



AGENDA

Logan County Board of Commissioners
315 Main Street, Sterling, Colorado
Tuesday, June 16, 2020 - 9:30 a.m.

Call to Order
Pledge of Allegiance
Revisions to Agenda
Consent Agenda

Approval of the Minutes of the June 2, 2020 meeting.

Acknowledge the receipt of the Landfill Supervisor's Report for the month of May, 2020.

Acknowledge the receipt of the Treasurer's Report for the month of May, 2020.

Acknowledge the receipt of the Clerk and Recorder's Report for the month of May, 2020.

Appointment of Erin Lybarger to the Logan County Fair Board Sponsorship Chairperson to fulfill the remainder of a vacant term to November 2020.

Unfinished Business

The Board will consider the adoption of a resolution approving a conditional use permit on the application of Niyol Wind, LLC to construct, operate and maintain a wind energy center.

New Business

Consideration of the approval of the following Logan County Lodging Tax Board projects:

- Tourist Center Director Salary - \$33,000.
- Logan County Tourism Restart and Recovery Plan - \$5,000.

Consideration of the approval of an agreement between Logan County and Nebraskalink Fiber and issuance of permit # 2020-9 for use of the County Right of Way under various Logan County roads for fiber optic lines and vaults.

Consideration of the approval of an agreement between Logan County and Cindy Lawley/Sitewise and issuance of permit #2020-10 for use of the County Right of Way under 117 Highland Drive for a new gas service line.

Consideration of the approval of an agreement between Logan County and Cindy Lawley/Sitewise and issuance of permit #2020-11 for use of the County Right of Way under 201 Highland Drive for a new gas service line.

Other Business**Miscellaneous Business/Announcements**

The next meeting will be scheduled for Tuesday, June 30, 2020, at 9:30 a.m. at the Logan County Courthouse.

Executive Session as Needed**Adjournment**

June 2, 2020

The Logan County Board of Commissioners met in regular session with the following members present constituting a quorum of the members thereof:

Joseph A. McBride
Jane Bauder
Byron Pelton

Chairman
Commissioner
Commissioner

Also present:

Alan Samber
Pamela M. Bacon
Rob Quint
Marilee Johnson

Logan County Attorney
Logan County Clerk
Planning and Zoning
Tourist Information Center Director/County Public
Information Officer

Jerry Casebolt
Brad Hofmeister
Dennis Aulston
Trae Miller
Debbie Unrein
Bonnie Heiple
Jennifer Herron
Marco MacBeth
Chris Kaas
Russ Lloyd
Nathan Keisel
Alan Bauerle
Terrin Scheopner
Brandon Smith
Tricia Hale
Derek Hood
Todd Settler
Kelvin Harless
Darwin Haynes
David Sellers
Richard McDaniel
Dennis Wilcox
Cyndi Vandenbark
Desa Inskeep
Mark Hutt
Michelle Harrigan
Ashley Steward
Dianne McCracken
Steven McCracken
Patrick Steward
David Kuntz
Don Larson
Dorothy Larson

Logan County Emergency Manager
Logan County Assessor Office
Logan County Sherriff Office
Logan County Economic Development
Logan County Finance
NextEra
NextEra
NextEra
CORE Consultants
NextEra
NextEra
NextEra
NextEra
CORE Consultants
NextEra
NextEra
NextEra

Nancy Alflen
Susan Pratt
Brooke Mollohan Cook
Steve Frank
Brad Cook
Megan Ringlein
Josh Ringlein
Haley Harms
Richard Lousberg
Alisha Hutt
Liz Kuntz
Lori Schott
Kirby Atkins
Lauren Gerk
S. Gay Anderson
Adam Schlenz
Gary Schlenz
Charles Gerk
Kathleen Brownell
Jenny Sergi
Jaimee Mollohan
Tim Mollohan
John Mollohan
Tom Bornhoft JR
Chas Gerk
Ashley Unrein
Rod Blough
Andy Frank
Susanne Workman
Cindy Horner
Debbie Klindt
Michael Kiolbasa
Jeff Rice

Journal Advocate

Chairman McBride called the meeting to order at 9:30 a.m. The meeting opened with the Pledge of Allegiance. Chairman McBride asked if there were any revisions for the agenda. No revisions were noted.

The Board continued with the Consent Agenda items:

- Approval of the Minutes of the May 19, 2020 meeting.
- Acknowledgment of the receipt of the Veteran's Service Officer's monthly report and certification of pay form for the month of May, 2020.
- Approval of the assignment of Logan County Ambulance debt collections accounts to Wakefield and Associates, the account numbers ending in 4002, 30002.
- Appointment of Amanda Morgan and Janie Rasmussen (Assistant) to the Logan County Fair Board as Queen's Coordinators to fulfill the remainder of a vacant term to November 2020.
- Ratification of the following actions:

- Approval of the Department of Human Services Bills dated May 26 and June 2 and Payroll dated June 2, 2020.
- Approval of Logan County Bills dated May 26, 2020 and June 2, 2020.

Commissioner Pelton moved to approve the Consent Agenda. Commissioner Bauder seconded and the motion carried 3-0.

Chairman McBride continued with New Business:

Commissioner Bauder moved to approve the award of the Gate Keepers bid for the 2020 Logan County Fair and Rodeo to Anthony Waldon. Commissioner Pelton seconded and the motion carried 3-0.

Commissioner Pelton moved to approve a Petition for Abatement of Taxes on behalf of Overland Trail, LLC in the amount of \$12,469.89. Commissioner Bauder seconded and the motion carried 3-0.

Commissioner Bauder moved to approve Resolution 2020-20 to amend the IRC Section 125 Flexible Benefits Plan to allow midyear changes to the Day Care and the Health FSA benefits election due to the COVID-19 pandemic. Commissioner Pelton seconded and the motion carried 3-0.

Commissioner Pelton moved to approve Resolution 2020-21 to amend the IRC Section 125 Flexible Benefits Plan to allow participants in the Health Flexible Spending Account (FSA) to carryover up to \$550.00 from the prior plan year balance to the new plan year. This carryover amount is in addition to employee's election for the new plan year. Commissioner Bauder seconded and the motion carried 3-0.

The Board opened a public hearing for the Consideration of the Approval of an Application for Conditional Use Permit on behalf of Niyol Wind, LLC to construct, operate and maintain a wind energy generating center.

- Jennifer Herron with Next Era/Niyol Wind explained the project and company details.
- Bonnie Heiple legal counsel for Niyol Wind LLC explained the permit components and requirements.
- Jennifer Herron answered all of the questions the Commissioners had except the lightning monitoring and fire.
- Terrin Schepner with Next Era explained technical information about lightning ground rods, grounding and bonding; information on technicians and how they monitor the turbines and explained the fire procedures within the company and also how they help county fire companies respond.
- Tony Gerk spoke against the approval of the wind project.
- Ashley Steward spoke against the approval of the wind project.
- Steve McCracken spoke against the approval of the wind project.
- Cyndi Vandenbark spoke against the approval of the wind project.
- Patrick Steward spoke against the approval of the wind project.
- David Kuntz spoke against the approval of the wind project.
- Dianne McCracken explained her position and support of the Commissioners.
- Mark Hutt spoke against the approval of the wind project.
- Lauren Gerk spoke against the approval of the wind project.
- Don Larson spoke in favor of the wind application.
- Megan Ringlein spoke against the approval of the wind project.
- Elisha Hutt spoke against the approval of the wind project.
- Adam Schlenz spoke against the approval of the wind project.
- Dorothy Larson spoke in favor of the wind project.

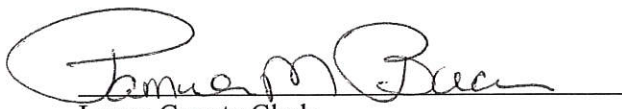
- Richard Lousberg explained his position on the wind project.
- Dennis Wilcox spoke in favor of the wind project.
- Lori Schott offered to be a resource for the support of the wind energy project.
- Brooke Mollohan Cook spoke against the approval of the wind project.
- Darwin Haynes spoke in favor of the wind project.
- Liz Kuntz spoke against the approval of the wind project.
- Tricia Hale, Director of Renewable Development for Next Era Resources, explained how they installed water tanks in Lincoln County and can do that here also.
- Jaimee Mollohan spoke against the approval of the wind project.
- Susanne Workman spoke against the approval of the wind project.

There being no further comment, Chairman McBride closed the public Hearing. Commissioner Bauder moved to table the consideration of the Approval of an Application for Conditional Use Permit on behalf of Niyol Wind, LLC to construct, operate and maintain a wind energy generating center until June 16, 2020 at 9:30 a.m. Commissioner Pelton seconded and the motion carried 3-0.

The next business meeting will be scheduled for Tuesday, June 16, 2020, at 9:30 a.m. at the Logan County Courthouse.

There being no further business to come before the Board, the meeting adjourned at 12:44 p.m.

