

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 GRAND JUNCTION RURAL 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: 7097 Division: 9
ORDER FOR EXCLUSION OF LANDS	

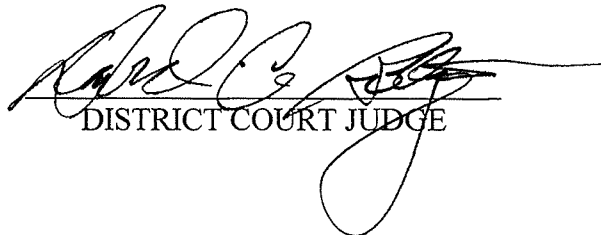
The Petition for the exclusion of lands from the Grand Junction Rural Fire Protection District having been called for hearing by the Court and the Court having been duly advised in the premises hereby finds that:

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 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 4th DAY OF FEB., 2014.


 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>ORIGINAL FILED IN MESA CITY COMBINED COURT</p> <p>2014 JAN -9 AM 7:40</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>▲ 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 7097</p> <p>Division: 9</p>
<p style="text-align: center;">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 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:

FEUERBORN ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears S 00°13'10" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, also being the East line of the Mesa State College Property Annexation, City of Grand Junction Ordinance No. 4081, as same is recorded in Book 4454, Page 809, Public Records of

Mesa County, Colorado, a distance of 330.00 feet; thence N 89°58'45" E, a distance of 449.14 feet; thence S 00°01'15" E, a distance of 330.00 feet to a point on the South line of the SW 1/4 SW 1/4 of said Section 17; thence S 89°58'45" W, along the South line of the SW 1/4 SW 1/4 of said Section 17, also being the North line of Ephemeral Resources Annexation No. 2, City of Grand Junction Ordinance No. 3298, as same is recorded in Book 2765, Page 672, Public Records of Mesa County, Colorado, a distance of 448.00 feet, more or less, to the Point of Beginning.

CONTAINING 148,029 Square Feet or 3.40 Acres, more or less, as described.

ROCK SHOP ENCLAVE ANNEXATION

A certain enclaved parcel of land lying in the West One-half (W 1/2) of the Northeast Quarter (NE 1/4) and the East One-half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 24, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands contiguous with and bounded on all sides by the following City of Grand Junction Annexations recorded in the Public Records of Mesa County, Colorado:

1. Riverside Parkway Annexation No. 1, City of Grand Junction Ordinance No. 4319, as same is recorded in Book 4782, Page 921
2. Reimer Annexation, City of Grand Junction Ordinance No. 4341, as same is recorded in Book 4831, Page 495
3. D Road Annexation, City of Grand Junction Ordinance No. 3683, as same is recorded in Book 3766, Page 536
4. Indian Road Industrial Subdivision Annexation No. 2, City of Grand Junction Ordinance No. 3677, as same is recorded in Book 3763, Page 740
5. Foster Industrial Annexation, City of Grand Junction Ordinance No. 4175, as same is recorded in Book 4598, Page 556
6. Indian Wash Rentals Annexation, City of Grand Junction Ordinance No. 4147, as same is recorded in Book 4562, Page 641
7. South Fifteenth Street Annexation, City of Grand Junction Ordinance No. 2312, as same is recorded in Book 1615, Page 949
8. Brady Trucking Annexation, City of Grand Junction Ordinance No. 4067, as same is recorded in Book 4407, Page 413

CONTAINING 2,337,457 Square Feet or 53.66 Acres, more or less, as described.

