

**CERTIFIED ORDER
INCLUSION OF REAL PROPERTY INTO THE
EVANS FIRE PROTECTION DISTRICT**

THIS MATTER comes before the Board of Directors ("**Board**") of the Evans Fire Protection District ("**District**") upon the Petition of Gary W. Wiedeman ("**Landowner**"), who is the one hundred percent (100%) fee owner of certain real property more specifically identified in the Petition attached as **Exhibit A** ("**Property**"), for inclusion of the Property into the District's jurisdiction. The Board makes the following Findings and Order:

I. FINDINGS

1. The District is a political subdivision of the State of Colorado, formed pursuant to the Special District Act, C.R.S. § 32-1-101, *et seq.*, to provide fire protection, fire suppression, emergency medical, rescue, and hazardous materials services (collectively, "**Emergency Services**") to the citizens and property within its jurisdiction.

2. The Property currently is located within the jurisdiction and boundaries of the LaSalle Fire Protection District ("**LaSalle FPD**").

3. The Property has been annexed into the boundaries and jurisdiction of the City of Evans ("**City**").

4. In calendar year 2011, the City entered into an Intergovernmental Agreement for the Transfer of Emergency Services ("**IGA**") with the District. Pursuant to the IGA, it is the City's and District's intent that the District's boundaries and jurisdiction shall at all times include all property located within the City's corporate boundaries, as such boundaries may be adjusted from time-to-time through annexation or otherwise.

5. The Landowner is the 100% fee owner of the Property.

6. The Landowner submitted a Petition to the District for inclusion of the Property into the District's jurisdiction.

7. Pursuant to C.R.S. § 32-1-401(1)(b), the District duly published notice of a public meeting to be held on October 24, 2022 to consider the Petition for inclusion of the Property.

8. On October 24, 2022, the Board held a public meeting to consider the Landowner's request that the Property be included within the District's jurisdiction. During the public meeting, the Board received no objection to the Landowner's request to include the Property within the District's jurisdiction.

9. The Board finds it is in the best interests of the citizens within its jurisdiction, the Property, and the Landowner, and is consistent with the District's obligations under the IGA, to include the Property within the District's jurisdiction immediately upon exclusion from LaSalle FPD's jurisdiction.

10. Having received no objection to the proposed inclusion during the public meeting, and after considering the proposed inclusion during its meeting on October 24, 2022, the Board

adopted a Resolution approving the Landowner's Petition for Inclusion of Property. A copy of the Resolution is attached as **Exhibit B**.

11. The District has complied with all statutory notice and hearing requirements set forth in C.R.S. § 32-1-401.

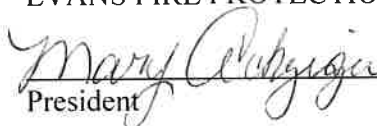
II. ORDER OF INCLUSION

Pursuant to C.R.S. § 32-1-401, *et seq.*, the Board hereby Orders inclusion of the Property specifically identified in **Exhibit A** immediately upon exclusion of the Property from LaSalle Fire Protection District's jurisdiction.

Pursuant to C.R.S. § 32-1-402(1)(b), after the date of inclusion into the District, the Property shall be subject to all of the taxes and charges imposed by the District and shall be liable for its proportionate share of the District's existing bonded indebtedness; however, the Property shall not be liable for any taxes or charges levied or assessed prior to its inclusion into the District, nor shall its entry into the District be made subject to or contingent upon the payment or assumption of any tax, rate, fee, toll, or charge that is not uniformly made, assessed, or levied for the entire District without the prior consent of the Landowner or approval of the electors of the Property.

DATED this 24th day of October, 2022.

BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT



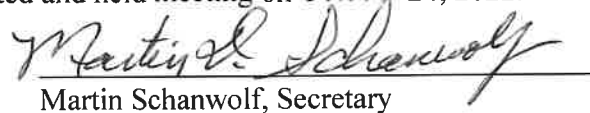
President



Secretary

CERTIFICATION

I, Martin Schanwolf, Secretary of the Board of Directors of the Evans Fire Protection District, do hereby certify that the foregoing is a true and accurate copy of the Order of Inclusion adopted by the District Board during its duly posted and held meeting on October 24, 2022.



