

DISTRICT COURT, MESA COUNTY, COLORADO Court Address: 125 North Spruce St. Grand Junction, CO 81501 Telephone: (970) 257-3625	DATE FILED: January 28, 2022 9:14 AM
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	<b>▲ COURT USE ONLY ▲</b>
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
<b>ORDER FOR EXCLUSION OF LANDS</b>	

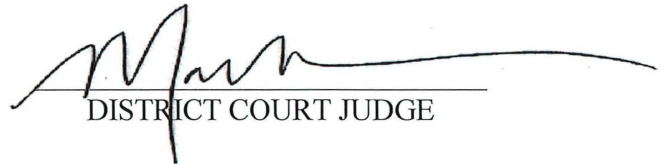
The Petition for the exclusion of lands from the Clifton Fire Protection District, having been called for hearing by the Court and the Court having been duly advised in the premises hereby finds that:

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.
4. Clifton Fire Protection District has debt on a ladder truck. That debt is scheduled to be paid in August 2022. The excluded lands are not liable for the debt and 32-1-502(6) C.R.S. is found to be inapplicable and/or satisfied.

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 \_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_ . January 28, 2022

  
DISTRICT COURT JUDGE

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<b>VERIFIED PETITION</b>	

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 City of Grand Junction petitions the Court for exclusion from the Grand Junction Rural Fire Protection District of Mesa County, Colorado, the following described land, to wit:

**The following 2021 annexation(s) are located within the Clifton Fire District boundary and are subject to exclusion from the district:**

**BLUE MESA ANNEXATION**

A parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, being those parcels of land described in deeds filed under Reception Numbers 2547291 and 2959304 and being more particularly described as follows:

COMMENCING at the Northwest corner of said NE1/4SE1/4 of Section 16 and assuming the North line of said NE1/4SE1/4 of Section 16 bears N89°55'12"E with all other bearings

contained herein being relative thereto; thence from said Point of Commencement, N89°55'12"E, along said North line of the NE1/4SE1/4 of Section 16, a distance of 220.20 feet to the POINT OF BEGINNING; thence continuing N89°55'12"E along said North line a distance of 440.03 feet to a point on the West line of the East half of said NE1/4SE1/4; thence S0°01'48"W a distance of 1319.53 feet to a point on the South line of said NE1/4SE1/4 of Section 16; thence S89°56'54"W along said South line a distance of 439.85 feet to the Southeast corner of PEAR PARK PLACE SUBDIVISION, a subdivision filed for record under Reception Number 2407172; thence N0°01'19"E, a distance of 1319.31 feet, to the Point of Beginning.

Containing 580468 Square Feet, or 13.33 Acres, more or less, as described.

### **REECE ANNEXATION**

A parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 4, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado being those parcels described in deeds filed under Reception Number 2761663 and Reception Number 2918990 and being more particularly described as follows:

Commencing at the Northwest Corner of said NE1/4SW1/4 Section 4 and assuming the North line of said NE1/4 SW1/4 bears N89°58'02"E with all other bearings contained herein being relative thereto; thence N89°58'02"E along said North line NE1/4SW1/4 a distance of 660.40 feet; thence S0°09'32"E a distance of 497.64 feet to the Point of Beginning; thence N89°59'41"E a distance of 397.37 feet; thence S0°09'32"E a distance of 160.00 feet to the north line of the S1/2NE1/4SW1/4; thence N89°59'41"E a distance of 12.96 feet along said north line; thence S0°09'10"E a distance of 465.59 feet to the northerly right-of-way of the Price Ditch; thence S19°10'32"W a distance of 50.00 feet, crossing said 50 foot Right-of-Way to the Southerly line of said 50 foot Price Ditch Right-of-Way also being the northerly line of HALL ANNEXATION NO. 3, Ordinance No. 3177; thence along said Southerly right-of-way line and said northerly annexation line for the following six (6) courses: 1) N70°47'44"W a distance of 37.85 feet; 2) thence N61°54'24"W a distance of 137.88 feet; 3) thence N51°48'06"W a distance of 184.27 feet; 4) thence N62°22'53"W a distance of 381.18 feet; 5) thence N51°07'19"W a distance of 208.24 feet; 6) thence N65°14'21"W a distance of 33.40 feet to a point on said north line of the S1/2NE1/4SW1/4; thence N89°59'41"E along said north line a distance of 437.24 feet; thence N0°09'32"W a distance of 160.00 feet to the Point of Beginning.

