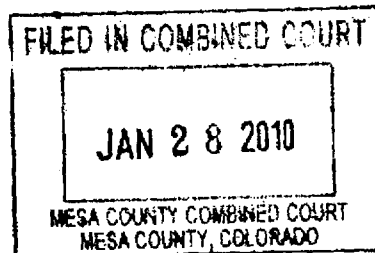


<b>DISTRICT COURT, MESA COUNTY, COLORADO</b>	
Court Address:	125 North Spruce St. Grand Junction, CO 81501
Telephone:	(970) 257-3625
In the Matter of the Petition of the <b>CITY OF GRAND JUNCTION</b> , a home rule city,  For the exclusion of certain territory from the <b>LOWER VALLEY FIRE PROTECTION DISTRICT</b>	
<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: 21760  Division: 9
<b>ORDER FOR EXCLUSION OF LANDS</b>	



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:

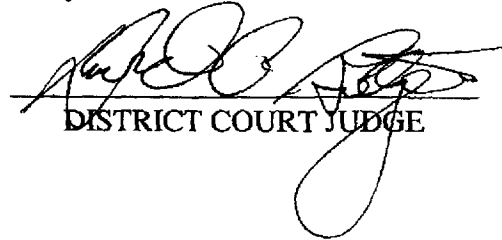
1. The Court has jurisdiction over the subject matter and the parties herein.
2. That the requirements of 32-1-502, C.R.S. have been met or will reasonably be met by the parties.
3. The lands described in the Petition are and shall remain subject to the bonded indebtedness of the Lower Valley Fire Protection 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 28<sup>th</sup> DAY OF JAN. 2010  
~~2009.~~

  
DISTRICT COURT JUDGE

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<b>DISTRICT COURT, MESA COUNTY, COLORADO</b>  Court Address: 125 North Spruce St. Grand Junction, CO 81501 Telephone: (970) 257-3625	
In the Matter of the Petition of the <b>CITY OF GRAND JUNCTION</b> , a home rule city,  For the exclusion of certain territory from the <b>LOWER VALLEY FIRE PROTECTION DISTRICT</b>	
<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: 21760  Division: 9
<b>VERIFIED PETITION</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 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:

**A Serial Annexation Comprising  
Northwest GJ Annexation No. 1 and Northwest GJ Annexation No. 2**

**Northwest GJ Annexation No. 1**

A certain parcel of land located in the Northwest Quarter (NW 1/4), Southwest Quarter (SW 1/4), and the Southeast Quarter (SE 1/4) of Section 25, Township One North, Range Two West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Beginning at the Southeast corner of the SE 1/4 NW 1/4 of said Section 25 and assuming the South line of the SE 1/4 NW 1/4 of said Section 25 to bear N89°52'45"W with all bearings contained herein relative thereto; thence S89°54'23"E a distance of 40.00 feet along the South

line of the SW 1/4 NE 1/4 of said Section 25; thence S00°00'45"W a distance of 155.02 feet along a line being 40.00 feet East of and parallel with the East line of the NE 1/4 SW 1/4 of said Section 25 to the Northeast corner of Kelly Annexation No. 3, Ordinance No. 3991, City of Grand Junction; thence N89°52'43"W a distance of 80.00 feet along the Northerly line of said Kelly Annexation No. 3; thence N00°00'45"E a distance of 155.00 feet along a line being 40.00 feet West of and parallel with the East line of the NE 1/4 SW 1/4 of said Section 25 to a point on the South line of the SE 1/4 NW 1/4 of said Section 25; thence N89°52'45"W a distance of 1284.66 feet along the South line of the SE 1/4 NW 1/4 of said Section 25 said line also being the North line of said Kelley Annexation No. 3 to the Southwest corner of the SE 1/4 NW 1/4 of said Section 25; thence N89°52'42"W a distance of 167.07 feet along the South line of the SW 1/4 NW 1/4 of said Section 25, said line also being the North line of HDP Investment Group Annexation, Ordinance No. 4113, City of Grand Junction; thence N00°00'36"E a distance of 1321.21 feet to a point on the North line of the SW 1/4 NW 1/4 of said Section 25; thence S89°52'22"E a distance of 166.87 feet along the North line of the SW 1/4 NW 1/4 of said Section 25 to the Northwest corner of the SE 1/4 NW 1/4 of said Section 25; thence S89°52'22"E a distance of 1324.47 feet along the North line of the SE 1/4 NW 1/4 of said Section 25 to the Northeast corner of the SE 1/4 NW 1/4 of said Section 25; thence S00°00'27"E a distance of 1321.06 feet along the East line of the SE 1/4 NW 1/4 of said Section 25 to the Southeast corner of the SE 1/4 NW 1/4 of said Section 25, said point also being the Point of Beginning.

Said parcel contains 45.52 acres (1,982,924.35 sq. ft.), more or less, as described.

### **Northwest GJ 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 25, Township One North, Range Two West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows: The S 1/2 NE 1/4 NW 1/4 of said Section 25.

Said parcel contains 20.09 acres (874,986.29 sq. ft.), more or less, as described.

