

AGENDA ITEM SUMMARY

February 19, 2019

City Council

STAFF

Darin Atteberry, City Manager
Bronwyn Scurlock, Legal

SUBJECT

Resolution 2019-024 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 2018 from the Poudre Valley Fire Protection District (the "District") in accordance with state law. The properties affected by this resolution are Water Treatment Facility Annexation No. 1, Water Treatment Facility Annexation No. 2, Water Treatment Facility Annexation No. 3, Water Treatment Facility Annexation No. 4, Aweida Annexation, East Gateway Annexation, Hughes Stadium Annexation, and Sanctuary on the Green 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 2018, the City annexed eight areas within the territory of the 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 2019-024
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 2018, the City annexed eight properties within the territory of the Poudre Valley Fire Protection District (the “District”); and

WHEREAS, Colorado Revised Statutes (“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 19th day of February, A.D. 2019.

Mayor

ATTEST:

City Clerk

WATER TREATMENT FACILITY ANNEXATION NO. 1

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 9, 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 CENTER QUARTER CORNER OF SAID SECTION 9, AND CONSIDERING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9 TO BEAR N88°54'50"W, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3" ALUMINUM CAP STAMPED LS 20123, AND ON ITS WEST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 34990, 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 NORTHWEST QUARTER, N88°54'50"W, A DISTANCE OF 198.01 FEET TO A POINT ON THE WEST BOUNDARY OF THE MOUNTAIN VIEW SCHOOL ANNEXATION TO THE CITY OF FORT COLLINS, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE ALONG SAID WEST BOUNDARY, S00°33'03"W, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAPORTE AVENUE;
THENCE N77°23'52"W, A DISTANCE OF 150.27 FEET;
THENCE N79°31'38"E, A DISTANCE OF 149.72 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF LAPORTE AVENUE AND THE WEST BOUNDARY OF SAID MOUNTAIN VIEW SCHOOL ANNEXATION;
THENCE ALONG SAID WEST BOUNDARY, S00°33'03"W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,409 SQUARE FEET (0.101 ACRES), MORE OR LESS

WATER TREATMENT FACILITY ANNEXATION NO. 2

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 9, 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 CENTER QUARTER CORNER OF SAID SECTION 9, AND CONSIDERING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9 TO BEAR N88°54'50"W, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3" ALUMINUM CAP STAMPED LS 20123, AND ON ITS WEST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 34990, 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 NORTHWEST QUARTER, N88°54'50"W, A DISTANCE OF 198.01 FEET TO A POINT ON THE WEST BOUNDARY OF THE MOUNTAIN VIEW SCHOOL ANNEXATION TO THE CITY OF FORT COLLINS;
THENCE ALONG SAID WEST BOUNDARY, S00°33'03"W, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAPORTE AVENUE, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE N86°27'28"W, A DISTANCE OF 700.00 FEET;
THENCE N88°37'40"E, A DISTANCE OF 699.44 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF LAPORTE AVENUE AND THE WESTERLY BOUNDARY OF WATER TREATMENT FACILITY ANNEXATION NO. 1;
THENCE ALONG SAID WESTERLY BOUNDARY, S79°31'38"W, A DISTANCE OF 149.72 FEET;
THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY, S77°23'52"E, A DISTANCE OF 150.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,563 SQUARE FEET (0.380 ACRES), MORE OR LESS