### **SAGE CREEK ANNEXATION**

A parcel of land being the West Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (W 1/2 SE1/4 SE1/4 NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Center 1/4 Corner of said Section 16 and assuming the South line of the SE 1/4 NW 1/4 said Section 16 bears S89°54'18"W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S89°54'18"W along said south line SE 1/4 NW 1/4 a distance of 330.30 feet to the Southeast Corner of said W 1/2 SE1/4 SE1/4

NW 1/4 being a point on the boundary of FRUITVALE MEADOWS ANNEXATION NO. 2 and being the Point of Beginning; thence continuing S89°54'18"W along the boundary of said FRUITVALE MEADOWS ANNEXATION NO. 2 a distance of 330.30 feet; thence N0°01'38"W a distance of 659.84 feet; thence N89°54'05"E a distance of 330.28 feet; thence S0°01'42"E a distance of 659.86 feet to the Point of Beginning.

Containing 217939 Square Feet, or 5.00 Acres, more or less, as described.

For the City's petition:

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 ("CFPD") currently provides fire protection service to properties within the Clifton Fire Protection District. By verification of the Petition by Grand Junction Fire Department ("GJFD") Chief Kenneth R. Watkins, the Petitioner represents to the Court that the quality of service will not be adversely affected by exclusion because the GJFD and CFPD have had and will continue to have an automatic response plan ("Plan" or "the Plan") that is implemented by both agencies. Due to the regularity of service delivery the Petitioner has no reason to believe that the insurance costs for the improvements with the excluded areas will be adversely affected by exclusion. The Plan is outlined in the attached *Operational Directive* and the Petitioner submits that the provisions for a service plan as required by §32-1-502(2) and (4) C.R.S. are inapplicable.
5. By verification of the Petition by Grand Junction Fire Chief Kenneth R. Watkins, the Petitioner represents to the Court on his knowledge and belief that CFPD's has extant debt on a ladder truck and that the debt is scheduled to be paid in August 2022 and furthermore that the debt is not serviced by mill levy/ad valorem taxes and therefore the provisions for a service plan as required by §32-1-502(2) and (4) C.R.S. are inapplicable and that foregoing recitation of debt is in accord with subsection (6).
6. 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 20th day of December 2021.

OFFICE OF THE CITY ATTORNEY

by: [Signature]  
John P. Shaver #16594  
City Attorney  
250 North 5th Street  
Grand Junction, CO 81501  
(970) 244-1508

**VERIFICATION**

I, Kenneth R. Watkins, Fire Chief in and for the City of Grand Junction, do hereby state under oath that the facts contained in paragraphs 4 and 5 are true and correct to the best of my knowledge and belief.

[Signature]  
Kenneth R. Watkins

Suzanne Erickson  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID# 20194040664  
MY COMMISSION EXPIRES October 24, 2023

STATE OF COLORADO )  
COUNTY OF MESA )

Subscribed and sworn to before me by Suzanne Erickson this 17<sup>th</sup> day of December 2021.

[Signature]  
Notary Public

My commission expires: October 24, 2023

**CERTIFICATE OF MAILING**

I hereby certify that I mailed a copy of the attached document, postage prepaid, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, addressed to: \_\_\_\_\_

Charles Balke  
Fire Chief  
Clifton Fire Protection District  
3254 F Road  
Clifton, Colorado 81520