

RESOLUTION 2015-015  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE INITIATION OF EXCLUSION PROCEEDINGS  
OF ANNEXED PROPERTIES WITHIN THE TERRITORY  
OF THE POUFRE VALLEY FIRE PROTECTION DISTRICT

WHEREAS, in 2014, the City annexed four properties within the territory of the Poudre Valley Fire Protection District (the "District"); and

WHEREAS, C.R.S. Section 32-1-502 requires an order of exclusion from the district court to remove annexed properties from special district territories; and

WHEREAS, under the provisions of C.R.S. Section 32-1-502(2)(a), an order excluding property from the boundaries of a special district requires the governing body of the annexing municipality to agree, by resolution, to provide the services previously provided by the special district to the area described in the petition for exclusion from and after the effective date of the exclusion order; and

WHEREAS, from the date of such annexations, the City has provided municipal services to said properties, including fire services; and

WHEREAS, the residents within the properties described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Annexed Properties") have paid ad valorem property taxes to the District for fire protection services prior to exclusion, and subsequent to exclusion, will instead pay ad valorem property taxes to the City for City services, including fire protection; and

WHEREAS, it is the desire and intent of the City Council to reflect by this Resolution its willingness to provide fire protection services to the Annexed Properties and to exclude the Annexed Properties from the District; and

WHEREAS, the City Council wishes to properly exclude the Annexed Properties from the District in accordance with law and to allow for the provision of fire protection services to such properties by the Poudre Fire Authority, which is an independent entity providing fire protection services to both the District and the City pursuant to an intergovernmental agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS, as follows:

Section 1. That the City Council hereby agrees that the Annexed Properties should be excluded from the District.

Section 2. That the City Council hereby authorizes the City Attorney to file a petition in the Larimer County District Court pursuant to C.R.S. Section 32-1-502 for an order to exclude the Annexed Properties the boundaries of which are described on Exhibit "A".

Section 3. That the City Council hereby agrees to provide fire protection service, through the Poudre Fire Authority, to the Annexed Properties.

Section 4. That the City Council hereby finds that a plan for the disposition of assets or continuation of service is unnecessary as the Poudre Fire Authority has in the past served, and continues to serve, both the District and the City.

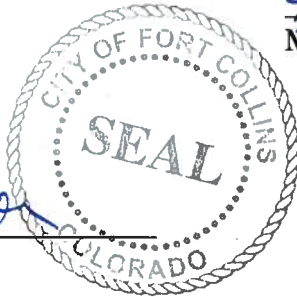
Section 5. That the City Manager is authorized to enter into an agreement with the District for the continuation of services for the Annexed Properties, which agreement shall be substantially in the form of Exhibit "B" attached hereto, subject to such modifications as the City Manager may, in consultation with the City Attorney, deem necessary to protect the interests of the City.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 3rd day of February, A.D. 2015.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



**CLYDESDALE PARK FIRST ANNEXATION**

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 TO BEAR  $N00^{\circ}07'27''E$ , SAID LINE BEING MONUMENTED ON ITS SOUTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 7839, AND ON ITS NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 31169, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE EAST AND NORTH BOUNDARY OF THE STATE HIGHWAY 14 – EAST FRONTAGE ROAD ANNEXATION, THE FOLLOWING TWO (2) COURSES:

1. ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15,  $N00^{\circ}07'27''E$ , A DISTANCE OF 612.47 FEET;
2.  $N89^{\circ}40'35''W$ , A DISTANCE OF 209.46 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CARRIAGE PARKWAY;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AS DESCRIBED IN THE DEED OF DEDICATION RECORDED MARCH 21, 2007 AT RECEPTION NO. 20070021108,  $N62^{\circ}53'42''E$ , A DISTANCE OF 235.56 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE AS SHOWN ON THE PLAT OF CLYDESDALE PARK P.U.D. FIRST FILING THE FOLLOWING TWO (2) COURSES:

