

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 CLIFTON 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: 07 CV 114 Division: 9
ORDER FOR EXCLUSION OF LANDS	

The Petition for the exclusion of lands from the Clifton 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. has been met or will reasonably be met by the parties.
3. That the parties have provided for the necessary and orderly provision of fire and other emergency response to the excluded areas.

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

That the lands described in the Petition, all situate within Mesa County, Colorado are hereby excluded from the Clifton Fire Protection District, and that the legal and common descriptions contained in said Petition are incorporated by this reference as if fully set forth. This Order relates back to the date of the filing of the petition in this case.

BY THE COURT THIS 17th DAY OF January 2017.



 DISTRICT COURT JUDGE
 Timbreza

<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>2016 DEC -9 AM 8:06</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 CLIFTON FIRE PROTECTION DISTRICT</p>	<p>COPY</p> <p>▲ COURT USE ONLY ▲</p>
<p>John P. Shaver, No. 16594 City Attorney 250 North 5th Street, Grand Junction, CO 81501 (970) 244-1508</p>	<p>Case Number: 07 CV 114</p> <p>Division: <u>9</u></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 Clifton Fire Protection District:

The following 2016 annexation(s) are located within the Clifton Fire District boundary and are subject to exclusion from the district:

FOX MEADOWS ANNEXATION NO. 1

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian and being more particularly described as follows:

The North 5.00 feet of the NW 1/4 SE 1/4 of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian.

CONTAINING 6,551 Square Feet or 0.150 Acres, more or less, as described hereon.

FOX MEADOWS ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian and being more particularly described as follows:

COMMENCING at the Northeast corner of the NW 1/4 SE 1/4 of said Section 15 and assuming the North line of the NW 1/4 SE 1/4 of said Section 15 bears S 89°54'16" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°07'43" E along the East line of the NW 1/4 SE 1/4 of said Section 15, a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°07'43" E along the East line of the NW 1/4 SE 1/4 of said Section 15, a distance of 1,315.21 feet, more or less, to a point being the Southeast corner of the NW 1/4 SE 1/4 of said Section 15; thence N 89°52'41" W, along the South line of the NW 1/4 SE 1/4 of said Section 15, a distance of 280.44 feet, more or less, to a point being the Southeast corner of Dove Creek Subdivision, as same is recorded in Book 3925, Pages 704 and 705, Public Records of Mesa County, Colorado; thence N 00°07'50" W, along the East line and the Northerly projection thereof, of the East line of said Dove Creek Subdivision, a distance of 1,310.08 feet; thence N 89°54'16" W, along a line 10.00 feet South of and parallel with, the North line of the NW 1/4 SE 1/4 of said Section 15, a distance of 234.24 feet; thence S 00°07'50" E along the Northerly projection of the East line of Lot 4, Block 1 of said Dove Creek Subdivision, a distance of 20.00 feet to a point being the Northeast corner of said Dove Creek Subdivision; thence N 89°54'16" W, along the North line of said Dove Creek Subdivision, a distance of 547.96 feet, more or less, to a point being the Northwest corner of said Dove Creek Subdivision; thence N 00°04'29" E, along a line being the Northerly projection of the West line of said Dove Creek Subdivision, a distance of 25.00 feet; thence S 89°54'16" E, along a line 5.00 feet South of and parallel with, the North line of the NW 1/4 SE 1/4 of said Section 15, a distance of 1,062.62 feet, more or less, to the Point of Beginning. LESS HOWEVER, any portion of the Chatfield Subdivision, as same is recorded in Plat Book 12, page 75, Public Records of Mesa County, Colorado that may exist within the limits of the NW 1/4 SE 1/4 of said Section 15 due to a conflict with the Easterly boundary of said Chatfield Subdivision.

CONTAINING 383,707 Square Feet or 8.809 Acres, more or less, as described hereon.

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. Clifton Fire Protection District currently provides fire protection service to properties within the Clifton Fire Protection District. By virtue of the 1998 intergovernmental agreement between the City and Mesa County (the Persigo Agreement) the City has promised to pay to Clifton that amount of money which would have been received by Clifton by virtue of its current mill levy as applied throughout the Clifton District absent exclusion of property from the District by virtue of annexation to the City. The payment is subject to the on-going requirement that Clifton continue to provide its full services to the excluded property. By virtue of that agreement 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. The City has paid Clifton for its services and has refunded to the annexed property owners the equivalent sums of taxes attributable to being within the Clifton district.

6. By verification of the Petition by the City Manager of the City of Grand Junction, the Petitioner does represent to the Court that the terms of the Persigo Agreement will be met or the City will serve the excluded properties and therefore quality of service will not be adversely affected by such exclusion.

7. 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 7th day of December, 2016.

OFFICE OF THE CITY ATTORNEY

by: 

Nolan P. Shaver #16594

City Attorney

250 N. 5th Street

Grand Junction, CO 81501

(970) 244-1508

CERTIFICATE OF MAILING

I hereby certify that I mailed a copy of the attached document, postage prepaid, this 9th day of December, 2016, addressed to:

Brenda White

**Rick Livingston
Livingston & Mumby, LLC
2764 Compass Drive, Suite 200-A
Grand Junction, CO 81506**

VERIFICATION

I, Greg Caton, City Manager, do hereby state under oath that the facts contained in paragraphs 4, 5 and 6 are true and correct to the best of my knowledge and belief.

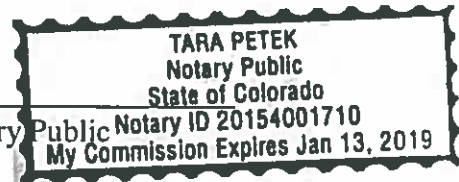
[Signature]

STATE OF COLORADO)
COUNTY OF MESA)

Subscribed and sworn to before me by Tara Peterk this 8th day of December, 2016.

[Signature]

Notary Public



My commission expires: Jan. 13, 2019