

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	
John P. Shaver, No. 16594 City Attorney 250 North 5th Street Grand Junction, CO 81501 (970) 244-1508	Case Number: 7097 Division: 9
ORDER FOR EXCLUSION OF LANDS	



▲ COURT USE ONLY ▲

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.

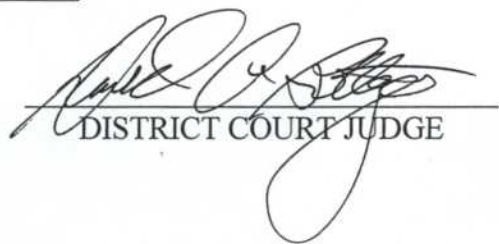
IT IS THEREFORE ADJUDGED, ORDERED AND DECREED BY THE COURT:

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 5th DAY OF FEB., 2013.

I hereby certify that copies of this document were served by:
 E-mail to _____
 JC Clerk to Beckner
 U.S. Mail _____
 To _____

I hereby certify that copies of this document were returned by:
 E-mail to City
 JC Clerk to City Atty
 U.S. Mail _____
 To _____


 DISTRICT COURT JUDGE

This day of 2-6-13
 By JB, Deputy

This day of 3-5-13
 By JB, Deputy

Filed
1-18-13

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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 7097</p> <p>Division: 9</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 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:

BANNER ENCLAVE ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 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:

Lots 5 and 6, Plat of Banner Industrial Park, as same is recorded in Plat Book 11, Page 362, Public Records of Mesa County, Colorado and that certain portion of right of way for Gunnison Avenue, as same is recorded in Book 4477, Pages 928 through 930, inclusive, Public Records of Mesa County, Colorado, all being bounded on the West by the Calfrac Annexation, City of Grand Junction Ordinance No. 4010, as same is recorded in Book 4323, Page 369; bounded on the South by Isre Annexation #2, City of Grand Junction Ordinance No. 3464, as same is

recorded in Book 3202, Page 628; bounded on the East by Gunn Annexations No.'s 1 and 2, City of Grand Junction Ordinance No.'s 3404 and 3405, as same are recorded in Book 3061, Pages 516 and 517; bounded on the North by the Hubbartt Annexation, City of Grand Junction Ordinance No. 3515, as same is recorded in Book 3337, Page 167 and by Miller Annexation No. 3, City of Grand Junction Ordinance No. 3245, as same is recorded in Book 2710, Page 553, all in the Public Records of Mesa County, Colorado.

CONTAINING 72,902 Square Feet or 1.674 Acres, more or less, as described.

STURGEON ELECTRIC ENCLAVE ANNEXATION

A certain enclaved parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 24, Township 1 South, Range 1 West 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 North by the Riverside Parkway Annexation No. 3, City of Grand Junction Ordinance Number 4319, as same is recorded in Book 4782, Page 921, Public Records of Mesa County, Colorado and bounded on the East, South and West by the Home Lumber Annexation, City of Grand Junction Ordinance Number 4059, as same is recorded in Book 4402, Page 966, Public Records of Mesa County, Colorado.

CONTAINING 103,472 Square Feet or 2.375 Acres, more or less, as described.

SUNCOR ANNEXATION

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 31, Township 1 North, Range 1 West, the Southeast Quarter (SE 1/4) of Section 36, Township 1 North, Range 2 West and the Northwest Quarter (NW 1/4) of Section 6, Township 1 South, Range 1 West, all in the Ute Principal Meridian, being a portion of Blocks One and Two of the Railhead Industrial Subdivision, as Amended, as same is recorded in Plat Book 13, Pages 34 and 35, Public Records of Mesa County, Colorado and being more particularly described as follows:

Bounded on the South by the South right of way for Railroad Avenue, as same is shown on said plat of Railhead Industrial Park, as Amended; bounded on the East by the West line of Loggains Annexation, City of Grand Junction Ordinance No. 3821, as same is recorded in Book 3990, Page 987, Public Records of Mesa County, Colorado and the West line of Mesa Moving Annexation, City of Grand Junction Ordinance No. 3306, as same is recorded in Book 2780, Page 17, Public Records of Mesa County, Colorado; bounded on the West by the East line and its Southerly projection that intersects the South right of way of said Railroad Avenue of Steel Inc. Annexation, City of Grand Junction Ordinance No. 3094, as same is recorded in Book 2564, Page 86, Public Records of Mesa County, Colorado AND bounded on the North by the South line of Grand Junction West Annexation, City of Grand Junction Ordinance No. 2555, as same is recorded in Book 1876, Page 987 and the South line of Grand Junction Persigo Annexation No. 2, City of Grand Junction Ordinance No. 2556, as same is recorded in Book 1876, Page 346, both in the Public Records of Mesa County, Colorado.

CONTAINING 45.43 Acres or 1,979,142 Square Feet, more or less, as described.