WATER TREATMENT FACILITY ANNEXATION NO. 3

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 9, 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 CENTER QUARTER CORNER OF SAID SECTION 9, AND CONSIDERING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9 TO BEAR N88°54'50"W, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3" ALUMINUM CAP STAMPED LS 20123, AND ON ITS WEST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 34990, 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 NORTHWEST QUARTER, N88°54'50"W, A DISTANCE OF 198.01 FEET TO A POINT ON THE WEST BOUNDARY OF THE MOUNTAIN VIEW SCHOOL ANNEXATION TO THE CITY OF FORT COLLINS;
THENCE ALONG SAID WEST BOUNDARY, S00°33'03"W, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAPORTE AVENUE, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE N88°12'10"W, A DISTANCE OF 2,416.49 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 9;
THENCE S89°37'32"E, A DISTANCE OF 2,415.93 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF LAPORTE AVENUE AND THE WESTERLY BOUNDARY OF WATER TREATMENT FACILITY ANNEXATION NO. 2;
THENCE ALONG SAID WESTERLY BOUNDARY, S88°37'40"W, A DISTANCE OF 699.44 FEET;
THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY, S86°27'28"E, A DISTANCE OF 700.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 51,508 SQUARE FEET (1.182 ACRES), MORE OR LESS

WATER TREATMENT FACILITY ANNEXATION NO. 4

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 7, IN SECTION 8, AND IN THE WEST HALF OF SECTION 9, 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 CENTER QUARTER CORNER OF SAID SECTION 9, AND CONSIDERING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9 TO BEAR $N88^{\circ}54'50''W$, SAID LINE BEING MONUMENTED ON ITS EAST END BY A 3" ALUMINUM CAP STAMPED LS 20123, AND ON ITS WEST END BY A 3-1/4" ALUMINUM CAP STAMPED LS 34990, 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 NORTHWEST QUARTER, $N88^{\circ}54'50''W$, A DISTANCE OF 198.01 FEET TO A POINT ON THE WEST BOUNDARY OF THE MOUNTAIN VIEW SCHOOL ANNEXATION TO THE CITY OF FORT COLLINS;
THENCE ALONG SAID WEST BOUNDARY, $S00^{\circ}33'03''W$, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF LAPORTE AVENUE, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES:

1. $N88^{\circ}54'50''W$, A DISTANCE OF 1,762.43 FEET;
2. $S00^{\circ}23'29''W$, A DISTANCE OF 10.00 FEET;
3. $N88^{\circ}54'50''W$, A DISTANCE OF 588.26 FEET;
4. 23.76 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF $90^{\circ}45'15''$, AND A CHORD WHICH BEARS $S45^{\circ}42'32''W$ A DISTANCE OF 21.35 FEET;

THENCE CROSSING THE RIGHT OF WAY OF OVERLAND TRAIL, $S75^{\circ}48'16''W$, A DISTANCE OF 107.24 FEET TO THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF OVERLAND TRAIL AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LAPORTE AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES:

1. $S88^{\circ}50'59''W$, A DISTANCE OF 255.48 FEET;
2. $N87^{\circ}52'23''W$, A DISTANCE OF 536.14 FEET;
3. $N01^{\circ}36'58''W$, A DISTANCE OF 11.68 FEET;
4. $S88^{\circ}14'24''W$, A DISTANCE OF 496.33 FEET;
5. $S87^{\circ}43'40''W$, A DISTANCE OF 2,025.35 FEET;

6. ALONG THE RIGHT-OF-WAY LINE DESCRIBED IN THE BARGAIN AND SALE DEED RECORDED OCTOBER 30, 1963 IN BOOK 1226, PAGE 127, N75°57'18"W, A DISTANCE OF 996.25 FEET;
7. CONTINUING ALONG THE RIGHT-OF-WAY LINE DESCRIBED IN BOOK 1226, PAGE 127, N85°44'28"W, A DISTANCE OF 966.93 FEET;
8. CONTINUING ALONG THE RIGHT-OF-WAY LINE DESCRIBED IN BOOK 1226, N85°51'13"W, A DISTANCE OF 1,287.07 FEET;

THENCE CONTINUING ALONG THE RIGHT-OF-WAY LINE DESCRIBED IN BOOK 1226, PAGE 127 THE FOLLOWING FOUR (4) COURSES:

1. S00°47'02"W, A DISTANCE OF 278.19 FEET;
2. N89°12'58"W, A DISTANCE OF 60.00 FEET;
3. N00°47'02"E, A DISTANCE OF 1,110.00 FEET;
4. S89°12'58"E, A DISTANCE OF 60.00 FEET TO A POINT ON THE WESTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN THE INTERGOVERNMENTAL AGREEMENT RECORDED MARCH 20, 1980 IN BOOK 2032, PAGE 855;

THENCE ALONG SAID WESTERLY LINE AND ALONG THE WESTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED JULY 3, 1984 IN BOOK 2278, PAGE 2163, N00°47'02"E, A DISTANCE OF 921.83 FEET;
THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 2278, PAGE 2163, N89°18'09"E, A DISTANCE OF 1,819.07 FEET;
THENCE ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 2278, PAGE 2163 AND ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 2032, PAGE 855, S11°53'09"E, A DISTANCE OF 1,000.96 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN THE WARRANTY DEED TO PLATTE RIVER POWER AUTHORITY RECORDED FEBRUARY 10, 1981 IN BOOK 2104, PAGE 896;
THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY BOUNDARIES OF SAID TRACT THE FOLLOWING THREE (3) COURSES:

1. S78°06'51"W, A DISTANCE OF 175.01 FEET;
2. S11°53'09"E, A DISTANCE OF 175.00 FEET;
3. N78°06'51"E, A DISTANCE OF 173.57 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 2032, PAGE 855;

THENCE ALONG SAID EASTERLY LINE, S10°51'20"E, A DISTANCE OF 15.10 FEET;
THENCE CONTINUING ALONG SAID EASTERLY LINE, S49°14'02"E, A DISTANCE OF 1,450.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LAPORTE AVENUE;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING ELEVEN (11) COURSES:

1. S75°57'18"E, A DISTANCE OF 36.44 FEET;
2. N87°43'40"E, A DISTANCE OF 1,584.77 FEET;

3. N00°26'54"E, A DISTANCE OF 20.43 FEET;
4. S85°38'55"E, A DISTANCE OF 188.73 FEET;
5. N87°22'37"E, A DISTANCE OF 263.57 FEET;
6. N88°23'15"E, A DISTANCE OF 654.58 FEET;
7. N00°20'15"E, A DISTANCE OF 9.18 FEET;
8. N88°23'15"E, A DISTANCE OF 325.79 FEET;
9. S00°20'14"W, A DISTANCE OF 4.99 FEET;
10. N88°23'15"E, A DISTANCE OF 246.47 FEET;
11. N54°50'50"E, A DISTANCE OF 72.56 FEET TO THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF OVERLAND TRAIL;

THENCE CROSSING THE RIGHT OF WAY OF OVERLAND TRAIL, S69°04'07"E, A DISTANCE OF 90.46 FEET TO THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF OVERLAND TRAIL AND THE NORTHERLY RIGHT-OF-WAY LINE OF LAPORTE AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S69°19'37"E, A DISTANCE OF 26.19 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S88°54'50"E, A DISTANCE OF 2,345.88 FEET TO ITS INTERSECTION WITH THE WESTERLY BOUNDARY OF WATER TREATMENT FACILITY ANNEXATION NO. 3;

THENCE ALONG SAID WESTERLY BOUNDARY, N89°37'32"W, A DISTANCE OF 2,415.93 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 9;

THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY, S88°12'10"E, A DISTANCE OF 2,416.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 102.825 ACRES, MORE OR LESS

AWEIDA ANNEXATION

A parcel of land situated in the East Half of Section 33, Township 7 North, Range 69 West of the 6th P.M., being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 33 as bearing South 00°06'18" East and with all bearings contained herein relative thereto:

