

DISTRICT COURT, MESA COUNTY, COLORADO Court Address: 125 North Spruce St. Grand Junction, CO 81501 Telephone: (970) 257-3625	DATE FILED: January 27, 2020 CASE NUMBER: 2007CV114
In the Matter of the Petition of the CITY OF GRAND JUNCTION, a home rule city, For the exclusion of certain territory from the CLIFTON FIRE PROTECTION DISTRICT	▲ COURT USE ONLY ▲
John P. Shaver, No: 16594 City Attorney 250 North 5th Street Grand Junction, CO 81501 (970) 244-1508	Case Number: 07 CV 114 Division: 9
ORDER FOR EXCLUSION OF LANDS	

The Petition for the exclusion of lands from the Clifton Fire Protection District, having been called for hearing by the Court and the Court having been duly advised in the premises hereby finds that:

1. The Court has jurisdiction over the subject matter and the parties herein.
2. That the requirements of 32-1-502, C.R.S. has been met or will reasonably be met by the parties.
3. That the parties have provided for the necessary and orderly provision of fire and other emergency response to the excluded areas.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED BY THE COURT:

That the lands described in the Petition, all situate within Mesa County, Colorado are hereby excluded from the Clifton Fire Protection District, and that the legal and common descriptions contained in said Petition are incorporated by this reference as if fully set forth. This Order relates back to the date of the filing of the petition in this case.

BY THE COURT THIS 27th DAY OF January 2020.


DISTRICT COURT JUDGE

<p>DISTRICT COURT, MESA COUNTY, COLORADO</p> <p>Court Address: 125 North Spruce St. Grand Junction, CO 81501</p> <p>Telephone: (970) 257-3625</p>	<p>DATE FILED: December 19, 2019 3:10 PM FILING ID: 52854A2E12827 CASE NUMBER: 2007CV114</p>
<p>In the Matter of the Petition of the CITY OF GRAND JUNCTION, a home rule city,</p> <p>For the exclusion of certain territory from the CLIFTON FIRE PROTECTION DISTRICT</p>	<p>▲ COURT USE ONLY ▲</p>
<p>John P. Shaver, No. 16594 City Attorney 250 North 5th Street, Grand Junction, CO 81501 (970) 244-1508</p>	<p>Case Number: 07 CV 114</p> <p>Division: <u> 9 </u></p>
<p style="text-align: center;">VERIFIED PETITION</p>	

COMES NOW the City of Grand Junction, a home rule city, by and through the undersigned counsel and affords notice of the filing of a petition with the Court for a Hearing and Order on the exclusion of certain lands within the Clifton Fire Protection District:

The following 2019 annexation(s) are located within the Clifton Fire District boundary and are subject to exclusion from the district:

TOWNHOMES AT RIVER PARK ANNEXATION – Ordinance No. 4866

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 SE 1/4 of said Section 15 and assuming the South line of the SE 1/4 SE 1/4 of said Section 15 bears N 89°53'38" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°07'40" W, along the West line of the SE 1/4 SE 1/4 of said Section 15, a distance of 40.00 feet to the POINT OF BEGINNING, said point being the Southwest corner of Outlot A, Block Two of the The Peaks, a subdivision recorded in Plat Book 16, Page 258, Public Records of

Mesa County, Colorado; thence from said Point of Beginning, continue N 00°07'40" W, along said West line, a distance of 238.43 feet; thence N 89°50'43" E, a distance of 50.25 feet; thence N 44°50'43" E, a distance of 49.35 feet to a point being the beginning of a 14.14 foot radius curve, concave Northeast, whose long chord bears S 45°08'27" E, a long chord length of 19.99 feet; thence Southwesterly along the arc of said curve, thru a central angle of 89°57'46", an arc length of 22.20 feet; thence S 44°50'43" W, a distance of 49.82 feet; thence S 00°09'17" E, along the West line of Lot 3 of The Peaks subdivision, a distance of 48.22 feet; thence S 89°53'29" E, along the South line of said Lot 3, a distance of 12.00 feet; thence S 89°53'38" E, along the South line of Lots 1, 2 and 3, Block Two of The Peaks subdivision and its Easterly prolongation, a distance of 224.64 feet to a point on the East right of way for Roberts Road, per The Peaks subdivision; thence S 00°07'40" E, along said East right of way, a distance of 147.65 feet; thence S 44°58'48" E, along said right of way, a distance of 40.20 feet to a point on the North right of way for D Road; thence N 89°53'38" W along said North right of way, being a line 40.00 feet North of and parallel with, the South line of the SE 1/4 SE 1/4 of said Section 15, a distance of 329.07 feet, more or less, to the Point of Beginning.