Submitted by:


Logan County Clerk

Approved: June 16, 2020

BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO

(seal)

By: _____
Joe McBride, Chairman

Attest:

Logan County Clerk & Recorder

LOGAN COUNTY SOLID WASTE DEPARTMENT--MATT CHRISP, SUPERVISOR

315 Main Street Sterling, CO 80751

(970)522-8657 Fax---(970)522-1995

FOR MAY 2020		TONS	PRICE	CHARGES
Area Town Clean-ups	CPC	41.69	@ \$1.17	\$48.78
City of Sterling Clean-up	SFCC		@ \$1.17	\$0.00
City of Sterling Packers	SF	660.98	@ \$15.17	\$10,027.07
City of Sterling Dump Trucks	CL	73.90	@ \$23.17	\$1,712.26
General Public		89.34	@ \$23.17	\$2,070.01
Commercial (Packers & Roll Offs)	C	924.30	@ \$23.17	\$21,416.03
>5 Tons on Free Certificates	XTON		@ \$23.17	\$0.00
Indust. Waste>5 Tons on Free Cert.	IDXTON		@ \$36.17	\$0.00
Industrial Waste	All other ID	998.66	@ \$36.17	\$36,121.53
Industrial Petroleum Contaminated Soil	IDPCS		@ \$36.17	\$0.00
Out of County	OC	130.12	@ \$46.34	\$6,029.76
Industrial Waste Out of County	IDOC	2.32	@ \$72.34	\$167.83
Rural Free Certificates	NC	121.11	NC	
All County Vehicles	NCC	2.88	NC	
TOTAL TONS		3045.30		
\$10.00 MINIMUM DIFFERENTIAL				\$726.79
\$20.00 MINIMUM DIFFERENTIAL				\$0.05
E-Waste Recycling		16 items		\$116.00
E-Waste Recycling	NC		NC	
GEW (Government E-Waste)		2,140	LB. \$0.08	\$171.20
Outgoing Recycled Tires/Metal/Wood				
Car Tires (CHG)		100	@ \$5.00	\$500.00
Truck Tires (CHG)		3	@ \$8.00	\$24.00
Car/Truck Tires (NC)			NC	
Tractor Tires (CHG)			@ \$12.00	\$0.00
Earth Moving Tires (CHG)			@ \$20.00	\$0.00
Tractor/Earth Moving Tires (NC)			NC	
R & B Illegally Disposed Tires & Matts (NC)		44	NC	
Appliances (CHG)		6	@ \$5.00	\$30.00
Appliances (NC)			NC	
Analytical Reviews	ARV		@ \$189.00	\$0.00
Unsecured/Unauthorized Loads	CHG		@ \$20.00	\$0.00
Total # of Vehicles				
TOTAL OC & IDOC				\$6,197.64
TOTAL IN COUNTY				\$72,963.67
GRAND TOTAL				\$79,161.31

SIGNED BY: Pam Jerdig
DATE: 5-30-2020

LOGAN COUNTY SOLID WASTE SUR-CHARGE REPORT

May-20	TONS	CPC (CLOSURE)	GRAND TOTAL
CASH	445.46	655.51	\$11,545.12
CHARGE	1864.96	1890.79	\$55,701.93
CITY OF STERLING	734.88	738.04	\$11,914.26
TOTAL	3045.30	\$3,284.34	\$79,161.31
THESE TNS ARE SHIPPED OFF:			
GEW	1.07		
RECYCLED METAL (SWAN)			
RECYCLED METAL (BOHM)			
RECYCLED TIRES			
RECYCLED WOOD			
GRAND TOTAL TNS	3046.37		

SIGNED BY: *Pam Jerdig*
DATE: *5-30-2020*

LOGAN COUNTY TREASURER'S MONTHLY REPORT
REPORT OF COUNTY FUNDS ONLY
MAY 2020

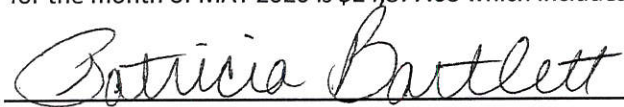
COUNTY FUNDS	4/30/20 BALANCE	PROPERTY TAXES	SPECIFIC OWNERSHIP	MISC COLLECTIONS	TRANSFERS IN (OUT)	WARRANTS	TREAS FEES	5/31/20 BALANCE
COUNTY GENERAL	\$ 10,510,191.51	\$ 440,138.31	\$ 73,435.62	\$ 205,672.49	\$ -	\$ (774,744.75)	\$ (10,324.41)	\$ 10,444,368.77
ROAD & BRIDGE	\$ 4,707,767.69	\$ 22,689.09	\$ 4,416.27	\$ 557,596.87	\$ -	\$ (322,293.79)	\$ (5,411.20)	\$ 4,964,764.93
CONTINGENT	\$ 632,999.55	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 632,999.55
CAPITAL EXPENDITURES	\$ 533,559.01	\$ 17,757.33	\$ 2,944.40	\$ 1,659.81	\$ -	\$ (8,692.55)	\$ (355.15)	\$ 546,872.85
JUSTICE CENTER	\$ 2,394,654.17	\$ -	\$ -	\$ 1,705.03	\$ -	\$ (39,756.31)	\$ -	\$ 2,356,602.89
TELEVISION FUND	\$ 121,053.59	\$ 2,658.97	\$ 441.59	\$ 16,659.55	\$ -	\$ (1,226.14)	\$ (53.17)	\$ 139,534.39
PEST CONTROL	\$ 281,158.94	\$ 9,631.90	\$ 1,180.91	\$ -	\$ -	\$ (37,667.28)	\$ (192.63)	\$ 254,111.84
LODGING TAX	\$ 159,233.49	\$ -	\$ -	\$ 4,921.82	\$ -	\$ (1,189.71)	\$ -	\$ 162,965.60
SOLID WASTE	\$ 1,873,997.63	\$ 115.31	\$ -	\$ 50,474.19	\$ -	\$ (33,021.80)	\$ (2.30)	\$ 1,891,563.03
SOLID WASTE CLOSURE	\$ 483,443.65	\$ -	\$ -	\$ 2,452.86	\$ -	\$ -	\$ -	\$ 485,896.51
CONSERVATION TRUST	\$ 217,311.64	\$ -	\$ -	\$ 47.78	\$ -	\$ -	\$ -	\$ 217,359.42
FAIR FUND	\$ 193,483.64	\$ -	\$ -	\$ 9,588.00	\$ -	\$ (4,120.33)	\$ -	\$ 198,951.31
CAPITAL IMPROVEMENT	\$ 766,524.73	\$ -	\$ -	\$ 152,215.96	\$ -	\$ (17,178.81)	\$ (3,043.27)	\$ 898,518.61
AMBULANCE FUND	\$ 319,032.23	\$ -	\$ -	\$ 55,902.04	\$ -	\$ (102,562.30)	\$ -	\$ 272,371.97
% TAX COLLECTED TO DATE								73.66%
TOTALS	\$ 23,194,411.47	\$ 492,990.91	\$ 82,418.79	\$ 1,058,896.40	\$ -	\$ (1,342,453.77)	\$ (19,382.13)	\$ 23,466,881.67

STATE OF COLORADO)

: ss.

COUNTY OF LOGAN)

I hereby certify that the Logan County Treasurer's Office collected property taxes totaling \$1,457,995.42 for the month of MAY 2020 which amount includes taxes for the County and all taxing authorities within the Treasurer's jurisdiction. The total Treasurer's Fees collected on all of said taxes for the month of MAY 2020 is \$24,877.68 which includes fees for the County and all taxing authorities.


Patricia Bartlett, Logan County Treasurer

Subscribed and sworn to before me this 4th day of JUNE 2020, by Patricia Bartlett, Logan County Treasurer.

Witness my hand and official seal.

My Commission expires: September 23, 2021


Notary Public

JANET MCLAUGHLIN
Notary Public
State of Colorado
Notary ID # 20054037006
My Commission Expires 09-23-2021



Clerk Fees Collected 2020

May

	<u>2019</u>	<u>2020</u>	
<u>Recording Fees Retained</u>	12,673.42	14,106.62	
<u>Motor Vehicle Fees Retained</u>	418,218.49	286,400.95	
Total \$	430,891.91	\$ 300,507.57	\$130,384.34

Fees & Taxes Distributed

State of Colorado	261,699.74	250,717.34	
City of Sterling	28,137.95	24,586.69	
Town of Fleming	1,406.20	1,586.20	
Total \$	291,243.89	\$ 276,890.23	\$14,353.66

Fees Retained Year to Date \$300,507.57

Logan County Advisory Board Fair Board Application

Name: Erin Lybarger
Mailing Address: 1009 N. 7th Ave
City/State/Zip: Sterling CO 80751
Telephone: 580-651-9038 Cell Phone: _____
Occupation: Sales Rep-KPMX Email Address: erinlybarger@gmail.com

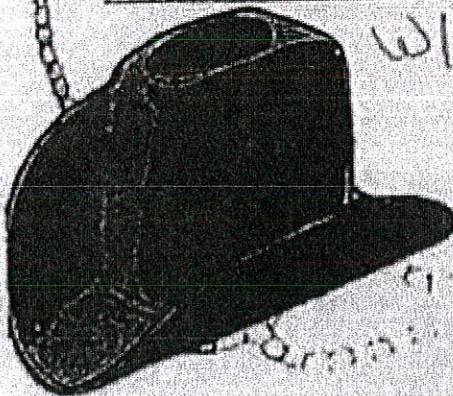
- | | |
|--|--|
| <input type="checkbox"/> Queen Coordinator | <input type="checkbox"/> Rodeo |
| <input type="checkbox"/> Entertainment | <input type="checkbox"/> Horse Events |
| <input type="checkbox"/> Commercial Exhibits & Parking | <input type="checkbox"/> 4-H Rodeo |
| <input checked="" type="checkbox"/> Advertising & Promotions | <input type="checkbox"/> Grandstands & Security |
| <input type="checkbox"/> Livestock Exhibits | <input type="checkbox"/> Youth & Open Class Exhibits |
| <input type="checkbox"/> Parade | <input type="checkbox"/> Demolition Derby |
| <input type="checkbox"/> Fair Manager | <input type="checkbox"/> Bull Riding Chairperson |

My Qualifications are:

I am Vice President of AMPT
I work in advertising

I am interested in serving because:

I feel I could build the client
list when it comes to sponsors.
I would like to be more involved
w/ the community!



Erin Lybarger 6/2/2020
Signature Date

RESOLUTION

NO. 2020-XX

A RESOLUTION APPROVING THE ISSUANCE OF CONDITIONAL USE PERMIT (CUP) #247 TO BE ISSUED TO NIYOL WIND, LLC FOR THE CONSTRUCTION OF A STATE OF THE ART WIND POWERED GENERATING FACILITY TO INCLUDE UP TO EIGHTY-NINE (89) WIND TURBINE GENERATORS, GENERATED POWER TO APPROXIMATELY 200.8 MW PAD MOUNTED TRANSFORMERS, BURIED AND OVERHEAD CABLE, A SUBSTATION, PRIVATE GRAVEL ACCESS ROADS, PERMANENT METEOROLOGICAL DATA COLLECTION TOWERS, OPERATIONS AND MAINTENANCE FACILITIES AND STORAGE BUILDINGS, RELATED EQUIPMENT AND STRUCTURES, RIGHTS-OF-WAY, A TEMPORARY BATCH PLANT AND OTHER ANCILLARY FACILITIES AND USES IN PORTIONS OF TOWNSHIP 9, RANGES 49 AND 50 WEST; TOWNSHIP 8, RANGES 49 AND 50 WEST; TOWNSHIP 7, RANGES 50 AND 51 WEST; AND TOWNSHIP 6, RANGE 51 WEST OF THE 6" PRINCIPAL MERIDIAN IN LOGAN COUNTY, COLORADO.

