

RESOLUTION NO. 5

SERIES 1998

A RESOLUTION CONCERNING THE EXPENDITURE OF CERTAIN "IN LIEU FEES" COLLECTED BY THE TOWN PURSUANT TO THE TOWN OF BRECKENRIDGE OFF-STREET PARKING ORDINANCE

WHEREAS, Section 9-3-12 of the Breckenridge Town Code authorizes persons who desire to develop commercial property which is located within the service area (as defined in Section 9-3-6 of the Breckenridge Town Code) to pay to the Town money in lieu of providing all or part of the required off-street parking for the subject development ("in lieu fees"); and

WHEREAS, Section 9-3-13 of the Breckenridge Town Code authorizes the Town to expend the in lieu fees for certain enumerated purposes; and

WHEREAS, Paragraph D of Section 9-3-13 of the Breckenridge Town Code requires the Town Council to determine which municipal parking expenditures may properly be paid for using the in lieu fees collected by the Town.

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

Section 1. Findings. The Town Council hereby finds and determines as follows:

1. Pursuant to Section 9-3-12 of the Breckenridge Town Code the Town has collected to date in lieu fees totaling Twenty Thousand Eight Hundred Dollars (\$20,800.00) in connection with the following development(s):

<u>Name of Project</u>	
High Valley Bread and Bagel Co.	325 S. Main St. Unit 1-B

Such fees are hereafter referred to in this Resolution as the "Collected In Lieu Fees."

2. Paragraph (A)(2) of Section 9-3-13 of the Breckenridge Town Code authorizes the expenditure of in lieu fees collected by the Town pursuant to Section 9-3-12 for payment of the following expenses:

The provision or operating expenses of transit facilities and equipment designed to reduce reliance on private automobiles; provided that such transit facilities or equipment shall, in the determination of the Town Council, provide a benefit to the service area.

3. The Town has heretofore incurred operating and capital costs associated with the provision of transit facilities and equipment designed to reduce reliance on private automobiles in the following amounts incurred in the 1997 fiscal year:

Operating Costs -- \$278,295
Capital Costs -- \$279,855

4. The transit facilities and equipment incurred with the expenditures described in Paragraph 3 of this Section 1 will provide a benefit to the service area.

5. The Collected In Lieu Fees may lawfully be used to reimburse the Town of Breckenridge for those expenses incurred in connection with the provision or operating expenses of transit facilities and equipment designed to reduce reliance on private automobiles as described in Paragraph 2 of this Section 1.

6. All requirements for the lawful expenditure of the Collected In Lieu Fees have been satisfied in accordance with the provisions of Section 9-3-13 of the Breckenridge Town Code.

Section 2. Use of Collected In Lieu Fees. The Collected In Lieu Fees shall be applied by the Finance Director to reimburse the Town, in part, for those costs incurred by the Town as described in Paragraph 3 of Section 1 of this Resolution.

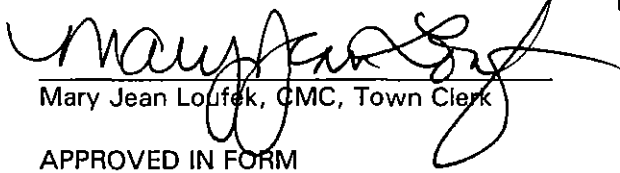
Section 3. Notification to Paying Party. The Finance Director shall send a certified copy of this Resolution by regular mail to the person(s) who paid the Collected In Lieu Fees to provide notice of the final use of such Fees by the Town. Such notification shall be sent to the most current address for such person as shown in the Town records.

Section 4. This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 27TH DAY OF JANUARY, 1998.

TOWN OF BRECKENRIDGE

ATTEST:



Mary Jean Loufek, CMC, Town Clerk

By 

Stephen C. West, Mayor

APPROVED IN FORM



Town Attorney

1/27/98
date