



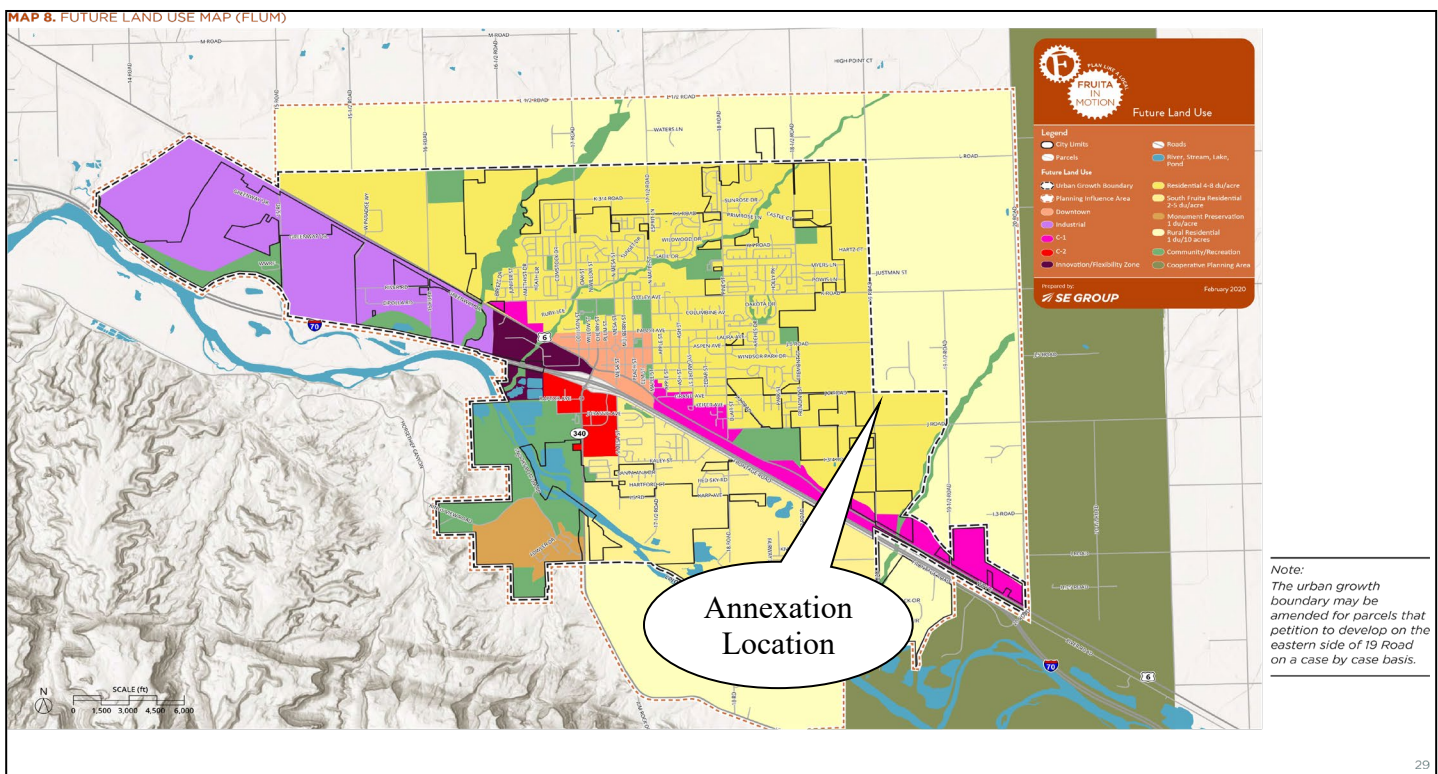
**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
JUNE 14, 2022**

Application #: 2022-20
Project Name: Adeles Acres Annexation
Application: Annexation
Property Owner: 1024 19 Road LLC
Representative: River City Consultants, Inc.
Location: 1024 19 Road
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval of the annexation of approximately 15 acres into the Fruita City Limits.

PROJECT DESCRIPTION:

The property owner of 1024 19 Road, 1024 19 Road LLC, applied to annex the property. The subject property is approximately 15 acres and is located on the east side of 19 Road at the intersection of 19 Road and J.2 Road. The property currently contains a single-family dwelling unit on the southwest corner.

FUTURE LAND USE MAP (FLUM)

