

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 GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT	
<b>▲ COURT USE ONLY ▲</b>	
John P. Shaver, No. 16594 City Attorney 250 North 5th Street Grand Junction, CO 81501 (970) 244-1508	Case Number: 7097  Division: 9
<b>ORDER FOR EXCLUSION OF LANDS</b>	

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 23<sup>rd</sup> DAY OF February, 2018.

  
\_\_\_\_\_  
DISTRICT COURT JUDGE  
Timbreze

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<p style="text-align: center;"><b>VERIFIED PETITION</b></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 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 2017 annexation(s) are located within the Grand Junction Rural Fire District boundary and are subject to exclusion from the district:**

**CONNOR ANNEXATION**

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 19, 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 Northeast corner of the NE 1/4 NW 1/4 of said Section 19 and assuming the North line of the NE 1/4 NW 1/4 of said Section 19 bears N 89°39'18" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'18" W, along the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of 630.40

feet to a point on the Northerly projection of the West line of Pine Estates Filing No. Two, as same is recorded in Plat Book 11, Page 155, Public Records of Mesa County, Colorado; thence S 00°07'23" E, along said line, a distance of 30.00 feet to a point on the South right of way for Riverside Parkway and the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°07'23" E along said line, a distance of 631.92 feet; thence N 89°52'58" W, a distance of 33.21 feet; thence S 00°07'10" E, along the West line of said Pine Estates Filing No. Two, a distance of 662.01 feet to a point on the South line of the NE 1/4 NW 1/4 of said Section 19; thence N 89°38'55" W, along said South line, a distance of 192.34 feet, more or less, to a point being the Southeast corner of Summer Glen Subdivision, as same is recorded in Book 4055, Page 547, Public Records of Mesa County, Colorado; thence N 00°36'18" W, along the East line of said Summer Glen Subdivision, a distance of 1294.18 feet, more or less, to a point on the South right of way for Riverside Parkway; thence S 89°39'18" E, along said South right of way, a distance of 236.48 feet, more or less, to the Point of Beginning.

CONTAINING 6.358 Acres or 276,964 Square Feet, more or less, as described

#### **HILL BUSINESS COMPLEX ANNEXATION**

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 17, 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 Northwest corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 17 and assuming the West line of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 17 bears N 00°12'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°55'25" E, along the North line of the SW 1/4 NW 1/4 of said Section 17, a distance of 330.52 feet to a point on the Westerly right of way for Teller Avenue, as same is defined and described in Book 4835, Page 205, Public Records of Mesa County, Colorado and being the POINT OF BEGINNING; thence, from said Point of Beginning, traversing along and across said right of way the following ten (10) courses:

1. N 00°11'53" W a distance of 131.84 feet; thence...
2. S 89°55'25" E a distance of 63.28 feet; thence...
3. N 16°16'19" W a distance of 65.93 feet; thence...
4. N 61°52'30" W a distance of 67.18 feet; thence...
5. N 16°16'19" W a distance of 34.00 feet; thence...
6. N 29°19'52" E a distance of 67.18 feet; thence...
7. N 73°53'05" E a distance of 74.00 feet; thence...
8. S 58°54'40" E a distance of 63.51 feet to a point on the North right of way for Hill Avenue, being the beginning of a 519.00 foot radius curve, concave South, whose long chord bears N 84°04'03" E with a long chord length of 98.18 feet, non-tangent to the previously described line; thence...
9. Easterly along the arc of said curve, thru a central angle of 10°51'18", an arc distance of 98.33 feet; thence...

