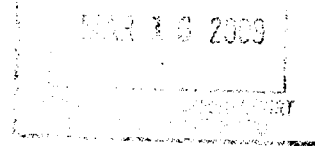


CFP09OEL

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 – MARCH 16, 2009
CITY DEPARTMENT:	FIRE DEPARTMENT
YEAR:	2009
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

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	
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	

FILED Document
CO Mesa County District Court 21st JD
Filing Date: Mar 16 2009 9:53 AM MDT
Filing ID: 24219949
Review Clerk: Cyndi McDaniel



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▲ COURT USE ONLY ▲


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 16th DAY OF MARCH 2009.


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 CTY COMBINED COURT</p> <p>2009 FEB -9 PM 3:45</p> <p>RECEPTION # 2489926, BK 4656 PG 834 05/21/2009 at 04:27:36 PM, 1 OF 6, R \$30.00 S \$1.00 Janice Rich, Mesa County, CO CLERK AND RECORDER</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>John P. Shaver, No. 16594 City Attorney 250 North 5th Street Grand Junction, CO 81501 (970) 244-1503</p>	<p>▲ COURT USE ONLY ▲</p> <p>Case Number: 07 CV 114</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 Clifton Fire Protection District:

Sipes Annexation

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 16, 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 the plat of Ironwood, as same is recorded in Plat Book 12, Page 454, Public Records of Mesa County, Colorado and assuming the East line of the SW 1/4 SW 1/4 of said Section 16 bears S 00°02'08" W with all other bearings shown hereon being relative thereto; thence from said Point of Beginning, N 89°55'08" E along the Easterly extension of the South line of said Ironwood, a distance of 33.00 feet to a point on the East line of the SW 1/4 SW 1/4 of said Section 16; thence S 00°02'08" W along the East line of the SW 1/4 SW 1/4 of said Section 16, also being the West line of Humphrey Annexation No. 2, City Ordinance No. 4003, a distance of 178.20 feet; thence N 89°57'52" W a distance of 218.00 feet; thence S 00°02'08" W a distance of 200.00 feet; thence S 89°55'08" W a distance of 49.59 feet, more or less, to the centerline of the Grand Valley Canal; thence along said centerline the following four (4) courses:

- (1) N 41°58'56" W a distance of 59.40 feet to the beginning of a 556.27 foot radius curve, concave Southwest, whose long chord bears N 58°13'06" W with a long chord length of 243.96 feet; thence
- (2) 245.96 feet Northwesterly along the arc of said curve, through a central angle of 25°20'01"; thence
- (3) N 72°27'39" W a distance of 114.93 feet; thence
- (4) N 75°39'07" W a distance of 52.54 feet; thence

N 00°03'08" E along a portion of the East line of Autumn Glenn II Annexation, City Ordinance No. 3877, a distance of 156.88 feet; thence N 89°55'08" E along the South line of said Ironwood subdivision plat, a distance of 642.28 feet, more or less, to the Point of Beginning.

CONTAINING 3.54 Acres or 154,158 Square Feet, more or less, as described

Sage Hills Annexation No. 1

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 Northwest corner of the NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3360, a distance of 485.55 feet to the Point of Beginning; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 165.00 feet; thence S00°01'01"W along the West line of that certain Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the South line of that said Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 100.00 feet; thence N00°01'01"E along the East line of that said Parcel of land described in Book 3783, Page 756, public records of Mesa county, Colorado, a distance of 217.80 feet; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15, a distance of 231.84 feet; thence S00°01'43"W a distance of 475.00 feet; thence N89°53'59"W a distance of 496.74 feet; thence N00°01'01"E a distance of 475.00 feet to the Point of Beginning.

Said parcel contains 4.92 acres (14,395.13 sq. ft.), more or less, as described.

Sage Hills Annexation No. 2

A certain parcel of land located in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 15, 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 Northwest corner of the NW 1/4 SW 1/4 of said Section 15 and assuming the North line of the NW 1/4 SW 1/4 of said Section 15 to bear S89°53'59"E with all bearings contained herein relative thereto; thence S89°53'59"E along the North line of the NW 1/4 SW 1/4 of said Section 15 also being the South line of Summit View Meadows Annexation No. 3, City of Grand Junction Ordinance No. 3460, a distance of 485.55 feet; thence S00°01'01"W a distance of 475.00 feet to the to the Point of Beginning; thence S89°53'59"E a distance of 496.74 feet; thence S00°01'43"W a distance of 844.58 feet to a point on the South line of the NW 1/4 SW 1/4 of said Section 15; thence N89°56'55"W along the South line of the NW 1/4 SW 1/4 of said Section 15, a distance of 496.57 feet; thence N00°01'01"E a distance of 845.00 feet to the Point of Beginning.

Said parcel contains 9.63 acres (419,569.44 sq. ft.), more or less, as described.

