

ORDINANCE NO. 4

Series 2022

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH  
BRIAN PETERSON AND DANIELLE O'GRADY  
(37 Sisler Green)

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

Section 1. Findings. The Town Council of the Town of Breckenridge finds and determines as follows:

A. Brian Peterson and Danielle O'Grady (collectively, the "**Owner**") own the following described real property in the Town of Breckenridge, Summit County, Colorado:

LOT 6A, BLOCK 2, RESUBDIVISION PLAT OF LOT 6, BLOCK 2, LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING NO. 2 RECORDED JANUARY 31, 2017 AT RECEPTION NO. 1133104 OF THE RECORDS OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO;

also known as 37 Sisler Green, Breckenridge, Colorado 80424 ("**Property**").

B. The Owner proposes to construct a 572 square foot garage and a 484 feet bonus room on the Property. Such work is referred to in this ordinance as the "**Project**." The improvements to be constructed pursuant to the Project are referred to as the "**Unit**." The Unit is considered a "Bonus Room" under the Wellington Neighborhood Master Plan.

C. A duplex residence is currently located on the Property. Owner owns one of the duplex units as described above.

D. There is not sufficient density remaining on the Property to allow for the construction of the Project. Therefore, a development agreement is necessary in order to authorize the Project.

E. A proposed development agreement between the Town and the Owner has been prepared, a copy of which is marked **Exhibit "A"**, attached hereto and incorporated herein by reference ("**Development Agreement**").

F. The Town Council has received a completed application and all required submittals for a development agreement; had a preliminary discussion of such application and submittals; and determined that it should commence proceedings for the approval of the Development Agreement.

G. The Town Council has reviewed the proposed Development Agreement.

H. As the commitment proposed by the Owner in connection with the Development Agreement, the Owner will execute and deliver to the Town a Restrictive Covenant and Agreement ("**Restrictive Covenant**"). The Restrictive Covenant shall provide that the Unit shall be rented to and occupied only by a Qualified Occupant for a monthly rental (including utilities) equal to or less than an amount that is affordable to individuals earning 80% or less of the applicable Area Median Income. Such proposed commitment is found and determined by the Town Council to be adequate.

I. The approval of the proposed Development Agreement is warranted in light of all relevant circumstances.

J. The procedures to be used to review and approve a development agreement are provided in Chapter 9 of Title 9 of the Breckenridge Town Code. The requirements of such Chapter have substantially been met or waived in connection with the approval of the proposed Development Agreement and the adoption of this ordinance.

Section 2. Approval of Development Agreement. The Development Agreement between the Town, Brian Peterson and Danielle O'Grady (**Exhibit "A"** hereto), is approved, and the Town Manager is authorized, empowered, and directed to execute such agreement for and on behalf of the Town of Breckenridge.

Section 3. Notice of Approval. The Development Agreement shall contain a notice in the form provided in Section 9-9-13 of the Breckenridge Town Code. In addition, a notice in compliance with the requirements of Section 9-9-13 of the Breckenridge Town Code shall be published by the Town Clerk one time in a newspaper of general circulation in the Town within fourteen days after the adoption of this ordinance. Such notice shall satisfy the requirement of Section 24-68-103, C.R.S.

Section 4. Police Power Finding. The Town Council 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 5. Authority. 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 6. Effective Date. 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 25th day of January, 2022.

This ordinance was published in full on the Town of Breckenridge website on January 27, January 28, January 29, January 30 and January 31, 2022.

A public hearing on this ordinance was held on February 8, 2022.

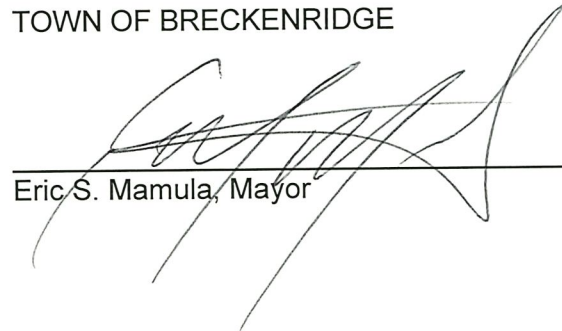
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 8th day of February, 2022. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM

 2-28-22  
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on February 11, February 12, February 13, February 14 and February 15, 2022. This ordinance shall become effective on March 17, 2022.