

RESOLUTION NO. 20

Series 2019

A RESOLUTION APPROVING A "REVOCATION OF DECLARATION" WITH RESPECT TO CERTAIN TOWN-OWNED REAL PROPERTY

WHEREAS, the Town owns certain real property that is currently subject to the following document recorded February 20, 1990 at Reception No. 383336 of the records of the Clerk and Recorder of Summit County, Colorado:

Amended, Restated, Supplemented and Bifurcated Declaration of Covenants, Conditions, and Restrictions For Sawmill Station Square – Filing No. 1; Sawmill Station Square Commercial Building No. 1; Lot B, Sawmill Satiation Square – Filing No. 2, Amended; and Tracts A and C, Sawmill Station Square – Filing No. 4

("Declaration")

; and

WHEREAS, Section 8.3 of the Declaration provides, in pertinent part as follows:

Section 8.3 Revocation or Amendment to Declaration. This Declaration shall not be revoked unless all Owners of the Sites and the holders of all recorded mortgages and deeds of trust covering said Sites consent and agree to such revocation by instrument(s) duly recorded.

; and

WHEREAS, none of the real property that is subject to the Declaration is encumbered by a mortgage or deed of trust; and

WHEREAS, the Town and the other owner of the real property that is subject to the Declaration have agreed to revoke the Declaration; and

WHEREAS, a "Revocation of Declaration" has been prepared for the purpose of revoking and forever terminating the Declaration, a copy of which is marked Exhibit "A", attached to this resolution, and incorporated herein by reference; and

WHEREAS, the Town Council finds and determines that the Revocation of Declaration should be approved.

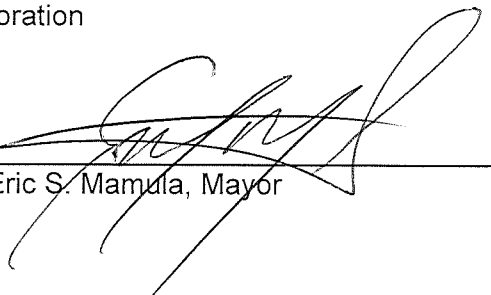
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. The Revocation of Declaration that is attached to this resolution as Exhibit "A" is approved, and the Mayor is authorized to sign such document for and on behalf of the Town of Breckenridge. Following the Mayor's signature, the Revocation of Declaration shall be recorded with the Clerk and Recorder of Summit County, Colorado.

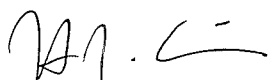
Section 2. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 13th day of August, 2019.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: 
Eric S. Mamula, Mayor

ATTEST:


Helen Cospolich, CMC, Town Clerk

APPROVED IN FORM



8/13/19

Town Attorney

Date



1205449

Kathleen Neel – Summit County Recorder

6 Pages

8/16/2019 11:52 AM

DF: \$0.00

REVOCATION OF DECLARATION

This Revocation of Declaration is dated August 13, 2019 and is between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation (“Town”), and FIRSTBANK, a Colorado-chartered banking corporation (“Bank”).

WHEREAS, Town owns the real property described on the attached Exhibit “A” (“Town Property”); and

WHEREAS, Bank owns the real property described on the attached Exhibit “B” (“Bank Property”); and

WHEREAS, the Town Property and the Bank Property are both subject to the following document recorded February 20, 1990 at Reception No. 383336 of the records of the Clerk and Recorder of Summit County, Colorado:

Amended, Restated, Supplemented and Bifurcated Declaration of Covenants, Conditions, and Restrictions For Sawmill Station Square – Filing No. 1; Sawmill Station Square Commercial Building No. 1; Lot B, Sawmill Satiation Square – Filing No. 2, Amended; and Tracts A and C, Sawmill Station Square – Filing No. 4

(“Declaration”)

; and

WHEREAS, Town and Bank are each “Owners” as defined in the Declaration; and

WHEREAS, the Town Property and the Bank Property are each “Sites” as defined in the Declaration; and

WHEREAS, the Town Property and the Bank Property constitute all of the Sites that are subject to the Declaration; and

WHEREAS, neither the Town Property nor the Bank Property are encumbered by a mortgage or deed of trust; and

WHEREAS, Section 8.3 of the Declaration provides, in pertinent part as follows:

Section 8.3 Revocation or Amendment to Declaration. This Declaration shall not be revoked unless all Owners of the Sites and the holders of all recorded

REVOCATION OF DECLARATION

mortgages and deeds of trust covering said Sites consent and agree to such revocation by instrument(s) duly recorded.