WHEREAS, Niyol Wind, LLC has applied for a Conditional Use Permit (CUP) to construct a state of the art wind powered generating facility to include: up to eighty-nine (89) wind turbine generators that would generate approximately 200.8 megawatts; pad mounted transformers, buried and overhead cable, a substation, private gravel access roads, permanent meteorological data collection towers, operations and maintenance facilities and storage buildings, related equipment and structures, rights-of-way, a temporary batch plant and other ancillary facilities and uses, all of which is located in portions of the following described locations:

Township	Range	Sections	Halves or Quarters
6 North	51 West	1	W2
		2	N2
		4	N2
Township	Range	Sections	Halves or Quarters
7 North	50 West	4,5,6,7 and 18	All
		1	N2
		2	All except E2 of SE4 of SE4
		3	All except S2 of SW4
		8	S2 and NW4
		17	S2 and W2 of NW4
		19	SW4
		20	N2 of N2
7 North	51 West	1,2,12,13,22,23,24,26,27	All
		3	N2 and N2 of SE4
		11	All except SW4 of SW4
		14	S2 and NE4
		15	S2 except NE4 of SE4
		33	S2
		34	N2 and SW4
		36	W2
Township	Range	Sections	Halves or Quarters
8 North	49 West	18,19,30	All
		5	NE4 and N2 of NW4
		6	NW4 and NW4 of NE4 and S2 less and except railroad ROW together with parcel 38051905300026 lying on either side of Railroad ROW
		7	S2 except NE4 of SE4

8 North	50 West	1,2,11-16, 21-35	All
		9	S2
		10	S2 and NE4
		18	All except SE4 of SE4
		19	All except NE4 of NE4
		20	All except NW4 of NW4
		36	SE4 and E2 of SW4
Township	Range	Sections	Halves or Quarters
9 North	49 West	31	All
		32	W2
9 North	50 West	35	N2
		36	All

all within the 6th Principal Meridian; Logan County, Colorado; and

WHEREAS, the Logan County Planning Commission recommended approval of the application for a Conditional Use Permit for the construction of a state of the art wind powered generating facility located on the aforementioned identified land after a public hearing held on April 21, 2019, concluding on May 19, 2020; and

WHEREAS, a public hearing was held by the Board of County Commissioners to consider the application for the Conditional Use Permit on June 2, 2020, after due notice was provided as required by law.

NOW, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LOGAN COUNTY, COLORADO:

APPROVAL:

The application of Niyol Wind, LLC for Conditional Use Permit #247 is hereby GRANTED, subject to the conditions set forth below.

II. FINDINGS OF FACT:

1. The proposed use is compatible with existing land uses in the area zone, which is zoned Agricultural and Agricultural with CUP Districts,
- 2.
- 3.
- 4.

III. CONDITIONS:

1. The applicant shall submit to Logan County Planning and Zoning an as-built map showing the location of each wind turbine within the boundaries of the CUP project.
2. Building plans must be submitted for administrative approval prior to the start of construction.
3. Any right-of-way crossings and temporary turnouts for the CUP area will be applied for, subsequent to a hearing on this Application by the Board of County Commissioners.
4. The permit term shall be for ninety-nine (99) years on the identified and approved CUP #247. If any changes, such as alterations or enlargements occur to the CUP #247 identified and approved herein, the applicant shall be responsible for seeking and obtaining separate approval of a permit and term of approval for those changes.
5. As a condition of approval of the CUP #247 the applicant shall enter into a Development Agreement between the Board of County Commissioners and applicant that will include the conditions set forth herein as well a specific details on the development of the wind project.

- 6.
- 7.
- 8.

BE IT THEREFORE RESOLVED, that Conditional Use Permit #247 is granted to Niyol Wind, LLC to construct a state of the art wind powered generating facility with a total of up to Eighty-nine (89) wind turbine generators that would generate approximately 200.8 megawatts; pad mounted transformers, buried and overhead cable, a substation, private gravel access roads, permanent meteorological data collection towers, operations and maintenance facilities and storage buildings, related equipment and structures, rights-of-way, a temporary batch plant and other ancillary facilities and uses on the identified project area, subject to the conditions set forth above. The Board of County Commissioners of Logan County retains continuing jurisdiction over the permit to address future issues concerning the site and to insure compliance with the conditions of the permit. The applicant is responsible for complying with all of the foregoing conditions and all other federal or state laws and county zoning or other land use regulations. Noncompliance with any of the conditions may be cause for revocation of the permit.

Done the 16th day of June, 2020.

BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO

(AYE)(NAY)
Joseph A. McBride, Chairman

(AYE)(NAY)
Byron H. Pelton, Commissioner

(AYE)(NAY)
Jane E. Bauder, Commissioner

I, Pamela M. Bacon, County Clerk and Recorder in and for the County of Logan, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the Board of County Commissioners of the Logan and State of Colorado, in regular session on the 16th day of June, 2020.

County Clerk and Recorder

LOGAN COUNTY CONDITIONAL USE PERMIT APPLICATION

AS REQUIRED BY THE LOGAN COUNTY ZONING RESOLUTION

DEPARTMENT OF PLANNING & ZONING

LOGAN COUNTY COURTHOUSE

STERLING, COLORADO 80751

Applicant

Name: Niyol Wind, LLC Phone: 561-304-5573
Address: 700 Universe Boulevard, Juno Beach, FL 33408

Landowner

Name: See Exhibit F Disclosure of Ownership Phone: _____
Address: _____

Description of Property:

Legal: 1/4 Section _____ Section _____ Township _____ Range _____

Address: See Exhibit C for Legal Description Access off CR or Hwy: _____

New Address Needed: Y or N Subdivision Name: _____

Filing _____ Lot _____ Block _____ Tract _____ Lot Size _____

Current Zoning: Agriculture **Current Land Use:** Agriculture

Proposed Conditional Use: Installation of a wind generation center.
See letter for additional details.

Terms of Conditional Use: Wind generation center for 30 years or more.

Building Plans: See Exhibit P for Turbine Specifications

Names and addresses of all adjacent landowners within 500 feet of the above described property: _____

Please see Exhibit J for all adjacent landowners within 500 feet of the parcel boundary

I, (We), hereunto submit this application for a Conditional Use Permit to the Board of County Commissioners, together with such plans, details and information of the proposed conditional use. I, (We), further understand that the Board of Logan County Commissioners may, in addition to granting a Conditional Use Permit, impose additional conditions to comply with the purpose and interest of the Logan County Zoning Resolutions and Zoning Map.

Dated at Sterling, Colorado, this 1st day of April, 2020.

Signature of Applicant: 

Signature of Landowner: _____

NIYOL WIND, LLC CUP #247
2020 Wind Energy Facility
App. 39314 acres Logan County

FOR COUNTY USE

Application Fee: One hundred dollars (\$100.00) *pd 3/16/20 ✓ #3963 Ret. #1044*

Date of Planning Commission: *April 21, 2020 - tabled to May 19, 2020*

Recommendation of Planning Commission: ☒ Approval ☐ Denial

Recommended Conditions of Conditional Use Permit: _____


Chairperson, Planning Commission

=====

COUNTY COMMISSIONERS ACTION:

Conditions of Conditional Use Permit: _____

Date Granted: _____

Date Denied: _____

Joseph A. McBride

Byron H. Pelton

Jane A. Bauder

NIYOL WIND, LLC CUP #247
2020 Wind Energy Facility
App. 39314 acres Logan County

Exhibit B – Written Description

Project Summary

Niyol Wind, LLC proposes to construct, operate, and maintain a wind energy generating facility (the “Niyol Wind Project” or “the Project”) near Fleming, Colorado consisting of up to 89 wind turbine generators, together with pad mount transformers, buried and overhead cable, a substation, private gravel access roads, permanent meteorological data collection towers, operations and maintenance facilities and storage buildings, related equipment and structures, rights-of-way, a temporary batch plant, a transmission line, and other ancillary facilities and uses in Logan County. The Niyol Wind Project would be located on approximately 39,314 acres of private and state land in Logan County.

Construction Schedule

The overall construction period for the Niyol Wind Project is expected to last approximately 7-10 months and commence in the spring of 2021. The Project is expected to employ approximately 250 people at the height of construction and will create 6-7 permanent positions when the Project is fully operational.

Wind Turbine Generators

The Niyol Wind Project is expected to have a total generating capacity of approximately 200.8 MW, with approximately 72-89 three-bladed wind turbine generators to be installed. The modern wind turbines under consideration for use in Logan County will be mounted on tubular steel towers that are: 1) 292 feet (89 meters) high and have a rotor diameter of 416 feet (127 meters) and 2) 295 feet (90 meters) high and have a rotor diameter of 380 feet (116 meters). The nacelle is located at the top of the tower and houses the gearbox generator and various control equipment. Rotor blades are attached to the nacelle through a rotor hub. The maximum height of a turbine (including the blade in a vertical position) will range from 495-505 feet (150-154 meters).

The turbines will be grounded in accordance with National Electrical Safety Code (NESC) standards and comply with all Federal Aviation Administration (FAA) requirements. See Figures 1 & 2 for diagrams of typical wind turbines.

Substation

The main function of the on-site substation will be to step-up the voltage from the collection lines (34.5 kV) to the transmission level (230 kV) and to provide fault protection. The basic elements of the step-up substation facilities are a control house, a bank of two main transformers, outdoor breakers, capacitor banks, relaying equipment, high voltage bus work, steel support structures, an underground grounding grid, and overhead lightning suppression conductors. The substation will consist of a graveled footprint area of up to ten acres, a chain-link perimeter fence, and an outdoor lighting system.

