


<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 style="text-align: center;"><b>SO ORDERED BY COURT</b></p> <p style="text-align: center;">01/17/2023 DATE FILED: January 17, 2023 4:12 PM CASE NUMBER: 2007 CV 114</p> <p style="text-align: center;"> <b>MATTHEW DAVID BARRETT</b> District Court Judge</p> <p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <p>Case Number: 07 CV 114</p> <p>Division: 9</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>John P. Shaver, No. 16594 City Attorney 250 North 5th Street, Grand Junction, CO 81501 (970) 244-1508</p>	
<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 no debt. Accordingly, the exclusion of lands will not impair a debt obligation and 31-1-502(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\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

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<p><b>VERIFIED PETITION</b></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 2022 annexations by the City are located within the Clifton Fire District boundary and are subject to exclusion from the District:**

**CROSS ORCHARDS ANNEXATION**

A Serial Annexation Comprising Cross Orchards Annexation No.1  
and Cross Orchards Annexation No. 2

**Cross Orchards Annexation No. 1**

A parcel of land lying in the North Half of the Northeast Quarter (N 1/2 NE1/4) of Section 9 and the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 4, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being portions of Right of Way Parcels described at Reception Number 1070598 and 1314146 and portions of Lot 1, CROSS ORCHARDS II SUBDIVISION same as filed under Reception Number 2985337 and Lot 1,

CROSS ORCHARDS SUBDIVISION same as filed under Reception Number 2900417 and being more particularly described as follows:

BEGINNING at the East 1/16 Corner of said Section 9 and Section 4, Township 1 South, Range 1 East, Ute Meridian and assuming the North Line of the NW1/4 NE1/4 of said Section 9 bears S89°55'16"E with all other bearings herein being relative thereto; thence S00°07'50"E along the east line of said NW1/4 NE1/4 of Section 9 a distance of 50.00 feet to the northwest corner of said Lot 1, CROSS ORCHARDS SUBDIVISION; thence S89°56'49"E along the north line of said Lot 1, CROSS ORCHARDS SUBDIVISION a distance of 328.63 feet; thence S00°09'09"E a distance of 11.00 feet; thence N89°56'49"W a distance of 771.00 feet to a point on the west line of said Lot 1, CROSS ORCHARDS II SUBDIVISION; thence N00°02'24"E a distance of 11.20 feet to the Northwest corner of said Lot 1, CROSS ORCHARDS II SUBDIVISION also being a point on the south line of SONRISE ACRES ANNEXATION No. 3; thence along the boundary of said SONRISE ACRES ANNEXATION No. 3 for the following three (3) courses: S89°55'16"E, a distance of 194.34 feet; thence N00°08'10"W a distance of 50.00 feet; thence N00°07'31"W a distance of 50.00 feet to a point on the north line of said Right of Way parcel described at Reception Number 1070598; thence S89°55'16"E along the north line of said Right of Way Parcel described at Reception Number 1070598 a distance of 248.00 feet to a point on the east line of the SW1/4 SE1/4 of said Section 4; thence S00°07'31"E along said east line SW1/4 SE1/4 Section 4 a distance of 50.00 feet to the to the Point of Beginning.

Containing 33323 Square Feet, or 0.77 Acres, more or less, as described.

### **Cross Orchards Annexation No. 2**

A parcel of land lying in the North Half of the Northeast Quarter (N 1/2 NE1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being portions of Lot 1, CROSS ORCHARDS II SUBDIVISION same as filed under Reception Number 2985337 and Lots 1 and 4, CROSS ORCHARDS SUBDIVISION same as filed under Reception Number 2900417 and being more particularly described as follows:

COMMENCING at the East 1/16 Corner of said Section 9 and Section 4, Township 1 South, Range 1 East, Ute Meridian and assuming the North Line of the NW1/4 NE1/4 of said Section 9 bears S89°55'16"E with all other bearings herein being relative thereto; thence S00°07'50"E along the east line of said NW1/4 NE1/4 a distance of 50.00 feet to the northwest corner of said Lot 1, CROSS ORCHARDS SUBDIVISION; thence S89°56'49"E a distance of 328.63 feet along the north line of said Lot 1, CROSS ORCHARDS SUBDIVISION to the Point of Beginning also being a point on the boundary of CROSS ORCHARDS ANNEXATION NO. 1; thence continuing S89°56'49"E a distance of 21.41 feet to the Northeast corner of said Lot 1, CROSS ORCHARDS SUBDIVISION; thence S00°09'10"E a distance of 491.49 feet; thence S89°52'17"W a distance of 350.23 feet to a point on said east line of the NW1/4 NE1/4 Section 9; thence S00°05'32"E a distance of 775.83 feet to the Northeast 1/16 corner of said Section 9; thence N89°58'15"W a distance of 675.80 feet; thence N00°05'29"W a distance of 981.98 feet; thence N89°58'04"E a distance of 232.46 feet; thence N00°02'24"E a distance of 275.38 feet to a point on the south line of said CROSS ORCHARDS ANNEXATION NO. 1 ; thence along said south line of CROSS

ORCHARDS ANNEXATION NO. 1 for the following two (2) courses: S89°56'49"E a distance of 771.00 feet; N0°09'09"W a distance of 11.00 feet to the Point of Beginning.

Containing 954298 Square Feet, or 21.91 Acres, more or less, as described.

### **KEYSER COURT ANNEXATION**

A parcel of land being Lots 13, 14, 15, 16, 17, 18, 19 & 20, Block 2, River Bend, a plat filed for record under Reception Number 1305204 in Mesa County, Colorado and Right-of-Ways being Keyser Court (platted as Crystal Court of said River Bend) and a portion of Crystal Drive of said River Bend, located in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 22, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado, more particularly described as follows: Commencing at the Southeast Corner of said NW1/4 NW1/4 and assuming the South Line of said NW1/4 NW1/4 Section 22 bears S89°54'30"W with all other bearings herein being relative thereto; thence N55°15'50"W, a distance of 691.24 feet to the Southeast Corner of said Lot 16 and being the Northeast Corner of *RIVER BEND ANNEXATION NO. 2, ORDINANCE 4076* and the Point of Beginning;

thence along the Northerly line of said *RIVER BEND ANNEXATION NO. 2* the following four (4) courses: 1) N89°51'12"W along the South line of said Lots 14, 15 & 16, a distance of 267.00 feet; 2) S70°09'19"W along the South line of said Lot 13, a distance of 75.27 feet to a point on the Easterly Right-of-Way boundary of said Crystal Drive;

3) Northwesterly along the arc of a 650.68 foot radius curve concave Northeasterly, a distance of 84.78 feet thru a central angle of 07°27'55" whose chord bears N14°56'57"W, a distance of 84.72 feet and being the Westerly boundary of said Lot 13;

4) S76°09'23"W, a distance of 50.00 feet to a point on the Westerly Right-of-Way boundary of said Crystal Drive; thence along said Westerly Right-of-Way boundary of Crystal Drive for the following two (2) courses: 1) Northwesterly along the arc of a 700.68 foot radius curve concave Easterly, a distance of 135.39 feet to a point of compound curvature thru a central angle of 11°04'14" whose chord bears N05°51'52"W, a distance of 135.18 feet; 2) Northeasterly along the arc of a 265.00 foot radius curve concave Easterly, a distance of 113.31 feet thru a central angle of 24°29'57" whose chord bears N11°55'15"E, a distance of 112.45 feet; thence S65°49'45"E, a distance of 50.00 feet to a point on the Easterly Right-of-Way boundary of Crystal Drive, thence Southwesterly along the arc of a 215.00 foot radius curve concave Easterly along said Easterly Right-of-Way boundary of Crystal Drive, a distance of 76.75 feet to the Northwest corner of said Lot 20 thru a central angle of 20°27'09" whose chord bears S13°59'35"W, a distance of 76.34 feet; thence S89°51'12"E along the North line of said Lots 18, 19 & 20, a distance of 248.74 feet to a point on the West line said Lot 17;

thence along the boundary of said Lot 17 for the following three (3) courses:

1) N00°08'48"E, a distance of 15.00 feet; 2) S89°51'12"E, a distance of 95.00 feet;

3) S18°02'37"W, a distance of 95.72 feet to a point on the Cul-de-Sac Right-of-Way boundary of Keyser Court; thence Southwesterly along the arc of a 40.00 foot radius curve concave Westerly along said Right-of-Way boundary of Keyser Court, a distance of 44.22 feet thru a central angle of 63°20'43" whose chord bears S00°18'09"W, a distance of 42.01 feet to the Northeast Corner of said Lot 16; thence along the boundary of said Lot 16 for the following two (2) courses: 1) S58°02'45"E, a distance of 68.15 feet; 2) S00°08'48"W, a distance of 40.00 feet to the Point of Beginning.

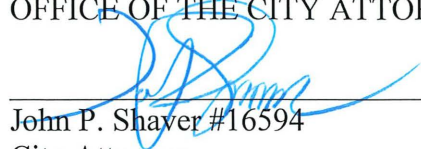
Said Parcel of land CONTAINING 79,783 Square Feet or 1.83 Acres, more or less, as described.

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. By, with and through the various annexation ordinances the governing body of the Petitioner has incorporated the annexed areas into the City and will serve the same. The annexation ordinances satisfy 32-1-502(2)(a) C.R.S.
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 the 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 no extant debt therefore the provisions for a service plan as required by 32-1-502(2)(c) C.R.S. are inapplicable and that foregoing recitation of debt is in accord with 32-1-502(6).
6. By verification of the Petition by Grand Junction Fire Chief Kenneth R. Watkins, the Petitioner has represented to the Court that the quality of service will not be adversely affected by such exclusion. As a result, fire insurance premiums should not change by virtue of the exclusion.
7. The Court is statutorily empowered to set a hearing and to enter an Order of Exclusion if all statutory conditions are met.

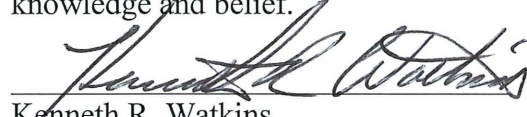
Respectfully submitted this 20<sup>th</sup> day of December 2022.

OFFICE OF THE CITY ATTORNEY

  
\_\_\_\_\_  
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, 5 and 6 are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Kenneth R. Watkins

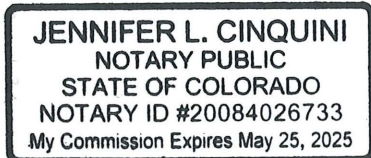
STATE OF COLORADO    )  
  )SS  
COUNTY OF MESA        )

Subscribed and sworn to before me on this the 20<sup>th</sup> day of December 2022 by Kenneth R. Watkins as Fire Chief for the City of Grand Junction.

Witness my hand and seal.

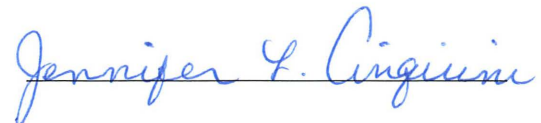
My commission expires May 25, 2025.

  
\_\_\_\_\_  
Notary Public



**CERTIFICATE OF MAILING**

I hereby certify that I mailed a true and correct copy of the attached VERIFIED PETITION to the Attorney for the Clifton Fire Protection District on this 20<sup>th</sup> day of December 2022.

  
\_\_\_\_\_  
Jennifer L. Cinquini