MESA COUNTY WORKFORCE ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the SW 1/4 SE 1/4 of said Section 8 and assuming the North line of the SW 1/4 SE 1/4 of said Section 8 bears S 89°55'43" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°55'43" E along the North line of the SW 1/4 SE 1/4 of said Section 8, also being the South line of Centennial '76 Filing No. Two, as same is recorded in Plat Book 11, Pages 228 and 229 and the North line of Lot 2, Memorial Gardens Minor Subdivision, as same is recorded in Plat Bok 19, Page 379, all in the Public Records of Mesa County, Colorado, a distance of 656.70 feet to a point being the Northeast corner of Lot 2 of said Memorial Gardens Minor Subdivision; thence S 00°03'39" E along the East line of said Lot 2, a distance of 415.07 feet; thence continuing along said East line, S 44°56'21" W, a distance of 82.02 feet; thence continuing along said East line, S 00°03'39" E, a distance of 187.55 feet, more or less, to a point being the Southeast corner of said Lot 2; thence N 89°56'42" W, along the South line of said Lot 2 and its Westerly extension, a distance of 628.62 feet; thence N 00°04'03" W, along a line 30.00 feet West of and parallel with, the East line of the SE 1/4 SW 1/4 of said Section 8, a distance of 660.88 feet to a point on the North line of the SE 1/4 SW 1/4 of said Section 8; thence N 89°58'35" E along the North line of the SE 1/4 SW 1/4 of said Section 8, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 441,201 Square Feet or 10.129 Acres, more or less, as described above.

KARIS HOUSE ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southeast corner of Lot 39, Formay Subdivision, as same is recorded in Plat Book 8, Page 4, Public Records of Mesa County, Colorado and assuming the West line of the NW 1/4 SW 1/4 of said Section 8 bears N 00°03'15" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°46'41" W along the South line, and its Westerly extension, of said Lot 39, a distance of 94.65 feet to a point on the West line of the NW 1/4 SW 1/4 of said Section 8; thence N 00°03'15" W, along the West line of the NW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale Annexation, City of Grand Junction Ordinance 1133, a distance of 172.36 feet; thence S 89°45'54" E, along the South line of Arbors Annexation, City of Grand Junction Ordinance 3700, as same is recorded in Book 3803, Page 843, Public Records of Mesa County, Colorado, a distance of 5.00 feet; thence N 00°03'15" W, along the East line of said Arbors Annexation, being a line 5.00 feet East of and parallel with, the West line of the NW 1/4 SW 1/4 of said Section 8, a distance of 157.69 feet; thence N 89°46'41" E, a distance of 25.00 feet to a point being the Northwest corner of Lot 1 of said Formay Subdivision; thence S 00°03'15" E along the West line of said Lot 1, a distance of 122.42 feet; thence S 42°15'25" E, a distance of 23.67 feet to a point on the South line of said Lot 1 and the North right of way for Formay Avenue; thence N 89°46'41" E, along the South line of

said Lot 1, a distance of 48.75 feet; thence S 00°03'21" E, along the East line of said Lot 39, and its Northerly projection, a distance of 190.00 feet, more or less, to the Point of Beginning.

CONTAINING 21,535 Square Feet or 0.494 Acres, more or less, as described.

PERRY ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Bounded on the East by the West line of Chipeta Heights Subdivision, as same is recorded in Book 4462, Page 931, Public Records of Mesa County, Colorado, said line also being the West line of Chipeta Heights Annexation, City of Grand Junction Ordinance No. 3886, as same is recorded in Book 4133, Page 24, Public Records of Mesa County, Colorado; Bounded on the North by the South line of Granite Springs Filing No. 5, as same is recorded in Book 3902, Page 70, Public Records of Mesa County, Colorado; Bounded on the West by the East line of Fuller Subdivision, as same is recorded in Plat Book 9, Page 143, Public Records of Mesa County, Colorado, and, Bounded on the South by the North line of Chipeta Pines Annexation No. 2, City of Grand Junction Ordinance No. 3191, as same is recorded in Book 2646, Page 301, Public Records of Mesa County, Colorado, said line also being the North line of B Road right of way, being a line 30.00 feet North of and parallel with the South line of the SE 1/4 SE 1/4 of said Section 30.

