

IN THE DISTRICT COURT IN AND FOR
 THE COUNTY OF MESA
 AND STATE OF COLORADO
 Civil Action No. 81 CV 71

FILED
 IN DISTRICT COURT
 MESA COUNTY, COLORADO
 AUG 27 1981
Ben O. Fisher
 CLERK

IN RE THE ORGANIZATION OF)
 GRAND JUNCTION WEST WATER AND) AMENDED ORDER AND DECREE
 SANITATION DISTRICT,)
 MESA COUNTY, COLORADO) CREATING DISTRICT

THIS MATTER COMING on to be heard in open Court, and it appearing that the election, held on the 14th day of April, 1981, at which there was submitted the matter of the organization of Grand Junction West Water and Sanitation District, Mesa County, Colorado, and the election of Directors for such District, was duly held at the time and place and by the Judges of Election specified in the Order of Court entered on the 10th day of March, 1981;

And it further appearing that the required Notice of Election was duly published in compliance with the aforementioned Order in the Grand Junction Daily Sentinel, a newspaper of general circulation in the proposed District, once a week for three consecutive weeks, by three publications, in compliance with law; that all of said ballots were cast at said election by electors of the District who were qualified to vote at general elections in this State and who either had been a resident of the proposed District for not less than thirty-two days, or who or whose spouse own taxable real or personal property within the proposed District, whether said person resides within the proposed District or not. The following ballots were cast on the question of organization of the proposed District:

	<u>VOTES CAST</u>
<u>FOR</u> the Organization of Grand Junction West Water and Sanitation District	<u>8</u>
<u>AGAINST</u> the Organization of Grand Junction West Water and Sanitation District	<u>0</u>

That the following qualified persons were duly elected as directors of the District for the indicated terms:

<u>NAME</u>	<u>TERM</u>
John Cavness	Until the Next Regular Election
Richard Sparkman	Until the Next Regular Election
Baird Brown	Until the Second Regular Election
Jerome P. Fossenier	Until the Second Regular Election
George White	Until the Second Regular Election

And it further appearing that all of the provisions of law, and more particularly all of the requirements of Title 32, Article 4, Part 1, Colorado Revised Statutes 1973, as amended, and Title 32, Article 1, Part 2, Colorado Revised Statutes 1973, as amended, have been complied with, met and performed, in the organization of the District;

And it still further appearing that the error in the legal description contained in the Order and Decree issued by this Court on April 16, 1981, has been corrected, and that said corrected legal description is hereinafter set forth;

And the Court being fully advised in the premises, hereby ORDERS AND DECREES That:

The District has been duly and regularly organized and shall be known as "Grand Junction West Water and Sanitation District", in Mesa County, Colorado.

The District is located in Mesa County, Colorado, more particularly described as follows:

A tract of land located in parts of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T.1 S., R.1 W. of the Ute Meridian and a part of the N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T.1 S., R.1 W. of the Ute Meridian and a part of the S $\frac{1}{2}$ of Section 31, T.1 N. R.1 W. of the Ute Meridian and a part of the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 32, T.1 N., R.1 W. of the Ute Meridian, all in Mesa County, Colorado, being more particularly described as follows:

Beginning at the W $\frac{1}{4}$ Corner of said Section 32;

Thence N 89°58'21" E along the north line of the SW $\frac{1}{4}$ of said Section 32 a distance of 78.50 feet to a point on the easterly right of way of Interstate 70;

Thence along the easterly and southerly right of way of Interstate 70 by the following four (4) courses and distances:

- (1) N00°03'28" E 34.42 feet;
- (2) S 89°35'30" E 22.25 feet;
- (3) N 03°33'30" E 34.21 feet;
- (4) S 89°45'00" E 1877.54 feet;

Thence S 00°02'11" W 59.30 feet to the NE Corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

Thence continuing S 00°02'11" W 660.03 feet to the SE Corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

Thence S 89°58'47" W 660.02 feet to the SE Corner of the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

