

SUBJECT

Resolution 2013-051 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District.

EXECUTIVE SUMMARY

This Resolution authorizes the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2012 from the Poudre Valley Fire Protection District (the "District") in accordance with state law. The properties will continue to receive fire protection services from the Poudre Fire Authority.

BACKGROUND / DISCUSSION

Property that is within a fire protection district continues to be subject to the District's property tax assessment even after annexation to the city until the property is officially excluded from the District. Exclusion must occur pursuant to state law (CRS § 32-1-502). The law allows the City to seek exclusion of annexed property from the district so that the property is not subject to property tax assessment by both the district and the City.

In 2012, the City annexed eight areas within the territory of the Poudre Fire Protection District, the legal descriptions of which are set forth in Exhibit A to the proposed Resolution.

Consistent with the state law, this proposed Resolution authorizes:

1. the City Attorney to file a petition on behalf of the City to exclude the annexed properties from the District, and
2. the City Manager to enter into an agreement with the District for the continuation of fire protection services within the annexed properties.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

RESOLUTION 2013-051
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE INITIATION OF EXCLUSION PROCEEDINGS
OF ANNEXED PROPERTIES WITHIN THE TERRITORY
OF THE POUDRE VALLEY FIRE PROTECTION DISTRICT

WHEREAS, in 2012, the City annexed eight 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 CRS 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 Manger may, in consultation with the City Attorney, deem necessary to protect the interests of the City.

Passed and adopted at an adjourned meeting of the Council of the City of Fort Collins this 4th day of June A.D. 2013.

Mayor

ATTEST:

City Clerk

FORNEY ANNEXATION

A parcel of land located in the Northwest Quarter of Section 10, Township 7 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, and being more particularly described as follows:

Commencing at the Center Quarter Corner of Section 10 and assuming the South line of the Northwest Quarter of Section 10 to bear North 89°14'44" West, with all other bearings herein relative thereto;

Thence North 89°14'44" West, 1108.58 feet to the POINT OF BEGINNING; thence, North 89°14'44" West, 216.43 feet; thence, North 00°38'55" East, 435.71 feet; thence, North 89°14'49" West, 330.72 feet; thence, North 00°42'46" East, 656.12 feet; thence, South 89°24'33" East, 1320.17 feet; thence, South 00°23'46" West, 377.97 feet; thence, North 89°14'44" West, 285.00 feet; thence, South 00°23'46" West, 472.81 feet; thence, North 87°54'20" West, 249.40 feet; thence, South 07°37'19" East, 72.44 feet; thence, North 89°14'44" West, 86.39 feet; thence, North 00°23'46" East, 21.00 feet; thence, North 89°14'44" West, 83.00 feet; thence, South 00°23'46" West, 50.00 feet; thence, North 89°14'37" West, 85.00 feet; thence, South 00°23'46" West, 150.00 feet to the POINT OF BEGINNING.

Said parcel of land contains 22.820 acres, more or less.

KECHTER ANNEXATION NO. 1

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 5, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5 TO BEAR S89°29'46"W, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 33642, AND ON ITS WEST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 17497, 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 THE NORTHWEST QUARTER OF SAID SECTION 8, S00°43'36"W, A DISTANCE OF 30.01 FEET;
THENCE N79°57'37"W, A DISTANCE OF 163.95 FEET;
THENCE N75°35'33"E, A DISTANCE OF 166.47 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5;
THENCE ALONG SAID EAST LINE S00°49'59"E, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,664 SQUARE FEET (0.130 ACRES), MORE OR LESS

KECHTER ANNEXATION NO. 2

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 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 5, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5 TO BEAR $S89^{\circ}29'46''W$, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 33642, AND ON ITS WEST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 17497, 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 THE NORTHWEST QUARTER OF SAID SECTION 8, $S00^{\circ}43'36''W$, A DISTANCE OF 30.01 FEET TO THE POINT OF BEGINNING;

THENCE $N88^{\circ}19'42''W$, A DISTANCE OF 790.26 FEET;
THENCE $N86^{\circ}35'52''E$, A DISTANCE OF 791.12 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5;
THENCE $S75^{\circ}35'33''W$, A DISTANCE OF 166.47 FEET;
THENCE $S79^{\circ}57'37''E$, A DISTANCE OF 163.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 21,999 SQUARE FEET (0.505 ACRES), MORE OR LESS.

