

RESOLUTION 2016-004  
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 2015, the City annexed two 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 makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby agrees that the Annexed Properties should be excluded from the District.

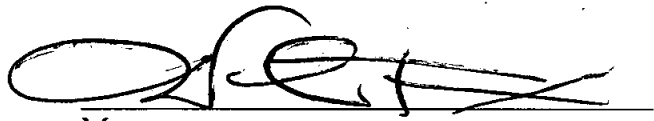
Section 3. That the City Council hereby authorizes the City Attorney to file a petition in the Larimer County District Court pursuant to C.R.S. Section 32-1-502 for an order to exclude the Annexed Properties the boundaries of which are described on Exhibit "A".

Section 4. That the City Council hereby agrees to provide fire protection service, through the Poudre Fire Authority, to the Annexed Properties.

Section 5. 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 6. 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 19th day of January, A.D. 2016.



Mayor



ATTEST:



City Clerk

EXHIBIT "A"

**KECHTER FARM SECOND ANNEXATION**

**Parcel 1:**

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, LARIMER COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF TRACT S, KECHTER FARM PLANNED LAND DIVISION FILING 1. BEING ASSUMED TO BEAR S89°39'17"E A DISTANCE OF 1445.97 FEET.

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH RANGE 68 WEST OF THE 6<sup>TH</sup> P.M. SAID CORNER BEING THE NORTHWESTERLY CORNER OF SAID TRACT S, KECHTER FARM PLANNED LAND DIVISION FILING 1, AS RECORDED UNDER RECEPTION NUMBER 20140024916 IN THE OFFICES OF THE LARIMER COUNTY CLERK AND RECORDER;

THENCE ON THE NORTHERLY LINE OF TRACT S, ALSO BEING THE NORTH LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 8, N89°39'17"E A DISTANCE OF 1445.97 FEET, TO A POINT ON THE WESTERLY LINE OF THE KINARD JUNIOR HIGH SCHOOL ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ON THE WESTERLY LINE OF SAID ANNEXATION, S00°17'17"W A DISTANCE OF 547.39 FEET, TO A POINT ON THE NORTHERLY LINE OF THE KECHTER FARM ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ON THE NORTHERLY LINE OF SAID KECHTER FARM ANNEXATION THE FOLLOWING TWENTY-NINE (29) COURSES:

1. S89°39'17"W A DISTANCE OF 114.78 FEET;
2. N89°42'43"W A DISTANCE OF 62.00 FEET;
3. S00°17'17"W A DISTANCE OF 17.45 FEET;
4. S44°58'17"W A DISTANCE OF 6.82 FEET;
5. S89°39'17"W A DISTANCE OF 202.56 FEET;
6. N45°01'43"W A DISTANCE OF 6.55 FEET;
7. N00°17'17"E A DISTANCE OF 1.28 FEET;
8. N89°42'43"W A DISTANCE OF 71.00 FEET;
9. S00°17'17"W A DISTANCE OF 1.93 FEET;
10. S44°58'17"W A DISTANCE OF 6.82 FEET;
11. S89°39'17"W A DISTANCE OF 202.56 FEET;
12. N45°01'43"W A DISTANCE OF 6.55 FEET;

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13. N00°17'17"E A DISTANCE OF 1.17 FEET;
14. N89°42'43"W A DISTANCE OF 91.00 FEET;
15. S00°17'17"W A DISTANCE OF 2.04 FEET;
16. S44°58'17"W A DISTANCE OF 6.82 FEET;
17. S89°39'17"W A DISTANCE OF 202.56 FEET;
18. N45°01'43"W A DISTANCE OF 6.55 FEET;
19. N00°17'17"E A DISTANCE OF 1.28 FEET;
20. N89°42'43"W A DISTANCE OF 71.00 FEET;
21. S00°17'17"W A DISTANCE OF 1.90 FEET;
22. S44°54'01"W A DISTANCE OF 6.85 FEET;
23. N89°36'13"W A DISTANCE OF 202.42 FEET;
24. N44°29'40"W A DISTANCE OF 6.78 FEET;
25. N00°17'17"E A DISTANCE OF 1.83 FEET;
26. N89°42'43"W A DISTANCE OF 71.00 FEET;
27. S00°17'17"W A DISTANCE OF 1.18 FEET;
28. S45°30'20"W A DISTANCE OF 6.88 FEET;
29. N89°16'36"W A DISTANCE OF 116.49 FEET, TO A POINT ON THE WEST LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 8;

THENCE ON SAID WEST LINE, N00°43'20"E A DISTANCE OF 562.71 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 816,849 SQUARE FEET OR 18.7523 ACRES.

**Parcel 2:**

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, LARIMER COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF TRACT S, KECHTER FARM PLANNED LAND DIVISION FILING 1. BEING ASSUMED TO BEAR S89°39'17"E A DISTANCE OF 1445.97 FEET.

