

1944

Established Fire Dist -

No. 392116 Book 545 Page 552

DECREE  
Rec. Apr 1, 1960 at 4:16 P.M.

IN THE DISTRICT COURT IN AND FOR THE COUNTY OF OTERO AND  
STATE OF COLORADO CIVIL ACTION NO. 5151

In the Matter of the Petition of )  
Tax Paying Electors to create )  
THE ROCKY FORD RURAL FIRE PROTECTION ) DECREE  
DISTRICT, of Otero County, Colorado )

Now on this 18th day of September, A.D. 1944, the same being one of the juridical days of the June Term, 1944, of this Court, the petition of not less than 50 tax paying electors to establish The Rocky Ford Rural Fire Protection District of Otero County, Colorado, coming on to be heard and it appearing to the Court and the Court finding:

1. That the name of the proposed District is The Rocky Ford Rural Fire Protection District of Otero County, Colorado.
2. That more than 50 tax paying electors, as defined in Chapter 130, Session Laws of 1941, said tax paying electors residing within the territorial boundaries of the proposed District, signed the petition heretofore filed herein for the purpose of creating said Fire Protection District.
3. That said petition is in due and proper form, as required by said Chapter 130 and the allegations therein set forth are true.
4. That the improvements to be installed or purchased within and for the District are one fire truck, pump, necessary hose and incidental and auxiliary equipment to be used as a fire fighting unit within the territorial boundaries of the District.
5. That the estimated cost of the proposed improvements is \$5000.00.
6. That the boundaries of said District, or the territory to be included therein, lie within and are coextensive with the boundaries of School Districts numbered 4, 9, 18, 19, 22, 23 and 29, all in the County of Otero in the Tenth Judicial District of the State of Colorado.
7. That the names of the three tax paying electors to comprise the first Board of Directors of the said District for the respective terms required by said Chapter 130, Session Laws of 1941, are Harry E. Ascherman, Sr., who shall hold office until the first biennial election of the District; Irving F. Haines, who shall hold office until two years next after such election and Herman E. Heatwole, who shall hold office until four years next after such election.
8. That less than 40 days and more than 20 days have elapsed since said petition was filed herein, during which interim a notice of hearing on said petition was published in the Rocky Ford Enterprise, as appears from the affidavit of the publisher of said paper heretofore filed herein. That a copy of said notice of said hearing was also mailed by U. S. registered mail by the Clerk of this Court to the Board of County Commissioners of Otero County, Colorado, postage prepaid, to the City Council of the City of Rocky Ford, Colorado and to the School Board of each of the following named School Districts in said County, namely: 4--9--18--19--22--23--and 29, as evidenced by the affidavit of the Clerk of this Court heretofore filed herein.
9. That the issue and service of the Notice of Hearing on said petition is in due form and complete, as required by law.
10. That the Court has jurisdiction of the subject matter and of the parties involved in this action.
11. That a good and sufficient bond has been filed herein, with sureties approved by the Court, sufficient to pay all expenses connected with these proceedings in case the organization of the District be not effected.
12. That no protesting petition has been filed herein.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that the Court has jurisdiction of the subject matter presented by the petition and of all of the parties involved herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that The Rocky Ford Rural Fire Protection District of Otero County, Colorado is hereby created and organized and that the corporate name thereof, and by which in all proceedings it shall hereafter be known, is The Rocky Ford Rural Fire Protection District of Otero County, Colorado.

NO. 392116

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the boundaries of the said The Rocky Ford Rural Fire Protection District of Otero County, Colorado shall be and they are co-extensive with and inclusive of all of the territory and improvements included within School Districts numbered 4, 9, 18, 19, 22, 23 and 29, all in the County of Otero in the Tenth Judicial District of the State of Colorado, including all of the lands, territory and improvements included within the boundaries of the Town, now City, of Rocky Ford, in the County and State aforesaid; provided, however, that notwithstanding any provision herein to the contrary, no tract or parcel of real estate used for manufacturing, mining, railroads or industrial purposes which, together with the buildings, improvements, and machinery thereon situate, shall have an assessed valuation in excess of \$25,000.00 at the date of the filing of the petition herein, shall be included in said Fire Protection District without the written consent of the owner, or owners, thereof, and provided further, that no personal property shall be included within said Fire Protection District which is situate upon real estate not included in such District.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the first Board of Directors of said Fire Protection District shall be constituted as follows: Harry E. Ascherman, Sr., Director, who shall hold office until the first biennial election of the said District; Irving F. Haines, Director, who shall hold office until two years next after such election; and Herman E. Heatwole, Director, who shall hold office until four years next after such election.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that The Rocky Ford Rural Fire Protection District of Otero County, Colorado shall henceforth be, and it is, a governmental subdivision of the State of Colorado and a body corporate with all the powers of a public or quasi-municipal corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that within 30 days after the date hereof the Clerk of this Court shall transmit to the County Clerk and Recorder of the County of Otero and State of Colorado a certified copy of this decree and that the said County Clerk and Recorder shall file the same in the same manner as Articles of Incorporation are now required to be filed under the General Laws of the State of Colorado concerning corporations.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the costs of this proceeding shall be, and they are, hereby assessed to the said The Rocky Ford Rural Fire Protection District of Otero County, Colorado  
Done by the Court:

Harry Leddy  
Judge

DISTRICT COURT OF  
OTERO COUNTY, COLORADO

Certified to be a true copy of the original  
document in my custody:

Dated at La Junta, Colo 4/1/60  
Dee Schedlbauer

Clerk

Marjorie K. Tarman  
Deputy Clerk

(District Court Seal)