KECHTER ANNEXATION NO. 3

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 68 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 5, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5 TO BEAR S89°29'46"W, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 33642, AND ON ITS WEST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 17497, 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 THE NORTHWEST QUARTER OF SAID SECTION 8, S00°43'36"W, A DISTANCE OF 30.01 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF KECHTER ROAD, S89°29'46"W, A DISTANCE OF 299.94 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED JANUARY 24, 2006 AT RECEPTION NO. 20060005697 IN THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER; THENCE ALONG THE EASTERLY, SOUTHERLY, AND WESTERLY BOUNDARIES OF SAID TRACT THE FOLLOWING FIVE (5) COURSES:

1. S00°44'36"W, A DISTANCE OF 725.89 FEET;
 2. N89°31'04"E, A DISTANCE OF 300.15 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 8;
 3. ALONG SAID EAST LINE, S00°43'36"W, A DISTANCE OF 559.09 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 8;
 4. ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 8, S89°38'55"W, A DISTANCE OF 709.81 FEET;
 5. N00°38'19"E, A DISTANCE OF 1,263.15 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF KECHTER ROAD;
- THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE, THE FOLLOWING THREE (3) COURSES:

KECHTER ANNEXATION 3 - continued

1. S89°29'46"W, A DISTANCE OF 1,004.03 FEET;
 2. N00°02'14"W, A DISTANCE OF 20.00 FEET;
 3. S89°29'46"W, A DISTANCE OF 67.30 FEET TO THE SOUTHEAST CORNER OF THE THORLAND ANNEXATION NO. 2 TO THE CITY OF FORT COLLINS;
- THENCE ALONG THE EAST LINE OF SAID THORLAND ANNEXATION NO. 2, N00°18'28"W, A DISTANCE OF 70.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF KECHTER ROAD;
- THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, N89°29'46"E, A DISTANCE OF 1,783.56 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 5;
- THENCE S86°35'52"W, A DISTANCE OF 791.12 FEET;
- THENCE S88°19'42"E, A DISTANCE OF 790.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 812,118 SQUARE FEET (18.644 ACRES), MORE OR LESS

KECHTER CROSSING ANNEXATION

Lots 1 through 11, inclusive, Block 1,
Lots 1 through 11, inclusive, Block 2,
Lots 1 through 9, inclusive, Block 3,
Lots 1 through 5, inclusive, Block 4,
Lots 1 through 3, inclusive, Block 5,
Lots 1 through 4, inclusive, Block 6,
Lots 1 through 2, inclusive, Block 7,
Lots 1 through 6, inclusive, Block 8,
Lots 1 through 5, inclusive, Block 9,
Lots 1 through 3, inclusive, Block 10,
Lots 1 through 8, inclusive, Block 11,
Lots 1 through 8, inclusive, Block 12,
Common Area A, Common Area B, Common Area C, Common Area D, Outlot
A, and Outlot B, inclusive,
Kechter Crossing PLD, Being a Replat of Lots 1 and 2, Feldman M.R.D. #97-
EX1094, County of Larimer, State of Colorado

WILD PLUM FARM ANNEXATION NO. 1

A tract of land being a portion of the tract of land described in the Warranty Deed recorded November 27, 1996 at Reception No. 96085333; being located in the S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4 of Section 3, Township 7 North, Range 69 West of the 6th P.M., which considering the West line of the SW 1/4 of said Section 3 as bearing due North with all bearings herein relative thereto is described as follows:

Commencing at the Northwest corner of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence along the West line of said SW 1/4 South, 90.60 feet; thence East, 146.75 feet; thence North 44 degrees 01 minutes East, 15.65 feet; thence East, 58.00 feet; thence North, 81.19 feet more or less to the North line of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence North 89 degrees 30 minutes 32 seconds East, 768.80 feet to the Point of Beginning; thence North 89 degrees 30 minutes 32 seconds East, 329.00 feet to the NE corner of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence South 00 degrees 00 minutes 39 seconds West, 164.70 feet to the Southeast corner of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence South 89 degrees 30 minutes 12 seconds West, 10.00 feet; thence North 00 degrees 00 minutes 39 seconds East, 82.35 feet; thence South 89 degrees 30 minutes 32 seconds West, 319.00 feet; thence North 00 degrees 00 minutes 39 seconds East, 82.35 feet to the Point of Beginning.

This annexation contains 0.641 acres.