BEGINNING AT THE CENTER QUARTER CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN;

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THENCE ON THE WEST LINE OF THE SOUTH ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 8, N00°43'20"E A DISTANCE OF 31.77 FEET, TO A POINT ON THE WESTERLY LINE OF THE KECHTER FARM ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ON THE WESTERLY LINE OF SAID KECHTER FARM ANNEXATION THE FOLLOWING TWENTY-SIX (26) COURSES:

1. S87°51'05"E A DISTANCE OF 35.85 FEET;
2. S05°28'46"E A DISTANCE OF 46.86 FEET;
3. S21°33'42"E A DISTANCE OF 62.75 FEET;
4. S25°03'19"E A DISTANCE OF 18.00 FEET;
5. S25°28'04"E A DISTANCE OF 70.00 FEET;
6. S34°03'21"E A DISTANCE OF 89.70 FEET;
7. S46°06'36"E A DISTANCE OF 85.22 FEET;
8. S58°02'45"E A DISTANCE OF 87.99 FEET;
9. S64°06'35"E A DISTANCE OF 308.81 FEET;
10. S66°54'29"E A DISTANCE OF 73.04 FEET;
11. S78°09'57"E A DISTANCE OF 71.60 FEET;
12. S89°49'26"E A DISTANCE OF 70.59 FEET;
13. N74°53'28"E A DISTANCE OF 96.45 FEET;
14. N61°28'24"E A DISTANCE OF 69.69 FEET;
15. N53°22'15"E A DISTANCE OF 69.69 FEET;
16. N39°52'00"E A DISTANCE OF 69.86 FEET;
17. S55°48'39"E A DISTANCE OF 131.53 FEET;
18. S32°35'48"W A DISTANCE OF 10.98 FEET;
19. S56°41'38"E A DISTANCE OF 171.79 FEET;
20. S54°49'16"E A DISTANCE OF 61.63 FEET, TO A POINT OF NON-TANGENT CURVE;
21. ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT WHOSE CHORD BEARS S61°39'57"W A CHORD DISTANCE OF 1219.35 FEET, HAVING A RADIUS OF 1367.00 FEET, A CENTRAL ANGLE OF 52°58'26" AND AN ARC LENGTH OF 1263.88 FEET, TO A POINT OF NON-TANGENT;

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22. N45°58'29"W A DISTANCE OF 24.47 FEET;
23. S89°41'18"W A DISTANCE OF 45.49 FEET;
24. S00°18'42"E A DISTANCE OF 7.34 FEET;
25. S45°12'33"W A DISTANCE OF 14.01 FEET;
26. N89°16'11"W A DISTANCE OF 193.74 FEET, TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 8;

THENCE ON SAID WEST LINE N00°43'49"E A DISTANCE OF 1148.62 FEET;

CONTAINING A CALCULATED AREA OF 815,667 SQUARE FEET OR 18.7251 ACRES.

**Parcel 3:**

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, LARIMER COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF TRACT S, KECHTER FARM PLANNED LAND DIVISION FILING 1. BEING ASSUMED TO BEAR S89°39'17"E A DISTANCE OF 1445.97 FEET.

COMMENCING AT THE CENTER ONE-QUARTER CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN;

THENCE ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 8, S00°43'49"W A DISTANCE OF 1214.62 FEET, TO A POINT ON THE SOUTHERLY LINE OF THE KECHTER FARM ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ON SAID SOUTHERLY LINE, S89°16'27"E A DISTANCE OF 51.92 FEET, TO THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID SOUTHERLY LINE THE FOLLOWING TWENTY-SEVEN (27) COURSES:

1. S89°16'05"E A DISTANCE OF 143.03 FEET;
2. S44°47'27"E A DISTANCE OF 14.27 FEET;
3. S00°18'42"E A DISTANCE OF 6.76 FEET;
4. N89°41'18"E A DISTANCE OF 53.00 FEET;
5. N00°18'42"W A DISTANCE OF 6.76 FEET;
6. N44°03'21"E A DISTANCE OF 14.30 FEET, TO A POINT OF NON-TANGENT CURVE;
7. ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT WHOSE CHORD BEARS N72°44'15"E A CHORD DISTANCE OF 765.23 FEET, HAVING A RADIUS OF 1433.00 FEET, A CENTRAL ANGLE OF 30°58'19" AND AN ARC LENGTH OF 774.63 FEET, TO A POINT OF NON-TANGENT;
8. S32°44'55"E A DISTANCE OF 62.13 FEET;

