

**RESOLUTION NO. 18-\_\_\_\_**

**A RESOLUTION AUTHORIZING THE TOWN OF ERIE TO PROVIDE FIRE PROTECTION SERVICE TO CERTAIN ANNEXED PROPERTY**

**WHEREAS**, the Town of Erie (“Town”) has annexed territories which have been historically provided with fire protection by the Lafayette Rural Fire Protection District (“Lafayette Rural”), more specifically described in the attached **Exhibit “A”** (the “Annexed Properties”); and

**WHEREAS**, the Town provides fire protection to its citizens and property through an exclusive provider Intergovernmental Agreement with Mountain View Fire Protection District (“Mountain View”), executed by the parties on September 28, 2004, and amended in 2007 (together referred to as the “Agreement”); and

**WHEREAS**, the Agreement requires exclusion of properties within the boundaries of the Town from any fire protection district other than Mountain View, as permitted by §32-1-502, C.R.S.; and

**WHEREAS**, the Annexed Properties are currently outside the boundaries of Mountain View and within the boundaries of Lafayette Rural; and

**WHEREAS**, the Town seeks to provide fire protection services to the Annexed Properties pursuant to the Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:**

Section 1. In accordance with the requirements of the Agreement, the Town hereby directs the Town’s legal counsel to work with legal counsel for Mountain View to petition the District Court on behalf of the Town for the exclusion of the Annexed Properties from any fire protection district providing fire protection services within the Annexed Properties, other than Mountain View.

Section 2. The Town agrees to provide fire protection services to the Annexed Properties pursuant to the Agreement, such services to be provided by Mountain View pursuant to the Agreement, on and after the effective date of the Order for Exclusion to be issued by the District Court.

Section 3. This Resolution shall take effect immediately upon adoption. Town staff is directed to take all actions necessary to fulfill the purpose of this Resolution.

Section 4. That entering providing fire protection services to the Annexed Properties pursuant to the Agreement is found to be in the best interest of the Town of Erie, and necessary for the preservation of the public health and safety.

**ADOPTED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018, BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.**

**TOWN OF ERIE,**  
a Colorado municipal corporation

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:

By: \_\_\_\_\_  
Jessica Koenig, Deputy Town Clerk

## **Exhibit A**

### **Properties for Exclusion from Lafayette Rural Fire Protection District**

BOULDER Account R0021590

Property Address: 12420 ARAPAHOE RD

City: ERIE

Owner: DONLEY JERRY D and JOYCE A

Parcel Number: 146536000003

Mailing Address: 12300 ARAPAHOE RD

City, State, Zip: LAFAYETTE CO, 80026

Sec-Town-Range: 36 -1N -69

Subdivision: EAST COUNTY

Jurisdiction: Erie

Legal Description: 10 AC NW 1/4 NE 1/4 LESS MIN 36-1N-69 PER DEED 970256 03/03/89  
BCR

BOULDER Account R0021521

Property Address: 12300 ARAPAHOE RD

City: ERIE

Owner: DONLEY JERRY D

Parcel Number: 146536000004

Mailing Address: 12300 ARAPAHOE RD

City, State, Zip: LAFAYETTE CO, 80026-9400

Sec-Town-Range: 36 -1N -69

Subdivision: EAST COUNTY

Jurisdiction: Erie

Legal Description: 10 AC NW 1/4 NE 1/4 36-1N-69

Square Feet: 422,601

Acres: 9.70

BOULDER Account Number: R0606664

Owner: ZAHN JOHN H TRUST ET AL

Owner: ZAHN ROSEMARIE TRUST ET AL

Mailing Address: 205 GRANDVIEW CIR

City: MEAD CO

Zip: 80542

Sec-Town-Range: 36 -1N -69

Subdivision: EAST COUNTY

Parcel Number: 146536100002

Property Address: 0 E COUNTY LINE RD

Location: ERIE

Jurisdiction: Erie

Legal Description: NE 1/4 NE 1/4 36-1N-69 PER REC # 3495071 LESS 0.136 ACS IN NE COR  
TO TOWN OF ERIE PER REC # 3497939 TOTAL 19.86 ACS TOTAL