WILD PLUM FARM ANNEXATION NO. 2

A tract of land being a portion of the tract of land described in the Warranty Deed recorded November 27, 1996 at Reception No. 96085333; being located in the S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4 of Section 3, Township 7 North, Range 69 West of the 6th P.M., which considering the West line of the SW 1/4 of said Section 3 as bearing due North with all bearings herein relative thereto is described as follows:

Commencing at the Northwest corner of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence along the West line of said SW 1/4 South, 90.60 feet; thence East, 40.00 feet to the East Right-of-Way line of North Taft Hill Road and the Point of Beginning; thence East, 106.75 feet; thence North 44 degrees 01 minutes East, 15.65 feet; thence East, 58.00 feet; thence North 81.19 feet more or less to the North line of said S 1/2, N 1/2, S 1/2, NW 1/4, SW 1/4; thence North 89 degrees 30 minutes 32 seconds East, 768.80 feet; thence South 00 degrees 00 minutes 39 seconds West, 82.35 feet; thence North 89 degrees 30 minutes 32 seconds East, 319.00 feet; thence South 00 degrees 00 minutes 39 seconds West, 82.35 feet; thence South 89 degrees 30 minutes 12 seconds West, 1263.40 feet to the East Right-of-Way line of North Taft Hill Road; thence North, 73.88 feet to the Point of Beginning.

This annexation contains 3.822 acres.

WOOD STREET ANNEXATION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF SAID SOUTHWEST QUARTER, WHICH IS ASSUMED BEAR S 00°04'30" E. SAID WEST LINE IS MONUMENTED ON THE NORTH END BY A 2.5" ILLEGIBLE ALUMINUM CAP IN A RANGE BOX AND ON THE SOUTH END BY A 3.5" BRASS CAP MARKED "BRADFORD" IN A RANGE BOX.

BEGINNING AT THE SOUTHWEST ONE-SIXTEENTH CORNER OF SAID SECTION 2, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION TWO BEARS S 89°58'24" WEST, A DISTANCE OF 1323.93 FEET AND AGAIN N 00°04'30" W, A DISTANCE OF 1326.78 FEET;

THENCE N 00°04'07" W, ON THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, A DISTANCE OF 291.09 FEET, TO THE SOUTHERLY LINE OF THE MCMURRY NATURAL AREA ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ON SAID SOUTHERLY LINE THE FOLLOWING THIRTEEN (13) COURSES:

- 1) THENCE N 88°03'51" E, A DISTANCE OF 170.61 FEET;
- 2) THENCE S 84°28'21" E, A DISTANCE OF 208.68 FEET;
- 3) THENCE S 67°34'38" E, A DISTANCE OF 201.58 FEET;
- 4) THENCE S 77°39'28" E, A DISTANCE OF 43.58 FEET;
- 5) THENCE S 65°58'00" E, A DISTANCE OF 79.32 FEET;
- 6) THENCE N 65°35'00" E, A DISTANCE OF 26.86 FEET;
- 7) THENCE S 77°39'28" E, A DISTANCE OF 30.31 FEET;
- 8) THENCE N 68°32'47" E, A DISTANCE OF 192.35 FEET;
- 9) THENCE N 84°06'06" E, A DISTANCE OF 164.90 FEET;
- 10) THENCE S 69°42'00" E, A DISTANCE OF 35.87 FEET;
- 11) THENCE S 63°52'00" E, A DISTANCE OF 165.62 FEET;
- 12) THENCE S 53°38'18" E, A DISTANCE OF 13.97 FEET;
- 13) THENCE S 23°54'48" E, A DISTANCE OF 133.15 FEET, TO THE EAST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, AND THE WEST LINE OF THE ORIGINAL TOWN OF FORT COLLINS PLAT;

THENCE S 00°03'45" E, ON SAID WEST LINE, A DISTANCE OF 375.10 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTH 30 ACRES OF THE EAST HALF OF SAID SOUTHWEST QUARTER;

THENCE S 89°58'24" W, ON SAID NORTH LINE, A DISTANCE OF 1276.16 FEET, TO THE EASTERLY LINE OF THE SERVICE CENTER 4TH ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ON SAID EASTERLY LINE THE FOLLOWING THREE (3) COURSES:

- 1) THENCE N 00°01'08" E, A DISTANCE OF 3.20 FEET;

WOOD STREET ANNEXATION - continued

- 2) THENCE N 89°58'52" W, A DISTANCE OF 50.00 FEET;
- 3) THENCE N 00°01'08" E, A DISTANCE OF 276.00 FEET, TO THE NORTHEAST CORNER OF THE SERVICE CENTER 4TH ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE S 89°58'52" E, ON THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SERVICE CENTER 4TH ANNEXATION TO THE CITY OF FORT COLLINS, A DISTANCE OF 1.84 FEET, TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER;

THENCE N 00°04'07" W, ON SAID WEST LINE, A DISTANCE OF 61.71 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 17.3443 ACRES OR 755,516 SQUARE FEET.

EXHIBIT "B", Page 1 of 3

**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____, 2013, 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, 2014, 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", Page 2 of 3

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", Page 3 of 3

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