

RESOLUTION NO. 1

Series 2021

A RESOLUTION APPROVING A PRE-ANNEXATION AGREEMENT
(Tract A-2, Entrada At Breckenridge)

WHEREAS, Spring Creek Interest, LLC, a Colorado limited liability company ("Owner") owns the following described real property situate in unincorporated Summit County, Colorado:

TRACT A2, ENTRADA AT BRECKENRIDGE, ACCORDING TO THE PLAT RECORDED JULY 24, 2017 AT RECEPTION NO. 1146781 OF THE RECORDS OF THE CLERK AND RECORDER OF SUMMIT COUNTY, COLORADO; also known as 11030 Highway 9, Breckenridge, CO 80424 ("**Owner's Property**")

; and

WHEREAS, such property is subject to and being developed pursuant to the Entrada at Breckenridge Planned Unit Development Designation, approved by Summit County government and recorded on July 22, 2013, at Reception No. 1032073 of the Summit County, Colorado records (the "**PUD**") and the Summit County Land Use and Development Code; and

WHEREAS, on July 11, 2017, the Town and the Owner entered into that Out of Town Water Service Agreement ("**Water Service Agreement**") pursuant to which the Town agreed to sell treated, domestic water to the Owner for use at the Owner's Property, and the Owner agreed to purchase such water from the Town, all in accordance with, and subject to the terms, conditions, provisions, and limitations of the Water Service Agreement. The Water Service Agreement was recorded July 18, 2017, at Reception No. 114641 of the Summit County, Colorado records; and

WHEREAS, Section 19 of the Water Service Agreement provides as follows:

19. Annexation. Not later than six (6) months from the date that a certificate of occupancy is issued for the building for which the PIFs. . . are paid, the Owner agrees to sign and submit to the Town a petition requesting that the Town annex Owner's Property. In connection with the annexation of Owner's Property to the Town the Owner shall cooperate with the Town, and take such action as may be reasonably requested by the Town, provided, however, that there will be no annexation fees or other charges payable and no cost benefit analysis or other study or analysis required in connection with such annexation.

; and

WHEREAS, the Town and the Owner believe that it would mutually beneficial for them to agree upon certain issues pertaining to the annexation of the Owner's Property to the Town prior to the submission of the annexation petition, all as more fully set forth in this Agreement; and

WHEREAS, a Pre-Annexation Agreement between the Town and the Owner has been drafted, a copy of which is marked Exhibit "A", attached hereto, and incorporated herein by reference; and

WHEREAS, the Town Council has reviewed the Pre-Annexation Agreement and finds and determines that it should be approved.

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

Section 1. The Pre-Annexation Agreement between the Town and Spring Creek Interest, LLC, a Colorado limited liability company, is approved and the Town Manager is authorized to sign the agreement on behalf of the Town of Breckenridge.

Section 2. Minor changes to or amendments of the approved agreement may be made by the Town Manager if the Town Attorney certifies in writing that the proposed changes or amendments do not substantially affect the consideration to be received or paid by the Town pursuant to the approved agreement, or the essential elements of the approved agreement.

Section 3. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 12th day of January, 2021.

TOWN OF BRECKENRIDGE, a Colorado municipal
corporation

By: _____/s/_____
Eric S. Mamula, Mayor

ATTEST:

_____/s/_____
Helen Cospolich, CMC,
Town Clerk

APPROVED IN FORM

_____/s/_____
Town Attorney Date