BOULDER Account R0601284

Property Address: 1401 E COUNTY LINE RD

City: ERIE

Owner: JMJC ELEVEN LLC

Parcel Number: 146536002002

Mailing Address: 5652 DELAWARE ST

City, State, Zip: LITTLETON CO, 80120

Sec-Town-Range: 36 -1N -69

Subdivision: MUHR

Jurisdiction: Erie

Legal Description: LOT 1 BLK 1 MUHR

Square Feet: 590,458

Acres: 13.55

BOULDER Account R0601283

Property Address: 1401 E COUNTY LINE RD

City: ERIE

Owner: JMJC ELEVEN LLC

Parcel Number: 146536002001

Mailing Address: 5652 DELAWARE ST

City, State, Zip: LITTLETON CO, 80120

Sec-Town-Range: 36 -1N -69

Subdivision: MUHR

Jurisdiction: Erie

Legal Description: TRACT A BLK 1 MUHR

Square Feet: 258,450

Acres: 5.93

**LAFAYETTE 7 LLP PROPERTY:**

Boulder County Parcel Number: 146536000009

**PARCEL I:**

A TRACT OF LAND LOCATED IN SECTION 36, T1N, R69W OF THE 6TH P.M., BOULDER COUNTY, COLORADO DESCRIBED AS FOLLOWS: BEGINNING AT THE N1/4 CORNER OF SECTION 36, THENCE SOUTH 0°11'35" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, A DISTANCE OF 2,653.24 FEET TO THE CENTER OF SECTION 36; THENCE SOUTH 89°56'20" EAST ALONG THE EAST-WEST CENTER-LINE OF SECTION 36, A DISTANCE OF 1,327.92 FEET TO THE NORTHWEST CORNER OF THE NE1/4 OF THE SE1/4 OF SECTION 36 AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°21'10" WEST, 1,323.16 FEET TO THE SOUTHWEST CORNER OF THE NE1/4 OF THE SE1/4 OF SECTION 36; THENCE NORTH 89°55'19" EAST A DISTANCE OF 314.82 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF THE SE1/4 TO A POINT ON A CURVE, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF THE BURLINGTON RAILROAD, FROM WHICH A RADIAL LINE BEARS NORTH 23°08'41" WEST; THENCE ALONG A CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 40°34', AND WHOSE RADIUS IS 666.26 FEET, A DISTANCE OF 471.70 FEET TO THE POINT OF TANGENCY; THENCE NORTH 26°17'19" EAST ALONG SAID WESTERLY RIGHT-OF-WAY A DISTANCE OF 525.34 FEET TO THE PC OF A CURVE WITH A CENTRAL ANGLE OF 4°20'04" AND A RADIUS OF 5450.80 FEET; THENCE ALONG SAID CURVE TO THE LEFT, A DISTANCE OF 413.24 FEET ALONG RAILROAD R.O.W. TO A POINT ON A CURVE, THENCE NORTH 68°02'45" WEST ALONG A

RADIAL LINE A DISTANCE OF 421.85 FEET; THENCE NORTH 89°56'20" WEST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 36, 652.08 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL II:**

TRACT R-9, A TRACT OF LAND LOCATED IN SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M. BOULDER COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT THE N1/4 CORNER, THENCE SOUTH 0°11'35" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 36, 2,653.24 FEET TO THE CENTER OF SECTION 36; THENCE SOUTH 89°56'20" EAST ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 36, A DISTANCE OF 1,320 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°56'20" EAST ALONG THE EAST-WEST CENTERLINE A DISTANCE OF 660 FEET; THENCE NORTH 0°11'35" EAST ALONG THE WEST LINE OF A TRACT SHOWN AS TRACT I-2 ON SURVEY RECORDED BOULDER COUNTY, RECEPTION NO. 807363 A DISTANCE OF 1,321.63; THENCE NORTH 89°48'25" WEST ALONG THE SOUTH LINE OF A TRACT SHOWN AS TRACT R-6 ON A SURVEY RECORDED BOULDER COUNTY, RECEPTION NO. 807363, A DISTANCE OF 660 FEET; THENCE SOUTH 0°11'35" WEST ALONG THE EAST LINE OF A TRACT SHOWN AS TRACT R-8 ON SURVEY RECORDED BOULDER COUNTY, RECEPTION NO. 807363, A DISTANCE OF 1,323.17 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL III:**

THOSE CERTAIN EASEMENTS AS SET FORTH IN DOCUMENT RECORDED MARCH 6, 1967, AT RECEPTION NO. 840827, FILM NUMBER 596. COUNTY OF BOULDER, STATE OF COLORADO.

**THE MILLICAN REVOCABLE TRUST PROPERTY:**

Boulder County Parcel Number: 146536000045

THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (NW 1/4, SE 1/4) AND THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (NE 1/4, SW 1/4) AND THE SOUTH ONE-HALF OF THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (S 1/2, N1/2, NW 1/4, SW 1/4) OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6 TH P.M., COUNTY OF BOULDER, STATE OF COLORADO.

LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF THE BNSF RAILWAY.

