

DISTRICT COURT, MESA COUNTY, COLORADO Court Address: 125 North Spruce St. Grand Junction, CO 81501 Telephone: (970) 257-3625	DATE FILED: January 16, 2024 9:51 AM 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.
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

January 16, 2024



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>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: 9</p>
<p>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 (“CFPD” or “District”):

The following 2023 annexation(s) are located within the CFPD boundary and are subject to exclusion from the District:

GRAND VALLEY ESTATES ANNEXATION

A Serial Annexation comprising the Grand Valley Estates Annexation No. 1, Grand Valley Estates Annexation No. 2, and Grand Valley Estates Annexation No. 3

Grand Valley Estates Annexation No. 1

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24”W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24”W a distance of 655.77 feet along the South line of said Southwest Quarter of

the Northwest Quarter of said Section 10 to a point on the North boundary line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860 being the Point of Beginning; thence continuing along said boundary line S89°59'24"W a distance of 131.40 feet to the Northwest Corner of said WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860; thence continuing along said South line of said Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 260.60'; thence the following three (3) courses: 1) N00°06'52"W a distance of 1.00 feet 2) N89°59'24"E a distance of 392.00 feet to a point on the East line of said Reception No. 3027832 3) S00°07'01"E a distance of 1.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 392 Square Feet or 0.009 Acres, more or less.

Grand Valley Estates Annexation No. 2

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter of said Section 10 to a point on the North line of the WARD-MUDGE ANNEXATION, ORDINANCE NO. 3860, said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1, thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 being the Point of Beginning; thence S89° 59'24"W along the North line of said Annexation NO. 1 a distance of 392.00 feet to the Northwest Corner of said Annexation NO. 1; thence along the West line of said Annexation NO. 1 S00°06'52"E a distance of 1.00 feet to a point on the South line of the Southwest Quarter of the Northwest Quarter of said Section 10, said point is also the Southwest Corner of said Annexation NO. 1; thence along said South line of the Southwest Quarter of the Northwest Quarter S89°59'24"W a distance of 163.77 feet to a point on the West line of Reception No. 3027832 ; thence the following five (5) courses 1) along said West line N00°06'52"W a distance of 2.00 feet 2) N89°59'24"E a distance of 554.77.00 feet 3) N00°07'01"W a distance of 618.00 feet 4) N89°59'24"E a distance of 1.00 feet to a point on the East line of said Reception No. 3027832 5) along said East line S00°07'01"E a distance of 619.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 1,337 Square Feet or 0.031 Acres, more or less.

Grand Valley Estates Annexation No. 3

A parcel of land being a part of the West Half of the Southwest Quarter of the Northwest Quarter (W1/2 SW1/4 NW1/4) of Section 10, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center-west 1/16 Corner of said Section 10 whence the West Quarter Corner of said Section 10 bears S89°59'24"W 1,311.54 feet with all other bearings relative thereto; thence S89°59'24"W a distance of 655.77 feet along the South line of the Southwest Quarter of the Northwest Quarter to a point on the North line of WARD-MUDGE ANNEXATION,

ORDINANCE NO. 3860, said point also being the Southwest Corner of GRAND VALLEY ESTATES ANNEXATION NO. 1 , thence along the East line of said Annexation NO. 1 N00°07'01"W a distance of 1.00 to the Northeast Corner of said Annexation NO. 1 said point also being the Southeast Corner of GRAND VALLEY ESTATES ANNEXATION NO. 2; thence along the Eastern Boundary line of said Annexation NO. 2 N00°07'01"W a distance of 619.00 feet to the Northeast Corner of said Annexation NO. 2 being the Point of Beginning; thence along the Northern boundary line of said Annexation NO. 2 for the following three (3) courses 1) S89°59'24"W a distance of 1.00 feet 2) S00°07'01"E a distance of 618.00 feet 3) S89°59'24"W a distance of 554.77 feet to the Northwest Corner of said Annexation NO. 2; thence, the following three (3) courses along the boundary of Reception Number 188299, 1) N00°06'53"W a distance of 1306.00 feet 2) S89°59'24"W a distance of 70.00 feet 3) S00°06'52"E a distance of 1308.00 to a point on said south line of the Southwest Quarter of the Northwest Quarter, thence S89°59'24"W a distance of 30.00 feet to the West Quarter Corner of said Section 10; thence along the West Line of said Section 10, N00°06'51"W a distance of 1318.07 feet to the North 1/16th Corner of Section 9 & said Section 10; thence along the North line of said Southwest Quarter of the Northwest Quarter, N89°58'25"E a distance of 655.71 feet to the northeast corner of Reception 3027832; thence S00°07'01"E a distance of 698.26 feet to the Point of Beginning.

Said Parcel of land CONTAINING 771,084 Square Feet or 17.702 Acres, more or less.

CLEAR CREEK ENCLAVE ANNEXATION

A parcel of land being a portion of Brookdale Subdivision Replat same as recorded at Reception Number 1365595 located in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 15, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the Center Quarter Corner of said Section 15, whence the Center West Sixteenth Corner of said Section 15 bears N89°54'30"W a distance of 1,310.18 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence along the North line of said Northeast Quarter of the Southwest Quarter, N89°54'30"W a distance of 165.08 feet to a point on the west line of the *CABALLERO ANNEXATION, ORDINANCE NO. 4763*; thence along said west line of the annexation S00°04'40"E a distance of 33.00 feet to the Point of Beginning; thence continuing along said west line S00°04'40"E a distance of 504.02 feet to the Northeast Corner of the *INGLE ANNEXATION, ORDINANCE NO. 4149*; thence along the north line of said annexation the following three (3) courses, 1) S89°55'20"W a distance of 274.98 feet, 2) S00°04'40"E a distance of 23.00 feet, 3) S89°55'20"W a distance of 55.00 to a point on the east line of the *MESA AYR ANNEXATION, ORDINANCE NO. 4170*; thence along said east line of the annexation N00°08'58"W a distance of 528.00 feet to a point on the southerly line of the *SUMMIT VIEW MEADOWS ANNEXATION NO. 3, ORDINANCE NO. 3460*; thence along said southerly line of the annexation S89°54'30"E a distance of 330.64 feet to the Point of Beginning.

