

AGENDA ITEM SUMMARY

February 7, 2017

City Council

STAFF

Darin Atteberry, City Manager

SUBJECT

Resolution 2017-010 Authorizing the Initiation of Exclusion Proceedings of Annexed Properties Within the Territory of the Poudre Valley Fire Protection District and Authorizing an Intergovernmental Agreement with Said District.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the City Attorney to file a petition in Larimer County District Court to exclude properties annexed into the City in 2016 from the Poudre Valley Fire Protection District (the District) in accordance with state law. The properties affected by this resolution are Lodgepole Investments, LLC Annexation, Maverik First Annexation, Mountain's Edge Annexation, East Prospect at Boxelder Creek Annexation, Majestic Place Annexation, and the Cache la Poudre River Annexation. C.R.S. Section 32-1-502 requires an order of exclusion from the district court to remove these annexed properties from special district territories. The properties have been receiving fire protection services from the Poudre Fire Authority and will continue to do so. The City Attorney's Office files the petition in Larimer County District Court each year seeking exclusion for all properties annexed in the previous year that should be removed from the District to avoid double taxation.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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 (C.R.S. Section 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 2016, the City annexed six areas within the territory of the Poudre Valley 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.

RESOLUTION 2017-010
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 AND AUTHORIZING AN
INTERGOVERNMENTAL AGREEMENT WITH SAID DISTRICT

WHEREAS, in 2016, the City annexed six 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 or appropriate to protect the interests of the City.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 7th day of February, A.D. 2017.

Mayor

ATTEST:

City Clerk

LODGEPOLE INVESTMENTS, LLC ANNEXATION

TRACTS A AND B, FOSSIL CREEK FARM M.L.D. NO. 00-S1539 AND A PORTION OF THE CARPENTER ROAD RIGHT-OF-WAY PER THE PLAT OF FOSSIL CREEK FARM M.L.D. NO. 00-S1539, ALL SITUATE IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Considering the North line of the Northwest Quarter of said Section 22 as bearing North 89°40'32" East and with all bearings contained herein relative thereto:

Beginning at the Northwest corner of said Section 22; thence along the West line of the Northwest Quarter of said Section 22 South 00°28'50" West 56.17 feet, more or less, to a point on a non-tangent curve concave to the North having a central angle of 00°35'38" and a radius of 5790.00 feet, the long chord of which bears South 87°50'44" East a distance of 60.02 feet; said point being on the Southerly Line of that certain parcel of land as described in Deed recorded at Reception No. 92049221, records of said County and a point on the Southerly line of FOSSIL CREEK RESERVOIR OPEN SPACE ANNEXATION, City of Fort Collins, County of Larimer, State of Colorado and the TRUE POINT OF BEGINNING; thence departing said West line of the Northwest Quarter of said Section 22 and along said Southerly Line of that certain parcel of land as described in Deed recorded at Reception No. 92049221 and along said Southerly line of FOSSIL CREEK RESERVOIR OPEN SPACE ANNEXATION and Easterly along the arc of said curve 60.02 feet; thence departing said curve and said Southerly Line of that certain parcel of land as described in Deed recorded at Reception No. 92049221 and departing said Southerly line of FOSSIL CREEK RESERVOIR OPEN SPACE ANNEXATION and along the Westerly and Southerly lines of FOSSIL CREEK 392 ANNEXATION, City of Fort Collins, County of Larimer, State of Colorado South 00°28'50" West 566.63 feet and again North 89°34'58" East 2279.35 feet, more or less, to the Southeast corner of said FOSSIL CREEK 392 ANNEXATION; said Southeast corner also being a point on the Westerly right-of-way line for Interstate Highway No. 25 and the Northeast corner of said FOSSIL CREEK FARM M.L.D. NO. 00-S1539; thence departing said Southerly line of said FOSSIL CREEK 392 ANNEXATION and along the Westerly lines of said right-of-way line for Interstate Highway No. 25 and along the Easterly lines of said FOSSIL CREEK FARM M.L.D. NO. 00-S1539 South 18°25'02" East 193.89 feet and again South 04°06'44" East 523.98 feet, more or less, to the Southeast corner of said FOSSIL CREEK FARM M.L.D. NO. 00-S1539; thence departing said Westerly line of said right-of-way line for Interstate Highway No. 25 and said Easterly line of said FOSSIL CREEK FARM M.L.D. NO. 00-S1539 and along the Southerly line of said FOSSIL CREEK FARM M.L.D. NO. 00-S1539 South 89°40'57" West 2444.06 feet, more or less, to the Southwest corner of said FOSSIL CREEK FARM M.L.D. NO. 00-S1539; thence departing said Southerly line of said FOSSIL CREEK FARM M.L.D. NO. 00-S1539 and along the Westerly line of said FOSSIL CREEK FARM M.L.D. NO. 00-S1539 North 00°28'50" East 1272.45 feet, more or less, to a point on the Southerly Line of that certain parcel of land as described in Deed recorded at Reception No. 92049221 and a point on said Southerly line of FOSSIL CREEK RESERVOIR OPEN SPACE ANNEXATION; said point being the TRUE POINT OF BEGINNING.

