

RECEPTION#: 3054280
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Bobbie Gross, Mesa County, CO.
CLERK AND RECORDER

<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>FILED IN COMBINED COURT</p> <p>JAN 17 2023</p> <p>MESA COUNTY COMBINED COURT MESA COUNTY, COLORADO</p> <p>▲ COURT USE ONLY ▲</p> <p>Case Number: 7097</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 GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT</p>	
<p>John P. Shaver, No. 16594 City Attorney 250 North 5th Street, Grand Junction, CO 81501 (970) 244-1508</p>	
<p>ORDER FOR EXCLUSION OF LANDS</p>	

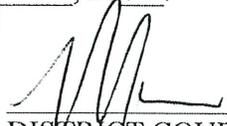
The Petition for the exclusion of lands from the Clifton Fire Protection District, having been called for hearing by the Court and the Court having been duly advised in the premises hereby finds that:

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. The Grand Junction Rural 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 Grand Junction Rural 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 17th DAY OF January, 2023.



DISTRICT COURT JUDGE

DISTRICT COURT, MESA COUNTY, COLORADO	
Court Address:	125 North Spruce St. Grand Junction, CO 81501
Telephone:	(970) 257-3625
<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 GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT</p>	
▲ COURT USE ONLY ▲	
John P. Shaver, No. 16594 City Attorney 250 North 5th Street, Grand Junction, CO 81501 (970) 244-1508	Case Number: 7097 Division: 9
VERIFIED PETITION	

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 Grand Junction Rural 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 2022 annexation(s) are located within the Redlands Sub-District of the Grand Junction Rural Fire District boundary and are subject to exclusion from the district:

CHURCH ON THE ROCK NORTH ANNEXATION

A parcel of land lying in Lot 2 of Section 23 Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being a portion of that Right-of-Way (R.O.W.) described in a deed filed under Reception Number 986807 said R.O.W. also known as Rio Hondo Road and that parcel of land described in a deed filed under Reception Number 2443845 and being more particularly described as follows:

COMMENCING at the North ¼ Corner of said Section 23; thence S20°07'23"E a distance of 1763.25 feet to the Northwest corner of said Reception Number 2443845 being the POINT OF BEGINNING and being a point on the east line of said Rio Hondo Road said east line have a bearing of N04°56'31"E with all other bearings being relative hereon; thence S89°49'39"E a distance of 749.81 feet; thence S49°49'57"W a distance of 291.54 feet; thence S33°36'32"W a distance of 209.69 feet to a point on the boundary of CHURCH ON THE ROCK ANNEXATION, ORDINANCE 3580; thence N89°53'32"W along the CHURCH ON THE ROCK ANNEXATION, ORDINANCE 3580 boundary said a distance of 442.44 feet to a point on said east line Rio Hondo Road being a point on the boundary of MONUMENT VILLAGE ANNEXATION, ORDINANCE 4368; thence along the boundary of said MONUMENT VILLAGE ANNEXATION, ORDINANCE 4368 for the following two (2) courses: 1) N4°56'31"E along said east line Rio Hondo Road, a distance of 259.97 feet; 2) N85°03'29"W a distance of 50.00 feet to a point on the west line said Rio Hondo Road; thence N4°56'31"E along said West line Rio Hondo Road a distance of 105.50 feet; thence S85°03'29"E a distance of 50.00 feet to the Point of Beginning,

Containing 213652 Square Feet, or 4.91 Acres, more or less, as described.

TRINKLEIN ANNEXATION

A parcel of land as described in Reception Number 2848242, said tract being all of Lot 1 & Lot 2, Ellie Heights as described in Plat Book 9, Page 52 (Reception Number 731636) situated in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado said parcel being more particularly described as follows:

Commencing at the South Quarter Corner (S1/4) of said Section 15 and assuming the South line of said SE1/4 bears S89°26'44"E with all other bearings contained herein being relative thereto; thence S89°26'44"E along said South line of the SE1/4, a distance of 1,048.12 feet; thence N00°22'14"E, a distance of 203.94 feet to the Southeast Corner of Lot 1 of Ellie Heights being the Point of Beginning; thence along the Northerly Right-of-Way line of Broadway (Colorado State Route 340) the following three (3) courses; Northwesterly along the arc of a 676.30 radius curve concave Northeasterly thru a central angle of 09°38'38", a distance of 113.83 feet, whose chord bears N42°03'38"W, a distance of 113.70 feet; thence N37°13'38"W, a distance of 40.00 feet to the Southwest Corner of said Lot 1; thence N37°13'38"W, a distance of 115.50 feet to the Southwest Corner of Lot 2 of Ellie Heights; thence N48°49'52"E along of the West line of said Lot 2, a distance of 151.31 feet to the Northwest Corner of said Lot 2; thence the following five (5) courses along the Southerly & Westerly Right-of-Way lines of Ferree Drive; Southeasterly along the arc of a 600.00 foot radius curve concave Northeasterly thru a central angle of 05°15'04", a distance of 54.99 feet, whose chord bears S39°58'02"E, a distance of 54.97 feet; thence S42°24'08"E, a distance of 59.54 feet to the Northwest Corner of said Lot 1; thence S42°24'08"E, a distance of 24.00 feet; thence continuing Southeasterly along the arc of a 115.00 foot radius curve concave Southwesterly thru a central angle of 78°56'12", a distance of 158.44 feet, whose chord bears S02°58'37"E, a

distance of 146.20 feet; thence S36°28'52"W, a distance of 72.15 feet to the Point of Beginning.