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9. S45°09'46"E A DISTANCE OF 111.92 FEET;
10. S51°29'52"E A DISTANCE OF 109.07 FEET;
11. S58°02'05"E A DISTANCE OF 109.07 FEET;
12. S63°13'21"E A DISTANCE OF 87.09 FEET;
13. S25°04'54"W A DISTANCE OF 63.27 FEET;
14. S03°57'47"E A DISTANCE OF 169.59 FEET;
15. S56°34'16"E A DISTANCE OF 182.04 FEET;
16. N74°00'16"E A DISTANCE OF 182.79 FEET;
17. N19°34'55"E A DISTANCE OF 144.16 FEET;
18. N07°14'48"W A DISTANCE OF 63.27 FEET;
19. N88°26'56"E A DISTANCE OF 109.07 FEET;
20. N81°54'52"E A DISTANCE OF 109.00 FEET;
21. N78°22'07"E A DISTANCE OF 100.00 FEET;
22. N82°34'51"E A DISTANCE OF 89.76 FEET;
23. S83°58'56"E A DISTANCE OF 97.74 FEET;
24. S80°44'59"E A DISTANCE OF 204.79 FEET;
25. S78°34'39"E A DISTANCE OF 53.00 FEET;
26. N11°25'21"E A DISTANCE OF 45.30 FEET;
27. S78°34'39"E A DISTANCE OF 150.00 FEET, TO A POINT ON THE SOUTHERLY LINE OF TRACT U, KECHTER FARM PLANNED LAND DIVISION FILING 1;

THENCE ON THE SOUTHERLY LINE OF TRACT U, THE FOLLOWING TWENTY-SIX (26) COURSES:

1. S11°25'21"W A DISTANCE OF 260.00 FEET;
2. S16°22'16"W A DISTANCE OF 144.25 FEET;
3. S28°48'27"W A DISTANCE OF 146.19 FEET;
4. S41°24'00"W A DISTANCE OF 146.19 FEET;
5. S52°49'36"W A DISTANCE OF 146.55 FEET;

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6. S62°04'00"W A DISTANCE OF 41.54 FEET;
7. S70°08'26"W A DISTANCE OF 146.85 FEET;
8. S82°43'59"W A DISTANCE OF 146.85 FEET;
9. N84°40'28"W A DISTANCE OF 146.85 FEET;
10. N70°56'15"W A DISTANCE OF 145.94 FEET;
11. N65°14'00"W A DISTANCE OF 130.02 FEET;
12. N65°12'57"W A DISTANCE OF 30.00 FEET;
13. N67°45'31"W A DISTANCE OF 121.29 FEET;
14. N80°12'34"W A DISTANCE OF 119.67 FEET;
15. S86°55'18"W A DISTANCE OF 119.34 FEET;
16. S83°23'03"W A DISTANCE OF 260.00 FEET;
17. S83°50'49"W A DISTANCE OF 170.59 FEET;
18. N83°50'28"W A DISTANCE OF 146.71 FEET;
19. N71°21'15"W A DISTANCE OF 146.71 FEET;
20. N58°52'02"W A DISTANCE OF 146.71 FEET;
21. N46°22'49"W A DISTANCE OF 146.71 FEET;
22. N33°53'36"W A DISTANCE OF 146.71 FEET;
23. N20°14'22"W A DISTANCE OF 146.41 FEET;
24. N10°05'12"W A DISTANCE OF 146.41 FEET;
25. N00°33'31"W A DISTANCE OF 133.21 FEET;
26. N00°18'42"W A DISTANCE OF 28.41 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,790,220 SQUARE FEET OR 41.0978 ACRES



EXHIBIT "A"

**WOOD STREET SECOND ANNEXATION**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2 TO BEAR N89°14'45"W, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 13155, AND ON ITS WEST END BY A 3" ALUMINUM CAP STAMPED LS 20123, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 2, N00°40'54"E, A DISTANCE OF 342.30 FEET TO THE NORTHEAST CORNER OF THE SERVICE CENTER ANNEXATION TO THE CITY OF FORT COLLINS, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SAID SERVICE CENTER ANNEXATION THE FOLLOWING TWO (2) COURSES:

1. N85°40'18"W, A DISTANCE OF 953.72 FEET;
2. N65°32'18"W, A DISTANCE OF 86.02 FEET TO THE SOUTHEAST CORNER OF THE DUFFY ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG THE EAST AND NORTH LINES OF SAID DUFFY ANNEXATION THE FOLLOWING TWO (2) COURSES:

1. N00°46'42"E, A DISTANCE OF 227.38 FEET;
2. N89°13'18"W, A DISTANCE OF 242.84 FEET TO A POINT ON THE EAST LINE OF THE SERVICE CENTER 4<sup>TH</sup> ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID EAST LINE, N00°46'42"E, A DISTANCE OF 322.95 FEET TO A POINT ON THE SOUTH LINE OF THE WOOD STREET ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID SOUTH LINE, S89°17'17"E, A DISTANCE OF 1,272.42 FEET TO A POINT ON THE WEST LINE OF THE PLAT OF THE TOWN OF FORT COLLINS, ALSO BEING THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2;

THENCE ALONG SAID WEST LINE, S00°40'54"W, A DISTANCE OF 645.41 FEET TO THE POINT OF BEGINNING.

CONTAINING 708,577 SQUARE FEET (16.267 ACRES), MORE OR LESS

EXHIBIT "B"

**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 \_\_\_\_, 2016, 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, 2017, 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

EXHIBIT "B"

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

EXHIBIT "B"

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

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

Approved as to form:

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