1.  $N62^{\circ}53'02''E$ , A DISTANCE OF 516.51 FEET;
2. 337.75 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 507.72 FEET, A CENTRAL ANGLE OF  $38^{\circ}06'53''$ , AND A CHORD WHICH BEARS  $N46^{\circ}02'12''E$  A DISTANCE OF 331.56 FEET TO A POINT ON THE EXTENSION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF MESSARA DRIVE AS SHOWN ON THE PLAT OF CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE ALONG SAID EXTENSION AND ALONG THE NORTHEASTERLY AND EASTERLY RIGHT-OF-WAY LINE OF MESSARA DRIVE THE FOLLOWING SIX (6) COURSES:

1.  $S58^{\circ}06'23''E$ , A DISTANCE OF 440.40 FEET;
2. 272.04 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A

RADIUS OF 267.00 FEET, A CENTRAL ANGLE OF 58°22'41", AND A CHORD WHICH BEARS S28°55'02"E A DISTANCE OF 260.43 FEET;

3. S00°16'18"W, A DISTANCE OF 342.91 FEET;
4. 70.70 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 213.00 FEET, A CENTRAL ANGLE OF 19°01'03", AND A CHORD WHICH BEARS S09°14'14"E A DISTANCE OF 70.37 FEET;
5. S18°44'45"E, A DISTANCE OF 26.75 FEET;
6. 11.78 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 45°00'00", AND A CHORD WHICH BEARS S03°45'15"W A DISTANCE OF 11.48 FEET TO THE NORTHEAST CORNER OF LOT 62 OF CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE S20°31'45"E, A DISTANCE OF 134.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 62;

THENCE S19°41'26"E, A DISTANCE OF 166.45 FEET TO THE EAST SIXTEENTH CORNER OF SECTION 15;

THENCE ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15, N89°43'41"W, A DISTANCE OF 1,320.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,182,485 SQUARE FEET (27.146 ACRES), MORE OR LESS.

## CLYDESDALE PARK SECOND ANNEXATION

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 15 AND IN THE SOUTH HALF OF SECTION 10, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 15, AND CONSIDERING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 TO BEAR  $N00^{\circ}07'27''E$ , SAID LINE BEING MONUMENTED ON ITS SOUTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 7839, AND ON ITS NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED LS 31169, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 15,  $N00^{\circ}07'27''E$ , A DISTANCE OF 720.98 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE,  $N00^{\circ}07'27''E$ , A DISTANCE OF 1,706.44 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 2236, PAGE 2533 IN THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL,  $S89^{\circ}11'19''E$ , A DISTANCE OF 83.00 FEET;

THENCE ALONG THE EAST LINE OF SAID PARCEL,  $N00^{\circ}07'27''E$ , A DISTANCE OF 129.99 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 14;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

1.  $N89^{\circ}10'59''W$ , A DISTANCE OF 58.00 FEET;
2.  $N00^{\circ}07'27''E$ , A DISTANCE OF 10.00 FEET;
3.  $N89^{\circ}10'59''W$ , A DISTANCE OF 25.00 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 15;
4. ALONG SAID WEST LINE,  $S00^{\circ}07'27''W$ , A DISTANCE OF 10.00 FEET;
5.  $N89^{\circ}10'59''W$ , A DISTANCE OF 313.06 FEET TO A POINT ON THE EAST LINE OF THE INTERCHANGE BUSINESS PARK SECOND ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID EAST LINE THE FOLLOWING TWO (2) COURSES:

1.  $N00^{\circ}37'00''E$ , A DISTANCE OF 109.15 FEET;

2. N00°48'59"E, A DISTANCE OF 40.85 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 14;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, S89°10'59"E, A DISTANCE OF 1,238.09 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE ALONG SAID NORTHERLY EXTENSION AND ALONG THE EAST LINE OF CLYDESDALE PARK P.U.D. SECOND FILING, S00°08'19"W, A DISTANCE OF 383.37 FEET;

THENCE ALONG THE NORTH LINE OF CLYDESDALE PARK P.U.D. SECOND FILING, S89°23'18"E, A DISTANCE OF 395.00 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15;