Willow Wood Village Annexation No. 1

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 15, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northwest corner of Summit View Meadows Subdivision, as same is recorded in Plat Book 19, Page's 323 and 324, public records of Mesa County, Colorado, said point also being the Northwest corner of Summit View Meadows Annexation, Ordinance No. 3460, City of Grand Junction and assuming the East line of the NE 1/4 NW 1/4 of said Section 15 to bear S00°03'03"E with all bearings contained herein relative thereto; thence N00°02'25"W a distance of 593.08 feet along the East line of Sundown Village No. 2 Subdivision, as same is recorded in Plat Book 15, Page's 35 and 36, public records of Mesa County, Colorado; thence S89°52'21"E a distance of 327.13 feet to a point on the East line of the NE 1/4 NW 1/4 of said Section 15; thence S00°03'03"E a distance of 593.09 feet along the East line of the NE 1/4 NW 1/4 of said Section 15 to the Northeast corner of said Summit View Meadows Subdivision, said point also being the Northeast corner of said Summit View Meadows Annexation; thence

N89°52'21"W a distance of 327.24 feet along the North line of said Summit View Meadows Subdivision, said line also being the North line of said Summit View Meadows Annexation to the Point of Beginning.

Said parcel contains 4.45 acres (194,047.91 sq. ft.), more or less, as described.

Willow Wood Village Annexation No. 2

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 15, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northwest corner of Summit View Meadows Subdivision, as same is recorded in Plat Book 19, Page's 323 and 324, public records of Mesa County, Colorado, said point also being the Northwest corner of Summit View Meadows Annexation, Ordinance No. 3460, City of Grand Junction and assuming the East line of the NE 1/4 NW 1/4 of said Section 15 to bear S00°03'03"E with all bearings contained herein relative thereto; thence N00°02'25"W a distance of 593.08 feet along the East line of Sundown Village No. 2 Subdivision, as same is recorded in Plat Book 15, Page's 35 and 36, public records of Mesa County, Colorado to the Point of Beginning; thence N00°02'25"W a distance of 249.97 feet along the East line of said Sundown Village No. 2 Subdivision to the Southwest corner of that certain Parcel of land described in Book 4203, Page 10, public records of Mesa County, Colorado; thence S89°50'37"E along the South line of said Parcel of land a distance of 125.00 feet; thence N00°02'25"W along the East line of said Parcel of land a distance of 348.46 feet to a point on the North line of the NE 1/4 NW 1/4 of said Section 15; thence S89°51'00"E a distance of 202.02 feet along the North line of the NE 1/4 NW 1/4 of said Section 15 to the Northeast corner of the NE 1/4 NW 1/4 of said Section 15; thence S00°03'03"E a distance of 598.29 feet along the East line of the NE 1/4 NW 1/4 of said Section 15 to the Northeast corner of Willow Wood Village Annexation No. 1, City of Grand Junction; thence N89°52'21"W a distance of 327.13 feet along the North line of said Willow Wood Village Annexation No. 1 to the Point of Beginning.

Said parcel contains 3.49 acres (152,149.65 sq. ft.), more or less, as described.

Pioneer Meadows Annexation

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

Commencing at the Southwest corner of the SE 1/4 SW 1/4 of said Section 10 and assuming the West line of the SE 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 West line of the SE 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 N00°08'11"W a distance of 729.14 feet along the West line of the SE 1/4 SW 1/4 of said Section 10; thence S82°30'59"E a distance of 588.57 feet; thence S00°09'00"W a distance of 654.00 feet along the East line of said Pellam Annexation; thence N89°51'00"W a distance of 580.11 feet along a line being 6.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 10, said line also being the Northerly line of said Pellam Annexation to the Point of Beginning.

Said parcel contains 9.24 acres (402,376.70 sq. ft.), more or less, as described

Simon Annexation No. 1

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

Beginning at the Southwest corner of the SE 1/4 NE 1/4 of said Section 4 and assuming the South line of the SE 1/4 NE 1/4 of said Section 4 to bear N89°58'59"E with all bearings contained herein relative

thereto; thence N00°13'10"W a distance of 248.00 feet along the West line of the SE 1/4 NE 1/4 of said Section 4; thence N89°58'59"E a distance of 262.42 feet; thence S00°13'12"E a distance of 228.00 feet; thence N89°58'59"E a distance of 129.78 feet along a line being 20.00 feet North of and parallel with the South line of the SE 1/4 NE 1/4 of said Section 4; thence S15°27'40"E a distance of 20.75 feet to a point on the South line of the SE 1/4 NE 1/4 of said Section 4; thence S89°58'59"W a distance of 8.31 feet along the SE 1/4 NE 1/4 of said Section 4; thence S00°11'24"E a distance of 25.00 feet; thence S89°58'59"W a distance of 114.10 feet along a line being 25.00 feet South of and parallel with the South line of the SE 1/4 NE 1/4 of said Section 4 to a point on the Easterly line of Thunder Hog Estates Annexation No. 2, Ordinance No. 3909, City of Grand Junction; thence N00°15'04"W a distance of 25.00 feet along the Easterly line of said Thunder Hog Estates Annexation No. 2 to a point on the South line of the SE 1/4 NE 1/4 of said Section 4; thence S89°58'59"W a distance of 275.22 feet along the South line of the SE 1/4 NE 1/4 of said Section 4, said line also being the North line of said Thunder Hog Estates Annexation No. 2 to the Point of Beginning

Said parcel contains 1.62 acres (1,336.59 sq. ft.), more or less, as described.