Martin Schanwolf, Secretary

**PETITION TO THE EVANS FIRE PROTECTION DISTRICT
FOR INCLUSION OF PROPERTY**

WHEREAS, the undersigned Petitioner is the 100% fee owner of certain real property, the legal description of which is attached hereto as Exhibit A ("Property");

WHEREAS, the Property has been annexed to the City of Evans ("City"). The Property also currently is within, and receives fire and emergency services from, the LaSalle Fire Protection District ("LaSalle FPD");

WHEREAS, in 2011 the City organized the Evans Fire Protection District ("Evans FPD") to provide fire and emergency services to all property then annexed to, or that in the future may be annexed to, the City;

WHEREAS, as a condition of the Annexation Agreement entered into by and between the Petitioner and the City, the Petitioner is required to exclude the Property from LaSalle FPD's jurisdiction and include the Property into Evans FPD's jurisdiction; and

WHEREAS, Petitioner has petitioned the Board of Directors of LaSalle FPD to exclude the Property from LaSalle FPD's jurisdiction, and desires to include the Property into Evans FPD's jurisdiction immediately upon its exclusion from LaSalle FPD, stating:

1. The Petitioner assents to and requests the inclusion of the Property into Evans FPD's jurisdiction;

2. The Petitioner understands and agrees that, pursuant to C.R.S. § 32-1-401(1)(c)(I), the Evans FPD Board may grant or deny this Petition in whole or in part, and with any conditions it deems necessary and appropriate;

3. The Petitioner understands and agrees that, pursuant to C.R.S. § 32-1-402, upon inclusion into Evans FPD, the Property shall be subject to all of the taxes and charges imposed by Evans FPD and shall be liable for its proportionate share of existing bonded indebtedness of Evans FPD; but the Property shall not be liable for any taxes or charges levied or assessed prior to its inclusion into Evans FPD; nor shall inclusion of the Property be made subject to or contingent upon the payment or assumption of any tax, rate, fee, toll, or charge, other than the taxes, rates, fees, tolls and charges which are uniformly made, assessed or levied for all of Evans FPD, without the prior consent of the Petitioner. The Property shall also be liable for its proportionate share of annual operation and maintenance charges and the cost of facilities of Evans FPD and taxes, rates, fees, tolls or charges shall be certified and levied or assessed therefore;

4. The Petitioner understands and agrees that, pursuant to C.R.S. § 32-1-402(1)(c), the Petitioner may be required to pay a one-time processing fee incident to inclusion of the Property within Evans FPD. If a fee is required, Petitioner agrees to pay the fee contemporaneously with the filing of this Petition; and

5. The Petitioner understands and agrees it cannot withdraw this Petition without the consent of the Evans FPD Board of Directors after Evans FPD has published notice of a public hearing on the Petition.

NOW THEREFORE, pursuant to C.R.S. § 32-1-401(1), the Petitioner respectfully petitions the Board of Directors of the Evans FPD to include the Property into Evans FPD's jurisdiction immediately upon its exclusion from LaSalle FPD's jurisdiction.

Dated: September 23, 2022

Property Owner:

Gary W. Wiedeman

Gary W. Wiedeman

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 23 day of September 2022,
by Gary W. Wiedeman.

Witness my hand and official seal.

Melissa Wheeler

Notary Public

My commission expires: 6/17/2023

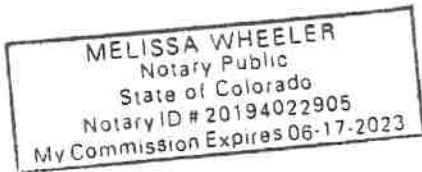


EXHIBIT A

After Recording Return to:
Gary W. Wiedeman
5880 W. 49th Street
Greeley, CO 80634

Doc Fee: \$69.00

WARRANTY DEED

This Deed, made September 9, 2015

Between **Western Equipment & Truck, a Colorado corporation** of the County Weld, State of COLORADO, grantor(s) and **Gary W. Wiedeman**, whose legal address is 5880 W. 49th Street, Greeley, CO 80634 County of Weld, and State of COLORADO, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of **SIX HUNDRED FIFTY THOUSAND DOLLARS AND NO/100'S (\$650,000.00)** the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together with improvements, if any, situated, lying and being in the County of Weld, State of COLORADO described as follows:

See Exhibit A attached hereto and made a part hereof.

also known by street and number as **vacant land, Evans, CO 80634**

TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversions and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the sealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 (Title Review) of the contract dated August 5, 2015, between the parties.

The grantor shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

Western Equipment & Truck, a Colorado corporation



Craig Sparrow, President

STATE OF COLORADO
COUNTY OF WELD

The foregoing Instrument was acknowledged, subscribed and sworn to before me September 9, 2015 by Craig Sparrow, President of Western Equipment & Truck Inc., a Colorado corporation.