THENCE ALONG SAID EAST LINE, S00°08'19"W, A DISTANCE OF 2,312.90 FEET TO THE EAST SIXTEENTH CORNER OF SECTION 15;

THENCE N19°41'26"W, A DISTANCE OF 166.45 FEET TO THE SOUTHEAST CORNER OF LOT 62, CLYDESDALE PARK P.U.D. SECOND FILING;

THENCE N20°31'45"W, A DISTANCE OF 134.88 FEET TO THE NORTHEAST CORNER OF SAID LOT 62;

THENCE ALONG THE EASTERLY AND NORTHEASTERLY RIGHT-OF-WAY LINE OF MESSARA DRIVE AND ALONG ITS NORTHWESTERLY EXTENSION, THE FOLLOWING SIX (6) COURSES:

1. 11.78 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 45°00'00", AND A CHORD WHICH BEARS N03°45'15"E A DISTANCE OF 11.48 FEET;

2. N18°44'45"W, A DISTANCE OF 26.75 FEET;

3. 70.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 213.00 FEET, A CENTRAL ANGLE OF 19°01'03", AND A CHORD WHICH BEARS N09°14'14"W A DISTANCE OF 70.37 FEET;

4. N00°16'18"E, A DISTANCE OF 342.91 FEET;

5. 272.04 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 267.00 FEET, A CENTRAL ANGLE OF 58°22'41", AND A CHORD WHICH BEARS N28°55'02"W A DISTANCE OF 260.43 FEET;

6. N58°06'23"W, A DISTANCE OF 440.40 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CARRIAGE PARKWAY;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. 337.75 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 507.72 FEET, A CENTRAL ANGLE OF 38°06'53",

AND A CHORD WHICH BEARS S46°02'12"W A DISTANCE OF 331.56 FEET;

2. S62°53'02"W, A DISTANCE OF 516.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,281,869 SQUARE FEET (52.385 ACRES), MORE OR LESS.

## KECHTER FARM ANNEXATION

A portion of land lying in the South 1/2 of the Northeast 1/4 of Section 8, Township 6 North, Range 68 West and the Southeast 1/4 of Section 8, Township 6 North, Range 68 West of 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the South 1/2 of the Northeast 1/4 of Section 8, Township 6 North, Range 68 West of 6th Principal Meridian, County of Larimer, State of Colorado as bearing N 89°39'17" E, with all bearings contained herein relative thereto;