NIYOL WIND, LLC CUP #247
2020 Wind Energy Facility
App. 39314 acres Logan County

Transmission Interconnect Line

The design for the overhead transmission line depends on terrain, width of ROW, and structure availability and cost. At the time of the application submittal, the transmission line is expected to be approximately 31 miles in length within Logan and Washington Counties and to operate at 230 kV. The transmission line support structures are expected to consist of a single/monopole structure made of steel or a suitable alternative. Overhead wires will consist of six wires attached to nonspecular (low reflectivity) conductors and one continuous ground wire.

Operation and Maintenance (O&M) Facility

The O&M facility will include a main building with offices, spare parts storage, restrooms, a septic system, a shop area, outdoor parking facilities, a turn-around area for larger vehicles, outdoor lighting, and gated access with partial or full perimeter fencing. The projected permanent footprint of the O&M facility (including parking area) will be approximately four acres. The location and exact layout of the O&M Facility has not been finalized; however, the facility will likely be within the Project boundary.

Public Access Roads

The project will be accessed primarily from Interstate 76, State Highway 61 and State Highway 6, and existing county roads. State Highway 6 provides access to the project area from the north, while State Highway 61 provides access from the South. Both of these highways are asphalt roads and upgrades are not anticipated to be required. Existing county roads within the project area are expected to be used during construction and operation of the project. Most, if not all, county roads within the project boundary have a gravel surface and some may need to be upgraded to accommodate equipment deliveries and movement. Culverts may need to be upgraded as well for the same reasons. Routes to be used and the improvements necessary to facilitate use of those routes will be in accordance with the Road Use Agreement to be developed in coordination with the Logan County Road Supervisor.

Permits and authorizations as required by applicable county, state, and federal rules for oversized loads will be obtained from the appropriate agency.

Turbine Access Roads

Low-profile, private gravel roads will be constructed to provide for construction and maintenance access to each turbine, to the O&M facility, and to the substation. Final design and location of these roads is still underway.

Meteorological Towers

There will be two permanent anemometer (wind measurement) tower installed in Logan County. The towers will be approximately 275 feet (83 meters) in height and will have anemometers mounted at varying distances about the ground.

Utility Interconnection or Crossing

Electrical power from the Niyol Wind Project will be transmitted through the transmission interconnect line to a three-breaker ring bus station along Tri-State Generation and Transmission's Story to North Yuma 230kV transmission line located in Washington County. Niyol Wind, LLC intends to enter into an interconnection agreement with Tri-State. Niyol Wind, LLC also intends to enter into crossing agreements with applicable utilities for locations within the project boundary at which it's transmission line or underground cable system crosses local utility or Xcel Energy and/or Tri-State transmission or distribution lines. The location of those crossings will be determined upon finalization of the project design and turbine array.

Exhibit C – Legal Description

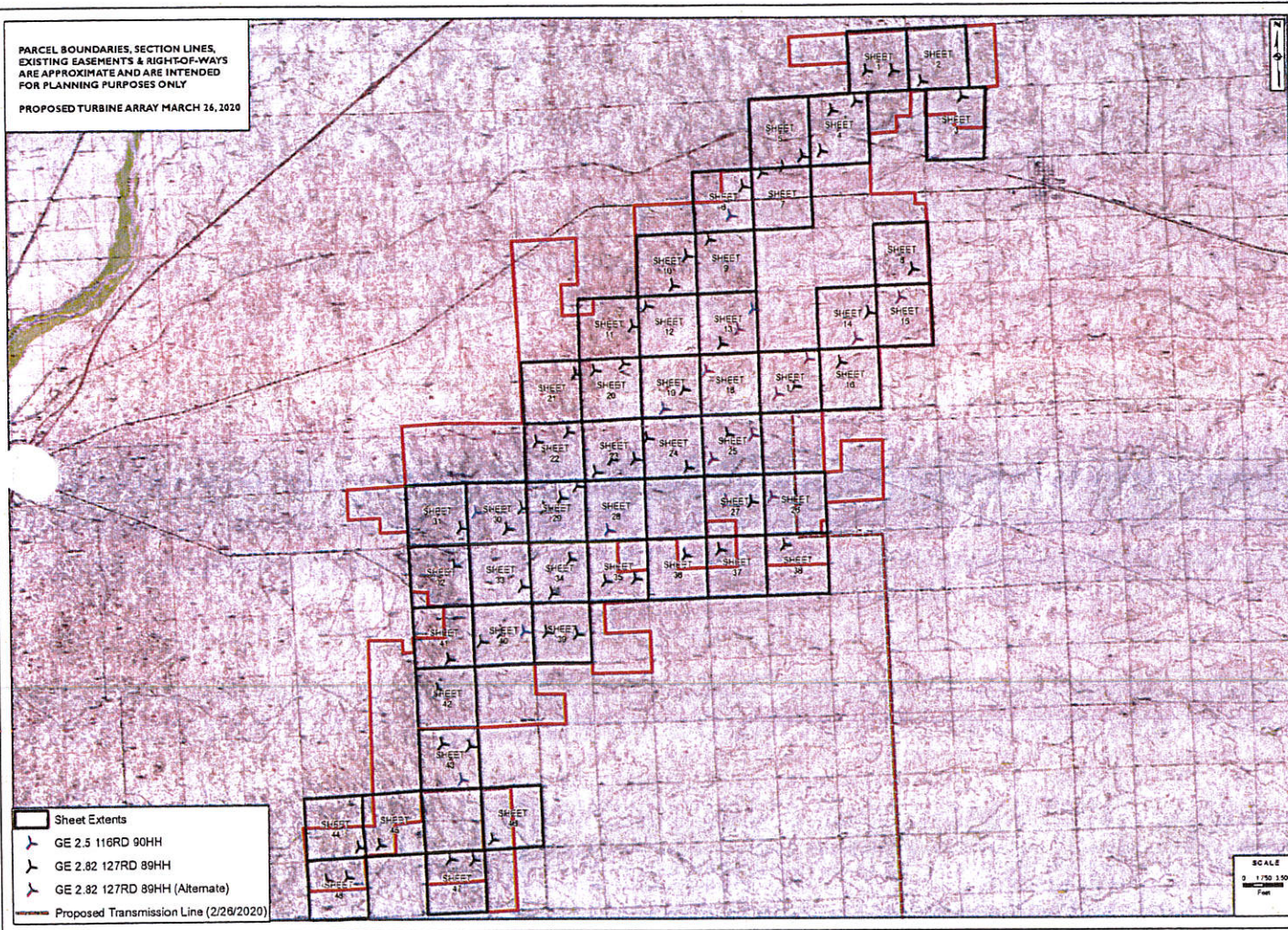
Table 1. Legal Description

Township	Range	Sections	Subdivision
6N	51W	1	W 1/2
6N	51W	2	N 1/2
6N	51W	4	N 1/2
7N	50W	4-7,18	All
7N	50W	1	N 1/2
7N	50W	2	All except E 1/2 of SE 1/4 of SE 1/4
7N	50W	3	All except S 1/2 of SW 1/4
7N	50W	8	S 1/2 and NW 1/4
7N	50W	17	S 1/2 and W 1/2 of NW 1/4
7N	50W	19	SW 1/4
7N	50W	20	N 1/2 of N 1/2
7N	51W	1,2,12,13,22-24,26,27	All
7N	51W	3	N 1/2 and N 1/2 of SE 1/4
7N	51W	11	All except SW 1/4 of SW 1/4
7N	51W	14	S 1/2 and NE 1/4
7N	51W	15	S 1/2 except NE 1/4 of SE 1/4
7N	51W	33	S 1/2
7N	51W	34	N 1/2 and SW 1/4
7N	51W	36	W 1/2
8N	49W	18,19,30	All
8N	49W	5	NE 1/4, N 1/2 of NW 1/4
8N	49W	6	NW 1/4 and NW 1/4 of NE 1/4 and S 1/2 less and except railroad ROW together with parcel 38051905300026 lying on either side of railroad ROW
8N	49W	7	S 1/2 except NE 1/4 of SE 1/4
8N	50W	1,2,11-16,21-35	All
8N	50W	9	S 1/2
8N	50W	10	S 1/2 and NE 1/4
8N	50W	18	All except SE 1/4 of SE 1/4
8N	50W	19	All except NE 1/4 of NE 1/4
8N	50W	20	All except NW 1/4 of NW 1/4
8N	50W	36	SE 1/4 and E 1/2 of SW 1/4
9N	49W	31	All
9N	49W	32	W 1/2
9N	50W	35	N 1/2
9N	50W	36	All

NIYOL WIND, LLC CUP #247
2020 Wind Energy Facility
App. 39314 acres Logan County

PARCEL BOUNDARIES, SECTION LINES,
EXISTING EASEMENTS & RIGHT-OF-WAYS
ARE APPROXIMATE AND ARE INTENDED
FOR PLANNING PURPOSES ONLY

