

RESOLUTION NO. 39

Series 1997

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS REGARDING THE PROPOSED ANNEXATION TO THE TOWN OF BRECKENRIDGE OF LOTS 6, 7 AND 8, FRENCH CREEK CENTER, SUMMIT COUNTY, COLORADO
(Petroleum Wholesale, Inc./The Southland Corporation -- .835 acres, more or less)

WHEREAS, the Town Council of the Town of Breckenridge has previously found a Petition for the Annexation of the hereinafter described parcel of land to be in substantial compliance with the requirements of Section 31-12-107(1), C.R.S.; and

WHEREAS, the Town Clerk has given notice of a public hearing on the proposed annexation by publications of such notice once a week for four consecutive weeks and by mailing notice of such hearing by registered mail to the Board of County Commissioners of Summit County, the County Attorney, the school district and to any special district having territory in the area proposed to be annexed as required by Section 31-12-108(2), C.R.S.; and

WHEREAS, the Town Council held a public hearing on December 9, 1997, the date to which such hearing was lawfully continued, to determine if the proposed annexation complies with Sections 31-12-104 and 105, C.R.S., and is, therefore, eligible for annexation to the Town.

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

Section 1. With regard to the proposed annexation to the Town of Breckenridge of the following described real property, to wit:

Lots 6, 7 and 8, French Creek Center according to the Plat thereof filed April 17, 1980 at Reception No. 205667, County of Summit, State of Colorado

the Town Council of the Town of Breckenridge hereby finds, determines and concludes as follows:

- A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Breckenridge, Colorado and, therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the Town of Breckenridge, Colorado.
- B. The territory proposed to be annexed is urban or will be urbanized in the near future.
- C. The territory proposed to be annexed is integrated with, or is capable of being integrated with, the Town of Breckenridge, Colorado.
- D. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels or real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.
- E. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels or real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of Two Hundred Thousand Dollars [\$200,000] for ad valorem tax purposes for the year preceding the annexation) has been included without the written consent of the landowners unless such tract of land is situated entirely within the outer boundaries of the Town as they exists at the time of annexation.
- F. No annexation proceedings concerning the territory proposed to be annexed have been commenced by another municipality.
- G. The proposed annexation will not result in the detachment of area from a school district.

- H. The proposed annexation will not result in the extension of the boundaries of the Town of Breckenridge more than three miles.
- I. Pursuant to Resolution No. 1, Series 1997, the Town of Breckenridge has in place a plan for the area proposed to be annexed.
- J. In establishing the boundaries of the area proposed to be annexed the entire width of any street or alley is included within the area to be annexed.

Section 2. An election is not required in connection with the proposed annexation.


Section 3. No additional terms or conditions are to be imposed upon the area proposed to be annexed.

Section 4. This Resolution shall become effective upon adoption.

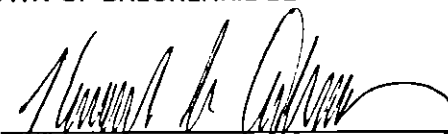
RESOLUTION APPROVED AND ADOPTED THIS 9TH DAY OF DECEMBER, 1997.

TOWN OF BRECKENRIDGE

ATTEST:

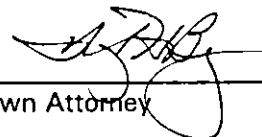


Mary Jean Loufek, CMC,
Town Clerk

By 

Kenneth M. Adams, Mayor Pro Tem

APPROVED IN FORM



Town Attorney

12/9/97
date