

STREET ADDRESS: E 3/4 ROAD AND PRESERVE LANE
PARCEL #: THE PRESERVE SUBDIVISION - FUTURE FITINGS No. 3 1/4

PETITION FOR ANNEXATION
[100% PETITION]

The undersigned, being the record owner(s) of the territory hereinafter proposed to be annexed to the City of Grand Junction, Colorado, hereby petition(s) the City Council to annex to the City of Grand Junction the territory described in Exhibit A, which is incorporated herein by this reference, to the City of Grand Junction.

In support of their petition, Petitioners allege that:

1. It is desirable and necessary that the described territory be annexed to the City.
2. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; a community of interest exists between the territory proposed to be annexed and the City; the territory proposed to be annexed is urban or will be urbanized in the near future; the territory proposed to be annexed is integrated or is capable of being integrated with the City;
3. No land within the boundary of the territory to be annexed held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - a. is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
 - b. comprising twenty acres or more and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation is included within the territory proposed to be annexed without the written consent of the landowner or landowners;
4. No annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality; the proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year;
5. The undersigned comprise the landowners of more than 50% of the territory included in the area proposed to be annexed, exclusive of streets and alleys; and are persons comprising more than 50% of the landowners in the area proposed for annexation and owning more than 50% of the area proposed for annexation, excluding public streets, alleys, and any land owned by the City of Grand Junction.
6. The mailing address of each signer, the legal description of the land owned by each signer, and the date of signing of each signature are all shown on this petition; as a part of this petition is the affidavit of the circulator or circulators of this petition stating that each signature hereon is the signature of the person whose name it purports to be;

7. Accompanying this petition are four (4) prints of an annexation map which complies with C.R.S. 31-12-107(d).

8. That the territory described on Exhibit A is not presently a part of any incorporated municipality;

9. That all of the requirements of §§ 31-12-104 and 105, C.R.S., have been met;

10. The signers of this petition comprise 100% of the land owners of the territory included in the area proposed to be annexed, exclusive of streets and alleys;

11. The description of the perimeter boundary of the territory proposed to be annexed is attached as Exhibit B.

ANNEXOR(s)

By:

PRSV COMPANY, LLC
David G. Behrhorst
(Name(s)) DAVID. G. BEHRHORST, MANAGER

(Title(s))

Address: 1280 UTE AVE SUITE # 32
ASPEN, CO. 81611

Date: OCTOBER 22, 1998

Status: (Option Holder) (Landowner)