**Kapushion Annexation: A Serial Annexation Comprising**  
Kapushion Annexation No. 1 and Kapushion Annexation No.2 and Kapushion Annexation No.3

### **Kapushion Annexation No.1**

A certain parcel of land located in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 25, Township One North, Range Two West 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 NW 1/4 of said Section 25 and assuming the South line of the SW 1/4 NW 1/4 of said Section 25 to bear N89°52'43"W with all bearings

contained herein relative thereto; thence N89°52'43"W a distance of 167.07 feet along the South line of the SW 1/4 NW 1/4 of said Section 25, said line also being the North line of HDP Investment Group Annexation, Ordinance No. 4113, City of Grand Junction to the Point of Beginning; thence N89°52'43"W a distance of 411.90 feet along the South line of the SW 1/4 NW 1/4 of said Section 25, said line also being the North line of said HDP Investment Group Annexation; thence N00°00'36"E a distance of 50.00 feet; thence S89°52'43"E a distance of 361.90 feet along a line being 50.00 feet North of and parallel with the South line of the SW 1/4 NW 1/4 of said Section 25; thence N00°00'36"E a distance of 361.90 feet along a line being 50.00 feet West of and parallel with the East line of the Westerly 35.1 acres, as same is recorded in Book 4706, Page 591, public records of Mesa County, Colorado; thence S89°52'43"E a distance of 50.00 feet to a point on the East line of said Westerly 35.1 acres; thence S00°00'36"W a distance of 411.90 feet along the East line of said Westerly 35.1 acres to the Point of Beginning.

Said parcel contains 0.89 acres (38,690.28 sq. ft.), more or less, as described.

### **Kapushion Annexation No. 2**

A certain parcel of land located in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 25, Township One North, Range Two West 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 NW 1/4 of said Section 25 and assuming the South line of the SW 1/4 NW 1/4 of said Section 25 to bear N89°52'43"W with all bearings contained herein relative thereto; thence N89°52'43"W a distance of 578.97 feet along the South line of the SW 1/4 NW 1/4 of said Section 25, said line also being the North line of HDP Investment Group Annexation, Ordinance No. 4113, City of Grand Junction to the Southwesterly corner of Kapushion Annexation No. 1, City of Grand Junction, said point also being the Point of Beginning; thence N89°52'43"W a distance of 745.70 feet along the South line of the SW 1/4 NW 1/4 of said Section 25 to the Southwest corner of the SW 1/4 NW 1/4 of said Section 25; thence N00°00'37"E a distance of 660.67 feet along the West line of the SW 1/4 NW 1/4 of said Section 25; thence S89°52'33"E a distance of 1157.60 feet to a point on the East line of the Westerly 35.1 acres, as same is recorded in Book 4706, Page 591, public records of Mesa County, Colorado; thence S00°00'36"W a distance of 248.70 feet along the East line of said Westerly 35.1 acres to the Northeasterly corner of said Kapushion Annexation No. 1; thence along the Northwesterly line of said Kapushion Annexation No. 1 the following four (4) courses: (1) N89°52'43"W a distance of 50.00 feet; (2) S00°00'36"W a distance of 361.90 feet; (3) N89°52'43"W a distance of 361.90 feet; (4) S00°00'36"W a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 16.67 acres (726,059.29 sq. ft.), more or less, as described.

### **Kapushion Annexation No. 3**

A certain parcel of land located in the North Half of the Southwest Quarter of the Northwest Quarter (N 1/2 SW 1/4 NW 1/4) of Section 25, Township One North, Range Two West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particular described as follows:

Commencing at the Northeast corner of the SW 1/4 NW 1/4 of said Section 25 and assuming the East line of the SW 1/4 NW 1/4 of said Section 25 to bear S00°00'05"W with all bearings contained herein relative thereto; thence N89°52'22"W a distance of 166.87 feet along the North line of the SW 1/4 NW 1/4 of said Section 25 to the Point of Beginning; thence S00°00'36"W a distance of 660.61 feet along the East line of the Westerly 35.1 acres, as same is recorded in Book 4706, Page 591, public records of Mesa County, Colorado to the Northeast corner of Kapushion Annexation No. 2, City of Grand Junction; thence N89°52'33"W a distance of 1157.60 feet along the South line of the N 1/2 SW 1/4 NW 1/4 of said Section 25, said line also being the North line of said Kapushion Annexation No. 2 to a point on the West line of the SW 1/4 NW 1/4 of said Section 25; thence N00°00'35"E a distance of 660.67 feet along the West line of the SW 1/4 NW 1/4 of said Section 25 to the Northwest corner of the SW 1/4 NW 1/4 of said Section 25; thence S89°52'22"E a distance of 1157.60 feet along the North line of the SW 1/4 NW 1/4 of said Section 25 to the Point of Beginning.

Said parcel contains 17.56 acres (764,753.85 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 20th day of November, 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 20th day of November, 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 18th day of November, 2009.

My commission expires: 2/16/2010 [Signature]  
Christine English  
Notary Public

