

DISTRICT COURT, LARIMER COUNTY, COLORADO Larimer County Justice Center 201 La Porte Avenue Suite 100 Fort Collins, CO 80521 970-494-3500	<b>▲ COURT USE ONLY ▲</b>
<p><b>Plaintiff:</b>          CITY OF FORT COLLINS, a Colorado municipal corporation; and POUDRE FIRE AUTHORITY, a Colorado public entity,</p> <p>v.</p> <p><b>Defendant:</b>          KEITH GILMARTIN, an individual.</p>	
Kelley B. Duke, #35168 Benjamin J. Larson, #42540 IRELAND STAPLETON PRYOR & PASCOE, PC 717 17 <sup>th</sup> St., Suite 2800 Denver, Colorado 80202 Telephone: (303) 623-2700 Fax No.: (303) 623-2062 E-mail: <a href="mailto:kduke@irelandstapleton.com">kduke@irelandstapleton.com</a> <a href="mailto:blarson@irelandstapleton.com">blarson@irelandstapleton.com</a> SPECIAL COUNSEL FOR THE CITY OF FORT COLLINS; ATTORNEYS FOR POUDRE FIRE AUTHORITY	Case No.: 16CV31096  Div.:            Ctrm: 3C
<b>AFFIDAVIT OF THOMAS DEMINT</b>	

I, Thomas DeMint, being sworn and of lawful age, state and affirm as follows:

1. I am the fire chief for the Poudre Fire Authority (the "Authority"). Over the years, I have handled or overseen issues related to Plaintiff Keith Gilmartin and the Easement (as defined in Plaintiff's Motion for Partial Summary Judgment) on several occasions.
2. I have personal knowledge of the facts set forth herein.
3. The Authority operates a Training Center located at 3400 West Vine Drive in Fort Collins, Colorado ("Training Center").

4. West Vine Drive is a public thoroughfare where it dead ends on the Gilmartin property at 3316 West Vine Drive, Fort Collins, Colorado 80521 ("Gilmartin Property"). The Easement extends West Vine Drive through the Gilmartin Property to the Training Center.

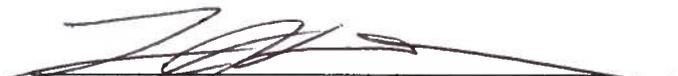
5. To provide perspective, attached as Exhibit E to Plaintiffs' Motion for Partial Summary Judgment is a satellite image pulled from Google Maps that depicts the approximate locations of the Training Center, the Easement, and the Gilmartin Property (all labeled accordingly).

6. In or about 1995, West Vine Drive was extended by installing a paved street on the Easement from West Vine Drive to the Training Center. The public has been able to, and has accessed, the Easement from West Vine Drive for several years.

7. Like other public thoroughfares, the City of Fort Collins (through the Authority) maintains the Easement, including the paved roadway portion of the easement. The Authority also collects trash and mows the grassy area of the Easement to either side of the paved road. Speed limit signs have also been posted, indicating that drivers should not exceed 25 miles per hour within the Easement.

8. From when the Easement was granted in 1991 through approximately 2010, Plaintiffs enjoyed use of the Easement without interference by Mr. Gilmartin or his parents. However, beginning in approximately 2010, Mr. Gilmartin has substantially interfered with Plaintiffs' peaceful use and enjoyment of the Easement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

  
Thomas DeMint

STATE OF COLORADO )  
 ) ss.  
COUNTY OF LARIMER )

Subscribed and sworn to before me this 15<sup>th</sup> day of May, 2017, by Thomas DeMint.

WITNESS my hand and official seal.

[SEAL]

My commission expires: 10/23/2020

  
Notary Public **KIRSTEN L. HOWARD**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
NOTARY ID 19884002035  
MY COMMISSION EXPIRES OCT 23, 2020