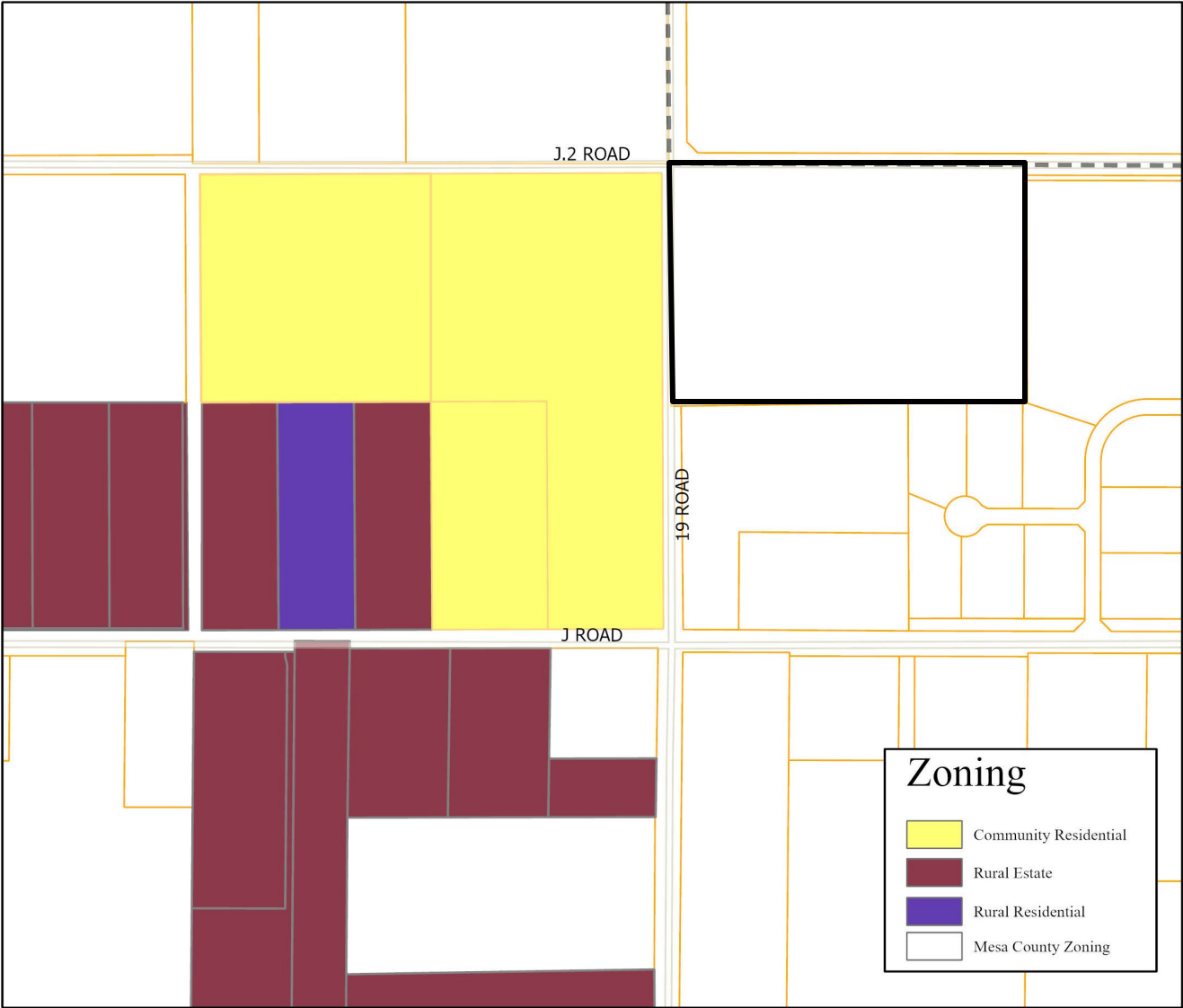




SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential with small scale farming nearby. Mesa County and the URR zone is to the east with 1-acre parcels being developed. The map below identifies the various zones in this area.

LOCATION AND ZONING MAP



2020 AERIAL PHOTOGRAPH



REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

ANNEXATION

Section 17.17.050 (A) - If the subject property is located within the city's Urban Growth Boundary (UGB) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

- 1. The annexation meets the requirements of the applicable State Statutes;**

This annexation request meets the requirements of state laws. The property has the required 1/6th contiguity with existing city limits which is required per Section 31-12-104 of the Colorado Revised Statutes (CRS).

In accordance with CRS 31-12-104 (1)(a), the subject property has achieved the required 1/6 contiguity with the existing city limits. This section states that *“Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed.”* The city limits border this property on the west side by 660.05 feet according to the annexation map submitted with the application. The property to the west was annexed in January 2022 (Ordinance 2022-04).

Additionally, the Fruita Comprehensive Plan supports this area to be incorporated within the city limits as referenced in the above map. This criterion has been met.

2. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;

Annexation of the subject property will not trigger an extension of city utility services. Review of adequate and appropriate city utilities will be evaluated at the time this property develops. The subject property is within the Urban Growth Boundary (UGB) and is planned to be served with city utilities at some point in the future. The city is the provider for sanitary sewer and the extension of sewer will need to be accomplished as part of a residential development. The extension of the Highway 6 Interceptor Sewer Line was meant to open up the development pressures along the 19 Road corridor. This line is currently at the intersection of Iron Drive and 19 Road. Annexation and future development of the subject property will ensure that development pressures within the UGB are controlled by the Fruita Land Use Code and are provided urban level services. There is also a sewer recapture agreement (adopted by City Council on September 17, 2019 – Resolution 2019-44) as part of the Highway 6 Interceptor Sewer Line construction, this agreement would require all those who tap into the line to pay \$2,000 per dwelling unit back to the City of Fruita as outlined in the agreement.

With regards to other utilities, the subject property would be subject to adequate review by outside agencies like Ute Water, Grand Valley Power and all review comments are considered in the development process. As for the annexation itself, there doesn't appear to be a need for the extension or upgrade of any utilities at this time. This criterion can be met as the city has planned for the subject property to be incorporated into the city limits within the Comprehensive Plan.

3. The area is contiguous with existing urban development;

The subject property is not currently contiguous with existing urban development; however, there is a pending subdivision application to the west and was recently annexed in early 2022. Additionally, the surrounding properties to the south, west, and northwest are all recommended in the Comprehensive Plan as supporting urban development as a future land use. This criterion is considered met at this time.

4. The area is or can be efficiently served by police and other municipal services;

The subject property is within the service area for the Fruita Police Department, the Lower Valley Fire District. Since the subject property is already being served by these services, this criterion has been met.

5. The development is consistent with community goals, principles, and policies as expressed in the Fruita Comprehensive Plan;

Annexation within the Comprehensive Plan states that the city should, “Approve annexation of parcels within the UGB (Urban Growth Boundary) at the desired densities as described in the FLUM (Future Land Use Map). Annexation should help ensure that new development at the edge of the city is consistent with the goals and policies of this plan.”

Additionally, the city should “Ensure that new development pays its own way and does not burden the existing community with additional capital or operating costs. Ensure that new annexations at the city’s edge share appropriately in the costs of connecting all utility, park, drainage, pedestrian, and road systems.”

Furthermore, the city should “Avoid ‘leapfrog’ developments that leave discontinuous street and utility systems. Consider annexation proposals on the basis of the logical and cost-effective extension of utilities, pedestrian connections, parks, drainage, and road systems. Also consider the fiscal burden of the annexation in terms of major capital investments that would be needed by the City (wastewater, roads).”

Annexation of the subject property has been considered as meeting the intents and purposes of the basis of logical and cost-effective extensions of utilities and road systems. Upon development of the subject property, the extension of the sewer line and right-of-way improvements will all be required and should enhance urban development along the 19 Road corridor. This should allow for the necessary sewer and road improvements and to ensure that development contributes to the impacts created.

Annexation of the property appears to be consistent with the Fruita Comprehensive Plan. These approval criteria are intended to implement the goals and policies of the Fruita Comprehensive Plan regarding annexations. It appears that the approval criteria either have been met or can be met, therefore, this annexation is consistent with the Fruita Comprehensive Plan.

6. The annexation is supported by local residents and landowners;

The Fruita Comprehensive Plan (Fruita In Motion: Plan Like A Local) was adopted by the Fruita City Council on February 4, 2020 (Resolution 2020-09). Fruita in Motion: Plan like a Local speaks to the community's significant role in the planning process. Residents helped shape every element of the plan, from sharing what they valued about Fruita and identifying issues for the plan to address, to reviewing drafts, and providing feedback on goals and policies. The process reached a large swath of the community, through traditional outreach (open houses, an advisory committee) and meeting people where they are, with booths at farmers markets, the art stroll, and other city events and the draft plan tour, where City staff met with HOAs and other local groups to share the plan and hear input from the community.

With regards to the subject property, 30 landowners were noticed of this annexation application. The number of property owners noticed of this application is set forth with the legal notice requirements contained in the Land Use Code. Staff has not received written public comments regarding this application.

The annexation is supported by the landowner and the landowner has signed the annexation petition. This is in accordance with C.R.S 31-12-107.

This criterion has been met.

7. Water and ditch rights can be provided, as applicable, in accordance with city policies;

The submittal application contained a water shares document showing 20 shares. The city standard is 1 – 1.5 irrigation shares per irrigated acre.

This application was sent to Grand Valley Irrigation Company (GVIC) for review and no review comments have been received at this time.

Additionally, this application was sent to Ute Water and review comments indicate no objections.

This criterion can be met.

8. The area will have a logical social and economic association with the city, and;

Annexation of the subject property will not provide much with respect to an economic association with the city at this time. However, growth and development within the city's UGB is planned and does make sense with respect to city services being extended. The extension of the Highway 6 Interceptor Sewer Line was meant to open up the development pressures along the 19 Road corridor. Annexation and future development of the subject property will ensure that development pressures within the UGB are controlled by the Fruita Land Use Code and are provided urban level services. This criterion can be met.

9. The area meets or can meet the existing infrastructure standards set forth by the city.

Staff recommends approval of the annexation petition with the condition that there will be dedication of additional right of way and multi-purpose easements as follows:

1. J.2 Road to have a total of 30 feet from the section line as dedicated right-of-way.
2. 19 Road to have a total of 50 feet from the section line as dedicated right-of-way.
3. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

This criterion can be met.

Based on this information, the annexation of the subject property meets or can meet the approval criteria that must be considered for annexations.

It should be noted that there is an existing telecommunications tower on the northwest corner of the subject property, this is legal non-conforming according to the Fruita Land Use Code as a Conditional Use Permit would be required prior to construction of the tower. The applicant has provided a letter from their attorney (attached with Staff Report materials) stating that the lease for the tower will not be renewed and will expire on January 14, 2023.

REVIEW COMMENTS:

No reviewer expressed any issues with the proposed annexation.

PUBLIC COMMENTS:

No written public comments have been received by Staff at this time.

LEGAL NOTICE

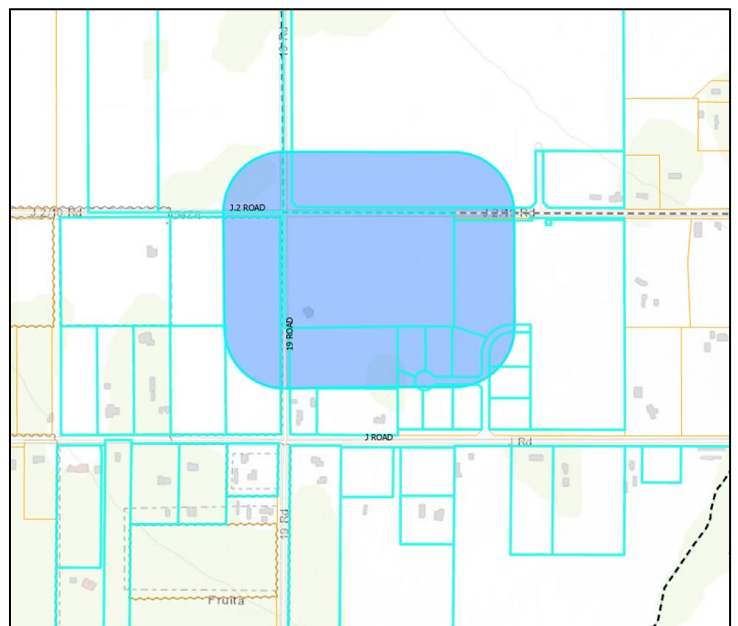
Legal Notice (minimum of 15 days prior to Planning Commission)	
May 27, 2022 (18 days prior)	Post Cards
May 27, 2022 (18 days prior)	Sign Posting
May 27, 2022 (18 days prior)	Legal Ad

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, June 14, 2022 at 6:00 p.m.** This meeting may be held in person subject to public health orders or by City Council direction. Details on how to access this meeting will be found at www.fruita.org. If the meeting is held in person, the virtual link will remain open for public participation. The following item will be presented at the public hearings. The Planning Commission will formulate a recommendation, which will be forwarded to the Fruita City Council. If the item listed below is acted on by the Planning Commission, the Fruita City Council will hold a public hearing on this same item on **Tuesday, August 16, 2022 at 7:00 p.m.** Please check www.fruita.org for more details. If you have an interest on the item please call 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. Your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Planning & Development Department.

Application # 2022-20
Application Name Adeles Acres
Application Type Annexation
Location 1024 19 Road
Current Zone: Mesa County Zoning AFT
Description This is a request to annex approximately 15.1 acres into the city limits.

Physically disadvantaged persons who wish to obtain information or need assistance in attending the Public Hearing, may call (970) 858-0786, the hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: www.fruita.org



STAFF RECOMMENDATION:

Staff recommends **approval** of the annexation petition with the condition that there will be dedication of additional right of way on J.2 and 19 Road and a 14-ft multipurpose easement adjacent to the right of way.

SUGGESTED PLANNING COMMISSION MOTION:

Mr. Chair, I move that we recommend **approval** to City Council, of application #2022-20, the Adeles Annexation with the condition that all review comments and issues identified in the Staff Report be adequately addressed or included with the Annexation Ordinance.

ANNEXATION SCHEDULE:

<i>Adeles Annexation Schedule</i>	
Date	Action
June 7, 2022	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * June 10, 2022 * June 17, 2022 * June 24, 2022 * July 1, 2022
June 14, 2022	Planning Commission considers Annexation & Zone
July 19, 2022	Resolution to find the property eligible for Annexation
July 19, 2022	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
August 16, 2022	2nd Reading of an Ordinance to Annex 2nd Reading of an Ordinance to Zone
Legal Notice (minimum of 15 days prior to Planning Commission)	
May 27, 2022	Post Cards
May 27, 2022	Sign Posting
May 27, 2022	Legal Ad

ANNEXATION IMPACT REPORT

CITY OF FRUITA

MAY 20, 2022

Application #: 2022-20
Project Name: Adeles Acres Annexation
Application: Annexation
Property Owner: 1024 19 Road LLC
Representative: River City Consultants, Inc.
Location: 1024 19 Road
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval of the annexation of approximately 15 acres into the Fruita City Limits.

Section 17.17.040 of the Fruita Land Use Code states that any annexation not requiring an election shall be accompanied by an annexation impact report which contains the following elements.

A. Plans of the municipality for extending to or otherwise providing for municipal services;

The Future Land Use Map (FLUM) within The Fruita In Motion: Plan Like A Local Comprehensive Plan shows the subject property within the City's Urban Growth Boundary. The Urban Growth Boundary was developed with the anticipation of providing the necessary municipal services. With that said, the city does have plans to provide municipal services to this area.

Historically, the City of Fruita has not forced the extension of municipal services. The city has been proactive in planning for future extensions of the city limits with regards to providing municipal services to the areas designated in the Urban Growth Boundary. This includes the municipal services provided by the City of Fruita (sanitary sewer and police).

Between 2018 to 2020 the City of Fruita completed the Highway 6 Sewer Interceptor Project which extended city sewer services to support development elements within the 2008 and 2020 Comprehensive Plans. This extension was then extended to 19 Road with the Iron Wheel Subdivision.

B. The City of Fruita's anticipated financing of the extension of services;

The City of Fruita will not be financing the extension of services (water, sewer, gas, etc.) to the subject property at this time. However, there is a sewer recapture fee for the subject property when it develops. (required to be paid to the city in accordance with the Recapture Agreement adopted by Resolution #2019-44)

C. The special districts included in the territory to be annexed;

No special districts are included within the territory to be annexed. Below are the agencies or entities that have taxing authority over the territory to be annexed. These agencies will be notified of the annexation application.

1. Lower Valley Fire Protection District.
2. Mesa County School District 51.
3. Grand Valley Irrigation Company.
4. Grand Valley Mosquito Control District.
5. Mesa County Public Library District.
6. Grand Valley Drainage District.
7. Colorado River Water District.
8. Library District.
9. Mesa County Social Services.

D. The effect of annexation on the public school district system including the estimated number of students generated and capital construction required to educate each student;

The school district boundaries for the recently constructed Monument Ridge Elementary School, Fruita Middle School, Fruita 8/9, and Fruita Monument High School already include the subject property. This implies that no new impacts on the school system would be generated from this annexation application. The impacts to the school district system will be evaluated by the Mesa County Valley School District when this property develops. The School District has been made aware of this annexation.

E. Traffic/pedestrian/bicycle impacts;

Traffic, pedestrian and bicycle impacts should not change with the annexation of the subject property. Traffic, pedestrian and bicycle impacts will remain the same.

F. Wastewater, water, drainage, and irrigation impacts, and;

Impacts on these facilities shouldn't change with the annexation itself. When the property develops, necessary regulations from review agencies will be reviewed with a land development application.

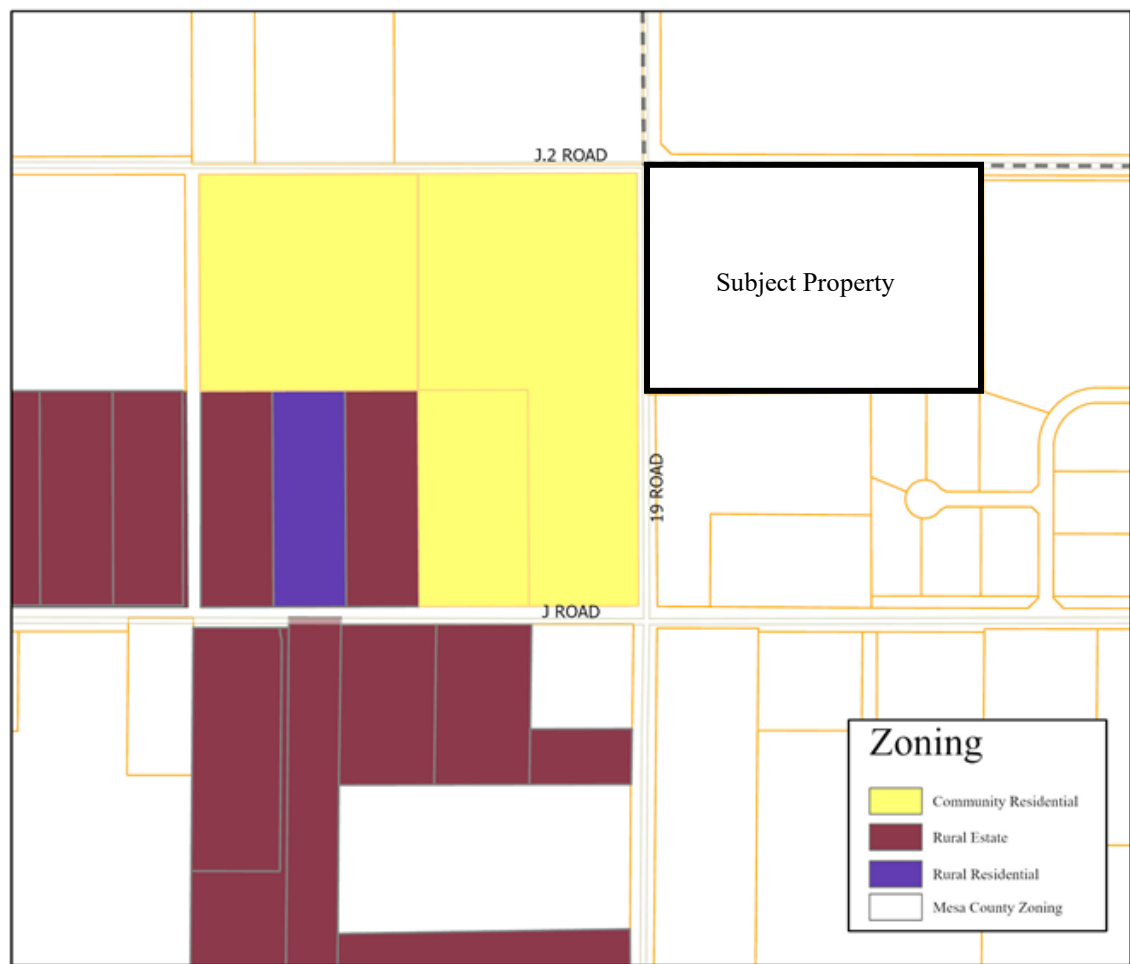
G. Other relevant information as required by the Community Development Department.

Review Agencies:

1. Xcel Energy
2. Grand Valley Power Company
3. Charter Communications
4. Century Link
5. Ute Water
6. Grand Valley Drainage District
7. Grand Valley Irrigation Company
8. Mesa County Community Development Department
9. Mesa County Building Department
10. Mesa County Surveyor
11. Mesa County Valley School District (School District 51)
12. 5-2-1 Drainage Authority
13. Lower Valley Fire Protection District
14. Grand River Mosquito District

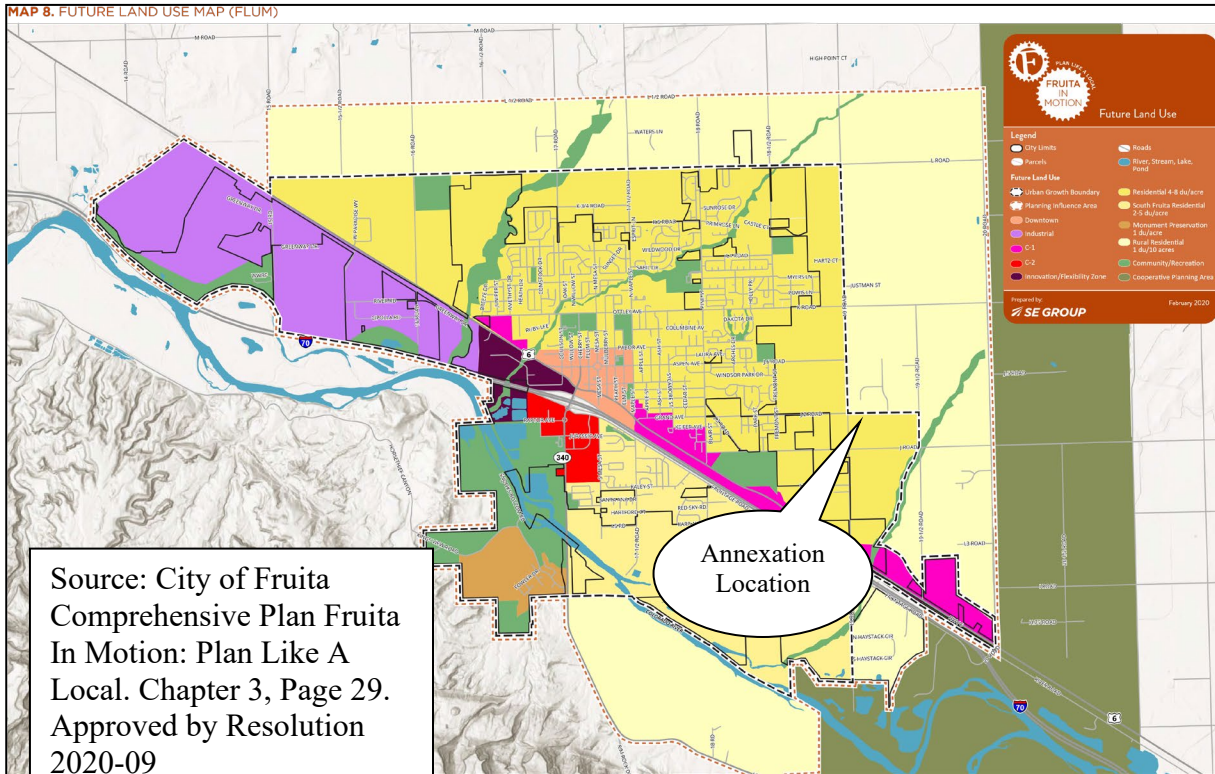
Map Exhibits:

Present City boundary



Proposed City Boundary set forth in the Future Land Use Map (FLUM)

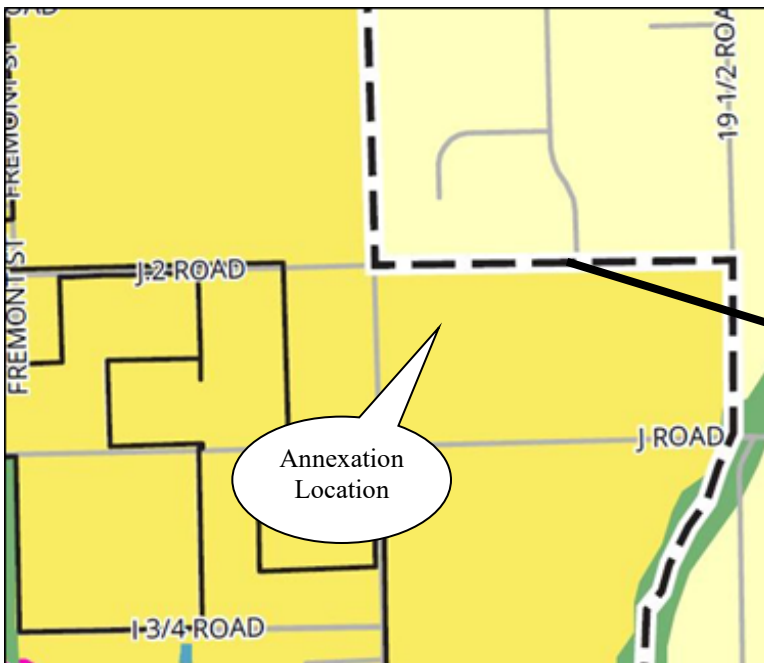
MAP 8. FUTURE LAND USE MAP (FLUM)



Source: City of Fruita
Comprehensive Plan Fruita
In Motion: Plan Like A
Local. Chapter 3, Page 29.
Approved by Resolution
2020-09

Note:
The urban growth
boundary may be
amended for parcels that
petition to develop on the
eastern side of 19 Road
on a case by case basis.

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2022-20 Adele's Acres Annexation Consolidated Review Comments

Mesa County GIS

Thank you for including me in this email. My only comment would be in relation to future road naming when the parcel further subdivides. If possible, please avoid punctuation in street names per the Mesa County Addressing Guidelines

(https://docs.google.com/document/d/146c9A9TxLdeYlCzDreyMsE2aqw2D-xM2sJrQ_9RPquo/edit?usp=sharing).

Grand Valley Drainage District

GVDD has no comments or objections to the annexation.

Grand Valley Power

GVP Comments

1. The project is in the Grand Valley Power (GVP) service area.
2. Three-phase power is available for this project, along 19 Road.

Lower Valley Fire District

No objection or comments.

Mesa County Stormwater

Mesa County Stormwater Division has no comments or objections. However, any subsequent development (if any) will need to apply for MS4 permit following annexation.

Mesa County Building Department

MCBD has no objections.

Mesa County Public Works Department

Mesa County Development Engineering Comments:

1. When development occurs on the annexed parcel the developer will need to coordinate with the County on any access to 19 Road or J 2/10 Road.

Ute Water

No objection to annexation.

- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.



FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Adele's Acres
 Project Location: 1024 19 road
 Current Zoning District: AFT Requested Zone: CR - Community Residential
 Tax Parcel Number(s): 2697-153-00-181 Number of Acres: 15.1
 Project Type: Annexation & Zoning Amendment

Property Owner: 1024 19 Rd LLC Developer: Futurado Development Llc
 Property Owner: _____ Contact: Darrell Cordova
 Address: 28331 318th Dr. SE Address: P,O,Box 2227
 City/State/Zip: Ravensdale, WA 98051 City/State/Zip: Glenwood Springs 81602
 Phone: 801 592 1988 Fax: _____ Phone: 801 592 1988 Fax: _____
 E-mail: darrell@futurado.com E-mail: darrell@futuradodevelopment.com

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: Futurado Development LLC Engineer: River City
 Contact: Darrell Cordova Contact: Courtney Patch (Project Coordinator) & Paul Southworth (Engineer)
 Address: P,O, box 2227 Address: 214 Pitkin Ave
 City/State/Zip: Glenwood Springs, CO 81602 City/State/Zip: Grand Junction, CO 81501
 Phone: 801 592 1988 Fax: _____ Phone: 970-241-4722 Fax: _____
 E-mail: darrell@futuradodevelopment.com E-mail: cpatch@rcwest.com

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

Darrell Cordova

[Signature]

4/1/2022

Name of Legal Owner

Signature

Date

Name of Legal Owner

Signature

Date

Name of Legal Owner

Signature

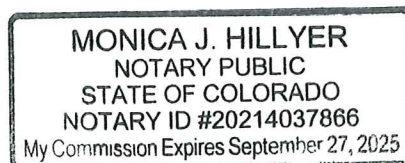
Date

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 1st day of April, 2022,

My Commission expires: 9/27/2025

[Signature]
 Notary Public





Project Narrative
Name: Adele's Acres Annexation
Application: Annexation/Zoning
April 19, 2022

Project Information

Applicant:	Darrell Cordova
Owner:	1024 19 Rd LLC
Representative:	Ivan Geer, P.E. & Courtney Patch, Project Coordinator - River City Consultants, Inc.
Location:	1024 19 Rd. Fruita, CO 81521
Parcel No:	2697-153-00-181
Application:	Annexation/Zoning
Zoning:	Current Mesa County AFT Proposed Community Residential (CR) within the City of Fruita

Project Description:

The project is located on the southeast corner of the intersection at J 2/10 Rd and 19 Rd, Fruita, Colorado 81521. The project is proposing Annexation the parcel with a Zoning of Community Residential (CR), which is identified as Residential (4-8 dwelling units/acre) on the Future Land Use map per the Fruita Master Plan. The total acreage is approximately 15.011 acres. All setback requirements for the CR zone district will be met when the parcel develops.

The parcel currently has an existing home located on the property and associated outbuildings, with direct access off 19 Rd. There is an existing agricultural access off J 2/10 Rd. J 2/10 Rd is classified as a rural local roadway. 19 Rd is classified as an Enhanced Travel Corridor.

The project is adequately served by all utilities except for sewer. The site has been agriculturally active. Major Subdivision and Site Design Review applications will be submitted at a later date and are expected to have minimal impact on urban services, i.e. police and fire protection.

This application includes documents as required by the submittal checklists provided by the City of Fruita.

Annexation and Zoning – Within the City’s Urban Growth Area

Does the annexation meet the requirements of State law (Title 31, Article 12)?

The annexation of the subject property does meet the requirements of Colorado State Law (Title 31, Article 12). Petitions for Annexation and Annexation Maps have been included with this submittal and the subject property has the 1/6 contiguity with the City limits required for annexation. The legal description of the annexation can be found on the Annexation Map.

Can the area to be annexed be efficiently served by urban services and facilities (police and fire protection, sanitary sewer service, potable and irrigation water, drainage structures, streets and trails, etc.) and what will the impact be to these urban services and facilities?

The project is adequately served by utilities with the exception of sewer. There is an existing septic system that serves the existing home. Sewer will have to be extended from Iron Wheel Subdivision north up 19 Rd or to the east from Cotton Woods Subdivision on J 2/10 Rd. It is proposed to subdivide the parcel into approximately 46 lots. A Major Subdivision application will be submitted at a later date and is expected to have minimal impact on urban services, i.e. police and fire protection.

Is the area to be annexed contiguous with existing urban development?

As explained above, the property has the 1/6 contiguity required for annexation and is adjacent to Rural Residential zoned property to the west, with Community Residential zoning 0.4 miles to the west.

Is the annexation consistent with the City’s Master Plan?

The annexation and proposed zoning are consistent with the City’s Master Plan including the Fruita Community Plan. The project provides residentially zoned land within the City’s Urban Growth Area and as identified per the City’s Master Plan and future land use designation.

Is the annexation supported by local residents and landowners?

The project has not been presented to the public.

Will the annexed land have a logical social and economic association with the city?

The annexation and future development of the parcel will provide the city with increased tax revenues and needed residentially zoned land for future development.

Zoning Map Amendment (Rezone)

- 1. The proposed amendment is compatible with surrounding land uses, pursuant to Section 17.05.080 (C), and is consistent with the city's goals, policies and Master Plan; and***

The request to rezone to CR is compatible with adjacent zoned property to the west and CR zoned land/uses further to the west. Surrounding lands uses include agricultural and residential uses. The project provides residentially zoned land within the City's Urban Growth Area and as identified per the City's Master Plan and future land use, making this project consistent with the City's goals, policies and Master Plan.

- 2. The land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the city's goals, policies and Master Plan; or***

The land to be rezoned is currently outside of the City of Fruita city limits. This criterion is not applicable.

- 3. The area for which the amendment is requested has changed substantially such that the proposed zoning better meets the needs of the community; or***

This area is just inside the Urban Growth Boundary. In order to develop this property, the parcel must annex and be zoned within the city limits. The proposed CR zoning is an appropriate zoning for the project.

- 4. The amendment is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions and is consistent with the city's goals, policies and Master Plan; or***

A new Comprehensive Plan was adopted in February 2020. The project is currently outside of the City of Fruita limits and must be zoned upon annexation. The CR zoning is an appropriate zone district based on the adopted Comprehensive Plan.

- 5. The zoning amendment is incidental to the annexation of the subject property and the proposed zoning is consistent with the city's goals, policies, and Master Plan.***

The project is requesting annexation into the limits of the City of Fruita. The requested zoning to the CR zone district is consistent with the City's goals and policies as expressed in the Master Plan.

List of Current Land Uses:

Adjacent parcels in the surrounding area consist of the following zoning districts:

Fruita City Limits

Rural Estate (RE): low density residential uses compatible with rural areas.

Community Residential (CR): moderate density detached single-family residential neighborhoods.

Rural Residential (RR)

Unincorporated Mesa County

Agricultural, Forestry, Transitional District (AFT): Agricultural and residential uses

Urban Residential Reserve (URR): low density single-family residential development

Residential Single Family – Estate District (RSF-E): low density, estate-type, single family residential development.

Land uses surrounding this parcel include mostly residential and agricultural uses. The parcel is approximately ½ mile from the Fruita Monument High School to the southwest. Highway 6 & 50 is approximately ¾ mile south, which includes some community mixed use and commercially zoned parcels with retail businesses on site.

PETITION FOR ANNEXATION

WE, THE UNDERSIGNED, in accordance with the Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, hereby petition the City Council of the City of Fruita, Colorado, for the annexation of the unincorporated area located in the County of Mesa, State of Colorado, as described on attached Exhibit A.

In support of this Petition, the Petitioners state:

1. It is desirable and necessary that the above-described area be annexed to the City of Fruita, Colorado.
2. The requirements of Section 31-12-104, C.R.S., as amended, exist or have been met, to wit:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fruita;
 - b. A community interest exists between the area proposed to be annexed and the City of Fruita;
 - c. The area proposed to be annexed is urban or will be urbanized in the near future; and
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fruita.
3. The requirements of Section 31-12-105 C.R.S., as amended, exist or have been met, to wit:
 - a. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way;
 - b. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together, with the buildings and improvements situated thereon) has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year

next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners;

- c. No annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality;
 - d. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of same to another school district;
 - e. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the City of Fruita more than three miles in any direction from any point of the City's boundary in any one year;
 - f. If any portion of the platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed; and
 - g. Reasonable access shall not be denied to landowners, owners of easements, or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the City of Fruita.
- 4. The Petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.
 - 5. This Petition for Annexation satisfies the requirements of Article II, Section 30, of the Colorado Constitution in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Fruita.
 - 6. Attached hereto and incorporated by reference is an Annexation Map showing:
 - a. The boundary of the area proposed to be annexed including a legal description of the area to be annexed:
 - b. The location of each ownership tract in unplatted land and the boundaries and the plat numbers of plots or of lots and blocks; and
 - c. The contiguous boundary of the City of Fruita abutting the area proposed to be annexed.

7. All of the petitioners signed this Petition for Annexation no more than 180 days prior to the date of the filing of this Petition for Annexation.

WHEREFORE, the Petitioners request that the Fruita City Council approve the annexation of the area proposed to be annexed.

Dated this 1st day of April, 2022.



Property Owner


Property Owner

County of Mesa)
) ss.
State of Colorado)

Subscribed and sworn to before me this 1st day of April, 2022 by
Darrell Cordova

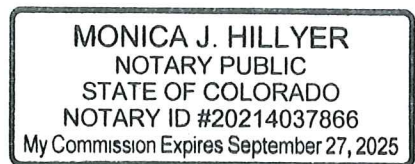
Witness my hand and official seal.

My commission expires: 9/27/2025



Notary Public

Mailing address of each property owner:
P.O. Box 2227 Glenwood Springs, CO 81601



AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, being first duly sworn upon oath, deposes and says:

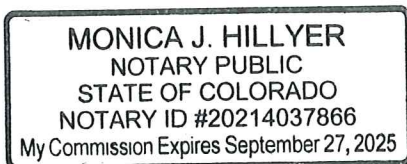
That he/she was the circulator of the foregoing Petition for Annexation consisting of 4 pages, including this page and that each signature thereon was witnessed by your affidavit and is the true signature of the person whose name it purports to be.

Courtney Patch
Circulator

State of Colorado)
) ss.
County of Mesa)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 1st day of April, 2022, by Courtney Patch.

Witness my hand and official seal.



Monica J. Hillyer
Notary Public

My commission expires: 9/27/2025

(NUMBER)

37660

(SHARES)

-20-

INCORPORATED UNDER THE LAWS OF THE STATE OF COLORADO

THE GRAND VALLEY IRRIGATION COMPANY

THE SAID SHARES OF THIS COMPANY ARE ASSESSABLE UNDER ITS BY-LAWS, BY THE BOARD OF DIRECTORS
CAPITAL STOCK, \$240,000 - 48,000 SHARES, \$5.00 EACH

This Certifies that

1024 19 RD LLC

is the owner of _____
Shares of the Capital Stock of

Twenty

THE GRAND VALLEY IRRIGATION COMPANY, Full Paid and Assessable

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed

this 20th day of January A.D. 2022

Shirley Mueller
SECRETARY

Robert Rasmussen
PRESIDENT





Gregory K. Hoskin
Terrance L. Farina
Gregg K. Kampf
David A. Younger
David M. Scanga
Michael J. Russell
John T. Howe
Laurie A. Cahill
Andrew H. Teske
John P. Justus
Nicholas H. Gower
Kellianne Chamberlain
David A. Price
Tammy M. Eret
* L. Richard (Dick) Bratton
** William A. Hillhouse II
** Eliza F. Hillhouse
Michael H. Luedtke
Stephen K. Erkenbrack
Karoline M. Henning
Heather R. Buller
John T. Pryzgoda
Brent A. Starnes

October 26, 2021

**VIA E-MAIL (tracyharmer@adaptive-communications.com)
and U.S. MAIL**

Adaptive Communications, LLC
c/o Tracy D. Harmer
Post Office Box 649
Delta, Colorado 81416

Re: Peterson Tower, Antenna & Equipment Installation Agreement Termination

Dear Ms. Harmer:

This letter serves as Gary Peterson's notice to terminate the Tower, Antenna & Equipment Installation Agreement and Contract with Adaptive Communications LLC (d/b/a Adaptive Internet) dated January 9, 2018 (the "Contract") effective January 15, 2023. The Contract's current term expires January 14, 2023, and this notice is provided in advance of the 180-day notice period required by Paragraph 6.c of the Contract.

Please contact me to discuss the removal of Adaptive Internet's equipment and other property prior to the termination date. Thank you for your cooperation.