Thence South 2004 feet, more or less, to the SE Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

Thence continuing South 1336 feet, more or less, to the SE Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5;

Thence West 1320 feet, more or less, to the SW Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5;

Thence North along the west line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5 a distance of 160.00 feet;

Thence S 89°29'16" W 302.25 feet;

Thence South 160.00 feet to a point on the south line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6;

Thence S 89°29'16" W along said south line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6 a distance of 560 feet, more or less, to a point on the northeasterly right of way of U.S. Highway 6 & 50;

Thence northwesterly along said northeasterly right of way of U.S. Highway 6 & 50 to a point which bears South 1064.1 feet and S 56°31' E 1568.9 feet and S 56°31'00" E 30.00 feet from the West $\frac{1}{4}$ Corner of said Section 31;

Thence S 33°29'00" W 380.00 feet to a point on the northeasterly property line of Railhead Subdivision;

Thence southeasterly along said northeasterly property line of Railhead Subdivision 2440 feet, more or less, to the eastern most corner of said Railhead Subdivision;

Thence S 37°38'00" W 1831.35 feet;

Thence N 33°26'07" W 349.96 feet;

Thence N 52°42'53" W 2891.93 feet;

Thence N 57°47'33" W 506.03 feet;

Thence N 76°33'23" W 400.02 feet;

Thence N 43°20'51" W 1363.88 feet to a point on the southeasterly right of way line of Interstate 70;

Thence 644.91 feet along the arc of a curve having a radius of 2964.79 feet, the chord of which bears N 78°27'33" E 643.64 feet;

Thence S 80°36'21" E 255.44 feet;

Thence N 63°10'49" E 892.92 feet to the northern most corner of Railhead Subdivision;

Thence S 56°31'00" E 1919.28 feet, more or less, along the northeasterly line of said Railhead Subdivision;

Thence N 33°29'00" E 388.40 feet to a point on the southwesterly line of Sellars Subdivision;

Thence along said southwesterly line of Sellars Subdivision N 40°52'00" W 36.96 feet;

Thence N 40°52'00" W 43.09 feet;

Thence N 45°20'30" W 288.6 feet;

Thence N 27°52'30" W 933.3 feet;

Thence N 38°46' E 379.2 feet;

Thence N 43°10' E 140.00 feet;

Thence N 51°44' E 160.2 feet;

Thence N 64°11' E 394.9 feet to a point on the northerly line of Lot 6, Block 5 of Sellars Subdivision;

Thence 141.14 feet along the arc of a curve having a radius of 5,630 feet, the chord of which bears N 69°42'25" E 141.11 feet to the northeasterly corner of said Lot 6;

Thence continuing along said arc of a curve having a radius of 5,630 feet along Lots 5, 4, 3, 2 and 1 of said Block 5 of Sellars Subdivision to a point on the north line of the SW $\frac{1}{4}$ of said Section 31;

Thence S 89°56'30" E along said north line of the SW $\frac{1}{4}$ of Section 31 a distance of 231.8 feet;

Thence East along the south right of way of Interstate 70 to the NE Corner of the SW $\frac{1}{4}$ of said Section 31;

Thence continuing along said south right of way of Interstate 70 a distance of 2640 feet, more or less, to the point of beginning, containing 620.12 acres, more or less.

Said District shall be a governmental subdivision of the State of Colorado, and a body corporate with all the powers of a public or quasi-municipal corporation; that the facilities, services and financial arrangements of the District shall conform as far as practicable to the approved Service Plan and Resolution of Approval of the Board of County Commissioners of Mesa County, Colorado. The approved Service Plan and Resolution of Approval required by Title 32, Article 1, Part 2, Colorado Revised Statutes 1973, as amended, previously filed in the within action, shall be and the same are hereby incorporated by reference in and appended to this Amended Order.