PROPOSED TURBINE ARRAY MARCH 16, 2020



CORE CONSULTANTS

NIYOL WIND PROJECT
DETAILED SITE PLAN
LOGAN COUNTY, COLORADO

SCALE
0 1500 1500
Feet

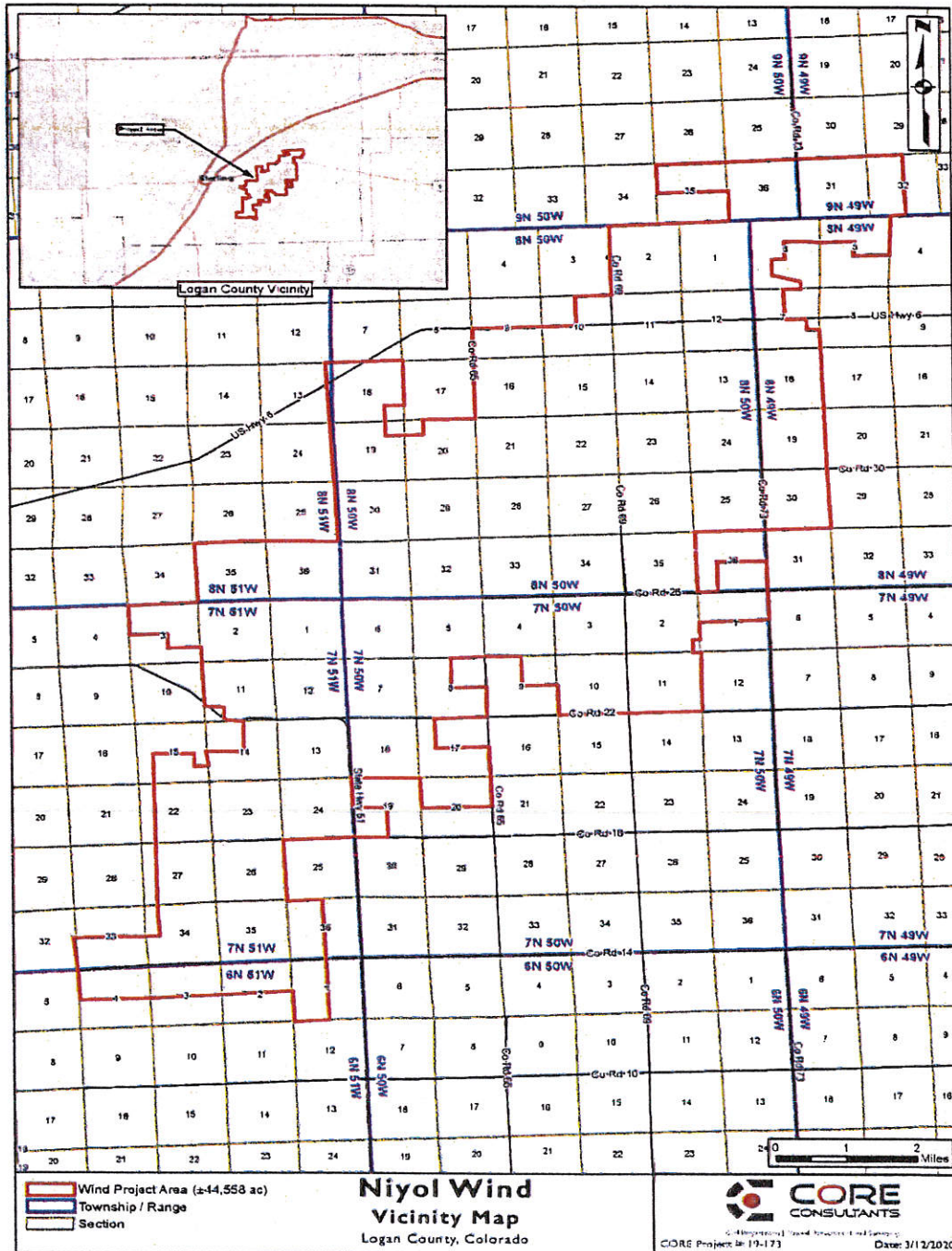
REVISIONS

NO.	DATE	DESCRIPTION
1	03/16/2020	ISSUED FOR PERMITTING

DESIGNED BY: J. L. BROWN, L.P.
CHECKED BY: J. L. BROWN, L.P.
108-10
SHEET 001A

NIYOL WIND, LLC CUP #247
2020 Wind Energy Facility
App. 39314 acres Logan County

EXHIBIT B
NIYOL WIND PROJECT VICINITY MAP



NextEra Energy Resources, LLC
700 Universe Boulevard, Juno Beach, FL 33408

NIYOL WIND, LLC CUP #247
2020 Wind Energy Facility
App. 39314 acres Logan County

LOGAN COUNTY LODGING TAX BOARD FUNDING REQUEST FORM

**** Please print and review BOTH pages and bring to the meeting ****

Date: 6-1-2020 Project Title: Tourist Center Director Salary
Responsible Party: (Signature) Dave Conkey, LTB treasurer
Funds Payable to: (Organization) Logan County
Mailing Address: _____

By completing this form, the responsible party agrees to include the words "**Funds provided by www.ExploreSterling.com**" in all media announcements and/or printed material about the project. **Changes in details** for an event, such as location, length of event, etc. that were presented to the LTB at the time the request was submitted and accepted **must be cleared with the board before** any bills will be paid. Failure to do this will also affect funding for future projects.

Fifty percent or more of the advertising funds used to promote the event should be spent to reach outside of Logan County.

Date(s) of Activity: FY 2020
Total cost of project: _____
Amount requested: \$33,000

Describe briefly how funds will be used then attach detailed information to this form as requested in the guidelines on the back.

LTB portion for salary for tourist center director

The following information is vital if a request for funds is to be considered. **Please include on a separate sheet with the proposal.**

1. Show the complete name of the project to be promoted, advertised or marketed.
2. Identify and provide information about the group or organization making the request, including name and phone number of the person in charge.
3. Describe the project and plans to promote, advertise or market it.
4. Provide an outline of the budget established for the event.
5. Detail what percentage of total amount budgeted is being requested from the Lodging Tax Board. Remember, the funds are for tourism for Logan County.
6. Advertising is to include the words "**Funds provided by www.ExploreSterling.com**".
7. **Fifty percent or more** of the advertising funds used to promote the event must be spent to reach **outside of Logan County.**
8. Funds are not paid up front. A receipt or invoice for an expense must be presented, showing the actual amount spent before that money is released.
9. Receipts and invoices must be presented for payment **within 90 days of the completion of the event.**
10. The Lodging Tax Board requests a follow-up report after the event. If this is an event that will occur again, it is hoped that help from Lodging Tax funds in early years will help an event eventually become self-supporting.

See Reverse Side

Guidelines for Requesting Funds From the Logan County Lodging Tax Board

The Logan County Lodging Tax Board's funding and the use of its funds were established by Colorado House Bill 1476, and concern the promotion of tourism and its funding. This house bill was enacted by the General Assembly of the State of Colorado and later approved by the voters of Logan County. In general, "revenues collected from Logan County Lodging Tax (1.9% bed tax), shall be used only to advertise, market or promote tourism for Logan County"

Funding for advertising, marketing or promoting an event intended to bring tourism to Logan County may be requested by completing the other side of this form, attaching additional information as requested below and submitting the entire request before the Lodging Tax Board at their next monthly meeting. Names of Board members, as well as the time and date of each monthly meeting, are available by inquiring at the Logan County Commissioners' Office (970-522-0888). Please provide **TWELVE copies** of the completed proposal (one for each Board member). The presentation of your event request, including time to answer questions from the Board, should be kept to a maximum of 10 minutes.

Requests may be submitted to a Board member prior to the next meeting and discussed as new business, without a personal presentation. However, this does not allow the opportunity for the Board to ask questions and it could be tabled for more information. The Board may consider and vote on a proposal at the same meeting. The Board may also review and discuss a new proposal at the meeting when it is submitted, then vote on it at the next meeting.

Requests approved by the Lodging Tax Board will then go to the County Commissioners for their approval at a regular open meeting. **If possible the person submitting the proposal should attend the County Commissioners' meeting.** Check with their office for time and date of the next Commissioners meeting. This will also be announced at the Lodging Tax Board meeting.

THIS PART OF FORM TO BE COMPLETED BY LODGING TAX BOARD

The Logan County Lodging Tax Board Requests approval from the County Commissioners in the amount of \$33,000.00 for the activity outlined in this request with the understanding that the funds will be used as described.

LCLTB Endorsement: _____

Date: 6/1/2020

LCLTB Treasurer's Endorsement _____

Date: 6/1/2020

Logan County Commissioners approve the amount of \$ _____

Commissioners Endorsement _____

Date: _____

Reimbursement forms must be obtained from the finance department at the Logan County Courthouse. For reimbursement, return **completed forms and receipts** within 90 days of completion of the event

THANK YOU!!

REVISED May 2016

LOGAN COUNTY LODGING TAX BOARD FUNDING REQUEST FORM

***** Please print and review BOTH pages and bring to the meeting *****

Date: 5/27/2020 Project Title: LOGAN COUNTY TOURISM RESTART & RECOVERY PLAN

Responsible Party: (Signature) MARILEE JOHNSON, TOURIST CENTER DIRECTOR

Funds Payable to: (Organization) PAID MEDIA TO BE DETERMINED

Mailing Address: _____

By completing this form, the responsible party agrees to **include the words "Funds provided by www.ExploreSterling.com"** in all media announcements and/or printed material about the project. **Changes in details** for an event, such as location, length of event, etc. that were presented to the LTB at the time the request was submitted and accepted **must be cleared with the board before** any bills will be paid. Failure to do this will also affect funding for future projects.

Fifty percent or more of the advertising funds used to promote the event should be spent to reach outside of Logan County.

Date(s) of Activity: JUNE-AUGUST 2020

Total cost of project: \$5,000

Amount requested: \$5,000

Describe briefly how funds will be used then attach detailed information to this form as requested in the guidelines on the back.

FUNDS WILL BE USED TO RESTART LOGAN COUNTY'S VISITOR ECONOMY AND LAY A PATH TO RECOVERY THROUGH MARKETING AND COMMUNICATIONS INITIATIVES. WILL BE 100% DIGITAL TO ALLOW FOR FLEXIBILITY SHOULD THE PANDEMIC SITUATION CHANGE, AND TO BE TRACKABLE FOR OPTIMIZATION. SEE ATTACHED 'ROADMAP' FOR DETAILS.

The following information is vital if a request for funds is to be considered. **Please include on a separate sheet with the proposal.**

1. Show the complete name of the project to be promoted, advertised or marketed.
2. Identify and provide information about the group or organization making the request, including name and phone number of the person in charge.
3. Describe the project and plans to promote, advertise or market it.
4. Provide an outline of the budget established for the event.
5. Detail what percentage of total amount budgeted is being requested from the Lodging Tax Board. Remember, the funds are for tourism for Logan County.
6. Advertising is to include the words **"Funds provided by www.ExploreSterling.com"**.
7. **Fifty percent or more** of the advertising funds used to promote the event must be spent to reach **outside of Logan County.**
8. Funds are not paid up front. A receipt or invoice for an expense must be presented, showing the actual amount spent before that money is released.
9. Receipts and invoices must be presented for payment **within 90 days of the completion of the event.**
10. The Lodging Tax Board requests a follow-up report after the event. If this is an event that will occur again, it is hoped that help from Lodging Tax funds in early years will help an event eventually become self-supporting.

