

RESOLUTION NO. 12

SERIES 2019

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS REGARDING
THE PROPOSED ANNEXATION TO THE TOWN OF BRECKENRIDGE OF
A PARCEL OF LAND
(Kenington Townhomes – 2.80 acres, more or less)

WHEREAS, the Town Council of the Town of Breckenridge has previously found a petition for the annexation of the hereinafter described parcel of land to be in substantial compliance with the requirements of Section 31-12-107(1), C.R.S.; and

WHEREAS, the Town Clerk has given notice of a public hearing on the proposed annexation by publication of such notice once a week for four consecutive weeks and by mailing notice of such hearing by registered mail to the Board of County Commissioners of Summit County, the County Attorney, the school district, and to any special district having territory in the area proposed to be annexed as required by Section 31-12-108(2), C.R.S.; and

WHEREAS, the Town Council held a public hearing on April 23, 2019 to determine if the proposed annexation complies with Sections 31-12-104 and 105, C.R.S., and is, therefore, eligible for annexation to the Town.

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

Section 1. With regard to the proposed annexation to the Town of the following described real property, to wit:

Kenington Place Townhomes, including all buildings and units thereof, and all common areas, according to the plats thereof recorded in the real property records of the Clerk and Recorder of Summit County, Colorado.

The parcel is more particularly described as follows:

A tract of land being all of Kenington Place Townhomes (previously Lot 67, Huron Heights), located in summit County Colorado, and being more particularly described as follows:

Beginning at the Southeast corner of said Kenington Place Townhomes (Lot 67, Huron Heights); thence along the following 5 courses:

- 1.) N54°12'03"W a distance of 579.76 feet;
 - 2.) N10°00'29"W a distance of 147.77 feet;
 - 3.) N57°15'00"E a distance of 150.00 feet;
 - 4.) S44°09'25"E a distance of 640.54 feet;
 - 5.) S35°44'24"W a distance of 130.91 feet;
- To the Point of Beginning, containing 2.80 acres, more or less

the Town Council of the Town of Breckenridge ("Town") hereby finds, determines, and concludes as follows:

- A. The finding made by the Town Council in Resolution No. 12, Series 2019 that the Petition For Annexation filed in this matter is in substantial compliance with the requirements of Section 31-12-107(1), C.R.S., is reaffirmed and incorporated into this resolution by reference.
- B. In connection with this annexation proceeding Section 30(1) of Article 2 of the Colorado Constitution has been complied with because the Town has received a petition for annexation signed by persons comprising more than fifty percent of the landowners in the area proposed for annexation and owning more than fifty percent of the area proposed for annexation, excluding public streets, and alleys and any land owned by the Town.
- C. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town and, therefore, because of such contiguity, a community of interest exists between the territory proposed to be annexed and the Town.

- D. No portion of the required contiguity for this annexation was achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Therefore, the requirements of Section 31-12-105(1)(e)(II), (e.1), and (e.3) do not apply to this annexation.
- E. The contiguity required for this annexation was not established by use of any boundary of an area which was previously annexed to the Town but which, at the time of its annexation, was not contiguous at any point with the boundary of the Town; was not otherwise in compliance with the requirements of Section 31-12-104(1)(a), C.R.S.; and was located more than three miles from the nearest boundary of the Town; nor was such contiguity established by use of any boundary of territory which has been subsequently annexed directly to, or which was indirectly connected through subsequent annexations to, such area.
- F. The territory proposed to be annexed is urban or will be urbanized in the near future.
- G. The territory proposed to be annexed is integrated with, or is capable of being integrated with, the Town of Breckenridge, Colorado.
- H. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.
- I. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of Two Hundred Thousand Dollars [\$200,000] for ad valorem tax purposes for the year preceding the annexation) has been included without the written consent of the landowners unless such tract of land is situated entirely within the outer boundaries of the Town as they exists at the time of annexation.
- J. No annexation proceedings concerning the territory proposed to be annexed have been commenced by another municipality.
- K. The proposed annexation will not result in the detachment of area from a school district.
- L. The proposed annexation will not result in the extension of the boundaries of the Town more than three miles.
- M. The Town has in place a plan for the area proposed to be annexed.
- N. In establishing the boundaries of the area proposed to be annexed the entire width of any street or alley is included within the area to be annexed.
- O. Nothing in either Section 31-12-104 or Section 31-12-105, C.R.S., prevents the annexation of the subject property to the Town.
- P. The area proposed to be annexed meets all applicable requirements under Colorado law, and is eligible for annexation to the Town.

Section 2. An election is not required in connection with the proposed annexation.

Section 3. No additional terms or conditions are to be imposed upon the area proposed to be annexed.

Section 4. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED THIS 23RD DAY OF APRIL, 2019.

TOWN OF BRECKENRIDGE

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

ATTEST:

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

APPROVED IN FORM

_____/s/_____
Town Attorney date