Witness my hand and official seal

Melinda Gualandri
Notary Pub. Inc
State of Colorado
My Commission Expires: October 17, 2018
LIC# 1984401849



Notary Public
My Commission expires:

Wdcorp

ESCROW NO 459-80443209-084-MG4



ATTACHED LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26, AND CONSIDERING THE NORTH LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26 TO BEAR SOUTH 89°16'27" WEST WITH ALL OTHER BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 19°16'27" WEST, ALONG THE NORTH LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 1,947.33 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26;

THENCE SOUTH 89°16'27" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26 A DISTANCE OF 30.05 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 54, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTH 89°16'27" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 54, A DISTANCE OF 466.82 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 4072128;

THENCE SOUTH 00°49'33" EAST ALONG THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 4072128, A DISTANCE OF 200.00 FEET TO THE SOUTH WEST CORNER OF SAID PARCEL;

THENCE NORTH 89°16'27" EAST, ALONG THE SOUTH LINE OF THOSE PARCELS OF LAND DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBERS 4072128 AND 4072127, A DISTANCE OF 490.00 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE UNDER SAID RECEPTION NUMBER 4072127, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 4407119;

THENCE SOUTH 89°03'00" EAST, ALONG THE SOUTH LINE OF THAT PARCEL DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 4197143, A DISTANCE OF 541.41 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, SAID CORNER ALSO BEING A POINT LYING ON THE WEST LINE OF THAT PARCEL DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 1424201;

THENCE ALONG THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 1424201, THE FOLLOWING 5 COURSES:

SOUTH 00°05'03" EAST A DISTANCE OF 1,052.67 FEET;
THENCE SOUTH 00°06'45" EAST A DISTANCE OF 99.97 FEET;
THENCE SOUTH 00°40'31" EAST A DISTANCE OF 191.93 FEET;
THENCE SOUTH 00°02'20" WEST A DISTANCE OF 525.99 FEET;
THENCE SOUTH 00°04'54" WEST A DISTANCE OF 234.06 FEET

TO THE SOUTHWEST CORNER OF SAID PARCEL.

THENCE NORTH 18°17'09" EAST, ALONG THE SOUTH LINE OF THAT PARCEL DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 1424201, A DISTANCE OF 478.17 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 35TH AVENUE;

THENCE SOUTH 00°02'20" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 35TH AVENUE, A DISTANCE OF 15.74 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 3650429;

THENCE ALONG THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 3650429, THE FOLLOWING 9 COURSES:

NORTH 88°44'53" WEST A DISTANCE OF 54.35 FEET;
THENCE SOUTH 87°53'12" WEST A DISTANCE OF 230.00 FEET;
THENCE SOUTH 88°13'53" WEST A DISTANCE OF 300.01 FEET;
THENCE SOUTH 89°08'18" WEST A DISTANCE OF 450.00 FEET;
THENCE SOUTH 82°53'24" WEST A DISTANCE OF 65.00 FEET;
THENCE SOUTH 88°42'37" WEST A DISTANCE OF 150.00 FEET;
THENCE SOUTH 88°37'00" WEST A DISTANCE OF 100.01 FEET;
THENCE SOUTH 88°28'01" WEST A DISTANCE OF 250.00 FEET;
THENCE SOUTH 88°47'21" WEST A DISTANCE OF 133.39 FEET

TO THE NORTHWEST CORNER OF SAID PARCEL, SAID CORNER ALSO BEING ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26;

THENCE NORTH 04°04'33" WEST ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 26 A DISTANCE OF 2,366.01 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION CREATED BY:

**NOTICE OF PUBLIC MEETING
ON PETITION FOR INCLUSION OF PROPERTY INTO THE
EVANS FIRE PROTECTION DISTRICT**

PLEASE TAKE NOTICE that at 6:30 p.m. on October 24, 2022, the Board of Directors of the Evans Fire Protection District ("District") will hold a public meeting to consider a Petition by Gary W. Wiedeman, 5880 W. 49th Street, Greeley, CO 80634, to include into the District's jurisdiction and boundaries the following real property, which currently is located within the LaSalle Fire Protection District:

A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF
SECTION 26,
TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY,
STATE OF COLORADO

Copies of the Petition and the legal description of the real property subject to the requested inclusion may be obtained from the District at its Administrative Office, located at Fire Station 2, 2100 37th Street, Evans, CO 80620; (970) 339-3920.

The public meeting will be held at the District's Fire Station 2 at the address above. Questions prior to the public meeting should be directed to Fire Chief Joe DeSalvo, (970) 339-3920.

All interested persons, municipalities, or counties that may be able to provide service to the above-identified real property shall appear at the public meeting and show cause in writing why the Board of Directors of the District should not adopt a final resolution and order approving inclusion of the real property. The Board of Directors may continue the public meeting to a subsequent meeting. The failure of any person within the District to file a written objection shall be taken as an assent on his or her part to the inclusion of the property into the District's jurisdiction.