Guidelines for Requesting Funds From the Logan County Lodging Tax Board

The Logan County Lodging Tax Board's funding and the use of its funds were established by Colorado House Bill 1476, and concern the promotion of tourism and its funding. This house bill was enacted by the General Assembly of the State of Colorado and later approved by the voters of Logan County. In general, "revenues collected from Logan County Lodging Tax (1.9% bed tax), shall be used only to advertise, market or promote tourism for Logan County"

Funding for advertising, marketing or promoting an event intended to bring tourism to Logan County may be requested by completing the other side of this form, attaching additional information as requested below and submitting the entire request before the Lodging Tax Board at their next monthly meeting. Names of Board members, as well as the time and date of each monthly meeting, are available by inquiring at the Logan County Commissioners' Office (970-522-0888). Please provide **TWELVE copies** of the completed proposal (one for each Board member). The presentation of your event request, including time to answer questions from the Board, should be kept to a maximum of 10 minutes.

Requests may be submitted to a Board member prior to the next meeting and discussed as new business, without a personal presentation. However, this does not allow the opportunity for the Board to ask questions and it could be tabled for more information. The Board may consider and vote on a proposal at the same meeting. The Board may also review and discuss a new proposal at the meeting when it is submitted, then vote on it at the next meeting.

Requests approved by the Lodging Tax Board will then go to the County Commissioners for their approval at a regular open meeting. **If possible the person submitting the proposal should attend the County Commissioners' meeting.** Check with their office for time and date of the next Commissioners meeting. This will also be announced at the Lodging Tax Board meeting.

THIS PART OF FORM TO BE COMPLETED BY LODGING TAX BOARD

The Logan County Lodging Tax Board Requests approval from the County Commissioners in the amount of \$ 5000.00 for the activity outlined in this request with the understanding that the funds will be used as described.

LCLTB Endorsement:  Date: 6/1/2020

LCLTB Treasurer's Endorsement  Date: 6/1/2020

Logan County Commissioners approve the amount of \$ _____

Commissioners Endorsement _____ Date: _____

Reimbursement forms must be obtained from the finance department at the Logan County Courthouse. For reimbursement, return **completed forms and receipts** within 90 days of completion of the event

THANK YOU!!

See Reverse Side

REVISED May 2016

Dear Logan County Lodging Tax Board,

As you know, I secured funding for a marketing consultant provided by the Colorado Tourism Office to work with us in 2020. When we applied for the funding, we had no idea this crisis would hit. However, we were able to shift the scope of work and focus to provide us with a restart and recovery plan for our tourism partners.

When the pandemic hit, the predictions were awful for the tourism industry – almost half of the negative impact of COVID-19 was expected in the tourism industry. But all kinds of efforts were put in place. Right now, the positive take-away is that Safer at Home restrictions are being lifted and research is showing that half of Americans have travel plans between now and the Fourth of July.

Data is telling us that the roads will be busy again this summer and we have an opportunity to start bringing tourism income into our community once again beginning in June. With some marketing efforts now, we can actually work to get the tourism economy in motels and restaurants back to normal by the end of the year.

According to Oxford Economics (one of the leading national economic predictors), outdoor recreation, taking a road trip, and visiting friends and family are the top three things that people perceive as safe to do for travel activities. Many of those people will either be coming to or traveling right by our area, which gives us a great opportunity for marketing.

Now is the time, not later. If we can get out there and market our area, we can help with the economic recovery of our community.

Thank you,

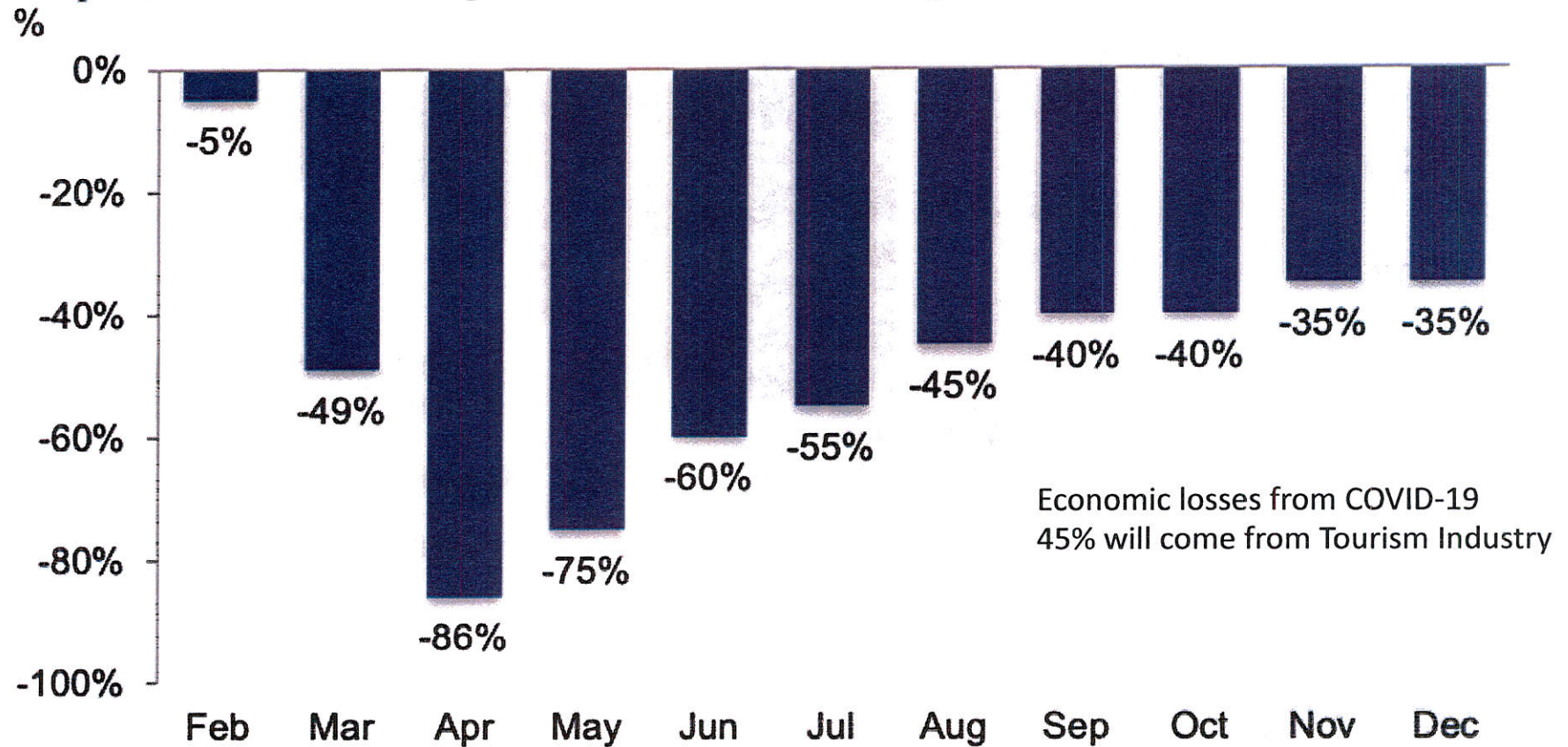
Marilee Johnson
Logan County Tourist Center Director

LOGAN COUNTY TOURISM

RESTART AND RECOVERY PLAN

SUMMER 2020

Projected COVID-19 impact on tourism industry revenue



Source: Oxford Economics

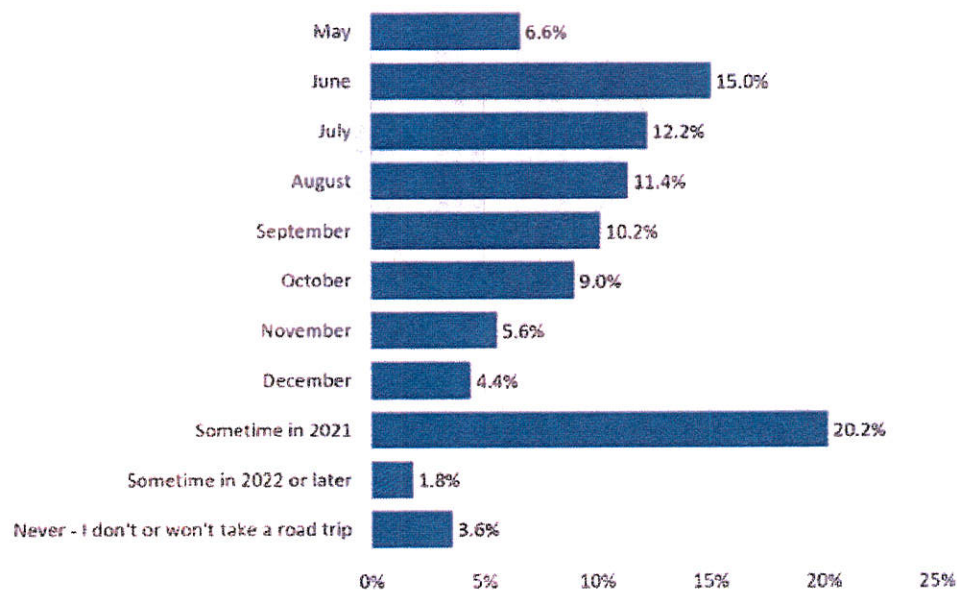
ROAD TRIP PLANS

Month of Next Road Trip

Question: In what month do you expect you will take your NEXT ROAD TRIP (Traveling in a personal automobile)?