Said parcel of CONTAINING 38,296 square feet or 0.88 Acres, more or less, as described.

TWENTY EIGHTY BROADWAY ANNEXATION

A parcel of land as described in Reception Number 3005225, located in the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 15, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast Corner of said Section 15 and assuming the South line of the Southeast Quarter of said Section 15 bears N89°26'45"W with all other bearings contained herein relative thereto; thence N89°26'45"W along said South line, a distance of 1,222.68 feet; thence N00°00'09"W, a distance of 30.59 feet to a point on the Northerly Right-of-Way line of Highway 340 as described in Reception Number 525320, said point also being a point on the East line of *PAGE ANNEXATION NO. 4, Ordinance 4085*, Reception Number 2387198 and being the Point of Beginning; thence continuing N0°00'09"W along said East line of *PAGE ANNEXATION NO. 4*, a distance of 664.44 feet; thence N89°56'13"E, a distance of 154.00 feet; thence S00°00'09"E, a distance of 670.66 feet to said Northerly Right-of-Way line of Highway 340; thence S89°39'00"W, a distance of 56.80 feet to the beginning of a curve; thence Westerly, a distance of 97.50 feet along the curve concave to the North, having a radius of 676.70 feet, a central angle of 08°15'18" and a chord which bears N86°14'04"W, a distance of 97.41 feet distant to the Point of Beginning.

Said parcel containing 103,115 Square Feet or 2.37 Acres more or less, as described.

The following 2022 annexation(s) are located within the Grand Junction Rural Fire District boundary and are subject to exclusion from the district:

BROWN PROPERTY ANNEXATION

A parcel of land being a tract of land as described in Reception Number 2995999 said tract being a portion of Lots 41 & 42 of Pomona Park as described in Reception Number 12485 and a portion of the G 3/8 Road Right-of-Way described in a deed filed under Reception Number 1047999 and dedicated on said Pomona Park Plat, all situated in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 34, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado said parcel being more particularly described as follows:

Beginning at the center-south one-sixteenth (1/16) corner of said Section 34 and assuming the East line of said NE1/4 SW1/4 bears N00°02'12"W with all other bearings contained herein being relative thereto; thence S89°39'33"W along the South line of said NE1/4 SW1/4, also being the South line of said Lots 41 & 42 of Pomona Park, a distance of 758.65 feet; thence N00°02'59"W, a distance of 107.29 feet; thence N18°53'47"W, a

distance of 371.74 feet; thence N00°12'27"W, a distance of 167.42 feet to a point on the Southerly Right-of-Way Line of G 3/8 Road as described in Reception Number 1047994; thence continuing N00°12'27"W, a distance of 2.00 feet; thence N89°45'26"E, a distance of 216.88 feet; thence N00°25'06"E, a distance of 15.95 feet; thence N89°45'26"E, a distance of 258.33 feet; thence S00°02'15"E, a distance of 2.00 feet to a point on the Southerly Right-of-Way Line of G 3/8 Road as described in Reception Number 12485; thence S89°45'26"W along said Southerly Right-of-Way line, a distance of 125.35 feet; thence the following three (3) courses around the perimeter of a parcel of land as described in Reception Number 2908328; S00°14'34"E, a distance of 189.00 feet; N89°45'26"E, a distance of 90.00 feet; N00°14'34"W, a distance of 189.00 to a point on said Southerly Right-of-Way line of G 3/8 Road; thence N89°45'26"E along said Southerly Right-of-Way line, a distance of 35.35 feet to the Northwest corner of a parcel of land as described in Reception Number 2840205; thence S00°02'15"E along the West line of said parcel, a distance of 203.97 feet to the Southwest corner of said parcel; thence N89°45'50"E along the South line of said parcel, a distance of 403.99 feet to a point on the Westerly Right-of-Way line of 25 1/2 Road as dedicated on Reception Number 1373058 and said East line of the NE1/4 SW1/4 of Section 34; thence S00°02'12"E, along said West Right-of-Way line to the Point of Beginning.

Said parcel of CONTAINING **428,547** square feet or **9.84** Acres, more or less, as described.