BEGINNING at the East Quarter corner of said Section 33; thence along the East line of the Southeast Quarter of said Section 33, said line also being the West line of the Horsetooth - Harmony West Annexation to the City of Fort Collins as recorded at Book 1873, Page 735 Larimer County Clerk and Recorder, South 00°06'18" East, 162.20 feet; thence departing said line, South 89°53'42" West, 30.95 feet to a point on the West right of way line of South Taft Hill Road; thence along the South line of a parcel of land recorded at Reception No. 20160052454 Larimer County Clerk and Recorder, South 89°53'33" West, 152.83 feet; thence along the West line of said parcel of land, North 00°11'50" East, 131.75 feet; thence departing said line, North 00°15'33" West, 59.96 feet to a point on the South line of a parcel of land recorded at Reception No. 20070027078 Larimer County Clerk and Recorder; thence along said line, North 89°44'26" East, 98.37 feet to the Southwest corner of a parcel of land recorded at Reception No. 20060042003 Larimer County Clerk and Recorder; thence along said parcel the following four (4) courses and distances, North 00°08'23" East, 20.00 feet; thence, North 89°44'27" East, 20.00 feet; thence, North 00°00'00" East, 10.00 feet; thence, North 89°44'29" East, 15.02 feet to a point on the West right of way line of South Taft Hill road; thence departing said line, South 89°51'37" East, 50.00 feet to point on the East line of the Northeast Quarter of Section 33; thence, South 00°08'23" West, 59.65 feet to the Point of Beginning.

The above described tract of land contains 37,537 square feet or 0.862 acres, more or less.

EAST GATEWAY ANNEXATION

A TRACT OF LAND LOCATED IN THE WEST 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 SOUTHWEST CORNER OF SAID SECTION 10, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10 TO BEAR S89°23'02"E, SAID LINE BEING MONUMENTED ON ITS WEST END BY A 3" BRASS CAP STAMPED LS 23503, AND ON ITS EAST 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 SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10, S89°23'02"E, A DISTANCE OF 1,427.40 FEET;
THENCE N00°36'58"E, A DISTANCE OF 30.90 FEET;
THENCE N69°23'46"W, A DISTANCE OF 89.48 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 14 (EAST MULBERRY STREET);

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N69°23'46"W, A DISTANCE OF 211.18 FEET TO THE MOST WESTERLY CORNER OF THAT TRACT OF LAND CONVEYED TO THE COLORADO DEPARTMENT OF TRANSPORTATION BY WARRANTY DEED RECORDED JUNE 11, 2009 AT RECEPTION NO. 20090038617;
THENCE ALONG THE NORTHERLY BOUNDARY OF SAID TRACT, S89°47'51"E, A DISTANCE OF 193.56 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THAT TRACT OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED APRIL 12, 2002 AT RECEPTION NO. 2002051529;
THENCE ALONG SAID WESTERLY BOUNDARY, N00°37'38"E, A DISTANCE OF 2,453.85 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE BNSF RAILWAY;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, N89°02'25"W, A DISTANCE OF 470.00 FEET;
THENCE N83°54'03"W, A DISTANCE OF 558.15 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID BNSF RAILWAY;
THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE S89°02'25"E, A DISTANCE OF 1,044.00 FEET;
THENCE ALONG THE NORTHERLY EXTENSION OF THE TOP BACK OF AN EXISTING CURB, ALONG SAID TOP BACK OF CURB, AND ALONG THE SOUTHERLY EXTENSION OF SAID TOP BACK OF CURB, THE FOLLOWING FIVE (5) COURSES:
1. S00°12'51"W, A DISTANCE OF 920.13 FEET;
2. 34.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 07°50'52", AND A CHORD WHICH BEARS S04°08'17"W, A DISTANCE OF 34.22 FEET;
3. S08°03'43"W, A DISTANCE OF 96.07 FEET;
4. 31.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 07°18'07", AND A CHORD WHICH BEARS S04°24'40"W, A DISTANCE OF 31.84 FEET;
5. S00°45'36"W, A DISTANCE OF 1,496.03 FEET TO THE **POINT OF BEGINNING**;

CONTAINING 76,962 SQUARE FEET (1.767 ACRES), MORE OR LESS.