CONTAINING 58,179 Square Feet or 1.336 Acres, more or less, as described hereon.

TWO PONIES ANNEXATION – Ordinance No. 4868

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, being more particularly described as follows:

BEGINNING at the Northeast corner of the NE 1/4 SE 1/4 of said Section 16 and assuming the East line of the NE 1/4 SE 1/4 of said Section 16 bears S 00°01'50" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°01'50" W, along the East line of the NE 1/4 SE 1/4 of said Section 16, a distance of 1055.73 feet; thence S 89°56'56" W, along the South line of that certain parcel of land described in Book 1781, Page 675, Public Records of Mesa County, Colorado, a distance of 660.16 feet; thence N 00°01'36" E, along the West line of the East Half of the NE 1/4 SE 1/4 of said Section 16, a distance of 1055.41 feet, more or less, to a point on the North line of the NE 1/4 SE 1/4 of said Section 16; thence N 89°55'16" E, along said North line, a distance of 660.23 feet, more or less, to the Point of Beginning.

CONTAINING 696,884 Square Feet or 16.00 Acres, more or less, as described hereon.

1. It is intended that the property to be excluded be that located within the perimeter descriptions above setout except as the property is itself described.
2. The Petitioner has represented to the Court that the property above described is and has been duly and lawfully annexed to the City of Grand Junction, Colorado.
3. The Petitioner has further represented to the Court that the conditions for exclusion as set out in §32-1-502, C.R.S. have been met or are inapplicable.

4. Clifton Fire Protection District currently provides fire protection service to properties within the Clifton Fire Protection District. By virtue of the 1998 intergovernmental agreement between the City and Mesa County (the Persigo Agreement) the City has promised to pay to Clifton that amount of money which would have been received by Clifton by virtue of its current mill levy as applied throughout the Clifton District absent exclusion of property from the District by virtue of annexation to the City. The payment is subject to the on-going requirement that Clifton continue to provide its full services to the excluded property. By virtue of that agreement service of and to the properties in the District will continue uninterrupted and therefore the provisions for a service plan as required by §32-1-502(2), (4) and (6), C.R.S. are inapplicable.

5. The City has paid Clifton for its services and has refunded to the annexed property owners the equivalent sums of taxes attributable to being within the Clifton district.

6. By verification of the Petition by the City Manager of the City of Grand Junction, the Petitioner does represent to the Court that the terms of the Persigo Agreement will be met or the City will serve the excluded properties and therefore quality of service will not be adversely affected by such exclusion.

7. The Court is statutorily empowered to set a hearing and to enter an Order of Exclusion if all statutory conditions are met.

Respectfully submitted this 18TH day of DECEMBER, 20 19.

OFFICE OF THE CITY ATTORNEY

by: 

John P. Shaver #16594

City Attorney

250 North 5th Street

Grand Junction, CO 81501

(970) 244-1508

CERTIFICATE OF MAILING

I hereby certify that I mailed a copy of the attached document, postage prepaid, this 19th day of December, 2019, addressed to: Rich Livingston 2764 Compass Dr, Ste. 200A, Grand Junction, CO 81506.

Jennifer L. Cinquini

VERIFICATION

I, Greg Caton, City Manager, do hereby state under oath that the facts contained in paragraphs 4, 5 and 6 are true and correct to the best of my knowledge and belief.

[Signature]

STATE OF COLORADO)
COUNTY OF MESA)

Subscribed and sworn to before me by Greg Caton this 18th day of December, 2019.

Jennifer L. Cinquini
Notary Public

My commission expires: May 25, 2021

