

<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>▲ COURT USE ONLY ▲</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 GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT</p>	
<p>John P. Shaver, No. 16594 City Attorney 250 North 5th Street Grand Junction, CO 81501 (970) 244-1508</p>	
<p>ORDER FOR EXCLUSION OF LANDS</p>	

The Petition for the exclusion of lands from the Grand Junction Rural 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 Grand Junction Rural 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
 Jimbreza

2016 DEC -9 AM 8:06

DISTRICT COURT, MESA COUNTY, COLORADO

Court Address: 125 North Spruce St.
Grand Junction, CO 81501
Telephone: (970) 257-3625

COPY

In the Matter of the Petition of the
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For the exclusion of certain territory from the
GRAND JUNCTION RURAL FIRE PROTECTION
DISTRICT

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John P. Shaver, No. 16594
City Attorney
250 North 5th Street
Grand Junction, CO 81501
(970) 244-1508

Case Number 7097

Division: 9

VERIFIED PETITION

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 Grand Junction Rural Fire Protection District:

The City of Grand Junction petitions the Court for exclusion from the Grand Junction Rural Fire Protection District of Mesa County, Colorado, the following described land, to wit:

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

STUDT ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of that certain parcel of land bounded on the East by the West line of Larson Annexation No. 2, City of Grand Junction Ordinance No. 3424, as same is recorded in Book 3084, Page 976, Public Records of Mesa County, Colorado; bounded on the North by the South line of Lot 29,

Vista Rado Filing No. 1, as same is recorded in Plat Book 16, Page 281, Public Records of Mesa County, Colorado and a 10.00 foot portion of said Larson Annexation No. 2; bounded on the West by the East line of Lots 27 and 28 of said Vista Rado Filing No. 1 and bounded on the South by the North line of Lots 26 and 30 of said Vista Rado Filing No. 1 and a 10.00 foot portion of said Larson Annexation No. 2.

CONTAINING 39,198 Sq. Ft. or 0.900 Acres, more or less, as described.

PIA ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 25, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of the NW 1/4 SE 1/4 of said Section 25 and assuming the West line of the NW 1/4 SE 1/4 of said Section 25 bears N 00°01'48" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°01'48" W, along the West line of the NW 1/4 SE 1/4 of said Section 25, a distance of 21.35 feet to a point on the Southerly limits of the Wheeling Corrugated Annexation, Ordinance No. 3145, as same is recorded in Book 2597, Page 905, Public Records of Mesa County, Colorado; thence along the boundary of said Wheeling Corrugated Annexation, the following nine (9) courses:

1. N 74°58'06" E, a distance of 83.25 feet;
2. thence N 35°58'06" E, a distance of 59.68 feet;
3. thence N 12°58'54" W, a distance of 514.89 feet;
4. thence N 21°04'54" W, a distance of 15.97 feet;
5. thence N 35°48'36" W, a distance of 111.20 feet;
6. thence N 22°40'06" W, a distance of 70.16 feet;
7. thence S 72°56'20" E, a distance of 123.03 feet;
8. thence S 73°40'30" E, a distance of 110.41 feet;
9. thence S 69°23'00" E, a distance of 294.90 feet, more or less, to a point on the Westerly boundary of the Mendez Annexation, Ordinance No. 3212, as same is recorded in Book 2663, Page 176, Public Records of Mesa County, Colorado;
thence along said Westerly boundary the following three (3) courses:

1. S 21°55'02" W, a distance of 547.03 feet;
2. thence S 14°17'03" E, a distance of 74.46 feet;
3. thence S 45°33'15" E, a distance of 17.44 feet to a point on the South line of the NW 1/4 SE 1/4 of said Section 25;

Thence N 89°59'22" W, along said South line, a distance of 228.16 feet, more or less, to the Point of Beginning.

CONTAINING 172,247 Square Feet or 3.954 Acres, more or less, as described.

