

ORDINANCE NO. 13

SERIES 2024

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE ENTRADA PROPERTY AND IN CONNECTION THEREWITH APPROVING AN ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE ENTRADA PROPERTY.

WHEREAS, pursuant to the laws of the State of Colorado, on August 29, 2022, there was presented to and filed with the Town Clerk of the Town of Breckenridge, Colorado, a written petition for annexation (the "Annexation Petition") of that property described in the attached **Exhibit A** (the "Property"), being contiguous unincorporated territory situated, lying, and being in the County of Summit, State of Colorado;

WHEREAS, the Town Council of the Town of Breckenridge found and determined that the Annexation Petition is in substantial compliance with the requirements of Section 31-12-107(1), C.R.S by Resolution No. 18, Series 2022, dated September 27, 2022;

WHEREAS the Town Council of the Town of Breckenridge conducted a properly noticed public hearing on November 8, 2022, as required by law, to determine the eligibility of the Property to be annexed to the Town and found and determined the Property eligible to be annexed by Resolution No. 20, Series 2022, and conformance of the proposed annexation to the applicable law and the annexation policy of the Town of Breckenridge;

WHEREAS the Town Council held work sessions on January 25, 2022, July 26, 2022, and October 25, 2022, to discuss the specifics of the terms of the annexation;

WHEREAS the Town Council discussions regarding the annexation were put on hold in December 2022 to allow the petitioner/applicant to focus on a new development proposal for the North Gondola and Gold Rush Lots and Peaks 7 and 8;

WHEREAS the Town Council discussions on the proposed annexation of the Property resumed at work sessions on February 27, 2024, and March 13, 2024, and the Town Council and petitioner/applicant have reached agreement on the terms of the annexation;

WHEREAS the Town Council desires to promote the development of Employee Housing as defined in the Breckenridge Town Code;

WHEREAS petitioner/applicant and the Town desire to set forth in an Annexation and Development Agreement, attached hereto as **Exhibit B** (hereinafter referred to as the "Agreement"), certain terms and conditions for the annexation and future use or development of the Property as Employee Housing;

WHEREAS, pursuant to Section 24-68-102.5, C.R.S. and title 9 of the Breckenridge Development Code, the Town and petitioner/applicant intend that development of the Property will, during the vesting periods set forth in the Agreement, be governed by the Town Code as in effect on the submittal date, except as expressly stated otherwise in the Agreement;

WHEREAS, contemporaneously filed with this Ordinance, is "A Bill For An Ordinance Placing The Entrada Property That Has Been Annexed To The Town Of Breckenridge Into Land Use District 5."

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKNERIDGE, COLORADO, THAT:

Section 1. Considering all of the foregoing, and based on the conviction that annexation of the Property to the Town of Breckenridge will serve the best interests of the Town and the petitioner/applicant, said annexation is hereby approved and the Property is hereby annexed to the Town of Breckenridge, Colorado.

Section 2. The Agreement is hereby approved and adopted and the Town Manager of the Town of Breckenridge is hereby authorized and directed to sign the Agreement on behalf of the Town.

Section 3. The Town Clerk shall file for recording three (3) certified copies of the Annexation Ordinance and three (3) certified copies of the Annexation Map for the Property with the Summit County Clerk and Recorder.

Section 4. The Annexation Map showing the boundaries of the newly annexed territory, as above described, shall be kept on file in the office of the Summit County Clerk and Recorder.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Breckenridge, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining portions of this Ordinance.

Section 7. This Ordinance shall become effective as provided in Section 5.9 of the Breckenridge Town Charter. Upon the effective date of annexation, the Property shall become subject to the municipal laws of the State of Colorado pertaining to cities and to the Charter, ordinances, resolutions, rules and regulations of the Town of Breckenridge.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 26th day of March, 2024.

This ordinance was published in full on the Town of Breckenridge website on March 28, March 29, March 30, March 31 and April 1, 2024.

A public hearing on this ordinance was held on April 9, 2024.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE
TOWN'S WEBSITE this 9th day of April, 2024. A copy of this Ordinance is available for
inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Helen Cospolich, CMC, Town Clerk

Kelly Owens, Mayor Pro Tem

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on April 12, April 13, April 14, April 15 and April 16, 2024. This ordinance shall become effective on May 16, 2024.