COMMENCE at the Northwest corner of the South 1/2 of the Northeast 1/4 of Section 8, Township 6 North, Range 68 West of 6th Principal Meridian, County of Larimer, State of Colorado; thence S 00°43'20" W along the West line of said South 1/2 for a distance of 562.71 feet to the POINT OF BEGINNING; thence leaving said West line S 89°16'36" E for a distance of 116.49 feet; thence N 45°30'20" E for a distance of 6.88 feet; thence N 00°17'17" E for a distance of 1.18 feet; thence S 89°42'43" E for a distance of 71.00 feet; thence S 00°17'17" W for a distance of 1.83 feet; thence S 44°29'40" E for a distance of 6.78 feet; thence S 89°36'13" E for a distance of 202.42 feet; thence N 44°54'01" E for a distance of 6.85 feet; thence N 00°17'17" E for a distance of 1.90 feet; thence S 89°42'43" E for a distance of 71.00 feet; thence S 00°17'17" W for a distance of 1.28 feet; thence S 45°01'43" E for a distance of 6.55 feet; thence N 89°39'17" E for a distance of 202.56 feet; thence N 44°58'17" E for a distance of 6.82 feet; thence N 00°17'17" E for a distance of 2.04 feet; thence S 89°42'43" E for a distance of 91.00 feet; thence S 00°17'17" W for a distance of 1.17 feet; thence S 45°01'43" E for a distance of 6.55 feet; thence N 89°39'17" E for a distance of 202.56 feet; thence N 44°58'17" E for a distance of 6.82 feet; thence N 00°17'17" E for a distance of 6.82 feet; thence N 00°17'17" E for a distance of 1.93 feet; thence S 89°42'43" E for a distance of 71.00 feet; thence S 00°17'17" W for a distance of 1.28 feet; thence S 45°01'43" E for a distance of 6.55 feet; thence N 89°39'17" E for a distance of 202.56 feet; thence N 44°58'17" E for a distance of 6.82 feet; thence N 00°17'17" E for a distance of 17.45 feet; thence S 89°42'43" E for a distance of 62.00 feet; thence N 89°39'17" E for a distance of 114.78 feet to the boundary of Kinard Junior High School Annexation; thence along said annexation boundary the following courses and distances: thence S 00°17'17" W for a distance of 80.60 feet to the beginning of a tangent curve, concave to the Northeast and having a radius of 519.99 feet, a chord bearing of S 30°27'06" E and a chord distance of 531.58 feet; thence Southeasterly along the arc of said curve for a distance of 557.96 feet, through a central angle of 61°28'46" to the end of said curve; thence S 59°37'25" E for a distance of 149.72 feet to the beginning of a non-tangent curve, concave to the Southeast and having a radius of 566.99 feet, a chord bearing of N 51°28'41" E and a chord distance of 444.72 feet; thence Northeasterly along the arc of said curve for a distance of 456.99 feet, through a central angle of 46°10'49" to the beginning of a tangent curve, concave to the South and having a radius of 386.99 feet, a chord bearing of N 87°45'14" E and a chord distance of 176.55 feet; thence Easterly along the arc of said curve for a distance of 178.11 feet, through a central angle of 26°22'14" to the beginning of a tangent curve, concave to the North and having a radius of 430.99 feet, a chord bearing of S 84°41'54" E and a chord distance of 84.68 feet; thence Easterly along the arc of said curve for a distance of 84.81 feet, through a central