BY ORDER OF THE BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT

By: /s/ Martin Schanwolf
Secretary

**RESOLUTION OF THE BOARD OF DIRECTORS OF
EVANS FIRE PROTECTION DISTRICT
FOR INCLUSION OF REAL PROPERTY**

THIS MATTER comes before the Board of Directors ("**Board**") of the Evans Fire Protection District ("**District**") upon the Petition of Gary W. Wiedeman ("**Landowner**"), who is the one hundred percent (100%) fee owner of certain real property more specifically identified in the Petition attached as **Exhibit A** ("**Property**"), to include the Property into the District's jurisdiction pursuant to C.R.S. § 32-1-401 of the Special District Act.

WHEREAS, the District is a political subdivision of the State of Colorado, formed pursuant to C.R.S. § 32-1-101, *et seq.* of the Special District Act, to provide fire suppression, fire prevention, rescue, hazardous materials, and emergency medical services (collectively, "**Emergency Services**") to the citizens and property within its jurisdiction;

WHEREAS, the Property currently is located within the jurisdiction and boundaries of the LaSalle Fire Protection District ("**LaSalle FPD**");

WHEREAS, the Property has been annexed into the jurisdiction and boundaries of the City of Evans ("**City**");

WHEREAS, in calendar year 2011, the City entered into an Intergovernmental Agreement for the Transfer of Emergency Services ("**IGA**") with the District. Pursuant to the IGA, it is the City's and District's intent that the District's boundaries and jurisdiction shall at all times include all property located within the City's corporate boundaries, as such boundaries may be adjusted from time-to-time through annexation or otherwise;

WHEREAS, pursuant to C.R.S. § 32-1-401(1)(b), the District duly published notice of a public meeting to be held on October 24, 2022 to consider the Landowner's Petition for Inclusion. The Notice of Public Meeting is attached as **Exhibit B**;

WHEREAS, on October 24, 2022, the District Board held a public meeting to consider the Landowner's request that the Property be included within the District's jurisdiction;

WHEREAS, during the October 24, 2022 public meeting, the District Board received no objection to the Landowner's request that the Property be included within the District's jurisdiction; and

WHEREAS, the Board of Directors has determined it is in the best interests of the District, the District's constituents, the Property, and the Landowner, and is consistent with the District's obligations under the IGA, that the Property be included within the District's jurisdiction immediately upon exclusion from LaSalle FPD's jurisdiction.

NOW THEREFORE, pursuant to C.R.S. § 32-1-401, the District Board hereby approves the inclusion of the Property identified in Exhibit A within the boundaries and jurisdiction of the Evans Fire Protection District immediately upon exclusion of the Property from LaSalle Fire Protection District's jurisdiction.

Pursuant to C.R.S. § 32-1-402(1)(b), after the date of inclusion into the District, the Property shall be subject to all of the taxes and charges imposed by the District and shall be liable for its proportionate share of the District's existing bonded indebtedness; however, the Property shall not be liable for any taxes or charges levied or assessed prior to its inclusion into the District, nor shall its entry into the District be made subject to or contingent upon the payment or assumption of any tax, rate, fee, toll, or charge that is not uniformly made, assessed, or levied for the entire District without the prior consent of the Landowner or approval of the electors of the Property.

ADOPTED this 24th day of October, 2022.

BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT



President



Secretary

**NOTICE OF PUBLIC MEETING
ON PETITION FOR INCLUSION OF PROPERTY INTO THE
EVANS FIRE PROTECTION DISTRICT**

PLEASE TAKE NOTICE that at 6:30 p.m. on October 24, 2022, the Board of Directors of the Evans Fire Protection District ("District") will hold a public meeting to consider a Petition by Gary W. Wiedeman, 5880 W. 49th Street, Greeley, CO 80634, to include into the District's jurisdiction and boundaries the following real property, which currently is located within the LaSalle Fire Protection District:

A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF
SECTION 26,
TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, WELD COUNTY,
STATE OF COLORADO

Copies of the Petition and the legal description of the real property subject to the requested inclusion may be obtained from the District at its Administrative Office, located at Fire Station 2, 2100 37th Street, Evans, CO 80620; (970) 339-3920.

The public meeting will be held at the District's Fire Station 2 at the address above. Questions prior to the public meeting should be directed to Fire Chief Joe DeSalvo, (970) 339-3920.

All interested persons, municipalities, or counties that may be able to provide service to the above-identified real property shall appear at the public meeting and show cause in writing why the Board of Directors of the District should not adopt a final resolution and order approving inclusion of the real property. The Board of Directors may continue the public meeting to a subsequent meeting. The failure of any person within the District to file a written objection shall be taken as an assent on his or her part to the inclusion of the property into the District's jurisdiction.

BY ORDER OF THE BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT

By: /s/ Martin Schanwolf
Secretary