

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 23rd DAY OF February 2018.


DISTRICT COURT JUDGE
Jimenez

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<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>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 2017 annexation(s) are located within the Clifton Fire District boundary and are subject to exclusion from the district:

CABALLERO ANNEXATION

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

BEGINNING at the Northeast corner of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 15 and assuming the North line of the NE 1/4 SW 1/4 of said Section 15 bears S 89°54'30" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°01'13" E, along the East line of the NE 1/4 SW 1/4 of said Section 15 and the West line of Fox Meadows Annexation No. 1, Ordinance No. 4687, as same is

recorded with Reception No. 2751924, Public Records of Mesa County, Colorado, a distance of 5.00 feet; thence S 89°54'16" E, along the South line of said Fox Meadows Annexation.No. 1, a distance of 97.01 feet; thence S 00°01'13" E, a distance of 25.00 feet to a point on the South right of way for D-1/2 Road, per deed recorded in Book 5262, Page 881, Public Records of Mesa County, Colorado; thence N 89°54'16" W, along said South right of way, a distance of 97.00 feet to a point on the East line of the NE 1/4 SW 1/4 of said Section 15; thence S 00°01'13" E, along said East line, a distance of 1,289.60 feet, more or less, to a point being the Southeast corner of the NE 1/4 SW 1/4 of said Section 15; thence N 89°54'11" W, along the South line of the NE 1/4 SW 1/4 of said Section 15, a distance of 163.75 feet, more or less, to the Southeast corner of Third Replat of Brookdale, as same is recorded in Plat Book 13, Page 411, Public Records of Mesa County, Colorado and the Southeast corner of Ingle Annexation, Ordinance No. 4149, as same is recorded in Book 4562, Page 637, Public Records of Mesa County, Colorado; thence N 00°04'40" W, along the East line of said Third Replat of Brookdale, the East line of said Ingle Annexation and the East line of Replat of Brookdale, as same is recorded in Plat Book 13, Pages 262 and 263, Public Records of Mesa County, Colorado, a distance of 1319.59 feet, more or less, to a point on the North line of the NE 1/4 SW 1/4 of said Section 15; thence S 89°54'30" E, along said North line, a distance of 82.61 feet; thence N 00°05'30" E, a distance of 30.00 feet; thence S 89°54'30" E, along the North right of way for D-1/2 Road, per deed recorded in Book 5262, Page 884, Public Records of Mesa County, Colorado, a distance of 82.50 feet; thence S 00°05'30" W, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 221,880 Square Feet or 5.093 Acres, more or less, as described.

HOLDER ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the SE 1/4 SW 1/4 of said Section 9 and assuming the South line of the SE 1/4 SW 1/4 of said Section 9 bears S 89°54'32" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°05'46" W along the East line of the SE 1/4 SW 1/4 of said Section 9, a distance of 2.00 feet; thence S 89°54'32" W, along the North line of Timm Annexation No. 2, Ordinance No. 3186 as recorded in Book 2646, Page 308, Public Records of Mesa County, Colorado, being a line 2.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 9, a distance of 201.67 feet; thence N 00°05'37" W along the East line Timm Annexation No. 1, Ordinance No. 3185 as recorded in Book 2646, Page 305, Public Records of Mesa County, Colorado, a distance of 2.00 feet; thence S 89°54'32" W, along the North line of said Timm Annexation No. 1, being a line 4.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 9, a distance of 100.34 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°54'32" E, a distance of 302.00 feet; thence N 00°05'27" W, along the West line of that certain parcel of land described in Book 2150, Page 734, Public Records of Mesa County, Colorado, a distance of 362.71 feet, more or less, to the South line of Southern Pacific Railroad Annexation No. 2, Ordinance No. 3159 as recorded in Book 2616, Page 715,

Public Records of Mesa County, Colorado; thence N 72°58'00" E, along the South line of said annexation, a distance of 315.70 feet; thence S 00°05'24" E, along the East line of said parcel of land recorded in Book 2616, Page 715 and the West line of Pine E Road Commercial Annexation, Ordinance No. 3186 as recorded in Book 4253, Page 720, Public Records of Mesa County, Colorado, a distance of 454.71 feet, more or less, to the Point of Beginning.

CONTAINING 123,430 Square Feet or 2.833 Acres, as described above.

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 29th day of January, 20 18.

OFFICE OF THE CITY ATTORNEY

by:

[Signature]
John P. Shaver #16594
City Attorney
250 North 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 29th day of January, 20 18, addressed to: _____

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

[Signature]

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 Greg Caton this 29th day of January, 20 18.

[Signature]
Notary Public

My commission expires: May 25, 2021

