

RESOLUTION NO. 10

SERIES 2019

A RESOLUTION ADOPTING THE TOWN OF BRECKENRIDGE COMPREHENSIVE PLAN AND LAND USE GUIDELINES AS THE TOWN'S ANNEXATION PLAN PURSUANT TO SECTION 31-12-105(1)(e), C.R.S.

WHEREAS, Section 31-12-105(1)(e), C.R.S., requires that prior to completion of any annexation a municipality shall have in place a plan for the area proposed to be annexed describing certain matters described in such statute; and

WHEREAS, Section 31-12-105(1)(e), C.R.S., further requires that the annexation plan be updated at least once annually; and

WHEREAS, the Town Council finds and determines that the Town of Breckenridge Comprehensive Plan and the Town's Land Use Guidelines together satisfy the requirements of an annexation plan under Section 31-12-105(1)(e), C.R.S., and should serve as the Town's annexation plan required by such statute; and

WHEREAS, in *Town of Erie v. Town of Frederick*, 251 P.3d 500 (Colo. App. 2010) the Colorado Court of Appeals held that a municipality's comprehensive plan can serve as the municipality's annexation plan required by under Section 31-12-105(1)(e), C.R.S., so long as the comprehensive plan (and related documents) contain all of the information required of an annexation plan; and

WHEREAS, the Town Council finds and determines that the Town of Breckenridge Comprehensive Plan and the Town's Land Use Guidelines together contain all of the information required of an annexation plan.

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

Section 1. The Town of Breckenridge Comprehensive Plan, with the accompanying maps, plats, charts, and descriptive matter, as amended, together with the Town of Breckenridge Land Use Guidelines, are adopted as the Town's Annexation Plan pursuant to Section 31-12-105(1)(e), C.R.S.

Section 2. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED THIS 9TH DAY OF APRIL, 2019.

TOWN OF BRECKENRIDGE

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

ATTEST:

_____/s/_____
Helen Cospolich
Town Clerk

APPROVED IN FORM

_____/s/_____
Town Attorney date