angle of 11°16'30" to the end of said curve; thence N 89°39'51" E for a distance of 231.39 feet to the boundary of Fossil Lake Annexation No. 3; thence leaving said Kinard Junior High School Annexation boundary S 00°16'47" W along said Fossil Lake Annexation No. 3 boundary for a distance of 242.20 feet; thence leaving said Fossil Lake Annexation No. 3 boundary N 89°43'04" W for a distance of 354.73 feet; thence S 00°16'47" W for a distance of 457.21 feet; thence S 51°11'51" W for a distance of 185.49 feet; thence S 37°57'47" E for a distance of 53.54 feet; thence S 33°50'51" E for a distance of 53.54 feet; thence S 29°48'30" E for a distance of 251.66 feet; thence S 32°23'50" E for a distance of 42.66 feet; thence S 41°24'21" E for a distance of 39.96 feet; thence S 50°24'39" E for a distance of 39.96 feet; thence S 59°24'58" E for a distance of 39.96 feet; thence S 68°25'17" E for a distance of 39.96 feet; thence S 77°25'36" E for a distance of 39.96 feet; thence S 86°30'32" E for a distance of 42.27 feet; thence S 89°35'08" E for a distance of 50.00 feet; thence S 89°35'11" E for a distance of 23.94 feet to the aforesaid boundary of Fossil Lake Annexation No. 3; thence S 00°24'49" W along said annexation boundary for a distance of 279.35 feet; thence leaving said annexation boundary S 89°58'57" W for a distance of 20.54 feet; thence S 11°25'21" W for a distance of 260.00 feet; thence N 78°34'39" W for a distance of 150.00 feet; thence S 11°25'21" W for a distance of 45.30 feet; thence N 78°34'39" W for a distance of 53.00 feet; thence N 80°44'59" W for a distance of 204.79 feet; thence N 83°58'56" W for a distance of 97.74 feet; thence S 82°34'51" W for a distance of 89.76 feet; thence S 78°22'07" W for a distance of 100.00 feet; thence S 81°54'52" W for a distance of 109.00 feet; thence S 88°26'56" W for a distance of 109.07 feet; thence S 07°14'48" E for a distance of 63.27 feet; thence S 19°34'55" W for a distance of 144.16 feet; thence S 74°00'16" W for a distance of 182.79 feet; thence N 56°34'16" W for a distance of 182.04 feet; thence N 03°57'47" W for a distance of 169.59 feet; thence N 25°04'54" E for a distance of 63.27 feet; thence N 63°13'21" W for a distance of 87.09 feet; thence N 58°02'05" W for a distance of 109.07 feet; thence N 51°29'52" W for a distance of 109.07 feet; thence N 45°09'46" W for a distance of 111.92 feet thence N 32°44'55" W for a distance of 62.13 feet to the beginning of a non-tangent curve, concave to the Northwest and having a radius of 1433.00 feet, a chord bearing of S 72°44'15" W and a chord distance of 765.23 feet ; thence Southwesterly along the arc of said curve for a distance of 774.63 feet, through a central angle of 30°58'19" to the end of said curve; thence S 44°03'21" W for a distance of 14.30 feet; thence S 00°18'42" E for a distance of 6.76 feet; thence S 89°41'18" W for a distance of 53.00 feet; thence N 00°18'42" W for a distance of 6.76 feet; thence N 44°47'27" W for a distance of 14.27 feet; thence N 89°16'05" W for a distance of 143.03 feet; thence N 89°16'27" W for a distance of 51.92 feet to the boundary of Westchase Annexation No. 2; thence N 00°43'49" E along said annexation boundary for a distance of 66.00 feet; thence leaving said annexation boundary S 89°16'11" E for a distance of 193.74 feet; thence N 45°12'33" E for a distance of 14.01 feet; thence N 00°18'42" W for a distance of 7.34 feet; thence N 89°41'18" E for a distance of 45.49 feet; thence S 45°58'29" E for a distance of 24.47 feet to the beginning of a non-tangent curve, concave to the Northwest and having a radius of 1367.00 feet, a chord bearing of N 61°39'57" E and a chord distance of 1219.35 feet; thence Northeasterly along the arc of said curve for a distance of 1263.88 feet, through a central angle of 52°58'26" to the end of said curve; thence N 54°49'16" W for a distance of 61.63 feet; thence N 56°41'38" W for a distance of

171.79 feet; thence N 32°35'48" E for a distance of 10.98 feet; thence N 55°48'39" W for a distance of 131.53 feet; thence S 39°52'00" W for a distance of 69.86 feet; thence S 53°22'15" W for a distance of 69.69 feet; thence S 61°28'24" W for a distance of 69.69 feet; thence S 74°53'28" W for a distance of 96.45 feet; thence N 89°49'26" W for a distance of 70.59 feet; thence N 78°09'57" W for a distance of 71.60 feet; thence N 66°54'29" W for a distance of 73.04 feet; thence N 64°06'35" W for a distance of 175.32 feet; thence N 64°06'35" W for a distance of 53.00 feet; thence N 64°06'35" W for a distance of 80.49 feet; thence N 58°02'45" W for a distance of 87.99 feet; thence N 46°06'36" W for a distance of 85.22 feet; thence N 34°03'21" W for a distance of 89.70 feet; thence N 25°28'04" W for a distance of 70.00 feet; thence N 25°03'19" W for a distance of 18.00 feet; thence N 21°33'42" W for a distance of 62.75 feet; thence N 05°28'46" W for a distance of 46.86 feet; thence N 87°51'05" W for a distance of 35.85 feet to the boundary of Poudre School District and Timberline P.U.D. Annexation; thence N 00°43'20" E along said annexation boundary and the aforesaid West line of the South 1/2 for a distance of 720.55 feet to the Point of Beginning, containing 87.85 acres, more or less

## MAIL CREEK CROSSING

Lot 2 of the Lehman-Timberline Minor Land Division recorded June 19, 2013 at Reception No. 20130046276 of the Larimer County, Colorado, Records, situate in a portion of the South Half of the Northwest Quarter (S1/2NW1/4) of Section Eight (8), Township Six North (T.6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), Larimer County, Colorado, containing 39.608 acres more or less