(Base: All respondents, 1,200 completed surveys. Data collected May 8-10, 2020)

Question Added in Wave 9

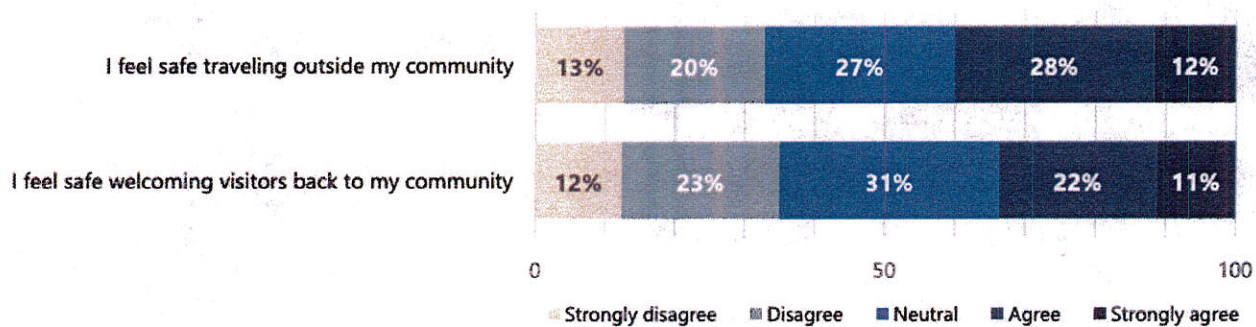


VISITOR SENTIMENT

TRAVEL PERCEPTIONS

Perceptions of Visitors and Travel

2/3rds Strongly Agree,
Agree or Neutral



Anticipated Timeline

June	Restart Non-Essential Travel Resumes
July	Recovery Begins Travel Picks Up
August	Recovery Continues Travel Begins to Normalize

AGREEMENT TO USE LOGAN COUNTY RIGHT OF WAY
INDIVIDUAL PERMIT

THIS AGREEMENT made this (County fills in) _____ day of _____, _____, by and between the County of Logan, State of Colorado, hereinafter called "County", and Nebraskalink Fiber _____ the undersigned easement holder or landowner, hereinafter called "Applicant".

WHEREAS, Applicant owns the following described premises, or has an easement on, over or through said premises, to-wit (legal description): see maps _____

_____ ; and

WHEREAS, Applicant desires to install and construct a installing fiber optic line and vaults _____, which will be located (Circle One): along, bore under or trench across see maps _____, to benefit the above described premises; and

WHEREAS, the County is willing to allow such installation and construction by Applicant, but only upon the terms and covenants contained herein.

NOW, THEREFORE, in consideration of paying the County the sum of \$100.00 or \$200.00 and keeping of the terms and covenants contained herein, the parties agree as follows:

- ☒ Applicant agrees to furnish the County in writing in advance of installation the exact location and dimensions of said installation and construction.
- ☒ Buried installations must be at no less than 48 inches below the lowest level of any borrow ditch paralleling the County Road and an "Individual permit" must be submitted for each instance.
- ☒ Applicant shall have the right to install and construct fiber optic lines and vaults _____, described above, in the right of way of see _____ but such installation and construction shall be done only in the following manner. All work within the county ROW shall be performed only during regular business hours of the Logan County Road & Bridge Department to enable supervision and inspection of the work.
- ☒ All work authorized by this Agreement shall be completed no later than July 30 2020.
- ☒ It is understood that no paved or oil-surfaced road shall be cut and will be crossed by boring only. For other roads and crossings of County property after installation. Applicant shall restore the surface to the same condition as existed prior to such construction.
- ☐ All cost and expense of installation, construction, maintenance, removal, or replacement is to be paid by the Applicant.
- ☒ The traveling public must be protected during this installation with proper warning signs or signals both day and night. Warning signs and signals shall be installed by and at the expense of Applicant.

NEBRASKA LINK
ROW2020-9 Fiber Optic Line
59.15 miles & 49 bores

☒ Applicant hereby releases the County from any liability for damages caused by said Nebraskalink Fiber, whether caused by employees or equipment of the County, or others, at any time. Further, Applicant agrees to protect, save and hold harmless, and indemnify the County from and against all liability, loss, damages, personal injuries or expenses suffered by or imposed against the County by reason of the construction, installation or maintenance of the above described improvement.

☒ No perpetual easement or right of way is granted by this instrument and should Applicant's use of said right-of-way interfere with the County's use, or intended use of said right-of-way, Applicant will remove or relocate the same upon demand of the County. Applicant shall pay all costs of such removal or relocation.

☒ This Agreement shall be a covenant running with the above-described real property and shall be binding upon the parties hereto, their heirs, successors, personal representatives, and assigns.

☐ Other Provisions: None

Note: Applicants in the process of acquiring a Conditional Use Permit or a Special Use Permit - If easements containing signatures have been obtained and are in hand for the appropriate permit, then the landowner signatures required below can be waived.

Owner #1

Nebraskalink Fiber

Printed name _____

Signature _____

Owner #2

Printed Name _____

Signature _____

Individual Right-of-Way Permit Applicant:

James Gould

Printed name _____

James E Gould

Signature _____

Address: 3900 NW 12th st suite 100

Lincoln NE 68501

check# 00014359 5,600.¹²
00014436 2,300.⁰⁰

Application Fee Paid \$7900.⁰⁰

Date 5/27/20

Signed at Sterling, Colorado the day and year first above written.

**THE BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO**

Byron H. Pelton (Aye) (Nay)

Joseph A. McBride (Aye) (Nay)

Jane E. Bauder (Aye) (Nay)

**NEBRASKA LINK
ROW2020-9 Fiber Optic Line
59.15 miles & 49 bores**

alink fiber in Logan co

8-54

CR 36

5-8-54

32-9-53

CR 40

29-9-52

1

W Main St
N 4th St

2

CR 44

CR 43

Padroni

CR 48

CR 53

CR 52

CR 55

liff

113

Peetz

CR 55

3-12-51

11-11-51

CR 57

35-11-51

CR 62

3

29-8-54

28

(14)

W.Hwy-14

86

(71)

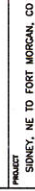
5-7-54

24-7-54

Willard

28-7-54

4

[illegible]

Name:
Address:
Row Permit # _____

AGREEMENT TO USE LOGAN COUNTY RIGHT OF WAY
INDIVIDUAL PERMIT

THIS AGREEMENT made this (County fills in) _____ day of _____, _____, by and between the County of Logan, State of Colorado, hereinafter called "County", and Cindy Lawley / Sitewise the undersigned easement holder or landowner, hereinafter called "Applicant".

WHEREAS, Applicant owns the following described premises, or has an easement on, over or through said premises, to-wit (legal description): 201 Highland Dr.

_____ ; and

WHEREAS, Applicant desires to install and construct a new gas service line, which will be located (**Circle One**) along, under, or across Highland Dr., to benefit the above described premises; and

WHEREAS, the County is willing to allow such installation and construction by Applicant, but only upon the terms and covenants contained herein.

NOW, THEREFORE, in consideration of paying the County the sum of **\$100.00** or **\$200.00** and keeping of the terms and covenants contained herein, the parties agree as follows:

- ☒ Applicant agrees to furnish the County in writing in advance of installation the exact location and dimensions of said installation and construction.
- ☒ Buried installations must be at no less than 48 inches below the lowest level of any borrow ditch paralleling the County Road and an "Individual permit" must be submitted for each instance.
- ☒ Applicant shall have the right to install and construct new gas service line, described above, in the right of way of Highland Dr., but such installation and construction shall be done only in the following manner. All work within the county ROW shall be performed only during regular business hours of the Logan County Road & Bridge Department to enable supervision and inspection of the work.
- ☒ All work authorized by this Agreement **shall be completed no later than** June 22ND.
- ☒ It is understood that no paved or oil-surfaced road shall be cut and will be crossed by boring only. For other roads and crossings of County property after installation. Applicant shall restore the surface to the same condition as existed prior to such construction.
- ☒ All cost and expense of installation, construction, maintenance, removal, or replacement is to be paid by the Applicant.
- ☒ The traveling public must be protected during this installation with proper warning signs or signals both day and night. Warning signs and signals shall be installed by and at the expense of Applicant.

ROW2020-11 XCEL
Sitewise Bore Gas Service Line
201 Highland Dr, Sterling

Name:
Address:
Row Permit # _____

- ☒ Applicant hereby releases the County from any liability for damages caused by said gas service line installation _____, whether caused by employees or equipment of the County, or others, at any time. Further, Applicant agrees to protect, save and hold harmless, and indemnify the County from and against all liability, loss, damages, personal injuries or expenses suffered by or imposed against the County by reason of the construction, installation or maintenance of the above described improvement.
- ☒ No perpetual easement or right of way is granted by this instrument and should Applicant's use of said right-of-way interfere with the County's use, or intended use of said right-of-way, Applicant will remove or relocate the same upon demand of the County. Applicant shall pay all costs of such removal or relocation.
- ☒ This Agreement shall be a covenant running with the above-described real property and shall be binding upon the parties hereto, their heirs, successors, personal representatives, and assigns.
- ☐ Other Provisions: _____

Owner #1

Signature Printed name

Owner #2

Signature Printed Name

Individual Right-of-Way Permit Applicant:

Cindy Lawley
Printed name
Cindy Lawley
Signature
Address: 4725 Independence St.
Wheatridge, CO 80033

4/00
Application Fee Paid 100.⁰⁰ - # 1161
Date 6/2/2020

Signed at Sterling, Colorado the day and year first above written.

