

CFD09EXC

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	CONTRACT
NAME OF CONTRACTOR:	CLIFTON FIRE PROTECTION DISTRICT
SUBJECT/PROJECT:	ORDER FOR EXCLUSION OF LANDS - CASE NO. 07 CV 114-JANUARY 28, 2010 – FREEDOM MEADOWS, FULTS ANNEXATION, RQ ANNEXATION
CITY DEPARTMENT:	PUBLIC WORKS AND PLANNING
YEAR:	2009
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

FILED IN COMBINED COURT
 DEC 28 2009
 MESA COUNTY, COLORADO
 MESA COUNTY, COLORADO

DISTRICT COURT, MESA COUNTY, COLORADO Court Address: 125 North Spruce St. Grand Junction, CO 81501 Telephone: (970) 257-3625	EFILED Document CO Mesa County District Court 21st J Filing Date: Dec 28 2009 9:55AM MST Filing ID: 28702776 Review Clerk: Joyce Bailey
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	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
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
ORDER FOR EXCLUSION OF LANDS	

RECEPTION # 2523900, BK 4980 PG 932 02.19.2010 at
 10:46:45 AM, 1 OF 1, R \$5.00 S \$1.00
 Janice Rich, Mesa County, CO CLERK AND RECORDER

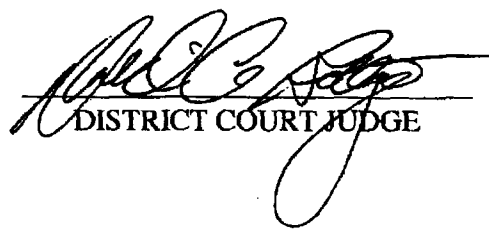
The Petition for the exclusion of lands from the Clifton Fire Protection District, having been called for hearing by the Court and the Court having been duly advised in the premises hereby finds that:

1. The Court has jurisdiction over the subject matter and the parties herein.
2. That the requirements of 32-1-502, C.R.S. have 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 28th DAY OF DEC 2009.


 DISTRICT COURT JUDGE

4

DISTRICT COURT, MESA COUNTY, COLORADO	
Court Address:	125 North Spruce St. Grand Junction, CO 81501
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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 Clifton Fire Protection District:

Freedom Meadows Annexation

A certain parcel of land located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 10, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Southeast corner of the SW 1/4 SW 1/4 of said Section 10 and assuming the East line of the SW 1/4 SW 1/4 of said Section 10 to bear N00°08'11"W with all bearings contained herein relative thereto; thence N00°08'11"W a distance of 6.00 feet along the East line of the SW 1/4 SW 1/4 of said Section 10 to a point on the Northerly line of Pellam Annexation, Ordinance No. 3613, City of Grand Junction, said point also being the Point of Beginning; thence N89°51'00"W a distance of 584.85 feet along a line being 6.00 feet North of and parallel with the South line of the SW 1/4 SW 1/4 of said Section 10, said line also being the Northerly line of said Pellam Annexation; thence N00°08'11"W a distance of 810.28; thence along the centerline of the Grand Valley Canal the following five (5) courses: (1) S86°46'37"E a distance of 55.00 feet; (2) S87°26'17"E a distance of 112.91 feet; (3) S87°48'14"E a distance of 92.26 feet; (4) S86°24'26"E a distance of 80.30 feet; (5) S85°04'47"E a distance of 245.81 feet to a point on the East line of the SW 1/4 SW 1/4 of said Section 10; thence S00°08'11"E a distance of 120.00 feet along the East line of the SW 1/4 SW 1/4 of said Section 10, said line also being the West line of Pioneer Meadows Annexation, Ordinance No. 4267, City of Grand Junction; thence N89°50'45"W a distance of 244.85 feet; thence S00°08'11"E a distance of 650.03 feet; thence S89°51'00"E a distance of 244.83 feet along a line being 10.00 feet North of

and parallel with the South line of the SW 1/4 SW 1/4 of said Section 10 to a point on the East line of the SW 1/4 SW 1/4 of said Section 10; thence S00°08'11"E a distance of 4.00 feet along the East line of the SW 1/4 SW 1/4 of said Section 10, said line also being the West line of said Pioneer Meadows Annexation to the Point of Beginning.

Said parcel contains 7.02 acres (305,747.79 sq. ft.), more or less, as described.