The following 2016 annexation(s) are located within the Grand Junction Rural Fire District and Redlands Subdistrict boundary and are subject to exclusion from those districts:

MARQUIS ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the Southwest Quarter (SW 1/4) of said Section 7 and assuming the East line of said SW 1/4 bears N 00°24'57" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 38°53'40" W, a distance of 853.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 58°25'48" W, a distance of 41.30 feet; thence N 22°28'12" E, a distance of 323.76 feet to a point on the Southerly right of way for Broadway (Highway 340), as same is recorded in Book 518, Page 337, Public Records of Mesa County, Colorado; thence S 59°03'51" E, along said Southerly right of way, a distance of 99.48 feet; thence S 27°27'12" W, a distance of 197.20 feet to a point on the North line of Lot 3, Iris Court Subdivision, as same is recorded in Plat Book 9, Page 77, Public Records of Mesa County, Colorado; thence S 88°59'12" W, a distance of 34.10 feet to a point being the Northwest corner of said Lot 3; thence S 27°27'12" W, a distance of 106.00 feet, more or less, to the Point of Beginning.

CONTAINING 23,920 Sq. Ft. or 0.549 Acres, more or less, as described hereon.

RETFERFORD ANNEXATION

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 22, Township 11 South, Range 101 West, 6th Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 22 and assuming the North line of the NE 1/4 of said Section 22 bears N 89°26'44" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°12'59" E, along the East line of the NE 1/4 of said Section 22, a distance of 2.00 feet to a point on the Rim View Annexation, City of Grand Junction Ordinance No. 4129, as same is recorded in Book 4556, Page 63, Public Records of Mesa County, Colorado; thence S 89°47'50" W, along said Rim View Annexation, a distance of 162.40 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°12'10" E, a distance of 34.14 feet to a point on the North line of Retherford Estates, as same is recorded in Book 3890, Page 578, Public Records of Mesa County, Colorado; thence S 44°55'23" W, along the Westerly line of said Retherford Estates, a distance of 42.34 feet; thence S 00°10'54" E, along said West line, a distance of 159.40 feet; thence N 89°57'59" W, along the South line and the Easterly projection thereof of Lot 2, Retherford Subdivision, as same is recorded in Plat Book 18, Page 281, Public Records of Mesa County, Colorado, a distance of 159.99 feet to a point being the Southwest corner of said Lot 2; thence N 00°25'16" E, along the

West line and the Northerly projection thereof of said Lot 2, a distance of 222.78 feet to a point on said Rim View Estates Annexation; thence N 89°47'50" E, along said Annexation, a distance of 187.63 feet, more or less, to the Point of Beginning.

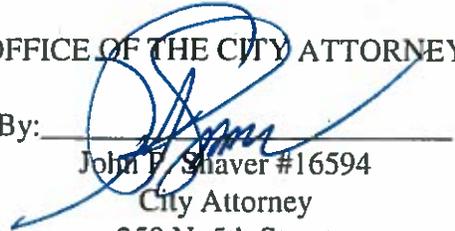
CONTAINING 36,890 Square Feet or 0.847 Acres, more or less, as described.

For the City's petition:

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 Grand Junction Rural 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 7th day of December, 2016.

OFFICE OF THE CITY ATTORNEY

By: 

John 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 the Chairman of the Board of the Grand Junction Rural Fire Protection District.

Kirsten Kurath

**Kirsten Kurath
Williams, Turner & Holmes, PC
200 North 6th Street, Suite 103
Grand Junction, CO 81501**

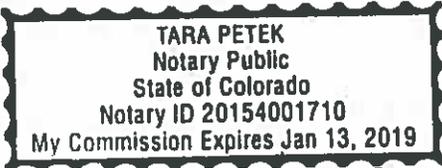
VERIFICATION

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
Kenneth R. Watkins

STATE OF COLORADO)
COUNTY OF MESA)

Subscribed and sworn to before me by Kenneth R. Watkins this 9th day of December, 2016.



Tara Petek
Notary Public

My commission expires: Jan 13, 2019.