

**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 MountainTRAX Intermodal LLC ("**Landowner**"), which 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 ("**Evans**");

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 September 28, 2020 to consider the Landowner's Petition for Inclusion. The Notice of Public Meeting is attached as **Exhibit B**;

WHEREAS, on September 28, 2020, 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 September 28, 2020 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 28th day of September, 2020.

BOARD OF DIRECTORS OF THE
EVANS FIRE PROTECTION DISTRICT



President



Secretary

EXHIBIT A

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

Full Legal Description:

- (A) A tract of land located in the Southwest 1/4 of the Northwest 1/4 of Section 11, Township 4 North, Range 66 West of the 6th P.M., and being more particularly described as follows:

Commencing at the Northwest Corner of the Southwest 1/4 of the Northwest 1/4 of said Section 11 and considering the West line of said Section 11 to bear North 00°06'47" West and with all other bearing contained herein being relative thereto;

Thence North 89°58'30" East along the North line of the Southwest 1/4 Northwest 1/4 of said Section 11, 781.20 feet to the True Point of Beginning;

Thence continuing North 89°58'30" East along said North line 547.03 feet to the Northeast Corner of the Southwest 1/4 Northwest 1/4 of said Section 11;

Thence South 00°05'06" East along the East line of the Southwest 1/4 Northwest 1/4 of said Section 11, 358.05 feet;

Thence South 89°58'30" West, 334.70 feet; thence North 30°44'21" West, 416.45 feet to the True Point of Beginning, County of Weld, State of Colorado.

- (B) An easement for ingress and egress on the following described property:

That portion of Lot A, Recorded Exemption No. 1057-11-2-RE-2688, located in the SW 1/4 of the NW 1/4 of Section 11, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado and being more particularly described follows:

Beginning at the Northwest corner of the SW 1/4 NW 1/4 of said Section 11, and considering the West line Section 11 to bear North 00°06'47" West and with all other bearings contained herein being relative thereto;

Thence North 89°58'30" East along the North line of the SW 1/4 NW 1/4 of said Section 11, 781.20 feet;

Thence South 30°44'21" East, 25.59 feet;

Thence South 89°58'30" West, 794.23 feet to the West line of said Section 11;

Thence North 00°06'47" West along the West line of said Section 11, 22.00 feet to the Point of Beginning. County of Weld, State of Colorado.

EXHIBIT B

**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 September 28, 2020, the Board of Directors of the Evans Fire Protection District ("District") will hold a public meeting to consider a Petition by MountainTRAX Intermodal LLC, 800 8th Avenue, Suite 122, Greeley, CO 80631, to include into the District's jurisdiction and boundaries the following real property, which currently is located within the LaSalle Fire Protection District:

A tract of land located in the Southwest 1/4 of the Northwest 1/4 of Section 11, Township 4 North, Range 66 West of the 6th P.M., County of Weld, 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 x201.

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 Ron Pristera, (970) 339-3920 x201.

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/ Marty Schanwolf
Secretary