The Board of Directors shall take such steps and proceedings as the needs of the District require; and that within thirty (30) days after the date hereof, the Clerk of this Court shall transmit to the County Clerk and Recorder of Mesa County, Colorado, and to the County Assessor of Mesa County, true and correct copies of this Amended Order and Decree, with the Resolution of Approval appended hereto, for filing in their offices. Notice of the completion of the organization of the District has previously been filed in duplicate and recorded with the County Clerk and Recorder of Mesa County on the 22nd day of April, 1981, as Document No. 1254523, and a certified duplicate copy of said Notice was filed with the Division of Local Government of the State of Colorado on the ___ day of ___, 1981.

Done this 27 day of Aug, 1981, NUNC PRO TUNC the 16th day of April, 1981.

BY THE COURT:


Judge

IN THE DISTRICT COURT IN AND FOR THE
COUNTY OF MESA AND STATE OF COLORADO
Civil Action No. 81 CV 71

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IN DISTRICT COURT
MESA COUNTY, COLORADO
OCT 22 - 1981

IN RE:)
)
THE EXCLUSION OF REAL PROPERTIES)
FROM GRAND JUNCTION WEST WATER)
AND SANITATION DISTRICT)

Ben O. Fisher
ORDER OF EXCLUSION

Upon presentation of a Petition to this Court, together with a true and correct copy of an Order of the Board of Directors of Grand Junction West Water and Sanitation District, Mesa County, Colorado, dated Sept 23, 1981, wherein it was certified: that a Public Hearing was held pursuant to duly published Notice on the 23 day of Sept, 1981, at 2784 Crossroads Boulevard, Grand Junction, Colorado, at the hour of 11:30 o'clock A.M., for the purpose of hearing two Petitions for Exclusion of real properties from said District; and that after due consideration, by a Resolution adopted and approved, said Petitions for Exclusion were accepted and approved by the Board; and that the subject properties were ordered to be excluded from the District, pursuant to an Order of the Board;

And it appearing from said Petition to this Court that the real properties to be excluded shall not be subject to any property tax to be levied by the Board either for the purpose of meeting the operating costs of the District, or for the purpose of retiring the District's bonds or other indebtedness, as the District has no bonds or other evidences of indebtedness outstanding;

And it still further appearing that said Petition to the Court and said Order of the Board of Directors were presented pursuant to Title 32, Article 1, Section 303(1)(a) Colorado Revised Statutes, 1973, as amended, which provides that this Court, for all purposes of said Title 32, Article 1, Part 3, shall maintain and have original and exclusive jurisdiction, coextensive with the boundaries of the District, and of the property affected by said District, without regard to the usual limits of its jurisdiction; and

That the Court is fully advised in the premises:

IT IS THEREFORE ORDERED that the following described real properties, owned by the partnership and individuals listed below, be and the same are hereby excluded from Grand Junction West Water and Sanitation District, Mesa County, Colorado:

Real properties owned by Railhead Ventures, a Colorado general partnership;

Blocks One, Two, Three, Four, and Five of Railhead Industrial Park, Mesa County, Colorado.

Real property owned by William E. Foster, Warren E. Gardner, Jerome P. Fossenier, Charles V. Woodard, John G. Jebsen, and William D. Chamberlain, as Tenants in Common:

Block Six of Railhead Industrial Park, Mesa County, Colorado.

AND IT IS FURTHER ORDERED that said excluded real properties shall not now or in the future be subject to any property tax levied by the Board or any rates, fees, tolls, and charges imposed by the Board, whether for the purpose: (a) of meeting operating costs of the District or retiring any outstanding indebtedness of the District hereafter incurred.

AND IT IS FURTHER ORDERED that this Order be recorded in the office of the Clerk and Recorder of Mesa County, who shall notify the County Assessor of Mesa County of the within action, and a certified copy of such Notice shall also be filed with the Division of Local Government of the State of Colorado, in accordance with law.

DONE IN OPEN COURT THIS 22 day of Oct, 1981.

BY THE COURT:


Judge

THE MAP OF DISTRICT BOUNDARY

GRAND JUNCTION WEST WATER AND SANITATION DISTRICT