10. N 89°29'41" E, along said North right of way, a distance of 97.73 feet to a point on the West line of Freeway Commercial Subdivision Amended, as same is recorded in Plat Book 11, Page 122, Public Records of Mesa County, Colorado;

thence departing said right of way, S 00°11'49" E, along said West line, a distance of 43.61 feet; thence S 89°48'49" W, a distance of 1.99 feet, to a point on the North end of two Boundary Line Agreements recorded with Reception Numbers 2800336 and 2800337, Public Records of Mesa County, Colorado; thence S 00°01'10" E, along said Boundary Line Agreement, a distance of 277.52 feet, more or less, to a point on the North right of way for Interstate 70 Business Loop, as same is recorded in Book 605, Page 241, Public Records of Mesa County, Colorado; thence S 73°41'04" W, along said Northerly right of way and being the North line of the Overpass Annexation, Ordinance No. 4319, as same is recorded in Book 4782, Page 921, Public Records of Mesa County, Colorado, a distance of 361.19 feet; thence N 36°43'00" E, along right of way described in Book 4742, Page 133, Public Records of Mesa County, Colorado, a distance of 32.33 feet; thence N 00°11'53" W, along the Westerly right of way for said Teller Avenue, a distance of 80.02 feet, more or less, to the Point of Beginning.

CONTAINING 119,107 Square Feet or 2.734 Acres, more or less, as described.

**The following 2017 annexation(s) are located within the Grand Junction Rural Fire District and Redlands Sub-district boundary and are subject to exclusion from those districts:**

**MCHUGH ANNEXATION**

A certain parcel of land lying in Section 17, 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 Southeast corner of the Northwest Quarter (NW 1/4) of said Section 17 and assuming the South line of the NW 1/4 of said Section 17 bears S 89°54'49" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 74°25'14" E, a distance of 1,359.93 feet to a point on the South line of the Sycamore Creek Annexation No. 2, Ordinance No. 3752, as same is recorded in Book 3881, Page 459, Public Records of Mesa County, Colorado and being the POINT OF BEGINNING; thence from said Point of Beginning, S 05°57'51" W, a distance of 2.00 feet; thence N 84°02'09" W, a distance of 350.13 feet; thence N 76°52'24" W, a distance of 433.19 feet; thence N 60°00'34" W, a distance of 280.23 feet; thence N 40°48'39" W, a distance of 141.51 feet; thence N 55°35'23" W, a distance of 933.06 feet, more or less, to a point on the Westerly right of way of Vista Grande Drive extended Southerly, per the Carolina Hills Subdivision, as same is recorded in Plat Book 7, Page 41, Public Records of Mesa County, Colorado; thence N 44°49'33" E, along said right of way and its Southerly extension, a distance of 194.88 feet; thence N 35°12'11" E, continuing along said Westerly right of way, a distance of 154.54 feet to a point being the Southwest corner of Lot 2 of said Carolina Hills Subdivision; thence N 40°30'12" W, along the Southerly line of said Lot 2, a distance of 118.26 feet; thence N 12°43'25" W, along said the Westerly line of said Lot 2, a distance of 160.30 feet; thence N 20°40'50" E, along the Northerly line of said Lot 2, a distance of 168.99 feet, more or less, to a point being the Northeast corner of said Lot 2; thence S

40°16'10" E, along the Easterly line of said Lot 2 and its Easterly extension, a distance of 322.45 feet, more or less, to a point on the Easterly right of way of said Vista Grande Drive; thence S 46°11'09" W, along said Easterly right of way, a distance of 32.43 feet; thence S 35°12'11" W, a distance of 344.55 feet; thence S 44°49'33" W, along said Easterly right of way and its Southerly extension, a distance of 189.85 feet; thence S 55°35'23" E, a distance of 902.45 feet; thence S 40°48'39" E, a distance of 141.43 feet; thence S 60°00'34" E, a distance of 279.59 feet; thence S 76°52'24" E, a distance of 432.77 feet; thence S 84°02'09" E, a distance of 350.00 feet, more or less, to the Point of Beginning.

CONTAINING 73,722 Square Feet or 1.692 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 25<sup>th</sup> day of January, 20 18.

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 26<sup>th</sup> day of January, 2018, addressed to the Chairman of the Board of the Grand Junction Rural Fire Protection District.

*Beth White*

**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 25<sup>th</sup> day of January, 2018.

*Jennifer L. Cinquini*  
Notary Public

My commission expires: May 25, 2021

