECEPTION NO. 893185.

12. SPECIAL COVENANTS, AGREEMENTS AND RIGHT OF REFUSAL AS CONTAINED IN DEED RECORDED AUGUST 15, 2008 UNDER RECEPTION NO. 894406.

13. EASEMENTS, NOTES AND DEDICATIONS AS SHOWN ON THE RESUBDIVISION OF TRACT A, RUNWAY SUBDIVISION RECORDED FEBRUARY 25, 2010 UNDER RECEPTION NO. 934491.

14. EASEMENTS, NOTES AND DEDICATIONS AS SHOWN ON THE RESUBDIVISION PLAT OF THE COMMON AREA OF ROCK PILE RANCH CONDOMINIUM RECORDED FEBRUARY 25, 2010 UNDER RECEPTION NO. 934492.

NOTE: TO BE VACATED BY DENISON PLACER SUBDIVISION PLAT

15. EASEMENTS, NOTES AND DEDICATIONS AS SHOWN ON THE RESUBDIVISION OF TRACTS C AND D, RUNWAY SUBDIVISION RECORDED APRIL 25, 2016 UNDER RECEPTION NO. 1109588.

16. AFFIDAVIT OF CORRECTION OF SUBDIVISION PLAT FOR A RESUBDIVISION OF TRACT A RUNWAY SUBDIVISION RECORDED FEBRUARY 25, 2010 UNDER RECEPTION NO. 934491 RECORDED FEBRUARY 1, 2016 UNDER RECEPTION NO. 1103505.

17. TERMS, CONDITIONS AND PROVISIONS OF MEMORANDUM OF SEWER LINE EXTENSION AGREEMENT RECORDED JULY 22, 2016 AT RECEPTION NO. 1116421.

18. EASEMENTS, NOTES AND DEDICATIONS AS SHOWN ON THE PLAT FOR DENISON PLACER SUBDIVISION RECORDED SEPTEMBER 19, 2017 UNDER RECEPTION NO. 1152112

19. TERMS, CONDITIONS AND PROVISIONS OF GRANT OF EASEMENT RECORDED DECEMBER 18, 2017 AT RECEPTION NO. 1159319.

20. NOTES, DEDICATIONS AND EASEMENTS SET FORTH ON THE PLAT RECORDED  
AUGUST 8, 2018 UNDER RECEPTION NO. 1177006.

Exhibit "A"