HERITAGE CHURCH ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 1, Heritage Church Subdivision as same is recorded in Book 4705, Page 986, Public Records of Mesa County, Colorado and assuming the North line of the NE 1/4 NW 1/4 of said Section 8 bears N 89°58'53" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°58'53" E along the North line of said Lot 1 and its Easterly projection, a distance of 132.00 feet to a point in the centerline of 29-3/8 Road; thence S 00°04'58" E along said centerline, a distance of 277.60 feet; thence S 89°58'53" W, along the South line of said Lot 1 and its Easterly projection, a distance of 132.00 feet to the Southwest corner of said Lot 1; thence N 00°04'58" W, along the West line of said Lot 1, a distance of 277.60 feet, more or less, to the Point of Beginning.

CONTAINING 36,643 Square Feet or 0.84 Acres, more or less, as described.

BIBEAU ENCLAVE ANNEXATION

Three (3) certain enclaved parcels of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4), Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

PARCEL 1: ALL of that certain parcel of land lying in the SE 1/4 NW 1/4 of said Section 17 bounded on the North by Southern Pacific Railroad Annexation No. 1, City of Grand Junction Ordinance 3158, as same is recorded in Book 2616, Page 708; bounded on the East by Ajarian Annexation, City of Grand Junction Ordinance 4348, as same is recorded in Book 4834, Page 847; bounded on the West by Beagley II Annexation, City of Grand Junction Ordinance 3795, as same is recorded in Book 3939, Page 157 and bounded on the South by Siena View Annexation No. 1, City of Grand Junction Ordinance 3500, as same is recorded in Book 3275, Page 228, all in the Public Records of Mesa County, Colorado.

CONTAINING 157,746 Sq. Ft. or 3.62 Acres, more or less, as described.

PARCEL 2: ALL of that certain parcel of land lying in the SW 1/4 NE 1/4 of said Section 17 bounded on the North, South, East and West by Ajarian Annexation, City of Grand Junction Ordinance 4348, as same is recorded in Book 4834, Page 847, Public Records of Mesa County, Colorado.

CONTAINING 129,705 Sq. Ft. or 2.98 Acres, more or less, as described.

PARCEL 3: ALL of that certain parcel of land lying in the NE 1/4 SW 1/4 of said Section 17 bounded on the North and East by Siena View Annexation No. 2, City of Grand Junction Ordinance 3501, as same is recorded in Book 3275, Page 231; bounded on the South by Pear Park School Annexation No. 3, City of Grand Junction Ordinance 3996, as same is recorded in Book 4315, Page 806 and bounded on the West by Pear Park School Annexation No. 2, City of Grand Junction Ordinance 3806, as same is recorded in Book 3961, Page 336, all in the Public Records of Mesa County, Colorado.

CONTAINING 415,723 Sq. Ft. or 9.54 Acres, more or less, as described.

ELEMENTARY ENCLAVE ANNEXATION

A certain enclaved parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands bounded on the East and South by Dyer/Green/Ottenberg Annexation No. 1, City of Grand Junction Ordinance 4056, as same is recorded in Book 4402, Page 970; bounded on the North by Chipeta Pines Annexation No. 2, City of Grand Junction Ordinance 3191, as same is

recorded in Book 2646, Page 301, and, bounded on the West by Mesa View Elementary School Annexation, City of Grand Junction Ordinance 4290, as same is recorded in Book 4731, Page 815, all in the Public Records of Mesa County, Colorado.

CONTAINING 43,527 Square Feet or 1.00 Acres, more or less, as described.

TWENTY NINE THIRTY ENCLAVE ANNEXATION

PARCEL ONE

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the North, East and South by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823 and bounded on the West by Level III Annexation, City of Grand Junction Ordinance 4271, as same is recorded in Book 4715, Page 612, all in the Public Records of Mesa County, Colorado.

CONTAINING 28,876 Square Feet or 0.66 Acres, more or less, as described.

PARCEL TWO

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the North by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823; bounded on the West and a portion of the South by Larson Annexation No. 3, City of Grand Junction Ordinance 3425, as same is recorded in Book 3084, Page 980 and bounded on the East and a portion of the South by Crista Lee Annexation, City of Grand Junction Ordinance 3471, as same is recorded in Book 3214, Page 293, all in the Public Records of Mesa County, Colorado.

CONTAINING 32,668 Square Feet or 0.75 Acres, more or less, as described.

