

**AS APPROVED ON FIRST READING – MARCH 28**

COUNCIL BILL NO. 11

Series 2017

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN TOWN-OWNED REAL  
PROPERTY TO THE TOWN OF BRECKENRIDGE HOUSING AUTHORITY  
(Denison Placer Phase 1)

WHEREAS, the Town of Breckenridge Housing Authority was created by the Town in 2015 pursuant to Part 2 of Article 4 of Title 29, C.R.S., as amended; and

WHEREAS, the Town of Breckenridge Housing Authority is authorized by Section 29-4-209(1)(k), C.R.S., to acquire real property from the Town; and

WHEREAS, the Town of Breckenridge Housing Authority is authorized by Section 29-4-209(1)(d), C.R.S., to prepare, carry out, and operate a “project”; and

WHEREAS, a “project” is defined in Section 29-4-203(12), C.R.S., as follows:

(A) All real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, commercial facilities, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking to demolish, clear, remove, alter, or repair unsanitary or unsafe housing or to provide dwelling accommodations on financial terms within the means of persons of low income. The term “project” also applies to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements and all other work in connection therewith. The term “project” also applies to the provision of dwelling accommodations to persons, without regard to income, as long as the project substantially benefits persons of low income as determined by an authority.

; and

WHEREAS, the Town of Breckenridge Housing Authority is authorized by Section 29-4-209(1)(i), C.R.S., to lease or rent any of the dwellings or other accommodations, or other lands, buildings, structures, or facilities embraced in any project, and to establish and revise the rents of charges therefor; and

WHEREAS, the Town owns certain real property which is suitable for the construction of a project by the Town of Breckenridge Housing Authority; and

WHEREAS, the Town of Breckenridge Housing Authority desires to acquire such property from the Town, and to construct thereon a housing project to be known as “Denison Placer Phase 1”; and

WHEREAS, the Town of Breckenridge Housing Authority has determined that the Denison Placer Phase 1 housing project meets the definition of a “project” as set forth in Section 29-4-203(12), C.R.S., in that it will: (i) provide dwelling accommodations on financial terms within the means of persons of low income and/or; (ii) will provide dwelling accommodations to persons, without regard to income, that will substantially benefit persons of low income; and

WHEREAS, the Town Council finds and determines that the Denison Placer Phase 1 housing project should be constructed by the Town of Breckenridge Housing Authority on the hereafter described Town-owned real property; and

WHEREAS, Section 15.3 of the Breckenridge Town Charter authorizes the Town Council, at its option, to convey Town-owned real property by ordinance without voter approval; and

WHEREAS, the Town Council finds and determines that it is appropriate for the hereafter described Town-owned real property to be conveyed to the Town of Breckenridge Housing Authority for its use in constructing and operating the Denison Placer Phase 1 housing project without requiring voter approval.

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

Section 1. When he has been advised by the Town Attorney that it is appropriate to do so, the Mayor of the Town of Breckenridge is authorized, empowered, and directed to execute, acknowledge, and deliver to Town of Breckenridge Housing Authority a special warranty deed conveying to the Town of Breckenridge Housing Authority the following Town-owned real property:

Part of Lot A-1, Runway Subdivision, and part of Lot 2C, Block 10, Rockpile Ranch Condominiums, Town of Breckenridge, County of Summit and State of Colorado [SPECIFIC LEGAL DESCRIPTION OF CONVEYANCE PARCEL TO BE PROVIDED WHEN AVAILABLE]

The special warranty deed shall be in a form approved by the Town Attorney.

Section 2. The Town Council hereby finds, determines, and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 3. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 28<sup>th</sup> day of March, 2017. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 11th day of April, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_/s/\_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk