

**MEMORANDUM OF AGREEMENT FOR  
CONTINUATION OF SERVICE  
(POUDRE VALLEY FIRE PROTECTION DISTRICT/CITY OF FORT COLLINS)**

THIS AGREEMENT, is made and entered into on \_\_\_\_\_, 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, 2024, 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

EXHIBIT B

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

\_\_\_\_\_  
Anissa Hollingshead, City Clerk

\_\_\_\_\_  
Kelly DiMartino, City Manager

Approved as to form:

\_\_\_\_\_  
Dawn Downs, Senior Assistant City Attorney

EXHIBIT B

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

EXHIBIT B  
EXHIBIT A TO MEMORANDUM OF AGREEMENT

PEAKVIEW ANNEXATION NUMBER ONE

A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 2-1/2" ALUMINUM CAP STAMPED "LS 23503" AT THE WEST END AND A 2-1/2" ALUMINUM CAP STAMPED "LS 22573" AT THE EAST END, SAID LINE BEING ASSUMED TO BEAR S89°11'21"E.

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9;

THENCE ON THE NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9, S88°55'11"E A DISTANCE OF 42.00 FEET;

THENCE DEPARTING SAID NORTH LINE, THE FOLLOWING THIRTY-EIGHT (38) COURSES:

1. S00°14'19"W A DISTANCE OF 827.07 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 84.00 FEET, A CENTRAL ANGLE OF 11°15'25" AND AN ARC LENGTH OF 16.50 FEET, TO A POINT OF TANGENT;
3. S11°01'07"E A DISTANCE OF 41.76 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 116.00 FEET, A CENTRAL ANGLE OF 11°15'25" AND AN ARC LENGTH OF 22.79 FEET, TO A POINT OF TANGENT;
5. S00°14'19"W A DISTANCE OF 75.11 FEET, TO A POINT OF CURVE;
6. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 166.00 FEET, A CENTRAL ANGLE OF 06°41'42" AND AN ARC LENGTH OF 19.40 FEET, TO A POINT OF TANGENT;
7. S06°56'01"W A DISTANCE OF 85.38 FEET, TO A POINT OF CURVE;
8. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 06°41'42" AND AN ARC LENGTH OF 15.66 FEET, TO A POINT OF TANGENT;
9. S00°14'19"W A DISTANCE OF 182.11 FEET, TO A POINT OF CURVE;
10. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 84.00 FEET, A CENTRAL ANGLE OF 09°54'53" AND AN ARC LENGTH OF 14.54 FEET, TO A POINT OF TANGENT;
11. S09°40'35"E A DISTANCE OF 52.35 FEET, TO A POINT OF CURVE;
12. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 116.00 FEET, A CENTRAL ANGLE OF 09°54'53" AND AN ARC LENGTH OF 20.07 FEET, TO A POINT OF TANGENT;
13. S00°14'19"W A DISTANCE OF 102.11 FEET, TO A POINT OF CURVE;

EXHIBIT B  
EXHIBIT A TO MEMORANDUM OF AGREEMENT

14. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 166.00 FEET, A CENTRAL ANGLE OF 06°23'15" AND AN ARC LENGTH OF 18.51 FEET, TO A POINT OF TANGENT;
15. S06°37'34"W A DISTANCE OF 78.77 FEET, TO A POINT OF CURVE;
16. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 09°33'20" AND AN ARC LENGTH OF 22.35 FEET, TO A POINT OF REVERSE CURVE;
17. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,033.00 FEET, A CENTRAL ANGLE OF 09°59'32" AND AN ARC LENGTH OF 180.15 FEET, TO A POINT OF COMPOUND CURVE;
18. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 84.00 FEET, A CENTRAL ANGLE OF 11°47'15" AND AN ARC LENGTH OF 17.28 FEET, TO A POINT OF TANGENT;
19. S24°42'34"E A DISTANCE OF 43.84 FEET, TO A POINT OF NON-TANGENT CURVE;
20. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S64°54'15"W, HAVING A RADIUS OF 108.19 FEET, A CENTRAL ANGLE OF 10°37'19" AND AN ARC LENGTH OF 20.06 FEET, TO A POINT OF NON-TANGENT;
21. S14°51'36"E A DISTANCE OF 50.10 FEET;
22. S13°42'52"E A DISTANCE OF 50.01 FEET;
23. S14°51'36"E A DISTANCE OF 36.74 FEET;
24. S14°51'36"E A DISTANCE OF 47.62 FEET, TO A POINT OF CURVE;
25. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 03°07'00" AND AN ARC LENGTH OF 1.09 FEET, TO A POINT OF REVERSE CURVE;
26. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 129.00 FEET, A CENTRAL ANGLE OF 08°04'32" AND AN ARC LENGTH OF 18.18 FEET, TO A POINT OF TANGENT;
27. S19°49'08"E A DISTANCE OF 108.53 FEET, TO A POINT OF CURVE;
28. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 179.00 FEET, A CENTRAL ANGLE OF 01°22'20" AND AN ARC LENGTH OF 4.29 FEET, TO A POINT OF TANGENT;
29. S21°11'28"E A DISTANCE OF 91.99 FEET, TO A POINT OF CURVE;
30. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 49.00 FEET, A CENTRAL ANGLE OF 62°31'40" AND AN ARC LENGTH OF 53.47 FEET, TO A POINT OF REVERSE CURVE;
31. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 541.00 FEET, A CENTRAL ANGLE OF 05°46'51" AND AN ARC LENGTH OF 54.58 FEET, TO A POINT OF COMPOUND CURVE;
32. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 291.00 FEET, A CENTRAL ANGLE OF 09°27'22" AND AN ARC LENGTH OF 48.03 FEET, TO A POINT OF COMPOUND CURVE;
33. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 17°32'15" AND AN ARC LENGTH OF 8.88 FEET, TO A POINT OF TANGENT;
34. S50°56'41"E A DISTANCE OF 28.81 FEET, TO A POINT OF CURVE;

EXHIBIT B  
EXHIBIT A TO MEMORANDUM OF AGREEMENT

35. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 09°31'31" AND AN ARC LENGTH OF 3.32 FEET, TO A POINT OF REVERSE CURVE;

36. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 283.00 FEET, A CENTRAL ANGLE OF 25°29'51" AND AN ARC LENGTH OF 125.94 FEET, TO A POINT OF TANGENT;

37. S34°58'22"E A DISTANCE OF 155.19 FEET, TO A POINT OF CURVE;

38. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 217.00 FEET, A CENTRAL ANGLE OF 48°41'45" AND AN ARC LENGTH OF 184.43 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST MULBERRY STREET AND A POINT OF NON-TANGENT;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, N89°11'21"W A DISTANCE OF 161.98 FEET, TO A POINT OF NON-TANGENT CURVE;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING SIXTEEN (16) COURSES:

1. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N41°03'41"E, HAVING A RADIUS OF 283.00 FEET, A CENTRAL ANGLE OF 13°57'58" AND AN ARC LENGTH OF 68.98 FEET, TO A POINT OF TANGENT;

2. N34°58'22"W A DISTANCE OF 155.19 FEET, TO A POINT OF CURVE;

3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 217.00 FEET, A CENTRAL ANGLE OF 12°12'50" AND AN ARC LENGTH OF 46.26 FEET, TO A POINT OF COMPOUND CURVE;

4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 19°54'23" AND AN ARC LENGTH OF 6.95 FEET, TO A POINT OF TANGENT;

5. N67°05'34"W A DISTANCE OF 29.69 FEET, TO A POINT OF CURVE;

6. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 29.00 FEET, A CENTRAL ANGLE OF 07°34'05" AND AN ARC LENGTH OF 3.83 FEET, TO A POINT OF REVERSE CURVE;

7. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 189.00 FEET, A CENTRAL ANGLE OF 15°18'19" AND AN ARC LENGTH OF 50.49 FEET, TO A POINT OF COMPOUND CURVE;

8. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 409.00 FEET, A CENTRAL ANGLE OF 17°14'40" AND AN ARC LENGTH OF 123.10 FEET, TO A POINT OF COMPOUND CURVE;

9. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 54.00 FEET, A CENTRAL ANGLE OF 43°02'58" AND AN ARC LENGTH OF 40.57 FEET, TO A POINT OF COMPOUND CURVE;

10. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 79.00 FEET, A CENTRAL ANGLE OF 50°07'19" AND AN ARC LENGTH OF 69.11 FEET, TO A POINT OF TANGENT;

11. S05°14'45"E A DISTANCE OF 94.32 FEET, TO A POINT OF CURVE;

EXHIBIT B  
EXHIBIT A TO MEMORANDUM OF AGREEMENT

12. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 35°00'00" AND AN ARC LENGTH OF 6.11 FEET, TO A POINT OF NON-TANGENT REVERSE CURVE;

13. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S56°47'06"E, HAVING A RADIUS OF 10.12 FEET, A CENTRAL ANGLE OF 38°04'04" AND AN ARC LENGTH OF 6.73 FEET, TO A POINT OF NON-TANGENT REVERSE CURVE;

14. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S85°00'07"W, HAVING A RADIUS OF 517.00 FEET, A CENTRAL ANGLE OF 05°14'12" AND AN ARC LENGTH OF 47.25 FEET, TO A POINT OF TANGENT;

15. S00°14'19"W A DISTANCE OF 11.14 FEET, TO A POINT OF NON-TANGENT CURVE;

16. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N89°37'29"E, HAVING A RADIUS OF 30.51 FEET, A CENTRAL ANGLE OF 28°12'43" AND AN ARC LENGTH OF 15.02 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EAST MULBERRY STREET AND A POINT OF NON-TANGENT;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, N89°11'21"W A DISTANCE OF 154.79 FEET, TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9;

THENCE ON SAID WEST LINE, N00°14'19"E A DISTANCE OF 2,604.37 FEET, TO THE POINT OF BEGINNING.

EXHIBIT B  
EXHIBIT A TO MEMORANDUM OF AGREEMENT

TIMBER LARK ANNEXATION

A tract of land situate in the SE  $\frac{1}{4}$  of Section 7, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado, which considering the East line of the said SE  $\frac{1}{4}$  as bearing North and South and with all bearings contained herein relative thereto is contained within the boundary lines which begin at a point which bears N 624.80 feet, and again West 473.48 feet from the SE corner of said Section 7 and run thence West 2059.56 feet to a point on the East line of the Union Pacific Railroad; thence along said East line N 0°25' W 695.01 feet; thence East 2538.16 feet to a point on the East line of the said SE  $\frac{1}{4}$ ; thence S 235.00 feet along the said East line; thence West 473.48 feet; thence South 460.00 feet to the Point of Beginning, County of Larimer, State of Colorado

EXCEPT that portion dedicated as a public highway in Deed of Dedication recorded May 27, 1981 in Book 2117 at Page 226, Larimer County records.

The above-described tract of land contains 1,532,128 square feet or 35.173 acres, more or less.