**RICHARD SCHILLAWSKI PROPERTY:**

Boulder County Parcel Number: 146536000014

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 36, T1N, R69W OF THE 6TH P.M., BOULDER COUNTY, COLORADO, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER FROM WHENCE THE NORTHWEST CORNER OF SECTION 36 BEARS N 01°17'40" W, 1333.00 FEET AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO, THENCE N 89°03'27" E, 1332.38 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, NORTHWEST QUARTER, THENCE S 01°08'00" E, 1329.72 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, NORTHWEST QUARTER, THENCE S 88°54'59" W, 1328.62 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER,

NORTHWEST QUARTER, THENCE N 01°17'40" W, 1333.00 TO THE POINT OF BEGINNING.  
COUNTY OF BOULDER,  
STATE OF COLORADO.

**LINN S. MCDONALD PROPERTY:**

Boulder County Parcel Number: 146536000028

THAT PART OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 (S1/2 SE1/4) OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE SE1/4 OF SAID SECTION 36 FROM WHICH THE SOUTHWEST CORNER OF THE SE1/4 OF SAID SECTION BEARS S 0°11'E, A DISTANCE OF 75.0 FEET, THE TRUE POINT OF BEGINNING; THENCE N 89°48' E ALONG THE NORTH RIGHT OF WAY LINE OF ST. HIGHWAY NO. 7, A DISTANCE OF 850.33 FEET; THENCE N 26°59' E, A DISTANCE OF 1320 FEET; THENCE N 89°48' E, A DISTANCE OF 371 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY OF BOULDER COUNTY ROAD NO. 901; THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF SAID ROAD TO NORTH LINE OF S1/2 SE1/4 OF SECTION 36; THENCE S 89°44' W ALONG SAID NORTH LINE OF S1/2 SE1/4 OF SECTION 36, A DISTANCE OF 1864.18 FEET, TO THE NW CORNER OF S1/2 SE1/4 OF SECTION 36; THENCE S 0°11' E, ALONG THE WEST LINE OF S1/2 SE1/4 OF SECTION 36, A DISTANCE OF 1242.80 FEET TO THE TRUE POINT OF BEGINNING.

LESS AND EXCEPT ANY PORTION THEREOF CONVEYED TO THE DENVER, UTAH AND PACIFIC RAILROAD CO. BY INSTRUMENTS RECORDED JUNE 4, 1890 IN BOOK 113 AT PAGE 407, JANUARY 4, 1892 IN BOOK 149 AT PAGE 267, MAY 3, 1892 IN BOOK 149 AT PAGE 470 AND JANUARY 23, 1896 IN BOOK 176 AT PAGE 454.

**SONJA J. LEWIS PROPERTY:**

Boulder County Parcel Number: 146536000044

THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO.

**OEO, LLC (FORMERLY BNSF) PROPERTY PARCEL 1:**

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36 BEING N 00°11'12" E AND MONUMENTED AS FOLLOWS:

SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, BEING A FOUND 2.5' ALUMINUM CAP, RLS 4846.

SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846.

**POINT OF COMMENCEMENT (POC)** AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36;

THENCE S 51° 42' 02" E A DISTANCE OF 145.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THAT RAILROAD RECORDED AT B149 P470 AND B149 P267 AND THE **POINT OF BEGINNING (POB)**;

THENCE ALONG THE EASTERLY, SOUTHERLY AND NORTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD RECORDED AT B149 P470 AND B149 P267 THE FOLLOWING THIRTEEN (13) COURSES:

- 1) S 26°47'29" W A DISTANCE OF 58.55 FEET;
- 2) ALONG A CURVE TO THE **RIGHT** HAVING A DELTA OF 06°23'50", A RADIUS OF 750.00 FEET, AN ARC LENGTH OF 83.74 FEET, AND WHOSE LONG CHORD BEARS S 89°48'55" W FOR A DISTANCE OF 83.70 FEET;
- 3) N 86°59'11" W A DISTANCE OF 333.47 FEET;
- 4) ALONG THE ARC OF A CURVE TO THE **RIGHT** HAVING A DELTA OF 67°02' 57", HAVING A RADIUS OF 725.00 FEET, AN ARC LENGTH OF 848.42 FEET, AND WHOSE LONG CHORD BEARS S 32°03'30" E FOR A DISTANCE OF 800.83 FEET;
- 5) S 26°13'11" W A DISTANCE OF 154.73 FEET;
- 6) ALONG THE ARC OF A CURVE TO THE **LEFT** HAVING A DELTA OF 100°28'03", HAVING A RADIUS OF 675.00 FEET, AN ARC LENGTH OF 1183.60 FEET, AND WHOSE LONG CHORD BEARS N 36°45'09" W FOR A DISTANCE OF 1037.69 FEET.
- 7) N 86°59'11" W A DISTANCE OF 2059.44 FEET;
- 8) N 00°14'20" W A DISTANCE OF 50.08 FEET;
- 9) S 86°59'11" E A DISTANCE OF 1195.21 FEET;
- 10) S 89°49'19" E A DISTANCE OF 126.67 FEET;
- 11) S 00°20'01" E A DISTANCE OF 6.28 FEET;
- 12) S 86°59'11" E A DISTANCE OF 1338.24 FEET;
- 13) ALONG THE ARC OF A CURVE TO THE **LEFT** HAVING A DELTA OF 08°48'25", HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 107.60 FEET, AND WHOSE LONG CHORD BEARS N 88°36'37" E FOR A DISTANCE OF 107.49 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 186,437 SQUARE FEET, OR 4.2800 ACRES MORE OR LESS.

