

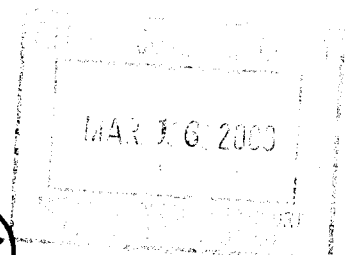

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TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	CONTRACT
NAME OF CONTRACTOR:	LOWER VALLEY FRE PROTECTION DISTRICT
SUBJECT/PROJECT:	ORDER FOR EXCLUSION OF LANDS CASE NO. 21760 – MARCH 10, 2009
CITY DEPARTMENT:	FIRE DEPARTMENT
YEAR:	2009
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

Shaver

RECEIVED MAR 31 2009

RECEPTION #: 2489927, BK 4856 PG 840 05/21/2009 at 04:27:36 PM. 1 OF 2. R \$10.00 S \$1.00 Janice Rich Mesa County CO CLERK AND RECORDER

DISTRICT COURT, MESA COUNTY, COLORADO Court Address: 125 North Spruce St. Grand Junction, CO 81501 Telephone: (970) 257-3625		  ▲ COURT USE ONLY ▲
In the Matter of the Petition of the CITY OF GRAND JUNCTION , a home rule city, For the exclusion of certain territory from the LOWER VALLEY FIRE PROTECTION DISTRICT		
John P. Shaver, No. 16594 City Attorney 250 North 5th Street Grand Junction, CO 81501 (970) 244-1503	Case Number: 21760 Division: 9	
ORDER FOR EXCLUSION OF LANDS		

The Petition for the exclusion of lands from the Lower Valley 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. The lands described in the Petition are and shall remain subject to the bonded indebtedness of the Lower Valley Fire Protection District, approved by the District electors in the November 2004 election, commencing in 2005 in a total amount of \$750,000. Such bonded debt service obligation shall remain in effect through the 2015 tax year.
4. The City has provided for the necessary and orderly provision of fire and other emergency response to the excluded areas. There are no District facilities in the excluded areas.
5. An Order in this matter shall not become effective until January 1, 2010.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED BY THE COURT:

That the lands described in the Petition, all situate within Mesa County, Colorado are excluded from the Lower Valley Fire Protection District, effective January 1, 2010, subject to the continuing

obligation of the land owners to pay their proportionate share of the bonded debt service of the Lower Valley Fire Protection District through the 2015 tax year, and that the legal and common descriptions contained in said Petition are incorporated by this reference as if fully set forth.

BY THE COURT THIS 10th DAY OF MARCH 2009.


DISTRICT COURT JUDGE

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 LOWER VALLEY FIRE PROTECTION DISTRICT	
▲ COURT USE ONLY ▲	
John P. Shaver, No. 16594 City Attorney 250 North 5th Street, Grand Junction, CO 81501 (970) 244-1503	Case Number: 21760 Division: 9
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 Lower Valley Fire Protection District:

The City of Grand Junction petitions the Court for exclusion from the Lower Valley Fire Protection District of Mesa County, Colorado, the following described land, to wit:

Martin Annexation

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 36, Township One North, Range Two West of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northwest corner of said Section 36 and assuming the North line of the NW 1/4 NW 1/4 of said Section 36 to bear S89°52'49"E with all bearings contained herein relative thereto; thence S89°52'49"E a distance of 363.00 feet along the North line of the NW 1/4 NW 1/4 of said Section 36 to the Point of Beginning; thence S89°52'49"E a distance of 436.41 feet along the North line of the NW 1/4 NW 1/4 of said Section 36; thence S00°00'49"E a distance of 379.21 feet; thence N89°52'49"W a distance of 207.47 feet to a point on the Westerly line of Baldwin Annexation No. 2, Ordinance No. 3983, City of Grand Junction; thence N00°00'49"W a distance of 160.83 feet along the Westerly line of said Baldwin Annexation No. 2; thence

N89°52'49"W a distance of 228.94 feet along the Northerly line of said Baldwin Annexation No. 2; thence N00°00'49"W a distance of 218.38 feet to the Point of Beginning.

Said parcel contains 2.95 acres (128,670.27 sq. ft.), more or less, as described.

Martin R and S Annexation

A certain parcel of land located in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 36, Township One North, Range Two West of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Northwest corner of said Section 36 and assuming the North line of the NW 1/4 NW 1/4 of said Section 36 to bear S89°52'49"E with all bearings contained herein relative thereto; thence S89°52'49"E a distance of 363.00 feet along the North line of the NW 1/4 NW 1/4 of said Section 36 to the Northwest corner of Martin Annexation, Ordinance No. 4219, City of Grand Junction; thence S00°00'52"E a distance of 210.27 feet along the West line of said Martin Annexation; thence along the Northerly line of Baldwin Annexation No. 2, Ordinance No. 3983, City of Grand Junction the following three (3) courses: (1) N89°52'50"E a distance of 171.06 feet; (2) S00°00'50"E a distance of 16.00 feet; (3) N56°34'50"W a distance of 230.64 feet to a point on the West line of NW 1/4 NW 1/4 of said Section 36; thence N00°17'30"E a distance of 99.65 feet along the West line of NW 1/4 NW 1/4 of said Section 36 to the Point of Beginning.

Said parcel contains 1.54 acres (67,299.20 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. The City of Grand Junction provides fire protection service to properties within the Lower Valley 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 9th day of February, 2009.

OFFICE OF THE CITY ATTORNEY

By: [Signature]
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 document, postage prepaid, this 9th day of February, 2009, addressed to: THE CHAIRMAN OF THE BOARD OF THE LOWER VALLEY FIRE PROTECTION DISTRICT

[Signature]

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.

[Signature]
Kenneth R. Watkins, Fire Chief

STATE OF COLORADO)
COUNTY OF MESA)

Subscribed and sworn to before me by Kenneth R. Watkins this 6th day of February, 2009.



[Signature]
Notary Public

My commission expires: _____

My Commission Expires 04/20/2012