PARCEL THREE

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the West by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823; bounded on the North by Summit Annexation No. 2, City of Grand Junction Ordinance 3713, as same is recorded in Book 3819, Page 694; bounded on the East by the following: Colvin Annexation No. 2, City of Grand Junction Ordinance 3971, as same is recorded in Book 4253, Page 716, Colvin Annexation No. 1, City of Grand Junction Ordinance 3970, as same is recorded in Book 4253, Page 712 and by Whaley

Annexation No. 1, City of Grand Junction Ordinance 3748, as same is recorded in Book 3881, Page 450 and bounded on the South by Crista Lee Annexation, City of Grand Junction Ordinance 3471, as same is recorded in Book 3214, Page 293, all in the Public Records of Mesa County, Colorado.

CONTAINING 464,769 Square Feet or 10.67 Acres, more or less, as described.

RAY ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 17 and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears N 00°13'10" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 660.80 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 208.70 feet; thence N 89°57'50" E, along the North line of that certain parcel of land described in Book 4136, Page 171, Public Records of Mesa County, Colorado, a distance of 238.70 feet; thence S 00°13'10" E, along the East line of that certain parcel of land described in Book 4136, Page 171, a distance of 208.70 feet; thence S 89°57'50" W, along the South line of that certain parcel of land described in Book 4136, Page 171, a distance of 238.70 feet, more or less, to the Point of Beginning.

CONTAINING 49,816 Square Feet or 1.14 Acres, more or less, as described.

The following 2013 annexations are located within the Grand Junction Rural Fire District and Redlands Subdistrict boundary and are subject to exclusion from those districts:

PEONY HEIGHTS ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE1/4) of Section 15 and the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 22, all in Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 4, Peony Subdivision, as same is recorded in Plat Book 14, Page 369, Public Records of Mesa County, Colorado and assuming the South line of the Southeast Quarter (SE 1/4) of said Section 15 bears S 89°26'44" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 04°20'36" W along the East line of said Lot 4, a distance of 214.96 feet to a point being the Southeast corner of said Lot 4; thence N 86°32'19" W, along the South line and the Westerly extension thereof of said Lot 4, a distance of 214.47 feet to a point within the right of

way for Peony Drive; thence S 03°21'34" W, through said right of way, a distance of 542.17 feet; thence N 89°47'50" E along a line 2.00 feet North of and parallel with the North line of Panorama Point Annexation No. 1, Ordinance No. 4283, as same is recorded in Book 4731, Page 827, Public Records of Mesa County, Colorado, a distance of 312.18 feet; thence S 00°12'10" E, a distance of 2.00 feet to a point on the North line of said Panorama Point Annexation No. 1; thence S 89°47'50" W, along the North line of said Panorama Point Annexation No. 1, a distance of 575.50 feet; thence N 00° 12'10" W, a distance of 2.00 feet; thence N 89°47'50" E, along a line 2.00 feet North of and parallel with, the North line of said Panorama Point Annexation No. 1, a distance of 261.32 feet; thence N 03°21'34" E a distance of 754.47 feet to a point intersecting the Westerly extension of the North line of said Lot 4, Peony Subdivision; thence S 87°15'28" E, along said North line and its Westerly extension, a distance of 220.18 feet, more or less, to the Point of Beginning.

CONTAINING 48,855 Square Feet or 1.122 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. 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), (4) 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 8th day of January, 2014.

OFFICE OF THE CITY ATTORNEY

By:

[Handwritten Signature]

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

CERTIFICATE OF MAILING

I hereby certify that I mailed a copy of the attached document, postage prepaid, this ____ day of _____, 20____, addressed to the Chairman of the Board of the Grand Junction Rural Fire Protection District.

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.

[Handwritten Signature]
Kenneth R. Watkins

STATE OF COLORADO)
COUNTY OF MESA)

Subscribed and sworn to before me by Kenneth R. Watkins this 8th day of January, 2014.

[Handwritten Signature]
Notary Public

My commission expires: 7/7/2016



My Commission Expires 07/07/2016