

RESOLUTION NO. 8

Series 2021

A RESOLUTION APPROVING A NOTICE OF ENVIRONMENTAL USE RESTRICTIONS
(Second Water Plant)

WHEREAS, the Town of Breckenridge is the owner of certain property commonly referred to as the Breckenridge Second Water Plant Site, located northwest of the intersection of State Highway 9 and Fairview Boulevard in Summit County, State of Colorado, and more particularly described as follows:

Tract D-1, Resubdivision Plat Tract D – The McCain Subdivision, Town of Breckenridge, County of Summit and State of Colorado, according to the plat thereof recorded December 3, 2020 at Reception No. 1243554 of the records of the Clerk and Recorder of Summit County, Colorado; also known as 68 Stan Miller Drive, Breckenridge, Colorado 80424 (the “Property”);

and

WHEREAS, the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment is authorized to approve Notices of Environmental Use Restrictions pursuant to § 25-15-320(4)(a) of the Colorado Hazardous Waste Act, § 25-15-101, *et seq.*, C.R.S.; and

WHEREAS, pursuant to the approved beneficial use determination for the Property issued by the Colorado Department of Public Health and the Environment, dated December 17, 2017, the Property is the subject of an environmental remediation project pursuant to the Solid Waste Disposal Sites and Facilities Act, § 30-20-101, *et seq.*, C.R.S., and its accompanying regulations; and

WHEREAS, a proposed Notice of Environmental Use Restriction concerning the Property has been prepared, a copy of which is marked **Exhibit “A”**, attached hereto and incorporated herein by reference; and

WHEREAS, the purpose of the proposed Restrictive Notice of Environmental Use Restriction is to ensure the protection of human health and the environment by limiting exposure to historic mining dredge tailings containing elevated levels of arsenic, thallium, and manganese which have been used for on-site fill on the Property; and

WHEREAS, the Town Council has reviewed the proposed Notice of Environmental Use Restriction, 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 Notice of Environmental Use Restrictions concerning the Town’s Second Water Plant property legally described above (**Exhibit “A”** hereto) is approved, and the Mayor is authorized, empowered, and directed to execute such document for and on behalf of the Town of Breckenridge.

Section 2. The approved Notice of Environmental Use Restrictions may be corrected or revised as deemed necessary by the Town Attorney in order to carry out the purposes of this resolution and as the Mayor or Town Manager shall approve, the execution thereof being deemed conclusive approval of any such changes by the Town Council.

Section 3. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 9th day of March, 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