Containing 39.77 Acres, more or less, and being subject to all easements and/or rights-of-way now existing or of record.

MAVERIK FIRST ANNEXATION

A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPLE MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15;

THENCE ALONG THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER OF SECTION 15, NORTH 89°15'00" EAST, A DISTANCE OF 1084.26 FEET;

THENCE SOUTH 0°45'00" WEST, A DISTANCE OF 208.55 FEET TO THE NORTH BOUNDARY OF INTERCHANGE BUSINESS PARK SUBDIVISION AS RECORDED IN RECEPTION NUMBER 2001007054, PUBLIC RECORDS OF COUNTY OF LARIMER, STATE OF COLORADO AND THE NORTHEAST CORNER OF LOT 17 OR SAID INTERCHANGE BUSINESS PARK;

THENCE SOUTH 82°18'06" WEST, A DISTANCE OF 170.83 FEET ALONG THE NORTH BOUNDARY OF SAID INTERCHANGE BUSINESS PARK AND THE NORTH BOUNDARY OF SAID LOT 17 TO THE NORTHWEST CORNER OF SAID LOT 17 AND THE POINT OF BEGINNING;

THENCE SOUTH 35°29'11" EAST, A DISTANCE OF 274.66 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SOUTHEAST FRONTAGE ROAD SAID POINT ALSO BEING THE BEGINNING OF A NONTANGENT CURVE;

THENCE 113.59 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 260.00 FEET, THROUGH A CENTRAL ANGLE OF 25°01'50", HAVING A CHORD WHICH BEARS SOUTH 30°43'25" WEST, A DISTANCE OF 112.68 FEET;

THENCE NORTH 35°26'29" WEST, A DISTANCE OF 141.57 FEET;

THENCE SOUTH 54°19'21" WEST, A DISTANCE OF 83.26 FEET;

THENCE NORTH 35°31'08" WEST, A DISTANCE OF 271.26 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF COLORADO STATE HIGHWAY 14, ALSO KNOWN AS EAST MULBERRY STREET;

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

THENCE NORTH 66°38'30" EAST, A DISTANCE OF 19.01 FEET;

THENCE NORTH 82°18'06" EAST, A DISTANCE OF 189.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 55,087 SQUARE FEET, OR 1.265 ACRES (MORE OR LESS).

MOUNTAIN'S EDGE ANNEXATION

A PORTION OF THE SW 1/4 OF SECTION 21, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SECTION 21 AND RUN THENCE EAST 655.51 FEET; THENCE NORTH 1393.18 FEET; THENCE WEST 651.78 FEET, MORE OR LESS, TO THE WEST LINE OF SECTION 21; THENCE SOUTH 1393 FEET, MORE OR LESS TO THE POINT OF BEGINNING; LESS THAT PORTION AS CONVEYED TO THE CITY OF FORT COLLINS JANUARY 25, 1967 IN BOOK 1353 AT PAGE 280, AND THAT PORTION CONVEYED TO LARIMER COUNTY FEBRUARY 21, 1968 IN BOOK 1380 AT PAGE 296

SAID PARCEL OF LAND CONTAINS 18.516 ACRES, MORE OR LESS.