Sincerely,

HOSKIN FARINA & KAMPF
Professional Corporation

Andrew H. Teske

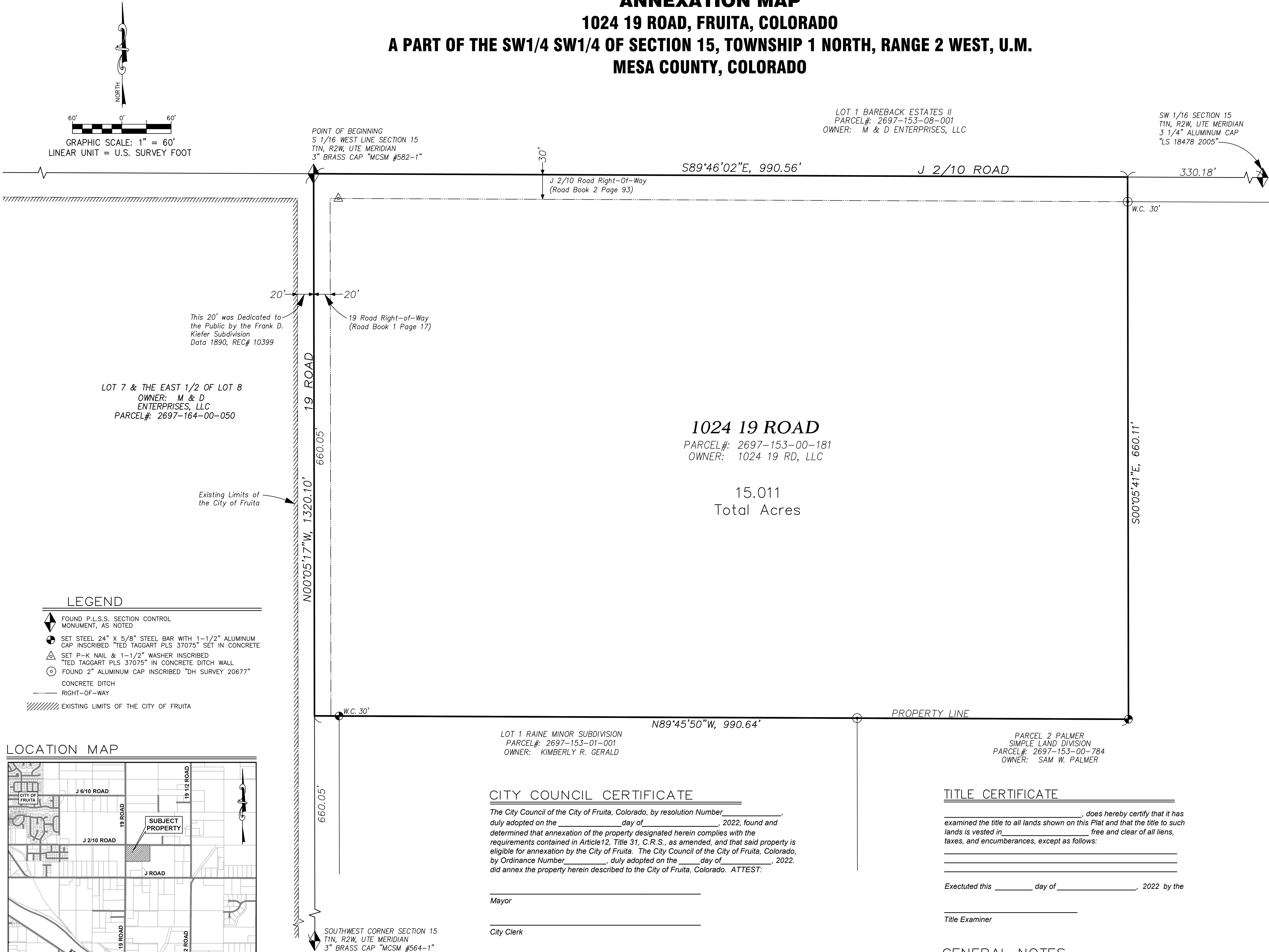
AHT:KMH
cc: Client

* Gunnison
234 North Main Street, Suite 3A
Gunnison, Colorado 81230
telephone 970.641.4531
fax 970.641.4532

200 Grand Avenue, Suite 400
Post Office Box 40
Grand Junction, Colorado 81502
telephone 970.986.3400
fax 970.986.3401
★ www.hfak.com ★

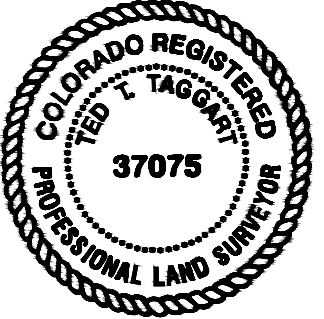
** Denver
Post Office Box 27419
Denver, Colorado 80227
telephone 720.663.1940
fax 720.663.1941

ANNEXATION MAP
1024 19 ROAD, FRUITA, COLORADO
A PART OF THE SW1/4 SW1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 2 WEST, U.M.
MESA COUNTY, COLORADO



SURVEYOR CERTIFICATE

I, Ted Taggart, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this survey was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief, and that no less than one-sixth (1/6) of the perimeter of the area as shown hereon is contiguous (as defined by C.R.S. 31-12-104 2016) with the existing boundaries of the City of Fruita, Colorado. I further certify that the external boundaries of the property shown on this Map have been monumented on the ground.



EXECUTED this _____ day of _____, 2022.

Registered Land Surveyor

LEGAL DESCRIPTION & CERTIFICATION OF OWNERSHIP

I, Darrell Cordova, as Manager of "1024 19 Rd, LLC", the owner of 100 percent of the following described property, excluding any public streets and alleys to wit:

PROPERTY DESCRIPTION:

Reception # 3017012

The NW1/4 SW1/4 SW1/4 and the W1/2 NE1/4 SW1/4 of Section 15, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado.

Said property being more particularly described as follows:

BEGINNING at the Northwest Corner of the SW1/4 SW1/4 (South One-Sixteenth Corner) of Section 15, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado, and running thence S89°46'02"E, 990.56 feet along the North line of said SW1/4 SW1/4 Section 15, thence S00°05'41"E, 660.11; thence N89°45'50"W, 990.64 feet to the West line of Section 15; thence N00°05'17"W, 660.05 feet along said West line to the POINT OF BEGINNING;

Containing 15.011 acres, more or less.

Have by these presents laid out and platted the same as shown hereon and designate the same as 1024 19 Road Annexation to the City of Fruita, County of Mesa, State of Colorado.

Executed this _____ day of _____, 2022.

DARRELL CORDOVA

STATE OF COLORADO)

)ss

COUNTY OF MESA)

This plat was acknowledged before me by _____

on this _____ day of _____, 2022

Witness my hand and official seal: _____

Notary Public

My commission expires: _____

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)

)ss

COUNTY OF MESA)

I certify that this instrument was filed in my office at _____ o'clock ____ M., on this

_____ day of _____, 2022, and was recorded at Reception No. _____.

Drawer No. _____, Fees _____

By: _____

Clerk and Recorder

Deputy

ANNEXATION MAP

1024 19 Road, Fruita, Colorado

A Part of the SW1/4 SW1/4 of Section 15
Township 1 North, Range 2 West, U.M.,
Mesa County, Colorado



Wasatch Surveying Associates
P.O. Box 564
Fruita, Colorado 81521
Phone No. (970) 639-9270
Email: mail@wasatchsurveying.com

Date of Survey: October 13, 2021 | Project No. 21-11-23
Drawn by: SMM | Date: April 15, 2022 | Sheet 1 of 1

TITLE CERTIFICATE

_____, does hereby certify that it has examined the title to all lands shown on this Plat and that the title to such lands is vested in _____ free and clear of all liens, taxes, and encumbrances, except as follows:

Executed this _____ day of _____, 2022 by the

Title Examiner

GENERAL NOTES

- Basis of Bearing Statement:**
The Basis of Bearings for this Plat is N00°05'17"W, 1320.10 feet between found monuments at the Southwest Corner and the South 1/16 Corner on West line of Section 15, T1N, R2W, Ute Meridian, as derived from the the Grand Valley Area Local Coordinate System (G.V.A.L.C.S.) The monuments are fully described hereon.
- Date of Survey:** October 13, 2021
- All dimensions shown on this map are measured, unless otherwise noted.**