LANDOWNER(s)/PETITIONER(s)
MAILING ADDRESS

DATE
SIGNED

LEGAL DESCRIPTION OF
LANDOWNER(s)/PETITIONER LAND
See Exhibit A

BOUNDARY DESCRIPTION

BEGINNING at the Southwest corner of the NW1/4 NE1/4 of Section 22; thence, along the South line of the NW1/4 NE1/4 of Section 22, South 89 degrees 12 minutes 39 seconds East, a distance of 60.40 feet, to a point at the Southwesterly corner of The Preserve, Filing No. One, as recorded in Plat Book 16, Pages 42 and 43; thence along the Southwesterly line of The Preserve, Filing No. One the following two (2) courses: (1) North 16 degrees 02 minutes 24 seconds West, a distance of 314.47 feet; (2) North 30 degrees 21 minutes 21 seconds West, a distance of 148.29 feet, to a point at the Southernmost corner of OUTLOT B, The Preserve, Filing No. One; thence, along the boundary of said OUTLOT B the following five (5) course: (1) North 59 degrees 38 minutes 39 seconds East, a distance of 40.59 feet; (2) North 06 degrees 56 minutes 21 seconds East, a distance of 75.00 feet; (3) along the arc of a non-tangent curve to the right, having a delta angle of 59 degrees 55 minutes 07 seconds, with a radius of 50.00 feet, an arc length of 52.29 feet, a chord bearing of North 53 degrees 06 minutes 06 seconds West, and a chord length of 49.94 feet; (4) along the arc of a non-tangent curve to the right, having a delta angle of 09 degrees 15 minutes 34 seconds, with a radius of 125.00 feet, an arc length of 20.20 feet, a chord bearing of North 74 degrees 50 minutes 23 seconds West, and a chord length of 20.18 feet; (5) North 70 degrees 12 minutes 36 seconds West, a distance of 82.07 feet, to a point on the boundary of The Preserve, Filing No. One; thence, along the boundary of The Preserve, Filing No. One the following two (2) courses: (1) North 30 degrees 21 minutes 21 seconds West, a distance of 231.82 feet; (2) along the arc of a non-tangent curve to the right, having a delta angle of 14 degrees 45 minutes 54 seconds, with a radius of 783.00 feet, an arc length of 201.78 feet, a chord bearing of North 22 degrees 52 minutes 47 seconds West, and a chord length of 201.22 feet, to a point a the Southernmost corner of OUTLOT E, The Preserve, Filing No. Two, as recorded in Plat Book 2459, Pages 462 through 464; thence, around the boundary of said OUTLOT E, The Preserve, Filing No. Two the following five (5) courses: (1) North 31 degrees 15 minutes 01 seconds East, a distance of 144.76 feet; (2) North 55 degrees 43 minutes 34 seconds East, a distance of 229.20 feet; (3) North 74 degrees 30 minutes 59 seconds East, a distance of 145.33 feet; (4) South 89 degrees 38 minutes 47 seconds East, a distance of 105.20 feet; (5) North 64 degrees 39 minutes 02 seconds West, a distance of 531.79 feet, to a point at the Southernmost corner of OUTLOT F, The Preserve, Filing No. Two; thence, along the boundary of said OUTLOT F, The Preserve, Filing No. Two the following four (4) courses: (1) North 36 degrees 52 minutes 39 seconds East, a distance of 331.00 feet; (2) North 00 degrees 45 minutes 53 seconds East, a distance of 122.48 feet; (3) North 68 degrees 25 minutes 58 seconds West, a distance of 208.35 feet; (4) North 32 degrees 42 minutes 01 seconds East, a distance of 477.86 feet, to a point on the Southerly right-of-way line of State Highway 340, as established by Colorado State Highway Department Project No. S 0143 (4); thence along the said Southerly right-of-way line the following four (4) courses: (1) along the arc of a non-tangent curve to the left, having a delta angle of 05 degrees 30 minutes 25 seconds, with a radius of 1232.50 feet, an arc length of 118.46 feet, a chord bearing of North 70 degrees 03 minutes 54 seconds West, and a chord length of 118.42 feet; (2) North 47 degrees 40 minutes 42 seconds West, a distance of 204.90 feet; (3) along the arc of a non-tangent curve to the left, having a delta angle of 09 degrees 24 minutes 52 seconds, with a radius of 1332.50 feet, an arc length of 218.95 feet, a chord bearing of North 85 degrees 31 minutes 12 seconds West, and a chord length of 218.70 feet; (4) South 89 degrees 46 minutes 48 seconds West, a distance of 426.80 feet; thence South 00 degrees 41 minutes 29 seconds West, a distance of 196.39 feet; thence North 76 degrees 31 minutes 02 seconds West, a distance of 224.97 feet; thence North 02 degrees 33 minutes 23 seconds West, a distance of 195.27 feet, to a point on the said Southerly right-of-way line of State Highway 340; thence, along said Southerly right-of-way line the following two (2) courses: (1) North 69 degrees 09 minutes 27 seconds West, a distance of 10.74 feet; (2) along the arc of a non-tangent curve to the right, having a delta angle of 15 degrees 14 minutes 40 seconds, with a radius of 1482.50 feet, an arc length of 394.45 feet, a chord bearing of North 78 degrees 07 minutes 02 seconds West, and a chord length of 393.28 feet, to a point on the Southerly Mesa County right-of-way line of F¹/₄ Road, as described in Book 997, Page 328; thence, along said Southerly right of way line, North 89 degrees 10 minutes 42 seconds West, a distance of 525.66 feet; thence South 09 degrees 54 minutes 23 seconds East, a distance of 34.61 feet; thence South 15 degrees 32 minutes 23 seconds East, a distance of 754.53 feet; thence South 74 degrees 00 minutes 26 seconds West, a distance of 26.64 feet, to a point on the centerline of Redlands Water and Power Company First Lift Canal; thence, along said centerline to the First Lift Canal the following ten (10) courses: (1) South 12 degrees 21 minutes 14 seconds East, a distance of 61.24 feet; (2) South 22 degrees 43 minutes 21 seconds East, a distance of 50.40 feet; (3) South 29 degrees 37 minutes 58 seconds East, a distance of 72.50 feet; (4) South 38 degrees 32 minutes 15 seconds East, a distance of 62.15 feet; (5) South 52 degrees 17 minutes 21 seconds East, a distance of 106.46 feet; (6) South 60 degrees 12 minutes 07 seconds East, a distance of 30.57 feet; (7) South 71 degrees 58 minutes 19 seconds East, a distance of 32.05 feet; (8) South 78 degrees 12 minutes 12 seconds East, a distance of 333.68 feet; (9) South 71 degrees 14 minutes 45 seconds East, a distance of 36.19 feet; (10) South 55 degrees 12 minutes 40 seconds East, a distance of 52.36 feet; thence South 02 degrees 25 minutes 34 seconds East, a distance of 157.37 feet, to the Northwest corner of the NE1/4 NW1/4 of said Section 22; thence South 02 degrees 38 minutes 14 seconds East, a distance of 601.77 feet; thence South 03 degrees 13 minutes 18 seconds East, a distance of 206.80 feet; thence South 01 degrees 09 minutes 42 seconds West, a distance of 526.14 feet, to a point on the South line of the NE1/4 NW1/4 of said Section 22; thence, along the said South line of the NE1/4 NW1/4 of said Section 22, South 89 degrees 13 minutes 01 seconds East, a distance of 1283.61 feet to the POINT OF BEGINNING.