EAST PROSPECT AT BOXELDER CREEK ANNEXATION

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 16 AND THE NORTH HALF OF SECTION 21, 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 SOUTHEAST CORNER OF SAID SECTION 16, AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16 TO BEAR N88°21'25"W, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 2-1/2" BRASS CAP STAMPED LS 14823, AND ON ITS WEST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 14823, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, N88°21'25"W, A DISTANCE OF 1,716.87 FEET TO A POINT ON THE WEST LINE OF INTERSTATE LANDS FIRST ANNEXATION TO THE CITY OF FORT COLLINS, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID EAST LINE, S01°38'35"W, A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE OF THE VISITOR CENTER AT THE ENVIRONMENTAL CENTER ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID NORTH LINE, N88°21'25"W, A DISTANCE OF 215.33 FEET TO THE NORTHWEST CORNER OF SAID ANNEXATION;

THENCE ALONG THE WEST LINE OF SAID ANNEXATION, S00°15'50"W, A DISTANCE OF 42.51 FEET;

THENCE N88°21'25"W, A DISTANCE OF 709.34 FEET;

THENCE N00°15'33"E, A DISTANCE OF 42.51 FEET;

THENCE N88°22'55"W, A DISTANCE OF 160.00 FEET TO A POINT ON THE EAST LINE OF THE FLATIRON EAST PROSPECT ROAD FIRST ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG SAID EAST LINE, N00°15'33"E, A DISTANCE OF 60.02 FEET;

THENCE S88°22'55"E, A DISTANCE OF 159.97 FEET;

THENCE S88°21'25"E, A DISTANCE OF 120.00 FEET TO A POINT ON THE WEST LINE OF THE INTERSTATE LANDS SECOND ANNEXATION TO THE CITY OF FORT COLLINS;

THENCE ALONG THE WEST AND SOUTH LINES OF SAID ANNEXATION THE FOLLOWING THREE (3) COURSES:

1. S00°11'35"W, A DISTANCE OF 60.02 FEET;

2. S88°21'25"E, A DISTANCE OF 514.24 FEET;

3. N01°38'35"E, A DISTANCE OF 102.50 FEET;

THENCE S88°21'25"E, A DISTANCE OF 290.40 FEET TO A POINT ON THE BOUNDARY OF SAID INTERSTATE LANDS SECOND ANNEXATION;

THENCE ALONG SAID BOUNDARY, S01°38'35"W, A DISTANCE OF 72.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 76,714 SQUARE FEET (1.761 ACRES), MORE OR LESS.

MAJESTIC PLACE ANNEXATION

A tract of land situate in the County of Larimer, State of Colorado, to-wit:

A parcel of land being all of lot 3, the amended plat of lots 1-4 of the Leistikow M.R.D. S-21-92 recorded under reception number 20110065177 in the records of the Larimer County Clerk and Recorder, being further described as follows:

Basis of bearings: the south line of the northwest 1/4 of the northwest 1/4 of Section 17, Township 6 North, Range 68 west of the 6th Principal Meridian, assumed to bear S89°54'32"W, a distance of 1,325.03 feet, as shown on said amended plat;

Beginning at the Northeast corner of said Northwest 1/4 of the Northwest 1/4 of Section 17, said point being the northeasterly corner of said Lot 3;

Thence on the easterly and southerly lines of said Northwest 1/4 of the Northwest 1/4 of Section 17 the following two (2) courses:

1) S00°00'44"E a distance of 1323.93 feet;

2) S89°54'32"W a distance of 865.03 feet;

Thence N00°09'18"E a distance of 275.00 feet;

Thence S89°54'32"W a distance of 52.21 feet to the easterly line of the Leistikow Annexation to the City of Fort Collins;

Thence on said easterly line the following five (5) courses

1) N07°22'24"W a distance of 175.33 feet;

2) on the arc of a non-tangent curve to the left whose center bears N06°56'31"W, having a radius of 528.00 feet, a central angle of 98°02'18" and an arc length of 903.46 feet;

3) N14°58'49"W a distance of 95.52 feet;

4) N75°01'11"E a distance of 126.44 feet;

5) N00°04'00"E a distance of 91.40 feet to the southerly line of the Westchase Annexation Number 2 to the City of Fort Collins;

Thence on said southerly line, S89°56'00"E a distance of 394.92 feet to the point of beginning;

Containing a calculated area of 868,230 square feet or 19.9318 acres.

