

RESOLUTION NO. 3

SERIES 2018

A RESOLUTION APPROVING AN AMENDMENT TO AMENDED AND RESTATED ANNEXATION AGREEMENT WITH SMI LAND, LLC, A COLORADO LIMITED LIABILITY COMPANY

WHEREAS, an Amended and Restated Annexation Agreement, dated as of January 12, 2010 and recorded in the Summit County, Colorado real estate records on February 26, 2010 at Reception No. 934610, was entered into among the Town, Braddock Holdings LLC, and SMI (“**Agreement**”); and

WHEREAS, the real property that is the subject of the Agreement was subdivided by the recording of a plat of Miller Subdivision in the Summit County, Colorado real estate records on April 24, 2008 at Reception No. 886225 (“**Miller Subdivision**”); and

WHEREAS, SMI now owns Tracts A and E, Miller Subdivision; and

WHEREAS, SMI has proposed an amendment to the Master Plan for Miller Subdivision (“**Master Plan**”) concerning Tracts A and E that requires an amendment to the Agreement; and

WHEREAS, the only property affected by the proposed amendment to the Master Plan and this Amendment are Tracts A and E, Miller Subdivision, which are owned by SMI; and

WHEREAS, the Town and SMI have come to an agreement with respect to the terms and conditions of a proposed Amendment to Amended and Restated Annexation Agreement, a copy of which is marked **Exhibit “A”**, attached hereto and incorporated herein by reference; and

WHEREAS, the Town Council of the Town of Breckenridge has reviewed the proposed Amendment to Amended and Restated Annexation Agreement, and finds and determines that the approval of the proposed Amendment to Amended and Restated Annexation 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 Amendment to Amended and Restated Annexation Agreement between the Town and SMI Land, LLC, a Colorado limited liability company (**Exhibit “A”** hereto), is approved and the Town Manager is authorized, empowered, and directed to execute such agreement for and on behalf of the Town of Breckenridge.

Section 2. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 23rd day of January, 2018.

TOWN OF BRECKENRIDGE

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

ATTEST:

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

APPROVED IN FORM

_____/s/_____
Town Attorney Date