**OEO, LLC (FORMERLY BNSF) PROPERTY PARCEL 2:**

A PARCEL OF LAND LOCATED IN SECTION 36, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36 BEING N 00°11'12" E AND MONUMENTED AS FOLLOWS:

SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846.

SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, BEING A FOUND 2.5" ALUMINUM CAP, RLS 4846.

**POINT OF COMMENCEMENT (POC)** AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4

OF THE SOUTHEAST 1/4 OF SECTION 36;

THENCE S 71° 20'26"E A DISTANCE OF 227.22 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THAT RAILROAD RECORDED AT B149 P470, B149 P267 AND 8113 P407 AND THE **POINT OF BEGINNING (POB)**;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF THAT RAILROAD RECORDED AT B149 P470, 8149 P267 AND 8113 P407 THE FOLLOWING TWO (2);

1) ALONG A CURVE TO THE **LEFT** HAVING A DELTA OF 16°09'20", A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 197.38 FEET, AND WHOSE LONG CHORD BEARS N 67°44'50" E FOR A DISTANCE OF 196.72 FEET;

2) S 89°44'25" W A DISTANCE OF 82.54 FEET TO A POINT ON THE EASTERLY LINE OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 551020;

THENCE ALONG SAID EASTERLY LINE OF THAT PARCEL OF LAND RECORDED AT RECEPTION NO. 551020 THE FOLLOWING THREE (3) COURSES

1) ALONG A CURVE TO THE **LEFT** HAVING A DELTA OF 40°33'18", A RADIUS OF 666.26 FEET, AN ARC LENGTH OF 471.59 FEET, AND WHOSE LONG CHORD BEARS N 46°29'50" E FOR A DISTANCE OF 461.81 FEET;

2) N 26°13' 11" E A DISTANCE OF 525.34 FEET;

3) ALONG A CURVE TO THE **LEFT** HAVING A DELTA OF 04°20'37", A RADIUS OF 5450.80 FEET, AN ARC LENGTH OF 413.22 FEET, AND WHOSE LONG CHORD BEARS N 23°55'02" E FOR A DISTANCE OF 413.13 FEET TO A POINT ON THE SOUTHERLY LINE OF MUHR SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. 3235164;

THENCE ALONG SAID SOUTHERLY LINE OF MUHR SUBDIVISION AND THE EXTENSION THEREOF THE FOLLOWING THREE (3) COURSES:

1) S 68°15' 16" E A DISTANCE OF 51.82 FEET;

2) ALONG A CURVE TO THE **LEFT** HAVING A DELTA OF 01°57'51", A RADIUS OF 5500.00 FEET, AN ARC LENGTH OF 188.55 FEET, AND WHOSE LONG CHORD BEARS N 20°28'27" E FOR A DISTANCE OF 188.54 FEET;

3) N 89°52'16" E A DISTANCE OF 52.23 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD RECORDED AT B149 P470, B149 P267 AND B113 P407;

THENCE ALONG THE EASTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD RECORDED AT B149 P470, 3149 P267 AND 8113 P407 THE FOLLOWING SIX (6) COURSES;

1) ALONG A CURVE TO THE **RIGHT** HAVING A DELTA OF 06°29'30", A RADIUS OF 5550.80 FEET,

AN ARC LENGTH OF 628.92 FEET, AND WHOSE LONG CHORD BEARS S 22°50'40" W FOR A DISTANCE OF 628.58 FEET;

2) S 26°13'11" W A DISTANCE OF 910.50 FEET;

3) S 89°36'29" W A DISTANCE OF 111.85 FEET;

4) N 26°13'11" E A DISTANCE OF 88.01 FEET;

5) ALONG A CURVE TO THE **RIGHT** HAVING A DELTA OF 11°44'34", A RADIUS OF 750.00 FEET, AN ARC LENGTH OF 153.71, AND WHOSE LONG CHORD BEARS S 58°45'25" W FOR A DISTANCE OF 153.44 FEET;

6) S 89°36' 29" W A DISTANCE OF 149.95 FEET TO THE **POINT OF BEGINNING**;

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 168,651 SQUARE FEET, OR 3.8717 ACRES MORE OR LESS.