

RESOLUTION NO. 12

SERIES 2017

A RESOLUTION APPROVING A FIFTH AMENDMENT TO ANNEXATION AGREEMENT WITH
UNION MILL, INC.
(The Wellington Neighborhood/Lincoln Park)

WHEREAS, the Town and Brynn Grey V, LLC, a Colorado limited liability company, entered into that certain Annexation Agreement dated August 24, 1999 and recorded in the Summit County, Colorado real estate records on October 18, 1999 at Reception No. 608041 ("**Annexation Agreement**"); and

WHEREAS, Union Mill, Inc., a Colorado corporation ("**Union Mill**"), is the successor in interest to Bryn Grey V, LLC, a Colorado limited liability company; and

WHEREAS, the Annexation Agreement pertains to the annexation to the Town and development of the project known as the "Wellington Neighborhood," and now includes the development of a project known as "Lincoln Park;" and

WHEREAS, the Annexation Agreement was previously amended by that Amendment to Annexation Agreement dated February 28, 2006 and recorded in Summit County, Colorado real estate records on March 22, 2006 at Reception No. 817872; and

WHEREAS, the Annexation Agreement was further amended by that Second Amendment to Annexation Agreement dated November 23, 2010 and recorded in Summit County, Colorado real estate records on December 28, 2010 at Reception No. 954419; and

WHEREAS, the Annexation Agreement was further amended by that Third Amendment to Annexation Agreement dated March 25, 2014 and recorded in Summit County, Colorado real estate records on May 23, 2014 at Reception No. 1055482; and

WHEREAS, the Annexation Agreement was further amended by that Fourth Amendment to Annexation Agreement dated October 27, 2015 and recorded in Summit County, Colorado real estate records on November 4, 2015 at Reception No. 1096307; and

WHEREAS, the Union Mill and Town desire to further amend the Annexation Agreement, as previously amended, as more fully set forth in the proposed "Fifth Amendment to Annexation Agreement," a copy of which is marked **Exhibit "A"**, attached hereto, and incorporated herein by reference; and

WHEREAS, the Town Council has reviewed the proposed "Fifth Amendment to Annexation Agreement," and finds and determines that the approval of such agreement would be in the best interests of the Town and its citizens.

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

Section 1. The "Fifth Amendment to Annexation Agreement" between the Town and Union Mill, Inc., a Colorado corporation (**Exhibit "A"** hereto), is approved, and the Town Manager is authorized to execute such document for and on behalf of the Town of Breckenridge.

Section 2. This resolution is effective upon adoption.

RESOLUTION ADOPTED AND APPROVED THIS 11TH DAY OF APRIL, 2017.

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