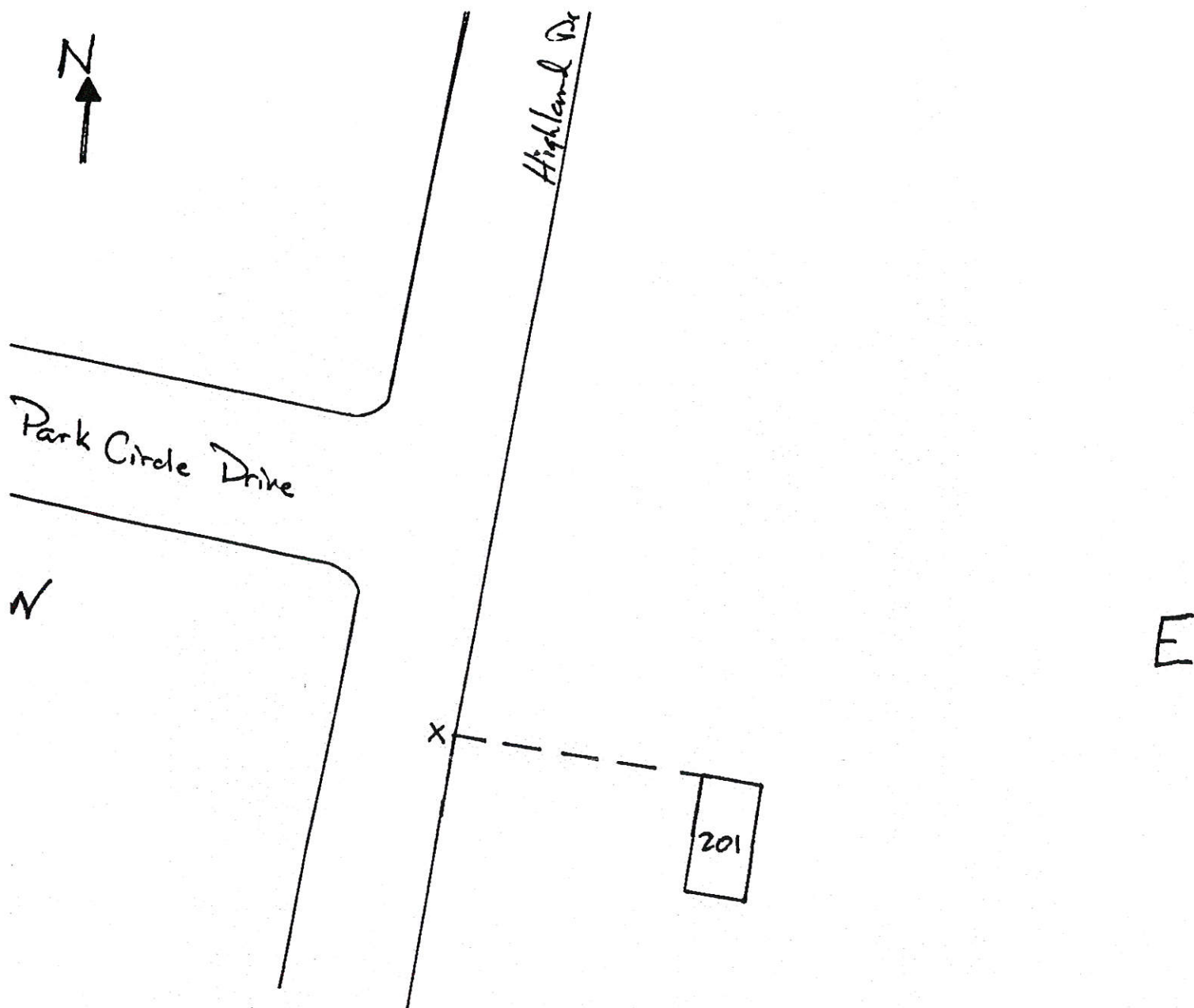
THE BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO

Joseph A. McBride (Aye) (Nay)

Byron H. Pelton (Aye) (Nay)

Jane E. Bauder (Aye) (Nay)

ROW2020-11 XCEL
Sitewise Bore Gas Service Line
201 Highland Dr, Sterling



Work will begin at point x 50 feet south of the intersection of Park Circle Drive and Highland Drive on the east side of Highland Drive. At this point we will bore under Highland Drive in an easterly direction.

**ROW2020-11 XCEL
Sitewise Bore Gas Service Line
201 Highland Dr, Sterling**

Name:
Address:
Row Permit # _____

AGREEMENT TO USE LOGAN COUNTY RIGHT OF WAY
INDIVIDUAL PERMIT

THIS AGREEMENT made this (County fills in) _____ day of _____, _____, by and between the County of Logan, State of Colorado, hereinafter called "County", and Cindy Lawley / Sitewise the undersigned easement holder or landowner, hereinafter called "Applicant".

WHEREAS, Applicant owns the following described premises, or has an easement on, over or through said premises, to-wit (legal description): 117 Highland Dr.
_____; and

WHEREAS, Applicant desires to install and construct a new gas service line, which will be located (Circle One) along, under, or across Highland Dr., to benefit the above described premises; and

WHEREAS, the County is willing to allow such installation and construction by Applicant, but only upon the terms and covenants contained herein.

NOW, THEREFORE, in consideration of paying the County the sum of **\$100.00** or **\$200.00** and keeping of the terms and covenants contained herein, the parties agree as follows:

- ☒ Applicant agrees to furnish the County in writing in advance of installation the exact location and dimensions of said installation and construction.
- ☒ Buried installations must be at no less than 48 inches below the lowest level of any borrow ditch paralleling the County Road and an "Individual permit" must be submitted for each instance.
- ☒ Applicant shall have the right to install and construct new gas service line, described above, in the right of way of Highland Dr., but such installation and construction shall be done only in the following manner. All work within the county ROW shall be performed only during regular business hours of the Logan County Road & Bridge Department to enable supervision and inspection of the work.
- ☒ All work authorized by this Agreement shall be completed no later than June 22ND.
- ☒ It is understood that no paved or oil-surfaced road shall be cut and will be crossed by boring only. For other roads and crossings of County property after installation. Applicant shall restore the surface to the same condition as existed prior to such construction.
- ☒ All cost and expense of installation, construction, maintenance, removal, or replacement is to be paid by the Applicant.
- ☒ The traveling public must be protected during this installation with proper warning signs or signals both day and night. Warning signs and signals shall be installed by and at the expense of Applicant.

ROW2020-10 XCEL
Sitewise Bore Gas Service Line
117 Highland Dr, Sterling

Name:
Address:
Row Permit # _____

- ☒ Applicant hereby releases the County from any liability for damages caused by said gas service line installation _____, whether caused by employees or equipment of the County, or others, at any time. Further, Applicant agrees to protect, save and hold harmless, and indemnify the County from and against all liability, loss, damages, personal injuries or expenses suffered by or imposed against the County by reason of the construction, installation or maintenance of the above described improvement.
- ☒ No perpetual easement or right of way is granted by this instrument and should Applicant's use of said right-of-way interfere with the County's use, or intended use of said right-of-way, Applicant will remove or relocate the same upon demand of the County. Applicant shall pay all costs of such removal or relocation.
- ☒ This Agreement shall be a covenant running with the above-described real property and shall be binding upon the parties hereto, their heirs, successors, personal representatives, and assigns.

☐ Other Provisions: _____

Owner #1

Signature Printed name _____

Owner #2

Signature Printed Name _____

Individual Right-of-Way Permit Applicant:

Cindy Lawley
Printed name _____

Cindy Lawley
Signature _____

Address: 4725 Independence St.
Wheatridge, CO 80033

\$100

Application Fee Paid 100.00 #160

Date 6/2/20

Signed at Sterling, Colorado the day and year first above written.

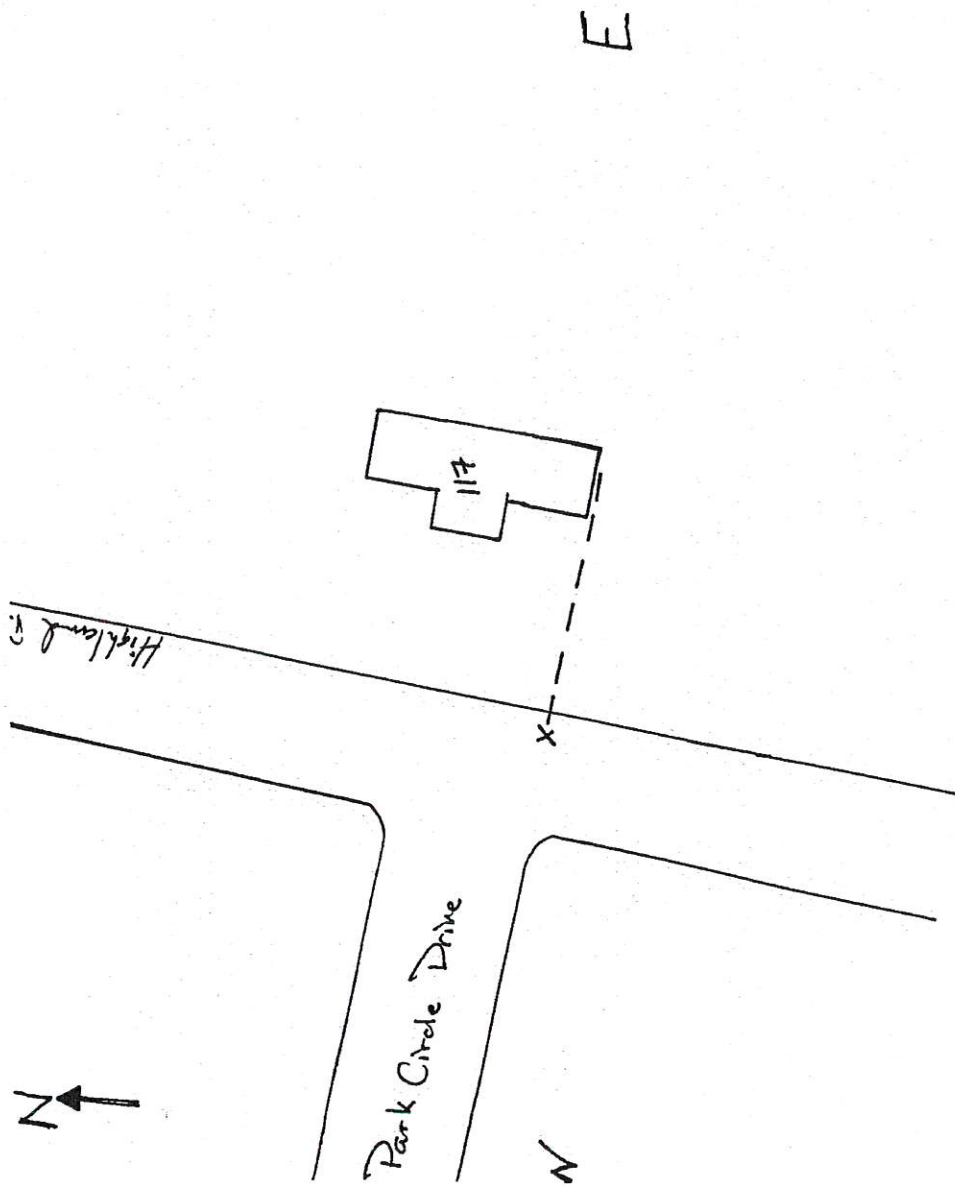
THE BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO

Joseph A. McBride (Aye) (Nay)

Byron H. Pelton (Aye) (Nay)

Jane E. Bauder (Aye) (Nay)

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