

DISTRICT COURT, MESA COUNTY, COLORADO	
Court Address:	125 North Spruce St. Grand Junction, CO 81501
Telephone:	(970) 257-3625
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) 244-1503	Case Number: 07 CV 114  Division: 9
<b>ORDER FOR EXCLUSION OF LANDS</b>	

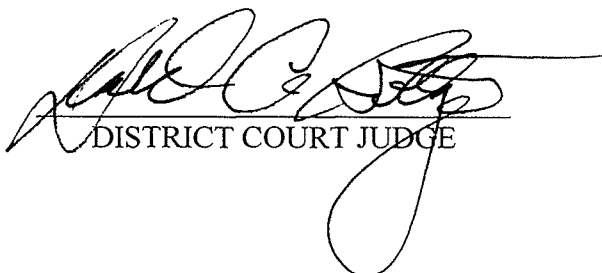
The Petition for the exclusion of lands from the Clifton Fire Protection District, having been called for hearing by the Court and the Court having been duly advised in the premises hereby finds that:

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.

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 4<sup>th</sup> DAY OF FEB. 2014.

  
DISTRICT COURT JUDGE

**NOTICE PURSUANT TO 32-1-502, C.R.S.**

ORIGINAL FILED IN  
MESA COUNTY COLORADO COURT

**NOTICE IS HEREBY GIVEN** that a Verified Petition for exclusion of lands from the **CLIFTON FIRE PROTECTION DISTRICT** has been filed in the District Court in Mesa County Colorado. Verification and legal descriptions(s) of the area(s) to be excluded are in the Petition which may be reviewed at the City Clerk's Office, 250 North 5<sup>th</sup> Street, Grand Junction, Colorado.

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<b>NOTICE OF VERIFIED PETITION AND NOTICE OF HEARING</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:

1. The City of Grand Junction petitions the Court for exclusion from the Clifton Fire Protection District of Mesa County, Colorado, the following described land, to wit:
- 2.

**WILD ENCLAVE ANNEXATION**

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) and the 2007 Memorandum of Agreement between the City and Clifton, 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 heretofore 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.

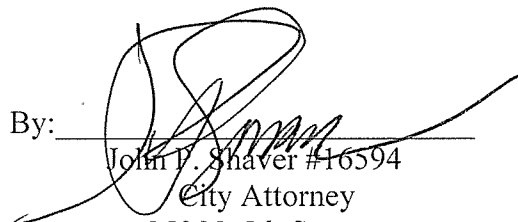
6. By verification of the Petition by the Deputy City Manager of the City of Grand Junction, the Petitioner does represent to the Court that the terms of the Persigo Agreement will be met or the City will serve the excluded properties and therefore quality of service will not be adversely affected by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

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

8. Notice to the Public is provided by Publication.

Respectfully submitted this 7th day of January, 2014.

OFFICE OF THE CITY ATTORNEY

By: 

John P. Shaver #16594  
City Attorney  
250 N. 5th Street  
Grand Junction, CO 81501  
(970) 244-1508

I hereby certify that I mailed a copy of the attached **NOTICE OF VERIFIED PETITION AND NOTICE OF HEARING** to the Chairman of the Board of the Clifton Fire Protection District on this \_\_\_\_ day of December, 2010.