HERNANDEZ ENCLAVE ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 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:

That certain parcel of land bounded on the North and West by the Flint Ridge III Annexation, City of Grand Junction Ordinance 3656, as same is recorded in Book 3724, Page 542, Public Records of Mesa County, Colorado and bounded on the East and South by the Parham Annexation, City of Grand Junction Ordinance 3349, as same is recorded in Book 2856, Page 425, Public Records of Mesa County, Colorado.

CONTAINING 22,950 Square Feet or 0.527 Acres, more or less, as described.

ROHNER ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) and 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:

BEGINNING at the West Quarter (W 1/4) corner of said Section 30 and assuming the South line of the SE 1/4 NE 1/4 of said Section 30 bears S 89°56'51" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°11'59" W along the East line of the SE 1/4 NE 1/4 of said Section 30, a distance of 443.59 feet; thence S 89°56'51" W a distance of 30.00 feet; thence S 00°11'59" E along the West right of way for 29 Road, being a line 30.00 feet West of and parallel with, the East line of the SE 1/4 NE 1/4 of said Section 30, a distance of 384.52 feet; thence S 44°30'47" W along the West right of way for 29 Road, a distance of 40.54 feet; thence S 00°03'09" E a distance of 30.00 feet to a point on the North line of the NE 1/4 SE 1/4 of said Section 30; thence S 89°56'51" W, along the North line of the NE 1/4 SE 1/4 of said Section 30, a distance of 810.11 feet; thence S 00°03'13" E along the West line of the 2885 B-1/2 Road Condominium, as same is recorded in Book 3560, Page 967, Public Records of Mesa County, Colorado, a distance of 238.71 feet; thence S 89°56'00" E along the South line of said Condominium, a distance of 142.00 feet to a point on the East right of way for Abraham Avenue; thence N 00°03'13" W along the East right of way for Abraham Avenue, a distance of 209.01 feet to a point on the South right of way for B-1/2 Road; thence N 89°56'51" E along said South right of way, being a line 30.00 feet South of and parallel with the North line of the NE 1/4 SE 1/4 of said Section 30, a distance of 664.70 feet; thence S 45°06'58 E, along the South right of way for B-1/2 Road, a distance of 45.41 feet; thence N 00°10'55" W a distance of 32.08 feet; thence N 89°56'51" E, a distance of 30.00 feet to a point on the East line of the NE 1/4 SE 1/4 of said Section 30; thence N 00°10'55" W, along the East line of the NE 1/4 SE 1/4 of said Section 30, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 70,805 Square Feet or 1.63 Acres, more or less, as described.

The following 2008 annexation is located within the Grand Junction Rural Fire District boundary and is subject to exclusion from the district:

SCHUCKMAN ANNEXATION NO. 3

A certain parcel of land located in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 30 and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 30, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particular described as follows:

COMMENCING at the Southeast corner of Lot 1 of Orchard Villas Subdivision Filing No. 1, as same is recorded in Plat Book 11, Page 209, public records of Mesa County, Colorado and assuming the South line of the NW 1/4 SE 1/4 of said Section 30 to bear N89°53'49"W with all bearings contained herein relative thereto; thence N00°04'16"E a distance of 5.00 feet along a line being 30.00 feet West and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1 to the Point of Beginning; thence N00°04'16"E a distance of 200.19 feet along a line being 30.00 feet West and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the East line of Lot 1 of said Orchard Villas Subdivision Filing No. 1; thence N89°54'25"W a distance of 169.00 feet along the South line of Lot 4 of said Orchard Villas Subdivision Filing No. 1 to the Southwest corner of said Lot 4; thence N00°04'16"E a distance of 125.00 feet along the West line of Lot 4 of said Orchard Villas Subdivision Filing No. 1 to the Northwest corner of said Lot 4; thence S89°54'25"E a distance of 218.92 feet along the North line of Lot 4 of said Orchard Villas Subdivision Filing No. 1; thence S00°04'16"W a distance of 125.00 feet along a line being 20.00 feet East and parallel with the West line of the NE 1/4 SW 1/4 of said Section 30, to a point on the North line of Schuckman Annexation No. 2, City of Grand Junction; thence N89°54'25"W a distance of 20.00 feet along the North line of said Schuckman Annexation No. 2, to a point on the West line of the NE 1/4 SW 1/4 of said Section 30; thence S00°04'16"W a distance of 200.16 feet along the West line of the NE 1/4 SW 1/4 of said Section 30, said line also being the Westerly line of said Schuckman Annexation No. 2; thence N89°57'44"W a distance of 30.00 feet along a line being 5.00 feet North and parallel with the South line of the NE 1/4 SW 1/4 of said Section 30, said line also being the Northerly line of said Schuckman Annexation No. 1 to the Point of Beginning.

CONTAINING 0.77 acres (33,352.02 sq. ft.), 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 January, 2013.

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 _____ day of _____, 2013, addressed to the Chairman of the Board of the Grand Junction Rural Fire Protection District.

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 17 day of January, 2013.

Mary E. Sparks
Notary Public

My commission expires: 04/07/2014