Simon Annexation No. 2

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

Commencing at the Southwest corner of the SE 1/4 NE 1/4 of said Section 4 and assuming the West line of the SE 1/4 NE 1/4 of said Section 4 to bear N00°13'10"W with all bearings contained herein relative thereto; thence N00°13'10"W a distance of 248.00 feet along the West line of the SE 1/4 NE 1/4 of said Section 4 to the Point of Beginning; thence N00°13'10"W a distance of 743.63 feet along the West line of the SE 1/4 NE 1/4 of said Section 4 to the Southwest corner of Right of Way of U.S. Government Highline Canal, as same is recorded in Book 1505, Page 762, public records of Mesa County, Colorado; thence S80°28'06"E a distance of 19.89 feet along the South line of said Right of Way; thence along the approximate centerline of Lewis Wash the following fourteen (14) courses: (1) S09°42'39"E a distance of 59.97 feet; (2) S18°38'00"E a distance of 41.06 feet; (3) S54°08'10"E a distance of 113.30 feet; (4) S45°52'19"E a distance of 88.37 feet; (5) S34°09'35"E a distance of 132.84 feet; (6) S23°37'54"E a distance of 50.69 feet; (7) S10°34'42"E a distance of 91.57 feet; (8) S25°53'11"E a distance of 68.33 feet; (9) S35°40'10"E a distance of 43.82 feet; (10) S14°28'05"E a distance of 37.92 feet; (11) S06°08'39"E a distance of 73.89 feet; (12) S17°19'50"W a distance of 115.52 feet; (13) S02°40'35"E a distance of 6.92 feet; (14) S15°27'40"E a distance of 177.91 feet to the Northeasterly corner of Simon Annexation No. 1, City of Grand Junction; thence S89°58'59"W a distance of 129.78 feet along a line being 20.00 feet North and parallel with the South line of the SE 1/4 NE 1/4 of said Section 4, said line also being the Northerly line of said Simon Annexation No. 1; thence N00°13'12"W a distance of 228.00 feet along the Easterly line of said Simon Annexation No. 1; thence S89°58'59"W a distance of 262.42 feet along the Northerly line of said Simon Annexation No. 1 to the Point of Beginning

Said parcel contains 4.68 acres (203,990.60 sq. ft.), more or less, as described.

Green Leaf Annexation

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 15, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northwest corner of the NW 1/4 NW 1/4 of said Section 15 and assuming the North line of the NW 1/4 NW 1/4 of said Section 15 to bear S89°50'35"E with all bearings contained herein relative thereto; thence S89°50'35"E a distance of 164.29 feet along the North line of the NW 1/4 NW 1/4 of said Section 15, said line also being the South line of Pellam Annexation, Ordinance No. 3613, City of Grand Junction to the Point of Beginning; thence S89°50'35"E a distance of 330.00 feet along the North line of the NW 1/4 NW 1/4 of said Section 15, said line also being the South line of said Pellam Annexation; thence S00°02'15"W a distance of 302.40 feet along the Northwesterly line of Summit View Ranch Filing No. 2, as same is recorded in Plat Book 18, Pages 60 through 61, inclusive, public records of

Mesa County, Colorado; thence N89°50'35"W a distance of 330.00 feet along the Northerly line of said Summit View Ranch Filing No. 2; thence N00°02'15"E a distance of 302.40 feet to a point on the North line of the NW 1/4 NW 1/4 of said Section 15 and the Point of Beginning.

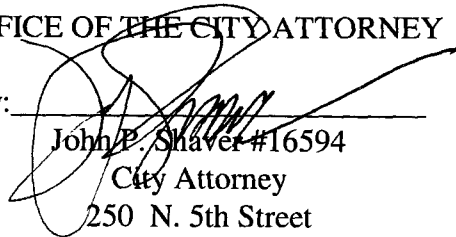
Said parcel contains 2.29 acres (99,791.79 sq. ft.), more or less, as described.

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 ____ day of February, 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 9th day of February, 2009, addressed to the Chairman of the Board of the Clifton Fire Protection District.

Berinda White

VERIFICATION

I, Laurie M. Kadrach, 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.

Laurie M. Kadrach

Laurie M. Kadrach, City Manager

STATE OF COLORADO)
COUNTY OF MESA)

Subscribed and sworn to before me by Laurie M. Kadrach this 9th day of February, 2009.

Mary Lynn Kirsch
Notary Public

My commission expires: _____



My Commission Expires 04/28/2012