

RFP08EXL

TYPE OF RECORD:	PERMANENT
CATEGORY OF RECORD:	CONTRACT
NAME OF CONTRACTOR:	LOWER VALLEY FIRE PROTECTION DISTRICT
SUBJECT/PROJECT:	ORDER FOR EXCLUSION CASE NO. 21760 DIVISION 9 – MAY 29, 2008
CITY DEPARTMENT:	FIRE DEPARTMENT
YEAR:	2008
EXPIRATION DATE:	NONE
DESTRUCTION DATE:	NONE

RECEPTION #: 2442784, BK 4676 PG 929 06/04/2008 at
04:27:47 PM, 1 OF 2, R \$10.00 S \$1.00 Doc Code:
EXCLUSION
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
<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 LOWER VALLEY FIRE PROTECTION DISTRICT</p>	
▲ COURT USE ONLY ▲	
Linda G. Alexander, No. 28332 COLLINS COCKREL & COLE Attorney for Lower Valley Fire Protection District 390 Union Blvd., Suite 400, Denver, CO 80228 (303) 986-1551	Case Number: 21760 Division 9
ORDER FOR EXCLUSION OF LANDS	

MAY 29 2008

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:

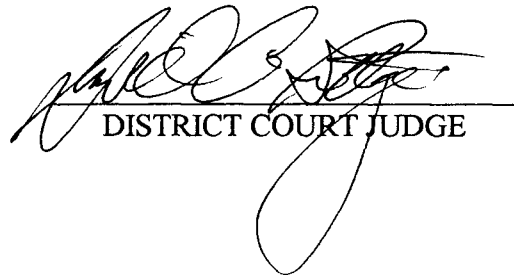
1. The Court has jurisdiction over the subject matter and the parties herein.
2. The requirements of 32-1-502, C.R.S. have been met or will reasonably be met by the parties.
3. The lands described in the Petition are and shall remain subject to the bonded indebtedness of the Lower Valley Fire Protection 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, 2009.

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, 2009, 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 29th DAY OF MAY 2008.


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>2008 MAY 16 PM 2: 15</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 LOWER VALLEY 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) 244-1501</p>	<p>Case Number: 21760</p> <p>Division: Courtroom 9</p>
<p align="center">AMENDED PETITION</p>	

COMES NOW the City of Grand Junction, a home rule city, by and through the undersigned counsel and amends the petition dated April 24, 2008 with the Court, for a Hearing and Order, on the exclusion of certain lands within the Lower Valley Fire Protection District:

1. The Petition is amended to correct scrivener's errors and include the allegations set forth in the Notice of Verified Petition and Notice of Hearing in this matter.
2. 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:

JOBSITE ANNEXATION
2697-253-00-122 & 2697-253-00-123

A certain parcel of land located in the North half of the Southwest Quarter (N 1/2 SW 1/4) of Section 25, Township 1 North, Range 2 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Parcels A & B, Kipp Simple Land Division, as same is recorded in Plat Book 18, Page 90, Public Records of Mesa County, Colorado.

Said parcel contains 25.23 acres (1,099,207 square feet), more or less, as described.

HDP INVESTMENTS GROUP ANNEXATION
2697-253-00-104, 2697-253-00-113, 2697-253-00-114

A certain parcel of land located in the North half of the Southwest Quarter (N 1/2 SW 1/4) of Section 25, Township 1 North, Range 2 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 25 and assuming the North line of said NE 1/4 SW 1/4 bears N89°52'43"W with all other bearings contained herein being relative thereto; thence N89°52'43"W along said North line a distance of 1068.32 feet to the Northeast corner of that certain parcel of land as described in Book 4164, Page 365, Public Records, Mesa County, Colorado and the POINT OF BEGINNING; thence from said point of beginning S00°09'30"W along the East line of said parcel a distance of 489.42 feet; thence N89°54'25"W along the South line of said parcel a distance of 279.73 feet to the Northwest corner of Lot 7 of Jobsite Subdivision, as same is recorded in Book 4316, Pages 120-121, Public Records, Mesa County, Colorado; thence S00°09'30"W along the West line of said Jobsite Subdivision, a distance of 831.80 feet to the Southwest corner of Tract A of said Jobsite Subdivision; thence N89°51'42"W along the South line of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section 25, a distance of 418.72 feet to the Southwest corner of said parcel; thence N00°09'31"E along the East line of said parcel a distance of 1321.23 feet to a point on the North line of said NW 1/4 SW 1/4; thence S89°52'43"E along said North line a distance of 698.44 feet, more or less, to the Point of Beginning.

Said parcel contains 15.84 acres (690,168 square feet), more or less, as described.

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.

3. 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.
4. 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.
5. The Court is statutorily empowered to set a hearing and to enter an Order of Exclusion if all statutory conditions are met.
6. Notice to the Public is provided by Publication.

Respectfully submitted this 16th day of May, 2008.

OFFICE OF THE CITY ATTORNEY

By: 

John P. Shaver #16594
City Attorney
250 N. 5th Street
Grand Junction, CO 81501
(970) 244-1503

<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>2008 APR 24 PM 1:01</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 LOWER VALLEY 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) 244-1501</p>	<p>Case Number: 21760</p> <p>Division: _____</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 Lower Valley Fire Protection District:

1. 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:

JOBSITE ANNEXATION
2697-253-00-122 & 2697-253-00-123

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Said parcel contains 15.84 acres (690,168 square feet), more or less, as described.

Respectfully submitted this 24th day of April, 2008.

OFFICE OF THE CITY ATTORNEY

by: _____


John P. Shaver #16594

City Attorney

250 N. 5th Street

Grand Junction, CO 81501

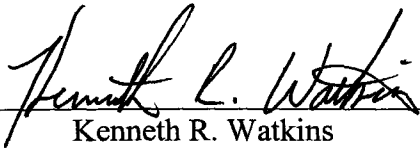
(970) 244-1503

CERTIFICATE OF MAILING

I hereby certify that I mailed a copy of the attached document, postage prepaid, this _____ day of _____, 20____, addressed to: THE CHAIRMAN OF THE BOARD OF THE 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.


Kenneth R. Watkins

STATE OF COLORADO)
COUNTY OF MESA)

Subscribed and sworn to before me by Kenneth R. Watkins this 22nd day of April, 2009.


Notary Public

My Commission Expires
06/30/2010

My commission expires: _____