; and


WHEREAS, the Town and the Bank have determined to revoke the Declaration.

NOW, THEREFORE, the Town and the Bank hereby and forever REVOKE the Declaration in its entirety, and agree that henceforth the Declaration shall no longer burden or encumber the Town Property and the Bank Property.


[SIGNATURE AND ACKNOWLEDGMENT PAGES FOLLOW]

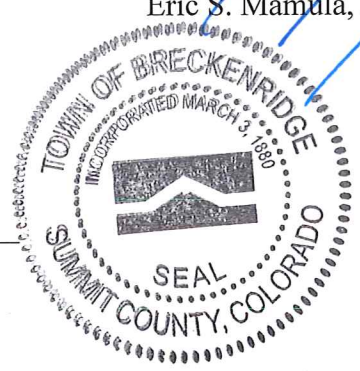
REVOCATION OF DECLARATION

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: 
Eric S. Mamula, Mayor

ATTEST:


Helen Cospolich, CMC,
Town Clerk

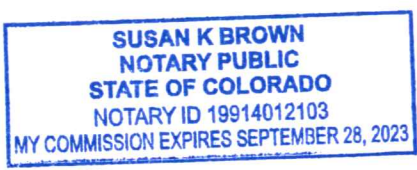



STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 13th day of August, 2019, by Eric S. Mamula, Mayor, and Helen Cospolich, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: 9/28/23.




Notary Public

REVOCATION OF DECLARATION

FIRSTBANK, a Colorado-chartered banking corporation

By: [Signature]

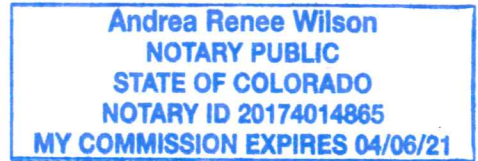
Title: EVP

STATE OF COLORADO)
) ss.
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me this 6th day of August, 2019, by Adam Snyder as EVP- Real Estate of FirstBank, a Colorado-chartered banking corporation.

WITNESS my hand and official seal.

My commission expires: 04/06/2021.



[Signature]
Notary Public

REVOCATION OF DECLARATION

Exhibit "A"

Legal Description of Real Property Owned By Town of Breckenridge

The following real property located in the Town of Breckenridge, County of Summit and State of Colorado:

Site "A"

All of Sawmill Station Square – Filing No. 1, Amendment No. 2, County of Summit and State of Colorado (now known as: LOT 1, SAWMILL STATION SQUARE, FILING NO. 1, AMENDMENT NO. 2, ACCORDING TO THE PLAT RECORDED DECEMBER 14, 1990 UNDER RECEPTION NO. 397221, COUNTY OF SUMMIT, STATE OF COLORADO).

Site "B"

Condominium Units 1-12, according to the Condominium Declaration for Sawmill Station Square Commercial Building No. 1 recorded January 7, 1980 at Reception No. 201809, and the Map thereof recorded January 7, 1985¹ at Reception No. 201810 of the records of the Clerk and Recorder for Summit County, Colorado (now known as: CONDOMINIUM UNITS 1-12, BEING ALL OF SAWMILL STATION SQUARE COMMERCIAL BUILDING NO. 1, ACCORDING TO THE PLAT RECORDED JANUARY 7, 1980 AS RECEPTION NO. 201810 AND ACCORDING TO THE CONDOMINIUM DECLARATION RECORDED JANUARY 7, 1980 AS RECEPTION NO. 201809 AND AMENDMENT RECORDED SEPTEMBER 14, 1984 AS RECEPTION NO. 284378, COUNTY OF SUMMIT, STATE OF COLORADO).

Site "C"

Lot B, Sawmill Station Square – Filing No. 2, Amended, County of Summit and State of Colorado (now known as: LOT B, SAWMILL STATION SQUARE, FILING NO. 2 AMENDED, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 1988 UNDER RECEPTION NO. 209622).

¹ Should read January 7, 1980.

Exhibit "B"

Legal Description of Real Property Owned By Firstbank

The following real property located in the Town of Breckenridge, County of Summit and State of Colorado:

Tracts A and C, Sawmill Station Square – Filing No. 4, County of Summit and State of Colorado (now known as TRACTS A, B, C, AND D, SAWMILL STATION SQUARE – FILING NO. 4).