HUGHES STADIUM

A parcel of land situate in the East Half of Section 20, Township 7 North, Range 69 West of the 6th P.M., being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 20 as bearing South 00°16'25" West and with all bearings contained herein relative thereto:

BEGINNING at the Southeast corner of Foothills Annexation to the City of Fort Collins, recorded at Book 1439 Page 17 Larimer County Clerk and Recorder, said corner also being the Northwest corner of Becksted Addition to the City of Fort Collins recorded at Reception No. 910170 Larimer county Clerk and Recorder; thence along the West line of said Becksted Addition, said line also being the East line of said Section 20, South 00°16'25" West, 1,390.85 feet to the East Quarter corner of said Section 20, said point also being the Northwest corner of Mountain Shadows Annexation to the City of Fort Collins recorded at Book 1500 Page 6 Larimer County Clerk and Recorder; thence along the West line of said Mountain Shadows Annexation, said line also being the East line of said Section 20, South 00°17'42" West, 690.54 feet to a point on the Northerly line of Pine Ridge 5th Annexation to the City of Fort Collins recorded at Reception No. 2001113963 Larimer County Clerk and Recorder; thence along said Pine Ridge 5th Annexation the following three (3) courses and distances, North 89°42'16" West, 30.00 feet; thence, South 00°17'42" West, 456.97 feet; thence, South 78°29'11" West, 1,114.50 feet to a point on the Northeast corner of Pine Ridge 3rd Annexation to the City of Fort Collins, recorded at Reception No. 99006010 Larimer County Clerk and Recorder; thence along the Northerly line of said Pine Ridge 3rd Annexation, said line also being the Northerly right of way line of Dixon Canyon Road, South 78°29'11" West, 948.91 feet; thence along the Westerly line of said Pine Ridge 3rd Annexation, South 11°30'33" East, 60.00 feet to the Southerly right of way line of Dixon Canyon Road; thence along said line South 78°28'57" West, 635.98 feet; thence departing said line, and along the Easterly line of State Board of Agriculture Lands as recorded at Reception No. 10510582 the following two (2) courses and distances, North 00°04'23" East, 61.42 feet; thence, North 00°30'58" East, 878.03 feet to the Southeast corner of Maxwell Open Space Annexation to the City of Fort Collins recorded at Reception No. 90017479 Larimer County Clerk and Recorder; thence along the East line of said Maxwell Open Space Annexation, North 00°31'43" East, 1,573.16 feet; thence departing said line, and along the line of said State Board of Agriculture Lands the following six (6) courses and distances, North 57°47'42" East, 65.46 feet; thence along a curve concave to the Northwest having a central angle of 25°26'23", an arc length of 149.40 feet with a radius of 336.48 feet, and the chord of which bears North 45°04'30" East, 148.18 feet; thence along a curve concave to the Northwest having a central angle of 31°42'57", an arc length of 133.40 feet with a radius of 240.99 feet, and the chord of which bears North 16°32'04" East, 131.70 feet; thence, North 00°30'42" East, 111.20 feet; thence along a curve concave to the East having a central angle of 23°27'51", an arc length of 96.85 feet with a radius of 236.49 feet, and the chord of which bears North 11°47'37" East, 96.17 feet; thence, North 86°25'25" East, 1,487.45 feet to the Southwest corner of Foothills 3rd Annexation to the City of Fort Collins recorded at Book 1497 Page 190 Larimer County Clerk and Recorder; thence along the South line of said Foothills 3rd Annexation, North 86°25'25" East, 25.79 feet to the Southwest Corner of Foothills 2nd Annexation to the City of Fort Collins recorded at Book 1456 Page 668 Larimer County Clerk and Recorder; thence along the South line of said Foothills 2nd Annexation, North

86°25'25" East, 446.63 feet to the Southwest Corner of Foothills Annexation to the City of Fort Collins recorded at Book 1439 Page 17 Larimer County Clerk and Recorder; thence along the South line of said Foothills Annexation, North 86°25'25" East, 479.58 feet to the Point of Beginning.