Said parcel containing an area of 81.088 Acres, as described.



THE PRESERVE
On the Redlands

October 26, 1998

Mr. David Varley
Assistant City Manager
City of Grand Junction
250 North 5th St.
Grand Junction, CO 81501

Re: The Preserve Subdivision

Dear David,

Thank you for meeting with me on October 14th. This letter will confirm the discussions and understanding that we had regarding sewer service and related future annexation of Filings No. Three and Four of the Preserve Subdivision on the Redlands.

The entire rural subdivision which consists 140 acres of 25 lots of 3 to 8 acres was approved for development by the Mesa County Commissioners in September, 1997 and Filings No. One and Two are platted and were recorded on November 18, 1997 and July 9, 1998 respectively. The required subdivision improvements including water, sewer, fire protection, electric, gas, telephone, and cable TV have been installed for Filings No. One and Two. The first section of the 20 foot wide private road has been installed per the Mesa County Road and Bridge Standards except for a 2 foot width reduction that was approved by Mesa County. All fire protection was installed with approval by the Grand Junction Fire Protection District and Ute Water. The sewer improvements were approved by the City of Grand Junction. Sewer clearance will be given to each homeowner of Filings No. One and Two upon each lot owners signature of a power of attorney and annexation agreement agreeing to future annexation to the city of Grand Junction. As we discussed, this was agreed to by City personnel providing we disclosed it in our lot purchase contracts.

As John Shaver and you indicated in our meeting, the City of Grand Junction does not currently have a regulation or standard with respect to a private road within a subdivision. Therefore, compliance with City of Grand Junction road "standards" upon future annexation is a "non-issue" for The Preserve.

I have delivered to Trent Prall and David Thorton a fully executed Utility Connection and Annexation Agreement and Declaration of Covenants and a Petition for Annexation into the City of Grand Junction dated October 22, 1997 for Filing No. Three and Future Filing No. Four. As we discussed, there should not be any future delays in providing sewer clearances from the City of Grand Junction for The Preserve Subdivision.

I appreciate your time spent on this matter.

Sincerely,

David G. Behrhorst, Manager
PRSV Company, LLC
1280 Ute Ave. # 32, Aspen, CO 81611

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DGB/dsf

cc: John Shaver, Assistant City Attorney, Trent Prall & David Thorton