Fults Annexation

A certain parcel of land located in the Southwest Quarter of Southeast Quarter (SW 1/4 SE 1/4) of Section 4, 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 Southeast corner of the SW 1/4 SE 1/4 said Section 4 and assuming the South line of SW 1/4 SE 1/4 of said Section 4 to bear N89°55'16"W with all bearings contained herein relative thereto; thence N89°55'16"W a distance of 412.55 feet along the South line of SW 1/4 SE 1/4 of said Section 4; thence N00°04'44"E a distance of 50.00 feet to the Point of Beginning; thence N89°55'16"W a distance of 118.40 feet along a line being 50.00 feet North of and parallel to the South line of the SW 1/4 SE 1/4 of said Section 4, said line also being the Northerly line of Sunrise Acres Annexation No. 3, Ordinance No. 3544, City of Grand Junction; thence N00°10'55"W a distance of 202.56 feet; thence N48°22'27"W a distance of 56.09 feet; thence N00°10'55"W a distance of 844.08 feet to the centerline of Price Ditch, as same is recorded in Book 1959, Pages 973 through 979 inclusive, said point also being on the Southerly line of Thunderbrook Estates Annexation, Ordinance No. 3986, City of Grand Junction; thence 108.09 feet along the arc of a 5729.58 foot radius curve, concave Southwest, having a central angle of 01°02'42" and a chord bearing S77°43'38"E a distance of 108.09 feet along the centerline of said Price Ditch, said line also being the Southerly line of said Thunderbrook Estates Annexation; thence S77°11'12"E a distance of 56.73 feet along the centerline of said Price Ditch, said line also being the Southerly line of said Thunderbrook Estates Annexation to a point on the West line of Sunrise Acres Annexation No. 4, Ordinance No. 3545, City of Grand Junction; thence S00°08'54"E a distance of 1048.50 feet along the West line of line of Orange Grove Subdivision, as same is recorded in Book 3839, Pages 435 through 436 inclusive of the Mesa County, Colorado public records, said line also being the West line of said Sunrise Acres Annexation No. 4 to the Point of Beginning.

Said parcel contains 3.72 acres (161,943.49 sq. ft.), more or less, as described.

RQ Annexation

A certain parcel of land located in the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 22, Township One South, Range One East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 22 and assuming the North line of the NE 1/4 NW 1/4 of said Section 22 to bear S89°53'36"E with all bearings contained herein relative thereto; thence S00°13'57"W

a distance of 30.00 feet along the West line of the NE 1/4 NW 1/4 of said Section 22 to the Point of Beginning; thence S89°53'36"E a distance of 602.17 feet along a line being 30.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 22, said line also being the South line of Snidow Annexation No. 1, Ordinance No. 3344, City of Grand Junction; thence S00°13'57"W a distance of 1590.03 feet along the West line of River Trail Annexation, Ordinance No. 4023, City of Grand Junction; thence N89°53'45"W a distance of 83.41 feet; thence N57°27'33"W a distance of 598.24 feet; thence N42°32'44"W a distance of 19.34 feet to a point on the West line of the NE 1/4 NW 1/4 of said Section 22, said point also being the Southeast corner of Heron's Nest Annexation No. 2, Ordinance No. 4045, City of Grand Junction; thence N00°13'57"E along the West line of the NE 1/4 NW 1/4 of said Section 22 a distance of 1254.95 feet, said line also being the East line of said Heron's Nest Annexation No. 2 and also being the East line of Heron's Nest Annexation No. 1, Ordinance No. 4044, City of Grand Junction a distance of 1254.95 feet to the Point of Beginning.

Said parcel contains 20.02 acres (872,060.00 sq. ft.), more or less, as described.

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. 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 not heretofore paid Clifton for its services but has instead annually 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 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 of Exclusion if all statutory conditions are met.

Respectfully submitted this 20th day of November, 2009.

OFFICE OF THE CITY ATTORNEY

by:

John P. Shaver #16594

City Attorney

250 N. 5th Street

Grand Junction, CO 81501

(970) 244-1503

CERTIFICATE OF MAILING

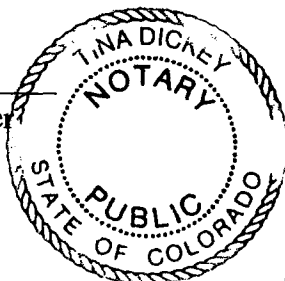
I hereby certify that I mailed a copy of the attached **VERIFIED PETITION**, postage prepaid, this 20th day of November, 2009, addressed to the Chairman of the Board of the Clifton Fire Protection District.

Mary Lynne Bacus

VERIFICATION

I, Rich Englehart, Deputy City Manager, 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.

Rich Englehart
Rich Englehart, Deputy City Manager



STATE OF COLORADO)
COUNTY OF MESA)

Subscribed and sworn to before me by Rich Englehart this 18th day of November, 2009.

Tina Dickey
Notary Public

My commission expires: 06-27-13