IF LAND ANNEXATION

A parcel of land being a part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 20, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Northwest Corner of said SW1/4 NW1/4 of Section 20 whence the Southwest Corner of said SW1/4 NW1/4 of Section 20 bears S00°06'16"W 1,320.09 feet with all other bearings relative thereto; thence N89°52'48"E a distance of 15.00 feet along the North line of said SW1/4 NW1/4 to a point on the boundary of *EPHEMERAL RESOURCES ANNEXATION NO. 3, ORDINANCE NO. 3299* being the Point of Beginning; thence continuing along said North line N89°52'48"E a distance of 512.09 feet to a point on said boundary of *EPHEMERAL RESOURCES ANNEXATION NO. 3, ORDINANCE NO. 3299*; thence along said boundary of *EPHEMERAL RESOURCES ANNEXATION NO. 3, ORDINANCE NO. 3299* for the following two (2) courses: 1) continuing along said North line N89°52'48"E a distance of 791.67 feet to the Northeast Corner of the SW1/4 NW1/4 of said Section 20; 2) S00°03'11"W a distance of 660.81 feet along the East line of said SW1/4 NW1/4 of Section 20; thence S89°54'54"W a distance of 1,304.35 feet to a point lying on said boundary of *EPHEMERAL RESOURCES ANNEXATION NO. 3, ORDINANCE NO. 3299*, said point being 15.00 feet East of the West line of said SW1/4 NW1/4 of Section 20; thence along said boundary of *EPHEMERAL RESOURCES ANNEXATION NO. 3, ORDINANCE NO. 3299*, N00°06'16"E a distance of 660.02 feet to the Point of Beginning.

Said Parcel of land CONTAINING 861,210 Square Feet or 19.77 Acres, more or less.

C ½ ROAD GRAVEL PIT ANNEXATION

A Serial Annexation comprising the C ½ Road Gravel Pit Annexation No. 1 and C ½ Road Gravel Pit Annexation No. 2

C ½ Road Gravel Pit Annexation No. 1

A parcel of land being a portion of Lots 9 and 10, BEVIER SUBDIVISION, same as filed under Reception Number 21700, located in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section 19, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the NW Corner of said NW1/4SE1/4 and assuming the north line of said NW1/4SE1/4 bears S89°38'59"E with all other bearings herein being relative thereto; thence S0°07'42"W along the west line of said NW1/4SE1/4 a distance of 40.00 feet to the Northwest Corner of said Lot 9, BEVIER SUBDIVISION also being the southwest corner of WEAVER ANNEXATION No. 2, Ordinance Number 3108 same as filed under Reception Number 1894971 and being the Point of Beginning; thence S89°38'59"E along the south line of said WEAVER ANNEXATION No. 2 a distance of 660.00 feet to the Northeast Corner of said Lot 10, BEVIER SUBDIVISION, thence S0°07'42"W along the east line of said Lot 10 a distance of 1000.00 feet; thence N89°38'59"W a distance of 660.00 feet to a point on the west line of said Lot 9 BEVIER SUBDIVISION; thence N0°07'42"E along said west line of Lot 9 a distance of 1000.00 feet to the Point of Beginning.

Containing 15.15 Acres or 659995 Square Feet more or less as described.

C ½ Road Gravel Pit Annexation No. 2

A parcel of land being a portion of Lots 9 and 10, BEVIER SUBDIVISION, same as filed under Reception Number 21700, located in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) and Lot 5 of Section 19, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the NW Corner of said NW1/4SE1/4 and assuming the north line of said NW1/4SE1/4 bears S89°38'59"E with all other bearings herein being relative thereto; thence S0°07'42"W along the west line of said NW1/4SE1/4 a distance of 1040.00 feet to the Northwest Corner of C 1/4 Road Gravel Pit ANNEXATION No. 1 being the Point of Beginning; thence S89°38'59"E along the south line of said C 1/4 Road Gravel Pit ANNEXATION No. 1 a distance of 660.00 feet to a point on the east line of said Lot 10, BEVIER SUBDIVISION, thence S0°07'42"W along the east line of said Lot 10 a distance of 989.00 feet to the southeast corner of said Lot 10 also being a point on the southerly line of said Lot 5, Section 19 and a point on the centerline of the Colorado

River; thence N64°58'43"W along said centerline of the Colorado River a distance of 727.59 feet to the southwest corner of said Lot 9, BEVIER SUBDIVISION; thence N0°07'42"E along said west line of Lot 9 a distance of 685.29 feet to the Point of Beginning.

Containing 12.68 Acres or 552513 Square Feet 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. The City of Grand Junction provides fire protection service to properties within the Grand Junction Rural Fire Protection District by contract. 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)(c) and (6), C.R.S. are inapplicable.
5. 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.
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 24th day of December 2022.

OFFICE OF THE CITY ATTORNEY

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