Said Parcel of land CONTAINING 167,918 Square Feet or 3.86 Acres, more or less.

PINO ANNEXATION

A parcel of land being a part of the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 10 and the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4 of Section 15, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the South Quarter Corner of said Section 10 whence the West Sixteenth Corner of said Section 10/Section 15 bears N89°51'00"W a distance of 1,308.14 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence N89°51'00"W a distance of 368.25 feet along the South line of said Southeast Quarter of the Southwest Quarter of said Section 10 to the Point of Beginning; thence S00°09'09"W a distance of 30.00 feet to a point on the north boundary line of Sundown Village Number 2 Replat as described in Reception Number 1746497; thence along said North Boundary line N89°51'00"W a distance of 72.00 feet to the Southeast Corner of the PELLUM ANNEXATION, ORDINANCE NO. 3613; thence along the Eastern Boundary line of said Annexation N00°09'09"E a distance of 30.00 feet to a point on the North line of the Northeast Quarter of the Northwest Corner of said Section 15, thence continuing along said Eastern Annexation line N00°09'09"E a distance a distance of 30.00 feet to the Southwest Corner of a parcel of land as described in Reception Number 3049398, thence continuing along said Eastern Annexation line N00°09'09"E a distance of 583.81 feet to the Northeast Corner of said Annexation; thence the following four (4) courses 1) N00°09'09"E a distance of 41.04 feet to the centerline of the Grand Valley Canal, 2) S82°05'51"E along the centerline of said canal a distance of 72.66 feet, 3) along the Eastern Boundary line of said parcel of land as described in Reception Number 3049398 S00°09'09"W a distance of 615.05 feet to the Southeast Corner of said Parcel, 4) S00°09'09"W a distance of 30.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING **48,954** Square Feet or **1.12** Acres, more or less.

PERS INVESTMENTS ANNEXATION

A parcel of land being Lot 12, "D" ROAD COMMERCIAL PARK same as recorded at Reception No. 1284183, located in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 22, Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado more particularly described as follows:

Commencing at the East Sixteenth Corner on the north line of said Section 22, whence the Northeast Corner of said Section 22 bears S89°53'30"E, a distance of 1,312.63 feet using the Mesa County Local Coordinate System with all other bearings contained herein being relative thereto; thence S00°06'30"W, a distance of 40.00 feet along the West line of said Northeast Quarter of the Northeast Quarter to a point on the Southerly line of Halliburton Annexation No. 2, Ordinance 3963; thence along said Southerly line of Halliburton Annexation for the following two (2) courses: 1) S89°53'30"E, a distance of 32.56 feet; 2) S00°06'30"W, a distance of 10.00 feet to the Northwest Corner of said Lot 12, "D" ROAD COMMERCIAL PARK being the Point of Beginning; thence the following courses along the perimeter of said Lot 12, "D" ROAD COMMERCIAL PARK, S89°53'30"E along the Southerly line of Halliburton Annexation, a distance of 201.22 feet; thence S44°53'30"E, a distance of 21.21 feet; thence S00°06'30"W, a

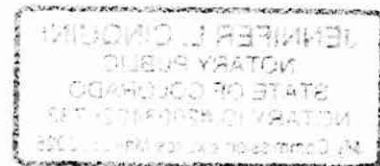
distance of 285.00 feet; thence N89°53'30"W, a distance of 216.22 feet; thence N00°06'30"E 300.00 feet to the Point of Beginning.

Said Parcel of land CONTAINING 64,753 Square Feet or 1.49 Acres, more or less.

For the City's petition:

1. It is intended that the property to be excluded be 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. The District 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 ("Fire Chief"), 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 within 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 the Fire Chief, the Petitioner does represent to the Court on his knowledge and belief that CFPD has no debt, and furthermore, that if it may have debt on equipment that such is not serviced by bonded indebtedness. Therefore, the provisions for a service plan as required by §32-1-502(2) and (4) C.R.S. are inapplicable and/or that the foregoing representation concerning debt is in accord with subsection (6).
6. By and with and in consideration of the verification of the Petition by the Fire Chief, the Petitioner represents to the Court that the quality of service will not be adversely affected by exclusion and fire insurance premiums should not change by virtue of the exclusion, and therefore the Court is statutorily empowered to set a hearing and to enter an Order of Exclusion if all statutory conditions are met to the Court's satisfaction.

Respectfully submitted this 30th day of November 2023.



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.



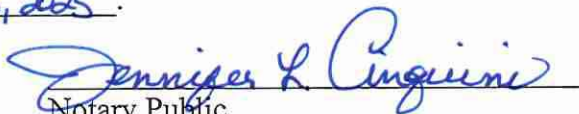
Kenneth R. Watkins

STATE OF COLORADO)
)SS
COUNTY OF MESA)

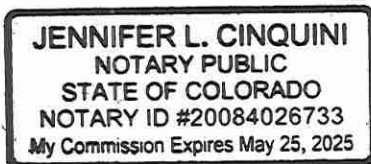
Subscribed and sworn to before me on this the 30th day of November 2023 by Kenneth R. Watkins as Fire Chief for the City of Grand Junction.

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 Board of the Clifton Fire Protection District on this 01 day of December 2023.

A handwritten signature in cursive script that reads "Belinda White". The signature is written in black ink and includes a long horizontal flourish at the end.