The above described tract of land contains 7,167,953 square feet or 164.554 acres, more or less, and is subject to all easements and rights-of-way now on record or existing.

SANCTUARY ON THE GREEN ANNEXATION

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9;

THENCE SOUTH 89°38'45" EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, A DISTANCE OF 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF NORTH TAFT HILL ROAD;

THENCE, ALONG SAID EASTERLY RIGHT-OF-WAY, THE FOLLOWING NINE (9) COURSES;

1. SOUTH 06°21'44" WEST, A DISTANCE OF 100.00 FEET;
2. SOUTH 00°37'23" WEST, A DISTANCE OF 318.81 FEET;
3. NORTH 89°22'23" WEST, A DISTANCE OF 10.00 FEET;
4. SOUTH 00°37'23" WEST, A DISTANCE OF 250.00 FEET;
5. SOUTH 89°22'23" EAST, A DISTANCE OF 20.00 FEET;
6. SOUTH 00°37'23" WEST, A DISTANCE OF 474.18 FEET;
7. NORTH 89°30'07" WEST, A DISTANCE OF 7.50 FEET;
8. SOUTH 00°37'24" WEST, A DISTANCE OF 101.02 FEET;
9. SOUTH 52°54'45" EAST, A DISTANCE OF 61.20 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF LAPORTE AVENUE;

THENCE SOUTH 89°30'06" EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 88.28 FEET;

THENCE SOUTH 00°37'23" WEST, A DISTANCE OF 42.50 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10;

THENCE NORTH 89°30'07" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 180.00 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 9;

THENCE NORTH 00°37'23" EAST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 9, A DISTANCE OF 380.78 FEET;

THENCE NORTH 89°11'28" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID NORTH TAFT HILL ROAD;

THENCE NORTH 00°37'23" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 210.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THAT PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 20170065218 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER;

THENCE, ALONG THE BOUNDARY OF SAID PARCEL, THE FOLLOWING SEVENTEEN (17) COURSES;

1. NORTH 89°11'28" WEST, A DISTANCE OF 140.00 FEET;
2. SOUTH 00°37'23" WEST, A DISTANCE OF 210.00 FEET;
3. NORTH 89°11'28" WEST, A DISTANCE OF 449.79 FEET;
4. NORTH 07°27'22" WEST, A DISTANCE OF 88.61 FEET;
5. NORTH 05°33'47" EAST, A DISTANCE OF 50.50 FEET;
6. NORTH 28°31'47" EAST, A DISTANCE OF 60.60 FEET;
7. NORTH 53°20'47" EAST, A DISTANCE OF 82.24 FEET;
8. NORTH 49°50'47" EAST, A DISTANCE OF 95.75 FEET;
9. NORTH 32°12'47" EAST, A DISTANCE OF 49.00 FEET;
10. NORTH 14°59'47" EAST, A DISTANCE OF 58.00 FEET;
11. NORTH 01°50'13" WEST, A DISTANCE OF 48.30 FEET;
12. NORTH 45°12'13" WEST, A DISTANCE OF 43.03 FEET;
13. NORTH 78°09'13" WEST, A DISTANCE OF 269.50 FEET;
14. NORTH 51°19'13" WEST, A DISTANCE OF 228.00 FEET;
15. NORTH 59°37'13" WEST, A DISTANCE OF 306.00 FEET;
16. NORTH 30°00'13" WEST, A DISTANCE OF 138.83 FEET, TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9;
17. SOUTH 89°09'04" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1204.72 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY OF NORTH TAFT HILL ROAD;

THENCE CONTINUING SOUTH 89°05'56" EAST, A DISTANCE OF 40.08 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 16.988 ACRES, (739,986 SQUARE FEET), 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 _____, 2019, 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, 2020, 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 Amended and Restated Intergovernmental Agreement effective July 15, 2014, 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
Name: _____

Darin A. Atteberry, City Manager

Approved as to form:

Assistant City Attorney
Name: _____

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