CACHE LA POUFRE RIVER ANNEXATION DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, THE NORTHEAST QUARTER OF SECTION 11, AND THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO; BEING ALL THAT PORTION OF THE BED OF THE CACHE LA POUFRE RIVER AND ALL OF THE LAND CONTIGUOUS TO SAID BED THAT HAS NOT BEEN PREVIOUSLY ANNEXED BY THE ORIGINAL PLAT OF THE TOWN OF FORT COLLINS, BY THE ANNEXATION OF BUCKINGHAM PLACE, BY THE CORRECTED PLAT OF THE GRIFFIN ADDITION, BY THE NORTH COLLEGE ANNEXATION, BY THE LINDEN STREET TECH CENTER ANNEXATION, OR BY THE McMURRY NATURAL AREA ANNEXATION; SAID TRACT ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12, AND CONSIDERING THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12 TO BEAR S00°23'32"W, SAID LINE BEING MONUMENTED ON ITS NORTH END BY A 3-1/4" ALUMINUM CAP WITH ILLEGIBLE MARKINGS, AND ON ITS SOUTH END BY A 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 SAID WEST LINE, S00°23'32"W, A DISTANCE OF 226.50 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE SOUTH BOUNDARY OF THE NORTH COLLEGE ANNEXATION TO THE CITY OF FORT COLLINS THE FOLLOWING THIRTEEN (13) COURSES:

1. S66°30'10"E, A DISTANCE OF 42.00 FEET;
2. S51°53'24"E, A DISTANCE OF 40.00 FEET;
3. S67°13'24"E, A DISTANCE OF 37.00 FEET;
4. S74°51'24"E, A DISTANCE OF 176.40 FEET;
5. S79°06'24"E, A DISTANCE OF 66.50 FEET;
6. S74°16'24"E, A DISTANCE OF 94.11 FEET;
7. S71°59'41"E, A DISTANCE OF 360.45 FEET;
8. S42°21'29"E, A DISTANCE OF 140.00 FEET;
9. S36°35'23"E, A DISTANCE OF 151.52 FEET;
10. S19°45'23"E, A DISTANCE OF 287.91 FEET;
11. S60°22'23"E, A DISTANCE OF 205.90 FEET;
12. S32°05'23"E, A DISTANCE OF 93.79 FEET;
13. S71°00'23"E, A DISTANCE OF 31.26 FEET TO A POINT ON THE WEST BOUNDARY OF THE LINDEN STREET TECH CENTER ANNEXATION;

THENCE SOUTHERLY ALONG SAID WEST BOUNDARY, A DISTANCE OF 176 FEET MORE OR LESS TO THE NORTHWEST CORNER OF THE ANNEXATION OF BUCKINGHAM PLACE;

THENCE CONTINUING SOUTHERLY ALONG THE WEST LINE OF SAID ANNEXATION OF BUCKINGHAM PLACE, A DISTANCE OF 135 FEET MORE OR LESS TO A POINT ON THE SOUTH BANK OF THE CACHE LA POUFRE RIVER;

THENCE NORTHWESTERLY ALONG SAID SOUTH BANK, BEING THE NORTH BOUNDARY OF THE ORIGINAL PLAT OF THE TOWN OF FORT COLLINS, A DISTANCE OF 5607 FEET MORE OR LESS, TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF THE MCMURRY NATURAL AREA ANNEXATION;

THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY BOUNDARY, A DISTANCE OF 81 FEET MORE OR LESS TO A POINT ON THE NORTH BANK OF THE CACHE LA POUFRE RIVER;

THENCE SOUTHEASTERLY ALONG SAID NORTH BANK, BEING THE SOUTH BOUNDARY OF THE NORTH COLLEGE ANNEXATION, A DISTANCE OF 2993 FEET MORE OR LESS TO THE NORTHWEST CORNER OF THE CORRECTED PLAT OF THE GRIFFIN ADDITION;

THENCE CONTINUING SOUTHEASTERLY ALONG SAID NORTH BANK, BEING THE SOUTH BOUNDARY OF THE CORRECTED PLAT OF THE GRIFFIN ADDITION, A DISTANCE OF 622 FEET MORE OR LESS TO THE WEST LINE OF THE NORTHWEST CORNER OF SECTION 12;

THENCE NORTHERLY ALONG SAID WEST LINE, 70 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 12.01 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 _____, 2017, 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, 2018, 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