**MEMORANDUM OF AGREEMENT FOR  
CONTINUATION OF SERVICE  
(POUDRE VALLEY FIRE PROTECTION DISTRICT/CITY OF FORT COLLINS)**

THIS AGREEMENT, is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the CITY OF FORT COLLINS, COLORADO, a municipal home-rule corporation (the "City"), and the POUDRE VALLEY FIRE PROTECTION DISTRICT, a special statutory district within the State of Colorado (the "District");

WHEREAS, the City has recently filed pursuant to Section 32-1-502(1)(a), C.R.S., a Petition with the District Court in and for Larimer County, Colorado for an Order excluding certain properties from the territory of the District, which properties are shown on Exhibit "A" (the "Properties") hereto attached, the contents of which are incorporated by reference herein; and

WHEREAS, said Petition is premised upon the prior annexation and inclusion of the Properties within the municipal boundaries of the City; and

WHEREAS, it is the mutual desire of the City and the District to set forth their understanding and agreement with regard to the continuation of fire protection services to the Properties, as well as remaining properties within the boundaries of the District and Poudre Fire Authority, as defined below;

NOW, THEREFORE, in consideration of the mutual covenants, conditions and obligations herein contained, the parties agree:

1. From and after the effective date of any Order of Exclusion issued by the District Court in response to the City's Petition, filed pursuant to Section 32-1-502(1)(a), which effective date is anticipated to be January 1, 2016, the City will continue to assume full and complete responsibility for fire protection services to the Properties. Such fire protection services shall be provided by Poudre Fire Authority ("PFA") pursuant to that certain intergovernmental agreement effective November 3, 1987, by and between the City and the District.

2. From and after the effective date of the Exclusion Order entered by the District Court in and for Larimer County, Colorado, the District shall have no further liability or responsibility with regard to the provision of fire protection services for the Properties or any improvements thereon, other than the obligations existing under the aforementioned intergovernmental agreement creating PFA for the provision of regional fire services.

3. From and after the effective date of any Exclusion Order entered by the District Court in and for Larimer County, Colorado, the District agrees that the Properties shall be free from taxation by the District, other than mill levies assessed for purposes of paying outstanding bonded indebtedness and interest thereon, owed by the District effective immediately prior to the effective date of such Exclusion Order. Exclusion of the Properties from the District and entry

of an Exclusion Order by the District Court shall not affect any claim the District may have or the District's ability to make such claim for taxes which were certified by the District prior to the effective date of the Exclusion Order.

4. The District will retain ownership of all equipment and facilities now owned by the District, including such facilities as may be located within the Properties, if any.

5. The District will, through its agreement with PFA, continue to provide fire protection services to those properties located within the boundaries of the District, as modified by the exclusion of territory pursuant to the anticipated Exclusion Order requested from the District Court.

6. In the event that any bonded indebtedness exists as of the effective date of the anticipated Exclusion Order, the Board of Directors of the District shall continue to assess a proportional mill levy against the Properties, together with other properties within the boundaries of the District, sufficient to repay the principal and accrued interest on any such bonded indebtedness in accordance with the terms and provisions of the instruments pursuant to which said obligations have been created and incurred.

7. Nothing within this Agreement shall modify or terminate any obligations of the City or the District with respect to existing obligations under the intergovernmental agreement forming the PFA, including any future amendments or modifications thereto as the parties may hereafter agree.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

ATTEST:

CITY OF FORT COLLINS, COLORADO,  
a municipal home-rule corporation

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Darin Atteberry, City Manager

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

POUDRE VALLEY FIRE PROTECTION  
DISTRICT,  
a special statutory district within the State of  
Colorado

\_\_\_\_\_  
By: \_\_\_\_\_  
Chairman, Board of Directors

Approved as to form:

\_\_\_\_\_  
By: Robert G. Cole  
Attorney for Poudre Valley Fire Protection  
District