

RESOLUTION NO. 10

SERIES 1998

A RESOLUTION INITIATING THE FORMATION OF A SPECIAL IMPROVEMENT DISTRICT  
AND DIRECTING THE TOWN ENGINEER TO TAKE CERTAIN ACTION PRELIMINARY TO  
THE FORMATION OF SUCH SPECIAL IMPROVEMENT DISTRICT

WHEREAS, the Town of Breckenridge has for many years contemplated the formation of a Special Improvement District, sometimes referred to as the "Parking District" ("District"); and

WHEREAS, the District is to be formed for the purpose of making assessments against the properties of those persons who agreed to participate in the District in order to meet their off-street parking requirement under the Town's Development Code; and

WHEREAS, the funds generated from the assessments made in connection with the District will be used to pay or reimburse the Town for all or a portion of certain costs incurred or to be incurred by the Town in connection with the provision of public parking facilities; and

WHEREAS, the Town Council of the Town of Breckenridge has previously adopted Chapter 6 of Title 9 of the Breckenridge Town Code, which Ordinance sets forth the requirements and procedures to be followed with respect to the formation of a Special Improvement District within the Town; and

WHEREAS, Section 9-6-4 of the Breckenridge Town Code provides that a Special Improvement District may be initiated by order of the Town Council (subject to protest by the owners of property scheduled to bear a majority of the assessment burden within the proposed Special Improvement District); and

WHEREAS, the Town Council of the Town of Breckenridge desires to initiate the creation of a Special Improvement District for the purposes set forth above and hereafter pursuant to Section 9-6-4 of the Breckenridge Town Code.

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

Section 1. Pursuant to Section 9-6-4 of the Breckenridge Town Code, the Town Council of the Town of Breckenridge hereby initiates the creation of a Special Improvement District. The purpose of the Special Improvement District is to make lawful assessments against the properties of those persons who agreed to participate in the Town's "Parking District" in order to meet their off-street parking requirement under the Town's Development Code. The funds generated from the assessments made in connection with the Special Improvement District will be used to pay or reimburse the Town for all or a portion of certain costs incurred or to be incurred by the Town in connection the provision of public parking facilities, including, but not limited to, the costs of acquiring and improving certain real properties for use as public parking facilities. The acquisition of such properties, and the improvement thereof for public parking purposes, are hereinafter collectively referred to as the "improvements to be made in connection with the Special Improvement District".

Section 2. The Town Engineer is hereby directed to prepare and present to the Town Council the following with respect to the creation of the Special Improvement District:

1. Preliminary plans and specifications of the improvements to be made in connection with the Special Improvement District. Such plans and specifications shall include (i) a legal description of the lot(s) which have been or are to be purchased by the Town for the construction of public parking facilities and for which the Town seeks recoupment in connection with the Special Improvement District, and (ii) plans and specifications for the parking-related improvements which have been or will be placed upon such lot(s) by the Town and for which the Town seeks recoupment in connection with the Special Improvement District.

2. An estimate of the probable total cost of the improvements to be made in connection with the Special Improvement District, including the costs of acquiring the land required for the improvements, the cost of constructing or otherwise acquiring, installing, repairing and restoring the improvements, engineering, legal and advertising costs, costs of organizing the improvement district, collection costs, interest during construction and until interest on any installment payments of assessments is expected to be received by the Town, if any, and any other incidental costs.

3. A map of the Special Improvement District which is to be assessed for the cost of the improvements to be made in connection with the Special Improvement District.

Section 3. Upon the presentation of the materials described in Section 2 of this Resolution, the Town Council shall consider the adoption on first reading of an Ordinance creating the Special Improvement District in accordance with Section 9-6-5 of the Breckenridge Town Code. All proceedings done or taken by the Town Council in connection with the Special Improvement District shall be in compliance with the requirements of Chapter 6 of Title 9 of the Breckenridge Town Code.

Section 4. All actions, proceedings, matters, and things heretofore taken, had, and done by the Town of Breckenridge, its elected officials, officers and employees, not inconsistent with the provisions of this Resolution, are hereby ratified, approved and confirmed.

Section 5. The elected officials, officers and employees of the Town of Breckenridge are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 7. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect any remaining provisions of this Resolution.

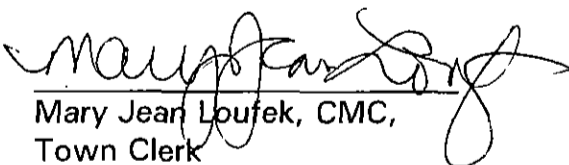
Section 8. This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 24TH DAY OF FEBRUARY, 1998.

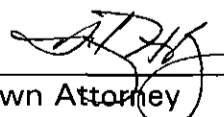
TOWN OF BRECKENRIDGE

ATTEST:

By   
Stephen C. West, Mayor

  
Mary Jean Loufek, CMC,  
Town Clerk

APPROVED IN FORM

  
Town Attorney

2/24/98  
date